

عينة من الوثائق

except as noted (b)(6)z

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION KANDAHAR DETENTION FACILITY	DATE 13 FEB 02	TIME 1100	FILE NUMBER
LAST NAME, FIRST NAME, INITIALS [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E4 SFC	
ORGANIZATION OR ADDRESS A CO 202 JTF KANDAHAR AF			
I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
I am writing this in response to events that I witnessed while performing my duties as an interrogator with the TF 202 JTF.			
SFC [REDACTED] & I were conducting an interrogation of MP [REDACTED] on 3 Jan 2002. Special Forces personnel had been visiting the booth area previously & helping out by giving information that they had from their raids. [REDACTED] & I took a break to regroup & check our notes. I was the translator. While we were out of the booth, several special forces members entered the booth. At the time I did not think anything of it, & thought they were just observing him based on previous experiences with their people. This was a different group of people I hadn't seen before. [REDACTED] & I finished the break & went back to continue the interrogation. When we entered the booth, we found the special forces members all circled around the prisoner. They were blowing cigarette smoke in his face. The prisoner was extremely upset. It took a long time to calm him down & find out what had happened. The prisoner was visibly shaken & crying. [REDACTED] immediately told them to get out & not to come back anywhere near anyone that we were talking to. I could tell that something was wrong. The prisoner was extremely upset. He said that they had hit him, told him that he was going to die, blew smoke in his face, & had shocked him with some kind of device. He used the term "electricity". [REDACTED] & I immediately notified our NCOIC of what had happened. The Chain of Command took actions to ensure that nothing of the sort could happen again. A new policy was established requiring that any of the special forces members who wanted to assist with any part of the interrogation process had to first check in with the interrogation control element (ICE). The individuals who committed the acts were told that they were no longer welcome in the facility. I was very upset that such a thing			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES	
STATEMENT (Continued) STATEMENT OF [REDACTED] TAKEN AT KANDAHAR DATED 13 FEB 02 (CONTINUED)			
could happen. I take my job & responsibilities as an interrogator & as a human being very seriously. I understand the importance of the Geneva Convention & what it represents. If I don't honor it, what right do I have to expect any other military to do so?			

11211874200

إقرار محلف للمترجم العسكري، منشأة قندهار للاعتقال، 13 فبراير 2002م، متوافر على:

<http://www.aclu.org/files/projects/foiasearch/pdf/DOD043638.pdf>

Ramifications of Determination that GPW Does Not Apply

The consequences of a decision to adhere to what I understood to be your earlier determination that the GPW does not apply to the Taliban include the following:

Positive:

Preserves flexibility:

- o As you have said, the war against terrorism is a new kind of war. It is not the traditional clash between nations adhering to the laws of war that formed the backdrop for GPW. The nature of the new war places a high premium on other factors, such as the ability to quickly obtain information from captured terrorists and their sponsors in order to avoid further atrocities against American civilians, and the need to try terrorists for war crimes such as wantonly killing civilians. In my judgment, this new paradigm renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions requiring that captured enemy be afforded such things as commissary privileges, scrip (i.e., advances of monthly pay), athletic uniforms, and scientific instruments.

Although some of these provisions do not apply to detainees who are not POWs, a determination that GPW does not apply to al Qaeda and the Taliban eliminates any argument regarding the need for case-by-case determinations of POW status. It also holds open options for the future conflicts in which it may be more difficult to determine whether an enemy force as a whole meets the standard for POW status.

- o By concluding that GPW does not apply to al Qaeda and the Taliban, we avoid foreclosing options for the future, particularly against nonstate actors.
- Substantially reduces the threat of domestic criminal prosecution under the War Crimes Act (18 U.S.C. 2441).
 - o That statute, enacted in 1996, prohibits the commission of a "war crime" by or against a U.S. person, including U.S. officials. "War crime" for these purposes is defined to include any grave breach of GPW or any violation of common Article 3 thereof (such as "outrages against personal dignity"). Some of these provisions apply (if the GPW applies) regardless of whether the individual being detained qualifies as a POW. Punishments for violations of Section 2441 include the death penalty. A determination that the GPW is not applicable to the Taliban would mean that Section 2441 would not apply to actions taken with respect to the Taliban.
 - o Adhering to your determination that GPW does not apply would guard effectively against misconstruction or misapplication of Section 2441 for several reasons.
 - o First, some of the language of the GPW is undefined (it prohibits, for example, "outrages upon personal dignity" and "inhuman treatment"), and it is difficult to predict with confidence what actions might be deemed to constitute violations of the relevant provisions of GPW.
 - o Second, it is difficult to predict the needs and circumstances that could arise in the course of the war on terrorism.
 - o Third, it is difficult to predict the motives of prosecutors and independent counsels who may in the future decide to pursue unwarranted charges based on Section 2441. Your determination would create a reasonable basis in law that Section 2441 does not apply, which would provide a solid defense to any future prosecution.

Negative:

On the other hand, the following arguments would support reconsideration and reversal of your decision that the GPW does not apply to either al Qaeda or the Taliban:

مذكرة ألبرتو R غونزاليس للرئيس بتاريخ 25/يناير 2005م، مرجعية (القرار: تطبيق ميثاق

جنيف على سجناء الحرب في الصراع ضد القاعدة وطالبان)، تتوافر على الموقع:

<http://www.torturingdemocracy.org/documents/20020125.pdf>

cloth or cover over the outside of the box to cut out the light and restrict my air supply. It was difficult to breathe. When I was let out of the box I saw that one of the walls of the room had been covered with plywood sheeting. From now on it was against this wall that I was then smashed with the towel around my neck. I think that the plywood was put there to provide some absorption of the impact of my body. The interrogators realized that smashing me against the hard wall would probably quickly result in physical injury.

During these torture sessions many guards were present, plus two interrogators who did the actual beating, still asking questions, while the main interrogator left to return after the beating was over. After the beating I was then placed in the small box. They placed a cloth or cover over the box to cut out all light and restrict my air supply. As it was not high enough even to sit upright, I had to crouch down. It was very difficult because of my wounds. The stress on my legs held in this position meant my wounds both in the leg and stomach became very painful. I think this occurred about 3 months after my last operation. It was always cold in the room, but when the cover was placed over the box it made it hot and sweaty inside. The wound on my leg began to open and started to bleed. I don't know how long I remained in the small box, I think I may have slept or maybe fainted.

I was then dragged from the small box, unable to walk properly and put on what looked like a hospital bed, and strapped down very tightly with belts. A black cloth was then placed over my face and the interrogators used a mineral water bottle to pour water on the cloth so that I could not breathe. After a few minutes the cloth was removed and the bed was rotated into an upright position. The pressure of the straps on my wounds was very painful. I vomited. The bed was then again lowered to a horizontal position and the same torture carried out again with the black cloth over my face and water poured on from a bottle. On this occasion my head was in a more backward, downwards position and the water was poured on for a longer time. I struggled against the straps, trying to breathe, but it was hopeless. I thought I was going to die. I lost control of my urine. Since then I still lose control of my urine when under stress.

I was then placed again in the tall box. While I was inside the box loud music was played again and somebody kept banging repeatedly on the box from the outside. I tried to sit down on the floor, but because of the small space the bucket with urine tipped over and spilt over me. I remained in the box for several hours, maybe overnight. I was then taken out and again a towel was wrapped around my neck and I was smashed into the wall with the plywood covering and repeatedly slapped in the face by the same two interrogators as before.

I was then made to sit on the floor with a black hood over my head until the next session of torture began. The room was always kept very cold.

This went on for approximately one week. During this time the whole procedure was repeated five times. On each occasion, apart from one, I was suffocated once or twice and was put in the vertical position on the bed in between. On one occasion the suffocation was repeated three times. I vomited each time I was put in the vertical position between the suffocation.

إفادة أبي زبيدة للجنة الدولية للصليب الأحمر، من تقرير فبراير 2007م، للجنة الدولية للصليب الأحمر (حول معاملة أربعة عشر معتقلاً من ذوي القيمة العليا في سجون السي. أي. إيه)، متوافر على:

<http://www.nybooks.com/media/doc/2010/04/22/icrc-report.pdf>

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individual do not result in severe pain. The facial slap and walling contain precautions to ensure that no pain even approaching this level results. The slap is delivered with fingers slightly spread, which you have explained to us is designed to be less painful than a closed-hand slap. The slap is also delivered to the fleshy part of the face, further reducing any risk of physical damage or serious pain. The facial slap does not produce pain that is difficult to endure. Likewise, walling involves quickly pulling the person forward and then thrusting him against a flexible false wall. You have informed us that the sound of hitting the wall will actually be far worse than any possible injury to the individual. The use of the rolled towel around the neck also reduces any risk of injury. While it may hurt to be pushed against the wall, any pain experienced is not of the intensity associated with serious physical injury.

As we understand it, when the waterboard is used, the subject's body responds as if the subject were drowning—even though the subject may be well aware that he is in fact not drowning. You have informed us that this procedure does not inflict actual physical harm. Thus, although the subject may experience the fear or panic associated with the feeling of drowning, the waterboard does not inflict physical pain. As we explained in the Section 2340A Memorandum, "pain and suffering" as used in Section 2340 is best understood as a single concept, not distinct concepts of "pain" as distinguished from "suffering." See Section 2340A Memorandum at 6 n.3. The waterboard, which inflicts no pain or actual harm whatsoever, does not, in our view inflict "severe pain or suffering." Even if one were to parse the statute more finely to attempt to treat "suffering" as a distinct concept, the waterboard could not be said to inflict severe suffering. The waterboard is simply a controlled acute episode, lacking the connotation of a protracted period of time generally given to suffering.

Finally, as we discussed above, you have informed us that in determining which procedures to use and how you will use them, you have selected techniques that will not harm Zubaydah's wound. You have also indicated that numerous steps will be taken to ensure that none of these procedures in any way interferes with the proper healing of Zubaydah's wound. You have also indicated that, should it appear at any time that Zubaydah is experiencing severe pain or suffering, the medical personnel on hand will stop the use of any technique.

Even when all of these methods are considered combined in an overall course of conduct, they still would not inflict severe physical pain or suffering. As discussed above, a number of these acts result in no physical pain, others produce only physical discomfort. You have indicated that these acts will not be used with substantial repetition, so that there is no possibility that severe physical pain could arise from such repetition. Accordingly, we conclude that these acts neither separately nor as part of a course of conduct would inflict severe physical pain or suffering within the meaning of the statute.

We next consider whether the use of these techniques would inflict severe *mental* pain or suffering within the meaning of Section 2340. Section 2340 defines severe mental pain or suffering as "the prolonged mental harm caused by or resulting from" one of several predicate

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مذكرة جون يوجاي بايبي الموجهة لـ السي. آي. إيه في 1/ أغسطس 2002م، التي تحمل

العنوان استجواب عناصر القاعدة الفاعلين)، توجد المذكرة على الموقع

http://media.luxmedia.com/aclu/olc_08012002_bybee.pdf

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60 AZ [REDACTED]

61 [REDACTED]

END BOX 3 OF 4

[REDACTED]

BEGIN BOX 4 OF 4

DETAINEE #1

TAPE	LABEL	DATE/TIME	DESCRIPTION
62	1	[REDACTED]	[REDACTED]
63	2	[REDACTED]	[REDACTED]
64	3	[REDACTED]	[REDACTED]
65	4	[REDACTED]	[REDACTED]
66	1	[REDACTED]	[REDACTED]
67	2	[REDACTED]	[REDACTED]
68	3	[REDACTED]	[REDACTED]
69	[REDACTED]	[REDACTED]	[REDACTED]
70	4	[REDACTED]	[REDACTED]
71	5	[REDACTED]	[REDACTED]
72	6	[REDACTED]	[REDACTED]
73	7	[REDACTED]	[REDACTED]
74	8	[REDACTED]	[REDACTED]

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000641
2007-8808-1G001853

لائحة ب 92 شريط فيديو لاستجواب أبي زبيدة في موقع السي. أي. إيه الأسود في تايلاند، تتوافر على الموقع:

http://www.aclu.org/files/assets/cia_release20100415_p10-18.pdf

CLASSIFICATION: ~~SECRET~~
codeword: [REDACTED]
caveats: [REDACTED] EYES ONLY
[REDACTED]

~~SECRET~~ 090627Z NOV 05 [REDACTED]
[REDACTED]

TO: PRIORITY DIRECTOR.
FOR: [REDACTED]
[REDACTED]

SUBJECT: EYES ONLY FOR [REDACTED] - DESTRUCTION OF [REDACTED] VIDEO TAPES
REF: [REDACTED]
TEXT:
[REDACTED]

1. ACTION REQUIRED: FYI
2. PER REF A, ALL 92 [REDACTED] VIDEO TAPES WERE DESTROYED ON 09 NOVEMBER. DESTRUCTION ACTIVITY WAS INITIATED AT 0916HRS AND COMPLETED AT 1230HRS.
3. FILE: [REDACTED]
[REDACTED]

CABLETYPE: [REDACTED]
END OF MESSAGE ~~SECRET~~

2007-8808-IG000235
00062b

9/نوفمبر 2005م، برقية ل السي. أي. إيه تؤكد إتلاف أشرطة استجواب أبي زبيدة تتوافر على الموقع:

http://www.aclu.org/files/assets/cia_release20100415_p10-18.pdf

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e.

The interrogators will likely use walling once interrogators determine the HVD is intent on maintaining his resistance posture.

f. The sequence may continue for multiple iterations as the interrogators continue to measure the HVD's resistance posture.

g. To increase the pressure on the HVD,

water douse the HVD for several minutes.

h. The interrogators, assisted by security officers, will place the HVD back into the vertical shackling position to resume sleep deprivation. Dietary manipulation also continues, and the HVD remains nude. White noise (not to exceed 79db) is used in the interrogation room. The interrogation session terminates at this point.

i. As noted above, the duration of this session may last from 30 minutes to several hours based on the interrogators' assessment of the HVD's resistance posture. In this example of the second session, the following techniques were used: sleep deprivation, nudity, dietary manipulation, walling, water dousing, attention grasp, insult slap, and abdominal slap. The three Conditioning Techniques were used to keep the HVD at a baseline, dependent state and to weaken his resolve and will to resist. In combination with these three techniques, other Corrective and Coercive Techniques were used throughout the interrogation session based on interrogation objectives and the interrogators' assessment of the HVD's resistance posture.

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30/ديسمبر 2004م، السي. آي. إيه (ورقة خلفية حول استخدام السي. آي. إيه المشترك

لتقنيات التحقيق) تتوافر على:

<http://www.aclu.org/torturefoia/released/082409/olcremand/2004olc97.pdf>

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28 December 2002 and 1 January 2003, the debriefer used an unloaded semi-automatic handgun as a prop to frighten Al-Nashiri into disclosing information.⁴⁴ After discussing this plan with [REDACTED] the debriefer entered the cell where Al-Nashiri sat shackled and racked the handgun once or twice close to Al-Nashiri's head.⁴⁵ On what was probably the same day, the debriefer used a power drill to frighten Al-Nashiri. With [REDACTED] consent, the debriefer entered the detainee's cell and revved the drill while the detainee stood naked and hooded. The debriefer did not touch Al-Nashiri with the power drill.

93. (S//NF) The [REDACTED] and debriefer did not request authorization or report the use of these unauthorized techniques to Headquarters. However, in January 2003, newly arrived TDY officers [REDACTED] who had learned of these incidents reported them to Headquarters. OIG investigated and referred its findings to the Criminal Division of DoJ. On 11 September 2003, DoJ declined to prosecute and turned these matters over to CIA for disposition. These incidents are the subject of a separate OIG Report of Investigation.⁴⁶

Threats

94. (TS) [REDACTED] During another incident [REDACTED] the same Headquarters debriefer, according to a [REDACTED] who was present, threatened Al-Nashiri by saying that if he did not talk, "We could get your mother in here," and, "We can bring your family in here." The [REDACTED] debriefer reportedly wanted Al-Nashiri to infer, for psychological reasons, that the debriefer might be [REDACTED] intelligence officer based on his Arabic dialect, and that Al-Nashiri was in [REDACTED] custody because it was widely believed in Middle East circles that [REDACTED] interrogation technique involves

⁴⁴ (S//NF) This individual was not a trained interrogator and was not authorized to use EITs.

⁴⁵ (U//FOUO) Racking is a mechanical procedure used with firearms to chamber a bullet or simulate a bullet being chambered.

⁴⁶ (S//NF) Unauthorized Interrogation Techniques [REDACTED] 29 October 2003.

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التقرير المحجوب للمفتش العام لـ السي. أي. إيه جون لـ. هيلغرسون، أنشطة الاعتقال

والتحقيق ضد جرائم الإرهاب، سبتمبر 2001م، أكتوبر 2003م، يتوافر على

http://media/luxmedia.com/aclu/IG_Report.pdf

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all that went before." Clewis, 386 U.S. at 710.

First, Binyam Mohamed's lengthy and brutal experience in detention weighs heavily with the Court. For example, this is not a case where a person was repeatedly questioned by a police officer, in his own country, by his own fellow-citizens, at a police station, over several days without sleep and with only minimal amounts of food and water. See Ashcraft v. State of Tenn., 322 U.S. 143, 153-54 (1944); Reck v. Pate, 367 U.S. 433, 440-41 (1961) (murder suspect held incommunicado for eight days, questioned extensively for four, and interrogated while sick). While neither the Ashcraft nor Reck scenarios are to be approved, they can hardly compare with the facts alleged here.

The difference, of course, is that Binyam Mohamed's trauma lasted for two long years. During that time, he was physically and psychologically tortured. His genitals were mutilated. He was deprived of sleep and food. He was summarily transported from one foreign prison to another. Captors held him in stress positions for days at a time. He was forced to listen to piercingly loud music and the screams of other prisoners while locked in a pitch-black cell. All the while, he was forced to inculcate himself and others in various plots to imperil Americans. The Government does not dispute this evidence.

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رأي القاضي جلايس كيسلر الصادر في 19/نوفمبر 2009م، بشأن التماس معتقل

غوانتانامو فرحي سعيد بن محمد للتحقيق في قانونية حبسه، على الموقع:

<http://www.leagle.com/xmlResult.aspx?xmlDoc=in%20fdco%20>

[20091217b92.xml&docbase=cslwar32007-curr](http://www.leagle.com/xmlResult.aspx?xmlDoc=in%20fdco%2020091217b92.xml&docbase=cslwar32007-curr)

High Court OPEN Unanimous Judgment:
No permission is granted to copy or use in court

R (B Mohamed) v Foreign Secretary

- (iv) It was reported that a new series of interviews was conducted by the United States authorities prior to 17 May 2002 as part of a new strategy designed by an expert interviewer
- (v) It was reported that at some stage during that further interview process by the United States authorities, BM had been intentionally subjected to continuous sleep deprivation. The effects of the sleep deprivation were carefully observed.
- (vi) It was reported that combined with the sleep deprivation, threats and inducements were made to him. His fears of being removed from United States custody and "disappearing" were played upon.
- (vii) It was reported that the stress brought about by these deliberate tactics was increased by him being shackled during his interviews;
- (viii) It was clear not only from the reports of the content of the interviews but also from the report that he was being kept under self-harm observation, that the interviews were having a marked effect upon him and causing him significant mental stress and suffering.
- (ix) We regret to have to conclude that the reports provided to the SyS made clear to anyone reading them that BM was being subjected to the treatment that we have described and the effect upon him of that intentional treatment.
- (x) The treatment reported, if had been administered on behalf of the United Kingdom, would clearly have been in breach of the undertakings given by the United Kingdom in 1972. Although it is not necessary for us to categorise the treatment reported, it could readily be contended to be at the very least cruel, inhuman and degrading treatment of BM by the United States authorities.

إن الفقرات السبع المنسوخة الصادرة عن محكمة الاستئناف البريطانية تلخص 42 وثيقة من وثائق السي. أي. إيه التي تصف معاملة بنيام محمد، وأعلنت في 10 فبراير 2010م.

متوافر على الموقع:

http://www.fco.gov.uk/en/news/latest_ews/?view=News&id=21735373

BSCT continued:

- Psychological stressors are extremely effective (ie, sleep deprivation, withholding food, isolation, loss of time)

COL Cummings We can't do sleep deprivation
LTC Beaver Yes, we can - with approval.

- Disrupting the normal camp operations is vital. We need to create an environment of "controlled chaos"

LTC Beaver We may need to curb the harsher operations while ICRC is around. It is better not to expose them to any controversial techniques. We must have the support of the DOD.

Becker We have had many reports from Bagram about sleep deprivation being used.

LTC Beaver True, but officially it is not happening. It is not being reported officially. The ICRC is a serious concern. They will be in and out, scrutinizing our operations, unless they are displeased and decide to protest and leave. This would draw a lot of negative attention.

COL Cummings The new PSYOP plan has been passed up the chain
LTC Beaver It's at J3 at SOUTHCOM.

Fredman The DOJ has provided much guidance on this issue. The CIA is not held to the same rules as the military. In the past when the ICRC has made a big deal about certain detainees, the DOD has "moved" them away from the attention of ICRC. Upon questioning from the ICRC about their whereabouts, the DOD's response has repeatedly been that the detainee merited no status under the Geneva Convention. The CIA has employed aggressive techniques on less than a handful of suspects since 9/11.

Under the Torture Convention, torture has been prohibited by international law, but the language of the statutes is written vaguely. Severe mental and physical pain is prohibited. The mental part is explained as poorly as the physical. Severe physical pain described as anything causing permanent damage to major organs or body parts. Mental torture described as anything leading to permanent, profound damage to the senses or personality. It is basically subject to perception. If the detainee dies you're doing it wrong. So far, the techniques we have addressed have not proven to produce these types of results, which in a way challenges what the BSCT paper says about not being able to prove whether these techniques will lead to permanent damage. Everything on the BSCT white paper is legal from a civilian standpoint. [Any questions of severe weather or temperature conditions should be deferred to medical staff.] Any of the techniques that lie on the harshest end of the spectrum must be performed by a highly trained individual. Medical personnel should be present to treat any possible accidents. The CIA operates without military intervention. When the CIA has wanted to use more aggressive techniques in the past, the FBI has pulled their personnel from theatre. In those rare instances, aggressive techniques have proven very helpful.

LTC Beaver

We will need documentation to protect us

محاضر (اجتماع 2/ أكتوبر 2002م، لبحث إستراتيجية مناهضة المقاومة)، مع فريق

غوانتانامو ومحامي السي. أي. إيه جوناثان فريدمان، متوافر على الموقع:

<http://www.torturingdemocracy.org/documents/20021002.pdf>

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- 0700: Detainee walked, refused water, and allowed to begin four hour rest period.
- 1100: Detainee awakened and offered coffee – refused.
- 1115: Detainee taken to bathroom and walked 10 minutes. Offered water – refused. Interrogators began telling detainee how ungrateful and grumpy he was. In order to escalate the detainee’s emotions, a mask was made from an MRE box with a smiley face on it and placed on the detainee’s head for a few moments. A latex glove was inflated and labeled the “sissy slap” glove. This glove was touched to the detainee’s face periodically after explaining the terminology to him. The mask was placed back on the detainee’s head. While wearing the mask, the team began dance instruction with the detainee. The detainee became agitated and began shouting. The mask was removed and detainee was allowed to sit. Detainee shouted and addressed lead as “the oldest Christian here” and wanted to know why lead allowed the detainee to be treated this way.
- 1300: Detainee taken to bathroom and walked 10 minutes.
- 1320: Detainee offered food and water – refused. Detainee was unresponsive for remainder of session. Afghanistan / Taliban themes run for remainder of session.
- 1430: Detainee taken to bathroom and walked 10 minutes.
- 1500: Detainee offered water – refused.
- 1510: Corpsman changed bandages on ankles, checked vitals – O.K.
- 1530: Detainee taken to bathroom and walked 10 minutes.
- 1600: Corpsman checks vitals and starts IV. Detainee given three bags of IV.
- 1745: Detainee taken to bathroom and walked 10 minutes.
- 1800: Detainee was unresponsive.
- 1833: Detainee was allowed to sleep.
- 1925: The detainee was awakened by interrogation team. He was offered food and water but he refused.
- 1945: The interrogation team and detainee watched the video “Operation Enduring Freedom”.
- 2120: Detainee was sent to the latrine. Offered water but he refused.
- 2200: Detainee exercised for good health and circulation. Medical representative took detainee’s vital signs and removed the IV housing unit from the detainee’s arm. The detainee’s pulse rate was low (38) and his blood pressure was high (144/90). Detainee complained of having a boil on his left leg, just below his knee. The medical representative looked at the his leg and phoned the doctor. The doctor instructed the corpsman to recheck the detainee’s vitals in one hour.
- 2300: Detainee refused water and food. He was taken to the latrine and exercised in order to assist in improving the detainee’s vital signs.
- 2345: The medical representative rechecked the detainee’s vital signs. The detainee’s blood pressure had improved but it was still high (138/80) and his pulse rate had improved but it remained low (42). The corpsman called the doctor to provide an update and the doctor said operations could continue since there had been no significant change. It was noted that historically the detainee’s pulse sometimes drops into the 40’s in the evenings.

14 DECEMBER 2002

14/ديسمبر 2002م

سجل استجواب محمد القحطاني من 23/نوفمبر 2002م إلى 11/يناير 2003م

متوافر على الموقع: <http://www.time.com/time/2006/log/log.pdf>

UNCLASSIFIED

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1800 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1800

707 DEC -2 AM 11: 03 ACTION MEMO November 27, 2002 (1:00 PM)

OFFICE OF THE SECRETARY OF DEFENSE DEPSEC _____

FOR: SECRETARY OF DEFENSE

FROM: William J. Haynes II, General Counsel *(Signature)*

SUBJECT: Counter-Resistance Techniques

- The Commander of USSOUTHCOM has forwarded a request by the Commander of Joint Task Force 170 (now JTF GTMO) for approval of counter-resistance techniques to aid in the interrogation of detainees at Guantanamo Bay (Tab A).
- The request contains three categories of counter-resistance techniques, with the first category the least aggressive and the third category the most aggressive (Tab B).
- I have discussed this with the Deputy, Doug Feith and General Myers. I believe that all join in my recommendation that, as a matter of policy, you authorize the Commander of USSOUTHCOM to employ, in his discretion, only Categories I and II and the fourth technique listed in Category III ("Use of mild, non-injurious physical contact such as grabbing, poking in the chest with the finger, and light pushing").
- While all Category III techniques may be legally available, we believe that, as a matter of policy, a blanket approval of Category III techniques is not warranted at this time. Our Armed Forces are trained to a standard of interrogation that reflects a tradition of restraint.

RECOMMENDATION: That SECDEF approve the USSOUTHCOM Commander's use of those counter-resistance techniques listed in Categories I and II and the fourth technique listed in Category III during the interrogation of detainees at Guantanamo Bay.

SECDEF DECISION: *(Signature)*

Approved *(Signature)* Disapproved _____ Other _____

Attachments As stated

cc: CJCS, USD(P) *However, I stand for 8-10 hours a day. Why is stand, limited to 4 hours?*

D.R. DEC 0 2 2002

Declassified Under Authority of Executive Order 12958
By Executive Secretary, Office of the Secretary of Defense
William P. Marriott, CAPT, USN
June 18, 2004

UNCLASSIFIED

X04030-02

موافقة وزير الدفاع دونالد رامسفيلد 2/ ديسمبر 2002م، على استخدام (تقنيات مناهضة المقاومة)، متوافرة على الموقع:

<http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB127/02.12.02.pdf>

I provided RADM Lohr with a copy of the December 2nd Memo and requested that Navy JAG prepare a legal analysis of the issues. I also decided to brief Secretary of the Navy Gordon England and take my objections to DOD GC Haynes as quickly as possible.

Later that day, RADM Lohr wrote via email that he had brought the allegations of abuse to the attention of the Vice Chief of Naval Operations, ADM William Fallon. (Att 4)

20 Dec 02

At 1015, in a very short meeting, I briefed Navy Secretary Gordon England on the NCIS report of detainee abuse, on the December 2nd Memo authorizing the interrogation techniques, and on my legal views and policy concerns. I told him I was planning to see DOD GC Haynes that afternoon to convey my concerns and objections. Secretary England authorized me to go forward, advising me to use my judgment.⁴

That afternoon I met with Mr. Haynes in his office. I informed him that NCIS had advised me that interrogation abuses were taking place in Guantanamo, that the NCIS agents considered any such abuses to be unlawful and contrary to American values, and that discontent over these practices were reportedly spreading among the personnel on the base. Producing the December 2nd Memo, I expressed surprise that the Secretary had been allowed to sign it. In my view, some of the authorized interrogation techniques could rise to the level of torture, although the intent surely had not been to do so. Mr. Haynes disagreed that the techniques authorized constituted torture. I urged him to think about the techniques more closely. What did "deprivation of light and auditory stimuli" mean? Could a detainee be locked in a completely dark cell? And for how long? A month? Longer? What precisely did the authority to exploit phobias permit? Could a detainee be held in a coffin? Could phobias be applied until madness set in? Not only could individual techniques applied singly constitute torture, I said, but also the application of combinations of them must surely be recognized as potentially capable of reaching the level of torture. Also, the memo's fundamental problem was that it was

⁴ At this time, Secretary England's nomination to serve as Deputy Secretary of the Department of Homeland Security had been announced, and he was transitioning out of the DON. He would ultimately transfer out of the Department on January 23, 2003. This would be my only conversation with him on the issue until months later, well after his return as Navy Secretary.

تقرير المستشار العام لبحرية الولايات المتحدة ألبرتو مورا، 7/ يوليو 2004م، المقدم للسجل:

الذي يشير إلى اشتراك مكتب المستشار العام بقضايا التحقيق، متوافر على الموقع:

http://www.aclu.org/pdfs/safefree/mora_memo_july_2004.pdf

<p>Man 09/30/2002</p>	<p>Memorandum from the Director re: Conducting Federal Bureau of Investigation Investigations Overseas. Office of the Inspector General requested he locate the document. [redacted] contacted him by telephone on 6/28/05. [redacted] stated that this document was not the file he would have expected and that he had his secretary find it. After reviewing the memorandum, he said that he did not recall receiving it or reading it, but that it was something he would have normally received. Substantively, [redacted] said that the material covered is not new, that it just provides the same information he knows about how to work with Legats. According to [redacted] he thought the memorandum was not related to the issue of how to interview or interrogate detainees held at U.S. Naval Base Guantanamo Bay, Cuba. This memorandum addresses overseas investigations, U.S. Naval Base Guantanamo Bay, Cuba is a United States military base.</p>	<p>Interview 1</p>	<p>b6 Per FBI b7C</p>
<p>Fri 09/27/2002</p>	<p>While at Delta in the morning, [redacted] received a call to return to the Command Post (CP) immediately. "FBHQ [redacted] etc.) had issues regarding # 63, surprise, surprise." [redacted] explained there was a disagreement with Department of Defense as to how to handle # 63. The "fun and games" identified in the email refers to non-standard investigative techniques. [redacted] did not recall participating with this conversation with [redacted]</p>	<p>Interview Notes 6/21/05, at 9: [redacted] Interview 1</p>	<p>b6 Per FBI b7C</p>
<p>Man 09/30/2002</p>	<p>email from [redacted] to [redacted] re: [redacted] and [redacted] email describes current Defense Humint Services plan " for # 03 including taking to Camp X-Ray for six (6) hour sessions with the detainee and giving a four hour break for before beginning again. [redacted] suggested that [redacted] speak with [redacted] asked to provide guidance because Defense Humint Services wanted [redacted] Bureau of Investigation to be part of one of the interrogation teams. [redacted] said as long as there was no 'torture' involved that we were within our guidelines. He actually encouraged us to be a part of this as we would be able to provide FBHQ with updates of what was happening." When asked about this</p>	<p>Interview Notes 6/21/05, at 10: [redacted] Interview 1</p>	<p>b6 Per FBI b7C</p>

OIG-INTV-000495

الملاحظات المتعلقة بالتحقيق مع محمد القحطاني في غوانتانامو التي جُمعت لوزارة العدل
لمراجعة تورط الـ FBI في تحقيقات المعتقلين، ومشاركتها فيها في خليج غوانتانامو، وأفغانستان
والعراق متوافرة على الموقع:

http://www.aclu.org/files/pdfs/natsec/dojfbf20100514/32_interview1_or_interviewnotes_20050621_9pp.pdf

Page 1

Fwd: Impersonating [redacted] at GTMO

b6 -1
b7C -1

b6 -1 From: [redacted]
b7C -1 To: Bald, Gary, BATTLE, FRANKIE, CUMMINGS, ARTHUR, ...
Date: Fri, Dec 5, 2003 9:53 AM
Subject: Fwd: Impersonating FBI at GTMO

b6 -1 Frank [redacted]
b7C -1

I am forwarding this EC up the CTD chain of command. MLDU requested this information be documented to protect the FBI. MLDU has had a long standing and documented position against use of some of DOD's interrogation practices, however, we were not aware of these latest techniques until recently.

b2 -3 Of concern, DOD interrogators impersonating Supervisory Special Agents of the FBI told a detainee that
b6 -4 [redacted] These same interrogation teams then [redacted]
b7C -4 [redacted] The detainee was also told by this interrogation team
b7E -1 [redacted]
b7F -1 [redacted]

These tactics have produced no intelligence of a threat neutralization nature to date and CITF believes that techniques have destroyed any chance of prosecuting this detainee.

If this detainee is ever released or his story made public in any way, DOD interrogators will not be held accountable because these torture techniques were done the "FBI" interrogators. The FBI will left holding the bag before the public.

b6 -1 SSA [redacted]
b7C -1 CTD/MLDU

CC: [redacted] b6 -1
b7C -1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-05-2004 BY 61579EWH/ecp/wdc/D4-pv-4151

DETAINEES-3168

3977

رسالة الـ FBI الإلكترونية حول استجواب غوانتانامو لمحمد ولد صلاح، 5/ ديسمبر 2003م

متوافرة على الموقع:

http://www.aclu.org/torturefoia/released/FBI_3977.pdf

UNCLASSIFIED // ~~FOUO~~

Presiding Officer: With a veil type thing, were their openings for his eyes

Detainee: He did have openings for his eyes. He also had gloves, O.J Simpson gloves on his hands. He was assigned to this special mission. They started to talk to me and said, "look we are not FBI and we need you to admit to the crime we have here. That you were involved with the 11 September attack and that you were involved in the millennium plot." I said "no I wasn't". They said okay, forget about it. Around June 18th 2003, I was taken from Mike Block and put in India Block for total isolation. They took all of my stuff from me. I complained to [REDACTED] because I thought she was a deceit lady. I could not bear sleeping on the metal because of my back and you never know how much pain I could take. I could end up dead or something. She said 'no, you are not going to die.' They tried to give me painkillers and I refused they out of protest. How could you give me painkiller? Just give me something to sleep on and I will be all right. They took me to the doctor here, a Navy doctor, and he was a good guy. I told him that I am in a very bad situation and he said okay I going to recommend that they give you some items, because you have a very serious condition of Sciatic Nerve. But I cannot promise you because those people decide not me. I would like for you to check my medical records.

During this portion of the ARB, the recording equipment began to malfunction. This malfunction has caused the remainder of tape 3 of 4 tapes from clicks 3407 to 4479 to become distorted. The Detainee discussed how he was tortured while here at GTMO by several individuals. The recording machine was swapped out with a new one and we finished out the session. The following is the board's recollection of that 1000 click malfunction:

The Detainee was explaining his medical treatment and noticed a Board Member passing a note to the Presiding Officer. The Detainee inquired as to why the Board Member was passing a note. The Presiding Officer told the Detainee the Board Member had a question regarding the Detainee's medical treatment. The Board Member asked the Detainee to summarize his medical treatment and the treatment he received at the hands of the interrogators. The Detainee stated the medical treatment he received was "good", however he decided to continue to go into greater detail regarding the alleged abuse he received from the hands of his interrogators.

The Detainee began by discussing the alleged abuse he received from a female interrogator known to him as [REDACTED]. The Detainee attempted to explain to the Board [REDACTED] actions but he became distraught and visibly upset. He explained that he was sexually harassed and although he does like women he did not like what [REDACTED] had done to him. The Presiding Officer noticed the Detainee was upset and told him he was not required to tell the story. The Detainee was very appreciative and elected not to elaborate on the alleged abuse from [REDACTED]. The Detainee gave detailed information regarding the alleged abuse from [REDACTED] and [REDACTED]. The Detainee stated that [REDACTED] and [REDACTED] entered a room with their faces covered and began beating him. They beat him so badly that [REDACTED] became upset. [REDACTED]

ISN 760
Enclosure (6)
Page 26 of 33

UNCLASSIFIED // ~~FOUO~~

20959

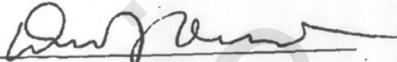
نسخة من إجراءات مجلس المراجعة الإداري في غوانتانامو حول محمد ولد صلاحى 22 /
نوفمبر 2005م، متوافرة على الموقع:

<http://online.wsj.com/public/resources/documents/couch-sla-hiARB.03312007.pdf>

31. Irrespective of the failed Commissions proceedings, I personally do not believe there is any lawful basis for continuing to detain Mr. Jawad. There is no reliable evidence of any voluntary involvement on Jawad's part with any terrorist groups. Even a statement that we believed linked him to HIG, and was thought to contain Mr. Jawad's fingerprint, was sent to the Army's crime lab for analysis, which concluded that the fingerprint was not Mr. Jawad's.

32. Ultimately, I decided that I could no longer ethically prosecute Mr. Jawad or, in good conscience, serve as a prosecutor at OMC-P. I have taken an oath to support and defend the Constitution of the United States, and I remain confident that I have done so, spending over four of the past seven years away from my family, my home, my civilian occupation – all without any expectation of or desire for any reward greater than the knowledge that I have remained true to my word and have done my level best to rise to our Nation's defense in its time of need. I did not "quit" the Commissions or resign; instead, I personally petitioned the Army's Judge Advocate General to allow me to serve the remaining six months of my two year voluntary obligation in Afghanistan or Iraq. In the exercise of his wisdom and discretion, he permitted me to be released from active duty. However, had I been returned to Afghanistan or Iraq, and had I encountered Mohammed Jawad in either of those hostile lands, where two of my friends have been killed in action and another one of my very best friends in the world had been terribly wounded, I have no doubt at all – none – that Mr. Jawad would pose no threat whatsoever to me, his former prosecutor and now-repentant persecutor. Six years is long enough for a boy of sixteen to serve in virtual solitary confinement, in a distant land, for reasons he may never fully understand. I respectfully ask this Court to find that Mr. Jawad's continued detention is unsupported by any credible evidence, any provision of the Detainee Treatment Act of 2005, the MCA, international law or our own hallowed Constitution. Mr. Jawad should be released to resume his life in a civil society, for his sake, and for our own sense of justice and perhaps to restore a measure of our basic humanity.

Pursuant to 28 U.S.C. § 1746, I hereby declare and state under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.


Darrel J. Vandeveld

Executed on: January 12, 2009.

بيان المقدم داريل فانديفيلد في 12/يناير 2009م، في دعم التماس محمد جواد بطلب إجراء تحقيق في قانونية حبسه، متوافر على الموقع:

<http://www.aclu.org/nationalsecurity/declaration-lt.col-darrel-vandeveld-habeas-corporus-case-mohammed-jawad>