**DATA REQUIRED BY THE PRIVACY ACT**

**TITLE**: Rights Warning Procedure/Waiver Certificate

**FOR USE OF THIS FORM, SEE AR 190-30; THE PROponent AGENCY IS ODCSOPS**

**DATA BY THE PRIVACY ACT**

**AUTHORITY**: Title 10, United States Code, Section 3012(b)

**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 of your Social Security Number is voluntary.

**DISCLOSURE**: Title 10, United States Code, Section 3012(b) (10 USC 3012)(b) requires that this waiver or non-waiver certificate be attached to any sworn statement (DA FORM 2823) subsequently executed by the suspect/accused. DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE.

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### PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

#### Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army and wanted to question me about the following offenses(s) of which I am suspected:

**ARTICLE 107. FALSE STATEMENT AND RELATED VIOLATION OF BURG.**

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. **(For personnel subject to the UCMJ)** I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
   - **(For civilians not subject to the UCMJ)** I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
   - If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

4. **COMMENTS** (Continue on reverse side)

#### Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

**WITNESSES (If available)**: 

1a. **NAME**
1b. **ORGANIZATION OR ADDRESS AND PHONE**

**SIGNATURE OF INTERVIEWEE**

3. 

4. **SIGNATURE OF INVESTIGATOR**

5. **TYPED NAME OF INVESTIGATOR**

6. **ORGANIZATION OF INVESTIGATOR**

#### Section C. Non-Waiver

1. I do not want to give up my rights
   - ❌ I want a lawyer
   - ❌ I do not want to be questioned or say anything

**SIGNATURE OF INTERVIEWEE**

**ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED**

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**DA FORM 3881, NOV 89**

**EDITION OF NOV 84 IS OBSOLETE**

**USAPA 2.01**
AR 15-6 INVESTIGATION INTERVIEW

At Camp Doha, Kuwait, on 21 February 2004:

MAJOR GENERAL ANTONIO M. TAGUBA, U.S. Army, CFLCC Deputy Commanding

General deposing.

MASTER SERGEANT JOHN E. DAVIS, U.S. Army, CFLCC-SJA, Senior Court

Reporter, has been detailed reporter for this interview and has been

previously sworn.

LIEUTENANT COLONEL STEPHEN L. JORDAN, U.S. Army, was sworn, and

testified as follows:

Q. Has anyone in your chain of command, or chain of

supervision informed you of the nature of this interview?

A. Not really, sir.

Q. Okay. With that in mind, let me go ahead and give you the

background. I’m Major General Taguba. I’m The Deputy Commanding

General of the Coalition Land Forces Component Command, as

headquartered here at Camp Doha, Kuwait. Lieutenant General David

McKiernan, the Commanding General of CFLCC, has appointed me as the

Investigating Officer under the provisions of Army Regulation 15-6,

under the direction of General John Abizaid Commander of CENTCOM.

This investigation will gather all relevant facts and circumstances

surrounding recent allegations of maltreatment of detainees at the

Abu Ghraib Prison also known as the Baghdad Central Confinement [sic]
Facility. As well as detainee escapes and accountability lapses as reported by CJTF-7. Our investigation will further investigate training, standards, employment, command policies, and internal policies concerning the detainees held at the Abu Ghraib Prison. And finally, we will be assessing the command climate and the supervisory presence of the 800th Military Police Brigade chain of command.

You’ve already met the members of the investigation team. We will record your responses as well as my inquiry to you verbatim to ensure that we have accurate information with regards to the completion of the investigation. Do you have any questions at all?

A. No, sir.

Q. Alright. For the record would you please state your name, your rank, your social security number, your unit of assignment, and your current duty position?

A. Alright, sir. Stephen Lee Jordan, [redacted], Lieutenant Colonel, Civil Affairs, I’m currently assigned to the Combined Joint Task Force-7, C2 Staff Liaison Officer for Brigadier General promotable, Barbara Fast.

Q. Please state the nature of your duty position at Abu Ghraib and when was that-- when was the effective date of that assignment?

A. Sir, I arrived at Abu Ghraib on 17 September 2003 in liaison role for CJTF-7 C-2. Had a title at times as Director of the
Joint Interrogation Debriefing Center, and or Chief of the Joint
Interrogation Debriefing Center.

Q. So, your supervisory chain was immediately towards to
Brigadier General Fast?

A. Umm-- initially sir it was to Colonel Steve Bolts, the
Deputy CJ2, umm- the C2 there, and then to General Fast and
eventually it changed over to a new Deputy, a British Colonel, Chris
Tarrington, with evaluation input comments by the 205<sup>th</sup> MI Brigade
Commander, Colonel Tom Pappas, sir.

Q. State again when you started your mission there at Abu
Ghraib?

A. Sir, I arrived at Abu Ghraib on the late afternoon of 17
September 2003.

Q. Okay. And when Colonel Pappas arrived on or about, I
believe, 19 or the 20<sup>th</sup> of November, were you then assigned to him, or
attached to him?

A. No, sir.

Q. Not at all?

A. No, sir.

Q. Would you please describe your duty position as a Liaison
Officer?

A. Sir, my direction on going out, because there was not a
defined duty description, just to back track slightly, I was brought
on orders from a one year recall to INSCOM, Fort Belvoir, to CENTCOM, to come to CJTF-7, to be the Deputy C-2. During that transition, orders being cut what have you, Colonel Bolts being the C-2, they brought in Flag Officers to be the 1, 2, 3, 4, 5, what have you, they just moved all the O-6's down to the Deputy. So, on the books, I think I'm still probably carried as the Deputy C-2 while Colonel Bolts was carried excess. But-- and when I arrived this was explained to me, they said they had a new facility. They were combining the interrogation facilities from Camp Cropper another facility, Bucca, all out at Abu Ghraib, would like me to go out and assist based on some of my civilian skills working with the Immigration Service. Doing intelligence operations, target forward production, as well as what I do, intelligence operations for the Air Marshal Program. I said, "Fine." Came out, again, it was more of a liaison role, assisting. Understood that there was a Active Duty component, a Reserve Component, and found out later there was an additional Guard Component. Any number of civilian employees, both linguists, and folks with the Khaki Corporation, that provide screening personnel, analytical personnel, interrogation personnel, and basically try to assist and get things up and running, because they had just brought this together I believe somewhere about early to mid August with the 519th MI Battalion, and had just moved out other folks I believe from 325, and 323 MI. Somewhere either late
August, or early September, but they were already on the ground when I got there, sir.

Q. So, you were a Liaison Officer from whom, to whom?
A. From the C2 Staff to the 205th MI Brigade.

Q. The 205th MI Brigade?
A. Yes, sir.

Q. From September on, but your duty location was at Abu Ghraib?
A. Correct, sir.

Q. Okay. So you were from the CJ2, which is Brigadier General promotable Fast?
A. Yes, sir.

Q. Liaison to the 205th MI Brigade?
A. Yes, sir.

Q. Reporting to Colonel Pappas?
A. Roger that, sir.

Q. Okay. So, that was the chain, in your capacity as an MI Officer, or in your capacity as a Civil Affairs Officer?
A. Sir, I’m Civil Affairs, but I have an MI background on Active Duty.

Q. Okay, but what was the nature of your liaison duties?
A. Well, sir it was MI related.

Q. Collection?
A. Yes, sir. Yes, sir.
Q. Okay. Was that also understood prior to Colonel Pappas being located at Abu Ghraib since you’ve got MI units there, 519th you’ve mentioned, and the 320th MP Battalion, of your specific role and the extent of your responsibility?

A. Jmm----

Q. Did you know Lieutenant Colonel Phillabaum?

A. Yes, sir I do know Lieutenant Colonel Phillabaum?

Q. Did he understand what your mission requirements were?

A. Sir, I can’t speak on behalf of a conversation between him and Colonel Pappas, but I know that he and I spoke and I highlighted things that Colonel Pappas had indicated that he would like to be put together. I also spoke with the Battalion Commander, Lieutenant Colonel Whalen, for the 519th, to kind of get guidance because they had already been on the ground, exactly how they had organized and how they were evolving. They didn’t have the entire battalion there, they had one Company, Alpha 519th that was kind of orchestrating or serving as the headquarters element for that entire JIDC organization, for lack of a better term.

Q. Principally though, doctrinally, a liaison officer works under the direction of the commander.

A. Roger that, sir.

Q. Okay, but in this particular case was that how you understood your liaison duty was, as a staff officer?
A. Oh, yes, sir. Colonel Bolts specifically working with MP’s and also engaging in interrogation operations?

Q. Specifically working with MP’s and also engaging in interrogation operations?

A. Umm-- I’m not sure of the nature of the question, sir. Uh--

Q. Well sir, the nature of the question is that the all-- all the interviewees have-- have substantiated the fact that you were engaged in being present at the hard site--

A. Oh, yes sir.

Q. --tier 1A, which is by nature an MP operation.

A. Yes, sir.

Q. And you was also umm-- discussed with us at least for information was provided to us, but that your mission was purely collection and interrogation, which will confine you to the “ICE” or confine your duties to the JIDC, but then your presence at the Tier 1 site on numerous occasions would somehow place you over that particular role as an intelligence officer.

A. Yes, sir. Part of my role defined of me by Colonel Pappas was to, attend at the time, when the MP Battalion was the host unit, the morning host unit staff call that everybody attended whether it was an Intel Unit, Engineering Staff, Medical Staff, what have you, to consolidate and take a look at that. Operations, anything that had to do that affected soldiers there. Operation on the Intel side,
things that we needed to conduct operations, supplies, billeting, things of this nature.

Q. So, was it rather broad?
A. Yes, sir, it was very broad.

Q. Very broad that included being present or supervising those who are guarding detainees in the Tier 1, and 1B-- Tier a-- Tier 1 at the hard site?
A. Sir, I never supervised anybody guarding and or doing interrogations in that facility. As far as I understood all the interrogations-- all the interrogations that I witnessed were either initially in the tents before we built what we refer to as site wood and site steel.

Q. Okay. Colonel Jordan, several statements were made that you were present at-- during interrogations in locations inside the hard site, the shower room, cellblocks, another facility inside Tier 1A, and 1B--
A. Sir----
Q. ----to include several MI interrogators that we have interviewed this past week.
A. Sir I'm going to tell you that I never witnessed any interrogations in any of the shower facilities.
Q. Okay.
A. I’ve never witnessed any interrogations, quote unquote, anywhere within the Isolation Arena. I’ve witnessed folks being taken from the Isolation Area to the interrogation facilities. I’ve witnessed folks being brought in by the MP’s, being housed in the Isolation Area of which the Intelligence side of the house the JUDIC had 50 cells allocated to put in the more high value detainees that were going for the initial strong interrogations for intelligence value. And to this point, I can never remember ever seeing an actual interrogation go on within that site.

Q. I want to remind you sir, that you’re under oath.

A. Sir, I’m telling you I can not remember at this time ever witnessing---

Q. Again, I want to remind you that under oath.

A. Yes, sir.

Q. Okay. Do you know of any of the MP’s that operated as guards in Tier 1A, and 1B?

A. Sir, I know quite a few of the MP’s that operated---

Q. Would you tell me who they are that you know?

A. Sir, are we looking at a specific unit, because there’s been a cross level. Originally it was the 72nd MP Company that was there--

Q. Well sir, you spent a lot of time over there since September----
A. Yes, sir.

Q. ---and then your duties was that to be engaged with facilities, interacting with people inside the facilities---

A. Yes, sir.

Q. ---our inside the camp so, I would imagine that with your experience as an interrogator-- military intelligence person, that you would recall some of these people---

A. Yes, sir.

Q. ---and the units to who they belonged to.

A. Okay, sir. Well we'll start off with when we were first there. The 72nd MP Company was the unit that had the initial assignment there, I believe at Abu Ghraib, entirely for the 320th. They were the unit that provided the, what do I want to say, the initial-- when I was there, MP's that supported the isolation cell as well as working with the Iraqi correctional personnel. Company Commander was Captain Armstrong, First Sergeant----

Q. This is for the 72nd MP?

A. Roger that, sir.

Q. Okay, in September?

A. Yes, sir.

Q. Okay.

A. And they left, sir I want to say somewhere late October possibly, somewhere in that timeframe.
Q. Who then replaced him?

A. The 372nd MP Company, sir.

Q. Okay.

A. But back to the 72nd MP Company, there was uh-- I want to say-- I can't think of names right now, if I see the faces uh-- Sergeant um-- it began with a "C", an Hispanic last name, I can't remember it right now, and there was another specialist that were the two primary folks that I was aware of that I would deal with if there had been some issues or anything that would come up on the intake, or numbers, or how many folks did we anticipate coming over from the Camp Vigilant area or something along those lines. I dealt specifically with Captain Armstrong in early October when he brought it to my attention that there were statements made by MP's on his staff. That there were members of the MI community couldn't designate a unit just yet, that had come over and had done a late night interrogation of two female detainees. One turned out to be a MP detainee hold, I believe an 18 year old, and I brought the statement of the SIR I submitted, sir, and the other was a 17-year-old MI security detainee. Initially I believe being held for information about Fedahdeen [sic] members in the Baghdad area where she had been recruited or something of this nature.

Q. You mean Fedahyeen?
A. Fedahyeen, yes sir. I'm not good with the pronunciation.

Thank you sir. They had reportedly come in late at night with a Titan translator, taken the females off to a NCELL in the upper deck of the Tier there to supposedly interview them. Umm-- when the statements were provided to me I immediately contacted Colonel Pappas uh-- told him that we had a very sen-- serious sen-- uh situation, because it was kinda landline, kinda went around what it was. We got the legal officer Captain Fitch on the line. They asked me to go check with the magistrate cell that was there at Abu Ghraib. Colonel Pappas authorized me to read the Article 31 rights to the soldiers, and to provide all that information to Captain Fitch the following day, which we did. Long story short sir, the Criminal Investigation Unit came out and did a thorough investigation. For some reason, I guess they could not find reason enough to take the folks to trial, it dragged on for a couple of months, and I believe some time in mid to late November Colonel Pappas wound up doing Field Grade UCMJ. I've never read the Article 15's, but it was based on unauthorized interrogation, not at the appointed place of duty in time, breaking force pro rules, things of that nature, sir.

Q. So, this particular interrogator was remanded to you because you were her supervisor?

A. Sir, it was uh-- three interrogators.

Q. That was under your supervision?
A. No, sir. They were at the JIDC the actually----

Q. Who was-- who was-- who was supervising the JIDC?

A. There-- there line of chain of command was the JIDC ICE OIC, Captain Carolyn Wood, and they had a section sergeant from the 519th, can’t remember her name at this point in time.

Q. So, you were not supervising any of those folks?

A. No, sir.

Q. Not at all? Who was the OIC of the JIDC?

A. Sir, if you want to say the overall JIDC?

Q. Yes.

A. The timeframes depending how Colonel Pappas put it, at times I was the OIC of the JIDC, at times I was the Commander of the JIDC, as a matter of fact I got numerous invitations to attend various briefings held by the 320th MP as Commander JIDC, and numerous times I’d have to correct them and say, “I’m not the commander, I’m a Liaison Officer. I’m out here. I work for Colonel Pappas, as everybody does. I take his guidance, pass it back and forth.”

Anytime we had a issue of anything that would come up with the MP’s, or what have you, Major Thompson, the OPS Officer who was actually assigned to the 205th couldn’t get in touch with either Major Williams or Colonel Pappas then I would contact Colonel Pappas and ask for guidance and kind of serve as a liaison, a bridge back and forth between him and the 320th MP Battalion.
Q. So, you're telling me that nobody was in charge of the JIDC, the Joint Interrogation and Debriefing Center?

A. Well sir, I'm telling you in my opinion, since I rated nobody, since I had no input or evaluations, had no responsibility, had no-- had no resources, Colonel Pappas was the Commander of the JIDC.

Q. So, you were using-- being used as a liaison, kind of strikes me that your liaison duties goes beyond what is a liaison.

A. Okay, sir.

Q. A liaison is just kind of a throughput. Basically has no responsibility but passing information, or collecting information not necessarily involving interrogation, and not necessarily involved in intelligence collection.

A. First of all sir, I was never involved in any interrogations.

Q. Okay. Are you absolutely sure?

A. Yes sir, I'm absolutely sure.

Q. Witnesses have remarked that you have been placed in there, but we'll go on with this whole process.

A. Roger that, sir.

Q. Since you had some intelligence background----

A. Yes, sir.
Q. ---then you must know some of the provisions of intelligence gathering?

A. Yes, sir.

Q. Have you had any specific training in your military side of what constitutes interrogation operations with regards to detention operations?

A. No sir, I’m not a CI HUMIT Officer.

Q. I’m not saying you’re a CI HUMIT Officer----

A. All right sir.

Q. ---but telling them----

A. Other than MI Officer Basic, MI Officer Advanced Course.

Q. Okay. You’ve got an extensive resume here. Imagery Exploitation, 35 Charlie, Electronics Warfare, that sort of thing. Civil Affairs Advance Course, you’ve had an extensive assignments throughout the world, that sort of thing, so surely you must know something about doctrine and regulations and the sort?

A. Passing familiarity, yes sir.

Q. Could you give me some indications of your familiarity, or at least some knowledge with regards to things that have something to do with intelligence gathering or interrogation or whatever have you, because you just indicated to me that you were there specifically at Abu Ghraib not to do any kind of facilities things, but there was a purpose of why there’s an Abu Ghraib Confinement Facility.
A. Yes, sir.

Q. All right, so---

A. My direction when it came to the Joint Interrogation Debriefing Center, was to setup a structure target folders on individuals---

Q. That’s not what I’m asking you----

A. All right, sir.

Q. ----I’m asking you about your familiarity with doctrine or policy, things of that nature.

A. Sir, other than whatever the “One over the world,” pieces that you get at the MI Basic Course, MI Officer Advance, things of this nature, I have not gone to a Interrogation Course, Debriefing Course, things of that nature. But I am aware of the CI HUMIT role and of some of the operations that they do. More specifically for the JIDC, I was very much aware of the Rules of Engagement for interrogation that General Sanchez----

Q. What are some of those?

A. Well, they been modified one time that I’m aware of sir, but initially when I was there um-- there was use of various methods, Fear Up; Fear Down; Love of Family; Love of Country; there were restrictions placed on the amount of hours of Sleep Deprivation, modified food sources, i.e., MRE’s versus regular hot meals things of that nature. I understood that interrogators depending on how well,
or how cooperative a person being interrogated would be especially in
the isolation arena, would maybe allow them to have a mattress,
cigarettes, a cold soda, something of this nature, based on
cooperation going with specific questioning that they wanted----

Q. So, you’re saying there’s an Interrogation Plan?
A. Yes, sir there is an Interrogation Plan. There was not an Interrogation Plan sir, however, when I first arrived. There was not a designated Interrogation Plan at the time when I arrived on 17 September.

Q. All right, who-- who then initiated an Interrogation Plan, who directed that Interrogation Plan be----
A. Colonel Pappas directed that we sit down and we-- being myself at the time the OPS Officer there, Major Mike Thompson, Captain Carolyn Wood----

Q. Okay, backup for a second.
A. All right, sir.

Q. You said there was a 519th MI----
A. Company, sir.
Q. MI Company?
A. Yes, sir.

Q. So, in your-- in your estimation who was then in charge of all of the MI assets at Abu Ghraib at that time?
A. Colonel Pappas, sir.
Q. No, no, Colonel Pappas was not there at the time. He was not there. At Abu Ghraib Confinement Facility there's a unit.

A. Yes, sir.

Q. And that unit has a Unit Commander. Who was in charge?

A. Sir, there's not a Unit Commander at Abu Ghraib.

Q. Not at all?

A. No, sir. There was a Company Commander---.

Q. Who was that Company Commander?

A. ----for the 519th-- changed over just after I got there, it was Captain Lewis, and First Sergeant McBride, but they were according to Colonel Pappas, only there in a Headquarters role as far as providing vehicles, fuel, things of that nature.

Q. So you were actually, as a Liaison Officer, working for Colonel Pappas as the Senior Officer, non MP Civil Affairs, MI, that sort of thing at that site?

A. In the MI arena there, yes sir, I was the MI 0-5 that was there, so by merely being the 0-5, and other 0-4's, yes sir, I was the senior.

Q. You were the senior man there?

A. Yes, sir.

Q. Okay. Did you interact-- well let me backup. Back to the references, based on your background I would assume that you'd at least have some basic knowledge with some Field Manuals or things of
that nature that has anything to do with intelligence collection, since that’s your job?

A. Yes, sir. But, sir there’s a distinction between intelligence collection, and intelligence interrogation, imagery intelligence----

Q. I’m very familiar with that.

A. Okay sir, I’m just trying not to lump the two together, because there’s a distinction between the two.

Q. Okay.

A. Intelligence collection, being a Collection Manager, I’ve done that kind of work sir, before.

Q. Sure.

A. I fully understand tasking out commanders RFI’s, getting information back, handling those kind of things.

Q. So you’re familiar with treatment of detainees that are being interrogated since you were involved at least that’s what you’re saying with the JIDC whether you were observing or Liaison?

A. Sir, when I first got there, because I’m not a trained interrogator, not a CI HUMIT, I actually asked at the time the OPS Officer, Major Mike Thompson, if I could attend a couple of the interrogations and kind of see what they all entailed, and I’m going to correct a statement I made earlier sir. I did go in with a Sergeant Eckroff from the 519th, who did an interrogation inside the
site, or the Isolation Area, with an MI detainee, because he took me
in there because I believe the booths were not yet being built or
finished off, or something like that, and they were going to do the
interrogation, and I went and stood outside the area as they did a
30-45 minute, and I want to say it was more of a background update.
I think this was only the second time-- third time that Sergeant
Eckroff had spoken with this detainee, and quite frankly sir it was
kind of tough to get permission to do that. The -- I got the
impression they----

Q. Pretty tough?
A. ----felt that I was an outsider. I was not part of the
519th and they were the only Active Duty Component there, and there
was----

Q. Everybody should be on Active Duty right? If you’re
mobilized?
A. Sir, I’m going to tell you, I’m going to look you in tell
you sir, that’s not the environment that’s out there, sir. There’s
and Active Duty environment and there’s the Guard, Reserve
environment that came in, especially with the 519th Command element
that permeated that. I can tell you that Colonel Pappas tried to
massage that, make that work between all the units that were there,
and to-- at some point he actually had the 519th remove Cap Lewis and
First Sergeant of the 519th Headquarter-- Alpha Element, that he had
kind of made a Headquarters Element, I believe, and brought up folks from the 323rd MI in Kuwait that were cross leveled 141 National Guard folks out of Utah, to try to come in and facilitate common soldiers skills, you know, FU Funds for equipment, and all those kinds of things. So, sir there was a---- Q. You're a reservist yourself? A. Yes, sir, but I also have a strong Active Duty background. I've got about even experience in both. Q. But most of those folks were also-- had some even experience in both. So, profiling-- at least understanding the profile, but that's not the issue right now. A. All right, sir. But-- sir, I'm just telling you that when I came on board I had the impression that the 519th felt that we had all-- we all, people that were not 519th, had come in and taken over what there mission was and what they were doing. There were numerous comments about how professional they were, how they'd all gone to Afghanistan. Done this for a year, and then had gone to Fort Bragg for just a few days and had come back and had been doing this mission since April, May, what have you, things of this nature. There was very, very, tough acceptance of anybody that was not with the 519th. I believe that over a period of time that that resistance of trying to make it a team effort and work together as all part of the 205th MI Brigade, eventually came to play, but there was significant
resistance. And sir, I can look you in the eye and tell you that if
you were sitting there as the Brigade Commander, and I can’t
pronounce the good Colonel’s name there, Klucla----

LTC Kluka: K-L-U-K-A.

A. Kluka, was sitting there as the 519th MI Battalion Commander
sir, they wouldn’t speak to one another, they wouldn’t look at one
another, and he had been his Battalion XO in Korea in another
command, but sir, I don’t know what that was about but that’s just
the situation that I came into at that point.

Q. Let me go back then. What specific guidance did General
Fast give you when she directed you to be the Liaison Officer of the
205th MI Brigade?

A. She just asked me to go out there and assist getting a
reporting structure going. Helping that in to----

Q. A reporting structure?

A. Right. In to the----

Q. Did she know your background?

A. Oh yes sir.

Q. There was a reason why you were assigned that section right?

A. I believe so, sir.

Q. Did she----

A. She didn’t tell me that in particular, but Colonel Bolts
did.
Q. What did Colonel Bolts tell you?

A. He said that umm-- again, the reporting requirements that they were looking to put this together had serious implications, in fact the white house staff, to pull the intelligence out----

Q. What kind- - what kind of reporting?

A. From the interrogations for any of the anti coalition issues, foreign fighters, terrorist issues----

Q. Sensitive stuff?

A. Very sensitive, yes sir.

Q. Yes.

A. And that they wanted to get it into some sort of a structured format that wasn’t there yet. And that a lot of the CI reporting throughout the theatre needed to have some sort of a common pull and focus being brought in. And before I came over in the arena to do this, my boss back at INSCOM pulled me in, who had been down as a J-2 at CENTCOM and highlighted----

Q. You mean General Kemmins?

A. Yes, sir, General Kemmins, had highlighted how the structure of intel kind of was in the theatre, the short falls in his estimation on CI HUMIT, how the ISG was structured, how some of these other different intel organizations were over there. And the fact that some of the units like Task Force 121, were somewhat cowboyish, out running around, maybe getting good stuff but not sharing it in,
not being part of the overall intel effort. His direction to me was,

"I hope when you get out there if you get to meet these folks, that

with your experience and what you do in civilian life, that maybe you
can bridge that gap and get more information coming into the CJ2X,

and or support the C2, General Fast.

Q. And that was the context of your Liaison duties was to
assemble reports and put them in a context where it is formalized,
structured so because of the sensitive nature. Um-- wouldn't that be kind of strange that that goes outside the bounds of being a Liaison Officer?

A. Well sir, there was no truly designated information in there. I sat down before I was going out, Colonel Bolts introduced me to Colonel Pappas, said, "Here's what we'd like him to do, get things going for C-2." Colonel Pappas said, "Good, I would like to use him in other aspects."

Q. So, you're really in a specific mission requirement couched under the Liaison duty title.

A. Sir, it was a large couch Liaison title to tell you the truth.

Q. All right, I got it. So, again, you were more-- your mission requirements were specialized in such a manner that you were going to act as a Liaison Officer, some C-2 to 205 MI Brigade----

A. Roger that.
Q. ...specifically reporting to Colonel Pappas to ensure that
the requirements sent to you by General Fast and Colonel Bolts was
clearly understood?

A. That sir, to tie in the requirements of CJ2X, as well as the
interrogation requirements that have been sent down by General
Sanchez on specific guidance to do those.

Q. All right. Back to specific guidance with regards to
handling of detainees that either you observed or you have first hand
knowledge of: Did you receive any kind of training or reminder of
sorts with the contents of the Geneva Convention?

A. Oh yes sir, I did.

Q. When did you get that?

A. I got it from the Magistrate Cell. I went personally----

Q. Which Magistrate Cell?

A. At Abu Ghraib, I’m sorry sir.

Q. Who was that?

A. [pause]

Q. And when was that?

A. It would have been in the September timeframe sir, when I
first got there because I was curious about the difference between a
detainee, and a prisoner. And I understood that there was a
significant distinction between the two. And I went and I spoke with
Captain, I believe at the time it was Captain Avery, Captain Shaunty, were the folks at the Magistrate Cell.

Q. Okay.

A. And they highlighted what the requirements were under the Geneva Convention.

Q. Did he also amplify to you, since you were there until the 17th of September, of a memorandum that was signed by General Sanchez on the proper treatment of Iraqi people during combat operations?

A. Umm---

Q. Were you familiar with that memo?

A. ---sir, I'm familiar with that memo. I don't believe that they mentioned it at that time, but I've seen the memo.

Q. In your capacity as a senior leader, in your capacity having to work with the MI Unit at Abu Ghraib, were you ever-- seen or remember the context of that memo, the content of that memo?

A. Sir, I want to say that we had that memo posted like we did General Order Number 1 and a few others, but I could not look you in the eye and tell you 100% that I saw it posted on the board.

Q. In your dealing with folks at the hard site or any of those internment facilities in your, as you say, "Your limited interactions with the MP's," do you know if they have any knowledge or that thing ever existed?
A. Sir, the MP’s directly-- in either 72nd, or 372nd MP Company, that were working in the detention facility, I would have to say, “No,” but I do know that Colonel Pappas-- I’m sorry, sir, Colonel Phillabaum, the Battalion Commander, specifically addressed this memorandum to the International Red Cross who had come out, and sir, I’m going to pull a SWAG on the timeframe, I’m going to say October, and had gone into Camp Vigilant and I’m sure you aware of the difference between Ganci and Vigilant, I’m not going to bore you with that, and to the isolation area of the prison area. So, based on that I would guess that he provided that to his Company Commanders on down the chain of command, but I don’t know for sure.

Q. Do you recall ever seeing a memorandum that was also signed by I believe General Sanchez with regards to interrogation and counter resistance policy?

A. Sir, I know that there had been specific guidance put out by Colonel Pappas about that as well as the Rules of Engagement for interrogations, and I think those two combined, I think they both came out together, and if I remember correctly sir, we had everybody assigned to the unit, per Colonel Pappas, sign off on the Rules of Engagement for Interrogations, and as I said later on I want to say, maybe mid November, maybe late November somewhere, those Rules for Engagement for interrogations were modified where you had to go in for specific permission for things like, the 72 hour sleep
deprivation, I believe some of the physical activities, some of those other things that were specific things that you had to go in, were still authorized, but you had to go in and request permission to get—before you could implement them in.

Q. Who do you request permission from?

A. Sir, everybody there that requested permission went up the chain of command to Colonel Pappas to go in. I believe it was in to General Sanchez to get the approval for the modification— or the—those rules that were authorized but— needed authorization to do, to include things like staying— being housed in isolation for more than 30 days.

Q. Did you notice, or at least have any knowledge of detainees being segregated or being placed in that special treatment plan as part of the interrogation plan?

A. Sir, I— I don’t follow you. Could you repeat that, sir?

Q. Okay, do you— let me rephrase that. Do you have any of any of the detainees following interrogation, as part of their interrogation plan, as a treatment plan—

A. Ch, to be put into isolation?

Q. Sure.

A. Yes, sir.

Q. Good enough, okay. Do you know who would approve such a plan?
A. Again when the screening process-- when the detainees first came in, they were screened to see-- first of all they were put into the MP BAT system, they were screened to see if they had any intelligence value and or if they were of-- what they called "High Intelligence Value."

Q. "High intelligence value?"

A. "High Intelligence Value."

Q. Okay.

A. Syrian terrorists-- alleged Syrian terrorists. Somebody caught with explosives and mortar tubes. Things of that nature as maybe as a group and they end up in a pickup. And when that case came in those cases were referred to Colonel Pappas to say, "yea or nay," if they were to be put into isolation. I believe the ICE Chief, Captain Wood, and in her absence, Chief Graham, who worked the night shift, would monitor the 30 day window and then they would send up information if they needed a extension beyond 30 days, based I believe on how responsive or unresponsive the individual may have been into the interrogation process and or getting him out of isolation as maybe a reward for being more forthcoming.

Q. Okay. Several of those I interviewed to include those that we've read statements from, those who were accused of detainee abuse mentioned you several times as having been in the site itself, Tier 1A, and 1B. Let me be a bit more specific.
A. Okay, sir.

Q. On the evening of the 24th of November there was a shooting incident.

A. Yes, sir.

Q. But prior to that there was an informant who supposedly had knowledge that weapons were smuggled into the prison compound. What was your involvement in that?

A. Sir, there's been a big 15-6, but I can tell you specifically how it came into----

Q. The 15-6 is completed right?

A. Yes, sir. I've never seen the results so the----

Q. The 15-6 also places you there.

A. Yes, sir and I wrote up the Serious Incident Report on what happened. I've got a copy here if you'd it sir, for the record.

Q. No.

A. Umm----

Q. We'll go back to the SIR too.

A. Okay sir, Hooah. Umm-- actually because of the holidays, those kind of things, we had some people folk that were getting ready to leave some MP's that I had known. I had just come by with----

Q. You'd had just gone by there.

A. Had-- was walking by from the LSA coming back through that site----
Q. But you stated that you needed permission to get by there?

A. Yes, sir, and I did cut through----

Q. So, where did you the information-- permission from?

A. The--the--because it was evening after chow, and I had swung by to make sure because there was a pre-thanksgiving thing or something going on. Make sure the MP’s were aware of it, if not we’d send people over with tray packs what have you, and it was either Sergeant Elliot of Sergeant Fredrick that was the NCOIC on shift.

A. Was that the SOP that those sergeants could give you task approval or should you get that permission from their Company Commander, or from their Battalion Commander?

A. Sir----

Q. Was that common knowledge that you could just ask a sergeant and say, "Let me go by and get you, or "Come by and see you?"

A. Well sir, I stood outside a secure gate, identified who I was, asked if I could enter, brought in and actually went into the MP OPS area, not down in the isolation area but they had like a separate OPS area. And at that point, I believe it was Sergeant Fredrick said, "Sir, one of the translators, and it was one of the translators that had worked for JIDC and I believe had been transferred because-- a CAT II due to security clearance, over to the MP’s. But I knew the individual, Adel, as saying that we may have some information about
weapons within the facility. Prior to this, and that was the same day that they had a riot over at Camp Ganci and---

Q. That morning-- that afternoon, right?

A. That afternoon, yes sir. And if I remember correctly 12 or 13 injuries with 3 initial deaths and I believe the 4th one died at a later timeframe.

Q. So, you were in this site and you were talking to some people and somebody brings you this information that we may have somebody that might have smuggled a weapon?

A. Exactly-- and sir, I want to say it was Sergeant Fredrick that brought it.

Q. Okay.

A. And at that point he came in----

Q. Do you know Sergeant Fredrick?

A. Yes sir, I'd seen him there since he had arrived----

Q. Did you know where he worked?

A. Uh-- sir, he-- they kind of had like a split shift, day shift, night shift. The Company Commander, Captain Reese, First Sergeant Lipinski normally from my impression, ran other issues for the entire company, which included Vigilant and that area. They had a-- for lack of a better turn, Deputy XO Liaison Officer by the name of Captain Brinson who kinda was like OIC or in that area pretty much during the daytime early evening, what have you.
Q. Okay.

A. Sergeant Joyner and some other folks that I normally would see occasionally coming in or out or seeing them when I would go in during the day for taking tours through or with highly uh-- uh-- visiting dignitaries what have you. And then somewhere and I don’t know what the shift change was 1600, 1800, but basically I believe they did 12 hour shifts. The night shift was headed up by I believe by Sergeant Fredrick, Sergeant Elliot, depending on who had a day off or a day on, and Sergeant Cathcart. At that point I said, “Who you talking about?” and they said, “Well we’ve got--” and one of the things that would happen out there in screening when people would come in as a group sometimes they would give them a name just to identify who they were. This group happened to be Syrian’s and Iraqi’s so I just remembered it was like----

Q. How did you know they were Syrian’s or Iraqis?

A. Because of their information folder and target files that we’d put together and things of this nature. And when the name gave to me I said, “Isn’t that the Syrian’s?" Sergeant Frederick said, “I believe so," and I said, “Well, we’ve got some INTEL that has been coming back and forth about potential riots in Ganci and Vigilant." There’s some specific Iraqi General Officers that were in Vigilant that were supposedly scheming
to put Port to Potties over the wire. Take MP's captive inside the Sally Port things of this nature.

Q. Go back again to what-- the question that I asked you. How did the information get passed to you when you were visiting that evening that there was an informant or such that was passing information to weapons being smuggled in there?

A. From the-- from I believe it was Sergeant Fredrick sir. It said that the informant was chatting with the translator Adel. Would I be willing? Could I come help pull the information out further what was going on? I said, "Sure, I’m fully aware of this specific detainee. Haven’t spoken with him that much, but I’m aware of he and of his group." Specifically, what was unique about this group was how they had come across the Syrian border, the information that they had provided on safe houses, how they got to Baghdad, how they had setup attacks for Coalition Forces, how they were setting up the IED’s, how they’re doing their ambushes. There was very, very, well thought out and trained which was one of the first instances where we actually saw----

Q. Did you see detainees in the-- Tier 1A, or were they in the other general populations?

A. These were in Tier 1A, sir.

Q. Okay. So, what action did you take?
A. At that point I came in and said, “Let me talk to the [redacted], and to Adel and see what we have going on here to make sure.”

Q. The [redacted] is the informant?

A. Yes, sir.

Q. Okay.

A. He’s [redacted].

Q. And he’s at the hard site?

A. Yes sir, he’s at the hard site.

Q. He’s inside the Tier 1A?

A. Yes sir. Took me in and they had Adel and [redacted] I guess for security. They didn’t want anybody else in the Tier to know. They were in an old shower area with a bed sheets on or something. The guy seemed very nervous and Adel was explaining to me saying, “Sir, here’s what he’s saying. He’s saying that the individual has a handgun, couple of knives—

Q. Okay, stop--stop right there.

A. Yes, sir.

Q. This Adel guy is a translator?

A. Yes sir, he’s a Titian--

Q. Sure.

A. ----linguist.

Q. And he was there by himself?
A. He was there with other MP’s that were working the Tier’s, sir.

Q. Okay, so there was an interrogation ongoing in that particular site then?

A. Sir, I don’t know if it’s an interrogation or if he was just giving information. He was translating.

Q. Sir, that’s interrogation.

A. Alright sir, I’m telling you sir, there were no MI folks----

Q. Now----

A. ----doing an interrogation----

Q. ----let’s try not----

A. ----sir.

Q. ----let’s be precise----

A. Alright.

Q. ----because you’re a trained MI guy----

A. Yes, sir.

Q. ----and so just specify because you’re under oath.

A. Yes, sir. Sir I’m going to tell you to me an interrogation----

Q. Hang on. Hang on. Let me just go back and you’ve got a translator already there.

A. Yes, sir.

Q. Other MP’s were already there inside the site.
A. Yes, sir.

Q. Whereby you just told me previously that interrogations should not be done inside that site, that they were done outside the confines of Tier 1A, and 1B.

A. Yes, sir.

Q. But you are-- there's an interrogation that going on in there whatever you want to call it----

A. Sir, I'm telling you sir, it's not an interrogation they way I would call interrogation.

Q. Okay.

A. Again, I'm not a police officer, I'm not a corrections officer, but I would say if somebody is providing information and an informant, is providing information to me that's totally different than somebody coming in with an interrogation plan saying, "I want to ask you specific questions. I want specific answers. I have a specific theme." Somebody's coming in reporting something to this and ----

Q. Was the company commander or anybody above Sergeant Fredrick's up there at the time?

A. No, sir.

Q. None?

A. Not that I'm aware of that point in time.
Q. Did you seem-- kind of notice that that was-- if you say that that was kind of an MP kind of-- part of the operation because they're trying to get information from this particular informant by the use of the translator?

A. Yes, sir.

Q. Wouldn't strike you that your presence there in kind of broke the authority line? That you were being invited to participate in an MP operation in your capacity as an MI Officer?

A. Sir, I didn’t look at it that way.

Q. You didn’t look at it that way?

A. No sir, I didn’t.

Q. Would you have asked as an experienced officer with active duty experience that that is exclusive to an MP operation thereby perhaps providing guidance to the senior NCO's that were present there, that they ought to get their company commander at least report that to their company, or to the battalion commander, or even the S-3?

A. Well sir, I did ask them if Captain Brinson was around Captain Reese. Had they called anybody, they said they couldn’t reach anybody on the hand held. At that point didn’t know who else was calling. They said, "We’re trying to call." At that point I was just listening to what Adell was telling me the individual was saying that was reported in there.
Q. Who does Adel work for, Titan---

A. Titan Corporation, and I believe he had moved over to work for the 320th MP Battalion as one of their CAT II linguists.

Q. Okay.

A. And sir, I'm saying I believe him.

Q. Okay.

A. Okay.

Q. Then what happened after----

A. At this point, he came in he identified—[redacted] had identified a specific individual in a specific cell and told he had a weapon. And I caught the name, and I said, "I think that's one of the Syrian's that I've seen being interviewed in Site Wood, Site Steele, because you have a entryway where you can watch and see what' going on. Who has a very anti coalition presence, a very anti American presence, "I want to kill folks, I'm on a Jihad," what have you. So, I asked the MP's, "Excuse me, do you still have, you know the little baseball card photo's with all the file things that we put with everybody that-- when they come in here that they-- that the interrogators provide for me?" He said, "Yeah." I said, "Can we pull that?" We pulled that and looked at the individual and I said, "I know this guy." I've seen him very, very many times on interrogations because they were-- going after him, and he was very, very, forthcoming with the routing and what they did and how they
planned attacks, and he couldn't wait to-- to-- to-- to kill us all, sir.

Q. Okay.

A. And---

Q. So, in your estimation you were getting this information, what happened next?

A. Well sir, this kind of tied into Intel reporting that had been coming out of interrogations that there was going to be a possible either a attack on the Abu Ghraib facility to cause a disruption for possibly corrections officers from the Iraqi Ministry of Justice, I think is how they reported it.

Q. So, did you notify Colonel Pappas at that time, or Colonel Phillabaum, with based on your estimation of the tie in?

A. Sir, I asked for the MP's to contact the Battalion 3, because it was like, I want to say, 1830, 1900, somewhere in there---

Q. Did you get-- did you notify Colonel Pappas?

A. No, sir.

Q. Why not?

A. Because I was still gathering what the information was being as far as the threat at the time, sir.
Q. Okay. So, your judgment was notifying at least preliminarily that you were gaining some information, at least give him an initial SITREP?

A. Sir, with Colonel Pappas being at Camp Victory, my not having comms on me at the time, with the intel that I heard about possible threat and I'm going to expand on that, were the coalition-- or not the coalition, the Iraqi corrections officers were going to have weapons already hidden in the facility, they were going to take over and try to breakout high value detainees. Nobody designated, identified at that point in time.

Q. With that notification, based on that basic knowledge, would have at least notified the battalion commander or Colonel Pappas that perhaps put the IRF on alert?

A. Well I-- I did ask Sergeant Fredrick to request-- I didn't call it IRF; I called it QRF, to come----

Q. But Sergeant Fredrick never notified anybody because he was engaged with you.

A. Not when I asked him to make the call sir. Because I went back and asked Adel specifically, "Is he sure. Has he seen the weapon? Does he know?"

Q. Right.
A. Said, he hadn't seen the weapon, but had been told as of
Thursday, I want to say, sir, that he was going to get weapons, was
this guy going to be with him? Later on---

Q. Let me move forward-- let me move forward.

A. All right sir.

Q. So, the discoveries were made, and there was information
that was passed, names were given, that sort of thing, indication
that somebody did smuggle a weapon in there, or weapons, whatever the
case may be.

A. Yes, sir.

Q. What-- what subsequently happened?

A. At that point one of the other NCO's came in, Sergeant
Cathcart, they were putting on their battle rattle, their vest
plates, everything like this. I asked what the procedures were that
they were doing. They said, "We're going to lock down the cells.
We're going to do a cell search. Sir, we could use the assistance."

Q. They're doing a cell search and you were still in there?

A. Sir, I was up in the Sally port right next to where the
informant____ had been talking to----

Q. But you were still in that particular area----

A. Yes, sir.

Q. ------Tier 1A, and 1B?

A. Yes, sir.
Q. At that time none of the company chain of command, none of the battalion chain of command had-- were present at the time?

A. No, sir.

Q. Okay.

A. Were not present at the time.

Q. And Colonel Pappas was still-- still has not been notified?

A. No sir, and you’re talking about this all happening in a period of about three, four, five minutes, sir.

Q. Sure, okay. That’s pretty quick when your trying to interview and interrogate a detainee and trying to get information.

That’s pretty darn impressive all in the span of three or four minutes. Okay so what was the plan of action?

A. They were going to go-- they being the MP’s were going to do a cursory sweep of some of the cells to have the folks step forward secure, when they do that I guess on a normal basis they said.

Q. But they already knew----

A. Where they were going.

Q. ----you said you already knew who had those weapons and who--

A. Who they thought had the weapons.

Q. Okay.

A. And at that point I said, “Let me stop you all here for just a second before you go take this action.” I said, “You know that
this Syrian terrorist, there are other Syrian terrorists, are they still here in the Isolation Facility?"

And they said, "Believe so." "Where are they at?" One was across the Tier, there were a couple down below. I said, "You may be getting yourself set up for ambush, or somebody maybe saying, "Hey, somebody has a Tier they want you to go— or a weapon, go down the Tier." You do that and you get shot from behind, or maybe it’s a setup and there is going to be a crossfire kind of situation.

Q. So you led that effort supervising those folks in a search process?

A. To go down to do a cell search I said I will assist and provide—

Q. Okay, who’s job was that supposed to be, yours or the company commander or their battalion commander, or the S-3?

A. Well sir, and I don’t want to sound flipped to you, but I would say if you had extremely adequate notice, something along those lines obviously, Battalion Commander, Sergeant Major, Company Commander, Company Commander, First Sergeant, QRF, to do that. But at that time, I felt strongly that there was something serious that was likely to occur just because had nothing to lose. He was—
Q. Sure, but then General—Colonel Pappas will still have not been notified, so conceivably the whole camp would have been placed on alert don't you think?

A. Umm—-

Q. Because of the incident that happened that afternoon?

A. Well sir, that incident that happened was very much in my mind as well as like I say the intel of the fact of corrections officers looking to do some sort of diversion and break out who they felt were high value detainees, some of the black list folks, but sir, they weren't even there, but that's kind of beside the point. I think the intel structure that they had made them believe that there were people there that were not----

Q. Well what my point is Colonel Jordan is you’re the senior officer on the site.

A. Yes, sir I was the senior officer on the site.

Q. So you’re basically directing traffic----

A. Yes, sir.

Q. ——and directing those MP’s and you’ve mentioned earlier that you don’t do MP stuff, and the limit of your duties and responsibility was just coach in the boundaries of collecting information and not interrogation or things of that sort. So, on your best judgment, you were giving instructions to those MP’s absent any presence of or notification of those MP’s chain of command,
Brinson, Synder, all those folks, and absence the presence of and notification of your brigade commander in your capacity as a liaison officer?

A. Sir I would say it's my capacity as an officer to ensure health and welfare of all soldiers at that point in time. Yes sir, I was the senior guy there sir, and sir I was there when they went to do that cell search and I was there to provide covering fire if necessary, and sir----

Q. Did you have a weapon on you?

A. Oh yes sir, I did have a weapon on me sir, I had two weapons on me.

Q. You carry a weapon inside the hard site?

A. Yes, sir.

Q. All the time?

A. Not all the time, sir.

Q. Did you brandish it?

A. Did I brandish it?

Q. I mean did you-- was it present-- was there an SOP that says weapons are not allowed in Tier 1A until such time as it's authorized to do so?

A. Sir, when I was asked to come in there by Sergeant Fredrick I did ask about the weapons policy because normally when we did go in
there weapons were kept out and he said, "We believe we’ve got an
incident, sir, bring your weapons with you."

Q. Okay----

A. So-- sir, I brought my weapons with me.

Q. So you were getting information from Sergeant Fredrick and
even then you know you did not give them any kind of information or
any direction that at the time you received that initial information
to let’s wait until your battalion commander or your S-3 shows up
before we proceed down there because then it’s not your
responsibility as an MI officer to be proceeding down there because
that was a search and searches are done by MP’s.

A. Sir, given all the time in the world, yes sir, I would agree
with you.

Q. Okay.

A. I would say that at that point in time and place sir-----

Q. Yep, don’t you think it was kind of hasty at the time
because you didn’t exactly know what your role and responsibility
was?

A. Sir, I thought my role and responsibility was care for any
soldier at that point in time.

Q. That’s everybody’s responsibility.

A. Check sir.
Q. Okay, but those people belong to somebody else. They have a chain of command, colonel.

A. All right, sir. Check. I hear what you’re saying sir. I wasn’t trying to usurp anybody chain of command. I was trying to make sure the soldier was safe sir.

Q. Okay.

A. And sir I’m going to tell you on the night of 20 September myself and 14 other soldiers were wounded at Abu Ghraib I had 2 soldiers die----

Q. Hold that thought----

A. All right, sir.

Q. We will cover that for that matter. I just want to ensure that we focus on your responsibility sir----

A. Check sir.

Q. ----and your involvement with a shooting incident that has a serious implication because your name was mentioned on the investigation at that point in time.

A. Yes, sir.

Q. So, you proceeded to take action, directed the MP’s, give them instruction on how to proceed to this particular cell?

A. No sir, I did not.

Q. Okay so who was the leader of sorts of that search team?
A. Sergeant Fredrick was the one who was directing, “Sergeant Cathcart when we get there I want you to use the keys. Sergeant Elliot I want you to instruct the individual to place his hands through the cell, step forward, etcetera, etcetera.”

Q. All right, then what happened?

A. He said, “Sir, I’d like you to provide covering fire across the Tier.” I said, “Check, we’ll do that.” “Sergeant Synder will come down the other side as well just in case there is a crossfire.” And at that point----

Q. Did you have a protective vest on at the time?

A. Sir, I had a protective vest on at the time, but sir I did not have plates on at the time.

Q. Okay.

A. Because I did not have plates issued at the time sir.

Q. Did you have-- well none of them were issued plates I don’t think.

A. Sir, all the MP’s had plates sir.

Q. Did they have their helmets on?

A. Yes, sir they had their helmets on.

Q. Did you have yours also?

A. Sir, I’m trying to remember, I can’t tell you. I can’t tell you sir, I can’t remember.

Q. Okay. So, the shooting starts?
A. Yes, sir.

Q. What happened next?

A. Quite frankly the individual A- I believe was given the command four or five times by Sergeant Elliot, Sergeant Cathcart, "Step forward, show your hands." "No." "Step forward, show your hands." "Why?" "Step forward, show your hands." "No." At that time I believe Sergeant Fredrick had told Sergeant Elliot to be prepared to fire. I said, "Sergeant Elliot what do you have chambered?" Because Colonel Pappas had been very, very adamant about use of non-lethal rounds to make sure that they didn't misplace a lethal round with a non-lethal round what have you. Said, "Non-lethal." Somewhere a few seconds after that, "There's movement. He's got a gun," and A- fired one to two rounds initially. Sergeant Elliot fired back, I believe the first two rounds which were non-lethal I believe he hit him with one of those two rounds. Stepped away from the door. I stepped up to look to see. He continued to fire. Sergeant Elliot fired three more rounds, I'm guessing that were 12 gauge lethal rounds, things stopped for a minute or two, individual went and fired. Again movement you could just out of the corner of your eye just kind of things fired, Sergeant Cathcart yelled, "I got hit." I believe he'd gotten a ricochet and hit him in the vest. Sergeant Elliot was handed another
shotgun by Sergeant Synder who again fired a couple of more non-
lethal rounds.

Q. Sergeant Synder was shooting then?

A. No, sir. Handed another shotgun over to Sergeant Elliot
because Sergeant Elliot had expended all the rounds in the shotgun
that he had had. Two, three, four, rounds in that weapon, he fired
those waited a second continued to tell the detainee, “Throw out our
weapon, throw out your weapon, cease fire.” Wait a second take a
look with the mirror fire a couple of more rounds. Sergeant Elliot--

Q. Who was doing the mirror thing?

A. I believe it was Sergeant Cathcart, sir, and then Sergeant
Elliot fired a couple of 9 mil rounds and then the detainee at this
point, didn’t know that for sure, but was out of ammunition, and
through the weapon outside the cell door block. He was made to put
his hands out by Sergeant Elliot. He was cuffed by Sergeant
Cathcart, swung out immediately called for medics, medical staff had
actually been there because they normally did a daytime, nighttime
check from what I understood of the detainee’s and he had wounds in
his legs and he had an indentation in his chest which I thought might
have been a 9 mill round that had come in from an angle that turned
out to be one of the less than lethal rounds that had hit him and he
was medivaced out. At that point went back and contacted Colonel
Pappas the Battalion 3, and initiated an SIR report. Colonel Pappas was there on the premise. Gave him the information best I had it. He typed up what he could. I said, "Sir, another detainee was wanting to speak." He said go back and pull whatever information you can. I went back to speak with this detainee. Don’t remember his real name but his name was thumbee because he had blown his fingers in a coalition attack with a hand grenade. He came and spoke with me as well as a couple of other folks that were present there and I don’t remember right now off the top of my head.

Q. Was Colonel Phillabaum and Captain Reese there at that time?

A. I don’t think Captain Reese was there yet. I think he was enroute, but I believe First Sergeant Lepinski had gotten there.

Sergeant Centers, Platoon Sergeant. I’m not sure if Captain Brinson had made it in there yet or not.

Q. Was there an understanding from your experience there since September up until you were assigned to the 205th, actually you were already assigned but you then operated with the 205th who was then the FOB Commander, what was the understanding of who was in charge of Tier 1A, and 1B, MI or MP’s?

A. Well sir it was always understood that the MP’s ran that Tier, and there were a number of incidences were non MI folks non MP folks would come in that tier and I’m going to be specific on an occasion of Task Force 121 who had come in an portrayed themselves as...
being OGA, Other Government Agency, and I’m not sure what everybody’s
clearance level is in here, but we can all kind of understand who OGA
is. They came in supposedly said, “We’re with OGA to drop off a
couple of detainees. And I’d gotten a phone call from Chief Rebus on
one of those little hand holds that they had finally gotten out there
to say, “Sir, there’s seems to be an issue here.”

Q. This during-- after the shooting or before the shooting?

A. This was after the shooting sir. I’m feeling it was after.

I want to say late November, early December. Anyways, they had come
inside when they went to drop off the detainees to the MP’s and
beyond making sure that all their belongings had already been turned
over to the MP’s to be processed. I guess they started running the
Tier to check and see who the different folks that were being held in
isolation. I understood that one of the MP’s, and I wasn’t given a
name, had said, “What are you doing?" “We’re with OGA. We’re
checking this out. We’re authorized,” whatever the case may be.

Kind of a very cowboy kind of affair. Chief Rebus for some reason
happened to be coming up in that area maybe back from and
interrogation I didn’t ask him what he was doing there sir. Called
me, said, “Hey we’ve got this incidence. I said, “Can you still
track him down because we need to stop this and we need to stop this
now because we’re having problems with 121 bringing folks to the gate
and just dropping them off and leaving. Not into the facility where
detainees are kept like out front at the entry control point and then just bailing. An actually a lot of times it wasn’t even the 121 folks it was a armor unit or something that was just transporting folks. We had and incidence were 121 came back that same night because Chief Rebus had caught them at the gate and said, “Listen, nobody is authorized just to go trailing in there. There is an MP set of rules there. You have go through the MP’s to get permission. There are specific things that you have to do to do that. We don’t appreciate you doing this.” They came back in that evening and I want to say it was about 2200, 2215, and came in and said, “We’re signing out a prisoner that they had dropped off on a quote of quote un-OGA hold. But, sir it wasn’t a OG hold-- OGA hold, but they said we’ve talked to Lieutenant Jordan. Well sir, there was a Lieutenant Colonel Jordan at 121. All the MP’s knew is they heard Lieutenant Colonel Jordan, they thought it had been an authorized MI thing because it wasn’t an MP hold. They allowed an E-5 from this unit to sign a female wife out, and I forget which black list it was. I think it might have been six; it might have been Al Dorie, I don’t remember, took her off. Sir, she came back 72 hours later, or just less than 72 hours later. When they landed the chopper they came up with these people and they came out there and they said, “Hi, are you the MP that’s going to accept the detainee?” I said, “No I’m not the MP. I’m not going to accept the detainee.” And we’ve got into quite
a battle, sir on-- I said, "Do you have a file folder on the

detainee?" "Well no, we're just the transportation." "Were did you

come from?" "Well, Tikrit."

Q. In that particular sense, Colonel Jordan, it appears that

your MI folks were involved with transfers of detainees just based on

what you've described to me.

A. Sir, 121 is not MI from what I understand they're----

Q. I understand. OGA-- there's----

A. ----out there.

Q. ----all sorts of detainee----

1 A. Yes, sir.

2 Q. ----operations over there.

3 A. Yes, sir. Okay.

4 Q. So, but in any case what we're going to do right now is take

5 a ten minute break. I need to refresh the recording machines----

6 A. Roger that sir.

7 Q. ----and give you some time to go to the bathroom and we'll

8 resume the interview here at about 15 after.

9 A. Roger that sir.

10 Q. And please don't disclose anything. Don't make any phone

11 calls or whatever have you. Just wait outside, and if you need to go

12 to the restroom, please convey it as to where your presence is going

13 to be.
A. We talked about a copy of the SIR----
Q. We can discuss this when----
A. Later, all right sir.
Q. Okay. Good thank you very much.

[The session recessed at 1603 hours, 21 February 2004.]

[The session resumed at 1620 hours, 21 February 2004.]

MG Taguba: Have a seat there Colonel Jordan.
LTC Jordan: Yes, sir.
Q. All right, we’ll continue with our interview here. Let me remind you again please that we are being recorded.
A. Yes, sir.
Q. And that you are still under oath. Several of those who are-- have been accused of detainee abuses, some of them horrible as you can imagine, and those that I’ve interviewed had the understanding that and I quote from one interviewee, “That Wing 1 was supervised mostly by Lieutenant Colonel Jordan. Lieutenant Colonel Jordan was very involved with the interrogation process and the day to day activity that occurred.” Which is just one of several who have had the understanding that your presence there, even though you indicated that you were there infrequent and had to ask permission for access, understood that your duty was to supervise or at least have control of Tier 1A, and 1B.
A. Sir, all I know is that anytime that we went on-- anybody ever went over there you always had to request permission to come in. Always had to leave your weapon if you had a weapon with you if the MP's----

Q. Did you have an understanding with the battalion commander that your access was authorized or was necessary in regards to your liaison duty with the 205th MI Brigade?

A. Sir, quite frankly when I first got there I sat down with Colonel Phillabaum because I know Colonel Phillabaum from a prior Reserve assignment, he was the G-1 of a CA Unit I was in Philly, so I know him friendly, not hunting buddies or anything like that, but knew him. "I remember you, how are you doing?" He, I, his S-3, the Ops Officer for Colonel Pappas, Mike Thompson, Chief Rebus, all of us at one point in time would set and discuss the movement, and it was more movement of detainees in regards to military police than it was interrogation only.

Q. What kind of movement?

A. Movement from either Camp Ganci or Vigilant to the interrogation booths, the interrogation tents, or to and from isolation area.

Q. Why would you be concerned with that?

A. Well sir, because there weren't enough MP's to do the escort duties and we had to tap into MI soldiers to do that.
Q. But I thought that was the responsibility of Colonel Pappas and an MI Battalion Commander who was subsequently assigned there?

A. Sir, the only MI Battalion Commander I know that was ever assigned out there was Lieutenant Colonel Walters--Waters, somewhere December-- in December somewhere around that, so up----

Q. It's earlier than that, November.

A. It could have been sir, I'm trying to guess.

Q. I mean if you're concerned with movements in your capacity as a liaison officer, because there was a shortage of MP's, why would you take it upon yourself to be involved in that while in essence that was the responsibility of the MP's to ask for reinforcements in that regard.

A. Sir, just per guidance from Colonel Pappas, "Please check with the Battalion 3. Please check with Colonel Phillabaum. Please have them understand my intent is to conduct the interrogation operations not to have MI soldiers moving detainees. Not to have----

Q. So you're checking whether MI soldiers were being used as guards?

A. Uh---

Q. Or augmenting the MP's?

A. Augmenting the MP force and at one point sir, there had an issue where the 320th is a Host Command. Wanted to utilize MI soldiers, either supporting the entry control guard force, and at one
point there was a FRAGO that was cut putting MI supposedly in charge
of two towers 24/7 in essence pulling 12 MI soldiers out away from
interrogation operations and again Colonel Pappas and his 3 said,
we’ll handle this. We’ll let them know that. They can’t come over
and task the soldiers to go do non-interrogation operations. This is
our focus. This is what I want you to do. Make sure they understand
that. So sir, I was—basically relaying information between. Like
Colonel Pappas wanted back in forth with the 320th.

Q. Did that include—did that include people in the hard site,
because according to your brigade commander his responsibility, if
that, was placing guards of the ECP and also manning the tower, but
nothing in the capacity of putting MI soldiers guarding the compounds
meaning Vigilant and Ganci nor the hard site, so what you’re
intimating to me that you were in the hard site checking something
that is outside the bounds of your responsibility and duties and
roles as a Liaison Officer?

A. Sir, I think we’ve crossed paths here.

Q. Yeah.

A. When I was saying that I talked to Colonel Phillabaum and
them about MI soldiers being utilized it was what you were just
discussing Entry Control Point guard towers, things of this nature.
We never from my understood had ever seen MI soldiers being tasked to
perform security functions in the isolation arena, but they did have
to move folks from isolation because of a shortage of MP’s from the isolation area to the Site Wood, Site Steel, for interrogations.

Q. So using MI soldiers to move from one site to another site?
A. From one site back to interrogation-- back to the isolation cell----

Q. Who did you interact with that?
A. Say again, sir?

Q. Who did you interact with that?
A. Umm----

Q. Colonel Phillabaum, the guards directly, the company commander. I find it kind of strange that a Lieutenant Colonel is acting directly with soldiers. Does that tell me that there is no one underneath you that could interact that Colonel----

A. Sir, I’m saying that inter-- I interacted with Colonel Phillabaum, Major Dinenna the S-3 in concert with our OPS Officer, so there was a full understanding of our concern conveyed by Colonel Pappas of pulling MI soldiers away to go do these kind of operations.

"One, we’re really not trained to move detainees, they didn’t have the equipment to move the detainees, and the issue came down is we have x amount of MP’s, we’re losing MP’s, we’re not getting any more MP’s, we’re getting more detainees, we can’t do it. Colonel Pappas what do you want us to do?” “Get with Mike Thompson, get with other folks, get some of these folks trained up, MI soldiers trained up by
the MP’s so they can at least do it in a protective manner as much as possible.” We didn’t have plates. We didn’t have the new vests.

Signed for some of those from the MP Company, I think it was from the 372nd MP Company, and I believe that Sergeant First Class Johnson the OPS ICE NCOIC went and signed for those to give them to the soldiers so they could move detainees. And a lot I think were moving them that were also conducting the interrogations, so added to the length of time spent on interrogations.

Q. All right. So, that was the understanding, but your understanding was that you had limited access by asking permission to be present in the Tier 1A, and Tier 1B?

A. Sir, every time that I was there and every time I saw anybody else go into that facility whether it was somebody coming for a visit or to interview or what have you.

Q. Were you on an access roster?

A. I believe I was sir.

Q. You believe? Did you have a copy of that access roster?

A. No sir, I believe we provided a access roster of folks assigned to the JIDC to the MP’s to say, “These are the folks.”

Q. There was an NCOIC of the hard site and there was an OIC of the hard site and you mentioned Captain Brinson and the other person you mentioned was Sergeant Fredrick, was there anybody else between
Sergeant Fredrick and Captain Brinson that you interact with with access?

A. I would say that the list probably initially went to the Battalion 3, to Major Dinenna to say these were the folks, I believe we included Colonel Pappas and the Sergeant Major and anybody else who'd be coming in.

Q. Who was anybody else, I mean that's-- that's-- you just mentioned that those are high valued detainees?

A. Yes, sir.

Q. And not anybody else would have access to those unless they were authorized or had any business with that.

A. Sir, I'm saying Colonel Pappas, Colonel Whalen, because he was Battalion Commander if he happened to come by to see where his soldiers were working his Sergeant Major.

Q. What was the nature of your access there, I mean what kind of business as a liaison officer, not as an interrogator, would you have with access to those detainees?

A. Umm-- kind of checking to make sure that we weren't violating the 30-day rule. That we had an updated roster as far as the identification cards. Those kinds of things to make sure that everybody had the proper information. That we knew who was where.

Q. Okay, but you just mentioned to me that you were limited in your capacity as a liaison officer, collecting reports, formatting
reports, and sending that up to the C-2. But all of a sudden as a liaison officer you were given additional guidance by Colonel Pappas check on the conditions of the detainees?

A. Sir, that was never----

Q. You took that as your own initiative?

A. Sir, I never checked on the condition of the detainees as a primary duty.

Q. But you just said that whether they were being-- the interrogation plan or post treatment was being carried out whether their-- not have exceeded 30 days of that, that sort of thing.

A. Yes sir, because there was a roster on-- when somebody came in or something like that just-- and we kept one in the JIDC OPS area too just to take a look, “Hey we’re getting close. Someone has been in there 24, 25 days. Captain Wood have you sent up a request to Brigade to make sure that we don’t violate the 30 day policy,” things of that nature. So, ----

Q. So, you were helping out, so to speak, there’s nobody else-- I’m still trying to make a determination Colonel Jordan of your specific duties as an Liaison Officer, but every time you say something it kind of expands beyond what you described was your specific duties.

A. Sir, whatever guidance I would get from Colonel Pappas if I didn’t think it was an illegal order or something, and it would be,
“Steve can you do?” “Check sir, I can do that for you, or Sir, are you aware this, this, and this, because this came up in a nine o’clock meeting?”

Q. Sure.

A. "Or this came up at 1600 FORCEPRO, Sir you weren’t here today, you’re coming in tonight," what have you.

Q. So basically you weren’t receiving any kind of guidance from your Brigade Commander. That is clearly understood that it could be outside the bounds of their responsibility as MI Intelligence Officer, or as MI Interrogation Officers?

A. Oh yes sir, because I wound up doing things such as assisting in the MWR development, and procuring a weight system and getting the DFAC up and running and getting showers and finding out who the ACS Contractor was for living support type items and things of that nature.

Q. Okay, so that was-- again outside the bounds of the specifics duties, because you were just helping out. There’s nobody else there to do but----

A. Sir, that’s what I----

Q. And your Brigade Commander relied on your capacity to do that?

A. Sir, that would be his taskings, “Where do we stand with this? How come we don’t have shower...
points for these soldiers yet?” "Hey sir, here is statements of work by, you know, ASC, you know. Here is what the engineering board said what the status is." So I was kind of like-- like I say his liaison to attend the meetings that was being hosted by the 320th, but it wasn’t all just MP functions, sir there was all the other issues that were involved and at the time he had like I say, removed the headquarters support role from the 519th and there was nothing there. He had given a requirement to the 323rd MI Battalion at BIAP, but sir I want to say I probably saw that Battalion Commander and Sergeant Major twice in four and a half months out there.

Q. So you might say you’re Colonel Pappas’ trusted agent?
A. Sir, can I be frank with you. I want to say that I respect Colonel Pappas but Colonel Pappas and I never hit our stride. I don’t think we’re ever going to send Christmas cards to one another, but sir I can look you in the eye and tell you, that Colonel Tom Pappas would ever tell a soldier to do something illegal or do anything immoral or would he cover up anything had he been made aware of anything that had gone on. And so, I respect Colonel Pappas for his position and his rank. I can tell you quite frankly that there were times that we disagreed when I’d bring up issues, sir. Are you aware, I’m trying to protect you on-- sir, and it had nothing to do with detainee operations. I’m talking, you know awards, or possible congressional issues and I’m hearing being brought to me because I
actually lived in the same little environment where all the soldiers lived. And I'm saying from E-5 to O-5, we all had a very small environment. And-- so-- whatever he would come back and say, "Steve this is what I want, this is how I feel about it." All right, again, back to the incident with the three interrogators from the 519<sup>th</sup> that did the unauthorized interrogation of two females, etcetera, etcetera. He's the one who said, "Let me get Captain Fitch, I'll give you a call back." Got Captain Fitch on the line. "Want you to go to the Magistrate Cell, want you to do the Article 31 rights warning." "You've done these before?" "Yes, sir, I've done them before." "All right here's what I want you to do. I want you to get all the statements, things of this nature." So, sir, that's way outside the line, I think, of any liaison officer role. But, I think he felt confident-- safe in me doing that or he wouldn't have told me to do it, sir.

Q. You're not supposed to ask, do you feel like you are his trusted agent?

A. Sir, you know when you say trusted agent, you know, there's-- there's trust and maybe there's friendship and maybe I'm running the two in there. But I think, sir, that he trusted my judgment, I think he trusted me with the soldiers out there. I think the soldiers respected me and I think I could get the soldiers to soldier up in a very austere, tight environment.
Q. So, based on that trust, Frederick, Elliott, Cathcart, they would follow your instructions?

A. Sir, I don’t know about MPs, sir, you know I----

Q. But you interacted with them frequently.

A. Sir, I didn’t-- I-- I have to disagree. Sir, I didn’t interact with them frequently. I knew who worked what shifts; I knew who was in what company, just because it’s a very small environment, you’re there 24-7. Matter of fact, the 72nd MP Company, and then eventually the 680th provided mess facilities on MKT with us. So, I never gave any direction to MPs on anything other than on the night of 24 November when the shooting came down; and, sir, I still feel confident that that was a soldier safety issue based on the other intel reporting that even I don’t believe the MPs had at that time. Where the information had come in with-- and it had been coming in for two or three weeks about outside attacks, inside attacks all combined, things of this nature.

Q. When Colonel Pappas showed up there on or about the 19th of November, 19-20th of November, in what capacity was he moving his Brigade down there, do you remember?

A. He was moving in to be designated as the FOB Commander, FOB Abu Ghraib.

Q. Abu Ghraib. What was the command relations then, of the subordinate units that were already there?
A. Sir, you asking me, between 205th and 800th? Or are you
asking me 205th and all the subordinate units?

Q. And the subordinate units. 320th, 519 if they were still
there, any units that were there already. Then you got the 205th that
shows up, what was then the command relations? It was either
expressed to you or you had knowledge of?

A. Sir, I would have to say that there was significant
resentment towards Colonel Tom Pappas. The 205th MI, no, sir, let me-

Q. You say resentment; I mean, leave the emotions----

A. ----sir, I'm gonna say resentment to the point where we
all-- we all, in the element were lumped into MI and everybody else
at Abu Ghraib. To the point where the 680th MP Company, there were
signs because we shared an LSA and I'll give you some examples of
that later sir, if you want. Where it was like, no MI allowed spray
painted on a wall in a joint LSA.

Q. What was the command relations there, Colonel?

A. Sir, I never saw any----

Q. Did you see any FRAGO?

A. I saw a FRAGO, yes sir, of the 205th----

Q. Do you recall what the command relationship was on that?

A. That everybody responded to Colonel Pappas as the FOB

commander.
Q. You didn't see anything like ADCON, OPCON, attached, assigned, TACON?

A. Sir, I've read so many FRAGOs, I don't wanna say, cause I-- I, but the concept was everybody there was under the guidance of Colonel Pappas, and specifically I remember a conversation being held after one of these 0900, 1600 type----

Q. Sure. Well, because you were a liaison from General Fast down to him, liaisoning works both ways.

A. Oh, yes, sir.

Q. So, obviously you were getting some information from that particular side of the house, and----

A. Well, sir, sir, I'm going to get there to it for you, sir.-

Q. ---you were probably reporting. But I'm just trying to clarify, based on your experience, your educational background, military experience, that surely you had some knowledge of what the command relationship would be.

A. Oh, yes, sir. Sir, I knew-- I worked for Colonel Tom Pappas. I understood when he came out as the FOB Commander, everybody there worked for Colonel Tom Pappas.

Q. Okay.

A. Explicit. What I'm saying is that there was a specific conversation where he had to take the Battalion S-3 from the 320th
aside, Major Dinenna, and highlight, say, "I am in charge." And I believe—

Q. You were there when that happened?
A. Sir, I was within earshot. Now I'm gonna----

Q. Did he talk to Colonel Phillabaum about it?
A. No, sir.

Q. No. Did he talk to General Karpinski about it?
A. Did who talk to General Karpinski, Colonel Pappas?
Q. Colonel Pappas.
A. Sir, he indicated that he had sent her significant e-mails about it. But before I go to General Karpinski, can I go back to what I was saying about the three in that conversation, sir? Just because I remember this distinctly, Major Dinenna then said something about, "Sir, we know you're in charge, you're a Brigade Commander, you're a Colonel." Or something like that. "But you're causing a division, a diversity between yourself and everybody else out here. And Colonel Pappas said, "No I'm not, I'm bringing everybody back under one strict regime command."

Q. Did you ever ask General Fast why that was occurring that you have an MI Brigade Commander there that was appointed by the CJTF-7 Commanding General to be the FOB Commander?
A. No, sir, I never----
Q. Never. Did she ever say anything to you why that was occurring?
A. Oh, yes, sir, she did, she had come out on a visit and she had actually taken me aside and had asked, you know, how is everything going, how'd the relationship working? And I said, “Ma’am there is some resentments, some hesitation, whatever you want to call it from the 320th, engineer, everybody that had kinda been there before, or falling under an MI-type command.” And she said, “All right, thank you, and how’s it working?” I said, “You know, Colonel Pappas is driving on. He’s got a sergeant major helping out. He’s bringing Colonel Walters and the 165th down to enhance the force pro.” There had been issues of detainees escaping or the potential for more detainees to escape. Colonel Pappas and myself at times, at his direction, went inside the compounds to take a look at the physical security aspects, force pro aspects, things of this nature. And, sir, I’m gonna tell you, a couple times, I said, “Sir, you don’t need to be going down in there by yourself or even with me, you know you can have other people go do that for you.” But he wanted a hands-on approach.

Q. Did you go down there by yourself?
A. No, sir. I never went into Camp Ganci by myself, or Vigilant.

Q. What about the hard site?
A. Sir, I could never say that I was in the hard site on my own. I either went in with other of my soldiers, or I went in with.

Q. Who are some of those that accompanied you, you know?

A. Major Mike Thompson, Chief Rivas, Major Matt Price, Colonel Pappas,----

Q. Chief Rivas is out there right now?

A. Yes, sir, he is.

Q. Okay, we'll call him afterwards.

A. Check, sir.

Q. So you were always there with somebody?

A. Sir, there's always some JIDIC person----

Q. Except for the night of the 24th?

A. Actually, sir, there was an interrogation team that was waiting; I believe to take out somebody for an interrogation. There was a Staff Sergeant Usaff and a Sergeant Cleckowich as well.

Q. Were they in civilian clothes?

A. No sir, they were in DCUs or they may have had their blouses off, but November I'm thinking it was probably cool enough they probably had their blouses on, sir.

Q. So the two there waiting, but were you both together as you were entering or just coincidentally they were there?

A. Just coincidentally and, like I said----

Q. Did they participate in the shooting action?
A. No sir. No sir, they were off to a separate area based on going down to do a cell sweep.

Q. Okay.

A. But, yes, sir.

Q. Who is Specialist Luciana Spencer, do you know?

A. Specialist?

Q. Luciana Spencer.

A. Specialist Spencer, I know Specialist Spencer, yes sir.

She was one of the interrogators on one of the Tiger Teams. And, I'm sure you've been told what a Tiger Team is, so I'm not going to bore you with that. All right, sir.

Q. Sure. What was her function?

A. She was a interrogator with one of the-- I think she was in, again I may be wrong on this possibly, the Foreign Fighter Cell. We had different breakouts for different groups. She headed up a team-- Tiger Team's made up of an interrogator, an analyst, and a linguist. Sometimes we were short analysts and sometimes you have one analyst supporting two or three Tiger Teams. We normally had more interrogators than we did analysts.

Q. Did you investigate any of her-- or look into her interrogation practices and techniques?

A. Oh, yes, sir, and I'm going to be very specific that on the evening of 15 November at approximately 2200 hours, Specialist
Spencer with an analyst by the name of Specialist Cruz, I forget the linguist's name at this point, had scheduled to do an interrogation from a detainee in the Vigilant Facility and I believe they used the site steel. It came to my attention the following morning that they had used an unauthorized interrogation technique for that interrogation. And the way we had set up and structured the interrogation folders was first of all you had to have an interrogation plan. And that included what you were going to use, what kind of techniques and we kind of scripted out kinda like a Coach Walsh from the old forty-niners side of the game. At least ten questions if you could, that you were going to go with. And that might spin something else out. If somewhere along those lines the interrogation that you decided this wasn’t working, you want to do something else. You stop the interrogation, either set them up for another time to go back, talk to your chain of command, and try another approach. Or you go talk to your chain of command at that time. Cause you have a night shift under Chief Graham, Sergeant Johnson and day shift under Captain Wood.

Q. So you did have, you did provide some instructions to the interrogators with regards to how to conduct an interrogation plan?
A. Yes, sir. And this was a planned process that, sir, I’m telling you we sweated blood for, I don’t know, a couple weeks.
Q. But you did not conduct interrogations, per se, but you have knowledge of interrogation techniques and practices and how to conduct an interrogation plan?

A. Yes, sir.

Q. All right. How many MI interrogations—

A. Let me finish what she did on it, sir, if you wanna know what happened. Somewhere along this process on her interrogation the detainee, according to her statement, was not becoming compliant. And she started using removal of clothing as a motivating factor. Somewhere along, and I don’t know how long the interrogation took, I don’t remember at this point. Specialist Cruz sent a note over and said, are you sure that this is authorized. She wrote back to Specialist Cruz, cause I interviewed them both with their NCOIC there and Captain Wood, the interrogation OIC and she said, “Yes, it’s authorized.” The bottom line was they had the detainee remove all his outer clothing and took him back to Camp Vigilant like that at 22, 2230 hours in the evening. So, it was getting cold that time of the year. Was not an authorized interrogation. I went to Colonel Pappas after I read the statements and told him what happened. Told him the immediate action was that I requested that they pull both Specialist Cruz and Specialist Spencer from the Tiger Teams and reassign them temporary duties pending Brigade Commander’s decision on it. I said, "Sir, here’s some options we can do. Keep them out
like that and monitor them. Give them a counseling statement. Sir, you can give them UCMJ action, whatever case you want to do, take it with." I believe he spoke to Chief Rivas and Major Matt Price on it. One of them went to work CMD, Collection Management Dissemination. The other went to the Fusion Cell. Both of them, I understand, soldiered up, did very well in those arenas. I believe Specialist Spencer has been put back on the Tiger Team.

Q. All right, you don't think that was a violation of a command directive, signed by General Ricardo Sanchez?

A. Sir, that was my question to the Brigade Commander, was, "Sir, removal of clothing, especially in cool evening hours and then walking back kind of a slap in the face, so to speak. Matter of fact, when I spoke to both soldiers, I gave them a reverse scenario. I said, "What if all of us coalition U.S. forces were inside Camp Vigilant, the Iraqi security forces were guarding us, and you, Specialist Spence came back with your clothing removed or portions of your clothing removed late at night. How would you expect us as American soldiers, or coalition forces to react?" And at that point, I believe, the light bulb kinda came on there, sir.

Q. So they-- she didn't get an Article 15?

A. Colonel Pappas chose not to go Article 15, sir.

Q. So you're saying that the Brigade Commander, somehow, disregarded this thing called, the purpose of all interviews and
interrogations to get the most information from a security detainee
with the least intrusive method applied in the humane and lawful
manner with sufficient oversight by trained investigators or
interrogators?

A. Sir, that’s what I’m saying----

Q. Slap on the hand, wasn’t it?

A. Yes, sir.

Q. Anybody else that were disciplined in a similar manner by
the Brigade Commander that you know of? Since you are an instructor
of sorts.----

A. Sir,----

Q. ----Given in-- that sort of information that there’s a
certain standard here that was issued.

A. Yes, sir. Sir----

Q. So you don’t think you’re responsible for that as well?

A. Sir, I have no UCMJ authority. My only alternative at that
point was to take it up to General Sanchez or to General Fast.

Q. And you didn’t do that?

A. Sir, I was told to stay in my lane.

Q. Who told you that?

A. Colonel Pappas told me that.
Q. Colonel Pappas told you that. Seems to me that most of you were kind of knocking heads with regards to compliance with standards.

A. Well, sir, I'm gonna tell you that this is probably not the first FRAGO that I was told to ignore by Colonel Pappas. And, sir, there were times that I stood up to Colonel Pappas and refused to execute what I felt was an unlawful order and asked for clarification in writing. And, sir, I never got it. And I----

Q. Let me read you something, Colonel Jordan. AR 190-8, which is a joint regulation and it, states on here: the inhumane treatment of EPW civilian internees and retained personnel is prohibited. It's not justified by the stress of combat or with deep provocation. Inhumane treatment is a serious and punishable violation of the International Law and the Uniform Code of Military Justice. So you're telling me that your Brigade Commander somehow took it upon himself, based on your recommendation, to remove this person from any interrogation practices or mission and that she just was given probably a verbal reprimand or admonition and is now being placed back into interrogation?

A. Sir, my recommendation was that he pursue UCMJ as was Captain Woods, as was Sergeant Adams recommendation. And what he asked me was, "What have I done at the time? Are they still on the Tiger Team?" I said, "No sir, I pulled them off the Tiger Team and
have asked for them to be reassigned to other duties. Sir, this is where they’ve been reassigned based on Major Price and Chief Rivas’ recommendation.”

Q. Were there any other interrogators that were accused of, or suspected of, or punished for inhumane treatment of detainees by virtue of their interrogation practices?

A. Sir, we go back to the night, October 6th or 7th where the three interrogators from the 519th ----

Q. Those were the only ones?

A. Sir, that’s the only ones that I’m aware of.

Q. What punishment did they get?

A. Sir, they got Field Grade Article 15, I believe. According to Colonel Pappas, sir, I never saw the documents, but I did see-- I handled the statements that were provided to me by the 72nd MP Company Commander based on two or three MPs. And, quite frankly sir, I got chastised for writing an eight-page SIR on exactly what occurred.----

Q. Who chastised you?

A. Sir, Colonel Pappas.

Q. Boy, you guys are having such a great working relationship----

A. Sir, sir, we never had a great working relationship. And you can ask General Fast that I even came to her late October, early November timeframe, I believe, and asked if there’s any way I could
be reassigned any other duties. Because I felt since I wasn’t
assigned to the Brigade, I wasn’t on the Brigade staff, that I was
continuously butting heads. Not only on issues like this, but issues
like a soldier coming in theater without a weapon and being at Abu
Ghraib for -- and Balad, being in theater for three weeks without a
weapon. And this Company Commander didn’t know about it, Battalion
Commander didn’t know about it, Brigade Commander obviously didn’t
know about it when I informed, they took action. Soldiers being sent
out without ammunition by the Brigade staff or Battalions. Civilians
being sent out without their protective gear. Abu Ghraib, sir, you
obviously know gets mortared, gets hit, missiles everything all the
time. And, sir, I just couldn’t understand that. The safety issue.
I was directed, matter of fact, on the evening of the incident of 20
September where we lost two soldiers and-- I get emotional about that
because if Sergeant-- Specialist Brown and Sergeant Frederick hadn’t
been where they were at, myself, Chief Rivas, Major Thompson probably
wouldn’t be here to day cause they took the brunt of the blow.
Q. How do you feel about those detainees being inhumanely
treated?
A. Sir, I----
Q. They don’t count?
A. No, sir, I never said that, sir. And I’ve told everybody
and you can ask these soldiers in formation I talked to them and
highlighted what Colonel Pappas would say about how you treat folks
and that there are Rules of Engagement and I stressed that, and I
stressed, and I stressed that, sir. I never stressed that to the MPs
sir, because I never felt that was my lane. I understand that they
had their own rules of how they handle detainees, prisoners, what
have you, and there are two different categories out there.
Q. But given the fact that you were involved with
interrogation operations for whatever reason, ----
A. Yes, sir. ----
Q. --- in a liaison capacity, do you know that postings of the
Geneva Conventions have to be done in such a manner where everybody
could see it, to include both U.S. Military and detainees in both
English and Arabic so they understand the left and right limits?
A. Sir, I do know that the Magistrate Cell at Abu Ghraib had
provided those, and I do know that there were times that they needed
additional linguist support for those that were illiterate to
understand and help sign their Geneva-- I think it’s called a rights
waiver-- that the-- and I know that they had gone to the linguist
manager, I think Chief Rummager, to get those folks to go do that
and-- and-- and insure that. I had seen it----
Q. Based on your presence-- based on your presence there, and
giving advice to the MPs, you didn’t see any of that happen?
A. Any negative behavior on detainees?
Q. Well, detainees, of course, or the MPs as you said you had limited access into Tier 1A and 1B that given the instructions by the magistrate on the Geneva Convention that they would have at least told you the provisions or highlighted the provisions of AR 190-8.

A. Sir, I would hope that if they were aware of anything that had gone against the rules of treating people humanely, I'd have heard about it. And, sir, if I had, I would have probably reacted like I did the night that the shooting went down and Colonel Pappas had instructed that a lock down of the correctional officers on duty be held because of concern of weapons being smuggled and prior intelligence.

Q. Colonel Pappas ordered the lock down of everybody?

A. Of the correctional officers, yes, sir.

Q. Of the correctional officers.

A. Yes, sir. And he went into----

Q. So does that tell me then, that Colonel Pappas was then-- had control and didn't need to coordinate with the MP Battalion Commander to lock down everybody in that prison? Why would an MI Batt-- Brigade Commander order the lock down to which those people were not under his command and control; which you just stipulated as-

A. Sir, I believe they were under his command and control at that point in time as the FOB Commander.
Q. As the FOB Commander?

A. Yes, sir.

Q. So, that would include then, Tier 1A and 1B?

A. I'm not sure of the question on that, sir.

Q. Question is, you have a hard site.—

A. Yes, sir.—

Q. ——That hard site was shared by both Iraqi—

A. MP, MI, yes sir, and Iraqi prisoners—

Q. ——so you just said that he ordered the lockdown to

everybody there, to correctional officers and the whole thing. Who did he order that lock down to? The MI personnel or to the MPs?

A. Sir, I believe he ordered it to the MPs on duty at the time. Sergeant Fredrick

Q. So, in other words, that would then imply then that he had authority to order.

A. Oh, yes sir.

Q. Sure.

A. And matter of fact, it continued on to—

Q. Tier 1A and 1B?—

A. Tier 1A, 1B—

Q. The whole complex, right?

A. The whole complex and included the shifts two and three that came on the subsequent days.
Q. Yeah. I'm just trying to understand from what you just said previously that MI had no control over those folks.

A. Sir, we're talking a different time frame from when he came in as the FOB Commander. At that point, everything fell under Colonel Pappas whether certain folks wanted it to or not.

Q. Okay.

A. All right, sir. I did question him about locking people down. Second group coming in, third group coming in and they work 24-hour shifts, kinda like firefighters, sir. So they came in and we were all ordered to meet them at the gate, screen them all, and any of those that had contraband or suspect to take and lock them down, and we act-- I think the final count, sir, was 47 or 48 of which I believe 18 are facing prosecution to include 4 for smuggling a weapon and things of that nature. Some got fired, some got fined; but there was a bad presence.

Q. So then that placed in the custody of whom?

A. The MPs, sir.

Q. The MPs. Do you know a Master of Arms First Class Kimbro?

A. I can't place the name, sir.

Q. He's a dog handler.

A. Okay, sir. Navy petty officer or something like that, I'm guessing? Okay. There were three canine teams that had come out to Abu Ghraib, yes sir.
Q. Just three?
A. As far as I know there were only three canine units there, sir.
Q. There was five.
A. Okay sir.
Q. All right. So how do you know MAl Kimbro?
A. Just, when you say dog handler, I'm just assuming I saw there were a couple Navy folks in DCUs that had dogs.
Q. How did you know he was Navy?
A. You said Master Chief, sir, so I'm assuming Navy.
Q. Did you ever see him in the hard site?
A. Sir, I couldn't pick him out of a lineup, but I'm gonna say----
Q. Did you see him during the evening of the shooting at the hard site? Was he there?
A. If he was part of the QRF that had been called in to go in because the subsequent information was that there might be explosives, there might be hand grenades, things like that, I believe at that point in time, and I don't know who authorized-- they just showed up because I was chatting with Colonel Pappas and he was putting together an SIR interim report to send up to the JOC. He asked me to go back and check on what the status, who was there and whatever and the QRF was doing a shake down of the lower tier cells
with dogs looking for explosives and I believe there were two dog
handler teams in there.----

Q. Okay.----

A. ----And I just remember the dogs because----

Q. On the night of the shooting you said you notified Colonel
Pappas following the shooting.

A. Yes, sir. Yes, sir.

Q. According to interviews, he was never notified by you. He
was notified by somebody else. Cause you mentioned there was no way
for you to contact him inside the hard site.

A. I may have called-- I may have called Captain Wood and
asked her to go down and tell Colonel Pappas at that point.

Q. Why would you do that if you were-- were there telephones
in the hard site?

A. I had to go down to one of the other offices there and pick
up a DVNT line to make a call over.

Q. All right. I just want to, for the record, he denies you
ever reporting to him that incident.

A. Okay, sir.

Q. That he was notified after the shooting by General
Karpinski. So----

A. Sir, he was there at the-- living there at night.
Q. I mean during chronologically there was a shooting that you said you never saw the Battalion Commander or the Company Commander during the entire time prior to going into the cell to do whatever interviews you did with the [REDACTED] which is a search on that particular side of the house. Or a search of a suspect that may have subsequently did have the weapon, which is another search. And then you were in fact had control of those guards taking action that resulted in the shooting of a guard and then you mentioned that you then reported that incident to Colonel Pappas to which he denies on his sworn-- since he was under oath yesterday-- he said he never received any report from you and that he in fact received the report from General Karpinski because General Karpinski was notified afterwards.

A. Sir, I totally disagree. Here's a copy of an e-mail that says, quote "From Colonel Pappas at 2023, it says 8:23 AM here, says we've got the weapon here, can't tell anything about it except that the Chinese star on the handle means that it wasn't a U.S. 9mm for which I am grateful. Am getting details from Lieutenant Colonel Jordan today. Frankly this is pretty straightforward: enemy shoots, we shoot back, no Rules of Engagement or training issues whatsoever. I am very concerned about the incident at Ganci because the circumstances are much less clear cut. One are the staff needs to get involved in my assessment, as long as IP guards have the run of
the facility and we don’t have MPs to supervise them full time, which
we should, but somehow don’t, especially at the access point to the
High Value Detainee area. One thing I’m looking at doing is cutting
off access to all iso cells blocks and making U.S. only. More to
follow.”

Q. Okay. What do you think is the implication of that, at
least the intent that he had already taken control or wants to take
control of the facility?

A. Sir, my basis is that I informed Colonel Pappas immediately
after the shooting, I want to say it went through Captain Wood, back
and forth because I would get a couple of calls back, please come and
help get the interim report going while the dog teams where back and
forth. And then I would be sent back and forth to update Colonel
Pappas. Matter of fact, Colonel Pappas came into and asked me to
escort him down to the hard site cell and handled the 9 mil and
pulled off the Chinese star and all these kind of things, off it,
sir.

Q. Is it your understanding that up until the 19th of November,
that’s the date that he received the FRAGO stipulating that he was--
or appointing him to be the FOB Commander, that-- that nobody was in
charge of the hard site? MPs were in charge of the hard site at that
time. But on the 19th and subsequently after that that the MI Brigade
Commander had control of all the facilities, to include the camps, the detention camps and as such--

A. Sir, there’s no doubt in my mind it was readily discussed with me at great length sometimes by Colonel Pappas to go relay information from him to the battalion three, to Colonel Phillabaum--

- 

Q. Why relayed through you? Why didn’t you just tell him?

A. Sir, my impression of Colonel Pappas is a very smart individual, very bright, does not like confrontations, and therefore, uses someone else to send his message.

Q. So, in your capacity as liaison officer, you conveyed that to whom?

A. If he asked me to go see Major Dinenna or he asked me to go see Colonel Phillabaum--

Q. Regards to stating that I am now the FOB Commander, I’m now in charge of that facility, or I’m now in charge of detention operations. You said that he just used you or he utilized you to convey that particular order--

A. Sir, back to the conversation I mentioned where he and Major Dinenna after-- and I want to say normally he had a 0900 morning meeting, he came in one afternoon, I believe Colonel-- Lieutenant Colonel Walters was there as well, he introduced who Lieutenant Colonel Walters was, Sergeant Major Harris, few of the
other folks, what his focus was now as the FOB Commander, few other things. There was some rolling of the eyes by Dinenna, some other comments, and that's when he took him outside and highlighted that he was in charge of everything there at Abu Ghraib as the FOB Commander, to include---

Q. To include the confinement facility?
A. Everything, sir.
Q. Okay. And that was your understanding?
A. Yes, sir.
Q. Was that conveyed verbally to everybody in that meeting?
A. Oh, yes sir. And I'm talking engineers, quartermaster, everybody that would come to those normal, base camp-type meetings.
Q. This is after he had been appointed as the FOB Commander?
A. Yes, sir. Now, I can't tell you if it was the 19th or the 29th or whenever it was, but it was right in the timeframe and just prior to that, he had pulled myself in, Major Price--and I want to say it was after 15 November, because Major Thompson wasn't there, that's when he departed--Chief Rivas, Captain Wood, whoever else was there, Colonel Walters, I think maybe his Brigade legal officer, and indicated, showed the FRAGO, I've now been appointed the FOB Commander Abu Ghraib in charge of everything that is running here. I understand, not firsthand knowledge, but through other folks that
there was a major falling out between him and the sergeant major
about that issue---

Q. Who was this again?
A. Sergeant Major Brown.

Q. And the Brigade Commander. And that for some reason
Sergeant Major Brown felt that he-- the Brigade Commander had made a
mistake in pursuing or accepting FOB Command and from what I
understand, they didn’t speak for about 30 or 45 days. Matter of
fact, Sergeant Major Brown stayed at Camp Victory. Colonel Pappas
pulled his ops sergeant major, Sergeant Major Harris out to be his
acting FOB Sergeant Major, for lack of a better, and that’s the role
that Sergeant Major Harris played out there was as the FOB Sergeant
Major.

Q. Let me shift gears a little bit. Colonel Jordan, did you
ever give any of the MP guards in Tier 1A and 1B any instructions
with regards to detainee treatment. More specifically, how to treat
them to prepare them for interrogation the next day or during that
day with such comments as “give him the special treatment, or give
her a special treatment, make it easy for us when we interrogate him
the next day?”

A. No sir, I would never do anything like that. If I said
anything to anybody, it would be, “You let me know if anything has
gone awry on any interrogations.” I would talk to even doc Anderson
who kind of headed up the medical team that would go in, I guess once
in the morning and once in the afternoon to give prescriptions and
things of this nature, and said----
Q. Who’s this person?
A. Lieutenant Colonel Anderson. They were with-- I think a
109th Medical unit-- they provided all the medical care for us, but
also for the detainees. ----and said, “Please let me know if you’re
aware of anybody that appears to have been mistreated and any of
these kind of natures. I need to know immediately, very sensitive.”
I had a good relationship with doc Anderson to a point where he would
come to me and say, “Hey, Steve, out in Camp Vigilant we have a 73
year old man who has brain cancer. I don’t know what intelligence
value he has. Can you check and see if we can get him released
because he’s going to die. And he’s going to die soon.” And we had
a couple of those kind of instances where, again, there was a
procedure Colonel Pappas had in place on any released detainees.
We’d have to go get time, say sir, “Pulled the file, I’ve looked at
it, I’ve talked to the interrogations folks. I’ve talked to either
Matt Price, Major Price, Major Thompson, Chief Rivas. There’s no
real intelligence value, we’re just kind of holding him. This person
is a security detainee. Sir, if this was my dad, I’d like to have
him go home and die at home.” In most all those cases, Colonel
Pappas went with the recommendation of releasing the individual out
and do that. And I appreciate—quite frankly, sometimes I got tired
of doc Anderson coming by and saying, “Hey, we really need to check
on this guy for dental care,” or something like that, you know. But
I would pursue it. “Thanks doc. Let me take this up and go do it.”
And he had a very caring heart that went out beyond Iraqi, American,
what have you. His whole team did a great job. Never once did he
come and tell me of a detainee in either Ganci, Vigilant, or in the
hard cell site showing any signs of abuse, or anything along those
lines.

Q. You’ve never seen anybody walking around naked or at least
raise any curiosity of—in your infrequent checks of seeing a
detainee naked in his or her cell. You never saw any of that?
A. Sir, I never saw any female detainees unclothed.
Q. What about male?
A. Sir, I had seen, at times, male detainees that didn’t have
all their clothing—you know, had shorts on, or what have you. I
never saw any detainee totally naked.
Q. When was that? I mean, you see folks without their
clothing in the dead of winter—-
A. No, sir, I’m not saying—I’m talking September, October
timeframe.
Q. I’m talking about after—-
A. Sir, I never saw anybody—-
Q. Not at all?
A. Never, never. I did get report from the International Red Cross that they wanted to-- what do I want to say-- chat with detainees, but they had female Red Cross personnel and they could not chat with detainees that were naked. And they mentioned this in front of me and Colonel Phillabaum and I said, "I’m not aware of any thing that prohibits clothing a detainee to talk to somebody from the International Red Cross." And again, sir, I met with some resistance from the 519th element of like, Colonel Jordan you’re a tree hugger or-- I’m like-- look, you want to talk to the International Red Cross if the removal of clothing is part of the interrogation plan for the compel them to be a little more compelling with information, I see no harm in somebody putting on their orange jumpsuit or something and talking to the International Red Cross. And I said, "We had allegations of detainee supposedly being electrocuted-- this by the International Red Cross, I never saw the report, but this is what Colonel Pappas told me, underwear on their heads, being made to dance.

Q. You had reports of that nature?
A. Sir, I was told by Colonel Pappas that the International Red Cross finding of one visit that those were a couple of instances. But they were hoping that all detainees would have Iraqi hot food,
not MREs, that they would hope that all detainees would have
mattresses, things of this nature. And he asked me---

Q. Well, given the fact that you wanted to go inside the hard
site, the Tier 1 and-- Tier 1A and 1B to check whether there was
compliance of sorts. You mentioned that based on these reports or
allegations from ICRC or anybody else for that matter. None of that
sort was occurring?

A. Sir, not to my knowledge. I'm telling you sir, I'm looking
you in the eye, if I was made aware of it, I would have stopped it.
You'd probably do a 15-6 on me for putting a boot in a soldier's
butt. All right, sir, I'm telling you I was never made aware of
that. And matter of fact, when the International Red Cross came from
their visit, Colonel Phillabaum specifically asked me to take them
over to the iso area and escort them over and help them out in any
area that they had-- if they had any questions about security
detainees.

Q. Let's talk about that, in the iso area. You said there was
a roster of who was in there and who was not.

A. Yes, sir.

Q. Okay. Were there specific instructions to put somebody in
segregation? And how was that conveyed? Verbal or written?

A. I'd say it was probably provided verbally and then there
should have been some sort of written annotation----
Q.: Some sort.----

A.: ----in the detainees-- why they were in segregation. What was the specific goal to have this person in segregation?

Q.: Who should sign those? Who should sign those?

A.: [Pause]

Q.: Interrogator or somebody.

A.: I would say probably the ICE chief for day shift or night shift because they were the ones monitoring and scheduling the interrogations; they were the ones that were kinda held accountable to make sure that the interrogation folders were up-to-date and current. So if any time anybody came to review them and they were briefed off of, and sir, I spent more time running around, being an aide-de-camp, no offense, to visit general officers and folks from the White House, and explaining what a Tiger Team is, and walking them through the ICE and things like this, than I can shake a stick at. But there was a lot of those.

Q.: Well, I will tell you that those have to be as-- based on the interrogation Rules of Engagement that was approved by General Sanchez, that they either have to be signed by him or signed by Colonel Pappas, nothing less.

A.: All right sir, I never, ever saw anything signed by General Sanchez in anybody’s interrogation folder that I saw.
Q. Right, but you’re familiar with interrogation plans and things of that nature, based on what you just said about Specialist Spencer because she wasn’t following her interrogation plan.

A. She wasn’t following her directed interrogation plan, yes, sir.

Q. So, that’s part of the interrogation plan is if I want to have this particular detainee was non-compliant, or we sense he doesn’t want to comply or answer the questions, he or she is given some sort of a treatment that would either be segregation or some sort of a sleep management plan or meal management plan, and that was either conveyed to somebody, to the MPs, you said either in writing or verbal followed and signed by somebody else.

A. Yes, sir. Sir, I would say for isolation, but I know on that case with Specialist Spencer that the person had come out of Camp Vigilant.

Q. Right.

A. So that it was not a----

Q. But everybody’s being interrogated----

A. ----sleep management or something like that, there was not a----

Q. Everybody’s getting interrogated, whether they liked it or not. That’s the whole purpose of having a detention operation.
A. Yes, sir. And at this point I can’t understand, sir, if this was just an initial interrogation, first time, second time, I--
I can’t tell you at this point.

Q. So, you’re not-- are you familiar with Interrogation Rules of Engagement?

A. Yes, sir.

Q. Which one?

A. As far as Rules of Engagement for Interrogation?

Q. The Rules of Engagement before Colonel Pappas arrived or was there a subsequent one after he arrived?

A. Sir, there were two sets. There was a first set and I remember specifically Colonel Pappas directed me to make sure that everybody read it and signed it immediately on my arrival, so I want to say 18th or 19th, somewhere around there, September----

Q. Do you recall any of the contents of that?

A. Yes, sir. It was like, you know, what was authorized as far as sleep management, meal modification, things of that nature.

Q. Who gets to approve? Does it stipulate on there who gets to approve and disapprove, that sort of thing?

A. The way that, if I remember correctly, the way that everything was set down to us from the Brigade was read the Rules of Engagement, make sure everybody’s aware of them, down to the very
lowest soldier. Any questions sign the document and make sure they understand it. At this point I----

Q. Do you recall seeing that in the Brigade TOC?
A. Sir, I was never in the Brigade TOC, unless you’re talking about a Brigade TOC at Abu Ghraib.

Q. Brigade Headquarters at Abu Ghraib?
A. No, sir. Cause I would call the Brigade Headquarters at the time, the small office that Colonel Pappas maintained and I never saw that posted.

Q. So you never ventured in the admin area of the Brigade Headquarters? I would imagine that since you’re the liaison officer you would have kind of free reign in that particular area.
A. Sir, he never had his 1, 2, 3, 4, 6, nobody out there.

Q. When he went down to the FOB?
A. No, sir, never did.

Q. Never been in there?
A. Sir, I’ve been in there, but he didn’t have his Brigade staff, that’s what I’m telling you, sir.

Q. But he had an office in there?
A. He had an office, yes, sir, and I was in there, yes, sir.

Q. Would you venture in his office? I went to his office.
A. Only invited, sir.

Q. Only invited.
A. Yes, sir, I never went in unaccompanied.

Q. That’s kind of strange, I mean, you were working for him as his liaison officer, and you had to be invited?

A. Sir, I would knock on your door out of common courtesy, like anybody else, cause a lot of times he would take a power nap or something. He had a Brigade legal officer with him, he had an Assistant 3, Captain Chimaral that lived there, and occasionally a Sergeant First Class Chinzano. So, a lot of times there were notes on the door, do not disturb, whatever. A lot of times that was the only DSN line we had, if the Brigade Commander----

Q. So it was kind of-- it wasn’t kind of an open setting?

A. Oh no, sir, there was nothing open about it, it was very---

Q. It’s kind of hard to imagine there, Colonel Jordan, but let me now show you this, have you seen that?

[MG Taguba hands LTC Jordan a document.]

A. Sir, I saw this sometime in early January.

Q. In early January?

A. Yes, sir.

Q. When in early January.

A. When I happened to venture out to the facility, sir. I left Abu Ghraib to do a separate mission on 22 December,----

Q. Right.----
A. ----came back and picked up some gear----

Q. Right.----

A. ----and that was posted----

Q. Okay.----

A. ----inside the JIDIC when you walked into the main door.----

Q. Okay.----

A. ----But I had never seen it posted prior to that time, sir, and I never saw it----

Q. None?----

A. ----in his-- in his office, no sir.

Q. So, based on the memo from General Sanchez, dated 12 October 2003, you’re stipulating that Colonel Pappas never did do anything to update the Interrogation Rules of Engagement until early January?

A. No, sir, I’m saying I never saw this physical sign.

However, when the modification of the Rules of Engagement came down, Colonel Pappas again directed that an entire formation be held, everybody be read the Rules of Engagement,----

Q. And you sign a piece of document?----

A. ----and then you read them again yourself, and you sign them and it’s maintained by, at the time I believe Sergeant First Class Johnson.
Q. Did you sign it? Sign your portion of it?

A. Yes, sir. Yes, sir.

Q. I think we have records of that, but we'll take a look.

A. Yes, sir. And I signed it also, like I say, 18 or 19, the original one.

Q. Would it surprise you that it has been prominently displayed in the Brigade office area that you mentioned that you had no free reign in since early December? But you did not, since you were not inside there all the time, you never noticed it.

A. Sir, you'd have to show me where it was displayed because there was never any large display.

Q. Okay. Well, we have pictures of where it was displayed.

A. Okay, sir.

Q. And it was in the front entrance to the right, you make a left to go to another office, I think, and it was right there, as big as the moon.

A. Check, sir.

Q. So one would not be surprised as to miss it.

A. Sir, all I'm telling you is, that I only remember seeing that when you first walked in the door in the JIDIC in early January.

Q. Okay.
A. But I'm saying, sir, that Colonel Pappas was very adamant when the modification came down from General Sanchez that everybody read it and signed off on it.

Q. So, nobody-- did you have any knowledge of any allegations, suspicion or recorded detainee abuses?

A. No, sir.

Q. None whatsoever?

A. Other than what the International Red Cross supposedly came down that Colonel Pappas shared with us.

Q. Okay.

A. I never imagined anything going on other than normal operations.

Q. Since you were involved in interrogation and detention operations, with your presence as the liaison officer from C-2, and the fact of the matter is that you said you were familiar with certain regulations and formats and based on your own experience as an MI officer and your assignments here, looking at your experience factor; Hawaii you were with JITPAC, you were IPAC, you were with 732nd MI Battalion at Scofield Barracks, Civil Affairs Brigade, that sort of thing, and all that kind of background. Never heard of AR 190-8?

A. The title is?

Q. Title is, oh glad you asked that question.
A. Thanks, ARs can run together, sir.

Q. Title is: Enemy or Prisoners of War, Retained Personnel, Civilian Internees and other Detainees, dated 1 October 1997. Army Regulation 190-8, OPNAV Instruction 3461.6, AFJ131-304 of Marine Corps order 346.1.

A. Check, sir.

Q. Never heard of that? Not in any of the schooling that you had with-- at the Defense Intelligence College?

A. No, sir.

Q. Not at Leavenworth, not being as a intel analyst, chief special operations LIC branch at IPAC, company commander, none of that?

A. No, sir. The only time that I’ve even discussed EPW type issues versus detainees was at Abu Ghraib with the Magistrate Cell when it came down to Geneva Convention and then it was pointed out that there’s a difference between the rights for EPWs and detainees. The only time that I’ve---

Q. None of that, ever been associated with that?

A. Roger that, sir.

Q. So you never really worked with detainees until you arrived in theater?

A. On the military side of the house?

Q. Yeah.
A. Correct, sir.
Q. Not at all?
A. Correct, sir.
Q. So there you did not—what you’re stipulating here is you never received any training whatsoever with either interacting or being involved with detainee operations or interrogations operations?
A. Sir, the closest I even came would be in a division where you run an exercise and you might have EPWs sent back to the RACKO area—guarded by MPs.
Q. So, nobody ever gave you any kind of special instructions of what your presence was there as an LNO officer?
A. No, sir.
Q. So, did you take it upon yourself at all to try to do some self-paced instructions on that?
A. Well, sir, that’s why I said I went to the Magistrate Cell to ask differences on that. That’s why I asked the folks—
Q. I meant to ask you, who’s the Magistrate Cell? Who did you talk to, a lawyer, or captain?
A. Yes, sir. There’s JAG officers that run that Magistrate Cell. My bad, my bad. Captain Shaunty, forget the other officer that was there.
Q. So, they didn’t give you anything specific?
A. Just highlighted under the Geneva Accord the differences.
Q. That's kind of strange; let me read you something here.

A. All right, sir.

Q. Paragraph, I mean, Section 2.6, says, "To protect the persons from acts of violence, bodily injury and threats of reprisals at the hands of fellow detainees, for that matter, a copy of the following notice in the detainee's language will be posted in every compound. EPWRP who fear for their lives, who fear that their lives are in danger or that they may suffer physical injury at the hands of EPWRP will immediately report the fact personally to U.S. armed forces personnel at this camp without consulting any representative."

You'd never heard of that? That it should be posted somewhere? That anybody who felt threatened by other detainees or for that matter being threatened by guards.

A. Well, sir, if I was aware of that, I would obviously report it. To look you in the eye and tell you am I specifically aware of that verbiage and that regulation;----

Q. Right.----

A. ----no, sir, I'm not. Do I have common sense enough to know that you don't mistreat prisoners? Yes, sir. And sir, if I was aware of any prisoners being mistreated, other than the serious incident report that we had with the interrogation----

Q. When would you typically visit the site? I mean if you had permission to visit the site. Daytime, nighttime?
A. I would say probably-

Q. After midnight?

A. ---after 10 PM because we normally had a 08 meeting, 0830, 09, so 10, 1030, somewhere around there to maybe early afternoon if I happen to come in----

Q. So you go after like, 2200?

A. Oh no, sir. I was too busy involved in the Brigade Commander's update putting together slides for the next day. Doing PowerPoint-- how many interrogations have been done, how many are pre-planned, how many Tiger Teams, how many personnel losses were gone, what the status of the showers were.

Q. So you typically did your visits during the day?

A. Sir, I was normally not even in there after 1600, if that. And normally that was because mortar time normally began about 1930 to 2000 hours and I wanted to make sure that everybody, not just MI soldiers-- that everybody had their gear on, they were protected.

Matter of fact, I was chastised at one point in time, by Colonel Pappas by not having nighttime interrogations going on. Having folks being removed from the ISO area to just the one timeframe, the wood interrogation area because I felt, due to force pro issues and limited computer support that we could hopefully get everybody get their work done as far as interrogations during the daylight hours
and then use the computers at night to get the reports in and get them taken care of.

Q. Okay. Listen, we’re going to have to take another ten minute break here.

[The session recessed at 1735 hours, 21 February 2004.]

[The session resumed at 1746 hours, 21 February 2004.]

Q. All right, we’ll continue, and hopefully finish up here. I just need to ask you several more questions for clarification.

Again, reminder that we’re being recorded.

A. Yes, sir.

Q. In your day to day involvement with Colonel Pappas or elements of this Brigade, or for that matter, was there pressures from higher headquarters that was conveyed to Colonel Pappas or to you that we need to operate 24-7 and we need to get going on intelligence collection?

A. Yes, sir. Very much so.

Q. Who conveyed that then?

A. I don’t know who conveyed that to Colonel Pappas, but Colonel Pappas conveyed that to me and other folks that worked there, Major Thompson, Chief Rivas, Major Price, Captain Wood, the worker element there.

Q. Sure.
A. Many, many, many times, sir. I think I told you before I was chastised after we lost soldiers and I wasn’t comfortable with having them move detainees out at night that we could still get the work done to do that.

Q. Who do you think was giving him--who did he work for?

A. Sir, he works for General Wodjakowski and General Sanchez.

We all know----

Q. Who was he giving emails to or conveying intelligence information to--directly to? General Fast, or conveying it to you to give it to somebody?

A. Sir, he never conveyed--he took what we produced, or what the team produced. A lot of it went into this reporting thing called the HOC, that I believe----

Q. Human Operations Center, right?----

A. Yes, sir.

Q. It was all given to the HOC? Who operated the HOC?

A. The HOC actually belongs to Colonel Pappas and the--as far as the development and the worker bees, I think the 165th kind of headed up for the entire time that I was out there----

Q. Tactical Exploitation Unit, right?

A. Yes, sir. I believe he also sent a lot of the reporting into the CJ2X, Colonel Summers, who’s on General Fast’s staff. How much he sent directly to her, I’m not sure. A lot of the products
also went to the intel fusion cell at Camp Victory, which is, again--

Q. Sure. Did he attend those meetings, did he carry this information with him personally, or was that conveyed, or was that given to you to carry to the HOC or the intel fusion cell?

A. It was electronic setup where you kinda dump it into a portal----

Q. Got it. Then it goes, it gets flashed.

A. Yes, sir.

Q. Okay. So you felt that there was a pressure to get information going and get this suckers going and----

A. Sir, I’m gonna give you a couple instances where I feel that there was additional pressure.

Q. Yeah.

A. One is that we had a White House staff visit from a representative on CONDELLA Rice’s staff purely on detainee operations and reporting. And we also had a fact-finding visit by a retired colonel by the name of Harrington, and a couple folks from UCOM and I think CENTCOM that came down----

Q. Did somebody include-- did that somebody else also include Major General Miller from task force GITMO?

A. Sir, I think he was there before my time.

Q. Do you remember Major General Rider who came there?
A. Oh yes, sir. I remember his visit distinctly, yes sir.

Q. All right, so there was pressure to get-- were you involved in any of the discussions?

A. Sir, I was just told a couple times by Colonel Pappas that some of the reporting was getting read by Rumsfeld, folks out at Langley, some very senior folks. There was some pressure at the very beginning supposedly, again according to Colonel Pappas, that he was getting pressure that the JIDIC was not producing. Eventually it was discovered that the reports were going into a portal to DIA and somebody was stripping off the 205th or the JIDIC label and putting it out as DIA products. This was discovered actually by a team from GITMO, a six man team that had come out to assist the structure and organization and who does what and getting a behavioral science team and things of that nature, ongoing. So, I would say it is a true statement, sir, that Colonel Pappas was under a lot of pressure to produce, sir, and to produce quality reporting.

Q. Are you familiar with FM 34-52?

A. Title, sir?

Q. Intelligence Interrogation.

A. No, sir.

Q. None?

A. I've seen----

Q. The unit was conducting intelligence interrogations.
A. Yes, sir. The unit had the FM; I’ve seen some excerpts out of it. Have I been trained on it, did I read through the whole thing; no, sir, did not.

Q. Never referred to it? Never opened it?

A. Sir, I looked at it for some guidance on maybe creating target folders because I was going off of civilian experience on doing target folders and what I thought Colonel Pappas was looking for and we eventually, like I said before, got there to it.

Q. Are you familiar with one of the annexes in the back?

A. Sir, if it really didn’t talk about target folders and----

Q. Didn’t talk about target folders, you weren’t interested in it? You’re not interested in Appendix J, Geneva Conventions?

A. Sir, I did review the Geneva Convention with the-- with the legal side there at the magistrate cell.

Q. Okay. Prohibition against use of force?

A. Sir, that was stated repeatedly in various FRAGOs and discussions with Brigade Commander, yes, sir.

Q. If this was stated repeatedly, how come those four individuals, at least three got an Article 15, you got one that you had to recommend disciplinary action for, was repeatedly emphasized?

A. Sir, again, your question?
Q. If this is repeatedly emphasized throughout the Brigade, then why Luciana Spencer or the three others that were disciplined for violations of it—those particular—

A. Well, sir, the first three interrogators from the 519th, and I wanna say that happened very shortly after us closing—519th was there about a month before everybody else got there sir.

Q. Well, let’s talk about October and beyond.

A. All right, sir. What I’m saying, sir, is the 519th had already been there. I understand from the investigation that one of the individuals, or two individuals were involved with the death of a detainee in Afghanistan previously, so sir I think there was a couple bad eggs there, and again, CID could not prosecute. Colonel Pappas did go with UCMJ. That is the only instance that I’m aware of, other than the Spence-Cruz interrogation which he chose not to use UCMJ on.

Q. In the chapter 8, joint interrogation facilities, you’re familiar with that? Whereby you JIDIC the principals of the JIDIC is related to the formation or establishment of a joint interrogation facility. No?

A. Not especially, no, sir. But I did look at the FM that the MPs had on running a detention facility and what their FM responsibilities were versus the MI—

Q. Ah, 3-1940? So you’re familiar with that one?
A. If that’s the correct FM, yes, sir. I went and locked at
that one.

Q. This one, 3452, establishment of not just EPW facilities,
which doesn’t talk too much about that. But it does talk about joint
interrogation facility to which you are very familiar with, the
JIDIC. And in the context of responsibilities, it says, “JIF is
responsible for the following functions,” and there’s about a dozen
and one on here.----

A. Okay, sir.

Q. ----And it says, “Coordinate with the provost marshal for
all site operations.”

A. Okay, sir.

Q. So, you’re not familiar with this particular?

A. No, sir, but I’m----

Q. You are now.

A. Yes, sir. And I would say that the Brigade coordinated
significantly with the MPs—provost marshal MPs.

Q. Okay.

A. And, again sir, I would have to say it wasn’t overly well
received.

Q. Well, it doesn’t matter if it was overly received or not.

There are rules you gotta apply. You just don’t start making things
up on your own. I mean,----
A. Yes, sir.

Q. ---you’re somewhat familiar with intelligence collection. You’re somewhat familiar with-- based on your own experience in which you’ve experienced up there at Abu Ghraib.

A. Yes, sir.

Q. Okay. You mentioned that you had to-- you and Colonel Pappas had crossed wires a couple of times-- a few times, with regards to illegal orders or guidance that you received from him. What were some of those illegal guidance? Things that you believed in to be illegal and you wanted clarity on it and he gave you guidance on it. What were some of those?

A. Sir, I got a phone call one afternoon from the Brigade S-3, Major Williams, who said that they were looking to do an operation on black list one, Saddam. And that they wanted to have at a ready call, four interrogators and four civilian linguists. And that they would provide two gunship support because the requirement by Brigade Commander and his FRAGO was minimum three vehicles per convoy, one crew-served weapon. And sir, there were no crew-served weapons at Abu Ghraib until sometime towards mid-November, something like that. Said, okay, that’s great, got gunships, Major Thompson, got a call, you were out, here’s the mission. Tell you what, why don’t you get with Chief Rivas, pick the best four interrogators you think, get with Chief Rummager, maybe pick the four best linguists, whatever you
want. Get back with Major Williams, be prepared to go, let them know
what’s going on. So they went through this drill, came back later in
the afternoon, Major Thompson was gone somewhere, Major Williams
called and said, “Hey, the gunships fell out,” I want to say it was
about 1430 that we got the initial call, so the gunship issue fell
out around 1730, no about 1430. And said, “Tell you what, can you
get us,” and it was supposed to be MP gunships from, I don’t know
which Brigade, which Battalion, didn’t ask. “Can you get us two
gunships from Camp Victory to come pick the folks up. Major Thompson
get them staged at the ECP, they can go in there and be ready beck-
an-call if they have to go. Or bring choppers in, vehicles are
already 100 meters staged off with all the gear, troops just gotta go
in and get.” About two and a half hours later, Major Williams,
called back, spoke with Major Thompson, said, “No gunships, no air
support, as of 2200 hours, be prepared to go outside the wire and
come into Camp Victory.” Major Thompson brought this to me and said,
“Sir. I said, that can’t be the clarification. Because we have no
crew-serve, we have no nods, we have no tactical communications, and
basically thin-skinned HMVEEs. So he’s asking basically for another
transportation company from Fort Bliss to happen.” I said, “Let me
call and verify with Major Williams.” So I called down and asked
Major Williams, said, and I used his first name, “Mickey, are you
sure that this is the old man’s intent?” And the response I got was,
in front of witnesses. “We all know that there’s bad guys out there, this is a war zone, be prepared to execute.” I said, “That’s a violation of the FRAGO by the Brigade Commander who says minimum three vehicles and a crew-served. There’s not even a crew-served in Abu Ghraib that we can go sign for.” I said, “There’s also a Sanchez FRAGO out there that iterates this same type thing. And I said, “I’m not comfortable with this, I’m not going to authorize this, I don’t believe Major Thompson’s going to authorize this. Would you please get us an e-mail, get us a phone call by the old man, fax us something that approves this.” Major Williams said, “Roger, out.”  

Never heard back that night. Sir, the unusual thing is that that frickin’ phone rang and rang and rang from early morning ‘til two, three in the morning on questions.

Q. So, what was the guidance? What lead you to believe that was not correct?

A. Sir, it was in violation of the Brigade FRAGO of minimum three vehicles and crew-served cause we had no-- had no crew-served, we didn’t even have the three vehicles.

Q. You went up to Colonel Pappas and confronted him with that?

A. Sir, I went to Major Williams and asked to speak to Colonel Pappas and he said he’d relay it out and never got a call back.

Called in to speak to Colonel Pappas, was intercepted by the Deputy
Commander, Major Potter said, "Colonel Pappas doesn’t want to speak to you."

Q. Okay, so what else was there?

A. That was-- that was the key one because I felt very bad doing this without having some guidance and if they were strongly-- they’d have signed off and we would have done it. And, basically, sir----

Q. Were there others?

A. I was----

Q. You mentioned already about----

A. A 15-6, sir on the death of Sergeant Frederick and Specialist Brown.

Q. The death of Sergeant Frederick?

A. A different Sergeant Frederick---

Q. F-R-D----

A. ----yes, sir, the two MI soldiers that were killed the night we were injured. The 15-6 officer came down to interview everybody, and I had highlighted that the evening I arrived on 17 September, there was a mortar attack. And again, sir, you see I’m not a ranger, I’m not a Delta guy, I’m not a Group guy, but I do got some training and I wasn’t born last night. Came out the next morning and said, "Well, we’ve got a work area here in tents, the Trojan, the communications systems over here. We’re all living 50
feet over in a hardened old laundry area. There’s a very viable open
building that’s part of the correctional facility but not being
utilized. Why can’t we just move soldiers in here? Because we got
hit last night 200 meters away, and I understand, according to
somebody else that Camp Vigilant, where they were outside working in
August, had had six detainees killed and sixty-one wounded.” And I
was told, Brigade says no, I guess it belongs to CPA. So I went to
Brigade and asked permission to move the soldiers in there
temporarily set, you know, up the communication, just move everybody
inside, something hardened other than a tent, and or could I please
get sandbags so we can build sandbags up and harden the facility. At
this same time I had also gone to the MPs and said, “Why don’t we
have sandbags maybe out by the tents where the detainees live because
of mortar attacks, obviously. And I was told that they refused to
have them.

Q. Who’s they?
A. They, the detainees. ----that they feel that whatever God
will happen, and-- and that’s that. I said, “Well, I think I would
still put up some sort of minimal protection from the 8260----

Q. So the detainees did not want that to happen, but----
A. That’s what I was told, sir. I didn’t----

Q. You were told that.
A. ----speak to detainees and ask them.
Q. Did you talk to Colonel Pappas about this?
A. Yes, sir. And he said at that time it was an MP function
type thing to do that. So, like I say, sir, that’s my second day out
there. I called back to Brigade, I said, "Well who owns this
facility and why can’t we move in?" And I was told by----
Q. Colonel Pappas was not there yet as the FOB?----
A. No, sir, this was all the 320th MP, this is early-- late,
late September.----
Q. All right, got it.
A. ----September 17, 18.
Q. Where was the Brigade stationed at? At Victory?
A. I think they were split between Balad and Victory, sir.
Q. Okay.
A. Okay. But Colonel Pappas probably spent on a average three
nights a week out at Abu Ghraib. A lot of times coming in after
dark, sir. you know you got an SUV you stick out out here, you know
these kinds of things. But, back to the facility, they said, "Well
it belongs to CPA, Ministry of Justice, or whoever owns corrections.
We can’t have it." I said, "Well don’t they have a representative
out here we can go talk to? I’m just asking to occupy space. We’ll
move when they want to put detainees or prisoners or whatever."
Q. So what happened? I’m just trying to move you along.
A. All right, sir. Was denied that, unfortunately, sir, I wasn’t bright enough to figure I should have knocked the lock off the door and moved soldiers in and asked permission later. And like I say, two nights later, two soldiers died and I carry that because, had they been inside, sir, they-- they wouldn’t have been out in the open and they wouldn’t have died.

Q. Was there a--

A. When the 15-6 was done on that, I highlighted who I’d gone to. I’d been told that they had done a risk assessment, that the Brigade felt that it was acceptable risk to-- how they had everybody positioned out there and I said, “Well, then why do you have people sleeping under and other people out working? Shouldn’t you have everybody under or everybody out if it is an acceptable risk?”

During the 15-6 and before that I asked for copies of that risk assessment repeatedly from Major Potter and Major Williams and, sir, never got it, and I look you in the eye and tell you sir, I don’t think one existed. And when I made my 15-6 statement by the MI major that was doing it, I was told command had looked at the statement. That I needed modify my statement because this 15-6 was only for the families and we didn’t want to rub any additional wounds into the family because I did highlight that I’d never seen the risk assessment, that I’d asked for sandbags, that I asked for permission to move into a hardened site. After this, General Karpinski came out
and actually gave us the hardened site, and from what I understand, worked with CPA to give us the whole facility. But after the fact, sir.

Q. To your knowledge, was Colonel Pappas directly involved in detainee operations?

A. Sir, I would say, selectively. There would be certain high value detainee operations that he seemed to take an interest in. That he would either go into the booth or be right outside monitoring what was going on----

Q. Besides interro-- that’s interrogation, but was he ever directly involved with Colonel Pappas giving him direction on how to treat, feed----

A. Oh, did Colonel Phillabaum, sir?

Q. Yep.

A. Pappas to Phillabaum?

Q. Pappas to Phillabaum.

A. Sir, I know that there was numerous discussions about food, the bad source of food by the contracting element, this is also highlighted by the Battalion S-4----

Q. What about guards? Guard mounts, things of that nature?

A. Oh, yes, sir, he and Sergeant Major Harris routinely went and did----

Q. Would go over there----
A. --guard mounts.

Q. He was giving instructions to Colonel Phillabaum?

A. Yes, sir.

Q. Or was giving instructions to members of the Battalion?

A. Of the MP Battalion. He would find soldiers up in the tower with Gameboys, things of this nature. And when I say soldiers, MP soldiers, they were the only ones that were up there, sir. Highlight that, sergeant major would bring it back into the NCO chain, but then he would come back, call me in and be all fired up and I--I would, "Sir, what do you want me to do to help you out?"

You want me to go check towers at night?"

Q. So he wasn't really--when he found deficiencies or shortcomings, he would not go directly to Colonel Phillabaum, he would go to you?

A. Actually, go to his sergeant major, tell sergeant major to go get with the MP sergeant major and work it out and then he'd come back and he'd vent to me. I say, "Sir, I'll go talk to the Battalion 3 and--"

Q. He just doesn't like talking to Colonel Phillabaum, the Battalion Commander?

A. Sir, I just don't think he likes confrontations. I'm serious sir, I just don't think he's at ease with--with doing that.

And I don't think he likes to lose his temper, I've seen him do it a
couple of times, and then he'll come back and apologize when, sir, he
was right to lose his temper, and-- and-- and chew somebody out.

Q. So, he used you-- what specific-- give me a couple of
instances of what specific guidance that he asked you or directed you
to convey to Colonel Phillabaum.

A. Sir, about the-- the quality of chow, professionalism of
soldiers. One of the things the MPs had was that inside the LSA or
outside the LSA, they didn't have to wear full battle rattle until
after like 1700 in the afternoon. Colonel Pappas came to me and
said, "What do you"; I said, "Sir I think we should have our battle
rattle on anytime we're outside the LSA." "All right, that's what I
want, implement that, put that out." So, Colonel Pappas' standard,
which I executed, was we go to this, no matter what the MPs do, this
is what we want. I got chastised by the MP element of, ya know, MI
guys doing this, MI guys doing that. I said, "We're one team."

Q. What's kind of interesting-- let me stop you for that.

Pappas used you quite a bit----

A. Yes, sir, he did.----

Q. convey something, but he had a Deputy Commander named

Potter----

A. She was never out there, sir. She never spent one night at

Abu Ghraib.

Q. Okay, you had an S-3, okay, that chain of command.
Q. But he referred to you as his deputy.
A. I’ve never heard that sir.
Q. Cause I asked him directly.
A. All right, sir.
Q. He said, “He was my deputy.”
A. Well, sir, I take that as a complement, I guess never thought that he thought that highly of me, sir.
Q. All right, so with that particular reference to you—besides chow, what about direct operations with those guards in Tier 1A and 1B?
A. Nobody had any real handle on anything in there, sir. I mean, occasionally Colonel Pappas would even take a stroll, with Sergeant Major Harris or somebody, he never found anything in there that I’m aware of, sir.----
Q. Was it an understanding that that particular operation with the detainees in there on both sides, with MP guards there, dual shift, daytime, nighttime----
A. Yes, sir.----
Q. ----was it a common understanding, to your knowledge, that that was under the command and control of the MI Brigade?
A. I would say as of 17 November, yes sir, before then, I would say it was under the MPs and basically Captain Brinson, I
believe it was Captain Reese’s deputy or XO just for that, he had no
other role that I understand in that unit, other than that
corrections-type role.

Q. Did you ever meet General Karpinski.
A. Sir, I saw her out there probably three, four times--

Q. Did you have any direct contact with her?----
A. ----and in a couple briefings. Sir, just asked her one
time what she did in real life, cause I was curious what a-- quite
frankly a female, MP Brigade Commander Reserve does because I’d heard
a statement she made one time that, it’s not that detainees don’t
have rights, it’s just that they don’t have as many rights.

Q. Okay.
A. And she said-- I believe she’s from South Carolina and
she’s some sort of business consultant. So she wasn’t in law
enforcement or corrections or something that I would assume that a
Reserve MP officer to be in.

Q. Sure. Okay, so, again I just want to reiterate that it was
common understanding, yourself included, that Tier IA and 1B because
of the high value of those detainees when they’re under the command
and control of the 205th MI Brigade, under the context of being the
Forward Operating Base Commander.

A. As of 17 November--

Q. As of the 17th of November----
A. Check, sir, if that’s the right day, sir—

Q. Yes, it was about the 19th of November.

A. Check.

Q. Okay. Who are you assigned to now?

A. Sir, I’m on a two-year recall to Intelligence Security Command, Fort Belvoir. I was attached for a six-month, one of those 179 CENTCOM day tours to CJTF-7. Been extended out, I volunteered to extend out an extra three months, based on a request from General Fast. I’m doing a couple other issues.

Q. Who’s your rater?

A. My rater right now, sir, is a new colonel, just came on, Campbell James. He’s a British Colonel, the deputy C-2 and General Fast is my senior rater.

Q. Up until that time when you reported mid-September, you were an Individual Augmentee? You were here by yourself?

A. Oh yes, sir. Attached to CENTCOM and then further against a specific paragraph and line number.

Q. I understand you’re on a special mission, so I’m not going to dwell on that.

A. Sir, I can talk with that, if you like. It’s not a great secret—

Q. It’s not relevant to this, so I prefer not to so we don’t get lost. Once again, you have no knowledge of or anything that was
conveyed to you with regards to detainee abuses that you either
observed or have personal knowledge of?

A. No sir, and sir I'm gonna tell ya, I'd like to go back one
other time you had talked about a instance with things with Colonel
Pappas and some of the issues with. Sir, we butted heads but I
executed what he told me to do, I'm a soldier, sir, ya know. And he
did----

Q. Did he ever give you specific instructions to convey to the
guards or to the 372nd chain of command on-- with specific
instructions on how to set the conditions for the detainees to be
prepared for their interrogation?

A. No, sir. But, like I say, there are some times that
Colonel Pappas took a specific interest, one case I know that he took
an E-5 female, Sergeant Adams, and gave her his O-6 regalia. His
Kevlar, his soft cap, his blouse for her to go in and portray from I
guess a psychological standpoint female senior in charge to a male
detainee, or I think there was a couple on the specific group----

Q. And it was done?

A. Oh, yes, sir.

Q. Inside the hard site?

A. Oh, yes, sir.

Q. Just as a demonstration or something?
A. The fact that he thought it was a technique to possibly get the detainees—

Q. Intimidate somebody?—

A. ---to, not so much intimidate, but to make them maybe feel uncomfortable having-- in an Iraqi or Arabic culture, speak with a female as in charge.---

Q. Technique---

A. ---There was a couple times where-- there that I can tell you that I know General Sanchez was in our knickers-- I’ll take a proverbial our knickers to get more information from the detainees. He’d come out on a couple of visits and on one visit, sir, first time I ever briefed General Sanchez, Colonel Pappas had me get up and brief in my force pro what we had done following the mortar attack to do that to include I had developed an LSA fire plan, I had rehearsed troops, sir, there’s nothing in my job description as LNO to do that. But I saw a need, I took it to him, “Sir, would you like me to develop an LSA fire plan for troops, sandbags, put things here. Would you like me to rehearse and this is what I’m gonna do.” “Check, say, hey I like this, this is good, go with it.” “All right, sir what do we do with civilians.” These kind of issues. And-- and again, I spent a lot of my time doing those kind of things to make that happen. The night that Spence and Cruz had that interrogation on 15 November, it sticks out because that’s the night I moved up to
the LSA with the rest of the MI folks that were sharing it with the
680th MP Company. And, sir, within 18 hours, I had a female that was
propositioned. An MI specialist propositioned for sexual favors by
an MP NCO. Turns out this MP NCO had provided alcohol to this
soldier and another MI E-4 who had gotten sick and was vomiting in
her room, that’s why I got woke up. Went to the Battalion Executive
Officer, Major Sheridan, because Colonel Phillabaum was unavailable.
He was out of country or somewhere. They went to the Magistrate
Cell. They went and did a search of that area. They found alcohol,
sir, there were troops with illegal pets. All these things in
violation of General Order One. Looked like there were apparent
hookers there living with couple of the MPs. There were five Iraqis
that actually hit-- they had brought up with them at Karbala that
were living inside their LSA, like had rooms in the-- in the
barracks. I-- I mean every time I turned left, sir, there was all
this stuff coming up, and, ya know, “Colonel Pappas, you’re not going
to believe this, here’s another indication of what is going on.”
Turned out that the company commander had been suspended, relieved
under belief of possible taking nude pictures of female troops in the
showers and someone came by and handed a note to one of my NCOs there
who said, “Hey if you’re looking for alcohol, there’s a case of gin
in the company commander’s SUV.” Now, sir, out in the box, I don’t
know too many company commanders who got SUVs. So I found that kind
of-- they brought an SUV up with them from Karbala. So, sir, I’m just telling you, that was that kind of environment there that I was handling for Colonel Pappas.—

Q. Did— okay.—

A. ----And I have to say that I didn’t get all that much more interrogation operations cause I was doing more soldier, company commander, first sergeant kind of things.

Q. Okay. Did Colonel Phillabaum ever talk to you?

A. Sir, he’s not very vocacious [sic] I guess is the right word.

Q. Okay, that’s good. Captain Reese had mentioned during his interview that based on-- he said that you were there all the time, so he saw you all the time inside the hard site. But you said you had limited access because you had to be authorized access.

A. Sir, can I modify that a little bit?

Q. Yep.

A. I had limited access when it came to interrogations and monitoring detainees. But I was Colonel Pappas’ liaison, Deputy if want, in this case with OGA there was a ‘agreement’ between Colonel Pappas and the OGA folks that ran their detainees----

Q. Yeah, but was that agreement conveyed to 320th MP Battalion?

A. Yes, sir, and I’ll explain the consternation, if you just give me a minute. I know we’re getting short on time. The deal was
that they could bring detainees in, they would not put them in the regular screening process or the BATS where you get fingerprinted. Cause once a detainee did that, you’re kinda in there three to six to eight months. The OGA folks wanted to be able to pull somebody in 24, 48, 72 hours if they had to get ‘em to GITMO, do what have you.

Q. Was that agreement in writing?

A. No sir, it wasn’t. And again----

Q. Boy, isn’t that kind of strange?----

A. Sir, I asked for an MOU or something like that, because what I said sir-- sir, I’m telling you, Chief Rivas, Captain Wood, Chief Graham, everybody that was there initially when this came up, said, “Sir we need an MOU because even the MPs,” Major Dinenna said, “Hey, we can’t be responsible for them if they don’t exist.” And the ‘term’ that was used for these kind of detainees was ghost detainees because they hadn’t been brought in. All right, sir. So because of my clearance level back at Langley and some of the folks that I’ve worked with in civilian life. Colonel Pappas said, “I want you to work with these guys, but here’s the rules. They gotta leave somebody there, they’re going to conduct interrogations. If they want to use linguists, these kind of things,”----

Q. So that portends then the thought that Colonel Pappas was indeed directly involved with detainee operations.
A. Especially when it came to the OGA ones. That one, sir, I will say is a true statement.

Q. Okay.

A. On top of that, sir, what happened was we had a detainee death out there under the OGA. You may have been aware of it.

Q. Yeah, a little bit.

A. All right, sir. And, again, I highlighted the fact, sir, had we had an MOU, we would be protected. At this Colonel Pappas said, "Well if I go down, I'm not going down alone. The guys from Langley are going with me."

Q. Okay. I guess that was the process by which MI and MP had to at least convey some sort of an interaction. But as you know, MPs are not skilled in interrogation operations and---

A. Just like MI aren't good in MP operations, sir.---

Q. But then at the same time. Okay I think we've got enough--

A. a portion of it.

Q. Sure.----

A. ---you were talking about the focus, and just hit me when I was sitting out there collecting my thoughts. General Sanchez had come through on another one of his things, I'm sure you've probably dealt with him, sir, and he's probably not the easiest briefer in the world. And he had asked for specific guidance that Colonel Pappas

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had provided to the JIDIC element, i.e., taken the commander’s intent, putting on paper and saying, “Steve Jordan, Chief Rivas, Chief Graham, Captain Wood, Major Price, whoever. This is what I want done.” And Colonel Pappas-- and sir, if you ask the folks that were there at this meeting, General Fast is off to the side, said, “Well I do these on,” I was about ready to say Friday, sir, cause the intent was you could do them, but we never received one, he said, “Monday” so I’m glad I didn’t offer up anything. General Sanchez turned and said, “Let me see last weeks guidance.” He looked at me and said, “Steve, can you go get last week’s guidance.” “Sir, I can’t give you what I don’t have.” But I didn’t say that. So I looked at Major Price, as I think we most would, sir, “Can you see if you can pull up last week’s guidance.” “Sergeant Zambito do you think,” and General Sanchez actually went on the computer and we’re trying to pull up CJ2X guidance which is not Colonel Pappas----

Q. So there was no guidance?

A. Sir there was no-- sir there was no written guidance ever on that aspect. Later on, it was forced to come down. But, sir, I stood there and I don’t know if Colonel Pappas was overwhelmed by stress but I know that at the end of this he took me outside and says, “It’s not good when my senior rater puts his thumb in me and says we need to correct things and he’s not happy with the management out here.” I said, “Sir I thought he was very happy with what the
soldiers were producing. He's just not happy that we're not
producing what he wanted." And----

Q. Okay.----

A. ----at another time in this same meeting General Sanchez
had taken a couple of Tiger Teams apart-- aside and had said, "Hey
have you ever thought about this kind of approach?" So he actually
took an interest. He told me that he read the target folders, that
he had kind of an idea of what-- how that was to be done. And then I
know that he and-- he being General Sanchez and General Karpinski and
Colonel Pappas always had little side sessions out of ear shot of
"everybody else. But----

Q. Did-- let me as you one last question.

A. Yes, sir.

Q. You knew Fredrick, and you knew Cathcart and Elliott.

A. Yes, sir.

Q. As you made your frequent visits that you say.

A. Well, sir I'd see them in the gym, I mean----

Q. So, they know who you are----

A. Yes, sir.----

Q. Okay. And the fact of the matter is, you were mentioned in

several of their statements, Reese, Cathcart, and some of those other

folks. Did they ever convey to you any of their concerns about other
MI people that may be conveying illegal instructions or you conveying any kind of special instructions on how to handle detainees?

A. No, sir. And I'm gonna tell you that, I probably took a special more interest in Sergeant Elliot cause he's a cop from southeast D.C., I live in Fredericksburg----

Q. You didn't know anybody-- you didn't know the background of Frederick or Cathcart or those other folks?

A. I didn't know Cathcart's. There's an NCO during the day, Sergeant Joyner, who lives in Maryland----

Q. But Frederick, did you know his background?

A. He's a corrections officer in Virginia, but I didn't know it until afterwards.

Q. I see. So Elliot is a state trooper?

A. He's a Washington cop in southeast D.C., sir. So----

Q. So, all right. So you know those, cause I'm referring back to the statement what I said if you knew any of the guards and it is coming to some revelation that you were there.

A. Yes, sir. I mean-- just basic-- Reservists. Like I knew some of the guys from the 72nd State Troopers.----

Q. Sure.----

A. ----Did we associate or hang out? No.----
Q. So there's no trade--trading of secrets on how to go about doing detention operations or interrogation operations? They were not even a bit curious of what comes out of the interrogation?

A. Sir, they never asked me.

Q. No interest whatsoever?

A. No, sir. The only thing that I can tell you that we worked on a joint venture together----

Q. What kind of joint venture?----

A. ----was the International Red Cross had come out for a second visit and there were five or six brand new OGA folks that had come on board----

Q. Right.----

A. ----and had not been processed because they hadn't gone through the BAT system and the MOU hadn't been set together. And talked to Colonel Pappas, and he said, "You need to move the OGA folks out of the isolation arena and put them somewhere else." And I did come down and I believe Sergeant Frederick and Sergeant Elliott were on shift and they moved them to another area within the facility above where the MP operations area was at.

Q. Did the MI personnel ever give the MPs any kind of a specialized training on the handling of detainees?

A. Sir, I know for a fact that Captain Wood, Chief Graham, Chief Rivas would talk at length----
Q. Not talk, but instructions. Actual training.

A. Exactly, here’s what you do.

Q. Right.

A. ----don’t do this----

Q. Right---

A. ----don’t do this----

Q. Right---

A. ----don’t say this. Don’t handle them this way.

Q. Who were they giving instructions to? Just the guards at Tier 1A and 1B or just the 372nd in general?

A. Primarily folks in---- in isolation.

Q. Primarily folks in isolation.

A. Sir, I never saw them give any instruction----

Q. Isolation means----

A. Tier 1---- 1 bravo, yes, sir.

Q. Okay. Are you familiar with the hole? A cell called the hole?

A. No, sir, I’m familiar with a darkened room that they-- Sergeant Joyner called the time out room----

Q. Okay.-----

A. But I’ve never heard it called the hole.

Q. Were you familiar with the fact that there was a partition there somewhere----
A. Yes, sir.

Q. Why they placed that partition?

A. Actually, sir, that was a partition that we provided based on the MPs request.

Q. Based on the MPs request.

A. Yes, sir.

Q. Okay, for what purpose?

A. I believe, at the time it had something to do with if they brought somebody out that was doing a clothing change or they were taking a garment from or something like that, they didn’t want females walking by observing----

Q. A garment change?----

A. ----males. Yes, sir. And were removing-- removing a clothing for I guess an interrogation technique or whatever the case may be, but they didn’t----

Q. Was this common, I mean, it was okay to remove clothing from people so they can interrogate?

A. I think, not having----

Q. Isn’t that so?----

A. ----clothing. Sir, I don’t think they took clothing and went and interrogated them. I think the thing was, they removed their clothing when they put them in the cell and then a reward was if you came back later in interrogation, you got----
Q. Was that an approved technique to take clothing off from some detainees so--to modify their behavior?----
A. ----clothing back or food. Sir, at the initial point, I was understood that----
Q. Who said that? Who gave that approval?----
A. ----clothing removed. Sir, that was a Colonel Pappas approved approach to take clothing off----
Q. There's a lot of Colonel Pappas here, Colonel Jordan, did you ever assume any responsibility in your role as a liaison officer?
A. Sir, if I had told somebody, "Hey take their clothing off," sir I would have done that. Had I told somebody to beat somebody, sir, I'd look you in the eye and say, "Hey I said go beat somebody."----
Q. Sure. Okay----
A. ----Sir, I've never done that.
Q. I'm a little concerned about your responses, sir.
A. Okay, sir.
Q. Based on your background and your know-how with INS, Langley, things of that nature, that it would appear to me that if there was anything that you would recommend that you were always confronting with Colonel Pappas, but you never ever say in any of your remarks that you submitted any of these violations up to your chain of command, namely, General Fast or even General Sanchez.
A. Sir, I had maybe one discussion with General Fast----

Q. One discussion over the series of-- I’ve been interviewing you now for the last three hours and I’m kind of gathering some of the remarks you were making on any of the statements and it would appear to me that you were either not taking on your responsibilities as liaison officer to convey some of that stuff.

A. Sir, I did highlight soldier safety issues, sir. I did highlight my concern with the push for interrogations and wanting to have quality reporting, not quantity----

Q. But typically quality gathering-- gathering quality information pressures----

A. Oh, yes, sir, and one of my big roles was to actually take the reports at night, screen them, and edit them and those kind of things as well, sir.

Q. All right, well, you’re going to be subject to another re-interview.

A. All right, sir.

Q. We will notify you, hopefully we can get that done tomorrow.

A. All right, sir.

Q. So, I want to schedule you for a re-interview tomorrow.

A. Roger that, sir.
Q. Because we're not finished. I want to at least pause here for a moment.

A. Roger that, sir.

[Witness was duly warned, subject to recall and excused.]

[The session recessed at 1831 hours, 21 February 2004.]

[The Article 15-6 session was called to order at 1121 hours, 22 February 2004.]

[LIEUTENANT COLONEL STEPHEN L. JORDAN, U.S. Army, was recalled as a witness for the Article 15-6 Investigation, was reminded of his previous oath, and testified as follows:]

A. Sir, sir I provided to Major Jenkins earlier.

Q. Okay, you have a question, sir?

A. Yes, sir, I do. Retrospect last night after meeting with you and the board, there are some things I'd like to clear up or expound on if I'm able to, sir, but I'm not sure if I have that right to do that, so I----

Q. Okay, what is it in reference to?

A. Sir, one thing that you had mentioned was how often I'd seen General Karpinski or any interaction with General Karpinski kind of. And I said I'd seen her there at the prison probably four or five times, and that is accurate, sir. On one occasion, she had come to me and had asked if there was any way that MI folks could do a polygraph of unique folks working at the Abu Ghraib facility. One
was a linguist she had concerns about on the MP Brigade and another
was a senior medical officer there for the Iraqi detention facility
for medical concerns.

Q. Was she asking that because she didn't have the capability
to conduct a polygraph herself?

A. Sir, I-- I didn't ask her, I just asked, "Ma'am are you
asking them to be vetted to make sure they're not a security risk?"

And she said, "Yes." I said, "Alright ma'am, I'll take it to Colonel
Pappas," which I did. He said check with OGA, the FBI folks who had
come out there. Both agencies said they could do that, but it would
take some time for the FBI folks to do it. The folks from OGA came
out, coordinated and did a polygraph just for a security type issue
for the doctor at the prison facility and came up a vetting of no
security concerns whatever.

Q. What doctor was it? Was it an Iraqi doctor?

A. Yes, sir. The senior Iraqi doctor that they had an Iraqi
facility there that provided additional medical care for the folks
from Camp Ganci. The security detainees, not the MI hold folks, so
to speak, unless there was like some significant thing like they
provided dental care because they had a dentist, those kind of
things. So that was done at her behalf, and again with Colonel
Pappas' knowledge saying ask if they can do that, let us know what
comes from that. I don't believe they ever did the CAT1 linguist
concerned, and I don’t know why, at this point, sir, I don’t remember why that was never followed up on. But that was a case that she had come to me at one time. Another issue, sir, I want to highlight, that when the ICRC came out on their first visit, they had asked to enter the isolation area and the cells in particular were the MI hold on one end of the facility and the MP hold on the other facility and Colonel Phillabaum had asked me to accompany the team over there because he had something else going on I believe. I didn’t feel comfortable with that, due to security concern. Took the senior team members back over to Colonel Phillabaum and indicated what their concerns were, what they wanted to do. They did ask Colonel Phillabaum that they felt they had the need to enter and that they would take responsibility for their own security. Colonel Phillabaum—

Q. Was that the ICRC folks?—

A. Yes, sir.

Q. Did they know that ICRC has access to all those facilities?

A. Oh, yes, sir. Sir, I underscored that to Colonel Phillabaum.—

Q. To include your interrogation sites?

A. Yes, sir. Yes, sir. I underscored that for Colonel Phillabaum because I made sure with the Magistrate Cell. And at that point, Colonel Phillabaum authorized them to go in there and
authorized them to go into the detention detainee cell where they lived to be locked in there with the detainee. And, sir, myself, my ops officer at the time, Major Mike Thompson, who’s a corrections guy in real life back in Connecticut, sir, had serious misgivings about that. The next time that the International Red Cross came by and wanted to do that, I spoke off-line with the senior members and said, “I’ve got an action plan here that I think will be more conducive for safety as if you want to talk to folks if we can get individuals moved into an open secure, where you’re okay, nobody can overhear conversations, those kind of things. And then if you want to go separately and take a look at living conditions, you’re not in a confined space and locked behind a door in case somebody does something.” And I understand that there had been shanks, metal objects filed down, combs filed, toothbrush handles filed down, that had been found in various searches throughout isolation and other areas. And my concern was the safety of somebody from the Red Cross. And they said that was great, they were-- they were good with that. So, I can tell you sir, I did have serious misgivings about Colonel Phillabaum authorized and had them put in and he called down and had the MPs open up the cell door and put them inside, sir.

Q. But, yesterday you mentioned that there was-- that was under the control of the MI Brigade.
A. No, sir. This was before Colonel Pappas became the FOB Commander.

Q. Okay. So this was before the 19th of November?

A. Yes, sir. I don't know----

Q. How many times was the ICRC visited that facility?

A. Sir, that I'm aware of, that I actually talked to ICRC folks, they had a first visit that was a two day visit, first part of October, something like that, maybe mid-October. And then they came back. They were going to come back two weeks later, but they came back a week later. So, they came back a bit early and I understand they may have come back another time after that, but I don't remember being there when they had come back a third time. So, I was aware of one two-day visit, one one-day visit.

Q. Well, given the notoriety of the Abu Ghraib Prison complex, built under Saddam Hussein, and the fact of the matter that we're occupying that I would that assume ICRC would focus on the conditions of those facilities, let alone the condition of the detainees and the treatment by U.S. military forces.

A. Oh, yes, sir.

Q. So, that's a great assumption, given the fact that that's a very important complex,----

A. Oh, yes, sir.----
Q. ---one that would have been perhaps a point of failure for
U.S. military coalition forces?

A. Yes, sir, and I was very, like I say, forthcoming with
whoever you want to see, what do you wanna see. Whatever you have,
so to do that. The other thing too, sir, kinda caught my memory when
you were talking with me yesterday and you kept using the word
infrequently and sir, I was out there 24/7, seven days a week, and I-

Q. Inside the hard site?

A. No, sir. Inside Abu Ghraib but basically-- and real quick
I just wanna kinda highlight I kinda put down just a normal battle
rhythm for me. Six o'clock PT, what have you, coffee, cereal. Eight
o'clock to nine o'clock we had an ops update in the JIDIC. Also----

Q. Who attended those updates?

A. Normally the interrogation control element, Captain Wood,
Chief Graham, the ops officer would conduct it, Major Thompson
initially, then Major Price when he replaced him. I would sit in
just to see what was going on as far as information flow, the
screening personnel would come in, the senior screening on how many
folks were coming in, have we seen any trends, things of that nature.
Possibly, if they were available, some of the senior team leaders for
the Tiger Teams and eventually it got expanded to include
representatives from the 322nd MP Company to come in in case there had
been any issues as far as what was going on as far as detainee hold.
And either Camp Vigilant, Camp Ganci, or in the isolation area, and
the MP representatives normally for that were Captain Brinson,
ocasionally Captain Reese. Sometimes Sergeant----
Q. Occasionally Captain Brinson, occasionally Captain Reese
you say?
A. Normally one or the other would come. Normally it was
Captain Brinson that would attend, but occasionally Captain Reese
would come in his stead if he was----
Q. What was discussed, what was the format and what was the
agenda?
A. The agenda pretty much, sir, was what was going on as far
as the information flow, what was coming in, the number of detainees
being brought into the prison. Is there anyway that we could
expedite getting some detainees out because there seemed to be an
extended period of time that we had a number of detainees that either
had no additional interrogation value or had no security status to be
there and it was taking an ungodly amount of time to get these folks
out. The procedure initially for a release panel was chaired by
General Karpinski, General Fast, and Colonel Warren. And I believe
it was on Saturdays, I'm guessing on day-- but I believe it was
Saturdays in the afternoon for about two hours. And, sir, I was told
that average-- average maybe 15, 20 file they'd get through. Sir,
there were probably two, three thousand folks there that probably
didn’t need to be there, and we were very adamant at trying to
getting another expedited type release process in place and we did do
that. But that’s why the screening folks would come to say “Hey
we’ve got some folks that came in that we need to catch now to get
released so they don’t get caught into this three month, four month--
--

Q. Was Colonel Pappas there after-- even before since he had
command of the elements that were at Abu Ghraib, not necessarily
control of the facility.
A. No, sir. I----

Q. After he arrived on the 19th of November, was he there?
A. No, sir.

Q. He didn’t attend any of that. Who was the senior man?
A. I was the senior.

Q. You were the senior man.
A. Yes, sir. And of course we’d back brief him on anything
that was going on, but normally at eight o’clock he was otherwise
engaged with other brigade activities or whatever he was doing.

Q. What reports were you giving CJTF-C-2 in your capacity as
the liaison officer?
A. Just occasionally-- normally I would mention to Colonel

Boltz or Colonel Tarrington status on, “Hey we got a lot more
detainees coming in.” One of the things I had done for Colonel
Pappas based on the screening issues. The number of detainees coming
in was “How many detainees have we recently got from a certain
operation from a certain division that we feel had no reason to even
be sent up to Abu Ghraib and these kind of things.” And those were
kinda things I highlighted into the C-2. Like I said, that special
committee came up by Retired Colonel Harrington that highlighted
those as well. And he did a very in-depth study and went and talked
with everybody and provided that back, I never got a copy of his
final report back, but I did get a letter of thanks for him on some
of the other things that we were doing that he thought were in the
right direction. So, after that meeting, then there was the normally
nine o’clock base update. Originally that was chaired by the 320th MP
Battalion ----

Q. This is before? Please couch before and after.
A. Yes, sir, okay, sir. Before 17 November, if that’s the
correct date that the FOB stood up under Colonel Pappas, chaired by
the 320th MP Battalion Commander, Colonel Phillabaum. He had all the
units that were available there attend. Initially the 519th had a
representative who was the interrogation control officer, their
Captain Wood. Eventually she asked me, “Sir, do you mind attending
these, because there’s other stuff involved as far as engineering
support, life sustainment issues, all I really provide is a headcount
of MI soldiers here so they know how many MKT meals to get those
kinda things. So, basically provided the headcount----

Q. You were doing that?----
A. Yes, sir.

Q. So, again, you had liaison duties, but since you’re the
senior man on the spot, you’re also doing admin/logistical duties?
A. Yes, sir.

Q. So, with that couched, would it be fair to day that the word
Deputy would have fitted the description of some of the things that
you’re mentioning today?
A. Sir, my whole thing on that, and I talked to Colonel Pappas
at great length because initially he called me the JIDIC Commander.
I said, “Sir, I can’t be a commander, I’m not even in your Brigade.”
He said, “Okay, we’ll change it to chief of the JIDIC.” So, sir, the
first time I ever heard the term deputy is when you used it
yesterday. So, I never ever heard that term before, but again, it
was providing information that we knew to the base ops. I’d take
back any tasking issues that the MPs would have for like base support
or what have you, to Colonel Pappas. Eventually I wanna say late
October to maybe the first part of November, he interjected the 323
MI Battalion there at BIAP to kind of be the bridge between the
brigade and the JIDIC staff that was out there. However, I only saw
the battalion commander or sergeant major out there probably two
times. And I had the feeling that before that when the 519th was there that the ALPHA Company element plus was providing all that kind of support that Colonel Pappas had removed. The 519th element--command and control element, the first sergeant, company commander, sergeant major, battalion commander, out of that area. So, there was just a void at that time for somebody to make sure that troops were taken care of.

Q. All right. What else were on the schedule?

A. Then we had a 1600 afternoon would be a base force pro meeting for QRF missions or the 82nd Airborne Company that was there if they were going to be going out. Kinda the areas that they were going to be looking at----

Q. Based on base force plan, was there a QRF, an IRF, or both?

A. Yes, sir. There was a QRF involved, there was----

Q. Who was the QRF?

A. It was an MP element under the 320th that they had pulled together. There was a Lieutenant Colonel Cantwell, was an MP----

Q. He was the major.----

A. Say again sir?

Q. He was used as a major. He came down----

A. Sir, I was told he came down to be the force protection officer----

Q. Before?----
A. Before 17 November, yes, sir.

Q. Right, okay.

A. There was a RAYCO person there, an engineer, a lieutenant colonel.

Q. Rear area guy?

A. Yes, sir. Who was supposedly doing force pro in concert with Lieutenant Colonel Cantwell and these kind of things, and somewhere in there QRF either responded to him or battalion commander or the battalion three for the 320th, I'm not really sure.

Q. Okay, all right.

A. After 17 November, they still had a QRF capability. They still had -- and I believe that RAYCO was Lieutenant Colonel Hammond or something like that, responded to them, but normally at these meetings, at this point, Lieutenant Colonel Walters, the 165th Battalion Commander kind of chaired him on behalf of Colonel Pappas.

So same kind of format, they didn't even ever really change the format of what was reported, or how it was report. The medical staff would report issues if there is anything that came up for the good of the order, engineer where we stood on force pro barriers, were we getting trailer showers, air conditioning, heating issues, all those kind of things earlier in the day. But the force pro thing would kind of tie some of that thing together. Part of that force pro
issue was a badging systems and how are we gonna do this, and things-

---

Q. Okay. That's fine.

A. All right, sir. Then that would probably end about 1700.

Normally would meet if the colonel happened to be out there before 17
November, and he'd average maybe three nights a week out in Abu
Ghraib around 1730 if it was any night other than Tuesday, Thursday
or Sunday because he did his Brigade update during that timeframe.

So then, normally after that he would meet with his ops guy, either
Major Thompson or later on Major Price, sometimes Chief Rivas. And
then we would get together after that if there was any outstanding
issues that I felt he needed to be aware of, or that he was going to
give me guidance on. "Hey, I want trailers or whatever." And that
might end at 2000, 2030, 2100 what have you. Then I'd normally wind
up the evening by going through reviewing reports for the day for the
analytical content, make any notes, give it back to the ops, say "Hey
you may wanna go back try to get more information on this
organization, this person, here are some key things you want to take
a look at. May want to do some link analysis," things like that.
And normally call it a night, midnight, 01, whatever the case may be.

Q. In your role as an LNO, because you have multiple roles
then. LNO, you were a deputy or whatever you want to call it, you
were coordinating for base ops support, that sort of thing. Looking
over reports in the JIDIC, interacting with interrogators, been given
all these additional duties as required type thing. What were the
reasons why you would want to go into the hard site?

A. Glad you asked sir, I made some notes. In some of those
cases, on the hard site, I was directed to go in there specifically
by Colonel Pappas to work issues of----

Q. Was that directly to you or part of your additional
duties?---

A. At times there was additional duties and there are other
times specifically Colonel Pappas would ask me, direct me to go do
something with a specific detainee.

Q. Such as?

A. Such as we had a detainee named Z. T. I may
mispronounce it. She was a MP hold charged of capital crime, she was
when she was brought in, long before I
ever arrived there sir, and . She had very
great concern over safety being cared for by
, the Ministry of Justice and Colonel Cox and
his legal team worked on getting

out of that detention camp facility

I felt confident, I believe the legal folks at the Magistrate Cell felt confident, Colonel Cox, that she
had not committed the crime and we were trying to hope to get her released. She later approached Major Thompson----

Q. She was a detainee----

A. Yes, sir.----

Q. ----by U.S. military forces, not a criminal held by the Iraqi police?

A. No, she was a criminal held by the Iraqi police.

Q. But, she was already----

A. She was awaiting prosecution, sir.

Q. Awaiting prosecution.

A. Yes, sir. And what happened was----

Q. But for some reason, U.S. Military Intelligence folks were interested on this particular prisoner, she was a prisoner.

A. Yes, sir. After she had gone to Colonel Cox and the Ministry of Justice folks to say she was----

Q. Was she already a convicted criminal?

A. No, sir. She was awaiting prosecution.

Q. Okay. But she is not part of the detainee-- she is not a person holding an ISN number?

A. No, sir. Not-- not to my recollection.

Q. How did this information come about?

A. She approached Colonel Cox.----

Q. Who's Colonel Cox?----
A. He was the folks from the Ministry of Justice who handled issues for juvenile and females for incarceration.

Q. Okay.

A. Colonel Cox had approached initially Major Thompson and just said, "Hey----

Q. Please be brief on this----

A. Okay, sir. Anyways, long story short sir, she came up with information that knowledge of Black List One and where he was, and again sir, I don’t got the right dates on this, but I wanna say it was late September, early October, she told Major Thompson and one of the interrogators through translator some things, went back, had him ask some additional questions on this, she came up with it. He had a big white beard that he was basically living in a hole that he was driving a taxi and kind of gave a general location. And, sir, when Saddam was taken down, he had a big white beard, he was living in a hole, and he had a taxi about a hundred meters from where he was at. And I understand that he would drive that taxi solo, which she told me, told us, and quite frankly sir, I thought that was the most lunatic thing I ever heard of in my life, but sir, we reported it, put it in the system and you know what, there were some other ticklers that came in from somewhere else, they consolidated that and that’s what they used to do that. So, based on that belief that she
was trying to be truthful and stuff and that she hadn’t committed the murder and these kind of things, we worked hard with the Magistrate Cell and the Ministry of Justice of getting her a pardon or parole as the case could be. And, sir, I got to know her family we would make sure that she was taken from the facility in a separate area to meet with so they would not see her in a prison environment, these kind of things. So just-- none of my real duties sir, they asked me, “Hey could you help us out with getting some jobs or something.” I got one a job as at Abu Ghraib once he was vetted and he could work on the facility. So, sir, I’m just saying-- and it really doesn’t go to these kind of things, but I just want to tell you that I thought we tried to do the right thing when we had the information flow available and ready on us, sir. Back to these morning meetings, I want to highlight again, I talked about doc Anderson on the medical staff and he and I both, and I mentioned that I’d seen naked prisoners there in the-- in the MP wing and there were two in particular. Both had some sort of mental issues, both would tear off clothing, one in particular would throw feces or blood at folks.---- Q. We already know those.---- A. All right sir. ----One refused to eat and would have to be taken to-- I guess given intravenous. I saw him a couple times in
there with the medical folks were doing that. He was-- he had a
blanket, he was covered, but coming in and out of the cell he
wouldn’t keep his clothes on, whatever the case may be.----
Q. All right.----
A. ----But, again I racked my brain sir, I never ever remember
seeing any naked female detainees on any given time. And those two
that I saw was always in the presence of medical folks or other----
Q. Or male detainees----
A. Say again, sir?
Q. Or male detainees.
A. They were male detainees, those two, sir. And, I believe
both of the were on an MP hold and they were trying-- I know we
mentioned, doc Anderson and myself in particular to Colonel
Phillabaum, “Sir you gotta do something to get these folks outta
there because they’re mentally unstable.” So----
Q. We’ll get to that because there were statements made that
some of the interrogators were complicit to some of that treatment.
A. To those two people?
Q. Not to those two people, but to other detainees who were
stripped of their clothing. And you had firsthand knowledge about
Luciana Spencer doing that sort of thing.
A. Sir, I had knowledge after the fact that she did that.
Q. Well, at least knowledge that the interrogators were doing that sort of thing.

A. Sir, that was, again the only time I had heard that clothing had been----

Q. Well, it's not how you had heard, it was actual fact. On which you said you took action, or recommended to take action.

A. Yes, sir.

Q. That was indeed happening, not just with the MPs but with the interrogators as well.

A. In that one instance that I was aware of? Yes, sir.

Q. Did you report that as part of your report to CJTF-7 C-2?

A. Sir, I may have mentioned that to Colonel Tarrington, yes, sir.

Q. What about to General Fast? That there were things unusual that were occurring between interrogators and MPs. And if you think that that was unusual, Colonel Jordan, then in your capacity, because you're telling me that you've been going to the Magistrate to what is the left and right limits with regards to treatment of detainees, then it would have been your moral responsibility as an officer in the United States Army. But your telling me that your right and wrong that you should have reported that?

A. Sir, I did take it to the brigade commander immediately when I was made aware of it, so, I did mention it to Colonel
Tarrington somewhere along the lines, again I didn’t see Colonel Tarrington every day face to face unless I made a trip into----

Q. Well I’ve got statements here, sir, that indicates that there were some folks that were just doing the wrong thing, which kind of leads me to believe that even though there were constant reminders and notification, the brigade commander interrogators were on their own, especially the ones who were either contractors or whatever have you. That would lead me to believe that between MPs and MI, folks were doing their own thing. And leaders were either present when the suspicion was going on or even rumors were going on.

A. Well, sir, I never had any rumors, I never had any suspicions of any civilian contract employees doing anything wrong.

Q. Now, do you know one of your contractor linguist, anybody check on their security, their background checks?

A. Yes, sir, the CAT2 linguists are screened for security reasons and given a Secret clearance access.

Q. Are you absolutely sure?

A. Sir, I’m told that every----

Q. Are you 100% sure?----

A. That every linguist has gone through the INSCOM screening and been----

Q. Yes.

A. Sir, since I don’t do that, sir I couldn’t tell you.
Q. But they’re dealing with interrogators with sensitive
information whether they’re translating or not, I mean, these are
intelligent people.
A. Oh, yes, sir.
Q. Yeah.
A. But we have verifiable that they do have Secret security
clearances—-
Q. I will tell you that you have at least one there today that
do not have a security clearance.
A. A CAT2 linguist?
Q. I don’t care what CAT he is, he’s in there.
A. Okay, sir.
Q. And he’s doing interrogation of Tier 1 and Tier B, 1B
detainees.
A. Okay, sir.
Q. And doing a special mission that you are probably involved
in. I have not notified anybody yet, but I will certainly do. And
some of these contractors, to include the ones with military
experience, sir, don’t even know the friggin’ Geneva Convention and
how would it affects them as a status should they be captured by
anti-coalition forces. All right. So you have some shortcomings in
even your system.
A. Okay, sir. All I’m going to tell you, sir, as far as CAT2 linguists, I know that CAT2 linguists require a secret security clearance to come in and that the--

Q. Well, I would think that just about every linguist that is working with the JIDIC since they are working in the JIDIC.

A. Sir, as far as I’m aware of, there has never been a non-cleared linguist working.

Q. There is one.

A. Okay, sir. I’m-- I’m not aware of that, sir, this is the first news I’ve heard that we have a non-cleared linguist.

Q. That’s what I’m saying, it’s the first time you’ve heard. Somebody should be checking on these people.

A. Yes, sir.

Q. Okay.

A. And, sir, I agree with that. And again, sir, I’m not an interrogator. I don’t do interrogations. I was never authorized to do interrogations.

Q. But you’re involved with interrogation operations, sir.

A. Sir, I’m involved with taking the information from interrogation operations and answering--

Q. Colonel Jordan, you are involved, you don’t specifically interrogate, but you are involved with interrogation operations.
A. No, sir, I'm not. I am specifically taking the information that comes in from the interrogation operations as we would from signals intelligence, imagery intelligence, putting it together and making it actionable intelligence to support the coalition forces, JSOTIF what have you.

Q. All right.

A. Okay, sir.

Q. Anything else you want to add before we proceed?

A. Just sir, like I said--talked about what my initial focus was there. And eventually that focus expanded based on Colonel Pappas from just reporting, proper formatting, developing ad hoc report connections, link analysis, those kind of things. Creating target folders, worked with Colonel Pappas and his team to set up the interrogation plans, those ten scripted issues of all those kind of things that would go on. And I'll go on record to say, sir, that I also did observe screening processes and things coming in. I observed the MPs on how they did their in processing and things like that. But I never did screenings, I never did MP processing, but I was aware where they were doing that or what their mission was. And one of the things I'd like to add on that screening MP processing, sir, day two, day three, when I was getting a tour of the layout of the facility, I walked in and passed where the MP elements at, they had these sandbags up that looked like they were being used for
hooded security on detainees and there were signs on them that said things like, 'kick me', 'I'm stupid', 'I don't play well with others.' And sir, I took offense at that and went and mentioned it to the Battalion three and the next----

Q. It appears that you're all over the place, Colonel Jordan, except the Battalion Commander, the Brigade Commander, the S-3, who seems to be seeing the same thing, or at least if were seeing the same thing, were not taking corrective action. But you're all aware of all this stuff.

A. Sir, what I'm saying is I mentioned it to them to have them taken down and the next day----

Q. What would you have done, I mean, you knew it was wrong.---

A. Sir, I don't know if it was wrong, it just didn't look right.----

Q. Okay, well if it didn't look right, if it didn't look right, Colonel Jordan, then it ain't right. I mean, you're an educated person.----

A. Yes, sir.----

Q. ----You know about the Army values.----

A. Sir, I know about the Army values.----

Q. ----You know about the Geneva Convention.----

A. I know about the Geneva Convention.----
Q. If it didn't look right, then it ain't right.

A. Sir, I'm just telling you; I saw something when I came in the first couple of days I was there, mentioned it, the next day I went by, or next two days, they were down, sir. So, again, I didn't think it was a on-the-spot correction Colonel Jordan had to make and maybe in retrospect I should have, sir.

Q. Well, you've been a company commander.

A. Roger that, sir, four times, yes sir.

Q. Four times, well daggonit, well, you know if it ain't right, you correct it on the spot, sir.

A. All right, sir.

Q. Couple of statements.

A. Yes, sir.

Q. Do you know a Toren Nelson?

A. Can you give me a unit sir, and that might--

Q. Contractor.

A. Doesn't ring a bell, sir.

Q. Do you know a D[redacted] or J[redacted]?

A. I know Sergeant First Class J[redacted] who's the ICE ops NCOIC during the day shift.

Q. Okay. Do you know of an incident where both or either one of them were involved with a detainee named A-M[redacted] who was supposedly thrown out of a vehicle while he was handcuffed?
A. No, sir.

Q. So you have no knowledge of that?

A. Sir, no sir, I do not.

Q. All right. Do you know an Adele Nocklay?

A. Translator?

Q. I would imagine so, yes.

A. Yes, sir.

Q. Okay. Do you know that he was involved in some of the allegations?

A. Sir, I've been told that, yes, sir.

Q. You've been told? Given that he was involved, do you know that there were any corrective actions done by the brigade to train, retrain all these translators that their responsibility limits them to translating and not being involved with handling or treatment or even showing up at the access, or not have access-- limited access to Tier 1-- 1B unless they are specifically directed to?

A. Sir, yes sir. And I specifically, specifically, with CW2 Rummager and with Major Mike Thompson, took all, all the translators from TITAN and numerous occasions when I first came on board said, "You're not authorized to be down in that facility--" where they were getting very chummy, let's call it, with the corrections personnel. Smoking, joking, whatever, understand a few of them initially before I even got there had spent the night. I said, "You're not authorized
to do that." And my concern was not only OPSEC but later on the FBI came and said that one of the TITAN CAT2 linguists, and they didn’t know where in the country, or maybe two, was possibly providing information leading to possible anti-coalition force type attacks. So we kept a very tight hold, matter of fact Major Thompson, I believe, briefed them one point that if they were seen in that area unauthorized, that he would contact TITAN and have them removed if not possibly fired. Additionally, there were female soldiers that’d come up to say, "Hey I feel uncomfortable around this one or two individuals. They’re very friendly, hasn’t gotten to sexual harassment, but it’s gotten to a point of I don’t feel comfortable.” Again, I called them all in, I said, “Let me look you in the eye and tell you, that if you want to touch somebody or if you want to say something to somebody, pretend you’re saying it or touching me and how I would react, or more so how you would want somebody to touch or say something to a female relative.” And I also expanded that to say, sir, on alcohol. I understand that CAT1 linguists over in the MP site possibly were supplying the alcohol to the MPs.

Q. So there were linguists from the MPs and linguists with the MI?

A. Oh, yes, sir.

Q. How many linguists were, that you know of since you’re-- seem to know or have familiarity, more than a familiarity up there?
A. Sir, TITAN at one point when I was there I think the max we had were 21 linguists that were CAT2----
Q. For?----
A. ----for MI. I believe the MPs had four or five. But the MP ones, with the exception of one or two were all CAT1s, i.e., they don’t have the Secret security clearance, they’re not quite screened and what have you. So you always had to be careful of what kind of information was shared. In fact, I had asked the TITAN representatives specifically what the rules were because the linguists were always asking Chief Rummager, coming to me, going to other folks, saying, “Hey we’d like to go visit our relatives in Baghdad. We’d like to go here, we’d like to go there.” They brought a statement to work and said they were not authorized any unauthorized trips out, these kind of things. Matter of fact, we were advised one day that there were four linguists that had gone outside the wire. Colonel Pappas directed myself and Lieutenant Colonel Walters to wait for them because supposedly they had gone out the north area. My concern, sir, was not so much they’d gone out, but if they’d gone out and got back in and were unseen getting back in, that meant that we were vulnerable to enemy penetration. Turns out that they’d rode out, I guess, with a contractor through the MP gate, flashed their white DOD ID cards and came back in and nobody thought to ask what they were doing.
Q. So, again, in that particular instance was Battalion Commander-- MP Battalion Commander notified about that particular incident?

A. Of the linguists going out the gate?

Q. Right.

A. Oh, yes, sir. And matter of fact, Colonel Pappas directed that we contact TITAN, we contacted the CJTF-7 linguist manager, Major Harris. They pulled them back in, mentioned it into General Fast, she called them in and there was a concern that we were so short CAT2 linguists cleared that they would give them letters of reprimand instead of removing them, sending them back home and sending them out to other areas, such a Fallujah and Ramadi or give them the opportunity to go home.

Q. Okay. Do you know a detainee by the name of Alii Sill AI-?

A. Sir, I believe Alii Sill the individual who tried to shoot me on the night of 24---

Q. Tried to shoot you or shot you?

A. Tried to shoot me, sir. He didn’t shoot me, knock on wood, sir, cause I didn’t have plates on. I’m very glad he didn’t shoot me, sir.

Q. Okay. Who is an interrogator by the name of Steve?
A. Sir, I would need to know more last names because I believe there were two Steve-- civilians, if you’re saying civilians not military, that were there.

Q. Which-- describe those two individuals please.

A. One Steve’s Hawaiian guy from Honolulu area, Japanese-American looking individual. Another one’s a white Caucasian, probably 5-5, 275, bearded.

Q. Who would have responsibility for this guy named A-S-?

A. Since you know of him.

A. Sir, I-- I don’t know because I didn’t direct the interrogations, I’d have to ask Captain Wood, Chief Graham or one of the team leaders----

Q. Which one of those Steves was involved with his interrogation?

A. Sir, I-- I don’t know because I didn’t direct the interrogations, I’d have to ask Captain Wood, Chief Graham or one of the team leaders----

Q. Do you have any knowledge of Steve or his partner taking him near the prison complex and putting a pistol to A-S’s head and threatening to kill him?

A. No, sir, not at all. Sir, the other question I would like asked is how did a civilian interrogator get a weapon?

Q. I’m just asking?
A. Sir, I’m telling you, those guys repeatedly were seeking weapons. They actually had a meeting one day where they felt that they were going to have to quit and they were kind of hold up-- I called it extortion to Colonel Pappas-- trying to hold him up to say, "We fear for our lives here, we need to be armed, and--" they had a couple people quit.

Q. Why would they fear for their lives when they are surrounded by security people?

A. Sir, I asked them that. They just felt that they needed to be armed within the compound----

Q. Were they armed?

A. No, sir, not at all. And, sir, I’ll tell you this, if I saw them with weapons or anything like that, I’d have confiscated the weapon and would have reported it. Now Colonel Pappas says put in a request, I believe through General Sanchez to General Abazaid for side arms for them to be authorized through their contract or what have you, I don’t know what the status of that memo is, but I do know that he was going to submit that memo to see if that could be supported.

Q. How many weapons did you have on you the night of the 24th of November?

A. Sir, I had two: an M-16 and my 9mm.

Q. Were you authorized two or did you just like to carry two?
A. Sir, I normally carried-- I signed for a 9mm when I came over, sir, and when we had excess weapons available and I had an opportunity to carry an M-16, I always carried an M-16, yes, sir.

Q. So, when you entered after Sergeant Frederick asked for your assistance or your help to go search a cell that was suspected to have weapons in there, you had those two with you at the outer entrance, ----

A. Yes, sir. ----

Q. ----not the inner entrance and you carried those two with you?

A. Yes, sir, I asked permission to enter with my weapons, yes, sir.

Q. What was the SOP upon, not during that time, not during the shooting, what is typically the SOP when you did access the Tier 1, Tier 1B complex?

A. At the time, if you had weapons, you checked your weapons, there was a weapons holding area, the MPs would take your weapon and secure it in there. After 24 September, what have you, they started even sandbagging inside the Sally Port, everybody going in had to have plates, Kevlars, things of that nature. Before that timeframe, when you entered, there was no requirement for vests and if you had plates, plates and/or Kevlar. And the unique thing about this Mr. [redacted] was that he was scheduled to have an interrogation that
evening at 2300 hours and I believe-- I believe Steve was one of the
MI folks that would have been scheduled to do that interrogation, I
believe, sir, I don’t know-- I don’t remember.

Q. Which Steve would that have been, the short guy or the tall
guy?

A. The tall guy.

Q. Okay.

A. And I’ll tell you, sir, I think had A[-S] incident not
happened, he’d have pulled that Chinese 9mm and killed the MP and the
two or three MI folks that were on the deck, had the keys, and would
have released everybody else that he had access to on the cell block.
And, sir, I don’t know what the outcome would have been-- it wouldn’t
have been nice. But--

Q. You mentioned that you and Colonel Pappas did not always
see eye-to-eye. When did you depart your duty at Abu Ghraib?

A. 21, 22 December.

Q. 21, 22 December, let’s just say 22 December.

A. Okay, sir.

Q. Then you got there the 17th of September, thereabouts.

A. Roger that, sir. Afternoon of the 17th.

Q. Okay. What was the reason why you were reassigned?

A. Got a note from Lieutenant Colonel Brady who had said----

Q. Who’s Brady?----
A. Brady was a C-2 personnel guy for General Fast. --- Said General Fast wants you to come in handle party of five issues. If you'd like to stay at Abu, she understands, please respond, let me know what you'd like to do. Sir, as I said before, probably two, three weeks before that I had gone to General Fast and say, "Ma'am, Lieutenant Colonel Walters and the 165th is coming in. I see no need for me to assist the brigade with force pro issues, engineering, they've got a whole battalion of bodies here that they didn't have before. Again Ma'am, I'm not in the brigade, I'm on the outside looking out. I don't get the same connectivity, I don't get the same email, I-- you know everything-- a lot of times I have to find out second hand. I have to be more reactive than proactive and it's hard to support the brigade commander at times." And I said, "Ma'am, I understand OGA has come to you and asked for me to be possibly their military liaison officer pending my extension in Iraq." And she said, "Well, it's not quite true." She said, "I told them I'd consider it based on your extension. I think I have a couple of other things for you to do." A few days after that, Colonel Boltz had called me and said, "Hey, just give you heads up, we're looking to set up this Iraqi Military Intelligence battalion and we may be looking at having you come in and make that happen." Turns out that that party of five is a baseline or template to get that going sir and that's what that's related to.
Q. Okay. Who did you-- who was your-- who is now your
supervisor at CPA?

A. Colonel Campbell James. British colonel just came on
board.

Q. Do you work directly for him?

A. I work directly, sir, I’m gonna tell you, on paper I work
directly for him. But between you, me and the fencepost I work
directly for General Fast and keep Colonel James informed because
British versus American pecking order, LNO, whatever

Q. I got it. I understand. Would you-- how would you
characterize your relationship with Colonel Pappas, notwithstanding
that there were some disagreements between you and he on occasion?

A. Sir, sir, I’m-- our relationship, sir; he’s my senior I’m
subordinate. He wears an eagle I don’t. I call him sir, even when I
disagree, “Sir I disagree with you and here’s the reasons why.” Lay
out courses of action. Certain things that we disagreed about, sir,
would be admin kinda, law kinda things, or awards or things of this
natures. But, sir, I don’t think he’s a individual who would cover
up anything. I don’t think he’s an individual that would authorize
illegal activities. I know that he’s very, very career driven. He’s
a below-the-zone selectee, I believe, for both 0-4 and 0-5. I know,
sir that he and his staff have talked very much that he’s looking
forward to possibly getting his star. One of the biggest things he
talked about was commanding the largest MI brigade ever assembled in a combat zone, these kind of things. I do know, sir that he tried to buffer anything of any embarrassment, to include the incident of the fake shake at Abu G, which I’m sure, is not full knowledge yet to everybody. A few other things, but criminally wrong, morally wrong, I don’t think he would support anything sir. I don’t dislike Colonel Pappas, I just don’t think we ever hit our stride sir, but professionally, sir, I think he’s a good officer. And actually called me and gave me a brigade coin so I thought that was nice of him. And again, sir, when you told me yesterday that he called me his deputy, sir, I never thought I had that much trust, confidence from him or even support. I just-- you know, he never been in there. But I-- he has a fairly good sense of humor, he’s not troop oriented. You know he doesn’t focus on troop issues, just make sure troops are taken care of and those kind of things. I think he took it very hard, sir. when Specialist Brown was killed. Specialist Brown was his driver and I believe you know a driver and commander get very close and I know he took it hard. So, I guess that’s my relationship with him sir.

Q. Did you ever see or attend any meetings between he and General Karpinski relative to detainee operations or conditions of the Abu Ghraib complex?
A. No, sir, but he told me what he had discussed with General Karpinski, but basically that’s hearsay, I never heard him tell her directly.

Q. Did he ever discuss with you that he had specifically requested to General Karpinski, not to anybody else, that he should have control of Tier 1A and 1B, notwithstanding the fact that based on your explanation that that was already covered on his responsibility as the FOB commander?

A. Sir, I know he had asked for that. I know he had asked for additional MPs and other things from General Karpinski based on his assessment, sir, and don’t take this flippant, but Ray Charles, being blind, could see there were not enough MPs out there around Ganci or Vigilant if everybody decided to come out at the wire all at one time and do something. It was going to be a major, major problem. And, sir, I know that Colonel Pappas through me to Colonel Phillabaum addressed issues like cold weather clothing for the detainees, you know, figuring out some way to sandbag up part of the tents and still provide heating and if it was an OPSEC things with the flaps down to make sure that they could see that there were like, not sexual rapes going on between detainees on detainees or any of this kind of thing. I know that he was in Colonel Phillabaum’s knickers about the food contract for the detainees and things of this nature.
Q. Who's responsible for the mess hall out there after the 19th of November?

A. Well, sir, I'm going to tell you we didn't even have a mess hall "a DFAC" until the very last day or two in November. We basically, we the MI contingency ate off an MKT that the 72nd MP Company did and when they left, the joint LSA with the 680th MPs and us, we had cooks assigned and we did MKT. When the DFAC came in, that was under the FOB commander, obviously Colonel Pappas, but it was ran by Major Shopshire, the 320th MP Battalion S-4.

Q. Okay. You had mentioned that you know of Frederick, Elliott, Cathcart based on your visits there at the hard site, Tier 1A and 1B. Do you know a Corporal Grainer?

A. Sir, I'm sure I've heard the name and I'm sure if you showed me a picture, I'd probably say yes I've seen that individual, but I can't----

Q. Do you know a Specialist Ambule?

A. I know Specialist Ambule, yes, sir.

Q. Okay. Do you know a Specialist Harmon?

A. Can't say I do, sir, I'm sure if you showed me a picture---

Q. Do you know a Private England?

A. No, sir.

Q. Do you know a Staff Sergeant Davis?
Q. Do you know a Staff Sergeant Joyner, or Sergeant Joyner?

A. I know Sergeant Joyner, yes, sir.

Q. Do you know a Sergeant First Class Snyder?

A. I know a Sergeant First Class Snyder, yes, sir.

Q. Okay. Obviously you know Captain Brittain.

A. Brinson, yes, sir.

Q. Brinson. And you know Captain Reese?

A. Yes, sir. I also know the First Sergeant there.

Q. All right. Now based on your frequent visit to the hard site, whether you're observing or conducting a special mission for Colonel Pappas and those are numerous times between the 17th of September to the 22nd of December—

A. Yes, sir.—

Q. ——Has any of those NCOs: Frederick, Elliott, Cathcart, Davis, or whoever else that you had a conversation with, ever confided in you on whether they were doing the right things or not or whether they were following the instructions of MI interrogators with respect to setting up the conditions for their interrogation either that day or the following day?

A. No, sir.

Q. Not at all?

A. No, sir.
Q. Did they ever confide in your that perhaps there were some questionable things that a Steve or the other Steve or Adele or anything of—any interrogators, whether they were questioning or not?

A. No, sir.

Q. Had they ever asked you whether they should be receiving any training of sorts that could be additional or additive to their duties as guard or even assisting the interrogators?

A. No, sir.

Q. Have you provided any comments to them, or any corrective action that you saw, that you thought were questionable or not right?

A. No, sir. And had I had corrective action, advised whoever they belonged to chain of command-wise to do that.

Q. Do you see anything wrong with regard to the way detainees were being detained in their cell or any SOPs that might have been absent in their little guard shack there in the second floor or third, or anything of that nature that could have been cleaned up because it didn’t look right, given the fact that you understood that that was already under MI control?

A. Sir, there were issues with the specifically two mentally-ill individuals were— they would throw feces and things like that out—-

Q. The one that—-
A. ----and, sir, the place stank. Sergeant Joyner said, "Hey sir, can you do me a favor? You got access to supply stuff, can you get us some disinfectant, can you get us some Lysol spray, these kind of things?" I said, "Well CPA is supposed to be providing that, I thought through Ministry of Justice." I said, "Let me see what I can do." And, sir, I went out on my own pocket cause I make a little more money than an E-5 does and I bought things at the exchange or had somebody pick them up bring them out and provided them in to the folks in there to do that. But, sir, I’m telling you, had I known, and here you give me names and questions I’m assuming those are folks that are probably under accusation for doing negative actions. I do know that Colonel Pappas had even mentioned to me, due to the night of the 24th, based on General Karpinski coming in and saying, "Hey thanks very much for being there for the soldiers, whatever happened, glad nobody was killed," things of that nature. Colonel Pappas said, "You know Steve, I can approve ARCOMs with V devices." I said, "Well, sir you asking me to submit these soldiers for ARCOMs with--" Q. This is Pappas?----
A. Yes, sir. ----and I said, "Well, okay sir, let me think about it." I did go talk to the Battalion Commander, Colonel Phillabaum, and said, "Sir, you know the majority of the people that were there obviously were MPs, I don’t know what the procedures are, I’m not one to give awards easily," and these kind of things, and
Colonel Phillabaum said, "It's your call if you want to write it up, submit it or give it to me to give to General Karpinski." And, sir, I just kinda felt like we were doing our duty, nothing special above, beyond, you know we didn't pull anybody out of a burning tank or, you know, give somebody mouth-to-mouth, or nobody lost a life or something like that. And, sir, I never submitted anybody for those awards.

Q. Okay. The reason why I ask those questions, Colonel Jordan, was on the statements that I've read so far, is that they--because of your presence they didn't see Walters in there, commander of 165th, they hardly saw Colonel Phillabaum in there. Seldom saw Colonel Pappas, but because your presence there, they regarded you as a battalion commander. They regarded you as a commander, so if you did not explain to them your role, they were looking at you as the senior officer present predominantly most of the time, asking were these being present there that they looked upon you as the commander of sorts, battalion commander or whatever, and that the absence of their own chain of command would have lead them to that conclusion. And I'm not sure you explained yourself to them in terms of what your role was as a liaison officer, as whatever, to those MPs that you always seem to see there all the time. Thereby, if your presence was there and by all means things that they may do or may not do were then either approved by you or you had knowledge of that. I mention
that to you based on the interviews and the statements that we have received to date.

A. Sir, I'm gonna tell you. I have no knowledge of any maltreatment of anybody, whether it's detainees or soldiers. I would never authorize that, I never----

Q. You have no firsthand knowledge, but you did have knowledge that some of the interrogators were indeed involved because there are three Article 15's that were given by Colonel Pappas. And there was at least one reprimand that you know of. So, that's knowledge.

Q. Sir, two incidents and when the information was provided to me by the MP chain of command--from the 72nd MP Company, so it was the first company there, within a few days of my arrival. Sir, the first person I called on the phone was the brigade commander. And then we went to CID the whole route. So, sir when it was made aware, action was taken I think--I don't think enough action was taken, I really think those folks were setting----

Q. Was there a 325th MI battalion assigned to that brigade?

A. To the brigade, yes, sir.

Q. Were they there at Abu Ghraib?

A. A slice from one company.

Q. Okay. Would it surprise you that two members of that battalion or a slice of that battalion are also, are suspects in detainee abuses?
A. Yes, sir, it would.

Q. Okay. Well, I don't have any more questions to ask of you at this time. We're going to do a verbatim transcription of your statement.

A. All right, sir.

[Witness was duly warned, subject to recall and excused.]

[The session ended at 1310 hours, 22 February 2004.]
**SECTION I - IDENTIFICATION DATA**

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- **Assignments Considerations**

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**PERSONNEL QUALIFICATION RECORD - PART II**
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<td>Ordered Mil Act Fed Sfr w/351st CA Cmd for a period of 270 days</td>
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27 REMARKS
ITEM CONTINUATION
D::J (J" ITEM
O/E.=? L.D ~L::r.r-J1',J) q--, Cys. NO,