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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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MOHAMMED SULA YMON BARRE,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civil Action No. 08-1153 (HHK)
	:	
BARACK H. OBAMA, <i>et al.</i> ,	:	
	:	
Respondents.	:	
_____	x	

TRAVERSE OF PETITIONER MOHAMMED SULA YMON BARRE

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Petitioner Mohammed Sulaymon Barre, by and through his undersigned counsel, respectfully submits this traverse in response to the government's factual return, and in further support of his petition for a writ of habeas corpus. The Court should grant the writ and order Mr. Barre's immediate release from Guantánamo Bay.

PRELIMINARY STATEMENT

Mr. Barre is a citizen of Somalia, who fled persecution in his homeland and, with the assistance of the United Nations High Commissioner for Refugees ("UNHCR"), eventually obtained asylum in Pakistan. He remains a UNHCR mandate refugee despite his imprisonment at Guantánamo.¹ Mr. Barre is not now, and has never been, a terrorist or terrorist sympathizer. He is not responsible for the attacks of September 11, 2001, and is not subject to military detention under the Authorization for Use of Military Force ("AUMF"), Pub. L. No. 107-40, 115 Stat. 224 (Sept. 18, 2001). He has never taken up arms against the United States or its allies, and he was not captured on or near any battlefield or by American forces. He is not a member or "part of" the Taliban, Al Qaeda or "associated forces that are engaged in hostilities against the United States or its coalition partners," and he has never "substantially supported" such forces, all of which the government contends is required to justify his detention.²

¹ UNHCR has provided undersigned counsel with documentation and information confirming Petitioner's refugee status under the 1951 Refugee Convention. *See* Convention Relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 150 (*available at* <http://www.unhcr.org/protect/3c0762ea4.html>).

² *See* Respondents' Memorandum Regarding the Government's Detention Authority Relative to Detainees Held at Guantánamo Bay, *In re Guantánamo Bay Detainee Litig.*, Misc. No. 08-442 (TFH) (D.D.C. Mar. 13, 2009). Mr. Barre contends the government's proposed detention standard is legally insupportable, for reasons he will address in a motion for judgment on the record or in a pre-merits hearing memorandum of law, but in any case the standard is not met here for the reasons described below.

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As the government's own evidence shows, Mr. Barre has consistently denied these claims against him. He has specifically denied: (1) that he ever engaged fighting or hostilities, or training other than as a compulsory military recruit in Somalia in 1983⁵; (2) that he was ever in Sudan⁶; (3) that he was ever in Afghanistan (except when U.S. forces imprisoned and tortured him at military bases in Kandahar and Bagram before transporting him to Guantánamo)⁷; (4) that he was ever involved with terrorist groups or "knowingly transferred funds for their cause"⁸; and (5) that he was ever a member of or associated with the Al Wafa organization.⁹ It should therefore come as no surprise that as early as March 2003, Mr. Barre's interrogators concluded he has "no knowledge" of "Al Qaida status and activities," "UBL and Al Qaida network operation[s] worldwide," "terrorism-targets, activities, and related facilities," or "movement of Islamic extremist funds." ISN 567 MFR (March 15, 2003) (Ex. 33); ISN 567 SIR (March 15, 2003), at 2 ("Detainee never heard of any Al Qaeda networks within Somalia or Karachi, Pakistan."). Nothing in the factual return alters those conclusions.

⁵ See, e.g., ISN 567 FM40 (January 3, 2006); ISN 567 FD-302 (May 22, 2002); ISN 567 FD-302 (May 3, 2002) (Ex. 32).

⁶ See ISN 567 FM40 (January 3, 2006); see also IIR 6 034 0181 06 (refusing to answer further questions about Sudan or Afghanistan prior to November 2001); Decl. of Arthur Brown, ¶ 34, July 28, 2009 (explaining that in the regional culture of the Horn of Africa, a refusal to answer a question indicates a refusal to dignify a false accusation) (Ex. 3).

⁷ See, e.g., ISN 567 FD-302 (May 22, 2002); ISN 567 FM40 (January 3, 2006); see also Summary of Administrative Review Board Proceedings for ISN 567, at 8-9 (revised on September 30, 2005) ("ARB Tr.") (Ex. 4); CSRT Tr. at 5 (describing torture) (Ex. 2).

⁸ See, e.g., ISN 567 FD-302 (May 22, 2002); ISN 567 SIR (March 15, 2003); ARB Tr. at 4 (Ex. 4).

⁹ See, e.g., ISN 567 FD-302 (May 22, 2002); ISN 567 FD-302 (December 17, 2002); ISN 567 FD-302 (January 14, 2003); CSRT Tr. at 3 (Ex. 2); ARB Tr. at 5, 12 (Ex. 4).

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Accordingly, because the government is unable to produce a single shred of evidence that Mr. Barre ever took any action adverse to American interests, the government has failed to satisfy its burden to establish the legality of his detention.

I. MR. BARRE'S FACTUAL NARRATIVE

Mr. Barre was born in Somalia, and it is that misfortune which has repeatedly determined his fate. It brought him to Pakistan in the early 1990s, when he fled the civil war in his home country. As a foreigner in Pakistan after September 11th, he had a price tag on his head, leading to his capture by Pakistani security forces and his transfer to U.S. custody shortly after the invasion of Afghanistan in October 2001. And since his arrival at Guantánamo, it has precluded any diplomatic pressure to secure his release because there is no functioning central government in Somalia to advocate for him. Unlike the overwhelming majority of detainees from places like Europe, Pakistan and Saudi Arabia, who were long ago released because their governments have strong ties to the United States – including, for example, Abdul Aziz Al Matrifi (ISN 005), the alleged head of the Al Wafa organization – Mr. Barre remains imprisoned because he is effectively stateless.¹⁰

A. Mr. Barre's Background and Flight from Somalia

Mr. Barre was born in 1964 or 1965 in the northwestern part of Somalia, in a region known as the Republic of Somaliland since it declared independence from Somalia in 1991. He received a Bachelor's Degree in Agriculture from the University of Agriculture near Mogadishu, the Somali capital, with the aim of helping to support his family. His parents, in the northwest area of the country, raised livestock, as did the majority of people in what is now Somaliland.

¹⁰ See Consolidated Chronology of GTMO Detainees Released, Transferred or Deceased (through October 6, 2008) (listing Al Matrifi's transfer date as December 28, 2007) (Ex. 5).

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His father also worked as a tailor, and other family members owned a pharmacy and small shops. Mr. Barre was the only one of his father's ten children who went to university. *See* Decl. of Sulaymon Barre Ali, Mar. 27, 2009 ("Ali Decl.") (Ex. 6); Barre Family Photos (Ex. 7).¹¹

While Mr. Barre was completing his university studies, civil war erupted in Somalia. As a result of the chaos and violence that consumed the country, and hoping to rebuild his life in a safer environment, Mr. Barre was forced to flee Somalia in the early 1990s. *See* ISN 567 SIR (September 5, 2005) (when Mr. Barre left Somalia "it was a bloodbath") (Ex. 35). Many refugees likewise fled the country around the same time. Other members of Mr. Barre's family were internally displaced, forced to relocate inside the country for their own protection. *See, e.g.,* ISN 567 FD-302 (May 22, 2002) (describing violence against his tribe while in university); CSRT Tr. at 2 (Ex. 2); Ali Decl., ¶¶ 9-11 (Ex. 6).

Mr. Barre fled from Somalia to Pakistan after hearing that the UNHCR office in Islamabad, Pakistan provided the opportunity for Somali refugees to secure United Nations mandate refugee protection. Soon after he arrived in Islamabad, Mr. Barre applied for and was granted refugee protection. *See, e.g.,* CSRT Tr. at 2 (Ex. 2). He was subsequently in repeated contact with the UNHCR office in Pakistan until the time of his capture. Indeed, his last in-person interaction with UNHCR was on July 3, 2001, when he received and signed a refugee certificate only four months prior to the home raid and abduction which precipitated his transfer to Guantánamo. *See* Selected UNHCR Refugee Cards of Mohamed Sulaiman Barre (Ex. 8). Further, based on discussions between undersigned counsel and UNHCR, Mr. Barre remains to this day an internationally recognized refugee under the mandate protection of UNHCR.

¹¹ Mr. Barre's family currently resides in the village of Oog, which is near the city of Borao, also referred to as "Burco" or "Burao," in Somaliland. *See* Ex. 9 (maps of Somaliland).

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UNHCR is the entity tasked by the United Nations and the international community with the protection of refugees around the world. The 1951 Refugee Convention prohibits the transfer of refugees to countries where their "life or freedom would be threatened on account of" certain enumerated factors. Art. 33(1), Convention Relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 150; *see supra note 1*. Individuals are *excluded* from refugee protection if they are found to have engaged in crimes against peace, crimes against humanity, war crimes, serious non-political crimes, or acts contrary to the purposes and principles of the United Nations. *Id.* at Art. 1F. Thus, UNHCR's continuing recognition of Mr. Barre as a refugee signifies its acknowledgment that he had a credible reason to fear repatriation to Somalia, and also that he had not (and has not) engaged in persecution or crimes worthy of refugee exclusion himself.

Moreover, on November 21, 2000, less than one year prior to Mr. Barre's abduction, the U.S. Immigration and Naturalization Service (INS), whose activities are now administered by the Department of Homeland Security, interviewed Mr. Barre in Pakistan to determine whether he would be eligible for a resettlement program that transfers refugees from other parts of the world to the United States for protection. *See* Letter from U.S. Dep't of Justice, ISN, to Mariam Mehdi, Director, ICMC-Pakistan, Nov. 21, 2000 (Ex. 10). Like any other refugee, these undisputed facts demonstrate Mr. Barre's desire to restart his life and continue his education in a country with greater opportunities and stability.

**B. Mr. Barre Was Gainfully Employed by a Well-Known
Multinational Corporation for Years Prior to His Abduction**

In Pakistan, between the late-1990s and the time of his abduction in late-2001, Mr. Barre worked as an agent for the Dahabshiil Company, a well-known international financial transfer company. Dahabshiil is the largest remittance company operating in Somalia. Its principal business is to process money transfers to and from persons living in Somalia and other countries

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in East Africa. Dahabshiil currently hosts more than 1000 branches in more than 26 countries throughout the world, including in the United States and the United Kingdom. Dahabshiil's clients also include, for example, United Nations organizations, international and local non-governmental organizations, and the British Broadcasting Corporation. *See* CSRT Exhibit D-b (Ex. 11); *Dahabshiil Opens New Branch in Burao*, Somaliland Press, Feb. 14, 2009 (Ex. 12) (Somaliland's Minister of Commerce and Industry "cut the ribbon" for a new branch of Dahabshiil, a company which aims to be "the largest Somali company"); *see also* Ali Decl., ¶ 13 (Ex. 6); Decl. of Mohammed Hussein Abdallah, ¶ 18, Mar. 28, 2009 ("Abdallah Decl.") (Ex. 13); *see also* IIR 6 034 1106 03 ("Dahabshil is a legal money transfer company with offices in the United States, Australia, and Europe.").

Dahabshiil operates through a series of sub-contractors – called agents – who operate independent businesses in various countries around the world. Each agent is authorized to contract with customers on behalf of Dahabshiil to process money transfers. Customers provide the funds, the name of the recipient, and instructions as to contacting the recipient. Depending on the amount of money being transferred, customers may be required to provide proof of identity and information concerning the source and purpose of the transfer. Dahabshiil operates in compliance with applicable laws and requires its agents to do the same. *See, e.g.*, IIR 6 034 1106.03; CSRT Exhibit D-b (Ex. 11) (referencing Dahabshiil's due diligence policy); *see also* Dahabshiil: Due Diligence Policy (*available at* www.dahabshiil.com/new/duedilipolicy.asp).

As the sole agent for Dahabshiil in Pakistan, Mr. Barre did the same work that other Dahabshiil agents did, including agents operating openly and lawfully in the United States. His work resembled that of a Western Union employee tasked to facilitate transfers of funds, often relatively small amounts of money from individuals working abroad to their family members at

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home or to students in college. *See, e.g.*, ISN 567 FD-302 (May 22, 2002), at 5; ISN 567 FM40 (August 7, 2003), at 1; IIR 6 034 1106 03; ISN 567 MFR (March 15, 2003) (Ex. 33); ISN 567 SIR (September 5, 2005) (Ex. 35).

Mr. Barre's work consisted mainly of transferring money for Somalis living in Karachi, who needed to exchange money with their relatives in Somalia who did not have access to banks because of the civil war and extensive poverty in the country. *See, e.g.*, CSRT Tr. at 2-3 ("This Dehabshiil company helped transfer money to those people that needed it, especially those who couldn't use banks. There are no banks in Somalia.") (Ex. 2). He also received several incoming transfers from Somalis living in the United States and Europe. *See* ISN 567 FD-302 (May 22, 2002), at 5. Because he worked out of his home, customers could obtain Barre's phone number and home address from the Dahabshiil Company website. *See, e.g.*, CSRT Tr. at 3 (Ex. 2). They would contact him by phone or fax when they needed to transfer money, and would then go to his home or meet him elsewhere to conduct the transfer. *See, e.g., id.*; ISN 567 MFR (March 15, 2003) (Ex. 33).

Mr. Barre thus worked to support himself and his family, regularly sending money to his own family in Somaliland, until the time of his capture in November 2001. *See* Ali Decl., ¶ 11 (Ex. 6); IIR 6 034 0181 06.

C. **Mr. Barre's Abduction and Imprisonment**

Mr. Barre was one of the earliest victims of house raids by the Pakistani security forces

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after the U.S. invasion of Afghanistan in October 2001.¹² On the night of November 1, 2001, at around 2:30 a.m., Pakistani security forces raided his home and abducted him while he was there with his wife. Mr. Barre was taken away in the middle of the night to a Pakistani prison, told that he was merely being investigated and would be released in the morning. He nonetheless remained in the Pakistani prison with other Pakistani prisoners for several months, where he was interrogated by both Pakistani and U.S. officials. *See, e.g.*, CSRT Tr. at 4 (Ex. 2); IIR 6 034 0334 03; *see also* Abdallah Decl., ¶ 20 (Ex. 13).¹³

At the time, Mr. Barre was told that he had been arrested because he did not pay taxes in Pakistan. *See* ISN 567 FM40 (August 7, 2003). Later, he was asked about telephone numbers found on a list of phone calls made to his house which were purportedly linked to the Al Wafa organization. *See* ISN 567 FD-302 (January 14, 2003). As Mr. Barre has consistently explained, he had never heard of Al Wafa, a non-governmental Islamic charity, until he was questioned about the organization while jailed in Pakistan. *See id.*; CSRT Tr. at 3 (Ex. 2); ARB Tr. at 5, 12 (Ex. 4). Mr. Barre was assured that because he worked for such a large company, Dahabshiil, it would not be unusual to talk to many people on the phone. *See* CSRT Tr. at 4 (Ex. 2). Mr. Barre

¹² *See* Andy Worthington, *The Guantánamo Files 143* (2007) (“The first house raids – based on intelligence that was often extremely suspect – took place in November 2001. One of the first prisoners was Mohammed Sulaymon Barre, a 37-year-old Somali, who had been living in Pakistan, as a UN-approved refugee, since fleeing his homeland during its ruinous civil war in the early 1990s.”).

¹³ The government alleges that Mr. Barre was shredding documents at the time of his arrest. *See* Narrative ¶ 24. What that is intended to show, however, is neither explained by the government nor is it self-evident. What is clear is that Mr. Barre was subject to repeated investigation by Pakistani officials and that he intended to close and relocate his business as a result. *See* ISN 567 SIR (January 17, 2006) (Ex. 36); IIR 6 034 1087 04. A document referenced in the factual return as [REDACTED] apparently shows a letter written by Mr. Barre to Dahabshiil explaining his actions. However, the government has refused to produce that document to undersigned counsel in response to a discovery letter dated June 22, 2009. *See* Ex. 14.

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was also told by the Pakistanis that he would be released and sent home since their investigation was completed. *See id.* Unfortunately, his nightmare had only just begun.

In February 2002, three months after Mr. Barre's abduction, a group of Middle Eastern men, mostly Yemenis, were brought to the same jail. Although Mr. Barre had no connection to these men or to terrorism, the Pakistanis subsequently transferred Mr. Barre with these men to the control of U.S. authorities. *See* IIR 6 034 0334 03; ISN 567 FD-302 (January 14, 2003). Mr. Barre has been detained ever since, virtually *incommunicado*, and without charge.

American forces transferred Mr. Barre in a military airplane to U.S. military bases in Afghanistan, first to Kandahar and later to Bagram. While imprisoned in Afghanistan, Mr. Barre was tortured by U.S. forces – including through physical abuse, isolation, temperature extremes, and deprivation of adequate food – because he refused to make a false confession to membership in the Al Wafa organization. *See* CSRT Tr. at 5 (Ex. 2). He was later transferred to Guantánamo in May 2002, where he remains more than seven years after the house raid that transformed his life.

Mr. Barre's father-in-law, Muhammed Hussein Abdallah, was also arrested by Pakistani authorities at his home in Peshawar, Pakistan, in May 2002, and transported to Bagram and Guantánamo. However, unlike Mr. Barre, the government concluded by May 2004 that Mr. Abdallah "should not have been transferred to Cuba." Memorandum from Department of Defense, Criminal Investigation Task Force to General Counsel, Department of Defense dated 21 May 2004 (Ex. 15). Thus, more than five years after this determination, on October 31, 2008, Mr. Abdallah was transferred from Guantánamo to Djibouti, a small country neighboring Somaliland in East Africa. The International Committee of the Red Cross then transferred him from Djibouti to Hargeisa, the capital of Somaliland. *See* Abdallah Decl., ¶¶ 35-38 (Ex. 13).

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After the release of his father-in-law, Mr. Barre became the last United Nations refugee in Guantánamo.¹⁴

II. MR. BARRE'S RESPONSE TO THE GOVERNMENT'S ALLEGATIONS AND EVIDENCE AGAINST HIM

A. The Government's Proposed Legal Detention Standard

The AUMF authorizes the President to

use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

AUMF § 2(a). By its plain terms, the authorization is limited to persons or entities responsible for the September 11th attacks.¹⁵ And while it authorizes the use of force it says nothing about the scope of any detention power. *See Hamdi v. Rumsfeld*, 542 U.S. 507, 547 (2004) (Souter, J., concurring) (concluding AUMF does not authorize detention).¹⁶

¹⁴ The government did not inform UNHCR that there were United Nations mandate refugees imprisoned at Guantánamo. UNHCR discovered this independently and inquired about them in December 2006. *See* Carol Rosenberg, *Two with Refugee Status Found in Detention Camp*, Miami Herald, Jan. 30, 2007.

¹⁵ The legislative history confirms such limitation. *See, e.g.*, 147 Cong. Rec. S9417 (Sen. Feingold) (AUMF is “appropriately limited to those entities involved in the attacks that occurred on September 11.”) (daily ed. Sept. 14, 2001); *id.* at S9416 (Sen. Levin) (“[The AUMF] is limited to nations, organizations, or persons involved in the terrorist attacks of September 11. It is not a broad authorization for the use of military force against any nation, organization, or persons who were not involved in the September 11 terrorist attacks.”). Indeed, the President specifically proposed – and Congress rejected – an earlier version of the AUMF that would have authorized the President to use force to “deter and pre-empt any future acts of terrorism or aggression against the United States” that are unrelated to the September 11th attacks. Richard F. Grimmert, *Authorization for Use of Military Force in Response to the 9/11 Attacks (P.L. 107-40): Legislative History*, CRS Report for Congress (Jan. 16, 2007).

¹⁶ Justice Souter’s concurrence is controlling because it is the narrowest opinion necessary to effect the plurality’s judgment. *See Marks v. United States*, 430 U.S. 188, 193 (1977).

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The government's proposed detention standard, set forth in briefs filed in each of the Guantánamo detainee cases on March 13, 2009, *see* Respondents' Memorandum Regarding the Government's Detention Authority Relative to Detainees Held at Guantánamo Bay, *In re Guantánamo Bay Detainee Litig.*, Misc. No. 08-442 (TFH) (D.D.C. Mar. 13, 2009) ("Gvt. Det. Auth. Mem."), expands on the language of the AUMF to include "those persons whose relationship to al-Qaida or the Taliban would, in appropriately analogous circumstances in a traditional international armed conflict, render them detainable." *Id.* at 1.¹⁷ The government thus proposes the following as a detention standard:

The President has the authority to detain persons that the President determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, and persons who harbored those responsible for those attacks. The President also has the authority to detain persons who were part of, or substantially supported, Taliban or al-Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act, or has directly supported hostilities, in aid of such enemy armed forces.

Gvt. Det. Auth. Mem. at 2.

¹⁷ The Supreme Court has recognized there are two types of armed conflict – international and non-international – from which different rights and protections flow to persons impacted by the conflict. *See Hamdan v. Rumsfeld*, 548 U.S. 557, 628-32 (2006). An "international armed conflict" is defined as a conflict between two nation-states which are signatories to the Geneva Conventions leading to the intervention of forces, even if one party denies the existence of a state of war. *See* Geneva Convention (III) Relative to the Treatment of Prisoners of War, Aug. 12, 1949, art. 2, 6 U.S.T. 3316; Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, art. 2, 6 U.S.T. 3516; Int'l Comm. of the Red Cross, *Commentary on Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field* at 32 (Prictet ed. 1994). Non-international armed conflicts, by contrast, include conflicts that are not waged between nation-states but which reach a threshold of violence that exceeds mere "internal disturbances and tensions" such as riots or sporadic violence. *See* ICRC Commentary at 32; Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-International Armed Conflicts, June 8, 1977, art. 1(2), 16 I.L.M. 1442; *see also Al-Marri v. Pucciarelli*, 534 F.3d 213, 227-28, 235 (4th Cir. 2008) (Mott, J., concurring). The Supreme Court has recognized the conflict with Al Qaeda is not an international armed conflict. *See Hamdan*, 548 U.S. at 628-29.

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The government further proposes that “[i]t is neither possible nor advisable . . . to attempt to identify, in the abstract, the precise nature and degree of ‘substantial support,’ or the precise characteristics of ‘associated forces,’ that are or would be sufficient to bring persons and organizations within the foregoing framework.” *Id.* As set forth in detail below, even assuming the government’s detention standard were correct – which Mr. Barre does not concede¹⁸ – on the undisputed facts of this case, it is clear under any plausible reading of this standard that he is not subject to lawful detention authority. That is particularly so given that the government also states that “the concept of ‘substantial support’ . . . does not justify the detention at Guantanamo Bay of those who provide *unwitting* or *insignificant* support to the organizations identified in the AUMF.” *Id.* at 2 (emphasis added).

Judges Walton and Bates have recently issued opinions regarding the scope of government’s detention authority in the wake of the government’s March 13, 2009 filing. *See Gherebi v. Obama*, 609 F. Supp. 2d 43, C.A. No. 04-1164 (RBW), 2009 WL 1068955, (D.D.C. Apr. 22, 2009) (Walton, J.); Mem. Op., *Hamliily v. Obama*, C.A. No. 05- 763 (JDB), 2009 WL 1393113 (D.D.C. May 19, 2009) (Bates, J.). These decisions underscore the government’s failure in this particular case to allege adequately – much less establish by competent evidence – that Mr. Barre falls within its own proffered detention standard.

In *Gherebi*, Judge Walton held that in non-international armed conflicts – including the conflict with Al Qaeda – individuals who were “members of the armed forces of an enemy organization at the time of their initial detention” may be militarily detained. 2009 WL 1068955 at *23. However, in order to constitute an armed force, the “group in question must be ‘organized . . . under a command responsible . . . for the conduct of its subordinates.’” *Id.* at *21.

¹⁸ *See also supra* note 2.

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As to the individual detainees, in order to be a “member,” their role must go beyond “mere sympathy for or association with an enemy organization”; “[i]nstead, the individual must have some sort of ‘structured’ role in the ‘hierarchy’ of the enemy force.” *Id.* “[T]here is a distinction to be made between members of a terrorist organization involved in combat operations and civilians who may have some tangential connections to such organizations. . . . Sympathizers, propagandists, and financiers who have no involvement with this ‘command structure,’ while perhaps members of the enemy organization in an abstract sense, cannot be considered part of the enemy’s ‘armed forces’ and therefore cannot be detained militarily unless they take a direct part in the hostilities.” *Id.* at *22. The key question, Judge Walton concluded, “is whether an individual ‘receive[s] and execute[s] orders’ from the enemy force’s combat apparatus, not whether he is an al-Qaeda fighter.” *Id.*¹⁹

In *Hamhily*, Judge Bates also held that membership in targetable groups should be determined by “an approach that is more functional than formal, as there are no settled criteria for determining who is a ‘part of’ an organization such as Al Qaeda.” Mem. Op. at 17. Judge Bates reiterated Judge Walton’s cautionary statements that “mere sympathy for or association with” such an organization was inadequate; “[t]he key inquiry . . . is not necessarily whether one self-identifies as a member of the organization . . . but whether the individual functions or participation within or under the command structure of the organization – *i.e.* whether he receives and executes orders or directions.” *Id.* at 17 (citing *Gherebi* at *22). Judge Bates found that members of a co-belligerent force could also be detained, but the co-belligerent groups would have to have “an actual” – not philosophical – “association in the current conflict.” *Id.* at

¹⁹ Judge Walton left open the scope of authority to detain similar “members” of “forces” that are “associated” with the AUMF’s targets, Al Qaeda and the Taliban. *Id.* at *24 n.21.

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16 & n.17. Moreover, individuals cannot be co-belligerents without reference to their status as members of a co-belligerent group. *Id.* at 18 (“Court can see no plausible reading of the principle of co-belligerency that would encompass individuals”). In other respects, Judge Bates rejected the government’s reliance on notions of “substantial support,” departing from Judge Walton and holding that “reliance on ‘substantial support’ as a basis for detention independent of membership in the Taliban, al Qaeda or an associated force is rejected.” *Id.* at 19.²⁰

These decisions are fatal to the government’s case against Mr. Barre.

B. The Government’s Allegations Are Facially Insufficient to Justify Mr. Barre’s Detention Even Under the Government’s Own Detention Standard

In context of its own proposed detention standard, it is clear from the face of the government’s allegations that Mr. Barre is not properly subject to detention. While the government contends that Mr. Barre “has supported and trained with Al Qaida” and is “an enemy of the United States,” Narrative ¶ 1, it does not contend that he was formally part of Al Qaeda, or that he functionally became a member by providing substantial support to Al Qaeda forces. Specifically, the factual return does not allege that Mr. Barre had any structured role in the hierarchy of Al Qaeda, or that he received and executed orders from Al Qaeda’s “combat apparatus.” The return further fails to allege any such conduct at the time of Mr. Barre’s initial detention. Nor does the government attempt to justify Mr. Barre’s detention based on any involvement with the Taliban or other “associated forces that are engaged in hostilities” against the United States or its allies.

²⁰ Judges Lamberth and Kollar-Kotelly have recently adopted Judge Bates’s detention standard as set forth in *Hamlily*. See Mem. Op. at 2, *Mattan v. Obama*, C.A. No. 09- 745 (RCL) (D.D.C. May 21, 2009); Classified Mem. Op. at 7-8, *Al Mutairi v. Obama*, C.A. No. 02-828 (CKK) (D.D.C. July 29, 2009).

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The government instead contends that Mr. Barre is properly detained based merely on his alleged "links" to Al Qaeda. *See* Narrative at 6. First, the government advances allegations related to Mr. Barre's employment with Dahabshiil, the Somali equivalent of Western Union. It specifically contends that in the course of his work for Dahabshiil, Mr. Barre transferred money for individuals with suspected links to Al Qaeda. *See id.* ¶¶ 21-24. Yet that allegation does not withstand even limited scrutiny of the evidence on which it is purportedly based, and, moreover, even if it were true, there is no allegation or hint of evidence that Mr. Barre *knowingly* conducted any money transfers for Al Qaeda. Second, the government asserts that he *associated* with other individuals who have *ties* to other organizations which have *ties* to Al Qaeda. *See id.* ¶¶ 20, 25-28. Again, the allegations are unsupported by the record; but even if they were true, they would be too attenuated and insubstantial to justify Mr. Barre's detention.

Finally, the government contends [REDACTED]

[REDACTED]

[REDACTED] Not only are these allegations internally inconsistent, unsubstantiated and contrary to other credible evidence, they are also inherently unreliable. Specifically, they originate from two documents [REDACTED]

[REDACTED]. The second is an intelligence report describing another document purportedly written by Mohamedou Ould Slahi (ISN 760), who is one of Guantánamo's best-known torture victims and serial accusers, and who suffers from a serious mental illness – requiring stabilization by anti-psychotic medication – all precipitated by interrogators who employed interrogation methods the government now admits were unlawful in order to induce "Stockholm Syndrome" and obtain incriminating statements from him. But wholly apart from the questionable, multi-layered hearsay nature of these allegations, even if they were true they

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would not support Mr. Barre's detention under the AUMF because the events described occurred well before Al Qaeda declared war on the United States or the Taliban took power in Afghanistan. *See id.* ¶¶ 8, 10. Indeed, as described below, during the relevant time period the United States provided billions of dollars in aid and weaponry, including Stinger missiles, to the Mujahideen to support their fight against communist forces backed by the Soviet Union.

In any case, each of the government's allegations is characterized by a failure to assert that Mr. Barre *actually or knowingly did anything* adverse to American interests.

C. Mr. Barre Did Not Knowingly Perform Money Transfers for Al Qaeda Operatives Through the Dahabshiil Company

The government contends that Dahabshiil Company "is suspected of being used by al-Qaida to move funds to a location in Somalia." Narrative ¶ 23 (citing ISN 567 FM40 (August 7, 2003)). Yet nothing in the government's evidence about Mr. Barre's work with the Dahabshiil Company supports that allegation. As described above, Dahabshiil is a lawful, multinational entity that has never been found to be a front for terrorist financing, or to have any other involvement with terrorism.²¹ Mr. Barre has also in no way attempted to conceal this employment. Indeed, he publicly advertised his work on the Internet. *See, e.g.*, IIR 6 034 1087 04. Dahabshiil, like many remittance companies around the world, simply filled a need that existed because of the lack of traditional banks in Somalia for the Somali diaspora, international organizations, and businesses to transfer money into and out of Somalia both legally and safely.

²¹ The government contends that Mr. Barre has admitted that his business was illegal because Pakistani law prohibits money transfers. *See* Narrative ¶ 21. That statement is wrong. Pakistani law does not prohibit money transfer businesses *per se*, as the government's other evidence shows. *See* IIR 6 034 0425 05; IIR 6 034 1106 03 ("Dahabshil is a legal money transfer company"). While the government contends that Mr. Barre failed to pay taxes, that claim, even if true, is wholly irrelevant to whether he is properly detained under the AUMF.

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1. "Shakir Mohammed"

In support of its theory that Dahabshiil may have been used by Al Qaeda to transfer funds to Somalia, the government alleges that Mr. Barre transferred money for an individual called "Shakir Mohammed," who is "suspected of being a high level al-Qaida operative." Narrative ¶ 23. The evidence cited by the government describes two transfers, an initial transfer of \$20,000 from Karachi to Mogadishu around July or August 2001, and, a short time later, a second transfer of \$5,000. A close examination of the government's own evidence belies its allegations.

First, the government has no idea for whom Mr. Barre actually made these transfers. The various reports of Mr. Barre's interrogations show that the \$25,000 transaction was for someone simply named "Shakir" -- not "Shakir Mohammed" -- who appeared to be Yemeni or Saudi. *See, e.g.,* ISN 567 FD-302 (May 22, 2002), at 5; ISN 567 LHM (January 31, 2004), at 2. When Mr. Barre was specifically shown two photographs of Guantánamo detainee Mohammed Ami Shakir (ISN 239), a Saudi citizen and former British resident, and asked whether he could identify him, Mr. Barre stated that he had never seen the individual in the photographs before arriving in Cuba. *See* ISN 567 FM40 (August 7, 2003), at 2; ISN 567 FD-302 (August 9, 2003) (Ex. 34). He was also asked specifically whether he conducted any transfers for an individual named "Al Mandani." Mr. Barre said he could not remember that name nor did he recall any transactions for someone by that name. ISN 567 FM40 (August 7, 2003), at 2; ISN 567 FD-302 (August 9, 2003) (Ex. 34).²² The government presents no evidence to the contrary, nor any other evidence to establish "Shakir Mohammed's" identity.

²² *See* IIR 2 340 6605 02 (speculating "Shakir may be Shakir Mohammed ((Armi)) also known as Madani"); *see also* Decl. of [REDACTED] "Names, Aliases, Konyms and Variants" (September 19, 2008), at 10 ("Al-Madani" means "from Medina, Saudi Arabia").

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Second, the government offers absolutely no evidence to support its speculation that "Shakir Mohammed," whoever he may be, is actually connected to Al Qaeda. There is not one shred of actual evidence in the record to support that speculation.²³

Third, even if "Shakir" were the same person as "Shakir Mohammed," and even if "Shakir Mohammed" were shown to be connected to Al Qaeda, there is no evidence that Mr. Barre *knowingly* transferred money on behalf of Al Qaeda.²⁴ If even the government is unable to identify "Shakir," there is no way that Mr. Barre would know he was transferring funds for a suspected terrorist. As Mr. Barre explained to his interrogators when they questioned him specifically to determine whether he knew his services were being used by alleged terrorists, while there was a possibility he had transferred money for people the United States thought were terrorists, he is a businessman who did not question the motives or pedigrees of his clients. He simply wired money for a fee for someone needing to transfer money. *See* ISN 567 FM40 (January 20, 2003), at 1; *see also* ARB Tr. at 5-6, 9-10, 11-12 (Mr. Barre had no reason to question whether his clients were transferring funds for improper purposes) (Ex. 4).²⁵ That explanation is corroborated by Mr. Barre's specific statements to his interrogators that he had no other transactions with "Shakir," and they "did not discuss anything other than the transactions." ISN 567 FM40 (August 7, 2003), at 2. "Shakir never told [Mr. Barre] why he was sending the

²³ The mere fact that intelligence reports relied on by the government may contain speculation about "Shakir Mohammed's" ties to Al Qaeda is legally insufficient to justify Mr. Barre's detention. *See Parhat v. Gates*, 532 F.3d 834, 849 (D.C. Cir. 2008) (rejecting government claims that information is reliable simply because it was included in intelligence reports).

²⁴ As discussed above, the government's own detention standard precludes detention based on unwitting or unknowing conduct, as well as insubstantial conduct. *See supra* p. 13.

²⁵ Mr. Barre required customers to sign receipts when he gave them large amounts of money in order to protect himself against later claims that he did not pay them their money, but he did not require customers to vouch for their identities. *See* IIR 6 034 0181 06.

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money." IIR 2 340 6605 02. They never saw each other again. *See* ISN 567 FM40 (August 7, 2003), at 2; ISN 567 FD-302 (August 9, 2003) (Ex. 34). As Mr. Barre summarized for his interrogators, "I've never to my knowledge helped any illegal organization, all I tried to do is make some money so that I can live and provide for my wife and myself." ISN 567 SIR (March 15, 2003), at 2. The government offers no contrary evidence that he actually knew or should have suspected that he was helping any illegal organization.

2. "Sheikh Ali"

The government also claims in the factual return that Mr. Barre conducted a transaction for an elderly man named "Sheikh Ali," who transferred \$20,000 via Karachi to purchase a shipment of rice. The government claims that in actuality the money was sent from an unidentified person in Kenya to "Sheikh Ali," who is an Al Qaeda operative who lived in Mogadishu. *See* IIR 6 034 0425 05. That suspicion is based on "past reporting" from a Guantánamo detainee from Yemen named Shargawi (ISN 1457), which has not been produced and is not part of the record here.²⁶ *Id.* Even if that suspicion were correct, there is no evidence in the record that Mr. Barre knew who "Sheikh Ali" was or that he knew "Sheikh Ali" was connected to Al Qaeda. Rather, once again, the evidence shows the opposite. *See* ISN 567 SIR (March 15, 2003), at 2.

3. Al Wafa

The only other allegations the government presents related to theoretically improper money transfers are just that – theoretical. The government appears to imply that *queries* about

²⁶ The voluntariness of any statements by Shargawi must be viewed with extreme suspicion given that he was rendered by the United States to Jordan as well as a secret CIA prison in Afghanistan, where he was brutally tortured and forced to sign a false confession in December 2003. *See* Decl. of Kristin B. Wilhelm, May 23, 2007 (filed with permission) (Ex. 16). Shargawi is also a serial accuser of other detainees.

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transfers from two individuals allegedly associated with the Al Wafa organization might justify Mr. Barre's detention, even though the transfers were never conducted. In particular, the government includes throughout its factual return Mr. Barre's purported acknowledgement that "Abdul Aziz" and "Abu Al Wafa" contacted him in the summer of 2001 "regarding commissions policy and procedures for transferring money" and "Dahabshiil policies and procedures," respectively, and speculation that these individuals are affiliated with the non-governmental organization Al Wafa. *See, e.g.*, IIR 6 034 0425 05; IIR 2 340 6605 02. Yet there is no allegation or evidence that Mr. Barre actually facilitated any transfers for these individuals. Rather, the undisputed evidence is that Mr. Barre did not conduct the transfers. *See, e.g.*, ISN 567 FD-302 (January 14, 2003); IIR 6 034 0334 03; IIR 2 340 6605 02 (Mr. Barre's commission rates were too high for the men to justify using his company to transfer money). There is simply no assertion or evidence that Mr. Barre knew who these individuals were, knew that they were affiliated with Al Wafa, or knew what Al Wafa was when they approached him. *See, e.g.*, ISN 567 FD-302 (January 14, 2003); ISN 567 MFR (March 15, 2003) ("Detainee had no knowledge of how Islamic organizations move funds until he was detained by the Pakistanis. The Pakistanis informed detainee that he was helping Al Wafa with illegal money transactions.") (Ex. 33); ISN 567 SIR (March 15, 2003) (same).²⁷ Nor is it surprising that Mr. Barre received inquiries from potential customers he did not know, since his name and contact information were freely available on the Internet, on the Dahabshiil website. *See* IIR 6 034 1087 04; CSRT Tr. at 3 (Ex. 2); ARB Tr. at 2-3 (Ex. 4).

²⁷ As set forth below, there is no actual proof that these two individuals are the same as other individuals referenced in the factual return who are alleged to be involved with the Al Wafa organization.

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Indeed, notwithstanding the current allegations in the factual return, Mr. Barre's interrogators concluded in May 2004:

Barre appears to be straightforward and cooperating with interviewers. His story remains consistent through out [sic] the interview process. Barre has admitted to running the [Dahabshii] office in Karachi. Barre has remained adamant about the fact that he was a businessman and as such he did not ask what the money transfers were for and simply completed the requests. A cursory review of the documents extracted from Barre's hard drive appeared to be consistent with Barre's stories about his business and his computer.

Memorandum from Department of Defense, Criminal Investigation Task Force to General Counsel, Department of Defense dated 21 May 2004 (Ex. 15).²⁸ Nothing in the factual return suggests otherwise more than five years later.

* * *

It bears emphasis that to the extent it truly relies on the above transactions or contemplated transactions to justify Mr. Barre's detention, the government would seem to suggest the propriety of indefinite detention for any Western Union employee or bank officer whose offices were used inadvertently by someone alleged to have terrorist ties, or whose offices merely received inquiries from such individuals. That cannot be as a matter of common sense. Even if the money transfers were for Al Qaeda, Mr. Barre cannot be lawfully detained for performing them, where the evidence fails to establish that he did so knowingly.

D. Mr. Barre Is Not Subject to Detention Based on Attenuated Claims that He Associated with Other Individuals Who Have Ties to Other Organizations Which Have Ties to Al Qaeda

The government appears to contend that Mr. Barre is subject to indefinite detention at Guantánamo because he is *associated* with individuals who are *associated* with organizations

²⁸ Inexplicably, this information was not produced by the government as exculpatory evidence pursuant to section I.D.1 of the Case Management Order entered in this case. However, the document was produced as part of the record in Mr. Barre's DTA action. *See supra* note 4.

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which are *associated* with Al Qaeda. Even if these allegations were entirely true – which Mr. Barre does not concede – it would defy common sense to conclude that such attenuated and insubstantial associations are sufficient to justify his indefinite detention. Can it truly be that a person may be detained for nearly eight years without charge based on so many degrees of separation that he is equally “associated” with Al Qaeda as he is with President Obama or the Queen of England? Judges Walton and Bates have indicated the answer is “no.”

The government nonetheless cites Mr. Barre’s alleged association with the following individuals and organizations as basis for his detention: (1) an unidentified “former al-Wafa employee”; (2) Mr. Barre’s former employees Abdirashid Aidid Samatar and Faysal Dahir Dahir; (3) Al-Itihaad al-Islamiya; (4) the Jama’at Tablighi missionary organization; and (5) his father-in-law Muhammed Hussain Abdallah. *See* Narrative ¶¶ 20, 23, 25-27. Yet, apart from Muhammed Hussain Abdallah, the government provides little or no information about who these individuals or organizations are, or what about their purported associations with Mr. Barre justifies his indefinite detention in military custody.²⁹

1. The Unidentified Former Al Wafa Employee

To begin, undersigned counsel are informed and believe that the government has accused approximately thirty-five Guantánamo detainees of affiliation with the Al Wafa organization, twenty-five of them from Saudi Arabia, Kuwait, or Yemen. Notably, most or all of the Kuwaitis

²⁹ The factual return also alleges that [REDACTED]

[REDACTED] Narrative ¶¶ 27-28. What, if anything, this has to do with Mr. Barre is unclear. The government does not allege or present evidence that [REDACTED]

[REDACTED]. To the contrary, Mr. Barre has specifically denied involvement with [REDACTED] regarding the transfer of money. *See* ISN 567 FD-302 (May 22, 2002), at 6.

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and Saudis with alleged ties to Al Wafa have been returned home, including the organization's alleged leader, Abdul Aziz Al Matrafi (ISN 005). *See supra* note 10.

As noted above, the government initially contended that Mr. Barre himself was a member of or associated with the Al Wafa organization. It is now clear from Mr. Barre's repeated denials that he was never a member of or associated with Al Wafa. *See supra* note 9. It is equally clear that the government's initial belief that he had some connection to the Al Wafa organization was the result of a simple but consequential mistake – *i.e.*, confusion between a reference in Mr. Barre's files to an *individual* named "Abu Al Wafa," who contacted Mr. Barre to explore a possible money transfer in the summer of 2001, and the Al Wafa humanitarian *organization*. *See* ISN 567 FD-302 (December 17, 2002), at 2; ISN 567 FM40 (December 17, 2002); CSRT Tr. at 3-4 ("All of the accusations against me [regarding the Al Wafa organization] are based on some telephone numbers found on a list.") (Ex. 2); ARB Tr. at 2 (Ex. 4).

As Mr. Barre explains throughout the interrogation reports in the factual return, and as he testified at length during his 2005 Administrative Review Board hearing at Guantánamo, regarding the Al Wafa organization:

I was never one day a member of this organization and I did not hear of [it] until entering the jail in Pakistan from a Pakistani interrogator officer [sic]. I spoke of this at the first [CSRT] tribunal that this accusation is not true. . . . I do not know how you want me to prove to you my innocence from this accusation that was built upon phone numbers found in my phone memorandum. Based upon my job that I worked, I received many phone calls from people I know and from people I do not know. It wasn't necessary or required to [sic] me to know all the phone numbers listed in the memorandum. Dahabshiil Company is not a secret or underground company. It is on the air directly in the internet and any person who has the company address can contact any agent from the company from any country in the world. You also know that I was arrested from my house where it was my workstation. Also, information sources that were with me were confiscated like the computer, files, and notebooks, which provided all the information about my job and they did not find anything that would show association with [Al Wafa].

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ARB Tr. at 2-3 (Ex. 4); *see also, e.g.*, CSRT Tr. at 3 (Ex. 2); ISN 567 FD-203 (January 14, 2003), at 1 (“Barre had no knowledge of the Al-Wafa organization and had never heard of the organization until mentioned by the Pakistan authorities.”).

Thus, confronted with overwhelming and consistent denials by Mr. Barre that he was a member of or associated with the Al Wafa organization, the government retreats from that claim and instead alleges in the factual return that Mr. Barre is “an associate of a former al-Wafa employee.” Narrative ¶ 27. The government does not identify that alleged associate, however. Rather, in support of this claim the government merely cites two raw intelligence reports derived from Mr. Barre’s own interrogations. *See id.* (citing IIR 6 034 0367 03; IIR 6 034 0425 03). Neither document proves the government’s claim.

The first document, IIR 6 034 0367 03, a report of an interrogation of former Guantánamo detainee Adel Al Zamel (ISN 568), makes absolutely no reference to Mr. Barre at all.³⁰ Amid descriptions of Mr. Al Zamel’s interactions with various Al Wafa members or associates, he references an individual alleged elsewhere in the government’s evidence to be Mr. Barre’s brother-in-law, “Abu Mohammed Al-Somali,” but not Mr. Barre himself.³¹ Rather, it appears that the government cites this document because it references individuals named “Jamel Mohammed Mari Alawi a/k/a Abu Al-Wafa” and “Abu Abd Al-Aziz Al Saud,” apparently in order to (a) show that they are affiliated with the Al Wafa organization, and (b) suggest – without any proof whatsoever – that they are the same individuals as the “Abu Al Wafa” and “Abdul Aziz” who called Mr. Barre in the summer of 2001 to inquire about possible money transfers

³⁰ Mr. Al Zamel has also been released from Guantánamo. *See Consolidated Chronology of GTMO Detainees Released, Transferred or Deceased (through October 6, 2008)* (listing Al Zamel’s transfer date as November 2, 2005) (Ex. 5).

³¹ Mr. Barre does not concede that he is the brother-in-law of “Abu Mohammed Al-Somali.”

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which were never done. Yet, according to the government's other evidence, the *Saudi* "Abu Abd Al-Aziz Al Saud" could not be the same person as the "Abdul Aziz" that Mr. Barre spoke to because that person was *Pakistani*. See, e.g., ISN 567 FD-302 (May 22, 2002), at 4.

In the second document cited by the government, IIR 6 034 0425 03, a report of an interrogation of Mr. Barre, there is again no direct reference to any Al Wafa employees or associates. Rather, the document merely includes yet another description of Mr. Barre's telephone contacts with "Abu Al Wafa" and "Abdul Aziz," who, once again, the government apparently assumes – without any actual supporting evidence – are "likely" the same individuals as "Jamel Mohammed Mari Alawi a/k/a Abu Al-Wafa" and "Abu Abd Al-Aziz Al Saud," or other unidentified former Al Wafa employees.³²

Whatever the government's precise theory, it has failed to show through the documents it cites that the two men Mr. Barre spoke to were current or former Al Wafa members; and it has failed to show any actual, meaningful connection between Mr. Barre and any other former Al Wafa individuals. The government merely attempts to resurrect suspicion about a money transfer that simply never occurred. And as described above, even if the individuals Mr. Barre spoke with were members of Al Wafa, there is no evidence that he was aware of their connection to the organization. The government's evidence certainly does not meet the high burden to show that Mr. Barre engaged in conduct that would constitute knowing and substantial support or

³² The only references in IIR 6 034 0425 03 to these individuals "likely" being members of Al Wafa are two "field comments" from unidentified sources based on unknown information.

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functional membership in Al Wafa.³³

Moreover, the government cannot demonstrate that Al Wafa was effectively part of Al Qaeda, as the government has conceded would be required under the AUMF for a theory of detention premised on being part of or supporting an “associated” force engaged in hostilities

³³ The only document that purports to tie Mr. Barre directly to Al Wafa is IIR 6 034 0253 06, a report of an interrogation of former Guantánamo detainee Abdul Aziz Al Baddah (ISN 264), who was released on June 24, 2006. See Ex. 5. According to that report, Mr. Barre (purportedly identified as “Yusif”) worked as a financier for Al Wafa in Kabul and was responsible for transferring money and going to Karachi to purchase supplies for the organization. However, this allegation does not withstand scrutiny for several reasons. First, according to the interrogation report itself, Mr. Al Baddah lacked personal knowledge concerning who was purchasing supplies; rather, he heard that information from other detainees. See IIR 6 034 0253 06, ¶¶ 4, 6. Second, it is clear from a separate summary of the same interrogation that either Mr. Al Baddah or the writers of IIR 6 034 0253 06 confused Mr. Barre and his alleged brother-in-law “Abu Mohammad Al-Somali.” See ISN 264 SIR (March 31, 2006) (Ex. 37). As the summary indicates, it was Mr. Barre’s alleged *brother-in-law*, “Abu Mohammed Al-Somali,” not Mr. Barre himself, who was allegedly in Kabul and procuring supplies for Al Wafa. *Id.* ¶ (“[T]he brother-in-law . . . Muhammed (LNU) Al-Somali . . . was the facilitator and financier for [Abdul Aziz Al Matrafi]. . . [and] Al-Somali procured all hospital supplies, radios, computers and satellite phones.”). Third, the information in IIR 6 034 0253 06 is simply wrong. For example, contrary to Mr. Al Baddah’s interrogation report, and as the government’s other evidence shows, Mr. Barre did not live or own a house in Peshawar. See, e.g., IIR 6 034 0425 05 (Mr. Barre lived first in Islamabad, then Karachi); see also Abdallah Decl., ¶ 19 (communication with Mr. Barre was by telephone because of the great distance between Karachi and Peshawar) (Ex. 13). (Mr. Abdallah had a *different* son-in-law who lived in Peshawar, who was mistakenly killed by Pakistani security forces after Mr. Barre and Mr. Abdallah were sent to Guantánamo. See Abdallah Decl., ¶ 31.) Moreover, there is no possible way that Mr. Al Baddah ever met Mr. Barre. According to Mr. Al Baddah’s sworn testimony at his ARB hearing in 2005, he left Saudi Arabia on October 12, 2001, and arrived in Afghanistan 55 days after September 11, 2001, traveling via Syria and Iran. See Summary of Administrative Review Board Proceedings for ISN 264, at 3, 9-10 (Ex. 17). That places him in Afghanistan on or about November 5, 2001, *five days after* Mr. Barre was captured at home in Karachi, which is approximately a thousand miles away from Kabul. This is consistent with Mr. Barre’s denials that he worked for Al Wafa or was in Afghanistan prior to his capture. Further, Mr. Al Baddah denied at his 2005 ARB hearing that he had any relationship with “Abu Mohammed Al-Somali” or Abdul Aziz Al Matrafi. See *id.* at 3. For all of these reasons, any information that Mr. Al Baddah may have provided in an attempt to implicate Mr. Barre is unreliable. Again, the government has not produced a credibility assessment of Mr. Al Baddah or any other “circumstances” evidence regarding his statements, as required by section I.D.1 of the Case Management Order, and despite requests from undersigned counsel. Ex. 14.

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against the United States. *See Parhat*, 532 F.3d at 844 (“The government maintains that an entity that, subsequent to September 11, becomes so closely associated with al Qaeda or the Taliban that it is effectively ‘part of the same organization’ is covered by the AUMF because it thereby becomes the same “organization[]” that perpetrated the September 11 attacks.”) (citations omitted). Indeed, directly undercutting any claim that the Al Wafa organization was a part of or associated with Al Qaeda, the interrogation report of Adel Al Zamel, cited and relied on by the government, states that Al Wafa was not part of Al Qaeda or any other terrorist group, and, further, that Al Qaeda was suspicious of Al Wafa and believed that it was a front for the Saudi government to spy on Al Qaeda. *See IIR 6 034 0367 03*.

Exculpatory evidence produced in at least one other detainee case – but not here – corroborates these statements that Al Wafa was not part of Al Qaeda. Specifically, for example, although the government continues to allege that [REDACTED]

[REDACTED]
[REDACTED] Narrative ¶ 27, it is clear that the government does not fully believe those claims. Although the government continues to cite the Declaration of [REDACTED], “Background Declaration –Terrorist Organization,” (September 19, 2008), for the proposition that [REDACTED]

[REDACTED] the government has essentially withdrawn that allegation [REDACTED]
[REDACTED]

[REDACTED] *See Batarfi v. Obama*, C.A. No. 05-409 (EGS) (D.D.C.). The government apparently did so because, contrary to the statements in the [REDACTED] Declaration, interrogators concluded that Dr. Batarfi was not associated with an anthrax researcher named Yazid Sufaaf, and, indeed, the government concluded that Dr.

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Batarfi did not have any direct knowledge of Al Qaeda's anthrax program. Exs. 18, [REDACTED] (exculpatory documents produced in the *Batarfi* case).

Similarly, although the [REDACTED] Declaration states that [REDACTED], the interrogation report of Mr. Al Zamel that the government relies on in this case shows that the money he handled was for medical supplies, including equipment for a children's hospital. See IIR 6 034 0367 03. Yet, remarkably, the government still cites the [REDACTED] Declaration as evidence against Mr. Barre and other detainees.

In sum, the plain language of the AUMF authorized the use of force against those "nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons." AUMF § 2(a). But there is no credible allegation that Al Wafa had anything to do with September 11th, or that it harbored any organization that did. Nor is there any evidence that the organization "engaged in hostilities" against the United States or its allies, or took action intended to cause harm to the U.S. or its interests.

2. Abdirashid Aidid Samatar and Faysal Dahir Dahir

The government next contends that Mr. Barre was associated with two individuals named "Abdirashid Aidid Samatar" and "Faysal Dahir Dahir," who were affiliated with Al Qaeda. Narrative ¶ 25. In support of this claim, the government cites two raw intelligence reports and a series of print outs from what purports to be – but there is no evidence to establish actually is – Mr. Barre's computer. *Id.* Again, the government's contention that Mr. Barre is somehow properly detained based on his affiliation with two individuals who themselves are allegedly affiliated with Al Qaeda cannot withstand scrutiny.

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The first intelligence report cited by the government, IIR 6 034 0334 03, does not mention either Abdirashid Aidid Samatar or Faysal Dahir Dahir. It is wholly irrelevant.

The second intelligence report, IIR 6 105 0157 06, likewise fails to support an allegation that these individuals are associated with Al Qaeda. For instance, although the document references Abdirashid Aidid Samatar, it states that [REDACTED] an Al Qaeda courier in custody since September 2004. *Id.* The document similarly references Faysal Dahir Dahir, and says that [REDACTED] someone “identified . . . as tied to Al-Qaida’s East Africa network.” *Id.* In neither instance does the document state the basis for these tentative, summary conclusions, or what the conclusions mean. For instance, who identified Faysal Dahir Dahir as “tied” to Al Qaeda’s East Africa network? And how is he tied to that network – by blood relative, by marriage, by coincidence, by mistake? Likewise, when might Abdirashid Aidid Samatar have become an Al Qaeda courier – in 2004, several years after Mr. Barre was captured and transported to Guantánamo? Such questions are not answered by the government’s evidence. Indeed, the source writer of the report is not identified, and the report itself states that it “should be read in conjunction with IIR 6 105 0143 06,” which is not part of the record in this case. *Id.*³⁴

What the document does state is that the report is “based on a series of . . . scans of various email boxes and sent items belonging to Mohammed Soliman Barre.” IIR 6 105 0157

³⁴ Undersigned counsel requested this document by letter dated June 22, 2009, but the government refused to produce it. Ex. 14.

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06.³⁵ That suggests that the only basis for the report's conclusions that Abdirashid Aidid Samatar and Faysal Dahir Dahir are connected to Al Qaeda as couriers or as some other part of Al Qaeda's purported "East Africa network" is their alleged connection to Mr. Barre. If true, then the government's entire claim is circular – *i.e.*, Mr. Barre is connected to Al Qaeda because he is connected to individuals who are connected to Al Qaeda *by him*. It defies common sense.

Further, what the government's evidence shows is that Mr. Barre hired two Somali students with names similar to "Abdirashid Aidid Samatar" and "Faysal Dahir Dahir," who worked for him at Dahabshiil. When interrogated about these individuals, Mr. Barre has consistently stated that these two men were Somali students in Pakistan who briefly worked for him as assistants at Dahabshiil – and nothing more. *See, e.g.*, ISN 567 FD-302 (May 22, 2002); ISN 567 MFR (March 15, 2003) (Ex. 33). According to Mr. Barre, "Abdul Rashid Aidid" assisted him in running Dahabshiil out of Islamabad. Mr. Barre hired him in August 1998, and he worked for Mr. Barre for about one year. Abdul Rashid Aidid was paid about \$100 per month. When Abdul Rashid Aidid quit due to his studies at the Islamic University of Islamabad, Mr. Barre hired "Faisal Tahir," another student, to replace him. Faisal Tahir worked for Mr. Barre until the time of Mr. Barre's abduction in November 2001. *See, e.g.*, IIR 6 034 0058 06; ISN 567 FD-302 (May 22, 2002), at 4; ISN 567 MFR (March 15, 2003) (Ex. 33). Moreover, Mr. Barre's relationship with the two students was "a professional relationship with few personal

³⁵ The screen shots are identified in Narrative ¶ 25 as a series of "AFGP" documents. Whether these are actually screen shots from Mr. Barre's computer is unknown, given that Pakistani authorities seized his computer and, as of June 2004, it could not be located. *See* IIR 6 034 1264 04. In any case, only four of the documents reference the individuals at issue here. *See* AFGP 2002 600587; AFGP 2002 600639; AFGP 2002 600642; AFGP 2002 600655. In addition, those four documents are nearly identical, showing a sum total of three email exchanges between Mr. Barre and Abdirashid Aidid Samatar or Faysal Dahir Dahir during an unspecified time period.

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matters discussed. [Mr. Barre] did not have a relationship with either one outside of business. See ISN 567 SIR January 17, 2006) (Ex. 36). There is no evidence to the contrary.

3. Al-Itihaad al-Islamiya

At several degrees of separation from Mr. Barre, the government alleges that he had associations with unnamed "*contacts with those who have ties with Al-Itihaad al-Islamiya (AIAI), a terrorist organization affiliated with al-Qaida that operates primarily out of East Africa.*" Narrative ¶ 26 (emphasis added). It is difficult to discern exactly how many degrees of separation these contacts are purported to be from Mr. Barre. Further, the government cites to a single document in which the only relevant reference to AIAI is in connection with the previously cited individual Faysal Dahir Dahir. *Id.* However, the record states only that Faysal Dahir Dahir "*may be associated with Al-Itihaad Al Islamiya (AIAI).*" See IIR 6 105 0157 06 (emphasis added). This appears to be a mere reiteration of the assertion that Mr. Barre has ties to Faysal Dahir Dahir, with some additional unsubstantiated innuendo. In any case, the allegation is wholly insufficient as a matter of law, and as a matter of common sense, to establish Mr. Barre's knowing connection to AIAI, or AIAI's engagement in hostilities against the United states or its coalition partners at the time of Mr. Barre's capture.³⁶ The government further offers no evidence to show that AIAI is actually or effectively part of Al Qaeda or the Taliban. See Gvt. Det. Auth. Mem. at 6-7.

³⁶ See *Parhat*, 532 F.3d 834, 849 (evidence "must be presented in a form, or with sufficient additional information, that permits . . . the court to assess its reliability"); *id.* at 846 (court precluded from assessing reliability of assertions in key Government documents, where documents described activities and relationships as having "reportedly" occurred, as being "said to" or "reported to" have happened, and as things that "may" be true or are "suspected of" having taken place").

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4. Jama'at Tablighi

In an equally weak attempt to manufacture some basis for Mr. Barre's detention, the government contends that Mr. Barre has "links" to Al Qaeda because his travel to Pakistan was sponsored by Jama'at Tablighi ("JT"), an international missionary organization with branches all over the world, including in the United States.³⁷ Specifically, although it concedes JT is not a designated terrorist organization, and is "not formally associated with politics or the advocacy of violence," the government claims that JT has been used by certain unnamed "Islamic terrorist leaders" to exploit "the willingness of [JT's] members to make jihad sacrifices." The government further contends that the group is "closely aligned with Pakistani terrorist organizations and the al-Qaida network," and that sometimes missionary work is used as a cover for terrorist activities. Narrative ¶ 19. Even if this true, it is wholly irrelevant to Mr. Barre.

The government does not contend that Mr. Barre is a member of JT. Nor does the government contend that Mr. Barre intended to engage in missionary work, which, according to the government's theory, could be used as a cover for terrorism. The evidence is to the contrary. See IIR 6 034 0331 03; ISN 567 FD-302 (May 22, 2002); see also ARB Tr. at 3-4, 10 (Mr. Barre

³⁷ In connection with the JT allegations, the government notes that Mr. Barre lost his passport in early 1994, more than fifteen years ago. From this claim, the government speculates that Mr. Barre may have stayed at a guesthouse reserved for Al Qaeda members or associates because the practice at such guesthouses was to require boarders to surrender their passports. See Narrative ¶¶ 16-17. The fundamental problem with the government's theory, however, is that there is no evidence in the record that Mr. Barre ever stayed at a guesthouse, let alone an Al Qaeda-controlled guesthouse. To the contrary, Mr. Barre specifically denies he surrendered his passport at any guesthouse or to anyone. See ISN 567 FD-302 (May 22, 2002), at 2. Nor, contrary to the government's allegations, do his accounts of where he lost his passport conflict. He said he lost it in Rawalpindi, Pakistan, which, as a matter of common sense, is phonetically nearly identical to "Arwa-El Bendy."

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questioned at length about JT) (Ex. 4).³⁸ Mr. Barre grew his beard and dressed like a devout Muslim to obtain a JT visa, but he did not join JT and had no intentions of joining. *See* ISN 567 FD-302 (May 22, 2002); Narrative ¶ 18. Moreover, it bears emphasis that Mr. Barre traveled to Pakistan more than ten years ago, well before Al Qaeda declared war on the United States or the Taliban even came to power in Afghanistan. The government's claim thus cannot withstand scrutiny.

The government's evidence regarding JT essentially boils down to three documents, which either lack sufficient indicia of reliability for the purpose of determining admissibility or simply do not provide facts that would support a conclusion that JT and Al Qaeda were integrally related.

[REDACTED]

A second document contains short summaries of three newspaper articles and other information obtained from the Internet, noting that the report "has been prepared by [REDACTED] [REDACTED] . . . [but] . . . contains no information from [REDACTED] holdings, nor has it been compared with such holdings." IIR 2 227 0131 03. And a third contains an account of how a Yemeni detainee traveled to Pakistan as a "Tablighi," without any mention of Al Qaeda or terrorism or violence. *See* ISN 691 SIR (June 6, 2002). These documents plainly do not support a finding that JT is effectively part of Al Qaeda; but they also suffer from serious deficiencies that would preclude the Court from concluding that they are

³⁸ According to the government, Mr. Barre does not identify with either Sunni or Shia Islam. *See* ISN 567 KB (May 12, 2002).

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reliable for the purposes of admission into evidence. *See Hamdi*, 542 U.S. 507, 534 (government must present “credible” evidence to carry its burden to show enemy combatancy); *Parhat*, 532 F.3d 834, 849 (evidence “must be presented in a form, or with sufficient additional information, that permits . . . the court to assess its reliability”); *id.* at 846 (court precluded from assessing reliability of assertions in key Government documents, where documents described activities and relationships as having “reportedly” occurred, as being “said to” or “reported to” have happened, and as things that “may” be true or are “suspected of” having taken place”).

In addition, as explained above, the plain language of the AUMF authorized the use of force against those “nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons.” AUMF § 2(a). But there is no allegation that JT had anything to do with September 11th, that it harbored any organization that did, or that it is part of Al Qaeda. In fact, JT has never been designated by the U.S. Department of State as a foreign terrorist organization. *See Dep’t State, Foreign Terrorist Organizations, Current List of Designated Foreign Terrorist Organizations*, Apr. 8, 2008, available at <http://www.state.gov/s/ct/rls/fs/08/103392.htm>.

Finally, as with Al Wafa and AIAI, the government has presented no evidence that the JT organization has ever “engaged in hostilities” against the United States or its allies, or otherwise taken action directly intended to cause harm to the U.S. or its interests. To the contrary, as the government appears to recognize, the organization has a decidedly non-violent, apolitical core mission. *See Narrative 19; ISN 691 SIR* (June 6, 2002) (describing missionary work). In particular, the government fails to show any evidence of terrorist activity at the time of Mr.

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Barre's alleged contact with JT *in the early 1990s*, let alone at the time of his initial detention nearly a decade later.³⁹

5. Muhammad Hussain Abdallah

Lastly, the government appears to cling to Mr. Barre's admitted association with his elderly father-in-law, Muhammad Hussain Abdallah (ISN 704), to justify his detention. [REDACTED]

[REDACTED]

[REDACTED] The government further notes that Mr. Barre is married to Mr. Abdallah's daughter. Narrative ¶ 20 [REDACTED] Thus, the government appears to claim, Mr. Barre is properly detained based on his marital status. That claim is baseless.

Simply stated, it is undisputed that Mr. Barre's father-in-law was a Somali refugee under the protection of UNHCR. It is also undisputed that he worked as a teacher in a Red Crescent school for orphans. *See* Abdallah Decl., ¶ 7; [REDACTED]

[REDACTED] (Ex. 13). In

addition, it is undisputed that Mr. Abdallah "should not have been transferred to Cuba."

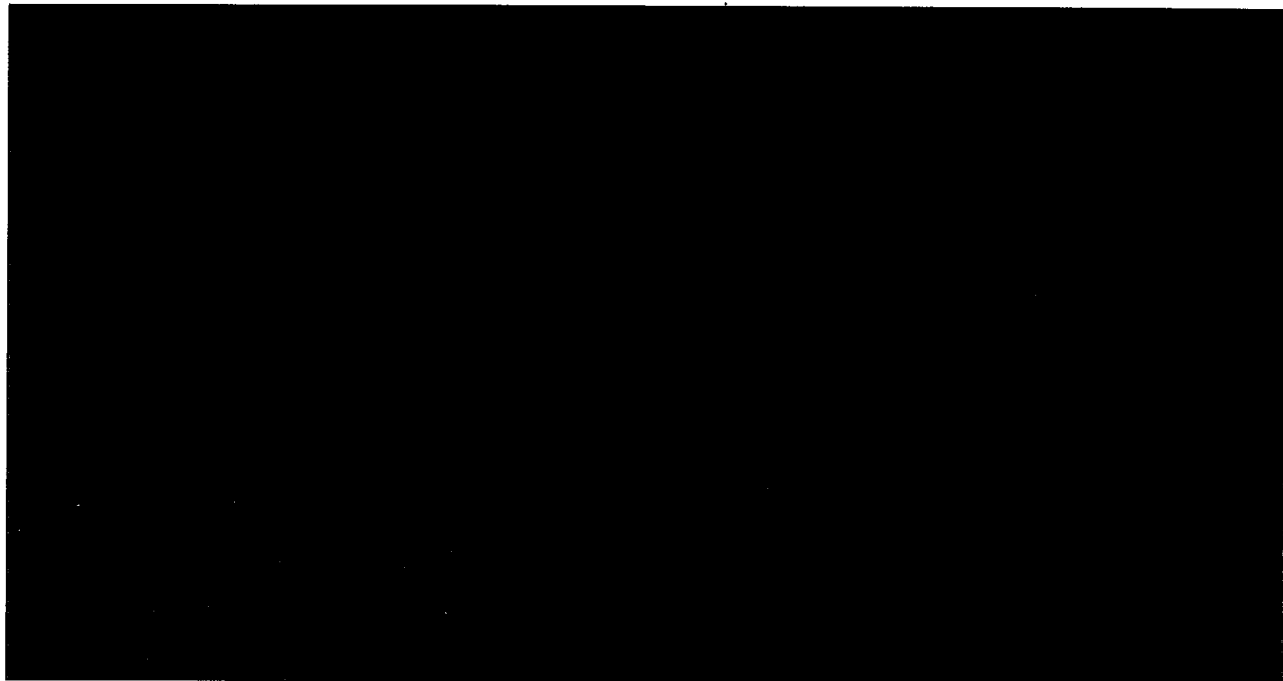
Memorandum from Department of Defense, Criminal Investigation Task Force to General Counsel, Department of Defense dated 21 May 2004 (Ex. 15); *see also* ISN 567 SIR (September

³⁹ Judge Green's opinion four years ago in the case of former Guantánamo detainee Murat Kurnaz, who is now free, is equally applicable in this case. Addressing a similar claim by the government that Kurnaz was an "enemy combatant" because he purportedly associated with JT, Judge Green stated: "Absent other evidence, it would appear that the government is indefinitely holding the detainee – possibly for life – solely because of his contacts with individuals or organizations tied to terrorism and not because of any terrorist activities that the detainee aided, abetted, or undertook himself. Such detention, even if found to be authorized by the AUMF, would be a violation of due process." *In re Guantánamo Detainee Cases*, 355 F. Supp. 2d 443, 476 (D.D.C. 2005).

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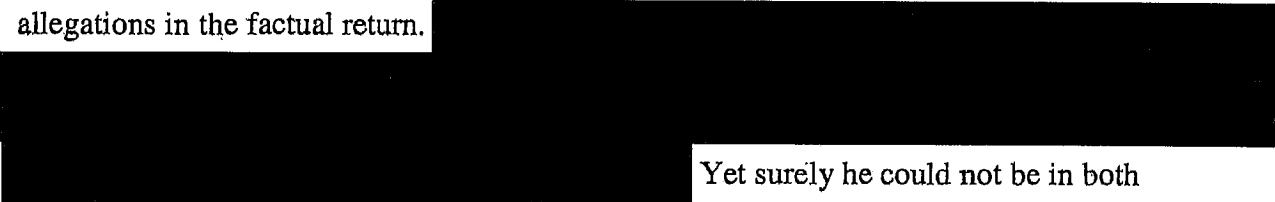
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5, 2005) (acknowledging the government did not want Mr. Barre's father-in-law) (Ex. 35). What actual evidentiary basis the government may have to suggest that Mr. Abdallah was part of the ASC, or what the ASC is, or that the ASC was connected to Al Qaeda, or that Mr. Barre was aware of any of this is simply absent from the record. This claim is frivolous.



1. **The Government's Allegations Concerning Afghanistan and Sudan Are Internally Inconsistent and Contradicted by Credible Evidence**

As an initial matter, the government's allegations with respect to Mr. Barre's presence in Afghanistan and Sudan are internally inconsistent, and inconsistent with the government's other allegations in the factual return.



Yet surely he could not be in both Afghanistan and Sudan at overlapping times in 1992. In addition, the government contends throughout the return that Mr. Barre was in Pakistan in 1994 and 1995. *See, e.g., id.* ¶¶ 18, 21 (citing various intelligence reports). Moreover, Mr. Barre has not only denied that he was ever in Sudan or Afghanistan prior to his capture in November 2001, he has also provided credible

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documentary evidence – his UNHCR refugee cards – which demonstrate that he was living and working in Pakistan in 1994 and 1995. Ex. 8. Again, as a matter of common sense he could not have been working [REDACTED] at the very same time he was meeting in person with UNHCR officials in Pakistan.

2. **The Government's Allegations Concerning Afghanistan and Sudan Lack Sufficient Indicia of Reliability to Constitute Credible Evidence or Provide Meaningful Support for Mr. Barre's Detention**

The law is clear that in order for the government to carry its burden to show that Mr. Barre is properly detained, it must present “credible evidence” that constitutes “meaningful support” for its allegations against him. *Hamdi v. Rumsfeld*, 542 U.S. 507, 534 (2004). As the Court of Appeals explained in *Parhat v. Gates*, “[b]efore any such burden can be satisfied in the first instance, the factfinder must evaluate the raw evidence, finding it to be sufficiently reliable and sufficiently probative to demonstrate the truth of the asserted proposition with the requisite degree of certainty.” 532 F.3d 834, 847 (D.C. Cir. 2008) (internal quotation marks omitted). The evidence “must be presented in a form, or with sufficient additional information, that permits . . . the court to assess its reliability.” *Id.* at 849. In other words, the government’s evidence may not be treated as credible if there is no basis for this Court to assess its reliability. *See id.* at 848 (“Insistence that . . . the court have an opportunity to assess the reliability of the record evidence is not simply a theoretical exercise.”). Here, the government has failed by any measure to show that the evidence supporting its Afghanistan and Sudan claims is reliable, and thus the evidence should be excluded because there is no basis for the Court to conclude it is credible. Indeed, these claims are *unreliable* for several reasons.

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a. Afghanistan Allegation

In support of its contention that Mr. Barre attended a training camp in January 1992, the government cites a single document, ISN 760 SIR (February 17, 2006). That document is an intelligence report describing another document purportedly written by Mohamedou Ould Slahi (ISN 760), who is one of Guantánamo's best-known torture victims and serial accusers. *Id.* at 1. According to the intelligence report, Mr. Slahi identified Mr. Barre from a photograph. *Id.* 2. Mr. Slahi claimed that he recognized Mr. Barre as "Abdullah Al Somali," who he further claimed to have met briefly at a training camp near Khost, Afghanistan in January 1992. Mr. Slahi then provides what purports to be a running commentary on his limited interaction with Mr. Barre at Guantánamo, including Mr. Barre's "side of the story" and another "scattering pile of puzzles" relating to him, as well as information about a number of other detainees. Unfortunately for Mr. Slahi, his account does not add up.⁴⁰

i. Mr. Slahi's Statements Are Wrong

As an initial matter, Mr. Slahi states that he encountered Mr. Barre at Guantánamo more than three years ago and addressed him as "Abdullah Al Somali," "the name by which he went back then in 1992." That alleged identification is likely inaccurate. Mr. Slahi received no response from Mr. Barre. *Id.* at 2. Mr. Slahi also had nothing further to add regarding Mr. Barre other than the assertion that Mr. Barre attended the training camp with him fourteen years previously – which Mr. Slahi acknowledges that Mr. Barre denied, *see id.* ¶4 – and the

⁴⁰ The government has refused to produce the underlying document allegedly written by Mr. Slahi, despite requests from undersigned counsel. Ex. 14. The government has not even produced the actual interrogation report on which it relies, instead providing only a summary of the interrogation report (the "SIR," as opposed to the "FD" or "IER"). Nor has the government produced any credibility assessments of Mr. Slahi. For these reasons alone, the Court should reject ISN 760 SIR (February 17, 2006).

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government relies on Mr. Slahi's interrogation report only for that one point. *See* Narrative ¶ 15. Mr. Slahi does not purport to know "Abdullah al Somali" well, or even at all. ISN 760 SIR (February 17, 2006), at 3 ("I hardly, if ever, talked to him, and vice versa.").

Several aspects of Mr. Slahi's interrogation report itself undermine the credibility of its assertion that Mr. Barre attended a training camp. For instance, the purported encounter at Guantánamo suggests that Mr. Barre did not recognize Mr. Slahi or respond to the nickname "Abdullah Al Somali." The government has produced no other documents corroborating Mr. Slahi's assertion that this was a nickname for Mr. Barre or that he attended a training camp, though surely other detainees were there who might have so testified if it were true. Nor has the government produced the photograph used for the identification, despite undersigned counsel's request for it, *see* Ex. 14, and in any event the identification would have been a cross-racial identification (Mr. Slahi is a Mauritanian Arab, and makes reference to "black Africans" in his statement, *see id.* at 3).

Further, Mr. Slahi often just gets his facts wrong. As one example, although Mr. Slahi claims that he saw "Abdullah Al Somali" at the "Jihad Wal" training camp, *see id.* 2, Mr. Slahi himself attended the Al Farouq training camp, not Jihad Wal. *See* Summarized Sworn Detainee Statement at 4, Combatant Status Review Tribunal for ISN 760, at 3 ("Slahi CSRT Tr.") (Ex. 20). Mr. Slahi also erroneously claims that "Abdullah Al Somali" had another brother-in-law who was the son of former Guantánamo detainee Boudella El Hajj (ISN 10006); and he claims that El Hajj's wife is Turkish. *See* ISN 760 SIR (February 17, 2006), at 4-6. But according to Mr. El Hajj's sworn declaration, none of his minor children has ever been married and the mothers of his children are Bosnian, not Turkish. Decl. of Boudella El Hajj, July 22, 2009 (Ex. 21). Finally, Mr. Slahi erroneously identifies Mr. Barre's father-in-law, Mohammed Hussein

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[REDACTED] Abdallah Decl., ¶ 7 (Ex. 13).

ii. Mr. Slahi Was Tortured

It is easy to understand why Mr. Slahi gets his facts wrong – he is a liar – but it is hard to condemn him because he was so severely tortured. Indeed, the government has admitted that he was subjected to “unlawful interrogation techniques.” Hearing Tr., *Aziz v. Obama*, C.A. No. 05-492 (JR) (D.D.C. Apr. 9, 2009) (excerpt attached as Ex. 22). The United States first rendered Mr. Slahi first to Jordan, where he was subjected to beatings and threats of torture. Afterward, he was taken to Bagram, where he was subjected to physical abuse and threats. See Summary of Administrative Review Board Proceedings for ISN 760 (“Slahi ARB Tr.”) (Ex. 23); Slahi OIG (Excerpt) ISN 760 at 190 (Ex. 38). At Guantánamo, Mr. Slahi became the victim of the “Second Special Interrogation Plan.” Slahi OIG (Excerpt) ISN 760 at 123 (Ex. 38). As part of his coercive interrogation, the government subjected Mr. Slahi to systematic program of abuse, including prolonged solitary confinement, exposure to extreme temperatures, sexual abuse, extreme sleep deprivation, sensory deprivation, denial of food, threats to himself and his family (including a forged letter from Washington threatening to incarcerate his mother), physical abuse, religious abuse, denial of access to the Red Cross, and eventually a sham rendition. *Id.* at 123-24; Slahi ARB Tr. at 25-27 (Ex. 23); Decl. of Mohamedou Ould Slahi (Redacted), June 3, 2009 (Ex. 24).⁴¹ In fact, the document at issue here directly makes reference to Mr. Slahi’s

⁴¹ See also John T. Furlow and Randall M. Schmidt, *Army Regulation 15-6: Final Report; Investigation into FBI Allegations of Detainee Abuse at Guantanamo Bay, Cuba Detention Facility*, Apr. 1, 2005 amended June 9, 2005 (Ex. 25); JTF-GTMO MFR re: Allegations of Torture Regarding ISN 760 (Ex. 26); Summarized Witness Statement of Major General Geoffrey D. Miller, Mar. 18, 2005 (Ex. 27); Joint Staff Report (Ex. 28).

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torture. See ISN 760 SIR (February 17, 2006), at 5 (“I have been fucked up, as the guards put it.”).

All of this was done in a calculated attempt to induce in Mr. Slahi what psychologists studying hostage situations call “Stockholm Syndrome” – *i.e.*, to induce the sort of identification with his captors that hostages like Patty Hearst experienced, and thus ensure both his cooperation and his unwillingness to betray the interrogators by reporting their abuse. See U.S. Senate Comm. on Armed Servs., *Inquiry into the Treatment of Detainees in U.S. Custody* at 137, 140-41 (Nov. 20, 2008) (excerpts concerning Mr. Slahi) (Ex. 29).

The record is replete with demonstrations that this was in fact the result of the abuse, as Mr. Slahi was both fearful of reporting it and also utterly compliant in incriminating other detainees. See, *e.g.*, Slahi CSRT Tr. at 7-8 (twice refusing to discuss his torture by the military “if I don’t have to”) (Ex. 20); Slahi ARB Tr. at 27 (“Because they said to me either I was going to talk or they will continue to do this. I said I am going to tell them everything they wanted. . . . I brought a lot of people, innocent people with me because I got to make a story that makes sense.”) (Ex. 23). Moreover, he has made reference to the continuity in his own mind between the earlier periods when he was tortured and later interrogations after the worst abuse had ceased. See, *e.g.*, Letter from Mr. Slahi to Civilian Habeas Counsel, Nov. 9, 2006, at 1, *attached as* Exhibit 1 to Decl. of Nancy Hollander, July 21, 2009 (acknowledging that he perceived all his interrogations to that point as an unbroken chain of events: “You ask me to write you everything I told my interrogators. Are you out of your mind! How can I render uninterrupted interrogation that has been lasting the last 7 years.”) (Ex. 30). All of this taints and renders completely unreliable all of Mr. Slahi’s interrogations at Guantánamo, including the document at issue here.

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Id. at 2 (although worst abuses ceased in May 2003, by that point “my brake broke loose. I yes-
sed every accusation” presented by his interrogators).

It is a bedrock principle of Anglo-American law that involuntary testimony is inadmissible. That is so primarily because such evidence is likely to be unreliable. *See Michigan v. Tucker*, 417 U.S. 433, 448, 448 n.23 (1974); *Jackson v. Denno*, 378 U.S. 368, 385-86 (1964); *Brown v. Mississippi*, 297 U.S. 278, 286 (1936); *Bram v. United States*, 168 U.S. 532, 546 (1897); *United States v. Karake*, 443 F. Supp. 2d 8, 49-50 (D.D.C. 2006). It is at all times the government’s burden to prove that testimony to be adduced at trial is voluntary. *Lego v. Twomley*, 404 U.S. 477, 489 (1972). Whether a statement is voluntary depends on whether the subject possesses the “mental freedom” to choose to make the statement. *Brown*, 297 U.S. at 284. The Supreme Court has repeatedly held that testimony is involuntary when extracted by means of coercion far less severe than that employed on Mr. Slahi. *See, e.g., Lyons v. Oklahoma*, 322 U.S. 596, 599 (1944) (violence and threats of further harm); *Arizona v. Fulminante*, 499 U.S. 279, 287 (1991) (credible threat of violence); *Brooks v. Florida*, 389 U.S. 413, 414-15 (1967) (solitary confinement); *Gallegos v. Colorado*, 370 U.S. 49 (1962) (prolonged isolation in hostile setting); *Watts v. Indiana*, 338 U.S. 49 (1949) (physical and mental exhaustion and seemingly endless interrogation). Both the common-law prohibition on the introduction of coerced evidence and the American prohibition on self-incrimination were founded on the notion that such evidence was fundamentally unreliable. *See Leonard Levy, Origins of the Fifth Amendment* 430 (1968). Those same considerations should apply to render Mr. Slahi’s statement inadmissible.

In addition, the fact that the worst abuses had passed by the time the alleged statement was made does not render Mr. Slahi’s 2006 statement voluntary. Earlier involuntary statements

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may also render a later statement involuntary and therefore inadmissible if the coercive conditions remain. *Lyons*, 322 U.S. at 603; *United States v. Daniel*, 932 F.2d 517, 519-20 (6th Cir. 1991). The burden falls on the government to establish that the later statement is free of the coercion of the first statement. *See Schneekloth v. Bustamonte*, 412 U.S. 218, 223 (1973) (government must demonstrate that each of defendant's confessions were product of free and unconstrained choice). As the Supreme Court has expressed the rule, there must be a "break in the stream of events . . . sufficient to insulate the later statement from the effect of all that occurred before." *Clewis v. Texas*, 386 U.S. 707, 710 (1967); *Darwin v. Connecticut*, 391 U.S. 346, 349 (1968); *Karake*, 443 F. Supp. 2d at 87. Whether such a break has occurred must be evaluated by considering the totality of the circumstances. *See Clewis*, 386 U.S. at 708. In the domestic criminal context, those include whether the subject received a Miranda warning, whether he was brought before a judge for a probable cause hearing, and whether he was impaired by lack of sleep, illness, or extensive custody, isolation, or interrogation, *see id.* at 711-21; other factors considered include whether there has been a change in location or of interrogators. *Oregon v. Elstad*, 470 U.S. 298, 310 (1985). Nonetheless, the Supreme Court has recognized that the effect of the earlier coercion may be so clear that it will compel the conclusion that any later statement is involuntary. *See Lyons*, 322 U.S. at 603. Here, Mr. Slahi's own November 2006 statements about the continuity of the interrogations in his own mind and the aftereffects of the earlier abuse on his reaction to suggestions from his interrogators compel that conclusion.

Moreover, Mr. Slahi was later offered hefty inducements in exchange for his "cooperation" against other detainees, casting further doubt on the reliability of his statements. *See Jess Bravin, The Conscience of the Colonel*, Wall St. J., Mar. 31, 2007 (Mr. Slahi provided

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with a television and a computer at Guantánamo, and allowed to garden a tomato patch); Slahi ARB Tr. at 28 (interrogators “even brought me a TV and a lot of comfort items. Since 2004, I really have no complaints and everything was good . . . I just want to emphasize that my treatment is almost perfect.”) (Ex. 23). Notwithstanding this, Mr. Slahi told his 2005 ARB that even after his treatment improved, he told his interrogators what he thought they wanted to hear without regard for the trust of the statements, on his assumption that they could sort out truth from fabrication by comparing what he said to other sources. *See id.* (“I admitted to what was right and not right because I challenged them admitting to things in which they have to go to people.”).

Unsurprisingly, given his abuse, Mr. Slahi suffers from a severe form of mental illness. According to the Senate Armed Services Committee report on detainee abuse, *see* Ex. 29, Mr. Slahi’s torture precipitated his serious mental illness, requiring in May 2004 that he be prescribed Remeron, a medication used to treat major depressive disorders. *See* Slahi Supplemental Medical Record Disclosure (Ex. 40). According to his medical records, since January 2006 he had been experiencing throbbing headaches and elevated blood pressure. Four days prior to February 17, 2006 (the date of the interrogation document at issue here), he was complaining of needing more sleep, had had “no recent interactions [with the] psychiatrist” and “no recent evaluation by psychiatry,” and he was experiencing elevated blood pressure. The next day he complained to staff at the camp hospital that he was experiencing increasing anxiety, was “conflicted over being released versus continued detention,” and was suffering from worsening hypertension and elevated cholesterol and triglycerides. As a result, his prescription for the psychoactive medication Klonopin was raised from 1.0 to 1.5mg/day, all while he was taking the antidepressant Paxil. Shortly after the date of the document at issue here, he was taking Midrin


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(a medication for migraine headaches) in addition to the antidepressant Zoloft (for treatment of panic disorders, anxiety disorders, and post-traumatic stress disorder) and, most significantly, the antipsychotic medication Zyprexa. See Slahi Medical Records Disclosure (Ex. 39). Mr. Slahi was under the treatment of both a psychiatrist and a psychologist, but was having only monthly therapy visits. All of this casts serious doubt on the reliability of the document at issue here – questions which it is the government's burden to answer.

b. Sudan Allegation

The single document that the government relies on to show that Mr. Barre knew and worked for Usama bin Laden in Sudan in the early 1990s is equally unreliable.



Again, the government's own exhibits and narrative contradict this account. See Narrative ¶16 (placing Mr. Barre in Pakistan in the same year); *id.* ¶ 18 (stating that Mr. Barre left Somalia and traveled to India in 1994, and then to Pakistan in 1994); *id.* ¶ 21 (stating that Mr. Barre began work with the Dahabshiil Company, an international money transfer agency, in Pakistan in 1994).

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Mr. Barre has repeatedly and consistently denied that he has ever been to Sudan. *See, e.g.,* ISN 567 FM40 (January 3, 2006). Moreover, there is corroborating evidence to show that Mr. Barre lived in Pakistan from early 1994 onwards. *See, e.g.,* Selected UNHCR Refugee Cards of Mohamed Sulaiman Barre (Ex. 8); CSRT Tr. at 1-2 (Ex. 2).

It is impossible for the Court to evaluate the credibility of this document given the extensive redactions (which cover the majority of the document) [REDACTED]

[REDACTED]

[REDACTED] Mr. Barre requested the corresponding [REDACTED] by letter dated June 22, 2009, but, after meeting and conferring on the request, the government ultimately refused to produce them. Ex. 14. This failure, combined with the near-total redaction [REDACTED] [REDACTED] precludes a determination by this Court that the information contained in the report is reliable and credible. [REDACTED]

[REDACTED]

As Mr. Brown further concludes based on his years of experience as a senior intelligence officer, "raw intelligence reports cannot be taken in isolation . . . without a full assessment of the reliability of the source and the context of the information" because they "do not contain

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sufficient information to judge the credibility of the source or the reliability of the information reported." *Id.* ¶¶ 25, 22. The fact that [REDACTED] is a raw intelligence report that contains absolutely no relevant context from which to evaluate its reliability or to provide circumstantial guarantees of trustworthiness, in combination with the fact that its content is flatly contradicted by other reliable evidence in the record, renders it unreliable. The document should be rejected as a matter of law. *See Parhat v. Gates*, 532 F.3d 834 (D.C. Cir. 2008).

3. **Even if True, the Government's Afghanistan and Sudan Allegations Do Not Justify Mr. Barre's Detention Because The Events Described Occurred More Than a Decade Ago**

Even if the government's fanciful allegations that Mr. Barre [REDACTED] [REDACTED] were true, they would not support Mr. Barre's detention under the AUMF. As the government concedes, these events occurred well before Al Qaeda declared war on the United States or the Taliban rose to power in Afghanistan. *See* Narrative ¶ 8 (Al Qaeda declared war on the United States in 1996); *id.* ¶ 10 (Taliban rose to power in 1996).

The history of Al Qaeda and the Taliban is well-reported and indisputable. *See, e.g.*, Lawrence Wright, *The Looming Tower: Al Qaeda and the Road to 9/11* (2006); Steve Coll, *Ghost Wars: The Secret History of the CIA, Afghanistan, and Bin Laden, From the Soviet Invasion to September 10, 2001* (2004); Ahmed Rashid, *Taliban* (2000). Indeed, for purposes of the allegations against Mr. Barre, the government has admitted many of the relevant historical facts in a stipulation entered into evidence in *United States v. bin Laden*, S(7) 98 Cr. 1023 (LBS) (S.D.N.Y. Feb. 14, 2001) (Ex. 31).

In response to the Soviet invasion of Afghanistan in December 1979, Arab and Afghan Mujahideen trained and fought the invading Soviet force and the Soviet-supported government

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of Afghanistan, including Mohammed Najibullah, who was installed and backed by the Soviets as president of Afghanistan in 1986. Shortly after the start of the Soviet invasion in 1979, and continuing through September 1991, the United States, through the CIA, provided economic and military support to the Mujahideen via Pakistan, which acted as an intermediary. *Id.* at 1-2; Coll at 81-82. "Beginning in 1987, the American military support to the Afghan mujahideen included Stinger anti-aircraft missiles," which gave the Mujahideen the ability to shoot down Soviet aircraft. Stipulation at 2; Coll at 11. The Soviets were thus defeated and withdrew in 1989.

"With the Soviet withdrawal in 1989 there followed a long struggle against the regime of President Najibullah until he was overthrown in 1992 and the Mujaheddin captured Kabul." Rashid at 21. After Kabul fell and the communists were defeated, Afghanistan descended almost immediately into civil war and chaos which continued until the Taliban gained control of Kandahar in the winter of 1994, and Kabul in the fall of 1996. *See id.* at 1-2, 21 ("Afghanistan was in a state of virtual disintegration just before the Taliban emerged at the end of 1994. The country was divided into warlord fiefdoms and all the warlords had fought, switched sides and fought again in a bewildering array of alliances, betrayals and bloodshed."); Wright at 230.

At approximately the same time that the Taliban assumed control of Afghanistan, Osama bin Laden first declared war against the United States. *See* Wright at 4 ("[I]n August 1996, bin Laden declared war on America from a cave in Afghanistan."). There followed a series of attacks by Al Qaeda against the United States, culminating in the September 11th attacks.

The government now asserts as a basis for Mr. Barre's indefinite detention [REDACTED]

[REDACTED] Yet it provides no explanation as to how those facts, even if true, would demonstrate a basis for his detention in light of the indisputable history that during that time period Al Qaeda and the Afghan Mujahideen were fighting the Soviets, and later the communist

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forces of President Najibullah, *with the military and economic backing of the United States.*

Indeed, as Mr. Slahi confirmed at his CSRT hearing, it was the United States that supplied the rockets and artillery that he – and, if he is to be believed, “Abdullah Al Somali” – trained to use in January 1992. *See Slahi CSRT Tr. at 3* (“For example, the mortar ammunition was made in the U.S.A. I remember 60, 80, and 120 mm rockets.”) (Ex. 20).⁴²

The paucity of the government’s allegations suggest instead a half-hearted attempt to raise doubt about Mr. Barre, his whereabouts, and his conduct simply because, according to the government, he once trained for a month [REDACTED]. The government’s argument is essentially one not only of guilt by association, but also in essence an argument that a detainee who was “once Al Qaeda, always Al Qaeda” (or Taliban). And that is a theory of detention under the AUMF that no judge of this Court has accepted.

To the contrary, as Judge Leon recently held in the case of Syrian detainee Abdulrahim Al Gingo (ISN 489), “a prior relationship between a detainee and al Qaeda (or the Taliban) can be sufficiently vitiated by the passage of time, intervening events, or both, such that the detainee could no longer be considered to be ‘part of’ either organization at the time he was taken into custody.” *Mem. Op. at 9, Al Gingo v. Obama, C.A. No. 05-429 (R.JL) (D.D.C. June 22, 2009)* (granting habeas petition).⁴³ “To determine whether a pre-existing relationship sufficiently eroded over a sustained period of time, the Court must, at minimum, look to the following factors: (1) the nature of the relationship in the first instance; (2) the nature of the intervening

⁴² Although Mr. Slahi trained and was sent to fight the communists at the front lines near Gardiz, Afghanistan, the communists surrendered in February 1992 and the Mujahideen “didn’t fire one shot, except in training.” *Id.*

⁴³ Judge Leon also noted that, “[h]appily, the Government, to its credit, does not go so far as to contend that any prior relationship with al Qaeda or the Taliban, however distant in the past and regardless of intervening circumstances, is a sufficient basis to hold an individual under the AUMF indefinitely.” *Id.* at 9 n.6.

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events or conduct; and (3) the amount of time that has passed between the time of the pre-existing relationship and the point in time at which the detainee is taken into custody." *Id.* at 10.

In the end, even if the government's Afghanistan and Sudan allegations are to be credited, the factors identified by Judge Leon compel the conclusion that any pre-existing relationship between Mr. Barre and Al Qaeda or the Taliban asserted by the government was sufficiently vitiated over time. These allegations date back to events that occurred more than a decade ago, when the United States was funding and supporting the groups it now opposes; and the government alleges no actual, specific conduct by Mr. Barre during that time period to show an established pre-existing relationship with the Taliban or Al Qaeda forces now engaged in hostilities against the United States. In addition, as set forth at length above, in the intervening years, Mr. Barre traveled to Pakistan in 1994, got married, bought a house, worked for a reputable multinational corporation, and remained away from Afghanistan. The evidence further shows – as Mr. Barre has maintained throughout his detention – that he never engaged in any actual conduct that threatened American interests. Accordingly, whatever may be said about Mr. Barre's conduct in the early 1990s – and the government says almost nothing – he does not fall within the AUMF and is entitled to be released after nearly eight years at Guantánamo Bay.

Conclusion

For all of the foregoing reasons, the Court should grant Mr. Barre's petition for a writ of habeas corpus and order his immediate release from Guantánamo Bay to the Republic of Somaliland.

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Date: July 31, 2009

Respectfully submitted,



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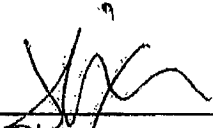
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CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2009, I caused the foregoing traverse, with exhibits, to be filed and served on counsel listed below by submitting it to the Court Security Office.

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J. Wells Dixon

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Exhibit 1

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Combatant Status Review Board

TO: Tribunal Members

FROM: OIC, CSRT (29 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal -- BARRE, Mohammed Sulaymon.

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.

2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al-Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."

3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he supported forces engaged in hostilities against the United States and its coalition partners.

The detainee supported forces engaged in hostilities against the United States and its coalition partners.

1. The detainee voluntarily moved from Somalia to Pakistan in 1994.
2. The detainee worked for the Dehabshil Company in Karachi, Pakistan.
3. The detainee was identified as a member of the non-governmental organization al Wafa. *
4. Al Wafa is listed as a terrorist organization on Executive Order 13224.

4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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Exhibit 2

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Summarized Sworn Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process, the Detainee answered, "Yes."

[The Tribunal President made the following comments regarding the previous witness request by the Detainee:]

Tribunal President: The Detainee had previously requested three witnesses.

Detainee: Yes.

Tribunal President: One of the three witnesses refused to testify.

Detainee: Who refused?

Tribunal President: He is referenced in the request as Detainee 005. I rule because he did not wish to testify, he is not reasonably available.

Detainee: He refused or was he prohibited?

Tribunal President: He refused to see us. The other two witnesses were willing to testify, but I understand that you withdrew your request for them to be here and provide testimony. Is that correct?

Detainee: My Personal Representative told me after he had met with my two witnesses, they told him they were not with the al-Wafa organization. When I was talking to investigators they told me the two Detainees were from the al-Wafa organization, but after the Personal Representative asked them and they said they were not from al-Wafa then they would have no value in testifying for me.

Tribunal President: There will be no witnesses at this hearing today.

[After taking the Muslim Oath, the Detainee made the following statement]:

Detainee: The first accusation that I traveled from my country voluntarily to Pakistan in 1994. There was a civil war inside Somalia and anyone who wanted to leave Somalia was able to. Whoever was capable of leaving, they left. Several Somalians left and are now living in the United States, Europe, and other countries. I left the country because of the continuing civil war. The places I was allowed to go was one of the countries I mentioned before. I don't understand what you mean by voluntarily leaving my country.

I will ask the President, is leaving the country because of civil wars a crime?

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Tribunal President: We are not here on a criminal case. We just want to understand what may make you an enemy combatant. Moving from one country to another in itself does not make you an enemy combatant. It was why you left the country is something we can consider and we appreciate your statement on that fact.

Detainee: I lived in the North of Somalia, it is now independent, but not believed by other countries to be a country. It is called the Republic of Somalia. Before Somalia was reunited it was called North West Somalia. That is the area I left and it was the first area to start a civil war in 1978 or 1988. During that time, I was studying at the University of Agriculture that was close to Mogadishu. My family lived in the area where the civil war was. I was completely cut off from my family. I continued my studies in a difficult situation. During that time the Somalian government was headed by President Mohammed Said Budee. He was a dictator and several people suffered under that dictator. While I was studying at the University, I was cutoff from my family. The war continued until I finished my studies, then the war spread to all of Somalia. The last area the war started was the capital of Somalia. That is where the President was located.

Previously, the war was between the North and the Army, then the war turned into a Tribal war. After the war started in the Capital, everyone had to return to where they were from. I went to my neighborhood, the North area. After the government and Capital fell, the North entered the battle they were fighting against the government. They announced their independence from the rest of Somalia, but up until now the war continues. The continuing war forced me to leave my country. I wanted to seek a safer place to live. I was hoping to go to a country, such as the Gulf countries, Europe, or the United States where I could find a job. I was unable to financially. My family suffered through the war. They were unable to support me. I was capable of going to India then on to Pakistan. My goal wasn't to stay in that country. I wanted to go to an economical country such as Europe or the United States. Several Somalians went to those countries. As I mentioned before, that is the reason I went to Pakistan.

I left the country under the United Nations umbrella. I was a refugee in Pakistan. Life there was very difficult and help from the United Nations was limited. It was hard to find work because jobs were limited. I arrived in Pakistan in 1994 via India. I forgot to mention earlier, that I went from the North of Somalia to India and from India to Pakistan. I have been telling this story for three years now. Since so much time has passed, I may have missed some steps because I can't remember. I was able to become a refugee and got help. Without help, how could you live there?

I lived there until 1995 and then went to Karachi. I found a job, but it wasn't stable. It involved people who wanted a translator for real estate. It was similar to a social real estate worker.

Regarding the second point, I got a job at the Dehabshii Company. The Dehabshii Company is a company that transfers money similar to a bank. During the war, whatever Somalians got from the government ended there. The civil wars caused several people to

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flee the country. This Dehabshil company helped transfer money to those people that needed it, especially those who couldn't use banks. There are no banks in Somalia. Dehabshil is a large company, with several branches all over the world especially in places where there are a lot of Somalian people. It is a well-known international company and you can find out any information about it on it's website. My office was just like all the other offices. My name and address is on their website and anyone with internet access was capable of getting in contact with me. My job was to receive the money and transfer it to students and families who needed it in Somalia. The people in Somalia were not there to work and they weren't capable of transferring a lot of money, however their families were capable of sending them money. This money was transferred directly to the main office in Somalia. That was the work I did for the company. It was the same work the other agents did, including the agents in the United States.

I want to thank my Personal Representative. When I provided him with this information he honestly went on the internet into Dehabshil's website and downloaded important information. He promised he would present it in the Tribunal. Hopefully you will see it.

[Detainee asked Personal Representative if he would like to present the information from the internet.]

Tribunal President: I would like to get through your statement first. There will be a place where we will ask for additional evidence.

Detainee: Good.

[Detainee continued statement:]

The information you receive from the Personal Representative will show you that the Dehabshil is a clean company and does clean work. If they weren't, they wouldn't have offices in the United States.

The third point [referring to the Unclassified Summary of Evidence] is not one hundred percent correct. It is an exaggeration. I never heard of the al-Wafa organization until I entered the prison in Pakistan and I have never worked for them. The people that interrogated me for the last three years know this. It appears they didn't tell the truth when those accusations were presented. I wasn't arrested in the streets or mountains but inside my home, where I also worked. My office was inside of my house. All of the equipment I used for the Dehabshil Company was in my house. I had a computer, files, books, fax machine, and a telephone. Everything I needed was in my house. After I was arrested at my house, you should have had enough evidence to show whether or not I was connected to al-Wafa. All the accusations against me are based on some telephone numbers found on a list. As I have mentioned before, my work at Dehabshil has a website on the internet and anyone can access that website. My name and phone number was popular on that page. I would get several calls a day, some were from people I knew and some weren't. The accusations against me are based on those phone numbers.

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The interrogators told me the members were with them when the accusations were made about me. I told interrogators if all of the members are here they can testify and the truth will come out. They might have told the truth, only God knows. I heard the guy who was the President of the organization was at Camp 5. My Personal Representative told me that the President of the Tribunal refused the witness because that person refused to talk to my Personal Representative. I'm not surprised, a lot of people are sick of talking after all this time.

I just wanted to ask the witness if I was from his organization or not. It didn't concern him it concerned me. This person matters because he is the President and he would know who is in his organization and who wasn't. That was a very important point for me but it was laziness on your part.

If it were possible to bring that witness with a Translator and my Personal Representative and if that person could have testified that would have been enough. One of the other witnesses phone number was found on one of the lists of phone numbers that Al Allah was accused of getting in contact with al-Wafa with. Investigators told me he was from the al-Wafa organization and because of the phone call that is why I was accused of being with al-Wafa. That is why I wanted him to testify.

When my Personal Representative came back and told me the witnesses were denying they were from the al-Wafa organization, I told myself how can they testify? All the accusations against me are unjust. I am innocent of them all.

Here is a summary of my story from the day I was arrested until the day I got here. I was arrested in my house on the first of November 2001, between 02:30 till 03:00. The Pakistani Intelligence came to my home and investigated me on three occasions. The time period between those three investigations was about three weeks. After each visit they asked me about my job, and what I did. During this time I wasn't worried because I didn't feel like I had done anything wrong. If I thought I had done anything wrong against any region or organization I wouldn't have stayed in my home until I was arrested.

When they took me to prison, I was told they were investigating me and in the morning I could go home. My wife was with me at home when I was arrested. It was just her and I in the house. No one else was with us. When I was kidnapped at 02:30 they left my family alone at the house. Up to now, I haven't learned anything about what has happened to her. I stayed at that prison for about four months. The investigators said they were Pakistani and Americans. The Pakistani's told me those English men were investigating me. They talked to me twice. The third time they brought pictures and showed them to me. During that time I was told by the Pakistanis, I was going to be released and sent home since the investigation was completed. They told me I was a suspect because of those telephone calls but because you worked for that large company (Dehabshil) they told me it wasn't unusual to talk to so many people on the phone. They

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would tell me every now and then maybe I would be released to Islamabad or sent back to Somalia. After I completed four months in prison, they blindfolded me with a group that was arrested in Karachi and handed me over to the American forces. The Pakistanis told me I would go to a neighboring country. I was taken to an American base in Afghanistan. I was told the Americans would investigate me then release me. A soldier called my name only and I was put on a military airplane. It appears to me they made up the case against me. The Pakistani government is corrupt. I believe they sold me. I was taken to Kandahar, an area I'm not familiar with. I was there for about three days and an investigation was done. After three days I was taken with three other individuals from the same group that came with me from Pakistan. We were transferred to another area. I found out through the Red Cross it was Baghram. It took about twelve hours to get there. They interrogated me and one of the interrogators told me I was from al-Wafa and I needed to confess to that. You have no choice. I told them it wasn't true. They pressured me. They were whispered something then spoke to the guard. The guard came in, grabbed me by my neck and threw me. He took me in a bad way to isolation. All my blankets, except one, were taken from me. It was freezing cold. They didn't feed me lunch and sometimes they didn't feed me twice. At night it is very cold and if you don't eat dinner it gets colder. This torture lasted fifteen to twenty days. My feet and hands were swollen. I wasn't able to stand because I was in so much pain. I asked for treatment and an interrogator brought a nurse and asked if I wanted treatment. They told me they could cut my legs to stop the pain. They did this so I would confess to the accusations that I didn't do. Nothing happened. After the torture ended, I met another interrogator who told me injustice was done to me and I didn't have anything to do with this. He said he would do a report so I could go home. He told me I would be released. Suddenly, I was taken back to Kandahar and then to Cuba. The investigations and interrogations continue to this day and the accusation is still made against me. During the time I was here, the interrogators have never accused me of being from al-Wafa. When my Personal Representative gave me the Unclassified Summary I thought the accusation was cleared up until I saw it back on the paper.

When I was in Pakistan, the Pakistanis told me I would likely travel back to my country. They asked if I wanted to take my family with me back home. They even went to my family and asked if they wanted to go with me to our country. My father-in-law is here and he is the one who told them that they asked my wife if she wanted to go back home with me. From what he heard they were serious. What changed since then?

For example, if they found a phone and your calling list and that phone number belonged to someone who was wanted by the authorities, would that be a crime against you? Does that prove the person that received the call worked for the person calling? Just because someone had a list with names and phone numbers it doesn't prove they were part of that organization, especially after long interrogations. I think you know and have studied the law. From where I sit, this isn't proof that I am part of that organization (al-Wafa). Do you have any other proof that shows I am part of al Wafa?

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Tribunal President: At this point we have the same information you have, your statement and the same unclassified information. We may receive other information at a later time that we will consider.

Detainee: With me there?

Tribunal President: Probably without you here, if it is classified. We took an Oath to promise to do our best to consider all information and based upon our judgment and the laws and regulations, we will make a determination.

Detainee: If the information is about me, I want to be there to defend myself. Maybe the interrogators wrote something that I never said or maybe something was translated incorrectly.

Tribunal President: We understand.

Detainee: If there is proof somewhere against me and I'm not there to testify, there is something missing if I can't defend myself.

Tribunal President: I understand your concerns. This is the procedure we are going through to address all the information available in your case.

Detainee: God is well everything is (inaudible).

Summarized Answers in Response to Questions by the Tribunal Members:

Q: How did you know Detainee 005 was the al-Wafa President?

A: Since I was brought here, all the interrogations have been around Abudula Aziz, and I was told he was from al-Wafa. I was also asked if I knew him.

[Tribunal President made the following comment regarding a statement made by the Detainee.]

Tribunal President: I would like to make it clear to you that I cannot force a witness to attend your hearing. They must volunteer to come here.

Detainee: Maybe we can take the Detainee from his cell without telling him where he is going and he can be brought in to the room with me, and my Personal Representative. My Personal Representative could ask him questions and hopefully he would reply.

Tribunal President: I understand but the administrative process we have does not permit that.

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[The Personal Representative presented additional evidence (D-b) from the Dehabshill's website to the Tribunal and made the following comment.]

Personal Representative: This is information from the Dehabshill's website. It gives some information about the company, what the company does, and it also shows there are branches around the world, including the United States. It also gives a Due Diligence policy with regards to money transfers post 11 September.

Tribunal President: I would like to ask the Detainee a question about the Due Diligence Policy.

Summarized Answers in Response to Questions by the Tribunal Members:

Q: Were you aware of the Due Diligence Policy after the 11 September attacks?

[A Tribunal member explained due diligence and the policy of the Dehabshill Company to the Translator (by reading from Exhibit D-b) to ensure an accurate translation.]

[Tribunal President changed his question to the following:]

Q: Did you received training on "Know Your Customer" procedures?

A: No, I never received the training. The orders usually came to me via the fax machine. This must of happened while I was in prison. My work was very simple my office was very small.

Q: Do you remember the name of your supervisor?

A: The owner of the company Mohammed Said.

Personal Representative: That information is on the first page of exhibit D-b.

Q: What was the name of your immediate supervisor, the person you reported and received payment for working?

A: The President, but there were other managers and their names are in that paper (Ex D-b). I don't remember their names. The main office is in the neighborhood north of Somalia. I called directly through the fax.

[The Tribunal was recessed to remove the Detainee from the room.]

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AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



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Exhibit 3

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MOHAMMED SULAYMON BARRE, :
Petitioner, :
v. : Civil Action No. 08-1153 (HEK)
BARACK H. OBAMA, *et al.*, :
Respondents. :

DECLARATION OF ARTHUR BROWN

I, Arthur Brown, hereby declare:

1. My name is Arthur Brown. I am over 18 years old. This declaration contains a complete statement of all opinions that I express in connection with this case, as well as the basis and reasons for them, including the data and information that I considered in forming my opinions. I am prepared to testify to the facts and opinions stated herein if called upon to do so. I am also prepared to testify about the knowledge, skill, training, education, and experience that I have acquired which informs my opinions, and the principles and methods I applied in reaching them. My qualifications are summarized in this declaration and also contained in my curriculum vitae (a copy of which is attached as Exhibit A), which includes all publications that I have authored in the previous 10 years. I have never testified as an expert at trial or by deposition in the past. Other than compensation for travel and related expenses, I am not being compensated for my work and testimony in this case. With the Court's permission, I may prepare and use one or more exhibits, if called upon to testify, to summarize, or support my opinions. I have not to date prepared any such exhibits.
2. I am a citizen of the United States. I have held several positions at the Central Intelligence Agency ("CIA") between 1980 and my retirement in 2005. The bulk of this career was spent as an Operations Officer of the Directorate of Operations in overseas positions. I was the CIA's senior officer in three major Asian capitals in Northeast and Southeast Asia. I served as the Chief of East Asia Division for the CIA's Clandestine Service at the time of my retirement in 2005 and was previously the National Intelligence Officer for East Asia between 2002 and 2003. I also served for two years in the region known as the Horn of Africa, which includes Somalia, Ethiopia and Djibouti.
3. During my career, I reviewed at least 10,000 "raw" or unfinished reports prepared by CIA, the Defense Intelligence Agency (DIA), and military services "collectors" reflecting "human intelligence" (HUMINT) that were disseminated into intelligence "message traffic." By virtue of my subsequent positions as the National Intelligence Officer for

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Asia and CIA's East Asia Division Chief and, as well as my other positions at the CIA, and through discussion in the ordinary course of business with senior CIA managers, other intelligence community members, and senior military leaders, I learned the facts and reached the conclusions described below. Moreover, through my responsibilities, which included receiving intelligence reports from throughout the world that related to threats in Asia, and through discussion with senior CIA managers in the ordinary course of business, I know that the problems and changes described herein applied throughout the intelligence community and with regard to all regions on the globe.

4. The opinions I express in this declaration are based on the entirety of the experience and knowledge I have gathered throughout my career.

Intelligence Collection

5. In order to provide reasonable quality control over a raw human intelligence report disseminated in message traffic, the collector would, among other things, need to investigate a source's basis for knowing the information reported (known in the intelligence community as the "chain of acquisition"), evaluate whether the source appears to be reporting credibly, and evaluate whether it is reasonable to believe that the source has the information he is reporting. In addition, the collector himself would have to be an experienced and knowledgeable agent with facility in the language spoken by the source, familiarity with the local culture, and high-level awareness of the political and social situation in the relevant territory.
6. Intelligence reports based on human sources are far from verbatim transcripts of the source's statements, and instead can reflect potential mistranslations, misunderstandings, and inferences of the reporting officer as well as revisions and edits by additional levels of editors and perhaps analysts. One senior CIA officer once acquired four to five lengthy reports from a Middle East contact within what he described as a 15 minute meeting. When asked how that was possible in such a short time frame, the officer replied "I know what he (the contact) would have said, had he had more time," implying that the contact may not have actually mouthed all the statements now attributed to him.
7. In my experience at the CIA, as a general matter, quality control was routinely a problem as intelligence collectors often did not exercise much screening over the raw data they collected, and frequently could not verify the veracity of the sources of that raw data. Intelligence collectors in some cases did not understand the substance of their reports, nor did they know enough about the sources to fully substantiate their reporting.
8. While the failure to provide some quality control to the raw data reported in intelligence reports was always a concern in intelligence reporting, it is my opinion, based on my knowledge of intelligence collection between 1980 and 2005, that the problem became even more acute after the attacks against the United States on September 11, 2001. The failure in quality control was most acute with respect to raw data that had any relation (however remote) to possible terrorist activities.

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9. After September 11, 2001, the intelligence community was palpably concerned about the "next" possible terrorist attack and the risk that the community would be blamed for failing to detect it. This led intelligence collectors to record and disseminate virtually all raw information they received, regardless of reliability or quality. As a result, the intelligence community tolerated -- and, to a large extent, tacitly encouraged -- the distribution of unreliable, unverified, faulty, and even erroneous intelligence reports. It is my opinion, based on conversations with colleagues throughout the intelligence community, that these same pressures were at work not only at the CIA, but also inside other intelligence, defense, and law enforcement organizations such as the Federal Bureau of Investigation (FBI) and military intelligence entities such as the Defense Intelligence Agency (DIA) and Department of Defense (DoD) Human Intelligence (HUMINT) services.
10. The failure to maintain quality control over raw intelligence reports resulted from a conscious decision within the intelligence community that any data collected should be disseminated, so that the community could not be accused of having withheld information later deemed relevant to counterterrorism efforts—an accusation frequently leveled against the intelligence community after the attacks on September 11, 2001. The CIA leadership in 2001 made the decision after the events of 9/11 to encourage that all collected information, even if unsubstantiated, be disseminated through intelligence reports. As a result, the number of intelligence reports describing threats skyrocketed but the quality of those reports did not.
11. The result of the poor quality control over intelligence reporting and the proliferation of unsubstantiated intelligence reports was that the intelligence system was flooded with unreliable reports. There are many examples of such reports.
12. For instance, in nine months after 9/11, I received a CIA report about a kamikaze-style air attack on a United States Navy Base in a South Pacific Island location. The report originated from a CIA office in the Middle East and cited a source by first name only, without reporting a last name. At the time of the report, the United States Navy did not have a base on that Island, had never had one there, nor had a single ship from the Navy's Seventh Fleet—the Pacific Fleet—ever visited the Island's port. Nonetheless, the raw report was disseminated in the message traffic to the U.S. intelligence community worldwide.
13. In the winter of 2001, I received a report from the United States military investigations unit stating that Osama bin Laden had been spotted in the Post Exchange at a U.S. military base in East Asia. The reports advised that bin Laden was there shopping. The report was utterly unbelievable, yet it was disseminated to the intelligence community.
14. Even before September 11, 2001, I received a report from a separate United States military investigations unit that North Korean terrorists planned to assassinate a United States General and destroy bridges across the mid-town river in Seoul, South Korea. Although the immediate impact of the report sent the U.S. military to heightened alert status, it was later discovered that this plot actually was a South Korean police training

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- exercise scenario. The intelligence collector had reported it as a real threat because the collector and his source did not speak a common language.
15. Senior United States military commanders in Asia complained to me by the summer of 2002 that these intelligence reports were "numbing" the system, meaning that the flood of unsubstantiated threat reporting diminished their ability to distinguish real threats from noise. They asked that I, as the local senior CIA officer, personally call them when I thought an intelligence report was truly significant. This proposed solution was rejected by CIA headquarters. I was told that I could not discard those intelligence reports that I did not find credible.
 16. Some of my colleagues put forward a proposal to attach a statement to the bottom of reports that would say in sum or substance: "I, the senior CIA officer, have read this report produced by my officers and am disseminating it as I believe it is credible," or that, "I do not find this report credible but am disseminating it to provide a sense of the rumors in circulation." This proposal was rejected as well. Senior leadership at the CIA expressed the view that those in the field should not exercise our professional discretion and judgment about the credibility of reports, lest that exercise come back to haunt the CIA were we ever shown to be wrong in our judgments.
 17. In addition to an institutional desire not to be seen to have "withheld" information, intelligence agencies also had a strong institutional interest in producing more and more reports. Each agency's consumers and overseers in the Executive and Legislative branches demanded proof that the intelligence community was taking the threat of terrorism seriously. Officials from the intelligence community routinely made presentations showing the numerical increase in raw intelligence reports compared to the previous year. All members of the intelligence community, including the CIA, DIA, DoD HUMINT Services, and the FBI, were affected in this way.
 18. In fact, case officers and managers were, at the time, often evaluated by the number of reports they produce. Quality was not as easily measurable. In my experience, the military members of the intelligence community were just as interested in the number of reports being produced as was the CIA.
 19. The problem with such thinking is obvious: it is much like evaluating marksmanship by measuring rounds fired on a shooting range, rather than measuring how many rounds actually hit their targets. More is more, but it is not necessarily better. In the case of intelligence reporting on terrorist threats after September 11, more was worse.
 20. Because these reporting problems were never confronted, there are now tens of thousands – if not hundreds of thousands – of intelligence reports, including raw human intelligence reports that have been put out by DIA, DoD HUMINT Services, and the CIA, of little to no credibility. These reports are still on the record and it is now possible, for instance, for a person attempting to support a particular narrative or agenda to possibly cherry-pick reports that appear to support that agenda.

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21. It is my understanding that current CIA management has recognized this problem and has taken strong steps to correct the quality of their reporting. They are to be applauded for this but the problem still exists with historical reporting during the 2001-2005 timeframe. During my time at the CIA, the intelligence community had not made an effort to look back at all of these reports to determine the success rates of the sources used in the reports. For example, it would be useful to know if a source was right 5 out of 50 times, or 40 out of 50 times, so that there would be some measure of the source's reliability. As of 2005, the track records of its terrorist sources were not investigated on any systemic basis.

Credibility and Reliability of Intelligence Reports

22. In my experience as an intelligence officer at the CIA, it is not possible to make a determination as to whether an individual is a threat based solely on a raw intelligence report, because raw intelligence reports do not contain sufficient information to judge the credibility of the source or the reliability of the information reported.
23. Even those aspects of an intelligence report that, to a layperson, might appear to speak to the credibility and reliability of the report, did not do so as of 2005.
24. Source descriptions were generally vague and often had little connection to the reliability and credibility of sources. In a reverse example of this, a report provided by a retired senior officer of the CIA, who had served as an U.S. Ambassador, contained a source description that described him as an "occasional contact without a reporting record." When asked why this was the case, the response provided by the reports officer who prepared the report was that the individual did not have a reporting record "as an agent" with the CIA. Source descriptions therefore often related only the subjective views of individual reports officers and were frequently of little use to the consumer. Accordingly, descriptions of a source's "access" or past reporting record did not provide a reader with any basis for determining the true reliability of the information in the actual report. It is my understanding that the CIA's management has taken serious steps to correct this problem since 2007.
25. It is my opinion that raw intelligence reports cannot be taken in isolation as credible evidence, without a full assessment of the reliability of the source and the context of the information in regards to all other available intelligence on the subject. It would be a serious error to act on a single report, or even a set of multiple reports, without ensuring that all other available information had been taken into account and assessed by a person with sufficient knowledge and experience to determine the actual facts.
26. In particular, it is my opinion that the credibility and reliability of information contained in an Agency intelligence report, commonly referred to as a "TD" intelligence report cannot be determined unless (a) the report is presented and considered in its full and unedited or unredacted form, and (b) the report is read in conjunction with its corresponding operational cable. In my experience, every TD has at least one corresponding ops cable that contains information that is not available in the TD, but

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which is nonetheless critically important to determining the reliability of the TD in question.

27. For example, in my previous role as either Chief of East Asia Division or as the National Intelligence Officer for East Asia, I would always make a point of learning the details in the TD's corresponding ops.cable before bringing a particular intelligence report to the attention of Agency leadership or senior policy makers. The more sensational the information in the TD, the more I would want to see the corresponding ops.cable before raising that report in the policy community. Without the data in that ops.cable even a 25 year veteran of the CIA, such as myself, could not make even basic judgments on the reliability of the intelligence.

Taking Action Against A Potential Threat

28. Generally, it is not possible to take positive action against a purported threat based merely on written raw human intelligence reports. In my experience, raw intelligence reporting may provide an appropriate basis to watch a person, but unless a credible and reliable source can give specific incriminating information about a suspect that can be independently verified, it is not appropriate to take positive action against a suspect on the basis of a source's say-so as recorded in a raw human intelligence report. In other words, a report may be sufficient to take defensive steps to protect against a reported threat, but generally will not support affirmative steps to capture or detain the concerned individuals suspected of posing that threat without additional and convincing evidence.
29. In my experience, the most appropriate response to a raw human intelligence report containing a potentially serious threat is to double check with all available means to determine the true nature of that threat. It is also necessary to work with local authorities, such as the local police force, to determine whether a U.S. reporting officer's assessment may have been in error due to issues of language, cultural unfamiliarity, or lack of knowledge of the situation on the ground. Local authorities are often best positioned to determine if someone poses true threat.
30. Accordingly, it is my opinion that the mere fact that a raw human intelligence report asserts that a person poses an apparent threat is not a sufficient basis for action against the person mentioned. Instead, it is at best a basis for further inquiry based on all other intelligence information available regarding the situation.

Interrogation

31. In my experience, linguistic and cultural barriers between interrogators and subjects severely limit what information the interrogator can gain, especially from non-verbal clues. In my experience, body language and other non-verbal clues are far from universal; they vary widely from one culture to another. As a result, unless the interrogator is truly fluent in the subject's language, something is nearly always lost in translation between the interrogator's language and culture and those of the subject's.
32. For example, in my experience with the intelligence community's best administrators of polygraphs, unless the administrator is very capable in the language of the person being

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given the polygraph test, the administrator is not able to determine anything but what the subject admits to. In one circumstance, I heard a polygraph administrator state that, whenever a particular Asian subject did not deny something, he took the subject to be admitting it. The polygraph administrator's assumption was incorrect, because it relied on Western assumptions of resistance to false accusations, rather than the cultural practices of the Asian subject. In that Asian culture, false accusations were often treated to stony silence so as not to give your accuser even the respect of responding.

33. It is accordingly my opinion that a failure to answer a question during an interrogation, a refusal to participate in a polygraph test, or an inability to pass a polygraph test, cannot be taken as evidence of mendacity unless the subject positively admitted to wrong-doing. In my former capacity, I would have put no faith in any polygraph results based on body language and little faith on negative polygraph results without positive, credible admissions.
34. Similarly, based on my two years of service in the Horn of Africa, and based on my familiarity with the culture of that region, it is my opinion that the failure of a subject from that region to answer a question during an interrogation could not be taken as evidence of mendacity unless the subject positively admitted to wrong-doing. In the Horn of Africa, as in Asian culture, false accusations were often treated to stony silence so as not to give the accuser even the respect of responding.
35. Intelligence reports based on interrogations of terrorist suspects in U.S. custody did not, in my experience, describe the interrogation techniques employed upon the sources. Thus, in most cases it is impossible to tell from the face of an intelligence report whether the interrogation it describes took place under coercive conditions. Such information would be contained in a separate but corresponding operational cable. Knowledge that a source had been subjected to any coercive interrogation techniques could, depending on the nature of the information, negatively affect my assessment of the reliability and credibility of information contained in any intelligence reports based on interrogations of that source. Further, in my opinion, the use of coercive techniques would not only undermine the reliability of information derived from the specific interrogations in which such techniques were used, but could also raise questions about any information derived from subsequent interrogations of the same source.
36. One such report came on the eve of the anniversary of 9/11 which claimed that Al-Qaida intended to attack many US Embassies in Southeast Asia. The report said that this action had been planned months in advance but, as the anniversary now approached, the report said that the source knew of no changes in executing that plan. This gave the reader a false sense of confirmation of the impending attack and the Embassies were accordingly ordered closed. The report failed however to state that the source had been in US custody for months prior to this statement, would have no way of knowing whether this plan was still being considered, and had been subject to harsh interrogation techniques in the interim. The attacks never happened.

"Recalling" Unreliable Intelligence

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37. The standards traditionally employed by intelligence gatherers dictate that once a human source has been found to lack credibility, any information obtained from that source is presumed to be unreliable. Intelligence previously gleaned from subsequently discredited human sources is properly discarded or "re-called," absent convincing and independent verification of the information. In some cases, the recalling of such information means that the analytical products based on that information, such as National Intelligence Estimates (NIE), also need to be recalled. There is often a great institutional reluctance to do this. In one such case, the author of an NIE on Northeast Asia touted portions of a defector's report that confirmed his analytical thrust, while ignoring obviously sensational distortions from the same defector who, in this case, said that North Korea maintained undersea "Atlantis-type" bases off the coast of Cuba for its alleged global nuclear submarine force. This phenomenon, of attempting to selectively use or "cherry-pick" intelligence from otherwise discredited contacts, often occurred in terrorism reporting where the standards of quality control were, as noted above, greatly relaxed.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 28th, 2009.



ARTHUR BROWN

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Exhibit 4

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(Revised 30 SEP 05)

Summary of Administrative Review Board Proceedings for ISN 567

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

The Presiding Officer announced the convening authority and purpose of the Administrative Review Board proceedings.

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

The Presiding Officer asked the Detainee if he wishes to make a statement under oath. (Muslim oath offered).

The Detainee accepted taking the (Muslim) oath.

The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood.

The Assisting Military Officer presented the Enemy Combatant Notification form, Exhibit EC-A, to the Administrative Review Board.

The Assisting Military Officer presented the Enemy Combatant Election Form, Exhibit EC-B, to the Administrative Review Board.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-3, other unclassified information) to the Administrative Review Board.

The Designated Military Officer stated that a copy of these exhibits had been previously distributed to the Assisting Military Officer and Detainee.

The Presiding Officer noted from the Enemy Combatant Election Form that the detainee wanted to respond to each item of information from the Unclassified Summary as it was presented.

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(Revised 30/SEP/05)

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1, to the Administrative Review Board.

Designated Military Officer: The detainee worked for the Dahabshill Company in Karachi, Pakistan.

Detainee: Correct, I worked with Dahabshill and I was their agent Karachi, Pakistan and you know that Dahabshill Company has many branches in many countries that have a Somali community, including the United States, the Gulf countries, Europe, African countries, Australia, and also Pakistan. The Pakistan branch was one of those offices. All of those offices fall directly under the main department based in Somalia. If work in Dahabshill formed an accusation, [then] their places would not be open with you in the countries I mentioned before. Dahabshill has a page on the internet website. You may have enough information that states its integrity as well. This will prove its distance from terror and some of its customers are international organizations like "Save the Children". The Dahabshill website is www.dahabshill.com.

Designated Military Officer: Dahabshill is closely related to Al-Barakat, a Somali financial company designated by the United States Government as a terrorism finance facilitator. Following Al-Barakat's designation and shutdown, Dahabshill took over much of Al-Barakat's business.

Detainee: I did not know anything about this before. All I know is that Dahabshill Company is [a] free-lance or independent company owned by a known businessman and its main office is in Hertiessa, Somalia. I received instructions from this office and I did not hear from them... that they have any connection[s] to other organizations, but generally these issues you can discuss with the owner of the company. If this company has any association with companies suspected of terror [then] some of their offices would not be left open and working while some others were closed. This shows something. It shows that it has clean pages.

Designated Military Officer: The detainee was identified as a member of the non-governmental organization al Wafa.

Detainee: Not true. I was never one day a member of this organization and I did not hear of [it] until entering the jail in Pakistan from a Pakistani interrogator officer. I spoke of this at the first tribunal that this accusation is not true. I requested from them to bring the company director or manager that is detained here by you [so] he could testify [to] the truth in front of the tribunal. The reply was that the tribunal president refused this request and is not allowing this person to attend this tribunal. I do not know how you want me to prove to you my innocence from this accusation that was built upon phone numbers found in my phone memorandum. Based upon my job that I worked, I received many phone calls from people I know and from people I do not know. It wasn't necessary or required to me to know all the phone numbers listed in the memorandum. Dahabshill

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(Revised 30 SEP 05)

Company is not a secret or underground company. It is on the air directly in the internet and any person who has the company address can contact any agent from the company from any country in the world. You also know that I was arrested from my house where it was my workstation. Also information sources that were with me were confiscated like the computer, files, and notebooks which provided all the information about my job and they did not find anything that would show association with the company you mentioned. Just phone numbers in the phone book memorandum. Is this enough to direct an accusation? It's something strange.

Designated Military Officer: The al Qaeda organization has been identified as a terrorist organization on the United States' State Department's Terrorist Exclusion List.

Detainee: This has nothing to do with me.

Designated Military Officer: The non-governmental organization al Qaeda reportedly was believed to have had connections to Usama Bin Laden and Afghan Mujahidin.

Detainee: This has nothing to do with me. This does not concern me.

Designated Military Officer: The detainee received a Tablighi Jamiat Visa to Pakistan.

Detainee: Like the rest of the Somalians, the wars exiled the Somalians from their country, I was looking for any refuge [so] I can live in safety, but I wasn't lucky. I wanted to live in countries where people desire to live, where jobs are available, such as Europe, America, Australia, and the Gulf Countries. Though I had to leave to somewhere so I proceeded toward India and I heard that in Pakistan there was a United Nation office receiving Somalians and giving them immigration passes for a period of time and they could also migrate to other better countries that has better living conditions than Pakistan. The office was the best office in the area so I decided to travel to Pakistan. So, I asked the Somalians who were there how I could go to Pakistan and they told me to go the Pakistani Embassy and tell them that I was going to Pakistan for missionary [work] and they will give you the visa. If you can't find another way because you have a Somalian passport and they don't have a country. I did what they told me and I entered Pakistan and later [went] to the United Nation office. It's worth mention [ing] that this type of visa is known by the Pakistani government. It's not against the law and I have taken this type of Visa before, more than ten years ago.

Designated Military Officer: Jama'at Al Tablighi, a Pakistan based Islamic missionary organization that is being used as a cover to mask travel and activities of terrorists, to include members of al Qaeda.

Detainee: I do not have any knowledge of these things.

Designated Military Officer: The detainee ran an illegal money transfer business out of his home.

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(Revised 30 SEP 05)

Detainee: The business job I worked in was very small and there were no licenses for this kind of business within the Pakistani government and this job of mine was in the middle of the Somali residents living in Pakistan.

Designated Military Officer: Some of the detainee's counterparts in the United States did not have licenses. They were operating illegally, also out of their houses. In addition, there was reason to believe that the detainee had contact with people involved in the support network for al Qaeda.

Detainee: If there are people violating the law of the United States [you] have to take all the appropriate measures, but what I know is that Dahabshiil company has many locations/places in the United States and they have permission [to] work out in the open. You are saying that I have connection [s] with the terrorist, so what is the reason [of] cause? It would be clear to [you] everything about my personal matter and I worked with the Dahabshiil just like the rest of the employees that worked with them. So where is the terror and where is my connection with them? Terror is what departed me from my country and I am one of the people who hates terror most.

Designated Military Officer: The detainee lied to obtain his three-month Pakistani visa.

Detainee: This point is connected to number six and I did not do this, but the necessity of basic human needs and you know that many refugees that entered [the] United States, they entered illegally, but due to their special situation, [the] United States and other countries received them. Today they prosper with official residential documentation or even received the citizenship.

Designated Military Officer: The detainee was captured after the Pakistani authorities had conducted three raids on his home and finally detained him for illegal money transfer.

Detainee: There weren't raids. They were just routine visits by the special police and the Intelligence. They wanted to check my identification and my papers. These visits repeated three times, somewhat distant from each other. They took pictures or copies of my immigration paper/pass from the United Nation and after a time period, they came to my house and arrested me. [They] told me they wanted to check some matters and [that] I would be released soon. After four months, they handed me over to the United States Forces.

Designated Military Officer: The following primary factors favor release or transfer. The detainee stated he was never involved in an Islamic Militant group or knowingly transferred funds for their cause.

Detainee: I have never knowingly or not knowingly transferred funds to anyone. I only received money for the poor Somali people.

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(Revised 30 SEP 05)

Designated Military Officer: The detainee, during his oral Combatant Status Review Tribunal statement, stated that he had no knowledge of al Wafa until he entered prison in Pakistan.

Detainee: Correct statement. The first time I heard of it is from the Pakistani officer.

The Designated Military Officer confirmed that he had no further unclassified information and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer acknowledged the request.

The Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

Detainee: Based on what was mentioned before and my innocence from these accusations, I do not deserve to stay detained [for] all this time. A lot of interrogators said to me that through this war that was lead by the United States, a lot of mistakes were made and they must be corrected. They told me many times [that] I am here by mistake. I think you came here to correct these mistakes and I have cooperated with the interrogators during all this time and I did not refuse to talk like many detainees who were frustrated from the long interrogation. I was always telling the truth. Like I told [you] before that I left my country because of civil wars and I would like to live in a safe place...with my family making a living.

Presiding Officer: Does this conclude your statement?

Detainee: Yes.

The Assisting Military Officer stated that he had no additional comments.

The Assisting Military Officer had no further questions for the Detainee.

The Designated Military Officer had no further questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: the Company that you worked for, did you ever inquire into what the purpose of the money was going to be?

Detainee: No.

Board Member: Did you just give money to people who asked for it without a purpose?

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(Revised 30/SEP/05)

Detainee: Like I mentioned before, the office was open to the Somalian community who were living there. They would receive money from their relatives or family to help them live there.

Board Member: Did you ever provide money to anybody that was outside the Somalian community?

Detainee: Very, very rarely because it has an internet site and was very well known. Sometimes the college students who were there, a few Somalian or Pakistani students. Those cases.

Board Member: You compared the company you work for with the "Save the Children" organization. Was this just a humanitarian aid? Is that what they provided?

Detainee: It was not [a] comparison. In the tribunal, my personal representative went on the internet and printed out the website and some of the customers of the Dahabshiil Company were "Save the Children". That was an example of the customers of that company.

Board Member: When your home was raided you said that they were checking your identification and your papers. When they came back again did you suspect that they thought you were doing something illegal?

Detainee: I suspected them, but then if I knew I was [going to] get arrested I would [have left] the place, but because it was a company [where] money was transferred I thought maybe it was a routine for them to come and check. Otherwise, if I knew I was going to get arrested I would have left.

Board Member: Do you speak English?

Detainee: A little bit.

Board Member: Did you learn English in Somalia?

Detainee: Yes.

Board Member: This was a hawalal that you had?

Detainee: It was a money transfer.

Board Member: How old are you?

Detainee: I was born at the end of 1965.

Board Member: Did you receive any education in Somalia?

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(Revised 30 SEP 05)

Detainee: Yes.

Board Member: What education level did you reach?

Detainee: A Bachelor's Degree in Agriculture.

Board Member: Did you work with this banking institution in Somalia?

Detainee: No.

Board Member: You are familiar with the process of transferring funds. Were you familiar with that in Somalia? Is it very commonly used there?

Detainee: After the government of Somalia fell, then I had to look for some other way to make a living, a clean way to make a living. This was not my major; it was not my specialty. I had to find a clean way to make a living.

Board Member: Where did you go after Somalia? Pakistan?

Detainee: No, I went to India.

Board Member: Then you went to Pakistan after India?

Detainee: Yes.

Board Member: You had mentioned that you had traveled on a visa ten years prior to when you went to Pakistan. Where did you travel to at that point?

Detainee: I took it from the Pakistani Embassy in India.

Board Member: How long were you in Pakistan?

Detainee: I have been here since 2005 and my movement was 1994 to India and Pakistan.

Board Member: This business was operated out of your home?

Detainee: Yes.

Board Member: Did you generally have the same customers that came for money transfers?

Detainee: Yes. The office usually opened in a Somalian community. There was a small Somalian community there in Pakistan where that office opened for their needs to go there to have their family send them money and so on. It was in a community where the Somalians were living.

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(Revised 30 SEP 05)

Board Member: It was out of your home, is that correct?

Detainee: My workstation?

Board Member: Yes.

Detainee: Yes, my house.

Board Member: When there was a transfer, did they come to your house or would they contact you by phone?

Detainee: Sometimes they had my phone number they would call me then they would come or they would call me and I would meet them and we would make sure there was no problem.

Board Member: What bank did you use to keep the funds?

Detainee: I did not work with banks. The money was in my house.

Board Member: Did you do any large financial transactions? What was the largest financial transaction?

Detainee: It was usually receiving money. The most I remember was about \$20,000.

Board Member: Pakistani rupees or US dollars?

Detainee: American dollars.

Board Member: You kept that much money in your house at one time?

Detainee: It never stayed there for a long time. I would get faxed from the company the amount of money and the customers would get the information and would come to me and [say] this is the amount of money I am receiving.

Board Member: Did you do any swaps? Did you exchange money for anything other than money?

Detainee: No.

Board Member: You were in Pakistan in 1994, you're educated, and you are obviously very smart. Did you see what was going on in Pakistan?

Detainee: I use to hear it on the news just like I heard the news about the wars in my country that I left.

Board Member: Did you know about Usama Bin Laden?

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(Revised 30 SEP 05)

Detainee: I haven't seen the Taliban. I have never entered Afghanistan. The whole world heard the news that [was] broadcasting. The only information that I have, I was getting from the news that I was watching.

Board Member: Did you know about al-Qaida?

Detainee: I didn't know anything. Sometimes [it was] on the news.

Board Member: Were you ever suspicious about the money transfers that you had?

Detainee: No, never.

Board Member: Were you ever suspicious about any of the sums of money that you transferred?

Detainee: No. Not one thing was suspicious. The money that came to me was [a] very small amount, very simple money for the Somalis that was receiving [it]. I never suspected because it was [a] very small amount of money.

Board Member: I want to make sure that never once were you ever suspicious about any transfer?

Detainee: I had someone call me a Somali and came to me and said [they] want to transfer money... I didn't have any orders from my company, any procedures that I had to check to suspect anything. I didn't have that.

Board Member: No paper trail. You never kept records.

Detainee: Records how?

Board Member: Of transfers?

Detainee: There were records of the fax. The faxes said the time and date, the amount of money which company was sent, the address where it went. The other persons on the other side receiving it had to keep the same records.

Board Member: Were all of your transfers from Somalia?

Detainee: The main department or orders came from Somalia. There was no direct connection to me and other offices in the rest of the world. My orders came directly [from] the main department in Somalia.

Board Member: All of your transfers went to Somalis?

Detainee: Yes, that is how it was.

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Board Member: How did they know about your business? By word of mouth?

Detainee: Like I said, my address, my name, my phone number, everything was on the website. Everything was there for people to see.

Board Member: Were you making a good living?

Detainee: It wasn't what you think [of] a way of living, because the customers, the people I work with were very, very few. [There] were very few transfers. My situation kind of forced me to work this kind of job.

Board Member: How many transfers were there a day or a month or a week or a year?

Detainee: I've been here four years, but if you want the information, all the files everything I have, the computer, the phone books were taken from me. You have it. You can go back and get them.

Presiding Officer: We're just asking for a rough estimate of how many transfers you did on a daily or weekly basis.

Detainee: It was not a money transfer. It was to receive. It was not a transfer. In the beginning, sometimes this would go and I would not even have one person [there] later day by day I would see one person a day and later on they got more; maybe two people a day. The day that I was detained I have about four to five people, but they were receiving a very small amount of money.

Board Member: I would like to talk about Jama'at Al Tablighi. Were you a member or a missionary or a part of Jama'at Al Tablighi?

Detainee: No.

Board Member: You just used that to get your visa?

Detainee: When I went to the Embassy and they gave me the visa and the place where it says purpose of the visa I put missionary. I didn't know anything about Tablighi or anything. They looked at it and said missionary, okay.

Board Member: Did you ever visit the Jama'at Al Tablighi center in Lahore, Pakistan?

Detainee: I've heard, but have never gone there.

Board Member: Were you a member of any NGO, non-governmental organization?

Detainee: Never.

Board Member: Did you ever give any ams to any organization?

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Detainee: Never.

Board Member: Did you ever travel with any organization?

Detainee: Never.

Board Member: Did you know anybody who was a member of these organizations?

Detainee: I do not know.

Board Member: So you don't know if you transferred any money between these organizations?

Detainee: Like I mentioned before, this was a receiving office. It was not to transfer, but if someone came and told me they want to transfer, they usually mention the name of the person. They don't mention...the name of the organization.

Board Member: You didn't know all of your customers?

Detainee: Not personal[ly].

Board Member: You don't know if somebody came to you who might have been a member of al Qaeda, al Wafa, or Jama'at Al Tablighi, or another organization. You wouldn't know if they came to you?

Detainee: Like I said, the first time I heard of that was here. Let's say for example a person goes to the bank and wants to transfer some money somewhere else, of course you are not going to know that person. That person could be [a] bad person, you would not know what kind of person he is.

Board Member: Hawalals are all over, is that right?

Detainee: In the places where there was a Somalian community and Somalian people.

Board Member: Why did they come to you? Why were you arrested?

Detainee: I do not know. You are directing this question at the wrong person. I do not know why I was arrested. When they came to me they arrested me (I was arrested for four months before I was turned over to American forces), they told me I had phone numbers in my booklet that [belong to] bad people and they wanted to be sure what happened and then [that] I would be released.

Board Member: Did you have problems with the police, Pakistan, Somalia? Did you have any problems with anyone prior to this?

Detainee: Never. Nope I did not.

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Presiding Officer: I am convinced that your branch of the Dahabshiil Company was used to transfer money for terrorism.

Detainee: How? What is your evidence?

Presiding Officer: I believe that your company was used in that way. My question is did you know it or not? That is what we are trying to answer today. In the Somali community in Karachi did you ever hear of any support for al Qaida or the Taliban?

Detainee: Open your ears very well and listen me out. When I say Somali community in Pakistan, I don't mean all the Somalis together and they have a leader and they know who is what, doing what. I mean people who are scattered everywhere, the students and the workers who are working all over the place.

Presiding Officer: I understand that they are all over the place, but I assume that you lived with and know any of these people that were Somali and clearly they used you to receive money from different places. Did you hear much about al Qaida or Taliban?

Detainee: Never. I did not hear.

Presiding Officer: What year did you move to Pakistan?

Detainee: 1994.

Presiding Officer: In those nine years you were there before you were picked up by the Pakistani police you didn't hear much at all about al Qaida or Taliban?

Detainee: What do you mean by hear?

Presiding Officer: What I am trying to find out is if you think maybe there were some people that were using your company and using your branch to transfer money or whether you were just totally not paying attention to who they were or if you knew that perhaps some of these people were using your company to transfer money for al Qaida.

Detainee: Like I said before, the office was open to students. I do not know what was in people's hearts when they came to me. They came to me and asked did they receive this money yet. My job was only to tell them yes it is here or it is not here.

Presiding Officer: You never heard of al Wafa?

Detainee: I've mentioned it before I heard it from the Pakistani interrogator officer when I first entered the jail there.

Presiding Officer: Where if we decide to release you or transfer you, do you want to go back to Pakistan or go back to Somalia?

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Detainee: Honestly, as you know Pakistan is not my country and every person in their own heart will want to go back to their own country and the only reason I was there was the immigration office. I was there as a refugee. I tried for immigration to go some where else, but I would love to go to my country if my country is stable and has a government and its safe to go to. I have been here four years and I don't know any thing [that] has been happening in Somalia right now. If the country is stable and it is okay for me to go there I would rather go to my own country and if my country is not stable I would seek refuge or immigrate to another country that is safe.

Presiding Officer: Where is your family?

Detainee: My family, I was taken from them in the middle of a very dark night and from that day I don't know [any] thing about my family. They were in Pakistan.

Presiding Officer: You haven't heard from them at all?

Detainee: My wife's father was arrested. He told me that she has moved in with them. That is the last thing I have heard about my family.

Presiding Officer: Why was he arrested?

Detainee: He is here. I don't know. He was in his house when he was arrested.

The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

[Redacted Signature]

Captain USN
Presiding Officer

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Exhibit 5

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DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

DEC 12 2008

Ref: 09-F-0031

Mr. John J. Connolly
Murphy & Shaffer LLC
36 S. Charles St., Suite 1400
Baltimore, MD 21201

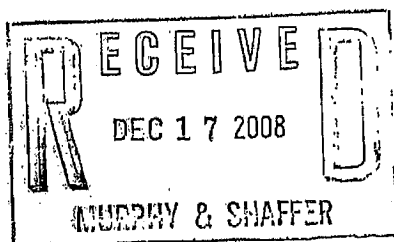
Dear Mr. Connolly:

This is the final response to your electronic Freedom of Information Act (FOIA) request dated October 7, 2008, for "a list of the names of all persons who have been transferred or released from detention at the United States Naval Base at Guantanamo Bay, Cuba, along with their ISNs, dates of release or transfer, reason for release if available, and place to which the detainee was returned." We received your request on October 8, 2008, and assigned it FOIA case number 09-F-0031.

A search of the records systems maintained by the Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC), located the enclosed document as responsive to your request. Major [REDACTED] U.S. Air Force, Assistant Staff Judge Advocate for OARDEC, has determined that the redacted portions are exempt from release pursuant to 5 U.S.C. § 552(b)(2)(high), which pertains to purely internal rules and practices of an agency, the release of which would allow circumvention of an agency rule, policy, or statute, thereby impeding the agency in the conduct of its mission.

If you are not satisfied with this action, you may submit an administrative appeal to James Hogan, Chief, Defense Freedom of Information Policy Office, 1155 Defense Pentagon, Washington, DC 20301-1155. Your appeal should be postmarked within 60 calendar days of the date of this letter, should cite to case number 09-F-0031, and should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Will Kammer
for Will Kammer
Chief

Enclosure:
As stated

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Consolidated RTU Tracker

RTU	STATUS	DATE	LOCATION	REMARKS
101	PREPARED	10/1/08
102	PREPARED	10/1/08
103	PREPARED	10/1/08
104	PREPARED	10/1/08
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DECLASSIFIED BY OARDEC
DATE: NOVEMBER 25, 2008

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Exhibit 6

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____	x
MOHAMMED SULAYMON BARRE,	:
	:
Petitioner,	:
	:
v.	:
	:
BARACK OBAMA, <i>et al.</i> ,	Civil Action No. 08-CV-1153 (PHK)
	:
Respondents.	:
_____	x

DECLARATION OF SULAYMON BARRE ALI

I, Sulaymon Barre Ali, declare that the following statements are true to the best of my knowledge, information, and belief:

1. I am the father of Mohammed Sulaymon Barre. My son has been imprisoned in Guantánamo Bay for more than seven years.
2. My son has never been charged with any crime. He is guilty of nothing more than fleeing his home country of Somalia in the midst of a civil war.
3. I believe that he remains in prison today only because my country has limited power to secure his return home: Mohammed is a refugee under the protection of the United Nations High Commissioner for Refugees (UNHCR) and is from the independent Republic of Somaliland which has no official relationship with the United States.

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4. All of us in his family are waiting to welcome him back and support him, and the government of Somaliland has told us that they will welcome him back as well.
5. My son is innocent and should be helping our family on the farm and not in prison.
6. Mohammed was the brightest and most helpful of my ten children. Mohammed is the second eldest. He was the child who was always there to help, and the one who performed the best in school.
7. Mohammed and one of his brothers were the only of my children to finish high school, and Mohammed studied even further. He finished a university degree in agriculture in order to support his family. The economic situation and the war limited the ability of the others to complete their studies. Yet Mohammed studied hard and committed to advancing his studies.
8. Mohammed studied agriculture in order to help the family better work with the land and animals, and obtain more income. The whole family supported Mohammed's studies because we recognized that it would help us all prosper. Mohammed passed an exam in order to be able to study in Mogadishu, the capital of Somalia. But after he passed the exam, his education was free. I supported Mohammed while he was in Mogadishu however I could when I had the money. Generally, he never had any complaints about life there and I think that he greatly enjoyed his studies.
9. But the tranquility of his life, and our lives, soon changed dramatically. In the early 1990s, war started in Somalia. This war continues to this day. At the time, the North and South were at war with each other, the tribes were all fighting one

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another, the violence was widespread, and many Somalis had to flee either the cities, or the country altogether, for their safety. Some went to Kenya, some went abroad to other countries where they could survive, and still others went far from the city and into the countryside.

10. Many in our family moved further into the countryside with the animals in an attempt to avoid the war and the violence. Mohammed left in the early 1990s and moved to Pakistan to keep safe and to try to build a life for himself and help to support the family outside of the war zone.
11. Soon after he arrived in Pakistan, Mohammed was able to call me to tell me that the United Nations had accepted him as a refugee. During that time he often called us once or twice a month and he would send us money when he could. Even from that far away he always thought of us and would continue to support us. We came to rely also on the occasional support that he could provide.
12. Mohammed's life in Pakistan seemed calm. He was a refugee there under the protection of the United Nations. I know that for part of the time that he was there he was working for a money transfer company called Dahabshiil.
13. Dahabshiil is a big and very famous money transfer company that helps families connect with each other by allowing them to send money to each other. In Somaliland, it is like a bank. Everyone in Somaliland knows about Dahabshiil and most people who have family members outside of the country rely on Dahabshiil for financial transfers. Sometimes Mohammed used the transfer company to send money back to us.

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14. I do not know the whole story of how my son was transferred to the US prison in Guantánamo because I learned of his detention only months after he was taken from his home in the middle of the night.
15. When Mohammed was taken to Guantánamo Bay, we were given no notice either before or after his transfer. We only found out that he was taken there after he disappeared and we became afraid for his life and safety.
16. When Mohammed disappeared, we began to seek out information about what happened to him. Because he called us regularly, we grew very worried when we did not hear from him for two months. From our concern, we sought out other Somalis in Pakistan to see if they knew anything about what happened to Mohammed.
17. It was hard to learn very much about what happened to Mohammed, and we still know very little. We did learn from other Somalis in Pakistan that the Pakistani government picked him up out of his home and that somehow, though we never knew how or why, he was sent to the US prison at Guantánamo Bay. The Somalis we spoke to initially thought that Mohammed would be released. Finally, as the years passed, we realized that Mohammed was going to be there for a long time. We still do not know when his imprisonment will end, but we hope that it will be sooner now that the US policies are changing.
18. No one ever told us why Mohammed was arrested. I believe that my son did nothing wrong while he was in Pakistan. He is a good son, a refugee who fled the war, and a man who always thought of his family first. I also know of no other countries where Mohammed lived other than Somalia and Pakistan and I do not

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think that he lived in any other countries, even if he might have traveled through different countries to get to Pakistan. Until now we do not know why he was taken to Guantánamo; I do not know if we will ever know.

19. Since he has been in Guantánamo, we have only received two letters from him that were sent through the Red Cross. In his letters he told us that his health was fine and asked us to pray for him. We tried to write to him as well, but we do not know if he got our letters or not, and we do not know if he tried to send us other letters that never arrived.

20. We believe strongly that Mohammed should return home to what is now the Republic of Somaliland. It is safer now than it was when Mohammed left, and we feel that he could return here even though it was not safe for him -- or, really, for anyone -- to live here before.

21. Somaliland has declared its independence even if it is not yet recognized as a separate country by many foreign governments. It is often thought to be surprisingly peaceful given the violence that continues to this day in neighboring Somalia.

22. We have a thriving capital city of Hargeisa and many in our family live in the second largest city of Borao. Borao is a beautiful city, and a safe one.

23. Our whole family -- and especially myself and Mohammed's mother -- are sick with anxiety and sadness about Mohammed's long time away from home in a faraway prison.

24. We have been trying very hard to help Mohammed get his freedom and have him return home to his family. We have gone to the government of Somaliland

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several times to tell them the story of our son. The government of Somaliland told us that they would write letters to the US government and ask them about Mohammed. We have spoken both to the Ministry of Foreign Affairs and to the President. Three times now we have spoken with the Somaliland government about Mohammed. They have said that they will accept Mohammed back if the US will send him home.

25. We do not know why Mohammed continues to be in prison but no one will say that he is guilty of any crime. Why is the United States still holding on to Mohammed in prison after so many years? We want him to come back home to his family, and want to help in any way we can to bring him back.

26. God willing, Mohammed will one day soon be with us again. When he comes back he will live with us, his family, in Borao. If Mohammed has his health, he will be able to help with the animals and the family's shop. Now that there is no longer war in the north, he can use his agricultural skills to help with the livestock again.

27. If he needs some time to overcome his long period of time in prison, we will help him however we can. His family is large and generous; we do not have a lot but we are committed to helping him begin his life with us again in Borao. When he comes back there will be a lot of people waiting for him and happy for his return. He will have our support and whatever he needs as he recovers from his long time in Guantánamo.

28. I declare, under penalty of perjury under the laws of the United States that the foregoing is true and correct.

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Dated: Boro, Somaliland
March 23, 2009



Sulaymon Barre Ali

WITNESSED:



CLARA CATTERIDGE

27. MARCH 2009

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Exhibit 7

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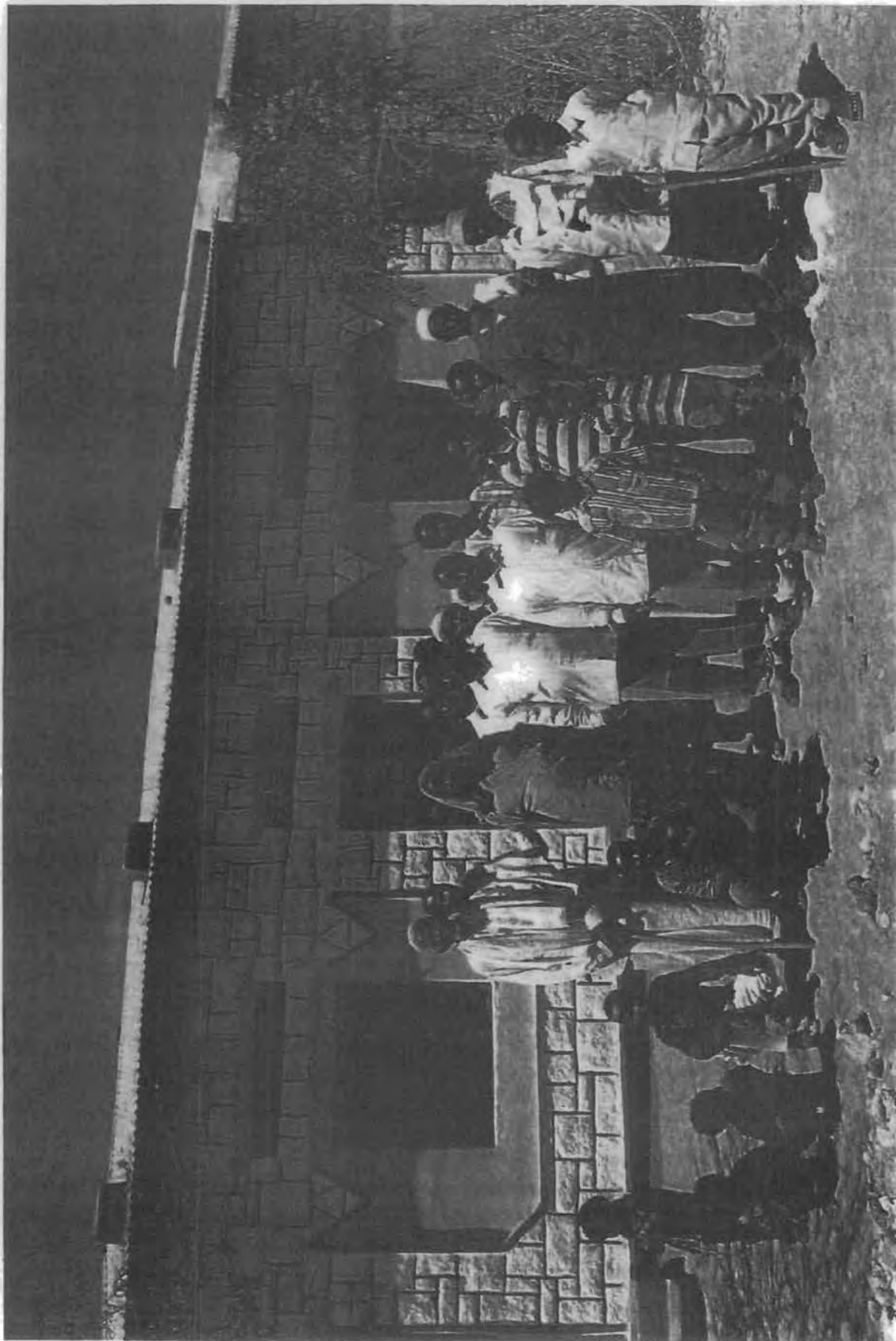
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Father and mother of Mohammed Sulaymon Barre
Photo courtesy of Reprive

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Extended family of Mohammed Sulaymon Barre in front of Mr. Barre's home, Borao, Somaliland
Photo courtesy of Reprivee

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Family run pharmacy owned by Sulaymon Barre Ali, father of Mohammed Sulaymon Barre
Photo courtesy of Reprive

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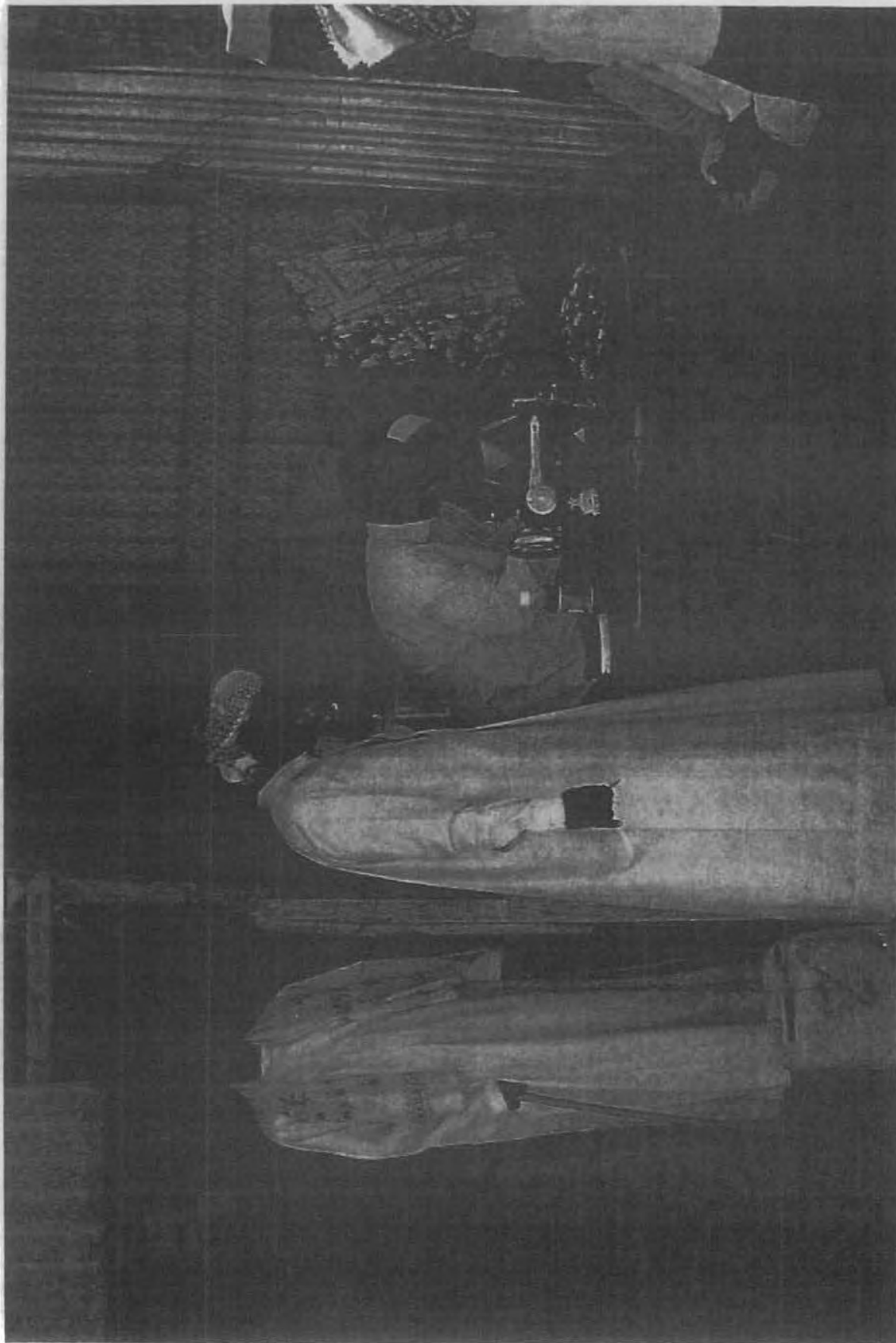
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Family run tailor business of Sulaymon Barre Ali, father of Mohammed Sulaymon Barre
Photo courtesy of Reprive

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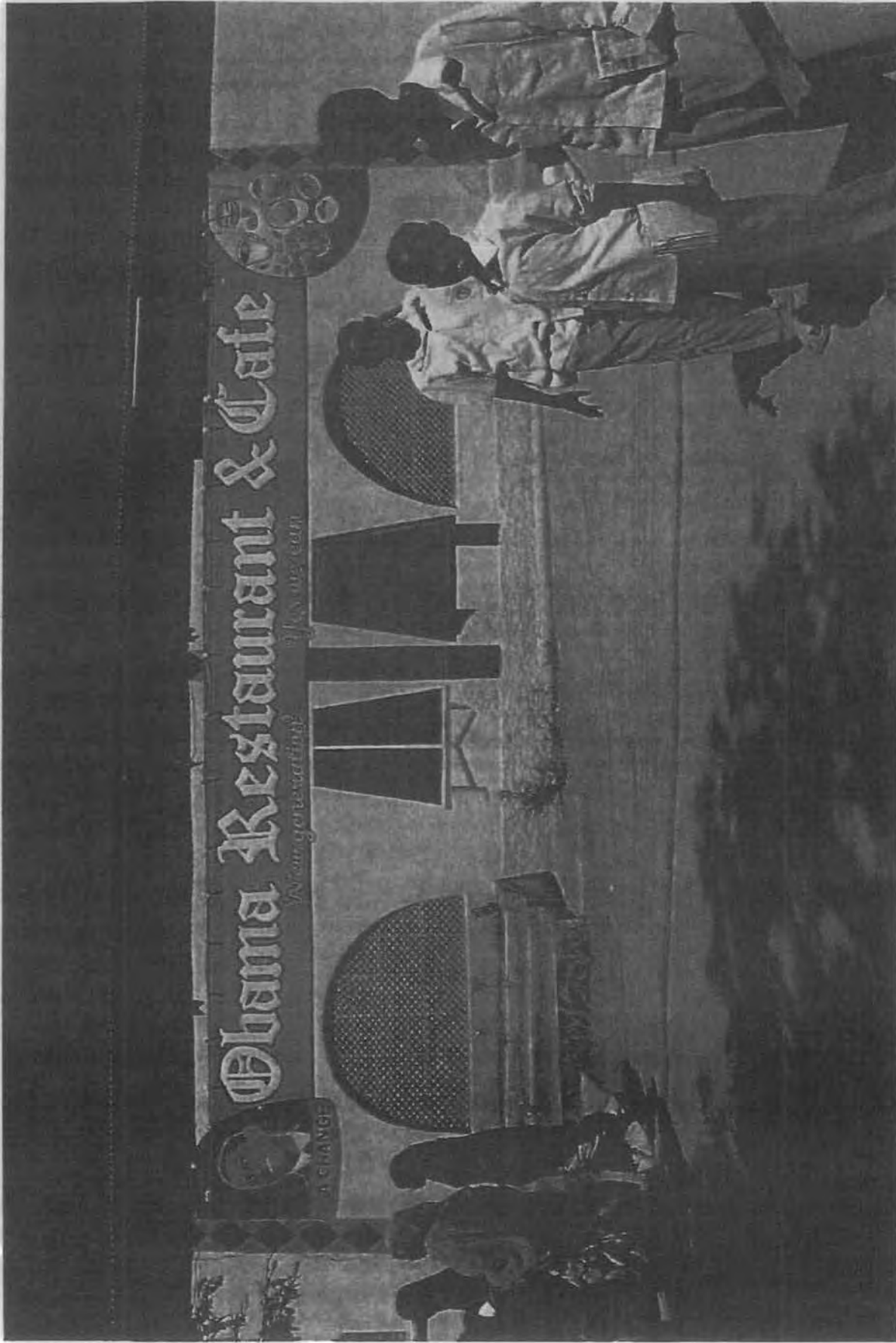


Family run tailor business of Sulaymon Barre Ali, father of Mohammed Sulaymon Barre (2)

Photo courtesy of Reprive

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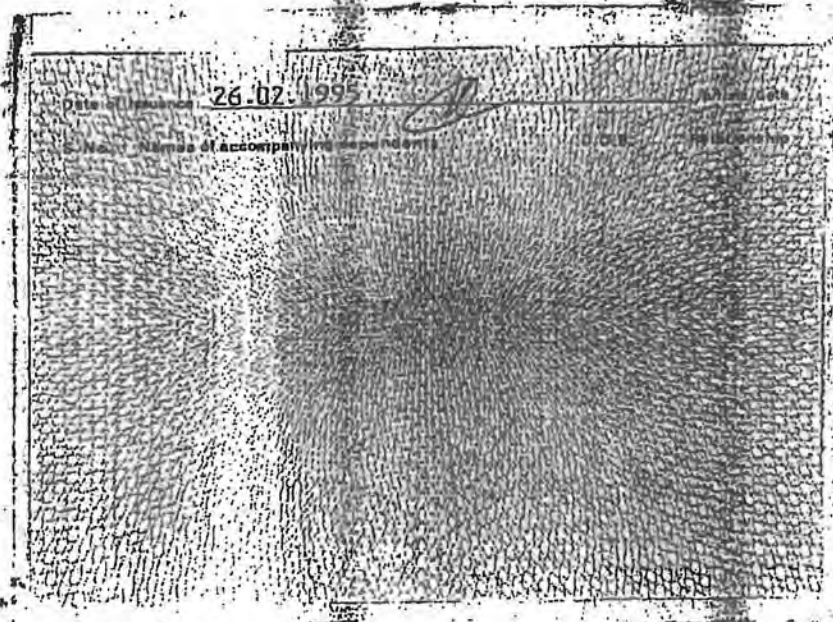
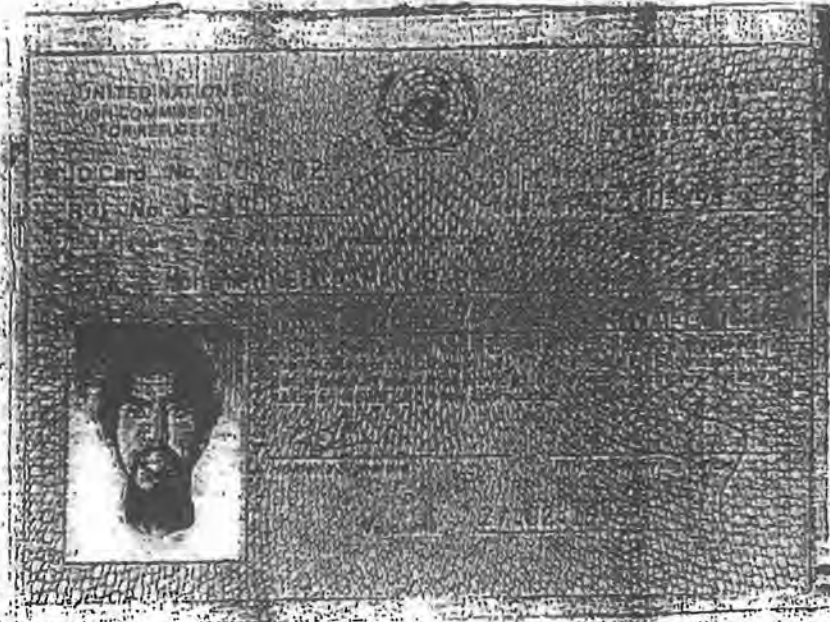
Local restaurant in Borao, Somaliland - home town of Mohammed Sulaymon Barre

Photo courtesy of Reprive

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Exhibit 8

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UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES

No. 4, Khayaban-e-Jah
Sector 7, G-7
P.O. Box 1232
ISLAMABAD, PAKISTAN

Reg. No. 1-11439 Date of Issue: 25.05.2006

This is to certify that on the basis of available information

Name: Mohamed SHATMAN HARRE

1961 SOMALI

Who has been granted a passport as a refugee under the auspices of the Office of the United Nations High Commissioner for Refugees and who is provided to this country during his stay in Pakistan would be greatly appreciated.

[Signature]
Holder's Signature

[Signature]
UNHCR Issuing Office

Valid until: 02.07.2002



Date of Issuance: 03.07.2001 *Yes*

S. No. 02 Names of accompanying dependants [Redacted] D.O.B. 1981 Relationship Wife

008000

Handwritten initials

6/8/2001

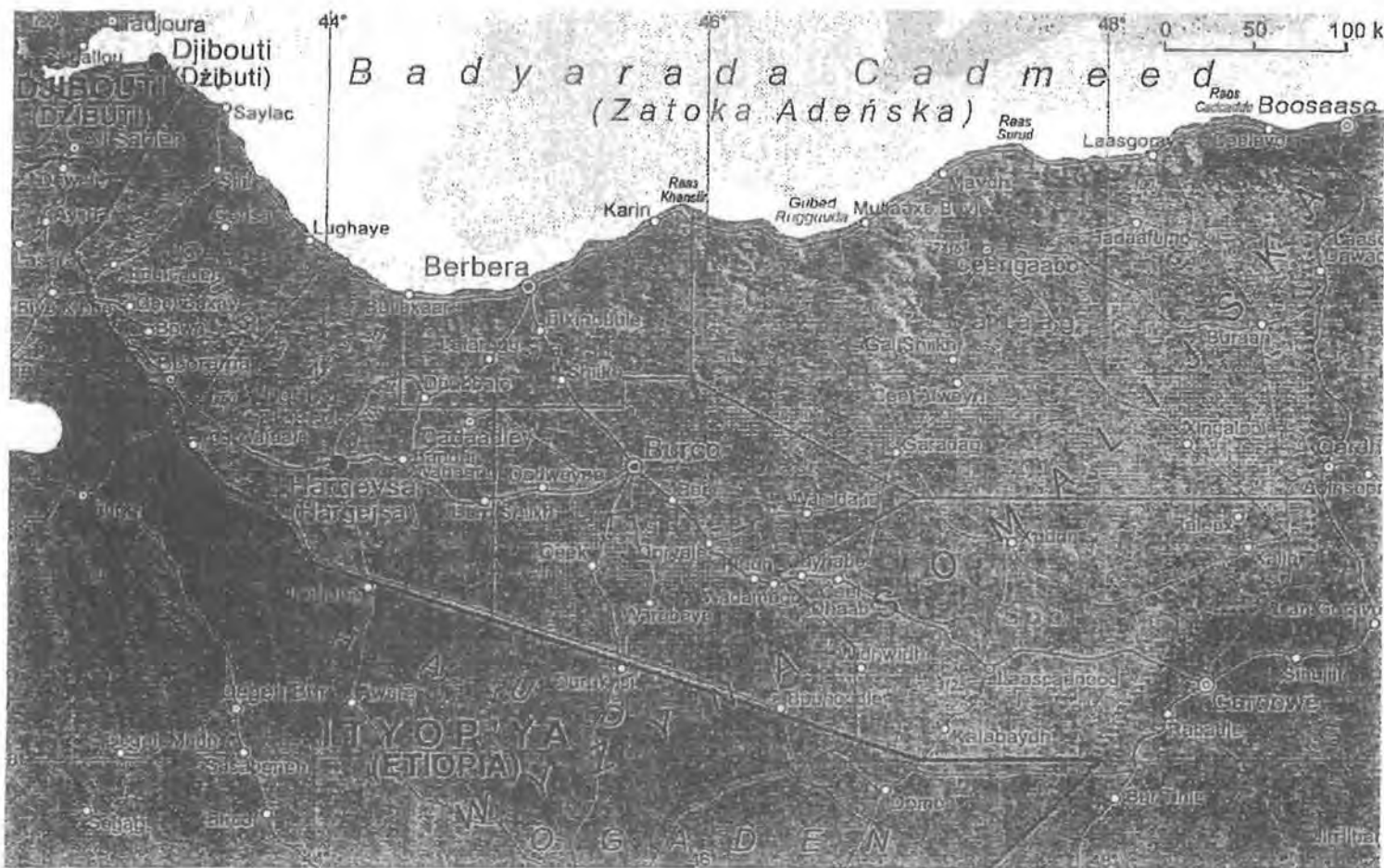
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Exhibit 9

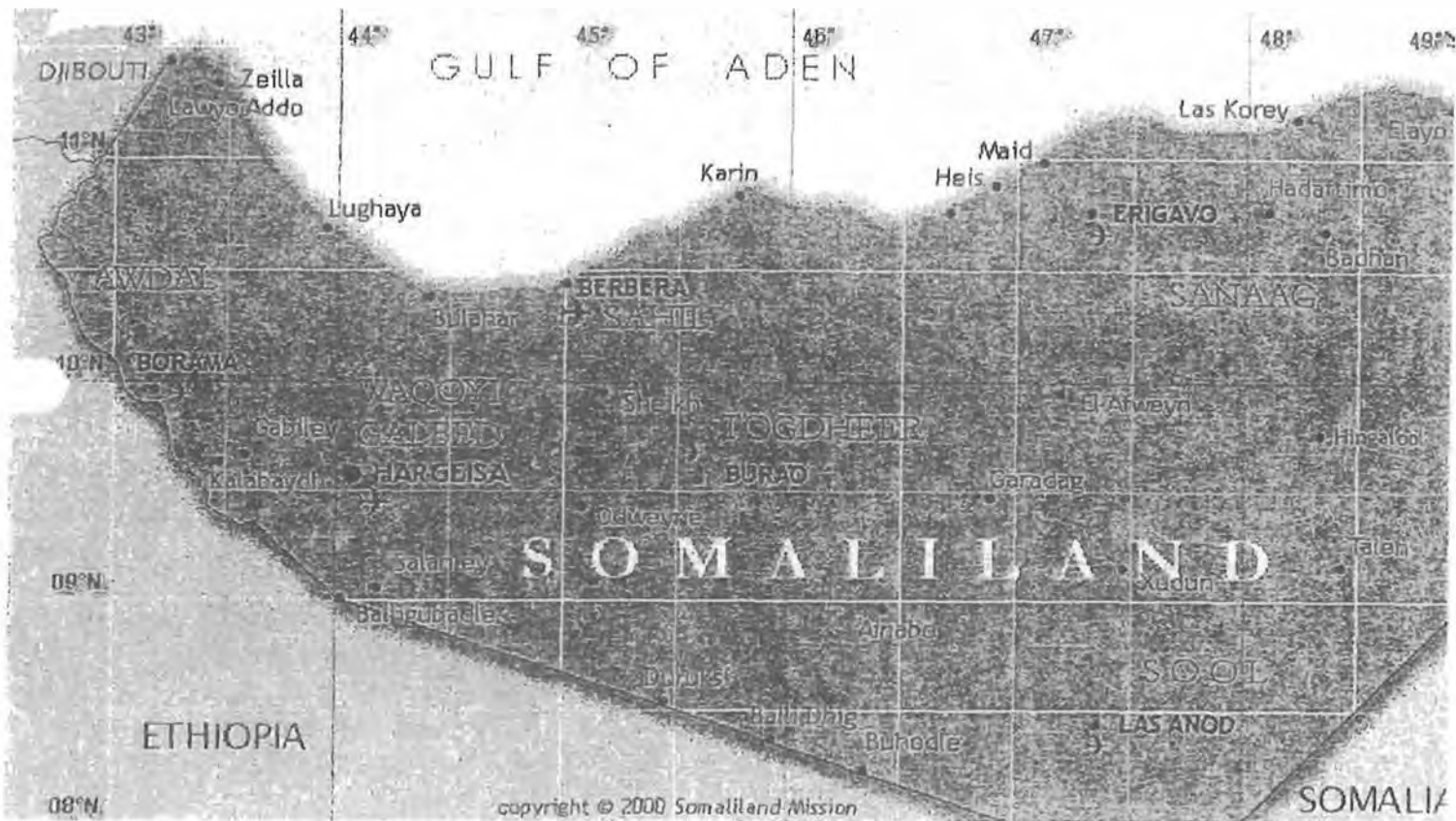
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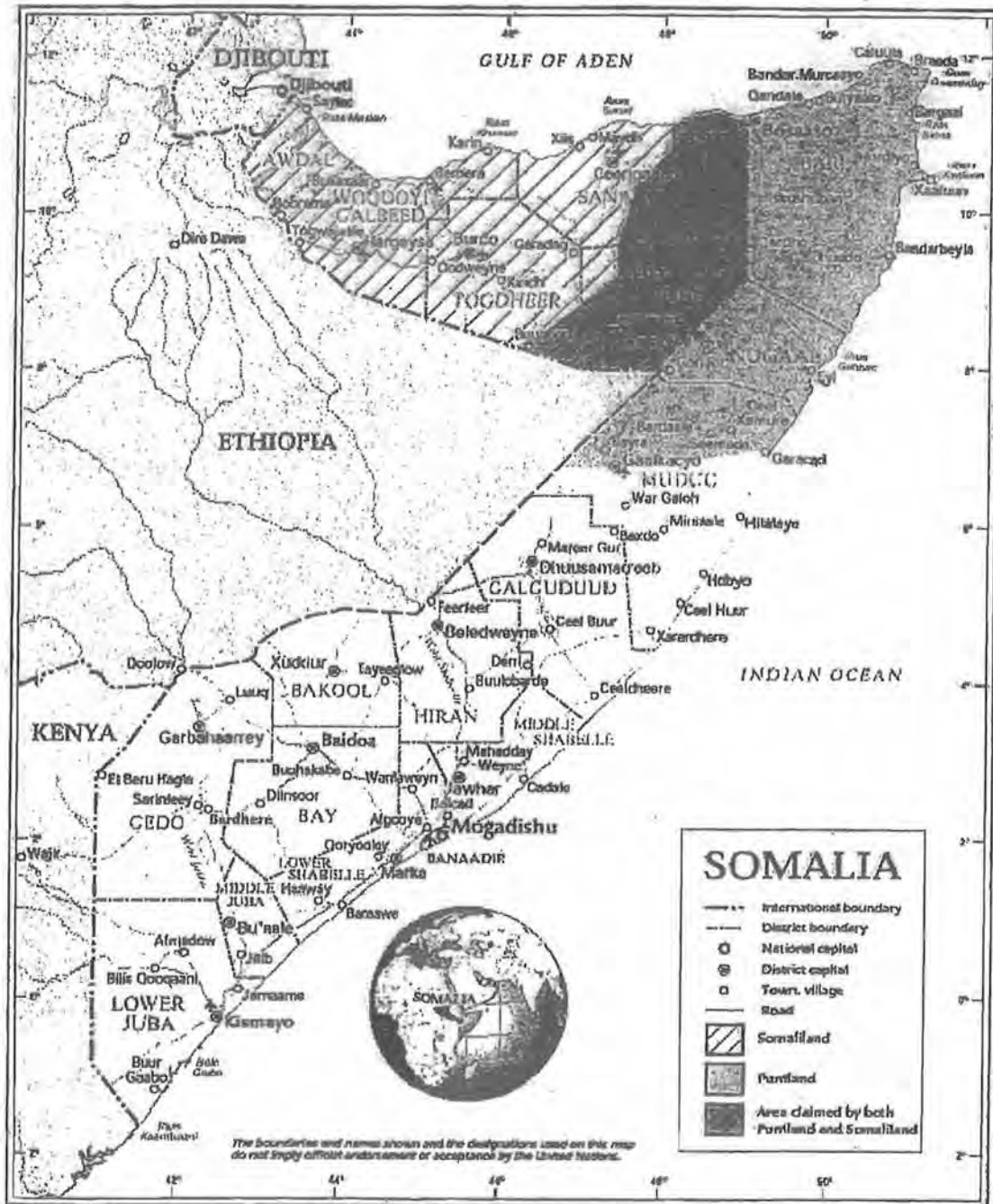
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APPENDIX A
MAP OF SOMALIA



Sources: United Nations, ICC interviews, February 2002.

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Exhibit 10

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IMMIGRATION AND NATURALIZATION SERVICE
AMERICAN CONSULATE
ISLAMABAD, PAKISTAN

Date: 21 NOV 2000

A# 78 792 835

[Redacted]

Director
ICMC - Pakistan

1-11409

In re: PI- 302868 Barre, Mohamed Sulaiman (1)

[Redacted]

The above referenced refugee applicant was interviewed by an Immigration Officer to determine eligibility for inclusion in the United States Refugee Program on 21 NOV 2000.

After considering all of the evidence on record, including the applicant's verbal testimony at the time of interview, the Immigration Officer has determined that the case must be *denied* for the following reason:

- Not within criteria
- Firmly resettled

Sincerely,

[Redacted Signature]

Exhibit 11

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The Dahabshill Pvt. Ltd. Co. was founded in Burao in 1970 by Mr. Mohamed Saïed Duale who is the sole owner of the family business with its head office in Hargeisa, Somalia.

The Dahabshill Pvt. Ltd. Co's principal business since 1988 has been money transfer services together with import/export trading activities, and more recently the construction of a special system in Somalia, a construction company, likewise Somali international in which Dahabshill is a major shareholder. Since its inception, the company has been providing remittance services to the Somali diaspora and currently operates ten remittance stations in the country. The Dahabshill Pvt. Ltd. Co. is the biggest private sector employer in Somalia, employing over 1,000 staff.

Dahabshill is the oldest remittance company in the Horn of Africa, with the largest worldwide network. It provides unparalleled money transfer services throughout the Somali regions. The recently published research paper on remittance services to the leading role of Dahabshill in remittance flows to Somali regions. The research paper published by The Journal of Disaster Studies, compares Dahabshill, which has the largest network of agents, is the leading company that transfers remittances. It established its reputation as the most trusted company". (The Journal of Disaster Studies, Policy and Management, Volume 24, No 4 pp.385, Oxford, 2000.)

Since late 2001, Dahabshill has more than doubled money-transfers to Somalia from its international offices in 24 countries worldwide, with 400 branches in total, including 25 branches in the United States of America and 50 in the United Kingdom. Dahabshill has 16 branches in Somalia and 17 branches in Mogadishu. The services provided by Dahabshill are highly competitive; the company competes with twenty smaller remittance companies.

As for the future, Dahabshill is vigorously planning to become a fully-fledged commercial bank. This will allow other services, give clients the option where correspondent banks exist, to deposit remittances with an international bank for direct transfer to and from the existing Dahabshill branches in Mogadishu, Hargeisa, Bosaaso and Burao

<http://www.dahabshill.com/new/aboutus.asp>

EXHIBIT D-6

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together with other branches.

Our Vision

Having captured the remittance market in Somalia and become significant player in East Africa such as Djibouti, Kenya, Ethiopia, Eritrea and Sudan. We are striving to take our company to new territories where we can truly be the USA for Somalia people globally, and also to participate rebuilding all sectors of Somali economy.

Our Mission

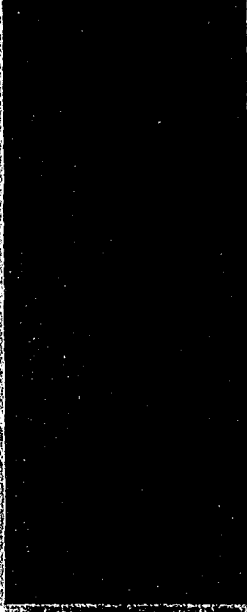
To make Dahabshill remittances arm the true regional leader by bridging the Somalis in Diaspora, and those at home at most reasonable price through its Islamic banking ventures for the development of the country by financing industrial projects, infrastructure related projects.

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<http://www.dahabshill.com/new/aboutus.asp>

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Dahabshil's banking clients include:

- 1. United Nations organizations such as UNDP, UNOPS, UNHCR, UNICEF, WHO, UNCTAD (Habitat).
- 2. Some International and local NGOs, the Somali Diaspora, BBC
- 3. Somalis in Somalia who remit and receive funds.

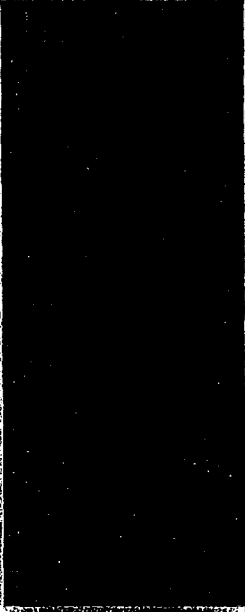
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<http://www.dahabshil.com/new/clients.asp>

10/22/2004

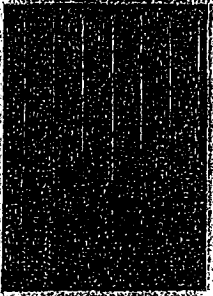
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DAHABSHIL



DAHABSHIL has always been vigilant to provide its money services... in accordance with all applicable currency control laws... Following the terrorist attacks of September 11 and the more stringent regulatory... that were imposed on financial services subsequently DAHABSHIL... upgraded all of its compliance procedures. The following... DAHABSHIL has taken since 9/11

- Hired well-known, reputable law firms to help all its agents comply with registration, licensing and reporting regulations.
- Trained all of its agents in reporting, compliance and know-your-customer procedures
- Invested in the acquisition of new proprietary software that will force agents to follow all reporting requirements without fail, facilitate activity monitoring and auditing, and make tracking and retrieval of student/recipient records easier.
- Agreed to a United Nations-sponsored auditing and oversight procedure to be conducted by a respected Accounting Firm in the United States.
- In the United States Dababshil is carefully and diligently following all PATRIOT ACT requirements, including reporting, monitoring, training and auditing procedures.

<https://www.dahabshil.com/new/mediapolicy.asp>

10/22/2004 4/8

DAHABSHITI

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<http://www.dahabshiti.com/new/creditpolicy.asp>

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Exhibit 12

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SomalilandPress » Dahabshiil Opens New Branch in Burao » Print

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- SomalilandPress - <http://somalilandpress.com> -

Dahabshiil Opens New Branch in Burao

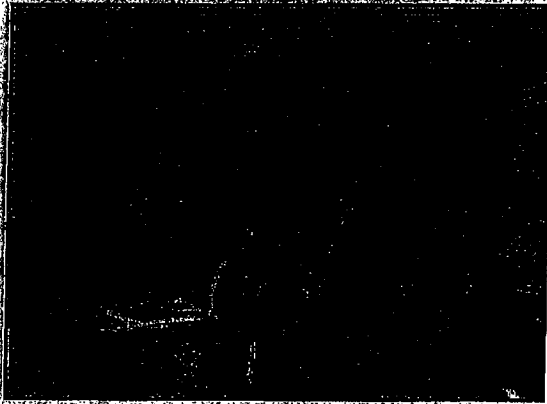
Posted By Jubba On February 14, 2009 @ 4:35 am In [Featured News](#) | [1 Comment](#)

Burao, 14 Feb 2009 (Somalilandpress) — Dahabshiil [1] opened a new branch in Burao on Friday - now the tallest building in that city staying true to its plans to be the largest Somali company.

This brings its total branches to 620 in 45 countries after 25 years when it first opened its first branch in Burao - its birth place. That's an average of 24 branches per year - a remarkable achievement by an African company.

The CEO of Dahabshiil, Mr Abdirashid Mohamed Saed who was present for the opening ceremony said they plan to give back to the community by "taking part in reconstructing hospitals, bridges, and schools throughout all Somali Inhabitant lands."

Somaliland Minister of Commerce and Industry, Mr Osman Qasim Qodah who cut the ribbon for the new 5 storeys high facility in central Burao said his administration welcomes the new branch of Dahabshiil and that his government supports independent investments.



Dahabshiil CEO - Abdirashid Mohamed

The event attracted people from the community, traditional leaders, business executives, distinguished guests, ministers and students.

Dahabshiil is the leading transfer company in the Horn of Africa and was honoured top Manager by the International Association of Money Transfer Networks (IAMTN) at their annual conference held in Hilton Park Lane Hotel on the 18th of November in 2008.

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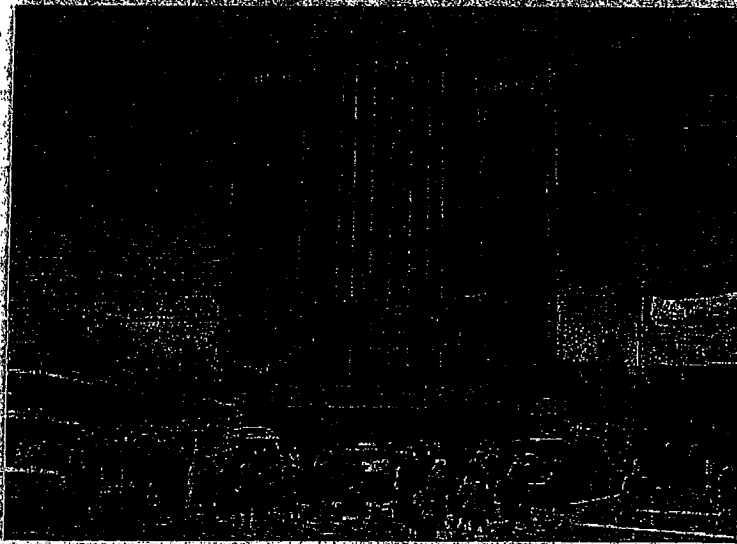


Special guests

Dahabshiil plans to serve as a commercial bank even though at this stage Somaliland is at its early stages of developing commercial banks - It was just last week when BNCL-MR¹⁴¹, the partly-owned subsidiary of French bank BNP Paribas opened the first commercial bank in Somaliland's capital Hargeisa.

For now Dahabshiil will continue to offer services to the people of Somalia, Somaliland, Sudan, Eritrea, Kenya, Djibouti, Ethiopia and other parts of Africa as well as the Middle East.

Dahabshiil is the largest private employer both in Somaliland and Somalia.



The new Branch of Dahabshiil (Picture/Hadhwanaag.com)

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SomalilandPress » Dahabshill Opens New Branch in Burao » Print

Page 3 of 3



Dahabshill's new branch building in central Burao, Somaliland

Source: Somalilandpress

1 Comment To "Dahabshill Opens New Branch in Burao"

#1 Comment By MonkeyMan On February 14, 2009 @ 3:41 pm

Nice building and good business. But what a bad place to have a building that size. Such a random place oO -.-'

Article printed from SomalilandPress: <http://somalilandpress.com>

URL to article: <http://somalilandpress.com/2307/dahabshill-opens-new-branch-in-burao>

URLs in this post:

[1] Dahabshill: <http://www.dahabshill.com/>

[2] Image: <http://somalilandpress.com/wp-content/uploads/2009/02/dahab1.jpg>

[3] Image: <http://somalilandpress.com/wp-content/uploads/2009/02/dahab2.jpg>

[4] BNCI-MR: <http://somalilandpress.com/2066/bcimir-opens-first-commercial-bank-in-somaliland>

[5] Image: <http://somalilandpress.com/wp-content/uploads/2009/02/dahabshill2009burco.jpg>

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MOHAMMED SULAYMON BARRE,
Petitioner,
v.
BARACK OBAMA, *et al.*,
Respondents.

Civil Action No. 08-CV-1153 (HHK)

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x

DECLARATION OF MOHAMMED HUSSEIN ABDALLAH

I, Mohammed Hussein Abdallah, declare that the following statements are true to the best of my knowledge, information, and belief:

1. I was unlawfully detained in Guantánamo Bay from early 2002 until October 31, 2008. My son-in-law, Mohammed Sulaymon Barre, remains imprisoned in Guantánamo today after more than seven years of imprisonment.
2. I am an old man, in my sixties, with eleven children and dozens of grandchildren.
3. I am a member of the Isaak tribe and am from the northern part of Somalia. The

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from the northern part of Somalia. The region I am from declared its independence as the Republic of Somaliland in the early 1990s. It is now functioning as an independent state with its own government.

4. I lived in or around Peshawar, Pakistan between 1993 and my arrest in May 2002.
5. It was unsafe for me to return to Somalia because of the raging civil war. That civil war continues to this day in Somalia even though the Republic of Somaliland is now safe.
6. After I arrived in Pakistan in 1993, the United Nations High Commissioner for Refugees (UNHCR) reviewed my case and recognized that I was a refugee. They understood that I could not safely return to Somalia because of the civil war. From 1993, they granted me permission to live in Pakistan legally as a refugee and I met with them often.
7. In the two years before my arrest in Pakistan, I worked with the Saudi government-supported charity the Red Crescent as a teacher for orphaned children. The children I taught were seven or eight years old.
8. Many of my own eleven children and many grandchildren lived with or near me in Pakistan. One of my daughters and her husband and children lived with me in my house up until my arrest.
9. Mohammed Sulaymon Barre and I are from the same tribe in Somalia, the Isaak tribe. However, I first met Mohammed in Pakistan in 1995 where we were both living as refugees because of the insecurity in our country.
10. I have known Mohammed very well for the six years that we lived in Pakistan after we met each other, and the seven unfortunate years that we were imprisoned

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together in Guantanamo.

11. In all the time that I have known Mohammed, he has done nothing that makes me doubt his integrity, decency, honor, and lawfulness. I know that Mohammed is a good man and has never done anything that warrants his detention at Guantanamo. He acted responsibly regarding his life and family decisions.
12. Like me, Mohammed is a refugee under the protection of UNHCR. He met with representatives from UNHCR, like I did, repeatedly during the time that he was living as a refugee in Pakistan.
13. In 1995, Mohammed asked me if he could marry one of my daughters and become my son-in-law. I knew from his behavior when I met him, and from his tribe and family, the type of man he was. I accepted Mohammed's request because I knew him to be a good man. Most important to me, I knew that Mohammed was a respectable man who cared for his family, and acted properly and in accordance with the law.
14. After their marriage, Mohammed and his wife, my daughter, went together to live in Karachi, Pakistan, where Mohammed lived and worked. I stayed in Peshawar with others in my family.
15. Mohammed worked in Karachi for a well-known and respectable money transfer company called Dahabshil. It is a big company that has branches all over the world.
16. Mohammed started working there because the company was looking for an honest person and someone recommended Mohammed. He had the education, requirements, and integrity that they were looking for and he got the job.

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17. When I wanted to send money back to my family in Somaliland, I used to use Dahabshiil, the company that Mohammed worked for; and Mohammed would help me.
18. Many Somalis use Dahabshiil because it is like a bank for Somalis. Indeed, most of Mohammed's clients, maybe all, were Somalis living in Pakistan who were trying to send money back to their families in Somalia or Somaliland. That was the primary business of the company. With limited banking infrastructure in Somalia and Somaliland, Somalis living abroad rely on Dahabshiil to transfer money home.
19. When we lived in Pakistan together, I used to speak to Mohammed often. We used to call each other often by phone. We sometimes also visited each other; however because of the distance between Peshawar and Karachi, we were only able to visit each other about once a year. In fact, Mohammed and his wife had been planning to visit me in Peshawar the day after he was arrested from his home in the middle of the night.
20. In early November 2001, Mohammed was arrested in a brutal nighttime invasion of his home. He was at home with his wife, my daughter, when Pakistani security officials came and barged into his house.
21. I know what happened to Mohammed from my daughter's reports. After the Pakistani security officials arrested Mohammed, my daughter contacted me and explained what happened. She told me that at around 2 in the morning, Pakistani security officials burst into the house. They took Mohammed and also all of his papers and many of their possessions, including his computer and their identity

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documents. They did not explain why they were taking him.

22. When the Pakistani security officials arrested Mohammed, we did not understand why. I still do not know why they did. I had never seen him do anything bad. I only saw him engage in honest activity. My daughter—Mohammed's wife—similarly had known Mohammed as a good and honest man who should not have been arrested.

23. I was especially surprised because he had been living in Pakistan for years under the protection of the United Nations; he even had a UN card with him at his home at the time that he was arrested.

24. After Mohammed's arrest, my daughter was very scared and, like me, she did not know why the Pakistani security officials took Mohammed away. I brought my daughter back to my home in Peshawar for her security, and so that she would not be alone in Karachi but would instead be together with the family.

25. I had no way of knowing at the time that our family's nightmare was just beginning.

26. The nightmare continued. A few months after Mohammed's arrest, the Pakistani security officials came to my house in the middle of the night, too. I am an old man, and a teacher. Like Mohammed, I also had a UN card. I have never touched a weapon in my life. I would not know what to do with a weapon if someone put one in front of me. But it did not matter; they arrested me, too.

27. Pakistani and U.S. security forces invaded my house at 2 am in May 2002. As I often was, I was at home with my children and grandchildren. When the security forces invaded our home, everyone was hysterical. The women were crying and

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the children were screaming. It was awful. The security forces robbed me of my money and my computer; they took my photographs all my papers.

28. I never thought the Pakistanis would arrest me, too, but they did—and they turned me over to the U.S. military who took me to Bagram and then Guantánamo. I have never gotten a clear answer about why they arrested me, and why the U.S. government detained me for as long as it did.

29. I can only guess that the chaos of the wartime environment led to many mistakes; Mohammed and I were two very clear mistakes. But we suffered for much longer than many other innocent men because our country has limited power to intervene on our behalf. The government of Somaliland is still not even officially recognized by the U.S. government.

30. What happened to both of us was crazy and it tore our family apart. Neither of us were doing illegal things, but we were both arrested and we have no idea why. What is worse: Mohammed is still there.

31. For my family and for many others, immediately after the start of the U.S. war with Afghanistan was an awful time to live in Pakistan. There were too many innocent victims who were harmed. I learned while in Guantánamo that Pakistani and U.S. forces invaded my house again several months after my arrest. Security forces stormed into the room of my son-in-law. My son-in-law lay there sleeping. As he was shocked awake by the shouting and commotion, he reached for his glasses to figure out what was happening. The security forces thought he was reaching for a weapon and shot and killed him. They were totally wrong. He had no weapons on or near him. He is dead and there is no one to answer for that

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senseless death. Our family's nightmare was brutal and inexplicable.

32. I did not know that Mohammed was in Guantánamo until I met him there when I arrived.

33. When we were in Guantánamo together, Mohammed and I were housed near each other for a short time. When we were close, we used to talk often. He was getting along rather well despite the abuse that he received, that we all received.

34. I was separated from Mohammed for the last two years of my detention, so I do not know how the last two years have affected him. Right before I was released, I asked to meet with Mohammed, my son-in-law, and the military refused to allow us to see each other. They knew that we were family but they did not give me a reason why we could not see each other.

35. On October 31, 2008, the U.S. military released me from Guantánamo. They shackled my legs and hands; they gave me no food or water for the entire trip. I am an old man and I have never been charged with any crime, but it did not matter; I was released from Guantánamo in virtually the same way that I was brought to Guantánamo.

36. The U.S. military brought me to Djibouti, the capital city of the east African country of Djibouti. There they transferred me to the control of the International Committee of the Red Cross (ICRC). It was only after I was transferred out of the custody of the U.S. military that I was treated like a human being. They unshackled me and gave me food and water.

37. Soon, I flew on a Red Cross plane to Hargeisa, the capital of Somaliland.

38. When I arrived in Hargeisa, Somaliland, my family was at the airport waiting for

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me. The Minister of Interior was also at the airport waiting for me. He greeted me and asked if I needed anything. Then he allowed me to go home with my family.

39. To this day I still do not understand why Mohammed and I were arrested and taken to Guantánamo. The authorities searched Mohammed's house and my house. They checked everything and did not find anything illegal. They still do not have anything to prove that we are guilty of any crime despite holding us for many years. They used to tell us that we did certain things. When we asked if there was proof or if there were witnesses, they never answered.
40. Mohammed is from a very big family and we will all be able to support him in whatever way he needs when he is released. I have met with Mohammed's father, brothers, and uncles since my return to Somaliland and they are eager to help Mohammed when he is returned. Many in the community also know him and his family and would be eager to help him integrate into the community when he returns.
41. I live in Borao and many other members of Mohammed's family also live in Borao. Borao is a big city, and an old city. Borao, like Somaliland in general, is very safe and stable despite the insecurity in neighboring Somalia. When I was in Guantánamo, my lawyers told me that Borao was secure. Since my release, I have seen very clearly with my own eyes the tremendous stability of Borao and Somaliland. It is good to be back in Somaliland now that there is no more war here.
42. Because of Borao's size and its stability, there are jobs here. Mohammed will be

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able to get a job when he is released, or the family can support him if he cannot work immediately after his release from prison. Because Mohammed is smart, educated, and hard-working, he will not have a hard time finding work.

43. Mohammed's wife, my daughter, returned to Somaliland after Mohammed and my arrest and detention. She is waiting to be reunited with Mohammed when he is returned. She is living with the family—me, my wife and her sisters.

44. When I was sent back to my country, my family, relatives, and my government all welcomed me back. I now live with my family and I am happy with them.

45. I have had no problems with the Somaliland government and life is safe and peaceful here. As long as Somaliland remains safe, I never want to go anywhere else.

46. All I ask for my son-in-law is that he be given the same opportunity to restart his life that I have had, that he be given his freedom and be allowed to return to his family and his home country and live in peace.

47. I declare, under penalty of perjury under the laws of the United States, that the foregoing is true and correct.

Dated: Borao, Somaliland
March 28, 2009



Mohammed Hussein Abdallah

Witnessed:  28. March, 2009
CLARA GUTTERIDGE

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Exhibit 14

centerforconstitutionalrights

366.broadway.new.york.ny.10012
212.614.6464 f 212.614.6499 www.ccr-ny.org

June 22, 2009

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Via Court Security Office

Charlotte A. Abel, Esq.
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, N.W.
Washington, D.C. 20530

Re: Supplemental Discovery Request
Barre v. Obama, 08-cv-1153 (HHK) (D.D.C.)

Dear Charlotte:

I write on behalf of petitioner Mohammed Sulaymon Barre (ISN 567) ("Barre") in the above-captioned habeas case. Pursuant to sections I.D.1, I.E.1 and/or I.E.2 of the case management order, and pursuant to 28 U.S.C. § 2241 *et seq.*, 28 U.S.C. § 1651, *Harris v. Nelson*, 394 U.S. 286 (1969), and other applicable law, I request that the government produce the following discovery:

1. The photograph of Barre referenced in ISN 760 SIR (February 17, 2006).
2. Any evidence indicating that Barre was tested for malaria and the test results were negative (reference ISN 760 SIR (February 17, 2006)).
3. A copy of the original handwritten document by ISN 760 that is memorialized in ISN 760 SIR (February 17, 2006).
4. AFGP-2002-60559 (reference ISN 567 SIR (January 17, 2006) and IIR 6 034 1087 04).
5. Any evidence indicating that the statements obtained from ISN 1457, referenced in IIR 6 034 0425 05, were obtained by physical or psychological coercion, or were otherwise obtained under circumstances that undermine the credibility or reliability of the statements.
6. The photograph of Barre referenced in IIR 6 034 0253 06.
7. Any evidence indicating that the statements obtained from ISN 264, referenced in IIR 6 034 253 06, were obtained by physical or psychological coercion, or were otherwise obtained under circumstances that undermine the credibility or reliability of the statements.
8. IIR 6 105 0143 06 (reference IIR 6 105 0157 06).



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10. To the extent not previously requested and ruled on by the Court, evidence sufficient to identify the source [REDACTED] and any evidence indicating that the statements [REDACTED] on which the government relies were obtained by physical or psychological coercion, or were otherwise obtained under circumstances that undermine the credibility or reliability of the statements.
11. Any evidence indicating that the statements obtained from ISN 627, referenced in ISN 627 SIR (June 10, 2008), were obtained by physical or psychological coercion, or were otherwise obtained under circumstances that undermine the credibility or reliability of the statements.
12. Unredacted versions of the unclassified paragraphs contained in the excerpts of the OIG Report that the government has already produced relating to ISN 760.
13. The "Standing Interrogation Plan in File" for Barre (reference ISN 567 IPF (October 6, 2005) and ISN 567 IPF (October 6, 2005b)).
14. Any evidence relating to any fees, bounties, or other monetary or non-monetary remuneration or consideration given to Pakistani authorities or other third parties for the apprehension, transfer into U.S. custody, or investigation of Barre.
15. Any exculpatory evidence relating to this case that the government reviews or obtains while implementing President Obama's January 22, 2009 executive order.

I further request that the government provide notice of any exculpatory evidence that government counsel are aware exists, may exist or once existed, but has not been produced because it has been lost or destroyed, or is otherwise not "reasonably available."

Finally, I reserve the right to supplement this request or seek further discovery.

Please let me know if you have any questions concerning these requests. I am available to meet and confer at your convenience. I can be reached at (212) 614-6423, or at wdixon@ccrjustice.org.

Very truly yours,



J. Wells Dixon
Senior Staff Attorney

Counsel for Mohammed Sulaymon Barre

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Exhibit 15

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~~████████████████████~~
DEPARTMENT OF DEFENSE
CRIMINAL INVESTIGATION TASK FORCE
STREET
FORT BELVOIR, VIRGINIA 22060

REPLY TO
ATTENTION OF

~~████████████████████~~

21 May 2004

MEMORANDUM THRU

For ~~██████████~~ 21 MAY 04
Commanding General, USACIDC, Fort Belvoir, Virginia 22060
Army General Counsel, Headquarters, Department of the Army, Pentagon 20301-0104

FOR General Counsel, Department of Defense, Pentagon 20301-1600

SUBJECT: ~~(S//NF)~~ Assessment UP Implementation Guidance for Release or Transfer of Detainees under U.S. Department of Defense (DoD) Control to Foreign Government Control/Detainee Mohammed Soliman Barre, ISN#: US9SO-000567DP

1. ~~(S//NF)~~ Recommendation: Based on the information available at this time, it appears unclear whether Barre will be determined to be an individual subject to the President's Military Order of 13 November 2001. I recommend the continued detention of Barre in the custody of the Department of Defense pending further investigation.
2. ~~(S//NF)~~ Factual Synopsis: Unless otherwise noted, this synopsis is based on Barre's uncorroborated statements to interrogators. Barre is a 39 year-old Somali, born in Burco, Somalia. He is married and does not have children. Barre has a bachelor's degree in Agriculture from the Somalia Mogadishu University and speaks Somali, Arabic, and English. Barre completed six months of compulsory Somalia military service in 1983.

In 1994, Barre left Somalia to look for better job opportunities. He initially went to India, where he obtained a visa into Pakistan from the Jamaat Tabligh (JT) ~~██████████~~. Barre traveled to Islamabad, Pakistan, where he registered with the United Nations as a Somali refugee. Barre stayed in Islamabad for about one year and then moved to Karachi. In Karachi, Barre worked as an escort for Somali businessmen. Around 1997, Mousa Mohammed, a Somali from the same tribe as Barre, asked Barre to open a money transfer office in Karachi. Barre ran the business out of his home. Mohammed had an extended family member with affiliation the Dahabshiil Corporation (DC), headquartered in Mogadishu, Somalia.

Updated on 11Mar 04

~~Classified by: Multiple Sources~~
~~DECL. X1~~

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Exhibit R-12

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CITF-CDR

SUBJECT: ~~(S//NF)~~ Assessment UP Implementation Guidance for Release or Transfer of Detainees under U.S. Department of Defense (DoD) Control to Foreign Government Control/Detainee Mohammed Soliman Barre, ISN#: US9SO-000567DP

The DC is a money transfer organization commonly referred to as a hawala. Hawalas are commonly used to transfer money. Many families use hawalas to transfer money back and forth between family members to include college students and U.S. locations. Hawalas are also often used by terrorist organizations, due to the lack of documentation and difficulty in tracking funds. Many reports allege that DC has suspected ties to Al-Ittihad Al-Islami (AIAI) and Al Qaida. After the September 11th attacks DC and with several other hawalas have implemented controls to limit the use by terrorist activities and obtained licenses to operate in their perspective countries. Dahabshil is a registered in the U.S. as Dahabshil Inc., 2273 Morse Road, Columbus, OH 43229. Barres stated that he did not have any known ties to Al-Wafa or Al Qaida.

Barre's residence was raided on four separate occasions, and on the fourth time he was arrested and all his business documents and computer hard drives were collected. Barre knew that the DC office he ran was illegal in Pakistan, because he did not pay any taxes to the Pakistani government and he stated that the raids in the past did not find his money transfer company so he had not been arrested. During the search of Barre's residence, an address book was found which reportedly had the name of Abu Wafa, believed to be Jamal Mohammed Murai (ISN#: US9YM-000577DP), who ran the Karachi Al-Wafa office and Abdul Aziz, believed to be Abdallah Aydhah Abdalla Aiza Al Matrafi (ISN#: US9SA-000005DP), a known Al-Wafa facilitator. When asked about his affiliation with Wafa and Aziz, Barre stated that they each contacted him and asked him about how the money transfer operations worked, but did not utilize it. Also, Dr. Ayman Saeed Abdullah Batarfi (ISN#: US9YM-000627DP) was identified as working at the Karachi Al-Wafa office and may be able to identify Barre.

Mohammed Hussein Abdullah (ISN#: US9SO-000704DP) has been identified as Barre's father-in-law, but has not described any specifics regarding Barre's occupation or capture. Interviewing agents noted that Abdullah should not have been transferred to Cuba. Barre stated that a man named Shakir conducted two separate transfers for a total of \$25,000 dollars to Mogadishu around August 2001. Interviewing agents initially thought that Mohamed Ami Shakir (ISN#: US9SA-000239DP) was the Shakir to whom Barre referred. However, Barre was shown a photograph of Mohamed Ami Shakir on two separate occasions and recognized him, but related he was not the man who

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CITF-CDR

SUBJECT: ~~(S//NF)~~ Assessment UP Implementation Guidance for Release or Transfer of Detainees under U.S. Department of Defense (DoD) Control to Foreign Government Control/Detainee Mohammed Soliman Barre, ISN#: US9SO-000567DP

transferred the \$25,000. [REDACTED] reflects Barre's name as having conducted transfers for an Al Qaida member, who may be Shakir.

Barre appears to be straight forward and cooperating with interviewers. His story remains generally consistent through out the interview process. Barre has admitted to running the DC office in Karachi. Barre has remained adamant about the fact that he was a businessman and as such he did not ask what the money transfers were for and simply completed the requested transfers. A cursory review of the documents extracted from Barre's hard drive appeared to be consistent with Barre's stories about his business and computer use.

Futher investigation is required and should include Abdallah Aydhah Abdalla Aiza Al Matrafi, (ISN#: US9SA-000005DP), Jamal Mohammed Murai, (ISN#: US9YM-000577DP), and Dr. Ayman Saeed Abdullah Batarfi (ISN#: US9YM-000627DP) being shown Barre's photograph for identification and interviewed regarding Barre's possible affiliation with Al-Wafa or Al Qaida.

CITF interviews: 17 Dec 02, 14 Jan 03, 20 Jan 03, 22 Jan 03, 7 Aug 03, 9 Aug 03, 15 Aug 03, 24 Feb 04

KB: 12 May 02

Polygraph Consideration: None offered.

JTF-GTMO release recommendations: None offered.

3. ~~(S//NF)~~ Threat Assessment: CITF has assessed Barre as a medium risk. JTF-GTMO has not yet provided a completed risk assessment/recommendation on Barre.

4. ~~(S//NF)~~ Status of CITF Review Process:

a. The following table is a summary of the agency checks included in CITF's review process:

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CITF-CDR

SUBJECT: ~~(S//NF)~~ Assessment UP Implementation Guidance for Release or Transfer of Detainees under U.S. Department of Defense (DoD) Control to Foreign Government Control/Detainee Mohammed Soliman Barre, ISN#: US9SO-000567DP

Agency Check	Date Requested	Date Completed
[Redacted]		

*Significant information, if any, from relevant reports is included in Factual Synopsis above.

b. The table below depicts the intelligence community databases that were reviewed by CITF analysts:

Database	Date Review Completed
[Redacted]	

*Significant information, if any, from relevant reports is included in Factual Synopsis above.

5. ~~(S//NF)~~ The CITF believes that further investigation may produce new information relevant to this case. Agency checks remain outstanding. However, in the absence of further information, I recommend the continued detention of Barre in the custody of the Department of Defense pending further investigation into his possible affiliation with Al-Wafa and possible facilitation of the transfer of money for Al Qaida.



COL, MP
Commanding

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Exhibit 16

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4. Mr. Al-Haag told me that he was arrested in Karachi, Pakistan in February, 2002.

5. Mr. Al-Haag told me that he was kept in solitary confinement in Pakistan for three weeks before being transferred to a prison in Jordan.

6. Mr. Al-Haag told me that while in Jordan, he was regularly beaten and threatened with electrocution and molestation. Mr. Al-Haag described how the Jordanians placed him on the ground while an interrogator sat on a chair above him with a foot on his face while he was asked questions. Mr. Al-Haag stated that the Jordanians eventually disclosed that they were seeking information on behalf of the Americans.

7. Mr. Al-Haag told me that it was only after prolonged torture that he began confessing to the allegations made by his interrogators. Mr. Al-Haag told me that he manufactured facts in order to make the torture stop.

8. Mr. Al-Haag told me that in December, 2003, his captors brought him a lengthy confession for him to sign. Mr. Al-Haag explained that the confession was quickly read to him and contained statements that he had never made.

9. Mr. Al-Haag told me that in January, 2004, he was transferred from Amman, Jordan to a secret prison run by the Central Intelligence Agency in Kabul, Afghanistan.

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10. Mr. Al-Haag told me that while at the CIA prison he was kept in complete darkness and was subject to continuous loud music.

11. Mr. Al-Haag told me that after a month-and-a-half, he was transferred to Baghram, Afghanistan.

12. Mr. Al-Haag told me that at Baghram, he was kept in a two-by-three foot wooden cage with no bathroom.

13. Mr. Al-Haag told me that he was eventually transferred to the general population at Baghram before being transferred to Guantánamo Bay in August, 2004.

I declare under the laws of the United States of America that the foregoing is true and correct.



Kristin B. Wilhelm

Executed on this 23rd day of May, 2007.

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Exhibit 17

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Summary of Administrative Review Board Proceedings for ISN 264

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

The Presiding Officer announced the convening authority and purpose of the Administrative Review Board proceedings.

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

The Presiding Officer asked the Detainee if he wishes to make a statement under oath. (Muslim oath offered).

The Detainee accepted taking the (Muslim) oath.

The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood.

The Assisting Military Officer presented the Enemy Combatant Notification form, Exhibit EC-A, to the Administrative Review Board.

The Assisting Military Officer presented the Enemy Combatant Election Form, Exhibit EC-B, to the Administrative Review Board.

The Assisting Military Officer read the AMO Comments from the Enemy Combatant Election Form, Exhibit EC-B.

Assisting Military Officer: The Detainee's initial Administrative Review Board interview occurred on 19 August 2005 and lasted 45 minutes. After a review of the Administrative Review Board's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the Administrative Review Board, present a written or oral statement, or have the Assisting Military Officer speak on his behalf, the Detainee stated, "No." When asked why he didn't want to attend the Administrative Review Board the Detainee stated, "I might be a criminal but I am not. I see some Detainees who are not criminals who are still here. I am not going to talk much. One thing I would like to say, if you have proof of these allegations they can present it to the court and the court will decide." The Assisting Military Officer explained the Administrative Review Board

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process emphasizing that this is not a legal proceeding, not part of the United States criminal justice system. The Detainee indicated that he had a lawyer. The Detainee stated, "I don't believe in the lawyer they appointed me. I don't trust all the American lawyers. All these allegations are false." The Detainee was again told that the Administrative Review Board was not a legal proceeding. The Detainee indicated that he wanted to pray and then make a decision to attend or not attend. The Detainee was given a copy of the translated Unclassified Summary of Evidence for his record. A follow up interview occurred on 22 August 2005 and lasted 30 minutes. The Detainee was asked if he wanted to attend the Administrative Review Board, the Detainee said, "Yes." When asked how he wanted to answer the allegations or statements, the Detainee indicated that he wanted to answer each allegation or statement in the Unclassified Summary after it is presented. The Detainee was polite and cooperative during the interviews. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to DMO-4, other unclassified information to the Administrative Review Board.

The Designated Military Officer stated that a copy of these exhibits had been previously distributed to the Assisting Military Officer and Detainee.

The Presiding Officer noted from the Enemy Combatant Election Form that the detainee wanted to respond to each item of information from the Unclassified Summary as it was presented.

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1 to the Administrative Review Board.

Designated Military Officer: The Detainee was identified as an individual who collected 4.5 million Saudi Riyals (\$1,199,876 USD) for al Wafa in Mecca, Saudi Arabia. The money was collected under the cover of al Haramayn, and the Detainee's two cousins assisted him with the money collection.

Detainee: First I didn't say that I collect[ed] 4.5 million Saudi Riyals and this amount of money I have never seen it in my life. I never had some in my hand in my life. Hopefully, in the future I wish to have this amount.

Presiding Officer: Thank you.

Designated Military Officer: Hasem al Balushi sent the money, which was collected by the Detainee, to Pakistan through an unknown hawala. The Detainee was with al Balushi on two or three occasions when al Balushi sent the money. Approximately 100,000 Saudi Riyals (\$26,664 USD) were sent on each occasion.

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Detainee: Second, I did not [send] to Hasem al Balushi any dollar to any places. I don't have any relation[ship] with this man. [Our] relation[ship is] superficial, very superficial.

Designated Military Officer: Ramadan Abdul Walid al-Balushi al-Sindi, a possible al Qaida financier and courier, withdrew the money from a bank in Pakistan and took it to al Wafa in Kabul. Al Balushi gave the money to Abdul Aziz al-Metrafi, and/or al-Somali.

Detainee: I don't have any relation[ship] with this al Balushi. If he [took] the money from the bank or [sent] it to anybody, you need to talk to his accountant. If he was an expert for al Qaida, accountant for al Qaida, I have no idea about that. He's responsible for his action not me.

Designated Military Officer: Abu Mohammed al-Somali (FNU) and Abdullah Aziz al-Metrafi lived in Mecca, Saudi Arabia close to the holy places (NFI). The Detainee saw al-Somali with al-Metrafi before going to Afghanistan.

Detainee: As far as al-Metrafi and Somali, you say that they lived in Mecca. They are free to live wherever they want and I don't know them. I have no relationship with them.

Designated Military Officer: A man named al Jarbi, who claimed he worked for a relief agency, urged the Detainee to travel to Afghanistan and fulfill the charity obligation of Islam.

Detainee: Yes, al Jarbi he taught me. He did not insist that I go to Afghanistan, but he taught me to be a human and to do human things and that's [my] religious obligation.

Designated Military Officer: Al Jarbi facilitated the travel to Afghanistan of the Detainee and his two cousins. They left Saudi Arabia on October 12, 2001 and traveled through Damascus, Syria to Tehran, Iran. They crossed into Afghanistan from Zabul, Iran.

Detainee: First of all, I talked about this in the first administration (CSRT) and the answer to this one you have it on the record.

Presiding Officer: We would like you to answer [it] again. For this purpose, if you wish to answer again, we'd prefer that.

Detainee: I did talk about that. There is no direct route from Saudi to Afghanistan. This is why I chose this road.

Designated Military Officer: The Detainee, his acquaintances, and fellow al Wafa employees were guided from Iran to Afghanistan by an Iranian who routinely smuggled personnel across the border.

Detainee: I don't have an answer to this.

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Designated Military Officer: Once in Kabul, the Detainee, his cousins and al Jarbi, stayed at the al Wafa office. They met Abdul-Aziz, the man in charge of the office. The Detainee gave his passport and money to Abdul-Aziz for safekeeping.

Detainee: I don't have an answer for this one.

Designated Military Officer: Al-Metrafi used al Wafa to provide employment opportunities and cover for individuals connected to the Osama Bin Laden network. Some of the cover jobs were based in Kabul.

Detainee: I don't have any business in Metrafi's work and what if he does...I am not responsible [for] his work.

Presiding Officer: Thank you.

Designated Military Officer: While in Kabul, the Detainee observed Sulayman Abu Ghaith, an engineering advisor to Metrafi and a spokesman for al Qaida, Hammoud (FNU) and Metrafi plan the daily missions of al Wafa within the community.

Detainee: I didn't see Sulayman Abu Ghaith at all and I didn't say that.

Designated Military Officer: Due to the U.S. bombings of Kabul, Abdul-Aziz, the Detainee, and his two cousins left Kabul and traveled to Lowgar, Afghanistan. They all stayed in Lowgar at an al Wafa house for seven to eight days. They attempted to return to Kabul to retrieve their passports, but it had fallen to the Northern Alliance.

Detainee: This is proof that I don't want any problems. I don't have any problems between [you and I]. I was trying to protect myself.

Designated Military Officer: The Detainee, his cousin, and Abdul-Aziz traveled through Khost and Jalalabad, Afghanistan. They traveled on foot across the border in Pakistan, where according to the Detainee, they turned themselves over to the police.

Detainee: There is no answer for this one.

Designated Military Officer: The Detainee's and his cousins' names were identified as a part of a group of Taliban and al Qaida fighters who were captured at the border in Nangarhar Province by Pakistani forces. During the capture, one of the prisoners disarmed a guard and a breakout ensued. Ten prisoners and six Pakistani guards were killed.

Detainee: First time I've heard of this one. I didn't hear of this not before or after and I didn't say that at all. This is a false accusation. [It is] not true.

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Designated Military Officer: Sir, if I could just ask for some clarification. When the Detainee says word. Is he referring to the entire paragraph or just a specific word in the paragraph?

Detainee: The whole paragraph.

Presiding Officer: Thank you.

Designated Military Officer: Al-Metrafi also provided military training for newly arrived recruits in anticipation of the American attack. The training was conducted in al Wafa's offices in Kabul, Afghanistan, and consisted of familiarization with light weapons such as the AK-47 and rocket propelled grenades.

Detainee: First of all whatever al-Metrafi does I have no business in it.

Designated Military Officer: The Detainee observed Abdul-Aziz, as well as other Saudis and Afghans, carry rifles into and out of the al Wafa office.

Detainee: If they are carrying weapon[s] I don't have any connection with them. That's [them] doing it.

Designated Military Officer: The Detainee and his cousins were also listed in an Arabic-language document associated with the London based Islamic Observation Center. The document states "(h)ere are the names of the seventy-six Muslim brothers, including thirty-five Saudis, who were fighting with Taliban against the Northern Alliance."

Detainee: The media, the news and the document they can write whatever they want. This is the first time I've heard about this.

Designated Military Officer: The names of the Detainee and his cousins were found on a computer file, a chart in Arabic listing the names of captured mujahidin. The information was found on a hard drive, which was associated with Khalid Shakykh Muhammad.

Detainee: You know that my case is international and the whole world talks about it. Everybody who is interested in my case will have my name and everywhere without my knowledge, personal knowledge. That is not my decision.

Designated Military Officer: The Detainee and his cousins were also listed in a computer file recovered from a suspected al Qaida safehouse in Islamabad, Pakistan, listing 78 associates incarcerated in Pakistan.

Detainee: The previous allegation would answer this allegation.

Designated Military Officer: The names of the Detainee and both his cousins were found on an Arabic-language computer file listing them as mujahidin who had come to

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Afghanistan in December 2001, but who had not completed their training and therefore were not ready to fight in the war.

Detainee: The people can write whatever they want and I have no business in that.

Designated Military Officer: The Detainee said he was encouraged to go help the poor in Afghanistan by Wali Jaber, an employee at the Detainee's father's furniture store. The Detainee said he left Saudi Arabia in June 2001.

Detainee: Yes, I left in 2001 and I went to Afghanistan for humanitarian help.

Designated Military Officer: Fulfilling a religious obligation to help the poor, especially in connection with the al Wafa charity, is a common cover story for Detainees.

Detainee: I said I did not work with al Wafa. I went there [to] help only. That's it.

Designated Military Officer: Al Wafa and al Haramayn are Specially Designated Global Terrorist Entities as per Executive Order 13224.

Detainee: I am not responsible for that. I have one question for the Presiding Officer. Can I ask [my] question now? You say that al Haramayn is [a] terrorist organization, is that true? Yes or no?

Presiding Officer: The United States has determined that al Wafa and al Haramayn have been used as covers for terrorist organizations.

Detainee: You know that organization, al Haramayn, employs 100 people. Here we are because of the war on terrorism. I didn't see any employee of al Haramayn enjoy themselves at home. I didn't see Ashel al Achel or Fakher Suleyman al Aziz al Saud... You say that they are a terrorist organization and if they are a terrorist organization like the President of al Haramayn and CO of al Haramayn. They are out there enjoying their lives. [Why are] they out there enjoying their lives? [Why are] they not here, if this is a terrorist organization. I don't want an answer, but [these are] questions you need to think about.

Designated Military Officer: The Detainee stated that the \$100 USD bills he had in his possession at the time of his capture were brought with him to Afghanistan from Saudi Arabia.

Detainee: Yes and thanks to god I am a person that my situation is very good (inaudible) my country. I have from the dollar whatever I want or I need. The case is not that I have dollar or I own dollars. The question here is do I present danger or not.

Presiding Officer: Thank you.

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Designated Military Officer: The Detainee hand carried the equivalent of \$25,000 USD to Afghanistan.

Detainee: I didn't say that I transferred \$25,000 dollars. This is not true. I said, "I transferred 25,000 Saudi Riyals, which is approximately \$7,000 USD." From my own money, like I wish that you [had] some translator with a high capacity, so that they can translate the correct translation and the right understanding.

Presiding Officer: Thank you. We'll note the Detainee [said] that, referring to number 5, *(The Detainee hand carried the equivalent of \$25,000 USD to Afghanistan)* he didn't carry \$25,000 USD, but it was 25,000 Saudi Riyals, which were transferred with him, which is approximately \$7,000 USD.

Designated Military Officer: The Detainee has traveled to Syria, United Arab Emirates and Turkey.

Detainee: Yes, I travel like I wish and like I want, as far as (inaudible) possible.

Designated Military Officer: The Detainee stated that prior to arriving in Afghanistan, he had not heard of al Wafa.

Detainee: This is an answer.

Designated Military Officer: The Detainee denied ever working for al Wafa. He stated he traveled to Afghanistan with his own money, which he distributed to Afghani refugees at their homes. The Detainee said he did not carry a weapon.

Detainee: This is an answer.

Designated Military Officer: The Detainee stated that he and his two cousins worked as volunteers for al Wafa, bringing items such as milk, sugar, rice and clothes to the people living in villages near Kabul.

Detainee: I don't have an answer for that.

Designated Military Officer: The Detainee denied visiting any military training camps in Afghanistan or receiving any military training. The Detainee denied going to Afghanistan to participate in a jihad against the Northern Alliance or the United States.

Detainee: This is an answer.

Designated Military Officer: The Detainee has heard of Usama bin Laden and al Qaida and does not agree with their methods or radical ideology.

Detainee: This is an answer.

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Designated Military Officer: The Detainee denied being present during a firefight that resulted in the death of 16 prisoners and a Pakistani guard.

Detainee: I didn't deny. I didn't hear and I didn't hear of that before.

The Designated Military Officer confirmed that he had no further unclassified information and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer acknowledged the request.

The Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

The Detainee made the following statement:

Detainee: First of all, I thank all of you for giving me the opportunity to defend myself. Second, I am telling you that I do not pose [a] threat on the United States and its allies, not before, not after. Of course, I was a little bit influenced by American people their way of living and their lifestyle. I am fond of their culture. I didn't travel to America not before or after. I wish to travel to America. Like I told the interrogator before, as far as United States... it says that I am a criminal, that I did something wrong. I understand what American people have been through in 2001. Not to America only, but to the whole world. I was a victim of that too and I clarify that I do not have any relations with those acts. Yes, I say that I was in a dangerous place in a dangerous moment. I don't say it in front of the judge only, but I say it in front of the whole world. I spent four years in prison here. It was a point of change in my life and it starts from [my] travel. It was (inaudible), as far as I'm concerned for my future. I'm telling you four years is enough! I do have a wife and daughter. If I was wrong, four years is enough. My daughter is now seven years old. I'd like to go back to her. I'd like for her to feel that she has [a] father. I would compensate her for what she lost. I don't want other people to take care of my daughter. I like for me, myself to be with her. That's all I'd like to say.

Presiding Officer: Thank you.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had the following questions:

Designated Military Officer: Sir, I never heard your name before I worked on this package and yet you say that your case has drawn international attention.

Detainee: Not my name only. The name of all the people that have been here in Cuba.

Designated Military Officer: In spite of that, there have been computer records found in four different locations with your name associated with it. Not 500, 600, 800 or 2,000

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people, but your name. You say it is because your name has drawn international attention. Why?

Detainee: I said not my name only. All the people that are here.

Designated Military Officer: I say again, 70 or 80 names were found on these files, not 500, 800 or 1,000, 2,000 names, but 70 names or 80 names, why is your name one of those names?

Detainee: I am saying that all the Detainees that are in Cuba, 90% of them, their names are on the Internet. If you have no knowledge of that, please refer to the Internet. I wish you would follow my case more.

Designated Military Officer: I will ask the question one more time. The Internet contains the names of 500, 1,000, 3,000, whatever the numbers of Detainees are that may have been collected. Yet al Qaida network computers, hard drives associated with al Qaida, hard drives associated with terrorist organizations contain your name and not the names of 1,000, 2,000, 5,000 other Detainees, but the names of 70 or 80 people. Why is your name on that list?

Detainee: I said in first Combatant Status Review Tribunal that I was imprisoned in Pakistan. Pakistani officers took our names and our pictures. He asked me my name and I gave him my true name and my picture. After that he can do whatever he wants with it. He can put it in computer file of al Qaida or put it in another computer. That's all I know.

Designated Military Officer: My final question then. A Pakistani police officer placed your name in three or four different al Qaida databases, is that correct?

Detainee: The Pakistani police do as they wish. This is not true.

Administrative Review Board Member's questions:

Board Member: *Pleasantries exchanged.* How much money did you collect?

Detainee: What money are you talking about?

Board Member: It talks about you having a certain amount of money. You said it was 25,000 Saudi Riyals. Was that your own money or did you collect that from someone?

Detainee: My own money.

Board Member: You departed Saudi Arabia in the summer of 2001?

Detainee: Yes, after September 11. A month after September 11.

Board Member: When did you arrive in Afghanistan?

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Detainee: Approximately after September 11, 55 days.

Board Member: Were you aware that there was a war going on there?

Detainee: Yes, but I didn't go to war. I went for humanitarian purpose.

Board Member: You didn't have any involvement with al Wafa while you were there?

Detainee: No.

Board Member: Did you tell us earlier that you know who the leader of al Wafa is?

Detainee: No, I knew it in Afghanistan only.

Board Member: I thought that earlier, you said that...

Presiding Officer: The President...when he...al Haramayn.

Board Member: Only al Haramayn...

Detainee: These people (*President of al Haramayn*) their names were known. As far as the people I mentioned before about al Haramayn. I don't know them personally, but in the news media they talk about them. Well known people in charge of al Haramayn.

Board Member: Was it your intent to distribute your money through some organization or just on your own?

Detainee: For the Afghan people, my intentions were to distribute it myself for the civilians.

Board Member: Did you know anyone there?

Detainee: You mean Afghanistan?

Board Member: Yes.

Detainee: No, I [didn't] know anyone.

Board Member: How did you get captured?

Detainee: I talked about that before.

Presiding Officer: He's asking again, just for clarity.

Detainee: I don't have an answer.

Presiding Officer: Thank you.

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Board Member: Was there some kind of escape attempt where you? Where you were being held?

Detainee: I didn't escape I am here.

Presiding Officer: We were not asking if you escaped. Were you aware of an escape attempt where you were being held?

Detainee: No, I didn't hear. I didn't see and I didn't have anybody with me.

Presiding Officer: Thank you.

Board Member: How old are you?

Detainee: 22.

Board Member: [Do] you speak English?

Detainee: A little bit.

Board Member: Can you understand when we were asking you questions?

Detainee: Sure.

Board Member: So you can understand pretty well?

Detainee: Yes, little (inaudible).

Board Member: Where did you learn to speak English?

Detainee: Here.

Board Member: You're from Saudi Arabia?

Detainee: Yes.

Board Member: Your family is wealthy?

Detainee: No[t] so very rich, but average.

Board Member: You left when you were 18?

Detainee: Approximately.

Board Member: Approximately 18, do you know al-Metrafi or have you heard of him? Do you just not know him?

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Detainee: I told the interrogator I knew about him in Afghanistan. I didn't know him personally.

Board Member: Why did you go to Turkey?

Detainee: Visitor.

Board Member: Just to visit for vacation?

Detainee: Yes and for work.

Board Member: What kind of work?

Detainee: Furniture work. My father has a furniture store in Saudi. [I was] in charge of going to get some people who work in our factory in Saudi.

Board Member: Is that also why you went to Syria?

Detainee: I went to Syria three times. I went to Lebanon. I went ^{to} Egypt and I went to Tokyo, but not like Afghanistan. I went only once. I went to United Arab Emirates.

Board Member: Were these also for work or vacation...for holiday?

Detainee: It was both. Tourism and work at same time.

Board Member: This is your father's store? Your father's furniture store?

Detainee: My father and my uncle.

Board Member: Your uncle. Is it a large store?

Detainee: Yes.

Board Member: Very big?

Detainee: Yes, very big.

Board Member: Al Jarbi did he work for your father? Was he a customer or did he just visit you?

Detainee: No, he doesn't know my father. He doesn't talk with my father.

Board Member: Did he just...he just came to the store and started talking to you?

Detainee: Yes. Just visit me.

Board Member: Just visit you?

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Presiding Officer: Was he a customer of the store? He came in to buy furniture?

Detainee: Yes.

Board Member: Where were you when you heard about the bombing of the World Trade Center? Were you in Saudi Arabia still?

Detainee: I was in Saudi Arabia. I saw everything. I saw a (inaudible)

Board Member: What did you think?

Detainee: I talk[ed] before. I didn't imagine a person [could] hijack a plane. Of course, this is not in our religion. I read the whole Koran. I didn't see any word like what Usama bin Laden did. The reputation of our religion... people who look at Usama bin Laden, they look at Islam. [This is] the case, they were persons, they have no relations and I swear to God if I had the opportunity to be there on September 11 and help the victims that were there, I'm not saying this so that you can get me out of here. I'm not saying that in order to convince you that I am innocent. My reality and opinion is opposite to what's happened. All this that I told you now, put it [a] side, so that you don't [think] that I'm trying to get myself out of here.

Presiding Officer: Thank you very much.

Detainee: I swear by God when I saw people throwing themselves from 110[th] floor. Psychologically I was shocked. Not only me, my wife was also with me. My uncles are officers in Saudi government. They were very angry. I live in Mecca and I was present at the prayer for the Imam. The Imam talked about the terroristic act. I was there listening to him. I remember his words, for more than four years now, word by word. I was present at that prayer one time and his words they are still in my mind. My heart was with [the] American people about what happened; because of course those people [were] innocent. Those people didn't have any relation with what happened. I don't know how to describe Usama bin Laden to you.

Board Member: Did you ever hear of any fatwas to go to Afghanistan?

Detainee: I talked to the interrogator a lot. This is not in my case, but I am going to help you understand with this information, if you have time.

Presiding Officer: Sure.

Detainee: People of Saudi, who are religious people, that knows about Islam. We call them Cheick and there are two types: one type with the government and the other type against the government. The one that is against the government, those are the ones that deliver fatwas in the Internet to the newspaper to the publication. I am Saudi and I live in Saudi. I have to listen to everything that is happening in my country, even if I want to or I don't. Of course, there were some fatwas not only for terroristic act, to kill American

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people and for terroristic act. Those fatwas they existed in my country and this is true. Those are the Cheick of Saudi and some of them they don't agree with the terroristic act that happened. They were talking about that in the mosques and giving lessons and speeches and Saudi T.V. That is what was happening in my country and this is the truth.

Board Member: Do you...how do you feel about Americans in Saudi Arabia?

Detainee: Honestly, I wish the civilization of America would come to Saudi. I like only one thing in Saudi, the democracy. I saw even the government...what's happening in Iraq. I saw the era of Saddam Hussein and I saw the difference after Saddam Hussein. This is my opinion about America.

Board Member: Thank you.

Presiding Officer: I'm very happy to see you in a white outfit, which means you treat people here with respect.

Detainee: I am happy of meeting all of you, but at the same time I am sad because of the circumstances in which I meet you.

Presiding Officer: I understand, same here.

Detainee: I'm going to tell you something. These things here (*Detainee refers to his shackles*) it adds a lot of sadness in my heart and at same time (inaudible). Of course, I swear by God I didn't do any terrorist act.

Presiding Officer: How are your wife and daughter? Have you heard from them?

Detainee: My wife's situation is good now. She finished her education at the University. I want to tell you something. From here, from the prison, I was sending a letter to my wife telling her to finish her education. When she found out I was here, she stopped going to school. Through the Red Cross, I was sending her letters asking her to go back to school. Now she went back to school and she finished.

Presiding Officer: Very good.

Detainee: She's in college now.

Presiding Officer: Very good. You come from at least a somewhat wealthy family and you traveled many times to Syria to Turkey to different places of Saudi Arabia. All of those on business or holiday and yet the first time you choose to go do philanthropic work is one month after September 11?

Detainee: Yes, I am saying it. I was excited to go to Afghanistan and I was a teenager. Of course, I was very young in age when I traveled to Afghanistan. It was the wrong decision I made in my life. I am ready to say that in front of [the] whole world.

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Presiding Officer: You [were] aware already that the United States, America, was already involved [in a] war with al Qaida and the Taliban by the time you arrived?

Detainee: I will tell you one thing. I know that al Qaida has problem between America. I didn't go to al Qaida. If I want to go to al Qaida, I would [have gone] to al Qaida from the beginning. The Saudi government themselves recognized the Taliban. I'm going to ask you a question. What do I have to say or to do if my government says they recognize Taliban as [a] government?

Presiding Officer: I believe the only country that recognize[d] the Taliban government was Pakistan at that point and time. I don't believe Saudi Arabia did. Either way you're a very educated man, you [said] yourself that you knew what was going on. You followed the world. You were well aware that traveling there put you at great risk, both physically and then being in a situation to be captured by going there.

Detainee: I will say one thing. I don't know exactly what [the] Taliban did. I don't. I went to Afghanistan to help. The Red Cross was there too. Even the Red Cross will (inaudible) pose threat to themselves by being there. I don't think about myself only. I think about the people I'm going to see and meet.

Presiding Officer: The Red Cross people have spent their whole life going places where you had never done it, until one month after September 11. You leave your wife, your young daughter, your business, you take a lot of money, a lot of money for Afghanistan, even \$7,000 is a lot of money in Afghanistan, and you traveled one month after September 11. That is why you are here.

Detainee: Yes, I recognize that I was wrong. [A] Human Being recognizes their mistake and they learn from their mistake. I wish I could prove to you that I do not pose threat [to] America, but I do not know how.

Presiding Officer: Thank you very much. Your answers today have been very helpful. I very much appreciate your responses. I'm very happy to see that you...it does not appear that you have fired weapons at the United States. Thank you very much for your responses today.

Detainee: I will tell you one thing, you are more than welcome if you come to my house in Saudi Arabia.

Presiding Officer: Thank you very much. I've been to your country. I love your country.

Detainee: Thank you.

The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

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The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Captain USN
Presiding Officer

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Exhibit 19

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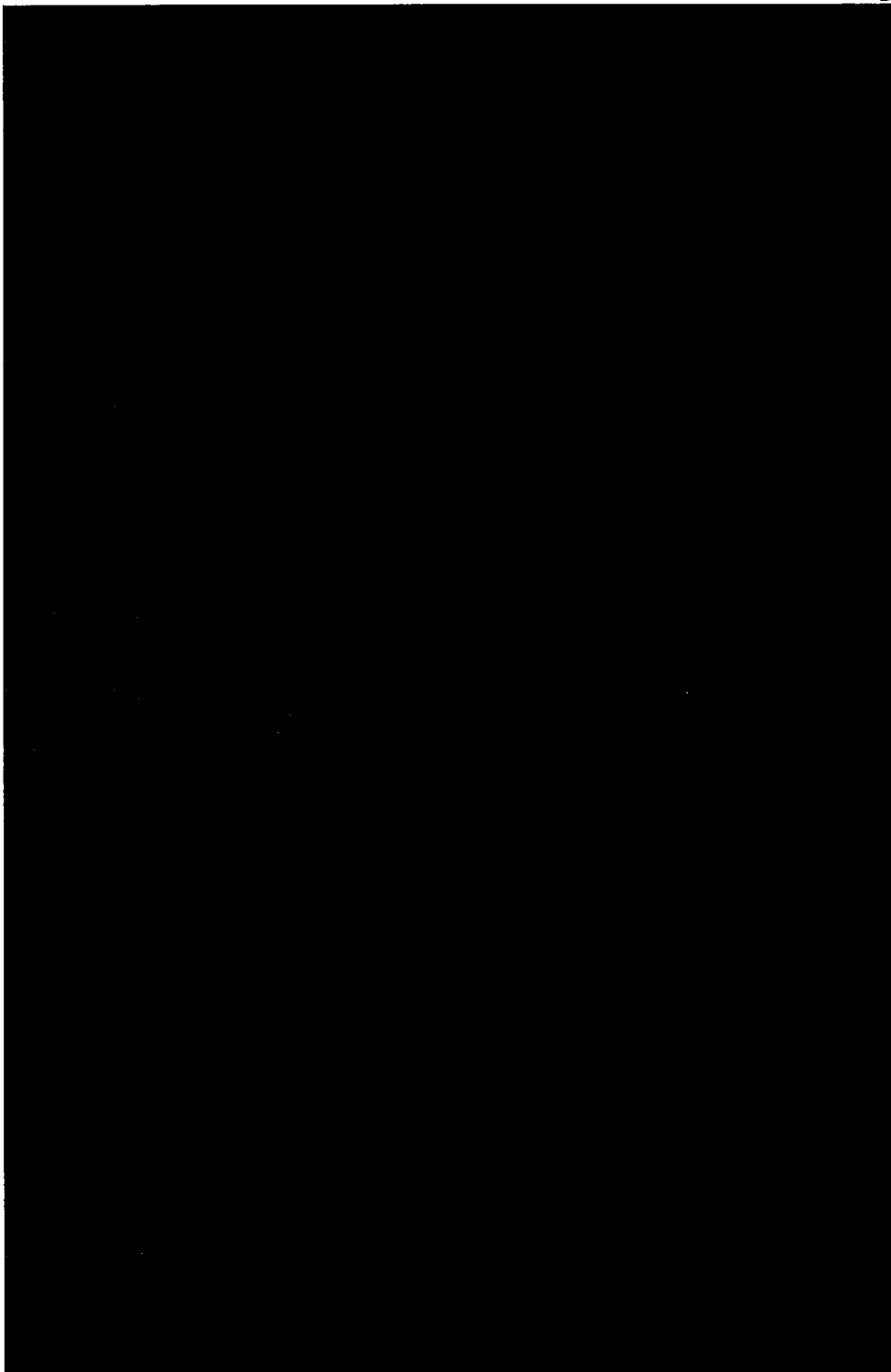
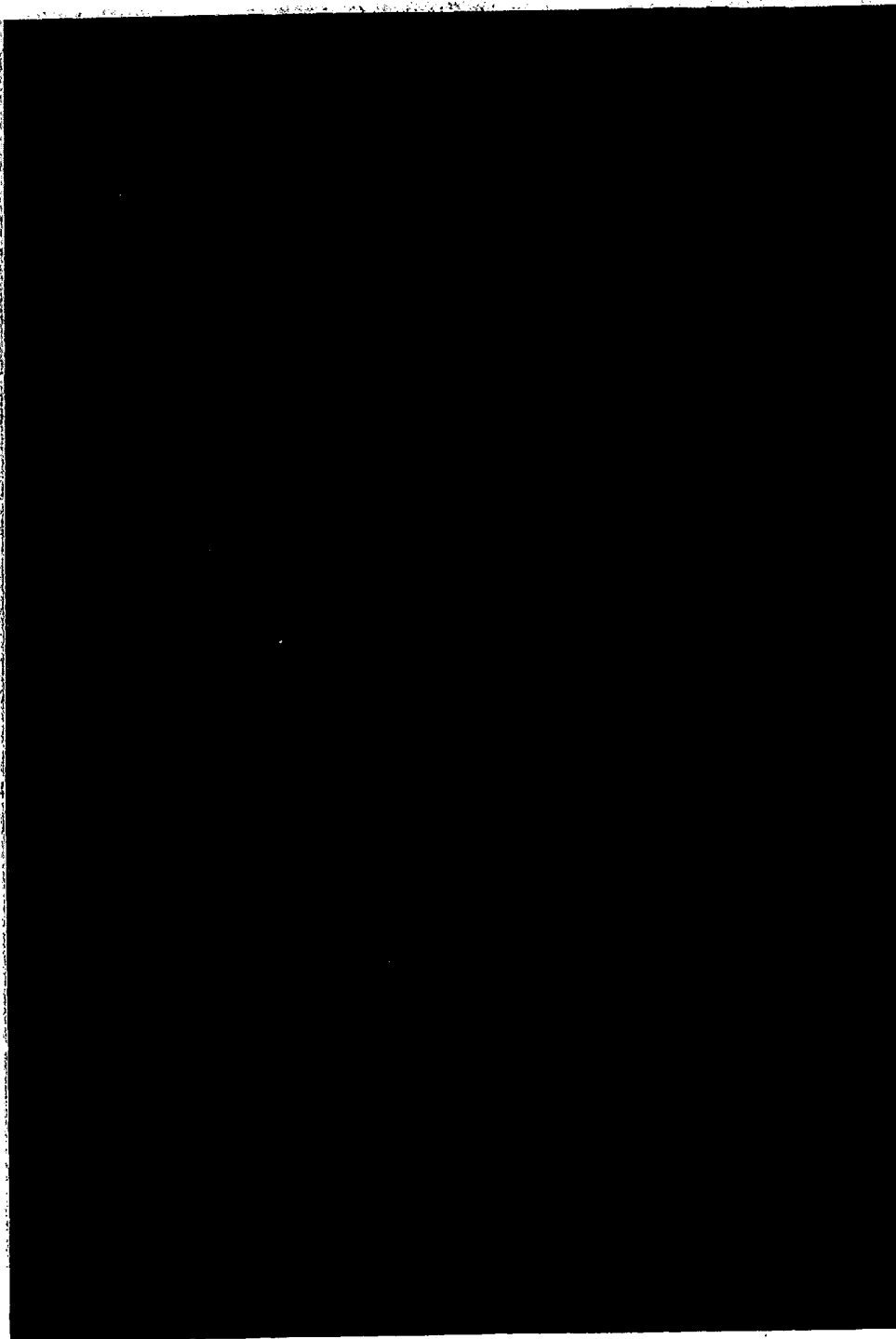


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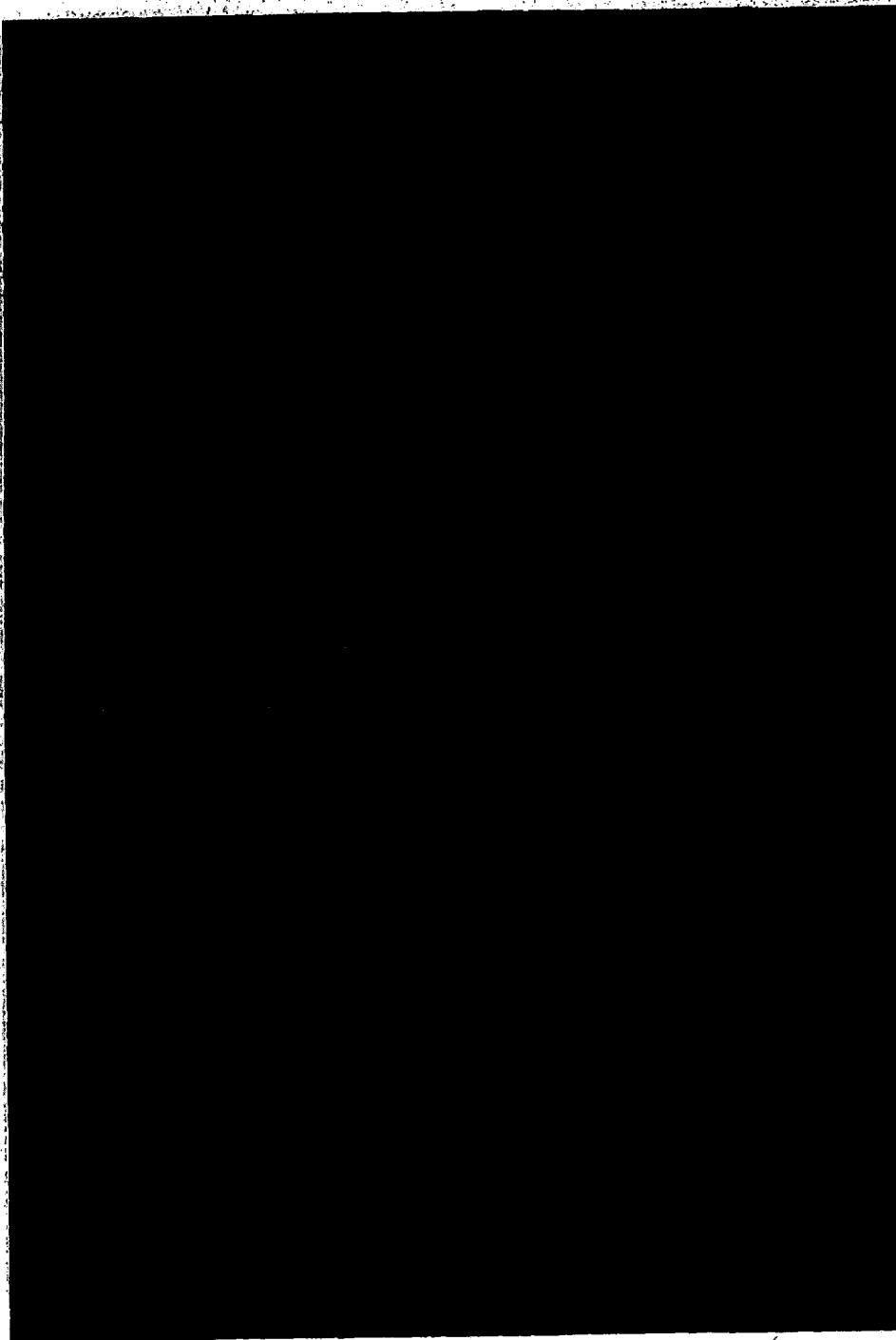


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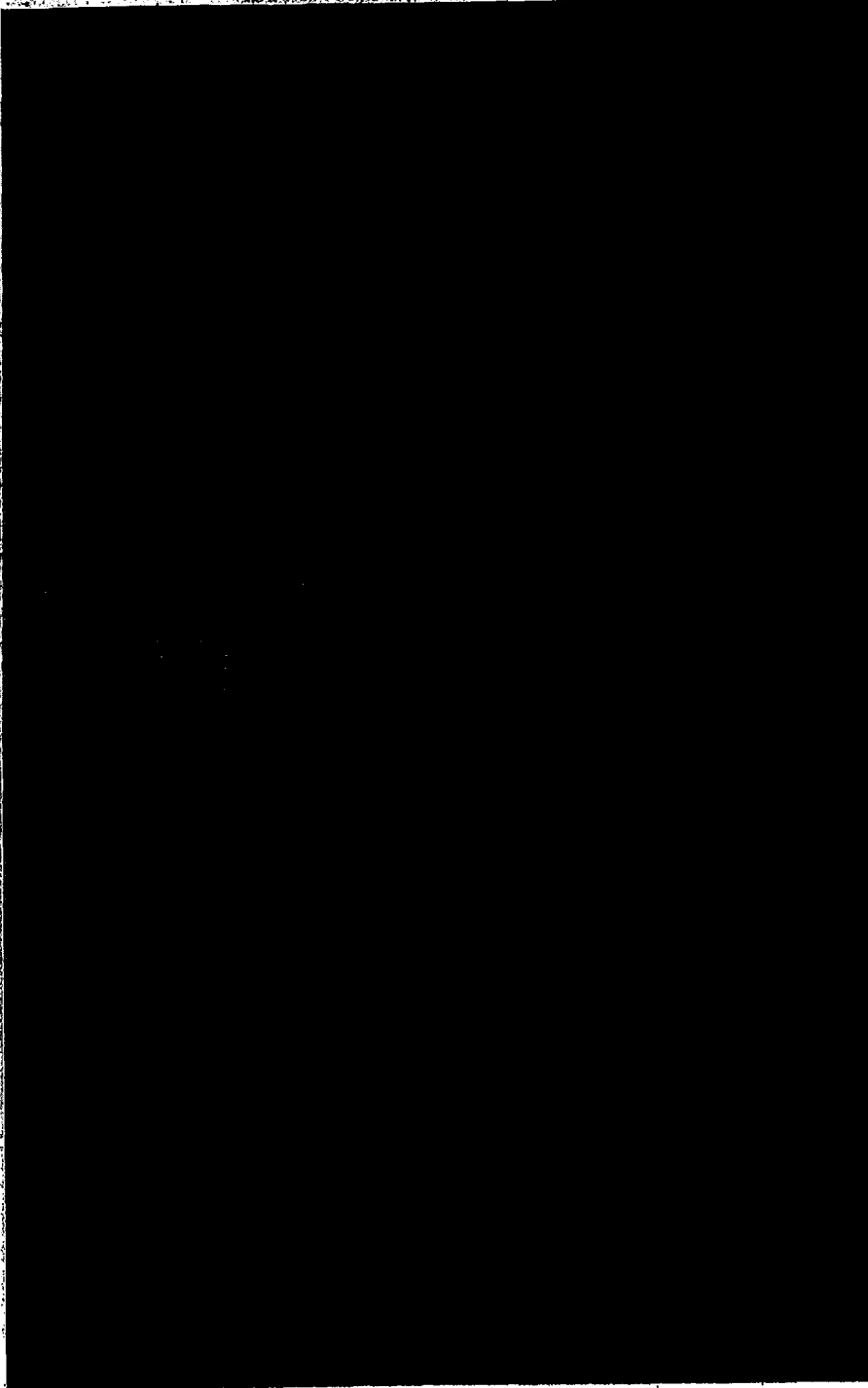
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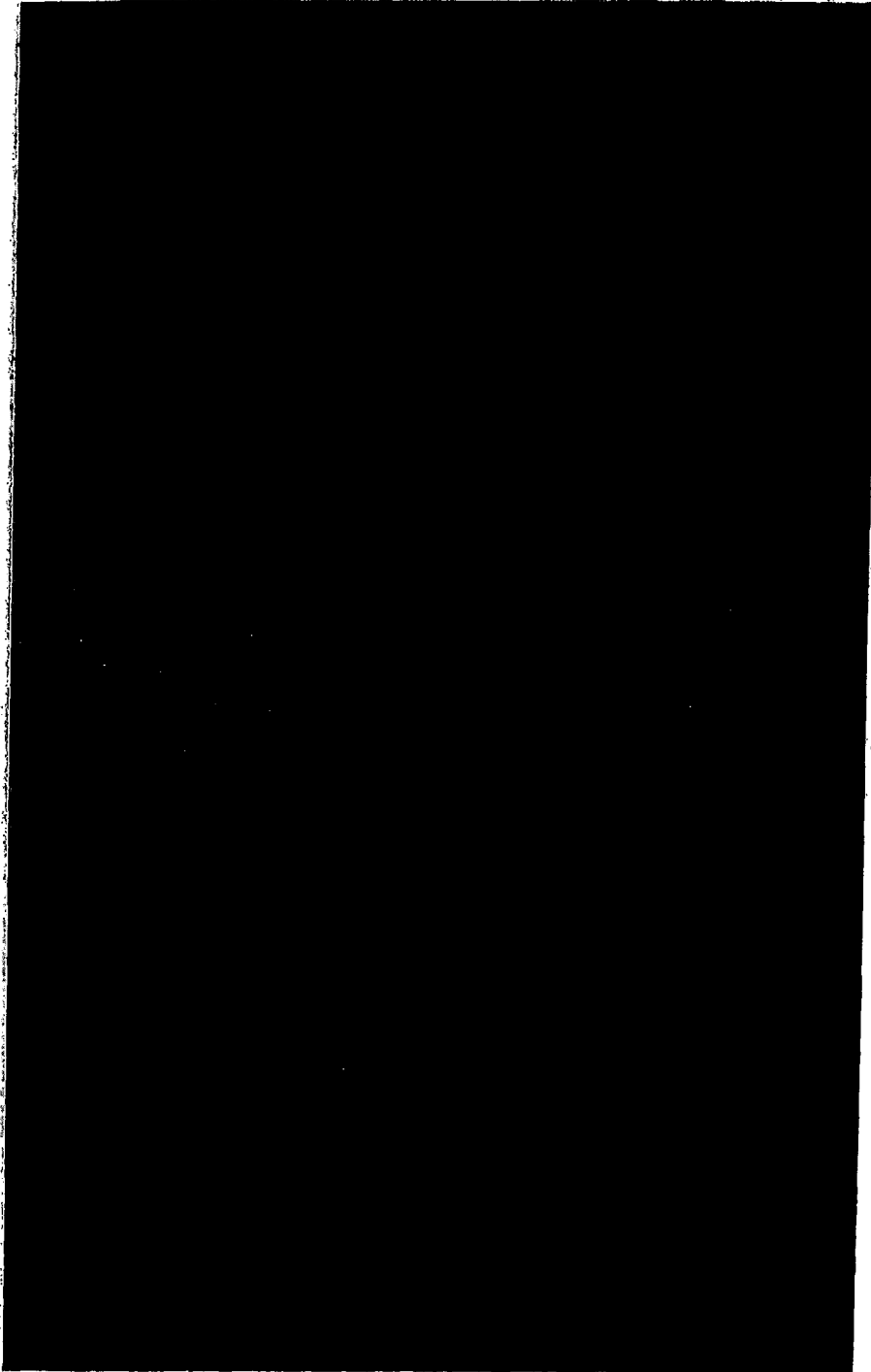
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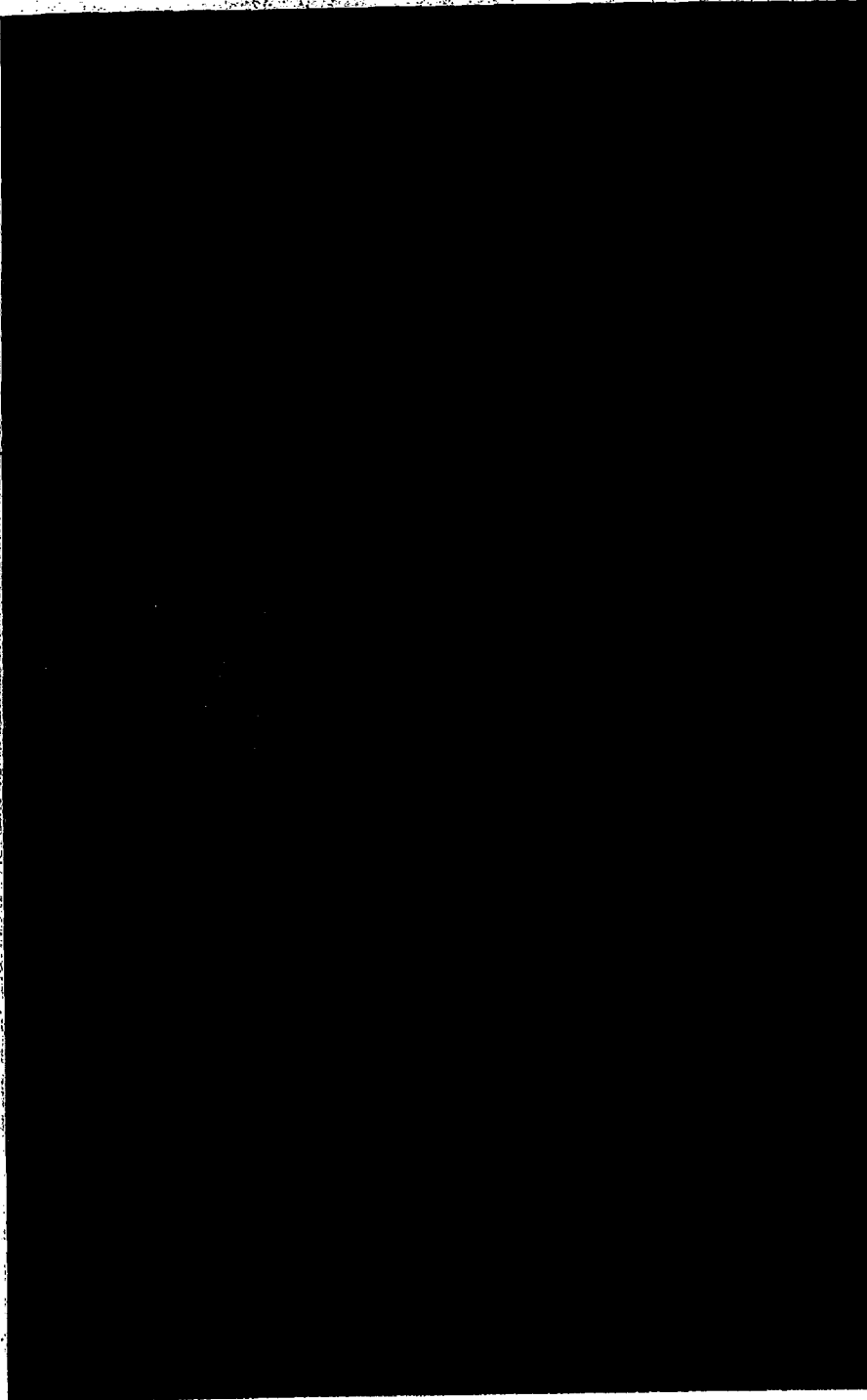
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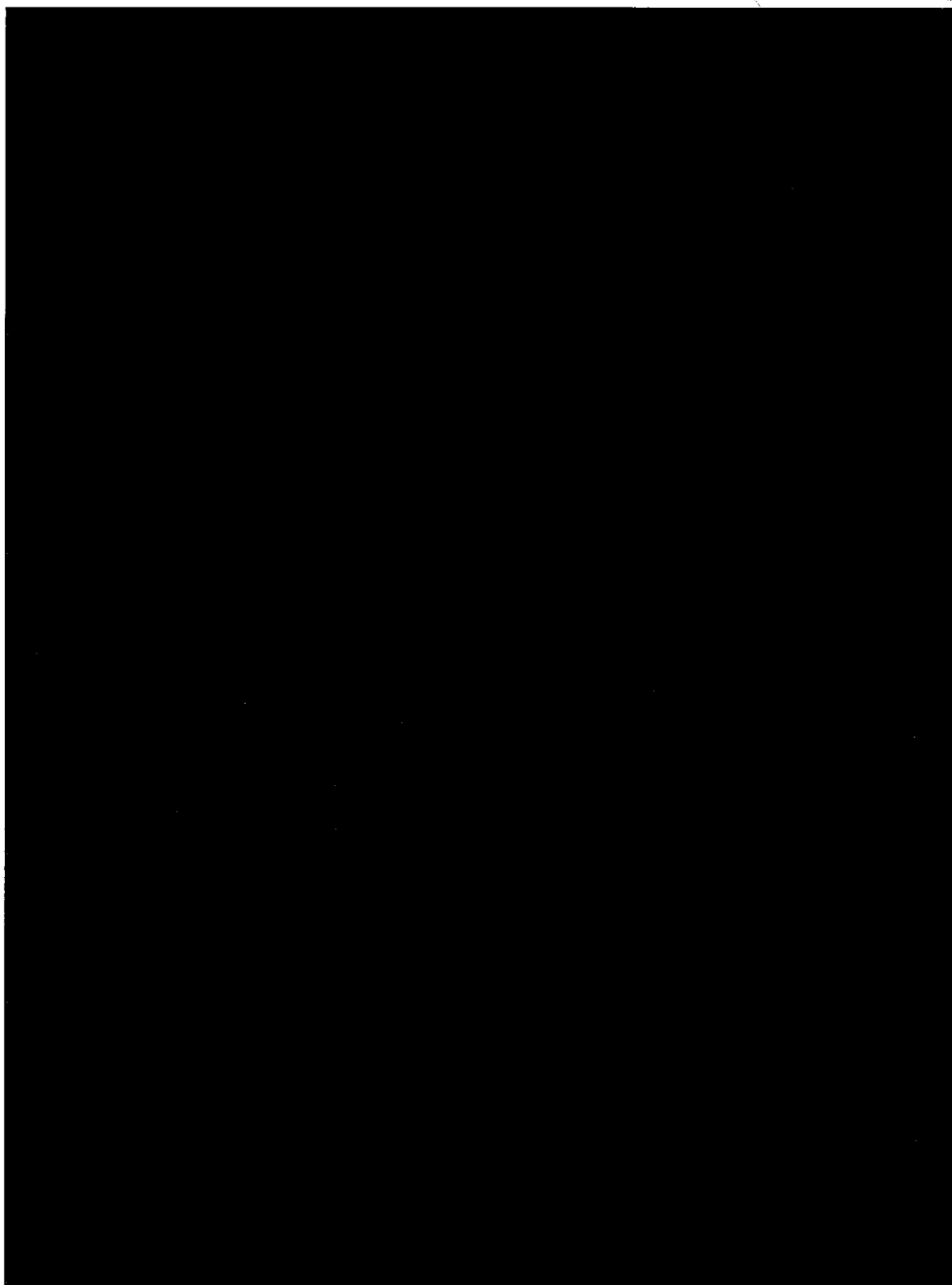
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
MOHAMEDOU OULD SLAHI,)	
)	
Petitioner)	
)	
v.)	CIVIL ACTION NO. 05-CV-0569
)	
GEORGE WALKER BUSH, <i>et al.</i>)	
)	
Respondents.)	
_____)	

CSRT encl. 3, Slahi's Statement to the Tribunal

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Summarized Sworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee, and confirmed that the Detainee understood and had no questions.

Making reference to the Detainee Election form, the Tribunal President confirmed the Detainee's participation, and that he had requested United States intelligence documentary evidence to be presented to the Tribunal on his behalf.

The Unclassified Summary of Evidence was then read in full to the Tribunal by the Recorder.

The Tribunal President then permitted the Detainee to present evidence, and advised him he had the assistance of his Personal Representative in doing so.

Detainee: First of all, there is a discrepancy between what we had before, and what has just been read (in the revised Unclassified Summary¹).

Tribunal President: What was the discrepancy?

Detainee: It didn't state before that I was a member of al Qaida or the Taliban.

Tribunal President: Personal Representative, would you please review the document he has and compare it to what was just read.

Detainee: I just want to make sure.

The Detainee then read aloud in English the four allegations as noted on the Unclassified Summary to the Tribunal, then made the following comments:

Detainee: This is all I have received.

Tribunal President: Personal Representative, do you see the statement on there, and could you explain the Unclassified Summary to him?

At this time, the Personal Representative and Tribunal President took a moment to explain the Unclassified Summary of Evidence to the Detainee; that there were four supporting comments to the charge that he (the Detainee) was a member of the Taliban or al Qaida. The Tribunal President then confirmed the Detainee understood the Unclassified Summary.

Tribunal President: At this time, this is where you have the opportunity to respond to each of the allegations, or you may make a statement; which do you prefer?

¹ A revised Unclassified Summary of Evidence was presented to the Detainee in a meeting prior to the Tribunal hearing.

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Detainee: I want to first take an oath, if you would allow me to, Ma'am.

Tribunal President: Could you answer the question first; do you want to respond to each allegation?

Detainee: Yes.

Tribunal President: And you would like to make those statements under a Muslim oath?

Detainee: Yes.

The Muslim oath was administered to the Detainee by the Recorder, and the Detainee indicated he preferred to read each allegation aloud and respond himself without the assistance of his Personal Representative.

3.a1. The Detainee admitted that he traveled to Afghanistan to wage Jihad.

Detainee: That is correct. I went to Afghanistan in late 1990 and December 1991 to help fight against the Communists. I went again in February 1992 for the same reason. When the Communists lost in 1992, I left there for good and never went back. My whole purpose was only to help my Muslim brothers wage Jihad against the Communists, who invaded the country and forbade the practice of their religion. Ma'am, this one is very important because this says I am an enemy combatant against the United States, which doesn't fit. I would like to tell you that an integral part of the Islamic religion is to help oppressed people; they were oppressed where they couldn't freely practice their religion. No further statement to number one.

3.a2. The Detainee stated that his goal was to become a martyr by dying for Islam.

Detainee: This allegation is correct. I will give you an example; I think it is honorable if a U.S. citizen dies for a good cause wearing his uniform. For us, as Muslims, it is the same; to die for a good cause, to be honorable to die defending oppressed people. This belief is a part of my religion; I believe it, and I will continue believing it. That's all I have to say about number two; no more information.

3.a3. The Detainee trained at the al Farouq camp in Afghanistan where he took the alias of Abu Masab.

Detainee: Yes; I came as a very young man, and this is a correct allegation.

Personal Representative: Is this the one in Khost?

Detainee: Yes, exactly, the one in Khost.

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Personal Representative: Ma'am, I was just reading from earlier notes that this was in Khost.

Tribunal President: Are you saying that al Farouq was in Khost, at the time you were in Afghanistan?

Detainee: Yes, Ma'am; that is very important. By waging Jihad against America, they took Kandahar as a headquarters. My Personal Representative wanted to make a point that the old version of the allegation against me, that I was with al Qaida and waging war against America, was not my case. When I came to Afghanistan, I couldn't choose the training camp; al Qaida and the Arabs ran the camps. I said, hey, I want to help. They said I could not until I had training. I said, OK, I'll take the training. They sent me to al Farouq camp for seven weeks. Like anybody else, I never heard of al Farouq before I got there. People who ran the camp suggested to me to take an alias because it wasn't good to take my name; they were afraid of people from Communist countries finding out. They were afraid people from Libya or ex-USSR, who were forbidden to wage Jihad, would find out, so I took an alias, and it was fine for me to take it. Ma'am, I would not have been approved to go to the front had I refused to take the training. It made sense for me to go through the training, which I paid no money for, and it was good. No further statement about number three.

3.a4. the Detainee received training on the Kalashnikov, Seminov, UZI, M-16, Makarov pistol and RPG's while at the al Farouq camp.

Detainee: This is correct. I just want to complete it; there were other weapons, but it's been a long time, maybe 14 years. Other Soviet weapons were involved with the training; for example, I don't see mortars here. I just want to let you know the training in al Farouq, at my time, is well known. There were other weapons I don't remember. If I get a catalog of Russian weapons, I could point out what weapons I trained on. It is only my idea that it made sense they took those Russian weapons because they were very cheap and were everywhere. It made sense to train on weapons they possessed. Ma'am, I didn't design the program of al Farouq; I came and it was already designed for thousands of people who came for Jihad, including your country, who helped us with ammunition. For example, the mortar ammunition was made in the U.S.A. I remember 60, 80, and 120 mm rockets. I don't know what you call this. I want to add some more to this point. When I trained, I was bored. When I left Afghanistan, and came back the next year to go the front; when I came, they knew I was trained because they kept records. When I gave them my name (his alias), they sent me to the front, to Galdez, commanded by Jalaladin Hakkani. I was with an Arab group; they were fighting under an Afghani commander, but physically they were in separate places. The city of Galdez was in Communist hands, but after three weeks of surrounding, in February 1992, the Communists agreed to give the city up; to surrender. They arranged the surrender, and the majority had to stop firing. We didn't really fire one shot, except in training. At this point, we heard about Kabul being taken; we heard Kandahar and Jalalabad were under Communist control. Right after the break down of Communists, the Mujahiden

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themselves started to wage Jihad against themselves, to see who would be in power; the different factions began to fight against each other. I decided to go back because I didn't want to fight against other Muslims, and found no reason why; nor today did I see a reason to fight to see who could be president or vice-president. My goal was solely to fight against the aggressors, mainly the Communists, who forbid my brethren to practice their religion. Ma'am, I was knowledgeable I was fighting with al Qaida, but then al Qaida didn't wage Jihad against America. They told us to fight with our brothers against the Communists. In the mid-90's, they wanted to wage Jihad against America, but I personally had nothing to do with that. I didn't join them in this idea; that's their problem. I am completely out of the line between al Qaida and the U.S. They have to solve this problem themselves; I am completely independent of this problem. As far as the timing, because this is vital and important to my case, my agenda, or Jihad, was against the Communists, not the U.S. or its allies. In the late 90's it was clear that al Qaida trained people as potential soldiers against the U.S. That is very important, and for the timing, I asked my PR if there were many witnesses, and to pick one witness, he suggested U.S. intelligence; it's his choice, and I accept this choice, because you trust your country more than anyone else for this information. I just want to emphasize this should be trivial that I went to Afghanistan, in this case. Your honor, as to the evidence, I have not much else to say. I confessed this, and I cannot see where the hostility against the U.S. fits.

Tribunal Member Questions to Detainee

Q: Where are you from?

A: I am from Mauritania.

Q: And a personal question if you don't mind me asking; how old are you?

A: I am 34 years old.

Q: How old were you when you first went to Afghanistan?

A: 20 years old.

Q: Where were you captured?

A: I turned myself in; that's a very good question, thank you. I turned myself in to the Mauritanian government, and they told me I was wanted. I told them I would come to them, and they said the American government wanted me. I was kidnapped and spent 8 months in Jordan; they tried to squeeze information out of me. I then went from Kandahar to Cuba. I turned myself in September 29, 2001, around 2300 hours.

Q: How long were you in Jordan?

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A: Eight months.

Q: And you said after you left Afghanistan in the early 90's, you never went back again?

A: Never, never, never, never.

Q: Pakistan?

A: Never; no Bosnia, no Chechnya; I just went back to finish my studies until I turned myself in; I had a big family to feed. I had 100 mouths to feed.

Q: You said when you were discussing the allegation before, you'd fight anyone oppressing Muslims; would you consider what the U.S. was doing in Afghanistan there in 2001, would that warrant you to go fight?

A: First of all, I told myself before that I don't think that the U.S. forbids Muslims to practice their religion; in the U.S. there are many Muslims, why should I fight?

Q: Why do you think you get such special treatment here at Guantanamo?

A: Your government captured me for the wrong reasons; they thought I was part of the millennium plot. This was the Algerian who tried to smuggle explosives from Canada into the U.S. in December 1999; in Jordan, they made me crazy to admit I had something to do with it. Because there was so much pressure and bad treatment, I admitted to this. Your intelligence later realized it was not true and a mistake, and this was a form of redemption. Furthermore, I am the most honest Detainee in the whole of this camp; I gave all the information and every bit of information I knew of; I challenge them to prove I have not provided good information.

Q: You mentioned you traveled to Canada; what were some of your travels after you left Afghanistan up until your arrest?

A: When I came back in February 1992, I went to Germany to study in Glicht. In August 1993, I went on holiday for two or three weeks to my country. Then I stayed in Germany, and I didn't travel until May 1998 when I went to Saudi Arabia for Haaj, because every Muslim should go for this duty once in his life, and I went with my wife.

Q: After Haaj, did you go back to Germany?

A: Oh yes, I used to live in Germany, so after about one month I went back. On September 16, 1998, I went to Canada because I wanted to immigrate there because of unemployment in Germany; I was really only in Germany for my studies. I wanted other options or another shot, goodbye Germany, and wanted to go to a place where I could exercise my trade. I am an electrical engineer. I stayed in Canada in one week, and finished my immigration papers and went back to Germany. In November 1999, I

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learned from German immigration I had to leave, and they wouldn't prolong my visa. That's bad, but at least I could go to Canada and start a new life. I was hosted by a friend of mine, a college or study mate, by the name of Hasni Mohsen.

Q: What year was that? When did you go back to Canada?

A: November 26, 1999. Because I learned Germany wouldn't prolong my visa, I went to Canada and was hosted by my friend. Then this Algerian guy, in December, tried to smuggle the explosives into the U.S. The police came for a lot of reasons, mainly because they were watching friends of Hasni. Furthermore, I am the cousin of the right hand of Osama bin Laden, who has \$25 million on his head. But those facts were known to the intelligence community, and they said, look at this guy, he has been to Jihad, and he is the cousin of the right hand of Osama bin Laden; they said that's him, that's him. I said, yes, I have been to Afghanistan, but I have nothing to do with this sh_t, in good English, and I couldn't believe it. The guy that was captured would not cooperate with American authorities; obviously later on he decided to cooperate after September 11, which helped my case, too. I also want to tell you I took several [REDACTED] which I passed perfectly.

Q: When did you go back to Mauritania?

A: I went back to Mauritania January 21, 2000; ask me why.

Q: Why?

A: Because that was not a good life; wherever I went I had people right behind me at the market watching my butt, I said what the heck? That is not the life I want to live; I wanted to live a productive and peaceful life. I am a Muslim, and I believe in Jihad, but I'm not ready to kill innocent people for it. I said hey man, you can keep your country for yourself, so I went back to my country; that's why.

Q: So your understanding is that you were arrested because they thought you were part of the Millennium plot?

A: Yes; that was clear, and that's what my government told me.

Q: Was Hasni Mohsen involved in the plot?

A: No; he was not.

Q: Was he arrested?

A: No; I was also not arrested.

Q: Why was the intelligence watching him?

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A: Because of his friends; he has very bad friends, such as Raoul Hanashi, and some Arabs that I don't know, because my time in Canada was very short. Hanashi was the guy from the same country who was the one who was recruited to Jihad and introduced to Abu Zaydida; that was very, very bad.

Q: How do you know all that?

A: Because I read it in the papers and the interrogators told me.

Q: Can I get your response to the very first allegation that you are a member of the Taliban or al Qaida?

A: The Taliban; I have nothing to do with them whatsoever. Al Qaida, I was a member in Afghanistan in 91 and 92. After I left Afghanistan, I broke all my relations with al Qaida.

Q: And you've never provided them money, or any type of support since then?

A: Nothing whatsoever.

Q: Ever recruited for them?

A: No, not at all; no trying to recruit for them.

Q: You said that you were pressured to admit you were involved in the Millennium plot, right?

A: Yes.

Q: To whom did you make that confession?

A: To the Americans.

Q: And what do you mean by pressure?

A: Your honor, I don't wish to talk about this nature of the pressure if I don't have to.

Tribunal President: You don't have to; we just want to make sure that you were not tortured or coerced into saying something that wasn't true. That is the reason he is asking the question.

A: You just take from me I am not involved in such a horrible attack; yes I admit to being a member of al Qaida; but I am not willing to talk about this. The smart people came to me and analyzed this, and got the truth. It's good for me to tell the truth, and the

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information was verified. I said I didn't have anything to do with this. I took and passed the polygraph, and they said I didn't have to speak of this anymore. They said please don't speak of this topic anymore, and they haven't opened it up to this topic for a year now.

Q: So no U.S. authorities abused you in any way?

A: I'm not willing to answer this question; I don't have to, if you don't force me to.

Tribunal President Questions to Detainee

Q: When did you go back to your home country from Canada?

A: It was January 21, 2000.

Q: What had you been doing in your country since January?

A: Good question; I was working for a company named Nasunad Medical.

Q: What did they do?

A: It was a company that deals with medical equipment that what we call in Mauritania a scanner, they inject people with a bottle; it's not as advanced as an MRI. They deal with this and in controlling medical equipment such as oxygen equipment, so that people would stay alive.

Q: And what did you do for that company?

A: They also had an internet service provider, a small one. In my country, if you work for a company, you touch everything; sometimes they sent me to the hospital to repair equipment, but most of the time, I was repairing the computers and installing software, and fixing and developing the service.

Q: Is that what you learned in school?

A: Yeah; like I said I am an electrical engineer, and microelectronics. In July 2001, I left the company to go to another company called Ahman Peche. This is a French word for fish. This company was a company of people from my tribe, and they gave me more money to join them. They wanted to develop the business and to use me; I was just setting up my office, because they didn't know what to do with me at first. They had many electronic devices and electrical machines they wanted me to take care of. I had just set up my office and installed the AC, and September 11th happened. Then America went crazy looking for leads; and I was the cousin of the right hand of Osama Bin Laden, and oh, get him. And in my country you don't need any evidence to arrest anybody, and need no jurisdiction to extradite anybody.

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Q: Did you have to have permission or authority to leave al Qaida? I need to understand if you could walk away from an organization like that.

A: That is a good question. If you joined Jihad, at least when I was, you are a de-facto al Qaida member. They made me swear that you are here to take orders and to follow Osama, and do nothing against Islam. There is no money that they pay you, and it's just benevolent work. It is so, OK, but Jihad stopped in Afghanistan, so I went to go back to study because Communism was gone. Nobody told me I had to stay, so I left. Nonetheless, my cousin tried many times to get me back, and called me a lot, and I was like, hey, I want to work a little bit. I didn't want to tell him to forget me, because they would be against me, and they would hunt me down. Do you understand my point? If you provide information they will hunt you down, but if you just go away and try to break contact, there is just no contact. The only contact was my cousin who tried desperately to get me back, but he couldn't, because I told him mom was sick, and had problems here, etc.

Q: How much time do you feel like you devoted to al Qaida?

A: I trained 7 weeks with al Qaida, and I was 3 weeks fighting in the front. That makes 10 weeks total devoted with al Qaida.

Q: And they've invested money and time in training you, so you walked away, but they attempted to get you back; do you think that's all they're going to do?

A: Al Qaida is 10,000 people, and they cannot control all of those people. You must have the passion to go back to them, and if you don't have the passion, and you don't hurt them, it's sort of OK; that's my thinking, or my feeling on that. But if you said I'm going to say every name they trained, that would be bad; very bad.

Q: Have they ever provided you any other funding or support?

A: Why should they provide me any support when I work for the allies? I don't see why.

Q: Did you ever work for some of the non-governmental agencies; NGO's?

A: No, never.

The Tribunal President thanked the Detainee for his participation, and asked if he had any more questions or statements.

Detainee: I want to thank you very much, for asking the questions that helped me remember.

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Upon informing him he (the Detainee) would be notified of the results of the proceedings, the Detainee asked the following question:

Detainee: Madam, when would that be?

Tribunal President: I don't know exactly how long it will take. We've noticed it takes anywhere from 3-4 weeks, but sometimes 4 months. We should hear something pretty soon.

The Tribunal President resumed explaining the Tribunal process to the Detainee; the Detainee interrupted briefly to consult privately with his Personal Representative.

Personal Representative: Ma'am, that (discussion with the Detainee) was a comment about being returned to another country instead of his home country; I told him the State Department would work all those issues out at a later date.

Tribunal President: (to the Detainee) If I'm understanding your comments to your Personal Representative, you do not want to return to your home country?

Detainee: No, because I'm threatened because of the amount of the information I've provided to the United States, I would be hunted down and I would be killed. I want to be provided security.

Tribunal President: We'll make note of that; is there a particular country you are interested in going to? Not to say that we make that decision, someone else would make that decision, the PR is correct, but we'll put it on the record.

Detainee: United States.

Tribunal President: You want to go to the United States?

Detainee: I do.

Tribunal President: OK; that is now made a part of this record, and the State Department will take note of this request.

The Tribunal President read the remainder of the hearing instructions to the Detainee, to include the description of the Administrative Review Board process.

Detainee: (for the Administrative Review Board) To contact my family, I need encouragement, because I am having problems contacting my family. For example, a couple of my letters were over a year old, so how is it possible to handle this in a reasonable way?

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Tribunal President: We'll make note of that, and talk to the people that are responsible for the process of handling and receiving mail; that's not part of our responsibility, but we'll certainly pass that along to the people that will be handling that.

Detainee: You understand my point?

Tribunal President: Yes, I do. You said you had a lot of family, though, about 100 members?

Detainee: Yes, I do. They can write all at once, and it would be like they can hit you with mail. But the mail gets stuck somewhere, and it's not convenient if I am going to prepare myself for another board, and the letters comes seven months after the decision of the board; that is not very ideal.


Tribunal President: That is correct, and we'll pass that information on.

Detainee: Thank you, Ma'am.

The Tribunal President thanked the Detainee for his participation and adjourned the open session.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.


Colonel, U.S. Army
Tribunal President

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Exhibit 21

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DECLARATION OF BOUDELLAA HADŽ

I, BOUDELLAA HADŽ (BOUDELLA EL HAJJ), pursuant to 28 U.S.C. § 1746, declare as follows:

1. I was born in 1965 in Algeria. I am a citizen of Bosnia.
2. I was seized in Bosnia in October 2001 and, in January 2002, transferred to Guantánamo Bay, where I was assigned ISN 10006.
3. On November 20, 2008, U.S. District Judge Richard J. Leon ruled that I was not lawfully detained at Guantánamo Bay and ordered my release.
4. On December 16, 2008, I was released to Bosnia. I am now free.
5. The mothers of my children - like my children - are Bosnian citizens. I have 6 children. My children range in age from 7 to 15. None of my children ever has been married.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed: July 22, 2009



Boudellaa Hadž/Boudella El Hajj

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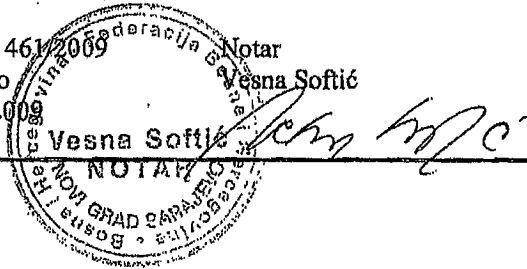
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Ja, notar ,Vesna Softić, sa službenim sjedištem u Sarajevu, ul Safeta Hadžića 66^a , Opština Novi Grad, potvrđujem da je Boudellaa Hadž iz Sarajeva, rođen 18.04.1965. godine, preda mnom, u moje uredu priznao svoj potpis na ovom pismenu sačinjenom u potpunosti na engleskom jeziku - „Declaration of Boudellaa Hadž“.

Identitet imenovanog utvrdila sam na osnovu lične karte broj 09BTN3474, izdate 13.01.2009. godine od MUP KS, Sarajevo Novi Grad.

Notarska nagrada i naknada zaračunata i naplaćena u skladu sa Privremenom tarifom o nagradama i naknadama notara Tar. br. 10 (Sl.novine FBiH 71/2007)

Broj: OPU-OV 461/2009
Mjesto: Sarajevo
Datum: 22.07.2009



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Boudellaa Hadž/Boudella El Hajj

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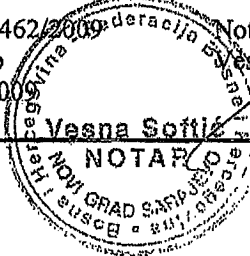
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Vesna Softić

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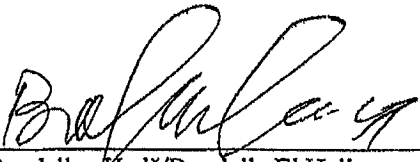
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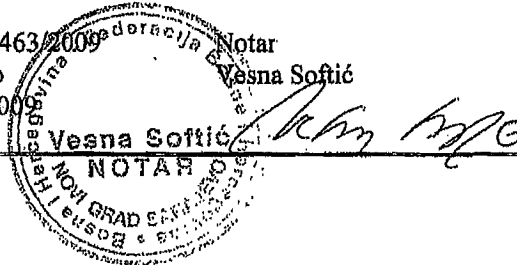
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Broj: OPU-OV 463/2009
Mjesto: Sarajevo
Datum: 22.07.2009



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Exhibit 22

EXHIBIT H

FILED WITH THE COUNTY SECURITY OFFICER CSO: WJG/CA DATE: 4/22/09	
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA	
AHMED ABDUL AZIZ, et al., Petitioners	: CIVIL Action No. 05-492
v.	
BARACK OBAMA, et al., Respondents	: April 6, 2009 : 10:40 a.m.
TRANSCRIPT OF CLOSED HEARING BEFORE THE HONORABLE JAMES ROBERTSON UNITED STATES DISTRICT JUDGE	
APPEARANCES:	
For the Petitioners:	ZACHARY KATZMELSON RELIEVE P.O. Box 52742 London, EC4P 4WB 44 (0)20 7353 4640
	AGRILEZIA FRYBZMAN COHEN HILFSTEIN SHILBERS & TOPP, PLLC. 1100 New York Avenue, NW Suite 500 Washington, D.C. 20005-3934 (202) 408-4611
For the Respondents:	JAMES J. SCHWARTZ RODNEY PATTON RONALD WELTSLE U.S. DEPARTMENT OF JUSTICE CIVIL DIVISION 20 Massachusetts Avenue, NW Washington, D.C. 20044 (202) 616-8267
Court Reporter:	REBECCA STORSTRAET, RFR, CRR Official Court Reporter Room 6511, U.S. Courthouse Washington, D.C. 20001 (202) 354-3349
Proceedings reported by machine shorthand, transcript produced by computer-aided transcription.	

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1 So it seems to me that what Your Honor is concerned
 2 with has already occurred. These searches have been performed,
 3 and any information that would undermine the credibility of
 4 witnesses or was arguably exculpatory has been provided.
 5 THE COURT: Let's focus on some of the specifics that
 6 Mr. Katznelson raised, beginning with the circumstances
 7 surrounding the statements of Mohamedou Ould Salahi. You've
 8 turned over an FBI report; they say they want more. What is
 9 your reaction to that?
 10 MR. SCHWARTZ: First, I would point out that no one has
 11 said that ISN 760 was tortured. Those were petitioner's words.
 12 The admission is that he was only subject to unlawful
 13 interrogation techniques. The petitioner was provided with that
 14 information; they now have sufficient information to attack, if
 15 necessary, the credibility of that witness.
 16 What I would point out is that the statements that are
 17 relied upon -- in the FBI document it lays out that essentially
 18 760 was subject to unlawful interrogation techniques basically
 19 for the summer of 2003, and the statements that we -- that the
 20 government relies upon in its factual return from this
 21 particular witness are from February of 2004, June of 2005, March
 22 of 2004, another document from March of 2004, and a document
 23 that's from September of 2003. Which is close in time to the
 24 allegations, but by the time that document in September of 2003
 25 was made, the alleged unlawful techniques had ceased. It was

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1 sort of in the summertime, ending in August.

2 So one argument is that the documents that we rely upon
3 are sufficiently far in time from the unlawful techniques that
4 it's not relevant; the second is we provided -- what information
5 was available, reasonably available to the government to
6 undermine his credibility regarding these unlawful techniques,
7 has been provided to them.

8 The fact that this document exists, and now they want
9 to go down and talk to him and basically have a deposition of a
10 detainee in Guantanamo demonstrates that that type of request is
11 not narrowly tailored, it's burdensome, and does not meet the
12 requirements as outlined by Hamdi, that this should be an
13 incremental process. Basically --

14 THE COURT: Well, you don't have to waste your breath
15 on that. I'm not going to allow any depositions. What about
16 written questions to Hassan Ghul, or for that matter to KSM?

17 MR. SCHWARTZ: One thing I would like to point out,
18 just before we get to that. Counsel has corrected me, and I
19 just want to make the record clear; that the interrogations of
20 760, the unlawful techniques, did continue into September of
21 2003. That was my mistake. I want to correct that for the
22 record. So we have the one document from September 2003.

23 Your Honor, if they present that as evidence,
24 Your Honor can review the document and is perfectly able to
25 assess the credibility of any statements by 760 based on what's

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Exhibit 23

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Summary of Administrative Review Board Proceedings for ISN 760

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

Presiding Officer: I understand you speak English and you understand English.

Detainee: I do.

Presiding Officer: You do. During the course of the proceedings if at anytime you do not understand what I am saying just let me know, but if you do [understand], just say I understand sir or I understand. That way the translator will not have to repeat it to you. If you prefer he translate everything that's fine too. Which do you prefer?

Detainee: The first option is okay with me sir. If I just listen without making any comment then I understand. Should I [not] understand something I will just ask you to stop and ask him (referring to OL-21).

Presiding Officer: Then he will translate for you and that's fine. We can do everything translated but since you understand us then there is really no need.

The Presiding Officer announced the convening authority and purpose of the Administrative Review Board proceedings.

Presiding Officer: Understood?

Detainee: Understood.

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

The Presiding Officer asked the Detainee if he wishes to make a statement under oath. (Muslim oath offered).

Detainee: I do, I want to make my statement under oath.

The Detainee accepted taking the Muslim oath.

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The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood.

The Assisting Military Officer presented the Enemy Combatant Notification form, Exhibit EC-A, to the Administrative Review Board.

Presiding Officer: This was read to you back in February and they probably went over it with you I just want to make sure you understand. It's a notification of when they notified you that you were an Enemy Combatant, do you remember that?

Detainee: Yes, I remember, yes.

The Assisting Military Officer presented the Enemy Combatant Election Form, Exhibit EC-B, to the Administrative Review Board.

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form and the Detainee comments we will use when we go through the Unclassified Summary [of Evidence].

Assisting Military Officer: The Detainee's ARB interview was conducted on 13 December 2005 and lasted 140 minutes. After reviewing the ARB's purpose and procedures, the Detainee said that he understood the difference between the CSRT and the ARB. The Detainee was read the Arabic translated Unclassified Summary of Evidence. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee said, he would attend the board and present an oral statement. He stated that at the ARB he would answer any questions in English. The Detainee was very courteous, and attentive. He elected to take a copy of the Arabic translated Unclassified Summary of Evidence and an English version for his review.

Presiding Officer: [Are] we good so far?

Detainee: So far so good.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Memorandum, DMO-2, CITF Redaction Memorandum, DMO-3, and the Terrorist Organization Reference Guide, DMO-4 to the Administrative Review Board.

The Designated Military Officer stated that a copy of these exhibits had been previously distributed to the Assisting Military Officer for presentation to the Detainee.

Presiding Officer: Go ahead and translate the whole thing until I review it.

Detainee: I just need the last one because I don't know what it is about.

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Presiding Officer: He gave me four unclassified documents. One is the Unclassified Summary of Evidence, the second one is a redaction form from the FBI, and the third one is a redaction form from the Army Criminal Investigative Command. Are you familiar with what redaction forms are?

Detainee: I think.

Presiding Officer: It is where they take out information that they don't want you to see.

Detainee: Okay.

Presiding Officer: The forth one is The Terrorist Organization Reference Guide. It talks about different terrorists organizations that the Department of Homeland Security and Customs and Border Protection had back in January 2004, where they classified a list of organizations as terrorist organizations. One of them is covered in the unclassified summary.

Detainee: Yeah, yeah. Okay.

The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee wanted to respond to each item of the information from the Unclassified Summary as it was presented.

Presiding Officer: I note that you have chosen to respond to each item of the Unclassified Summary as it is presented. Is this correct?

Detainee: It is.

Presiding Officer: You also want the assistance of the Assisting Military Officer as needed I presume.

Detainee: Yes.

Presiding Officer: Okay. At this time I will instruct the Designated Military Officer to summarize the Unclassified Summary to you and after he goes through a point you can then respond. Once we notice you are through answering his question we will go to the next item. Okay? He is going to read the Unclassified Summary to you and there are a number of items. He will read one item and you can respond to that if you'd like and if you don't just ask him to go to the next item and he will.

Detainee: I planned it so, if your honor does not have anything against it that my AMO and I have planned that I wrote very, very brief answers to each item of the Unclassified Summary and after he answers those questions I will also give a response. Just to explain and to demonstrate and prove to you why it is yes or it is no.

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Presiding Officer: Okay, DMO you will read the comment and AMO for those responses you have answers to all you need to do is pickup at whatever the Detainee said. You don't need to read in response to.... just give us his response to it because the DMO is going to read the items. It looks like number one is the only one he didn't respond too.

Assisting Military Officer: No sir, there are a couple of them he didn't respond to. He will just answer them when we get to them.

Presiding Officer: Okay, I am going to give you an opportunity [to respond] after each one whether the AMO has something or not. I would just ask that you say no comment.

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1 to the Administrative Review Board to assist the Detainee with answering the statements.

Presiding Officer: DMO please summarize the information for the Detainee and allow him time to respond or allow the AMO time to respond and then the Detainee.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) In 1992, the Detainee traveled to Gardiz, Afghanistan to fight and was assigned to a mortar battery.

Detainee: That's correct.

Designated Military Officer: (3.a.2) The Detainee actively recruited for jihad from 1992-1997. The Detainee felt it was an important function and would often speak of jihad while he preached at mosques in Germany.

AMO/Detainee: The Detainee claimed he did not recruit but preached jihad from 1992-93. After 1993, the Detainee's passion faded because he had a wife and family, college and his life. *The Detainee confirmed this statement.*

Designated Military Officer: (3.a.3) Based on the Detainee's advice, an individual in Duisburg, Germany traveled to Afghanistan for weapons training and to join the armed Taliban forces. The Detainee arranged for this individual to meet with Usama bin Laden and the individual swore allegiance to al Qaida. The individual became an important and influential al Qaida member.

AMO/Detainee: The Detainee says it did not happen. *The Detainee confirmed this statement.*

Designated Military Officer: (3.a.4) While in Germany, the Detainee worked with a friend who recruited people to go fight jihad in Afghanistan.

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AMO/Detainee: The Detainee said this must be Ashra Al-Nahass. He is a close friend, but he did not help him. The friendship was in 1999. *The Detainee confirmed this statement.*

Designated Military Officer: (3.a.5) In December 1999, the Detainee became the Imam at a mosque in Montreal, Canada. The Detainee thought that the Algerian Armed Islamic Group and the Salafis might have a presence at that mosque.

AMO/Detainee: The Detainee stated, that he did not become the Imam. He has the Koran memorized and during Ramadan he lead the prayer. Within two weeks Hasni Mohsen introduced him to the mosque. He has no sympathies of the Algerian Armed Islamic Group and did not go to the mosque because of this group. The Detainee completely sympathizes with the Salafis. *The Detainee confirmed this statement.*

Designated Military Officer: (3.a.6) An al Qaida operative identified the Detainee as an al Qaida facilitator who played a part in recruiting jihadists to fight in Afghanistan and Chechnya and to become suicide hijackers in the west. The Detainee convinced the al Qaida operative and three future World Trade Center suicide hijackers to undergo al Qaida basic military training in Afghanistan.

AMO/Detainee: The Detainee stated, that this is Ramzi bin Al Sheeb's statement and not his words. The Detainee took a polygraph and Al Sheeb refused. The Detainee says it shows he is telling the truth. The Detainee wants to read the Commission book on 911. He says it will tell the truth about Al Sheeb. *The Detainee confirmed this statement.*

Designated Military Officer: (3.a.7) An al Qaida operative stated that the Detainee facilitated the operative's initial travel to Afghanistan and his initial introduction to Usama bin Laden.

AMO/Detainee: The Detainee says, this is probably just an extension of Al Sheeb's statement. Either way it is false. *The Detainee confirmed this statement.*

Designated Military Officer: (3.a.8) An Islamic extremist stated that he attended meetings in the Detainee's house on numerous occasions with a future suicide bomber and an al Qaida operative.

AMO/Detainee: The Detainee stated, this is Karim Mehdi, a very good friend and that Karim made the statement and it is not correct. *The Detainee confirmed this statement.*

Designated Military Officer: (3.a.9) The Detainee swore loyalty to Usama bin Laden in 1990.

AMO/Detainee: The Detainee stated, in March 1991 he swore loyalty to Usama bin Laden through one of Usama bin Laden's recruiters. The Detainee does not want to say the recruiter's name. *The Detainee confirmed this statement.*

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Designated Military Officer: (3.b) Training (3.b.1) The Detainee was trained in the use of weapons and terrorist tactics in Usama bin Laden's training camps in Afghanistan.

AMO/Detainee: The Detainee stated, that it was only one camp, not multiple camps and that he did not train in terrorist tactics. *The Detainee confirmed this statement.*

Designated Military Officer: (3.b.2) In January 1991, the Detainee trained for six weeks at Camp Farouq, located near Khowst. Training consisted of physical exercises and weapons training on the AK-47, Seminov, Uzi, M-16, Makarov pistol and rocket propelled grenades.

AMO/Detainee: The Detainee stated, among other light weapons. *The detainee confirmed this statement.*

Designated Military Officer: (3.c) Connections/Associations (3.c.1) From 1993 through 1999, the Detainee was tasked by an individual to set up a radio-broadcasting station in Sudan, to assist in counterfeiting money, especially United States currency, in Kandahar, Afghanistan, and to help establish greater internet connectivity between Sudan and Kandahar. The Detainee denied taking part in any of these taskings.

AMO/Detainee: The Detainee stated, that this was refuted at the CSRT and that this allegation was removed. The Detainee had asked the Intelligence community to come as a witness. *The Detainee confirmed this statement.*

Designated Military Officer: (3.c.2) The individual who tasked the Detainee was one of Usama bin Laden's key operatives.

AMO/Detainee: The Detainee says this individual had no authority to task. The Detainee was asked to help with the broadcast. He wants to call this individual as a witness. The Detainee does not want to say the name of this individual. *The Detainee confirmed this statement.*

Designated Military Officer: (3.c.3) The Detainee was involved in money laundering activities. The Detainee wired United States currency three times for one of Usama bin Laden's operatives.

AMO/Detainee: The Detainee says, that he was never involved in money laundering. He helped his cousin wire some money twice to his cousin's family. 7,000 German marks. The third time the detainee refused. *The Detainee confirmed this statement.*

Designated Military Officer: (3.c.4) The Detainee stated that he attended a mosque in Duisburg, Germany where the director was the leader of the Egyptian Islamic Jihad in the area.

Detainee: That's correct.

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Designated Military Officer: (3.d) Intent (3.d.1) The Detainee said that his goal while in Afghanistan was to become a martyr by dying for Islam. However, the Detainee would fight in a battle and there would not be another one for months, thereby reducing his chances to be martyred.

AMO/Detainee: The Detainee says, that to die as a martyr is correct. To this day he still wants to die as a martyr. The Detainee does not want to kill any innocent people, including Americans. *The Detainee confirmed this statement.*

Designated Military Officer: (3.d.2) The Detainee is a suspected facilitator of the failed millennium bombing conspiracy.

AMO/Detainee: The Detainee says, this is completely incorrect and was refuted at the CSRT. He wants to call Ahmed Rassam and the United States Intelligence as witnesses. *The Detainee confirmed this statement.*

Designated Military Officer: (3.e) Other Relevant Data (3.e.1) In January 2000, the Detainee departed Canada to travel to Mauritania. On the way to Mauritania, the Detainee was detained in Dakar, Senegal where he was questioned and released after four days.

AMO/Detainee: The Detainee says, that he was not released. He was turned over to Mauritanian authorities. *The Detainee confirmed this statement.*

Designated Military Officer: (3.e.2) In April 2000, the Detainee traveled from Mauritania to Germany where he was detained for three weeks and questioned by German authorities.

AMO/Detainee: The Detainee states, that this is correct. However, it was because of fraud, not terrorism. *The Detainee confirmed this statement.*

Designated Military Officer: (3.e.3) In April 2000, the Detainee left Germany and traveled to Mauritania where Mauritanian government officials seized his passport.

Detainee: That's correct but it was in May 2000 not April.

Presiding Officer: It was in May not April?

Detainee: No, look at it your honor, in April I spent one month in jail cell. How could I?

Presiding Officer: Thank you.

Designated Military Officer: (3.e.4) In September 2001, the Mauritanian Security Service detained the Detainee after the 11 September 2001 attacks in the United States.

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AMO/Detainee: The Detainee states that he turned himself over to the Mauritanian government. *The Detainee confirmed this statement.*

Designated Military Officer: (4) The following primary factors favor release or transfer:
(4.a) The Detainee denied having knowledge of the attacks in the United States prior to their execution on 11 September 2001, and also denied knowledge of any rumors or plans of future attacks on the United States or U.S interests.

Detainee: That's correct.

Designated Military Officer: (4.b) The Detainee stated that he did not know of Usama bin Laden's operative's involvement in terrorism when he transmitted money for him.

AMO/Detainee: The Detainee says, this is correct. It is the same incident with his cousin and helping him send money to his cousin's family. *The Detainee confirmed this statement.*

Designated Military Officer: (4.c) The Detainee strongly denied that he had helped anyone travel to Chechnya or Afghanistan.

Detainee: That's correct.

Designated Military Officer: This concludes the Unclassified Summary of Evidence.

The Administrative Review Board went into a closed session to discuss sensitive information. The board reconvened the unclassified portion at 1942hrs, 15 December 2005.

The Designated Military Officer confirmed that he had no further unclassified information and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer acknowledged the request.

The Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

Assisting Military Officer: Yes sir, the Detainee would like to make an oral statement and a written statement.

Presiding Officer: Okay, let me see what he wants to present and then I will explain to you how I want you to present it.

The Presiding Officer reviewed the documents the Detainee wanted to present to the board.

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Detainee: When the CSRT invited me to attend the hearing they confronted me with very much the same thing you have confronted me with. I said no that is outrageous. I have done some of that; most of that I have not done. I said I have witnesses and I can prove it, they said how? I said U.S. Intelligence, military intelligence, my ex-wife and so many witnesses. They said they would use U.S. Intelligence as a witness but you let them decide on what they were going to tell us. There were thirteen allegations and they erased nine and the [remaining] four six, you have. Only those four are my allegations. I really don't understand why they have gone back [to the thirteen] and we have already been through and put the allegations I was not charged with on this. It does not make any sense to me. It looks like O.J. trial.

Presiding Officer: The unclassified is stuff that various agencies have given us to be allowed to use and present to you. They were classified at one time and they unclassified them and said this is what the Detainee can have or anybody else if in fact it gets released. There is other information of a classified nature that they won't release to you, but we may have access to it during our classified session. Even though they may have had thirteen or so many allegations and narrowed it down only to four here in the CSRT, those agencies may have given us a number of things, and say here you can read this and this is what we consider important on this guy. You can contest them as you did in some cases today and something you agreed to and we appreciate that. I am just trying to give you an idea of why some of this is repeated again.

Detainee: Why should it be repeated if it had already been refuted. Here you can read the synopsis and it reads very clearly, "During the recess the recorder modified exhibit R1 of the Unclassified Summary of Evidence deleting a number of allegations." So why did they delete them back then and they say I am right and the guy who wrote this was wrong and now the same things have come back. I don't understand that doesn't make sense to me, if you could explain it, I really want to understand.

Presiding Officer: Well again, they probably could not find enough stuff to substantiate the allegations that they took out. They are not saying they are right or wrong, they are just saying they didn't have the evidence to support them. Then they were just able to hang their hats on these four things in paragraph three which [states], Detainee was previously determined an enemy combatant and this determination is based on the information that the Detainee was a member of the Taliban or al Qaida. Then it goes on to say you admitted these four things; that you admitted to traveling to Afghanistan to wage jihad; that your goal was to become a martyr and you did say that again today. So based on these and the other two things, you can read them as well as I can, that is what they based their answer from the CSRT on continuing your detention as an enemy combatant. Because they only had to meet certain criteria and that is what they did. Now for today the Unclassified Summary is full of a lot of things you disputed and you're offering this as an explanation that it shouldn't be there. We will weigh and listen to your answers and I am sure we are going to have a few questions for you in regards to it. You may or may not have answers to it, but I know I have at least two questions, so we will get to that. I am not going to try and guess why the agencies repeated those allegations in

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the unclassified summary again [this time] even though the CSRT dropped them. They didn't really say but the deleted number of allegations and modified exhibit RJ [can be submitted as exhibits]. They didn't say that they weren't true they just modified them.

The Assisting Military Officer submitted the Detainee's CSRT excerpts as Exhibit EC-C to include EC-C1 and EC-C2, copies of these exhibits have been provided to the Designated Military Officer.

Presiding Officer: Do you have some other documents you would like to present to the board or are you just going to read something?

Detainee: No, no I have nothing.

Presiding Officer: Because if there are other things I would like to cover them with the AMO because he will have to present them as an exhibit. If you are not going to present anything else, that's fine.

Detainee: No, I have nothing.

Presiding Officer: Comments and things like that we are still going to continue with but I want to get through the exhibit portion.

Detainee: Okay.

Presiding Officer: Assisting Military Officer please read the Detainee's additional comments on the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee requests that he be released to Canada and that his request be forwarded to Washington, D.C. The Detainee was told that a decision will be made in Washington, D.C. and he will get an answer in the very near future.

Presiding Officer: Let me ask you this, you said you would like to be released to Canada, is there some reason you do not want to be released to your home country?

Detainee: Well, I have a good reason; my country turned me over, short cutting all kinds of due process of law, like a candy bar to the United States. They sent me to Jordan for torture and later on to Bagram and then to this place. So I think that is a good reason not to want to go back to such a country.

Presiding Officer: So your concern is being tortured again when you go back?

Detainee: Not only, I don't think that my country would torture me, I am not going to lie to you your Honor. So let me explain this to you. If the United States releases me to my country and they agree on some formula that will for sure limit my freedom without any reason, because in my country you do not need a reason to limit someone's freedom, and I don't see any reason why my freedom should be limited. For example, you have seen

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that my passport was taken and that I was forbidden to travel. I did not appreciate it and that is not a life. I [would have to] go everyday to the police and sign papers, no. I want to go to a country where I can enjoy my freedom or I'll stay here. Please explain my point to them (asking OL-21 to explain a previously discussed issue).

OL-21: He forgot to add one thing that he told us why Canada. It was because he had the immigrant status there. And the immigrant status is almost like being a citizen, but if you are outside of Canada for more than six months you cannot take advantage of that status. But he does not know if in his case, because it was beyond his control, if he stayed six months out of Canada if he still has that status in Canada or not.

Presiding Officer: He does not know if he has that status?

Detainee: I have the status and I have the papers. But it says [under] Canadian Law if you stay outside the country for more than six months you are not safe. Then you cannot go back to the country and you will have to reapply. But this was against my will because I was put in jail. So it's a problem, it's just a wish.

Presiding Officer: I was just curious why you didn't want to go back to your home country and if there were some other extenuating circumstances that the State Department could give consideration to when negotiating your transfer.

Detainee: I just want you to understand because it is key for me that you, the board, understand the case, the heart of the case. Forget about me being detained or released, forget about it. Just try to understand why I am here and all of the circumstances surrounding my capture and my detention, I would like for you to understand. I asked at the CSRT to be turned over to the United States of America, but when I learned from my American friends here, they said no, no you were in Cuba and for God sake you are a suspected terrorist and the United States would not accept you. I will not force you to take me. I feel like I deserve [it] because I was honest, cooperative, and I was forthcoming. I may be wrong; obviously I am, so just turn me over to Canada.

Presiding Officer: Okay.

Detainee: In case you don't release me, then I know my address.

Presiding Officer: I understand you would like to give a statement and you just did. Is there anything else you would like to tell us? If not does that conclude your statement? If you have additional comments you would like to give us you may.

Detainee: Yeah, yeah.

Presiding Officer: At this time I understand you have something you would like to read to us, you may begin reading your comments at this time.

The Detainee made the following statement:

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Detainee: First of all why did the U.S. Intelligence get on my neck? Why did they pick me out? Why did they pick me and not just anybody from the streets? They picked me out for reasons and I will explain them to you why. It goes back to late 1998 and January 1999 when I received a call from a cousin of mine, whose name I don't want to mention his name. I learned later that my cousin was using Osama bin Laden's satellite phone that was intercepted. He called me and another cousin of mine named Ould Mohammed. I was in Germany and our other cousin was in Mauritania, so the United States [told] the Germans that I was an al Qaeda operative. They knew it was not Osama bin Laden's voice, they knew it was me. Mohammed was captured in Mauritania and stayed in jail for two months for interrogations. I wasn't captured, but I am sure I was followed by the German police [and/or] German Intelligence. I did not know anything about it back then, okay. My cousin had always been in moderate contact, he called me more and I never knew his address and he called me more for different reasons. We were [also] brother-in-laws; we married the same sisters (my former wife is his wife's sister). The sisters they want to contact each other and he also contacted me to help him transfer money to his family in Mauritania because technically when he was in Sudan it is not possible to wire money from Sudan to Mauritania. Mauritania banking does not work; I don't know about the banking in Sudan, but I don't think it is as advance. So he had to send me the money to my account in Germany and I would physically take the money to some of my friends, who will give it to his family (the cousin's family) in Mauritania. I did this twice in late 1998 [Detainee paused to recollect the time frame of the transfers]. It was between late 1997 and 1998, let me [think] it has been a long time so I don't want to give you [the wrong information].

Presiding Officer: We understand if you are off a little bit, then approximately.

Detainee: It was an amount around \$7,000. They said here American money, I don't understand.

OL-21: 7000 marks, not dollars.

Detainee: Okay, dollars I am wrong. It says here somewhere "the Detainee wired United States currency three times for one of Osama bin Laden operatives." It does not make sense to me.

Presiding Officer: What they say is that you were involved in money laundering activities, which if I have 5000 or 7000 dollars and I give it to him. Then he distributes it to [his] brothers, mothers, sisters and cousins then I am trying to launder it through them.

Assisting Military Officer: I think what his issue is though, is the difference where he didn't have U.S. dollars he had [Deutsch] marks. Where they are saying the equivalent might be 4000 U.S. [dollars] to 7000 [Deutsch] Marks.

Detainee: Exactly, AMO is correct. Here is the deal because my cousin and my brother-in-law want to send some money for his family and he asked me [for help]. How the hell

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could I know if he stole it or Usama bin Laden gave it to him, or wherever the hell he got this money, that was none of my business. It is not my policy to ask people where they got the money.

Presiding Officer: He just asked you to do him a favor?

Detainee: Yes, and I did it.

Presiding Officer: Okay.

Detainee: He asked me a third time, they said I did it three times and that's not correct. The third time it was around October 1999, I am dead sure because my brother was with me. Then my brother told me "Who is calling you?" he is my older brother and I said "my cousin". He said "What is he asking you?" and I said "He is asking me to help him wire money to his family" and my brother said "No!" Then I told my cousin I could not wire the money and he was upset. I would like for you to refer to the intercepted telephone conversation with me and him to prove my point.

Presiding Officer: I am not sure I have that available to me but I will take your word for it.

Detainee: Okay, well neither am I. Okay, but that is what happened anyway. Of course the Americans were interested in me and they told the Germans to watch me closely. But I have had such good conduct in Germany the Germans never even bothered me to ask any questions. They went to the Imam of my Mosque and they told him I had connection with terrorist and he laughed, that's what he told me, that he laughed. I said, "I don't think so". They said it was not really a "Hot", it is nothing hot about it but we just have the report to tell you and we will take your word for it. Then he told me, he advised me, "German Intelligence came and showed me your picture and said you have contact with terrorist." I said, "I was afraid." This was the first time that I heard something like that. For somebody to have never dealt with the police and intelligence they may get scared, but now I am not scared because I am so used to intelligence and police being after me and arresting me putting me in jail. I will show you guys, you will not be yourself when the police are behind you. Anyway, I was scared, he told me he has experience with them, so go to them and I can arrange a meeting with you. Tell them indeed you were in Afghanistan in 1991 and February 1992 because they don't give a damn about that. Just go and tell them and they will leave you in peace. I was afraid and I did not follow his advice. I said no, no if they find out I have been in Afghanistan they could make trouble with me because they hate people who believe in jihad and go with jihad even against Russia. So I was afraid. All the evidence was not in my favor and then my Visa was taken away. My lawyer messed up, he messed up some lawyer stuff and the Germans would not extend my Visa. I said, "okay, I'll go to Canada", upon the advice of my friend, whom I have already told you about. He was my student in Germany and he immigrated to Canada in 1996 or 1997. He came to visit me in Germany and he said, "Canada is amazing. There is no racism, they speak French, and it is just a very

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advanced country. You will have a job at the snap of a finger." I said "I like Germany" and he said "It's just a possibility, go for it and apply for Canada and you will have the Canadian papers if Germany does not accept you for some reason, then go to Canada." I decided to go to Canada on Friday, November 26, 1999. Okay, it was shortly before the beginning of Ramadan and my friend said "We need you here in Canada because we have no Hafez." Explain to them what Hafez is (asking OL-21 to explain what a Hafez is).

OL-21: Hafez is the person who memorized the whole Koran and when we pray we pray verses of the Koran and you have to memorize it. During Ramadan there is prayer and after the fifth salit we pray an extended prayer for about an hour and half to two hours. During Ramadan you have to recite the entire Koran, you start from the beginning and when you pray he keeps reading the Koran and he is called the Hafez, a person who has memorized the whole Koran.

Presiding Officer: And you are familiar with this?

Detainee: I am one. In Arabic countries there are oodles but in Europe and Canada one is very rare. I reluctantly accepted the offer because in Germany they were bothering me a lot. Sometimes during Ramadan I would pray for two months and it was just too much for me. In Canada they brought me to this big Mosque and they tested me and said he is good. The Imam said I have a trip to United Emirates and I would like for you to lead the prayer and I said okay. I lead the prayer during Ramadan that's it. I was not the Imam of the Mosque, so far, so good. Some people who were very important to intelligence attended this Mosque; people whom the intelligence community was watching were attending this Mosque were I lead the prayer. It is a three story Mosque where like ten thousand people could pray at the same time, okay.

Presiding Officer: And we are in Canada?

Detainee: Canada, Yes.

Presiding Officer: Didn't want to lose you.

Detainee: Please, I want you guys to understand my story okay, because it really doesn't matter if they release me or not, I just want my story understood. Okay, I want to get it off my chest. The Mosque itself was not a threat or important, it was a moderate Mosque.

Presiding Officer: But some people that the intelligence community had interest in were attending it?

Detainee: Yes, forcibly. I tell you why. People, bad people always want to blend in a crowd so if the Mosque is a very big Mosque the chances of a person getting picked up are very low. The Mosque is also classified as non-extremist. Is that correct, I don't know. Extremist, not dangerous because for you guys extremist is a very easy stamp to

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put on something. They were not really interested in me but they were interested in certain people who attended the Mosque. So look at me, I have contact with Usama bin Laden's operative, who was helping launder money, is now in Canada attending a Mosque where we believe a very dangerous group is attending and he is even the Imam of the Mosque, something is going on.

Presiding Officer: It's not looking good?

Detainee: No, it's not looking good at all. It will look worst than that. Then the Canadians said they have someone to take care of. Okay, December 14, 1999 a Nigerian called, Ahmed Rassam a former inhabitant of Montreal where I lived, tried to cross the border into the United States carrying a bomb. He wanted to attack the United States during the millennium, they call it the millennium plot, the infamous millennium plot. The Americans captured him, okay at the border before he did anything. Are any of you familiar with this story? Obviously the Major is, excuse me the Lieutenant Colonel. So, they captured him and they said wait a minute this guy is from Montreal and he is a member of the Algerian Islamic Group, which attends the Montreal Mosque, which is right now being lead by me who is in connection with an operative of Usama bin Laden. Why did he come from Germany at this time? He is the head, he is the Imam, he is the General, and a potentially very dangerous guy. I speak four languages and I am a Telecommunications Engineer and I am dangerous, I don't know why because I am a pretty lazy guy. They told the Canadians that I was the guy behind all of this. Ahmed Rassam refused to talk, he took his 5th Amendment and he didn't say anything at all, did talk later but vaguely. The Canadians are crazy they didn't stop the guy, so if they wanted to seem like they were up to something. So they were very jumpy. They were everywhere in the Mosque, in the police car, 24 hours and they made two holes in my apartment, very small tiny holes. They didn't know I saw them but I was asleep and when I woke up the guy was outside putting tiny cameras in the hole. I called the police and I knew it was not my neighbor it was intelligence. But I said, my neighbor is putting two holes in two bedrooms, one in my roommates [room] and one in mine, why would he do that to me? Then the police told me to put glue in the hole. I stared at him and said, "Did I ask you your advice or something? It is a crime behind this." Your honor, I was just laughing, I didn't have any problems that they were watching me. I told my brother I was going to make a joke or something. People say I am very funny and light so I didn't take it very seriously, but the police Royal Mounted Police of Canada, it's like FBI and they came and interrogated me. I was scared to hell, they asked me do I know Ahmed Rassam, I said "No", and then they said do you know this guy and I said "No, No". I was so scared I was shaking and they released to the Americans that I was very scared. I was not used to this it was the first time I had been interrogated and I just wanted to stay out of trouble and make sure I told the truth. But they were watching me in a very ugly way. It is okay to be watched but it is not okay to see the people who are watching you. It was very clumsy, but they wanted to give the message that we are watching you. Okay, screw it, it is not problem they can watch me. If 2000 starts they were are afraid that I would kill some people. After 2000, I thought they would leave me alone but that was not correct. At the same time members of my family were taken by the Mauritanian

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Intelligence and interrogated about the millennium plot. I didn't know that my wife was interrogated and that my brothers were interrogated. They didn't tell me because they were scared but they said, "What are you doing over in Canada?" I said nothing but look for a job. And my family decided I needed to get back to Mauritania because this guy must be in a very bad environment and we want to save him. We don't care if they put him in jail here (Mauritanian jail) but we need to get him out of trouble. He is surrounded by bad people, that is what my family thought and decided I should come home. And they told me that my mother was sick. My ex-wife called me and she was crying and she said "Either you get me to Canada or you come back to Mauritania." I said "hey take it easy." I didn't like this life in Canada, I couldn't enjoy my freedom and being watched is not very good. I hated Canada and I said the work is very hard here. I took off on Friday, 21 January 2000; I took flight from Montreal to Brussels, then to Dakar. The Canadians were asked by the American Intelligence to arrest me and the Canadians asked, "Where is your evidence?" The Canadians said we cannot arrest someone without paperwork. Then the Americans asked "Can you at least tell him wherever he goes?" So they must have told them I left and took a flight from Montreal to Brussels to Dakar. I didn't take a flight directly to Mauritania because Dakar is highly visited and the flights are cheaper. Dakar is about 270 miles away and originally my family, my two brothers were going to pick me up from the airport. So far, so good understood? I told them the flight number and everything and that the flight was on Friday. The Americans have obviously seen me as a potential threat. They were sure that I was behind the millennium plot because of all the circumstances.

Presiding Officer: But they just couldn't prove it.

Detainee: Yes, they wanted to get me arrested at least. But they wanted to get me in a place where they could arrest me. Belgium would not cooperate with them, Canada wouldn't cooperate with them because they needed a smoking gun, but Dakar was a very good choice. They waited and I stayed 12 hours in Belgium and nobody bothered me. When I got to Dakar they arrested me in the name of law. They took me to a police station and they said, "We have very heavy information against you, the millennium plot." I was saying no, it's not so. I just denied it. But the Americans were not impressed at all with the results of the interrogation. To be truthful, I was not very truthful with Senegal's interrogators but not with the thing they were asking me about. They asked if I was trained in jihad and I told them no, which was not correct. I just did not want to give them more evidence to get myself burned. I was in a foreign country of Senegal and I wanted to be turned over to the United States right away because I knew at some point the United States would know that I didn't do it and they would release me. In Senegal they might torture me and I don't like to be tortured. Senegal didn't really torture me because there was not any really substantial evidence. After five days, Senegal said they could not keep me. They said either give us proof or we will release him, but the American government worked it out so I could be sent back to Mauritania and I was scared. Okay to make a long story short, Mauritania thoroughly investigated my case. I was forthcoming and I said to just be honest because it is no big deal in Arabic countries to go fight jihad and come back. It is no big deal like in Saudi Arabia,

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for American and Europeans it is a very big thing. If you fight jihad they think you are going to kill people. But in my country I told yes, I was in jihad and I swore bayat to Bin Laden and everything but that was a very long time ago. They understood and they said they have no problem. But I said don't tell the Americans and they said they wouldn't but they lied and told the Americans everything. Then the American FBI came, three guys [redacted] and another guy from the Department of Justice (DOJ), I forgot his name. They interrogated me they wanted to hear me instead of reading the report. They came on the 5th and 6th of February 2000 and they interrogated me. As to my story about the millennium plot, it was easy because I didn't have nothing to do with it I was forthcoming. As for my story about going jihad in Afghanistan, I was not as forthcoming because I didn't feel I needed to be forthcoming with them because I owe them nothing. Why should I talk to these guys? I didn't bomb you; I didn't come to the United States. Why do you come to me and ask me questions? That is what I was thinking on the inside but I couldn't say it because I must be conscious of everything because they were going to beat my ass if I didn't answer the FBI. I know that, but the FBI did not tell the Mauritians that I was not as forthcoming with them as I was with Mauritania. But anyway they could get the information but they wanted to read it themselves, which is good. But I didn't want to give them the information because I was distraught because they put me under things that I didn't deserve. The guy left on February 17th. I was released on February 18th, the Mauritians said "We don't need you go away. We have no interest whatsoever in you." I asked them what about the Americans? They said "The Americans keep saying you are a link but they didn't give us any proof so what should we do?" I told my wife that I should go to Germany because I have never experienced as much peace as I have experienced in Germany. I told her lets go back to Germany and try it. They told me no Visa and I said I am refugee and it takes about twenty years to decide about your case. Many people come as a refugee and they refuse them then they appeal everything and it takes a long time and you can take your case to the Supreme Court in Germany. It is a part of the German constitution. Do you understand your honor? Okay, so far so good. I asked for a European Visa and you can go to any European Country. Why did I get this Visa? It's because I didn't want to go to the Germans because they know me. They said the Americans are behind you and we don't want any trouble with America and we will not give you a Visa because they are friends. So, I went to Spain and they gave me a Visa and I used the Visa to go where? Germany! Soon as I landed in Germany they put chains on me and took me to jail. They said they were arresting me for fraud, which was correct. I did the fraud it was about 4000 [Deutsch] Marks, but the problem was that I took money for unemployed people, while I was designing my own company. It is not allowed and I didn't know but that was no excuse. If you break the law and you don't know it, that's your problem. There is no excuse not to know the law in Germany.

Presiding Officer: You took unemployment money while you were starting your own business?

Detainee: Exactly.

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Presiding Officer: Gotchal

Detainee: I told that I have not started the [business] yet but they said no, that's not an excuse. You can get money but not under the title "Unemployed" maybe under another title. I said "that is not a good reason to put me in jail." It is because you have no address in Germany, you could potentially run away from the law. If I had an address I would have spent three weeks in jail because fraud like this is not a major crime. Anyway they kept me three weeks and they sentenced me to six months probation during three years and that was April 2000. In May, around mid May, I said, "Man no country is accepting me". Because Germany asked me about the fraud and they said if you give the information we can work together. I said, "Man I don't know anything." Then they just leave me peace. Then I said to my wife I am going back to Mauritania if I am going to be roasted then I am going to be roasted in my own freaking country. Then I went back to Mauritania and the Americans told them that this guy should be stopped. The Mauritanian asked me to come to them. I went to the police and they took my passport and said "you can not go." I said, "good!" Then a friend of mine found me some work with his employer, National Medical to work as their Internet provider. I had a good time, it was work I like and they paid me well. I had a good life, but it sucked that I didn't have the freedom to travel but hey I have to cope with it, so far so good. September 11th 2001, the United States got attacked and people are looking for leads. The police called me on September 29th about 2300 hours in the night.

Presiding Officer: So September 11th 2001 you were in which country?

Detainee: In my country.

Presiding Officer: In your country?

Detainee: Yes, they were the ones who took my passport away and forbid me to travel. In a way it was good because no one could blame anything on me for that time being. Okay, September 11th happened. Then on September 29th 2001, the Mauritanian Intelligence called me at 11pm, okay! Understood! They said, "We need you. Where are you?" because I was on my cell phone. I told them not to worry about where I am, where are you? I will come to you. I drove my car [to] them, [they] told me to stop and they put a driver in my car. Then I drove with the interrogator. They said the Americans told us to arrest you man. I just want to mention here that I wrote a book while in jail here recently about my whole story okay. I sent it for release in District [of] Columbia and when it is released I advise you guys to read it. A little advertisement, it is a very interesting book, I think. The Mauritanians arrested me and the FBI or whatever they are. They are American they may be anything, but one is named [redacted] a German descendant with a bad accent. He spoke German adequately but not very good. And [redacted] American he didn't speak any German. The other guy was interpreting for him because I didn't speak any English, I learned my English in this camp. They interrogated me on October 13th and [redacted] was a very violent guy and he threatened me with torture. He struck me with a bottle of water that is about 2 liters. He was very silly

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because he said he was going to bring in black people. I don't have problem with black people, half of my country is black people. He said "I am going to bring in some black mother fuckers" and this was my first time hearing these words, like what is a "mother fucker"? That is not appropriate language man. He was very silly; he told me he hated Jews also. I told him that's your problem man. I told him I have no problem with the Jews either man. Anyway, he said I know you are a part of the millennium plot. He brought me some intercepted conversation and which I explained to you. They were intercepting my phone and my mail. I explained it to him, because I was really scared and if you get scared everything you say will be garbage, and then he left. In October, the Mauritians released me. I went back to my life. I thought now I will have a problem with my employer because my employer would not take me back because I am suspected of terrorism and they said they would take care of this. In front of me while I was sitting [there] the highest intelligence guy in Mauritania called my employer and said that I was a good person we have no problem with [him] and we arrested him for a reason. We had to question him and we have questioned him and he is good to go, so you can take him back. The guy on the other side of the phone was scared as hell. He said he was going to take me [back] because he was scared of the government. He was very eager to take me back because he got called from the government. He said "you will come it's your company you can do whatever you want." They searched my office where I worked and took my hard disk. They also took my cellular phone. But I flushed the cell phone anyway because as soon as they told me I was arrested I hit a couple of buttons and flushed the whole phone.

Presiding Officer: Okay, so you cleared the system.

Detainee: I cleared the system completely. I tell you why; because I had in my phone something called PC Laden, which in German it means the PC Stored. Laden in German means store. I had that in my phone and I know the Americans would not believe that it is real store where I buy my supplies. Plus, I did not want them to bother my friends and other people, because maybe they would tap their phones, so I flushed the phone. They only have the hard disk to my computer.

Presiding Officer: So they have a phone but it is cleared with nothing on it and they probably could assume that you did that purposely.

Detainee: Nothing on it. Oh, yeah they can assume whatever they want to assume.

Presiding Officer: You see how that looks to me if I get that phone and there is nothing on it and he has cleaned this thing. So what of interest could have been on this thing that he was so worried about?

Detainee: Well, at least it's better to have them think that then to bother everybody I know.

Presiding Officer: Okay.

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Detainee: I don't care, so what are they going to say?

Presiding Officer: Right, right, because they can't prove anything.

Detainee: You can't prove anything, yeah. Well I tell you that I am being truthful with you but back then...

Presiding Officer: I appreciate that.

Detainee: Back then it was chaos, after September 11th everybody was just doing the wrong thing. Everybody wanted to get some place safe and everything else. Then it was September or November 20th the Mauritanian Intelligence called me at 10:00 again.

Presiding Officer: Three weeks later?

Detainee: Okay, I came back; I was a very good and obedient guy. Every time they called me I came.

Presiding Officer: Yes, you showed up every time they wanted you.

Detainee: Yeah, exactly I showed up every time. Then I told those guys, had I done something I would have ran for the hills. They said I was too smart and you want to show us that you are innocent. I said "obviously, I could not convince you of my innocence." I could have ran for the hills like other Mauritians they were smarter than I was, so they ran. They were in jihad and al Qaida and everything so they ran, waiting for the wave of heat fades away and then they can go back to their [regular] lives. But I didn't care for some reason, maybe I'm stupid, I don't know. I went to the police and said, "Why do you want me?" They said "please don't you worry it is just formalities and I was very sick and within eight days they turned me over to Jordan. Then man, what happened to me there is beyond description. This was a country I never knew man, I never knew Jordan. I said can you turn me over to the United States and they said no, the United States wants you to be turned over to Jordan. I said what do I have to do with Jordan, turn me over to America. They said they have no general law basis to turn me over to the United States. They wanted to find first the proof then they were going to turn me over to the United States because there were not facilities to send me to yet. Do you understand your honor?

Presiding Officer: Oh, yeah.

Detainee: Then they sent me to Jordan and well it is a long story but I will try to make it short. The Jordanians were investigating my part in the millennium plot. They told me, they are especially concerned about the millennium plot. The Jordanians have very bad reputation when it comes to treatment of detainees. Well and it is a fact that they understand this whole concept of terrorism much better than the average American interrogator, I can witness to that and they can really know who is who. Had they known who [whom] to really capture because if you capture everyone who has been in

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Afghanistan once you would have to capture so many people including Americans. Anyway they were very reluctant to torture me. It was not everyday torture, I would say maybe twice a week, a couple times, sometimes more. They were reluctant to torture me and that was my assessment. I had three interrogators, [REDACTED], [REDACTED] and his real name, his first name was [REDACTED], I spotted his name.

Presiding Officer: When you said you spotted his real name, on what?

Detainee: On paper, he was writing my answer and then I seen [saw] interrogators name in Arabic. I have been spotting much more Americans names as you follow me. And then another was [REDACTED] but my main interrogator was [REDACTED], whose first name is [REDACTED]. He was a very bright guy and he is young. He struck me twice in the face on different occasions and pushed me against concrete many times because I refused to talk to him. I told him "I am not talking to you. I have told you everything." I really was not as forthcoming with them as I had been with America because I hated them so much because they were doing a dirty job. It was not okay, well to me it was not okay, if it's okay to you then I don't care but anyway. He threatened me with a lot of torture and he took me to the one room where they tortured and there was this guy who was beaten so much he was crying, crying like a child. I said "why do you want to do this to me, I am talking, I am talking, just ask me and I will talk." He said "yeah this is going to happen to you too." I said "but I did not give you a reason." Then people were wakened and they started to beat him and he started to cry and it was so difficult to sleep. I thought it was a bodybuilding center and I asked the guard (they weren't supposed to talk to me but they talked to me anyway and tell me everything), they treated me like a human being. Anyway, I said you guys are training at 3:00 [am] they said, "yes, do you want to go to bodybuilding center?" I said "what?" and then they look and laughed at each other. Then the other guys who were in the bodybuilding center they were masked in black, everything was masked. Then the other guards said to them, "hey take him to the bodybuilding center." They said "yeah, if he wants too." They were joking. I realized it was not a bodybuilding center because I started to hear crying and moaning. It was so hard to sleep. I was so terrorized, even though I did not suffer that I am not going to lie to I am not going to lie to anybody in my life. They threaten me with it but they didn't do it. All they did was struck me at different times in the face and hit me against the concrete wall. I came out of it with good eyes. July 19th 2002, the Jordanians turned me over to the United States. America came and I was so happy because they gave me my clothes and said you were free and they were going to send me to Mauritania, but I found myself in another plane. They took my clothes off and I said this is an American technique not an Arabic one because Arabs don't usually take all of your clothes off. So they stripped me naked like my mom bore me, and they put new clothes on me. The guy moved his mask a little bit and I could see he was pale and that way I knew he was American. It was like I know my life is God's, I didn't want my family to see me in such a condition on T.V. because I know Americans are about T.V. media. I did not want them to take my picture. I was in chains, a very bad suit, I had lost so much weight in Jordan I was like a ghost and I did not want my family to see me in this situation, that was my worst fear in the world. Besides that I had to keep my water (could not go to the

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restroom) for eight hours straight. Because the Americans [had me put] on a diaper but psychologically I couldn't [urinate] in the diaper. I tried to convince myself that it was okay but I couldn't and I was exploding [on the inside]. I was getting poisoned. Then after five hours of flight and this was my thinking because I know America is very far, I thought maybe it is Germany and maybe they were turning me over to Germany. I was happy because [I] know Germany and I think that Europe is a lot more liberal than America, that's what I think and that's what I believe. I was happy I said "they can send me back to Germany, the hell with it" I just want to be! That's all I want. I thought they were going to ask me a few questions and then I would go to jail and I will be all right. They took me in a helicopter for ten minutes and then a truck. I heard language that I have never heard before, it was like Pilipino language, something that I have never heard. I said I am in the Philippines. I wondered what day it was because I forgot whether they were one day before us or one day after us because they took me at 8:00 from Jordan and the sun hit me. It was like it was night and now all of a sudden it is day. It turned out to be Bagram AFB. They took me into custody and it was okay. I felt good because I saw other detainees. They put me in isolation for one week but I felt blessed really because it has been a long time and I have never seen somebody who was in civilian uniform. All I have been seeing in my eight months were people in military uniforms in Jordan, it is not right. I see civilians, I see detainees who suffered like I did and I was so happy. I was not really tortured in Bagram, one soldier grabbed me with chains and he dragged me over concrete stairs.

Presiding Officer: When you say soldier, what service and what country?

Detainee: He was an MP.

Presiding Officer: U.S., a U.S. soldier?

Detainee: Yes. I have no proof that the interrogator told him to do it. So my guess is he hates the detainees and he did it on his own.

Presiding Officer: So in Bagram a U.S. soldier dragged you so far?

Detainee: Yes, while taking me from the cell to the interrogation.

Presiding Officer: Why did he have to drag you, because you wouldn't walk?

Detainee: I think since I am in shackles I walked slower, and he didn't have time so he just dragged the hell out of me.

Presiding Officer: Okay, so you were going and you just were not going fast enough.

Detainee: That's what I think. I don't think that my interrogator told him to do it. I think he may have just had a bad day or maybe he was clumsy or something. That is my honest assessment. I didn't tell my interrogators about this because I didn't want my interrogator to know that something like that could be done to me.

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Presiding Officer: Is this the first time that you are saying this or has it been reported before?

Detainee: I never reported it.

Presiding Officer: You never brought this up before?

Detainee: Never, because I was afraid and at the CSRT they told me to tell them about this and I said no comment. The other guy who was a Japanese American and they called him "William the Torturer" in Bagram. He played with me a little bit. He made me sit on my knees for very long hours and I have very bad back pain, its called Sciatic Nerve and he worked on my Sciatic Nerve giving me a lot of pain during the interrogation. The definition of torture if I can categorize this was not it really but then he said to me "I am going to kick your ass." What does it mean to kick your ass, that's what I asked the interrogator. It didn't really make sense to me because I know kick and I know the other part but I didn't know these words together. I learn language [quickly] and pick it up. He said it to me in Arabic but it did not make sense in Arabic either. It does not make sense in Arabic.

OL-21: We don't say it in Arabic.

Presiding Officer: Okay, we understand that now.

Detainee: Anyway, August 4th 2002, I was assigned ISN 760 and transferred to GTMO Cuba. I was very happy because it was American territory and Afghanistan was a place of war and people could be subject to a lot of pain and stuff like that. I thought this place was more controlled and watched by the Americans. I believed that a vast majority of Americans did not believe in torture and I did not want to be tortured. That's all I wanted, I could stay in jail. People stay in jail for many reasons and for no reason but I don't like to be tortured. I was [just] any Detainee here, a nobody. Interrogation, I thought this is America not Jordan and they are not going to beat you. [REDACTED] the FBI guy said "we don't beat people, we don't torture it's not allowed." I was every once in awhile taken to interrogation, okay so far so good. I was just happy with the community and I am getting food and maybe I am seen as a hero or something, I don't know. Not everybody sees GTMO detainees as evil people. In other countries they believe the Americans exaggerate sometimes. September 11th 2002, America arrested a man by the name of, Ramzi bin Al Sheeb, who is said to be the key guy in the September 11th attacks.

Presiding Officer: What is the name again?

Detainee: Ramzi bin Al Sheeb. It is exactly one year after September 11th [2001] and since his capture my life has changed drastically. The guy has reportedly identified me as the guy that he saw in October 1999, which is correct he was in my house. He said that I advised him to go to Afghanistan to train. Okay, then his interrogator [REDACTED] from the FBI asked him to speculate who I was as a person. He said I think he is an operative

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of Usama bin Laden and without him I would have never been involved in September 11th. That was a big accusation. The interrogator could have lied because they lie all the time but that is what they said. They asked me do you know him, but I was lying. I have seen him he has been in my house but I don't know his name, but I do know he is Yemeni. [And] I did not know what he did before or what he was going to do.

Presiding Officer: Why was he in your house?

Detainee: He was visiting a friend of mine and that friend was at work as far as I can remember. He gave me a call and asked if I could pick up a couple of guys who were visiting him. They want to spend the night so I can visit with them tomorrow and I allowed them to spend the night with me. The guy came to my house in October 1999, and he is correct about this but he said that I encouraged him to go to Afghanistan. When he got to Afghanistan he joined al Qaeda. The FBI and DoD speculated that I have dragged him over the table that I have conspired. I sent him to Afghanistan, called Usama bin Laden on the phone and said a guy is going to come there, recruit him make him pledged. No, they made a lot of assumptions about this meeting. The FBI guy told me that they think I am an operative of Usama bin Laden so that is the assumption the FBI and the DoD. As it turns out later, much later, the guy was a recruit for September 11th in 1998 and he recruited other people and he had seen me in 1999. Then the FBI said his statement cannot be correct. He was already in Afghanistan and he was recruited already. He knew in 1998 that he was going to hit some building with a plane but maybe he didn't know what building.

Presiding Officer: When did he know that?

Detainee: [In] 1998, refer to the documentary, Hamburg Cell, BBC, which reconstructs the September 11th attacks. Also, what worsened my situation is that I denied never seeing him. I am the guy who did it. Now I have millennium plot on this hand [and also] now September 11th both, it is not easy. Then the FBI at GTMO Bay during the time era of General Miller, they released a list of the highest priority detainees here at GTMO Bay. It was a list of 15 people and I was, guess which number, number ONE. Then they sent a special FBI team and the leader was [REDACTED] and I worked with him especially for my case. He said "you fucked up" and I was insulted because in Arabic that is a very bad word. That's like saying I have been raped or a homosexual or something. I asked why did he say that and he said because you are in a very bad situation. I did not believe him because the problem is interrogators lie and if a group of people lie, it is hard to tell who is telling the truth. But he was telling the truth on many aspects. I thought he was a truthful guy. I thought he was a decent guy. Since they are interrogators I guess it was a part of their job to lie. I thought he was just making fun of me when he said I was number ONE in the camp, but he was not lying he was telling the truth as future events would prove. He stayed with me until May 22, 2003.

Presiding Officer: He stayed with you meaning he came back and interrogated you off and on?

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Detainee: No, he stayed on this island and interrogated me on a daily basis until May 22, 2003.

Presiding Officer: Okay. Now I understand you.

Detainee: His command, his boss told him I was involved in the millennium plot and I told him I had nothing to do with the millennium plot. They gave him a lot of allegations with a lot of suspicious answers. He wanted me to give him something and I wouldn't give him anything because I didn't really do it, I didn't kill anybody, I did not hijack anyone, but I did see this dude Ramiz bin al Rasheeb. I didn't know his name but I didn't tell him that I just said I have never seen him. He said how did you know? Then I took a polygraph and Rasheeb refused to take a polygraph for many reasons. It turns out he is very contradictory and he lies. They said that to me themselves. They said my creditability is high because I took the polygraph. This guy was also subjected to torture because I do my own investigations too.

Presiding Officer: Ramiz was?

Detainee: Yes, I asked the Yemenis, man Ramiz Rasheeb said I sent him to Afghanistan. I knew him I seen him but I didn't send him, why did he say so. They said man you believe everything that they tell you (this was a Yemeni guy who was captured with Ramiz). He said, "The interrogators lie" and I said "no, they don't lie" I have seen him but I did not send him to Afghanistan. They said you forgot about something, that Ramiz was tortured. We would hear his cries every night, we would hear his moans every night. Anyway that is none of my business. FBI said that I was playing games with them. Then on 22 May 2003, [REDACTED], he said this was our last session, he told me that I was not going to enjoy the time to come. I am advising you to just tell the truth. I told him I don't care and he said goodbye, good friend. A couple of days later the new interrogators lead by a female interrogator name [REDACTED], they called her [REDACTED] a very beautiful lady and decent lady, came to me as a task force it was [REDACTED] from the FBI and another weird guy, I think he was CIA or something but he was very young. They said we will give you an opportunity to tell the truth or we will leave you in jail forever. I said, "Whatever you want to do, do it." "Why did you put me in jail what did I do?" We have proof and you just got to tell us. I said, "I haven't done anything, I told you everything. I am tired." [REDACTED] and an Army guy, [REDACTED], that's his real name, I found out his real name. Someone accidentally called him name and I remember he was the First Sgt. I don't hate him but he was very hateful guy. Anyway she assigned him to me [REDACTED] assigned the First Sgt to the Detainee). A couple of days later, [REDACTED], I don't know if that was her real name but I heard them call her that. It was [REDACTED] who was in charge. They assigned me another guy named [REDACTED] or [REDACTED] he was a special guy and we would never see his face.

Presiding Officer: When you said covered, I am not sure what you mean?

Detainee: You know like in Saudi Arabia, how the women are covered.

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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, OJ 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 decent 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 them out of protest. How could you give me painkillers? 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 Scatic 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.

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did not like the treatment the Detainee was receiving and started to sympathize with him. According to the Detainee, [REDACTED] was crying and telling [REDACTED] and [REDACTED] to stop beating him. The Detainee wanted to show the Board his scars and location of injuries, but the board declined the viewing. The Board agrees that this a fair recap of the distorted portion of the tape.

Presiding Officer: We are going to go back to where you left off but my question to you is has any of this abuse been brought up prior to this or is this the first time now? How about the people in the Camp, you said General Hood is aware of this?

Detainee: I think that General Hood is aware of this because of my interrogator [REDACTED]

Presiding Officer: If not he will be tomorrow because we will bring it up. Okay, could you take us from [before the 24th] because I got the August 2003 stuff between there, so if you could go to August 24th because you said that was a big day. Take us from there to this secret place so that we can move on a little bit.

Detainee: Okay, exactly. I was taken by those two guys and the trip took about an hour, it was in a boat. Then they took me to a place and I was moaning and I recognized a voice and he was talking to two Arab guys, one claiming to be Egyptian and one claiming to be Jordanian. He was telling them how grateful he is that they are helping him. They told him in Arabic that they were there to torture me and they could not take me to Jordan or Egypt or something like that. Then they were telling him look into this. Then they gave me to the Arabic team and they took me to a place for about an hour and they took me to a place I don't know. They were hitting me all over (Detainee demonstrated the blows). They put ice in my shirt until it would melt. Then I arrived at that place and they gave me back to [REDACTED] when I arrived at the place and I was there and they brought in a doctor, who was not a regular doctor he was a part of the team. He was cursing me and telling me very bad things. He gave me a lot of medication to make me sleep and I had special guards with mask so I couldn't see anybody. For like two or three weeks I was unconscious and after that I decided it is not worth it. Because they said to me either I am going to talk or they will continue to do this. I said I am going to tell them everything they wanted. I told them while I was in Canada, I was planning for a terrorist attack but I couldn't get it straight with Rassam because he was not talking back then and he was cooperating completely with the FBI, and of course he said he didn't know me because *he didn't* know me. But I told them I was on my own trying to do things and they said write it down and I wrote it and I signed it. I brought a lot of people, innocent people with me because I got to make a story that makes sense. They thought my story was wrong so they put me on polygraph and I passed it. Then they wanted everything, they wanted me to tell them that I would tell them. I just wanted to get some peace. If nobody understands then they don't understand because I am the one who suffered with no food, the guards beat me, and it was a very bad place. Then they started, the interrogators, with the leaders started giving me a better life. He never brought up what they did to me but he didn't feel what I felt. But he was a good guy to me. He even

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brought me a T.V and a lot of comfort items. Since 2004, I really have no complaints and everything was good. I admitted to what they wanted and they found out what was right and not right because I challenged them admitting to things in which they have to go to people. I did not know that was a big challenge for them to get what they wanted. Then it was all right every since General Hood came here he makes sure personally that nothing is going to happen to me because I was so afraid. I was afraid of everything. Even when the CSRT wanted me to share with [them] I refused it because I was afraid of them. And that is my story and thank you very much for hearing this long and boring story.

Presiding Officer: Your CSRT was when?

Detainee: 08 December 2004, something like that.

Board Member: Notification was done on the 22 February 2005 so time wise that makes sense.

Presiding Officer: Yes, I know I was here when they took place.

Detainee: Yes, the Colonel was a black Air Force Colonel.

Presiding Officer: Yes, I'll have to look because I do know who it was. Thank you. Does that conclude your statement?

Detainee: Yes, I just want to emphasize that my treatment is almost perfect. I have no complaints about it.

Presiding Officer: Since August 2000?

Detainee: Since 2004, but I don't want to [go] into details.

Board Member: Thank You.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

Presiding Officer: Thank You!

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Presiding Officer: Do any of the Administrative Review Board Members have any questions for the Detainee? If not I have just a couple.

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Board Member: I don't have any sir.

Presiding Officer: In J.d.1, where you responded "to die as a martyr is correct, to this day he still wants to die as a martyr but he does not want to kill any innocent people including Americans". That was your answer. Then my question to you sir is how do you fulfill being a martyr without killing innocent people?

Detainee: I was expecting this question. In the Arabic world Shahid does not reflect the English word martyr. Martyr is supposed to translate to Shahid but it does not really, there are lots of types of Shahid. For instance, if you die defending your family, you are Shahid; if you die defending your goods, then you are Shahid; if you die defending your country against invaders then you are Shahid; if you die in a very painful way like drowning or even stomach ache, then you are Shahid too. If you suffer more than normal then you are Shahid too. The ultimate goal of every Muslim is to die as Shahid.

Presiding Officer: Or Martyr?

Detainee: Quote unquote "Martyr". Because it is the shortest way to heaven, so we Muslim believe that we all pass through sometime in purgatory but Shahid don't spend this time in purgatory. Everybody sins, so every Muslim wants to die Shahid, maybe of diarrhea or something. I don't want to kill nobody, I don't want to make anybody a Shahid, I just want to make myself Shahid.

Presiding Officer: Okay, I appreciate you clearing that up.

Detainee: My pleasure.

Presiding Officer: That clears that up for me. Anything else?

Board Member: No, sir.

Board Member: If you were released to Canada, what would you do?

Detainee: Man just give me a couple of million dollars and just let me go on my own and I will just be fine. I have been kept out of the world for more than four years and I really don't know what is going on outside. I wish I could have a family a peaceful life without anybody trying to pin anything on me and some kind of money to make me comfortable, to make me serve God, have a house and take care of my big family. That is what I have been doing and most likely what I will do if the opportunity arises. Nonetheless, I need some assistance because to integrate myself back into society. Look at it for example, if I go now to look for a job somewhere I will have to write or they are going to ask me, who is your previous employer and I am going to write JTF-GTMO. I was a terror suspect and the guy will tell me are you crazy! Get out of my sight before I call the police. It is understand, why should anybody take a chance like that. I wouldn't take a chance like that, so I definitely understand. I think just to let any Detainee out without giving some rehab or some help getting his way back into society, what they call reintegration, is bad.

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Presiding Officer: No other questions and if you don't have nothing further to present.

Assisting Military Officer: Sir, may I interrupt for a second he wants to ask you something.

Presiding Officer: Sure.

Assisting Military Officer: He wants to know if it is bad that you are not asking a lot of questions.

Presiding Officer: Well you covered an awful lot of stuff. Although we may not have questions for you, you answered the Unclassified Summary of Evidence almost all the questions. I can't see what this member has but I know this member next to me has lots of notes.

Board Member: He can see my notes.

Presiding Officer: He has a lot of scribbling. And I think through the course of the past couple of hour, you may have answered a lot of things we would have asked. In every board when a Detainee comes we always ask him what he is going to do if and when released so we can have an idea of what he is going back to. Now you obviously have a trade, Telecommunications, radio.

Detainee: Micro-Internet.

Presiding Officer: So you will be able to put yourself to work. Yes, you will have to explain those four years where you weren't employed.

Detainee: Yeah, a translator.

Board Member: You would be a very good English translator for being self-taught.

Detainee: Thank you.

Presiding Officer: If you learned all that English here, you have done well. I think again that your answers in response that you were in contact with Usama bin Laden's key operative, you gave an answer for that and I am not sure that we really need to try to interrogate you on it. You cleared up the one date I was concerned about, in April 2000, you did a couple of things and you cleared that up when you said it was May and not April. It is not an indicator if we don't have a lot of questions for you. If you would not have given us anything, we would have quizzed you on each one of these [items]. But since you provided reasonable answers...that's why I have to look at my notes because I write stuff as we go through and... You talked about this Ashra Al-Nahass as being a close and good friend but that you did not help him. You answered some of the questions we may have generated had you not talked to us. You explained there is some

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information that I looked at that mentioned you may have facilitated laundered money three times. You said you did it twice by transferring some money for your cousin.

Detainee: You are right.

Presiding Officer: But you refused a third time. So I mean that may be in one of the interrogations somebody may have said you did it three times. Now you are admitting to two of the three and trying to explain what it was as far as laundering and not necessarily a misinterpretation there. Your explanation was very reasonable.

Detainee: Thank you very much.

Presiding Officer: More importantly you answered my question about the martyr.

Detainee: I was expecting that.

Presiding Officer: Because that threw me when you were saying yes and agreeing to that.

Board Member: It was very informative.

Detainee: Thank you very much.

Presiding Officer: So, I wouldn't be concerned that we don't have a whole lot of questions.

Detainee: Thank you very much sir. I have two questions.

Presiding Officer: Go ahead.

Detainee: The last part of the Unclassified Summary it talked about "that favor my release", what is that?

Presiding Officer: The following primary factors that favor release or transfer.

Detainee: Yes, yes. I want to tell you maybe you will hear it in the classified session but I have no problem saying it in the unclassified session. I have been nothing but truthful, honest and forthcoming with your government. Should you have not heard it you have heard it from me. I call U.S. Intelligence as a witness, your government as a witness because they would not witness otherwise. I just missed it here and maybe it's okay. I think honesty and truthfulness are parts of my religion.

Presiding Officer: If when I go through the classified summary and I find that statement in one of those documents we will make sure we include it in our report. Right now this is what is available to you and I may see it somewhere else. If it is I tell you today that I will make sure it is in my report, your truthfulness.

Detainee: The second question is, when will I have an answer?

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Presiding Officer: See now you are making it tough on me. I can't give you a time or a date. Once we provide our recommendation to the Designated Civilian Official, which I am going to cover here in a minute, he makes a determination from our recommendation and he may agree with us or he may decide against us. As to when he will notify you that decision has not been made yet. We did get some word within the last couple of days that decisions may be passed out but the exact day when they are going to do that I couldn't tell you.

Detainee: Do I have access to your decision or to the final decision?

Presiding Officer: Our decision no! Our decision is just between us and the Designated Civilian Official. Then his decision or what he decides from what we recommend, he will at some point in time make that available to you. I just don't know if it is going to be in a month or in two or three months, I am not sure. Because you may or may not know but other Detainees have asked that question and I don't know to this date that they have been told. But we have as a board, each of the boards have been trying to get that rectified so that whether we are going to detain you or transfer you, it would be nice for you to know.

Detainee: Right.

Presiding Officer: We are pushing for that answer to get to you as well. I think sooner than later, that word will be getting passed. I just don't know exactly when.

Detainee: That's amazing. I wish if you could pass the hearing to my lawyer in Washington, [D.C.] if it's possible I don't know.

Presiding Officer: He will be able to request whatever lawyers can request. I don't know how much of this he is going to be [allowed] to [have] depending on his clearance, if he requests the information he will be able to see certain things.

Detainee: Do you know if your lawyer has provided anything to our headquarters in your defense? Do you even know?

Detainee: No, they told me that they are not allowed to interfere.

Presiding Officer: No, they are not allowed to interfere but he may be able to get access to reports but I don't know what.

Detainee: I know for sure in CSRT they got both classified and unclassified.

Presiding Officer: So if he has gotten the classified and unclassified, then he will know what to do to look at the material we looked at. He may have already looked at it and I just don't know that. But as far as our decision goes and it being given to him, we won't be doing it he will have to go through whatever channels he goes through. You may know before he does.

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Detainee: Yeah, I think so too. I am not really upset but just amazing that my life is going to be at the hands of one person called the Designated Civilian.

Presiding Officer: I am going to get to that let me get to it.

Detainee: Okay.

The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.


Colonel, U.S. Marine Corps
Presiding Officer

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**CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY
COMBATANT**

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Exhibit #	Date	Classification	Guantanamo#/ICRC Letter #
EC-C1	12/15/2004	UNCLASSIFIED	NONE
EC-C2	11/27/2004	UNCLASSIFIED	NONE

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EC-C
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Exhibit 24

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33. The joy did not last, however, for Mauritanian Intelligence called me once again on November [REDACTED], 2001, and asked me to come to the Intelligence Bureau, which I did. November [REDACTED], 2001, is the last time I saw my mother and my family.

Rendition to Jordan for Interrogation

34. I stayed in jail in Mauritania for approximately one week. During that time, Mauritanian Intelligence did not question or interrogate me. Eventually, [REDACTED] told me I was going to be turned over to Jordan. I was shocked and I asked him, "Why? What do I have to do with Jordan? I hardly ever heard of Jordan?" [REDACTED] said it was not his decision and that the Americans had told the Mauritanian government to send me there. I asked him why the Mauritanian government was not protecting me. He said that the Americans would hurt my country if the Mauritanian government did not follow strictly their instructions.

35. Thus, on November [REDACTED], 2001, I was sent to Jordan. I was imprisoned and interrogated there for eight months.

36. When I arrived at the prison in Jordan, the guards "processed" me and threw me in an isolated cell. During the eight months I spent in Jordan, I was always in isolation.

37. The prison was horrible. When they moved me around I was always blindfolded, as I was during the first interrogation. I was never allowed to write my family, who probably went crazy, not knowing what was happening to me. I was never allowed to see the representatives of the International Committee of the Red Cross (ICRC), who were visiting the prison every two weeks.

38. Jordanian interrogators threatened me with all kinds of torture, and sometimes hit me in my face when I refused to talk to them. But the thing that hurt and scared me the

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most was the sound of the other men who were tortured all night long. I could never sleep quietly. I was so terrorized with nightmares. The interrogators kept letting me hear the other men crying and told me that I would go through the same procedure, should I deny my relation with terrorist operations.

Rendition to Afghanistan

41. On July [REDACTED], 2002, I was taken from the Jordanian prison and flown to an American military base in Bagram, Afghanistan.
42. On that afternoon, the prison guards gave me my regular clothes and asked me to change. I thought I was being released after eight months of brutal isolation. My emotions were so mixed that I started to cry like a child.
43. The guards blindfolded me, put earplugs in my ears, and shackled me before placing me in a truck. After about forty minutes, the truck stopped and I could hear the sound of engines whining through the earplugs. After about an hour of waiting, I felt that the guards left the truck and other guards replaced them.
44. The new guards stripped off my clothing. I was in shock. I did not understand why they took off my clothing. After I had been stripped naked except for my head cover, I knew that something was going wrong, but I refused to give up my hope that I was heading home. Then, the new guards put a diaper around me, which made me know that the trip was going to be long.

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45. I was then taken to a plane and laid on a bench and chained to it. My eyes and ears were covered and my hands and feet were shackled throughout the flight.

46. When we arrived at what I later learned was Bagram Air Force Base in Afghanistan, guards led me to a room and again stripped me naked. This time they removed my head coverings. I was surrounded by American soldiers. I was kind of relieved for I believed no matter how negative the Americans might be towards Muslims and Arabs, they are democratic and do not believe in torture. As I discuss later, I was wrong.

47. After a quick medical examination, I was dressed in Afghani clothes and taken blindfolded into an interrogation room. I was surrounded by soldiers who yelled questions at me. Through their questions, I learned a great deal about the American offensive against al Qaeda and the Taliban during the time I was imprisoned in Jordan. This was the first time I was given information that I would later repeat to other interrogators under torture.

48. While at Bagram, I was mistreated and threatened by guards and interrogators. For example, on the way to an interrogation the guard who was transporting me dragged me over some concrete steps while I was blindfolded and my hands and feet were chained. It hurt me so much I almost cried. Once in the interrogation room, my interrogators, who I knew [REDACTED] were waiting for me. [REDACTED] asked some questions and after I failed to say what he wanted to hear, he covered my head, put me on my knees, and shackled my hands behind my neck. He shouted at me and threatened me with all kinds of torture, including allowing other detainees to rape me. [REDACTED] knew from my medical records that I suffered from sciatica and he used

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that weak point to hurt me the most. If I remember correctly, the punishment lasted for about two hours, after which I was released and [REDACTED] promised real torture the next day.

49. Fortunately, [REDACTED] did not keep his promise. My other interrogator, [REDACTED], later told me he was the one who stopped [REDACTED] from torturing me. I was very thankful.

Rendition to Guantanamo Bay, Cuba

50. On approximately August [REDACTED] 2002, the United States Government flew me from Bagram to Guantanamo Bay, Cuba (Guantanamo). I had never suffered as much pain as I did during that trip. It was just beyond belief. I was beaten, I was verbally humiliated, and I hardly could breathe because of the mask they put over my face.

51. I arrived at Guantanamo on August [REDACTED] 2002. We arrived in the morning and the authorities began "processing" us. I was the last in the row. My "processing" was done between 9 pm and 10 pm. After that I was taken to the interrogation booth. I was so worn out because of lack of food and rest that I lost feeling. The guards handled me like a package.

52. From August 2002 through May 2003, I was interrogated by various FBI agents. They questioned me primarily about the Millennium plot and my relationship with Ramzi bin al Shibh, which I discuss in more detail below.

53. During this time, the agents questioning me did not torture or threaten to torture me. However, around mid-September 2002, I was interrogated by a man I knew as [REDACTED]. He told me that the United States Government would not be endlessly patient with the Guantanamo detainees, and that the Congress was discussing a bill to allow

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torture in Guantanamo. Up until that point I had believed that the Americans did not believe in torture. However, after [REDACTED] told me about the proposed bill I became concerned that I would be tortured.

54. In addition, in January 2003, an interrogator I knew as [REDACTED] who I believe was from the NYPD, told me that the American military was planning to kidnap me and put me in a very bad place, which I understood to mean a place where I would be tortured.

55. In May 2003, [REDACTED] told me that his boss did not want him to "waste" any more time with me and that I was to be turned over to the Department of Defense (DoD) for questioning. He told me that I would not be invited to "tea and snacks." I understood this to mean I would be abused or tortured.

56. I met the first of my new interrogators a few days later. These interrogators were involved in the mistreatment and torture I would later suffer.

Torture and Mistreatment at Guantanamo

57. The interrogators and guards never permitted me to know the date or the time. At times, this was very disorienting to me. Although I was able to estimate the dates on which certain events happened, I cannot be certain. Thus, many of the dates I provide in this declaration are approximations only.

58. Around mid-June 2003, I was put in total isolation in [REDACTED]. I was deprived of all my comfort items—including my Qu'ran—except for a thin mattress and worn-out blanket. My cell was deliberately made as cold as a freezer. I grew very anxious.

59. After I was put in isolation, my interrogators began treating me more harshly. During this time, the interrogators included [REDACTED] (whose last name I do not know), and "Mr. X," who wore a mask during all interrogations.

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60. During my first session with [REDACTED] pulled the chair from beneath me and let me fall on the floor. She said, "You don't deserve a chair, you gonna be interrogated on the floor from now on." The day went on, and the humiliation did not seem to have an end. That day I was not offered a meal. [REDACTED] ate in front of me and [REDACTED] talked about how tasty her food was. In the meantime, I was forced to stand up. I was in a lot of pain for my hands were shackled to a ring on the floor and I could not stand up straight. I had to stay bent all the time. [REDACTED] left the room and [REDACTED] took her top off and said that if I did not talk, she was going to rape me. [REDACTED] touched me with her sexual parts all over and said dirty things to me. She also threatened future sexual assaults against me and told me that it was not against the law for her to have sex with a detainee. As [REDACTED] had threatened, this sexual abuse was repeated in the future. This treatment was very humiliating to me and I cannot bear to discuss it further.

61. The first night I met "Mr. X," he appeared to interrogate me around 10 p.m. He threw me on the cold floor, in a cold dark room. He put on very loud music—the song "Let the Body Hit the Floor"—and checked on me every once in a while to prevent me from sleeping. The next morning (I don't know when) Mr. X sent me back to my cell. I did not get any rest before the morning shift pulled me to interrogation.

62. It was very rare that the interrogators gave me a rest during this period. The team deprived me of sleep for about seventy days. When I wasn't being interrogated, the guards would bang on my cell to keep me from sleeping. I almost went crazy.

63. The interrogators questioned me in three shifts. During the morning shift I was interrogated by [REDACTED]. He pulled me out of my cell between 7, 8 or 9 a.m. and

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interrogated me until 3 pm. He repeatedly threatened me, saying such things as "We gonna put you in jail forever," and "We gonna put you in a very bad place." And some times he would ask me questions. If I did not give him the answers he wanted, he turned down the temperature very low in the room and, with the help of the guards, forced me to stay standing up. After that he would leave the room. After awhile, he would come back into the room and continue interrogating me. At that point, my back hurt so much I would answer any question he asked. [REDACTED] told me that I could save myself if I incriminated other people.

64. The day shift started between 4 and 5 p.m. and lasted until 10 or 11 p.m. Most of the time [REDACTED] interrogated me during the day shift, although another [REDACTED] occasionally did as well. [REDACTED] questions focused on allegations that related to the Millennium plot and Ramzi bin al Shibh. Like [REDACTED] would turn down the temperature in the room until it was very, very cold and force me to stand up for long periods of time. One day, she brought with her a Marine who soaked me with ice cold water. The two then left me in the cold room until they changed the shift. Mr. X did not give me a break either. The very same night he made me stand up all night long and listen to the American hymn ("Oh say can you see . . .") again and again.

65. The night shift with Mr. X began between 10 and 11 p.m. and lasted until 4 or 5 a.m. As I mentioned above, Mr. X was always masked so I could not see his face. Mr. X usually put me in the freezing room the whole night, which was unbearable, especially for human beings, such as me, who come from a warm country. The interrogators tried to drive the temperature as low as they could, but for some design reason, the air conditioning could not make less than 49-50 degrees Fahrenheit. I was watching the

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display because I knew that one day I would report what was done to me, and I wanted to report accurately. One night, Mr. X brought in a female and a male guard, and the three stripped me naked, without any reason. Mr. X took my shorts and put my pants back. He turned me toward the wall and turned the temperature as low as he could and left me suffering. To be just, Mr. X did not abuse me every night. When I cooperated with him, he gave me a less cold temperature and gave me water, but that rarely happened.

66. Throughout this time, I was forbidden from having a Qu'ran and Mr. X forbade me from praying out loud or from reciting the Qu'ran, which I have memorized. I am an observant Muslim and my religion requires me to pray five times a day. Three of those prayers must be said out loud. [REDACTED] occasionally let me pray, but she made fun of me when I did. Thus, I had to do everything in my heart.

67. For these four months, I was forbidden to eat hot meals. I was given cold meals—ready-to-eat (MREs) only, and my interrogators frequently removed items from those packages before giving them to me. I was sometimes deprived of meals altogether. I was not given enough food during this time and lost weight.

68. During the day shift, [REDACTED] sometimes forbade me from using the bathroom unless I begged for it. Even then, [REDACTED] told me to pee in my pants. During that time, I never had time to take a shower because I always was in the interrogation booth. Only when the interrogators judged me as "stinky" was I allowed to bathe. The interrogators would send me with the guards, who would push me into the shower and pour water on me. The guards would order me to throw them my old clothes, and would give me a new uniform. I was so devastated, because if one does stink one doesn't know.

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69. During August 2003, all the interrogators spoke about kidnapping me to a place where they would have full freedom to do whatever they wanted.

70. In the middle of August 2003, [REDACTED]—who was the leader of the interrogation team—had me brought to him for interrogation. [REDACTED] was accompanied by [REDACTED] and another interrogator. [REDACTED] introduced himself as [REDACTED] but I later learned his real name. [REDACTED] gave me a forged letter, supposedly from DoD stating:

Mohamedou Ould Slahi who is involved in:

- (1) Millennium Attack of December 1999
- (2) Recruiting September 11 hijackers

refused to cooperate. Therefore, the government has decided to arrest his mother in order to get the information Mr. Slahi refused to provide.

Signature, stamps

71. When [REDACTED] showed me the letter, he told me that my mother would be brought to Guantanamo and noted that she would be the only woman here among so many men. I was very worried that my family, particularly my mother, was going to be hurt.

72. On August [REDACTED], 2003, my treatment worsened. I had been taken to interrogation with [REDACTED] as usual around 4:30 pm. Suddenly, around 5:30 p.m., I heard loud shouting and barking dogs. The door to the interrogation room opened violently and three men stormed into the room: Mr. X, another masked soldier (who I believe was a man I called [REDACTED]), and a soldier holding the dog.

73. Mr. X came running and hit me hard on the face. I lost my equilibrium and fell face down on the floor. [REDACTED] joined him and they started to punch every inch of my body. [REDACTED] was shouting, "You're hurting the detainee, who sent you?" but nobody

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answered her. In the meantime I was [REDACTED] and taken to a truck that was waiting outside. [REDACTED]

74. I was thrown on to the metal floor of the truck. I started to pray but I was soon quieted through a hard punch on my mouth and my nose. One of the men warned me, "no praying." Blood gushed out of my nose and my mouth. I could taste it, and my lips swelled beyond belief.

75. The truck departed and two guards, who I believe to be Mr. X [REDACTED] got on either side of me and relentlessly punched me. The thing that hurt most was my ribs.

76. The truck stopped and I was dragged out and placed on a boat. The guards continued hitting me. When I lost consciousness, the guards sprayed my nose with ammonia. At one point, Mr. X made me drink salt water. I think that the boat trip lasted for about three-and-one-half hours.

77. When the boat finally stopped, I was taken out of it and thrown on the ground. I tried to find a comfortable position, but could not. My body was just so hurt that I could not stop moaning. Mr. X was making fun of my moaning.

78. [REDACTED] was there and he was talking loudly to two Arab men. They all spoke loudly enough that I could hear them through my ear plugs. One of the men claimed to be Egyptian, the other claimed to be a Jordanian. [REDACTED] addressed them, saying that he appreciated their cooperation. The Egyptian guy came near me and suggested that I be taken to Egypt, where I would confess without a problem. He then suggested that this was unnecessary since the United States already has torturers, such as him and his Jordanian colleague, who could take care of me. After about thirty minutes, [REDACTED] ordered the Arab men to take me. They lifted me roughly and led me to some

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steps, then took me back inside the boat. The boat took off, and the men put ice cubes between me and my clothes. When the ice melted, they repeated the same thing. They kept hitting me everywhere. [REDACTED] I could not anticipate the blows and thus was in constant fear. I was not asked any questions, nor was I told how I could stop the abuse. They just kept hitting me. I almost choked because of the lack of oxygen. The second half of the boat ride lasted approximately three-and-one-half hours.

79. Around 1 a.m., they threw me in a cell, in some new, secret place. I knew it was around 1 a.m. because I looked at the watch worn by the corpsman who examined me. The corpsman wore a mask while he examined me. During the examination, the corpsman insulted me and called me bad names, like "asshole." He gave me a whole bunch of tablets and wrapped a band around my ribs, which were very, very sore. For the next two to three weeks, the corpsman came regularly to treat me. However, I was almost unconscious and was not able to recognize my surroundings.

80. At this time, [REDACTED]
[REDACTED] I could not see [REDACTED]
[REDACTED]

with a concrete platform for my bed and a toilet. The inner cell was approximately six by eight feet. I was kept in that inner cell except during interrogations.

81. Approximately two weeks later, in September, 2003, [REDACTED] came and instructed the guards to pull me out of my cell. Behind the tarp, the [REDACTED] man was shouting, cursing, and asking [REDACTED] to let him in. [REDACTED] told me he was going to appoint some interrogators for me and told me I had to stop denying things I had done. I told him I was cooperating, but he did not care. After a short break [REDACTED] said, "I am sorry about

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compromising the principles upon which my country was based. You are going to tell us everything whether you like or not. You can choose a civilized or uncivilized way. However, I prefer the civilized way, but that is up to you.”

82. The next day, [REDACTED] and a female interrogator who earlier had sexually abused me with [REDACTED] came to interrogate me. [REDACTED] seemed happy with what had happened to me and threatened me with continued mistreatment if I did not cooperate. [REDACTED] also told me that my mother had been arrested. The female interrogator told me that the United States government had hired Egyptian and Israeli agents to torture me.

83. I was terrified. I had not yet recovered from the mistreatment I had suffered. I could stand up only for a very short time because my ribs and back hurt so badly. They were not interested in a specific topic or anything like that. They were asking me to provide the information on my own. At the end of the session [REDACTED] said, “I am going to write that you are full of shit.” When they left, I was pushed violently into my cell.

84. During this time, the guards did a number of things to terrorize me continually.

- They all wore masks so I could not see their faces.
- They allowed me only one minute to eat my food and threw away whatever I could not eat in that time.
- They kept me awake for twenty-four hours by forcing me to drink about one liter of water every one or two hours.
- They took me out of my cell, throwing my stuff outside, and forcing me to put everything back in one-half or one minute. Should I fail, the stuff would be thrown out.

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- They denied me access to the Qu'ran and prohibited me from praying.
- They forbade me from fasting during the holy month of Ramadan, which is a religious obligation. This occurred during October and November 2003.
- They prohibited me from seeing daylight.
- They forced me to perform physical exercises that hurt my back during the night.

85. Under these circumstances—including the isolation, the sleep deprivation and the pain I was suffering from my injuries (particularly the pain I felt in my ribs when I breathed), I almost went crazy. I started to hear my family talking and music playing as clear as crystal. I prayed in my heart to God. I tried to pray out loud, but the guards stopped me. They enforced the ban on prayer by threatening harsh punishments for violations, such as prohibiting me from using the toilet.

86. After suffering nearly two years of imprisonment away from my family and months of torture and other mistreatment I realized that (1) I could not endure any more mistreatment or agony, (2) no matter how often I repeated my story, the interrogators did not believe me, and (3) I am only one individual and the whole American government seemed to conspire against me. Thus, I came to the conclusion that the only way to end my mistreatment and torture was to admit everything the interrogators asked of me, regardless if it were true or false. I asked the guards to call [REDACTED]. The guards did and he sent me [REDACTED]. I told [REDACTED] that I was ready to cooperate and admit to everything.

87. Despite my telling [REDACTED] I would admit to everything, my situation did not change for several weeks.

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89. It hurt me to make false statements against innocent people, particularly given the horrible treatment I had endured. Thus, I tried to retract many of my false statements almost as soon as they were made. But my interrogators threatened me with further torture so I reaffirmed the false statements. I hope someday I have the opportunity to make amends with those people about whom I lied under the threat of torture.

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I declare under penalty of perjury, pursuant to the laws of the United States, that the foregoing is true and correct and that this declaration was executed on _____, 2009, at Guantanamo Bay, Cuba.

Mohamedou Ould Slahi

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I Abhamedou Ould Solahi declare herewith that on my last and only telephone conversation with my lawyer, early May 2009, my lawyer read to me a declaration I drafted before. My lawyer typed the declaration and read it to me during that conversation. The declaration matches what I wrote. The declaration is accurate to the best of my knowledge.

Gtuo 03 June 2009

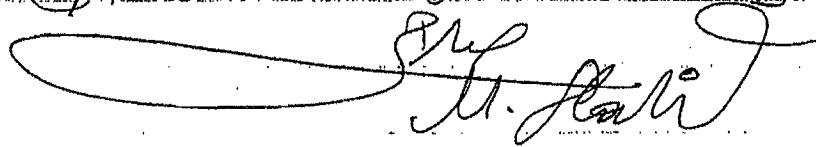
A. Solahi

EXHIBIT
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Exhibit 25

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1 Apr 05 (Amended 9 Jun 05)

Army Regulation 15-6: Final Report

Investigation into FBI Allegations of Detainee Abuse at Guantanamo Bay, Cuba Detention Facility

EXECUTIVE SUMMARY

Detention and interrogation operations at Joint Task Force Guantanamo (JTF-GTMO) cover a three-year period and over 24,000 interrogations. This AR 15-6 investigation found only three interrogation acts in violation of interrogation techniques authorized by Army Field Manual 34-52 and DoD guidance. The AR 15-6 also found that the Commander of JTF-GTMO failed to monitor the interrogation of one high value detainee in late 2002. The AR 15-6 found that the interrogation of this same high value detainee resulted in degrading and abusive treatment but did not rise to the level of being inhumane treatment. Finally, the AR 15-6 found that the communication of a threat to another high value detainee was in violation of SECDEF guidance and the UCMJ. The AR 15-6 found no evidence of torture or inhumane treatment at JTF-GTMO.

INTRODUCTION

In June 2004, the Federal Bureau of Investigation (FBI) began an internal investigation to determine if any of its personnel had observed mistreatment or aggressive behavior towards detainees at Guantanamo Bay, Cuba (GTMO). On 9 Jul 04, the FBI – Inspection Division (INSD), sent an e-mail message to all FBI personnel who had served in any capacity at GTMO. The e-mail stated in relevant part:

“You have been identified as having conducted an assignment at GTMO, Cuba since 9/11/2001. The Inspection Division has been tasked with contacting those employees who have served in any capacity at GTMO and obtain information regarding the treatment of detainees. Employees should immediately respond to the following:

- 1) Employees who observed aggressive treatment, which was not consistent with Bureau interview policy guidelines, should respond via e-mail for purposes of a follow-up interview.
- 2) Employees who worked at GTMO and observed no aggressive treatment of detainees should respond via an EC documenting a negative response...”

The above e-mail message was sent by INSD to 493 FBI personnel who had served in GTMO between 9 Sep 01 and 9 Jul 04. INSD received 434 total

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responses, and 26 agents stated that they had observed aggressive treatment of detainees at GTMO.

In response to FBI agent allegations of aggressive interrogation techniques at Joint Task Force Guantanamo Bay (JTF-GTMO) Cuba, that were disclosed in Dec 04 as a result of FOIA releases, General (GEN) Bantz J. Craddock, Commander United States Southern Command (USSOUTHCOM), ordered an AR 15-6 Investigation and appointed Brigadier General (BG) John T. Furlow, United States Army South Deputy Commander for Support, as the investigating officer. BG Furlow was directed to address the following allegations:

- a. That military interrogators improperly used military working dogs during interrogation sessions to threaten detainees, or for some other purpose;
- b. That military interrogators improperly used duct tape to cover a detainee's mouth and head;
- c. That DoD interrogators improperly impersonated FBI agents and Department of State officers during the interrogation of detainees;
- d. That, on several occasions, DoD interrogators improperly played loud music and yelled loudly at detainees;
- e. That military personnel improperly interfered with FBI interrogators in the performance of their FBI duties;
- f. That military interrogators improperly used sleep deprivation against detainees;
- g. That military interrogators improperly chained detainees and placed them in a fetal position on the floor, and denied them food and water for long periods of time;
- h. That military interrogators improperly used extremes of heat and cold during their interrogation of detainees.

Subsequent to the initial appointment, GEN Craddock directed BG Furlow to investigate two additional allegations concerning a female military interrogator performing a "lap dance" on a detainee and the use of faux "menstrual blood" during an interrogation. Finally, the appointment letter directed BG Furlow to not limit himself to the listed allegations.

On 28 Feb 05, after two months of investigation, BG Furlow advised GEN Craddock that he needed to interview officers senior in grade to himself. On 28 Feb 05 GEN Craddock appointed Lieutenant General (Lt Gen) Randall M. Schmidt, United States Southern Command Air Forces Commander, Davis-

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Monthan AFB, AZ, as the senior investigating officer. This report reflects the combined findings and conclusions of the initial investigative efforts and the combined investigative efforts of both BG Furlow and Lt Gen Schmidt.

After submission of the AR15-6 Report of Investigation on 1 Apr 05, CDR USSOUTHCOM directed on 5 May 2005 that the investigation be reopened to consider memos dated 11 Dec 04 and 24 Dec 04, that had recently been discovered, regarding the subject of the second Special Interrogation Plan. Prior to completion of the follow-up, CDR USSOUTHCOM directed on 2 Jun 05 that the investigation should also address new allegations made by the subject of the first Special Interrogation Plan.

SCOPE OF REVIEW

This investigation was directed and accomplished under the "informal procedures" provisions of Army Regulation 15-6, Procedures for Investigating Officers and Boards of Officers, dated 30 Sep 96, (AR 15-6). This AR 15-6 investigation centered on alleged abuses occurring during interrogation operations. This AR 15-6 found incidents of abuse during detention operations; all of which were appropriately addressed by the command. The investigation team conducted a comprehensive review of thousands of documents and statements pertaining to any allegations of abuse occurring at GTMO, to include the complete medical records of the subjects of the first and second Special Interrogation Plan. The team interviewed 30 FBI agents, conducted interviews of over 100 personnel from 6 Jan 05 to 24 Mar 05 and had access to hundreds of interviews conducted by several recent investigations. These interviews included personnel assigned to GTMO, USSOUTHCOM, and OSD during the tenure of JTFs 160, 170, and GTMO. It included nine DIA personnel, including every Joint Intelligence Group Chief and every Intelligence Control Element Chief. It included 76 DoD personnel, to include every General Officer who commanded Joint Task Force 160, Joint Task Force 170 and Joint Task Force GTMO. DoD personnel interviewed also included personnel who served as interrogators at GTMO and instructors at the US Army Intelligence School and Center. During the course of the investigation, the team visited Birmingham, AL; Chicago, IL; Ft Bragg, NC; Ft Devens, MA; Ft Huachuca, AZ; GTMO (twice); Los Angeles, CA; Miami, FL; and Washington D.C. (five times).

The investigation team attempted to determine if the allegations alleged by the FBI, in fact, occurred. During the course of the follow up investigation the AR15-6 also considered allegations raised specifically by detainees the subject of the first and second Special Interrogation Plans. The investigating team applied a preponderance standard of proof consistent with the guidance contained in AR15-6. The team also applied guidance contained in FM 34-52, CDR USSOUTHCOM, and SECDEF memorandums authorizing special interrogation techniques in deciding if a particular interrogation approach fell properly within an authorized technique. In those cases in which the team concluded that the

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allegation had in fact occurred, the team then considered whether the incident was in compliance with interrogation techniques that were approved either at the time of the incident or subsequent to the incident. In those cases where it was determined the allegation occurred and to have not been an authorized technique, the team then reviewed whether disciplinary action had already been taken and the propriety of that action. On 28 Mar 05, GEN Craddock, as the investigation appointing authority, asked Lt Gen Schmidt to determine accountability for those substantiated violations that had no command action taken.

The team did not review the legal validity of the various interrogation techniques outlined in Army Field Manual 34-52, or those approved by the Secretary of Defense.

BACKGROUND

On 7 Mar 05 Vice Admiral A.T. Church, III submitted his final report of detention operations and detainee interrogation techniques in the Global War on Terror to the Secretary of Defense. (hereinafter "Church Report") That report included a thorough background discussion of detainee operations at GTMO. Our investigation independently researched the genesis and adjustments to policy and interrogation techniques from the origination of GTMO to the present. Our independently derived findings regarding the development and adjustments to policy and interrogation techniques are identical to the Church report. Therefore, I have adopted relevant portions of the Church report to show the development of permissible interrogation techniques.

Interrogation operations at GTMO began in January 2002. Initially interrogators relied upon the interrogation techniques contained in FM 34-52. These techniques were ineffective against detainees who had received interrogation resistance training. On 11 Oct 2002, Major General Michael E. Dunlavey, the Commander of Joint Task Force (JTF) 170, the intelligence task force at GTMO, requested that the CDR USSOUTHCOM, GEN James T. Hill, approve 19 counter resistance techniques that were not specifically listed in FM 34-52. The techniques were broken down into Categories I, II, and III, with the third category containing the most aggressive techniques. On 25 Oct 02 CDR USSOUTHCOM forwarded the request to the Chairman of the Joint Chiefs of Staff, General Richard B. Myers. On 2 Dec 02, the Secretary of Defense approved the use of all Category I and II techniques, but only one of the Category III techniques (which authorized mild, non-injurious physical contact such as grabbing, poking in the chest with a finger, and light pushing). In the approval memorandum, the SECDEF approved the techniques for use by CDR USSOUTHCOM, who subsequently verbally delegated the authority to approve and apply these techniques to CDR JTF-GTMO.

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On 15 Jan 03, SECDEF rescinded his approval of all Category II techniques and the one Category III technique leaving only Category I techniques in effect. The SECDEF memo permitted use of Category II and III techniques only with SECDEF approval. No approval was requested or granted.

On 16 Apr 03, the Secretary of Defense issued a new policy accepting 24 techniques, most of which were taken directly from or closely resembled those in FM 34-52. The Secretary's guidance remains in effect today. This policy memorandum placed several requirements on CDR USSOUTHCOM. First, it required all detainees to continue to be treated humanely. Second, it required SECDEF notification prior to the implementation of any of the following aggressive interrogation techniques: Incentive/Removal of Incentive; Pride and Ego Down; Mutt and Jeff; and Isolation. Third, it specifically limited the use of these aggressive techniques to circumstances required by "military necessity." The memorandum did not attempt to define the parameters of "humane treatment" or "military necessity."

The CDR USSOUTHCOM issued a memorandum on 2 Jun 03 providing further guidance on the implementation of the 16 Apr 03 SECDEF approved techniques. This guidance provided that prior to the use of any of the specified aggressive techniques, the JTF Commander would submit the request in writing to CDR USSOUTHCOM for submission to SECDEF. The guidance also stated that "specific implementation guidance with respect to techniques A-Q is provided in Army Field Manual 34-52. Further implementation guidance with respect to techniques R-X will need to be developed by the appropriate authority." GTMO standard operating procedure on interrogations provides guidance for interrogations.

In addition, the CDR USSOUTHCOM guidance provided the following clarification to the SECDEF's 16 Apr 03 memorandum: **(quoting)**

- (a) Reference Technique B, the Working Group was most concerned about removal of the Koran from a detainee—something we no longer do. Because providing incentives (e.g., McDonald's Fish Sandwiches or cigarettes) is an integral part of interrogations, you will notify me in writing when the provided incentive would exceed that contemplated by interrogation doctrine contained in Army FM 34-52, or when the interrogators intend to remove an incentive from a detainee;
- (b) Reference Techniques I and O, you will notify me in writing when use of these standard interrogation techniques goes beyond the doctrinal application described in Army FM 34-52. When use of the technique is consistent with FM 34-52, you do not need to notify me;
- (c) I define "sleep deprivation", referenced in Technique V, as keeping a detainee awake for more than 16 hrs, or allowing a detainee to rest

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briefly and then repeatedly awakening him, not to exceed four days in succession;

- (d) Reference Technique X, I do not consider the use of maximum-security units as isolation. A detainee placed in a maximum-security unit is segregated, but not truly isolated;
- (e) I define the "least intrusive method" as the technique that has the least impact on a detainee's standard of treatment, while evoking the desired response from the detainee during interrogations;
- (f) Except in the case of Techniques B, I, O, and X, I have determined that the first O-6/GG-15 in the chain of command or supervision, is the "appropriate specified senior approval authority," unless approval authority is withheld from that individual by higher authority.

Lastly, I have told the Secretary of Defense his 16 April guidance applies to all interagency elements assigned or attached to JTF GTMO. (end quote)

There have been over 24,000 interrogation sessions at GTMO since the beginning of interrogation operations.

FINDINGS

GENERAL DETAINEE POPULATION

Allegation: That DoD interrogators improperly impersonated FBI agents or Department of State officers during the Interrogation of detainees.

Finding #1: On several occasions in 2003 various DoD interrogators impersonated agents of the FBI and the Department of State.

Technique: Authorized: FM 34-52 (p. 3-13); Category I technique approved by SECDEF – Deceiving Interrogator Identity

Discussion: The Chief of the Special Interrogation Team directed two interrogators to pose as US State Department representatives during an interrogation. In addition another interrogator posed as an FBI agent on one occasion. This impersonation came to the attention of the Senior Supervisory Agent (SSA) of the FBI at Guantanamo Bay when several other agents advised him that detainees were complaining during interviews that the FBI had already asked them the same questions. The SSA approached the Joint Interrogation Group (JIG) Chief, with his agents' concerns. According to the SSA, the JIG Chief did not contest the FBI agents' accusations. In fact, the JIG Chief knew of at least one military interrogator who had impersonated an FBI agent. After the

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meeting, the JIG Chief agreed to stop the practice of DoD interrogators impersonating FBI agents without prior FBI approval. The SSA made it clear to the investigation team that he did not believe the impersonation interfered with FBI operations and was pleased with the JIG Chief's rapid and thorough response to the situation.

Organizational response: Immediately stopped the practice.

Recommendation #1: *The allegation should be closed. The technique, while authorized, was undermining the inter-agency working relationship. No additional corrective action is necessary or appropriate.*

Allegation: That a female military interrogator performed a "lap dance" on a detainee during an interrogation. I have expanded this allegation to "That female military interrogators performed acts designed to take advantage of their gender in relation to Muslim males."

Finding #2a: On one occasion between October 2002 and January 2003, a female interrogator put perfume on a detainee by touching the detainee on his arm with her hand;

Technique: Authorized: FM 34-52 (p. 3-11); Category III technique approved by SECDEF – Mild, non-injurious physical touching

Discussion: a. On at least one occasion in late 2002, a female interrogator rubbed perfume on a detainee. The Interrogation Control Element (ICE) Chief stated that he specifically directed the interrogator to go to the PX and purchase rose oil with the intent of rubbing a portion of the perfume on the detainee's arm to distract the detainee. The interrogator admitted to using this approach with a detainee. At the time of the event the detainee responded by attempting to bite the interrogator and lost his balance, fell out of his chair, and chipped his tooth. He received immediate and appropriate medical attention and did not suffer permanent injury.

Organizational response: a. The interrogator was not disciplined for rubbing perfume on a detainee since this was an authorized technique.

Finding #2b: During the month of March 2003, a female interrogator approached a detainee from behind, rubbed against his back, leaned over the detainee touching him on his knee and shoulder and whispered in his ear that his situation was futile, and ran her fingers through his hair.

Technique: Authorized: FM 34-52 technique – Futility – Act used to highlight futility of the detainee's situation.

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Discussion: b. On 17 Apr 03, An interrogation supervisor supervised a female interrogator as she interrogated a detainee with her BDU top off¹, and subsequently the interrogator ran her fingers through the detainee's hair. The interrogator also approached the detainee from behind, touched him on his knee and shoulder, leaned over him, and placed her face near the side of his in an effort to create stress and break his concentration during interrogation.

Organizational response: b. The interrogation supervisor was given a written letter of admonishment for failure to document the techniques to be implemented by the interrogator prior to the interrogation. There is no evidence that either activity ever occurred again.

Recommendation #2: Command action was effective and sufficient with respect to the individual interrogators. AR 15-6 recommends that the approval authority for the use of gender coercion as futility technique be withheld to the JTF GTMO-CG.

Allegation: That a female military interrogator wiped "menstrual blood" on a detainee during an interrogation.

Finding #3: In March 2003, a female interrogator told a detainee that red ink on her hand was menstrual blood and then wiped her hand on the detainee's arm.

Technique: Authorized: FM 34-52 technique – Futility – act used to highlight futility of the detainee's situation

Discussion: The female interrogator is no longer in military service and has declined to be interviewed. According to a former ICE Deputy the incident occurred when a detainee spat in the interrogator's face. According to the former ICE Deputy, the interrogator left the interrogation room and was crying outside the booth. She developed a plan to psychologically get back at him. She touched the detainee on his shoulder, showed him the red ink on her hand and said; by the way, I am menstruating. The detainee threw himself on the floor and started banging his head. This technique was not in an approved interrogation plan.

Organizational response: The ICE Deputy verbally reprimanded the interrogator for this incident. No formal disciplinary action was taken. There is no evidence that this happened again.

Recommendation #3: Command action was inadequate with respect to the individual interrogator. The interrogator should have been formally admonished or reprimanded for using a technique that was not approved in advance. Advance approval ensures that retaliatory techniques are not

¹ It was common practice at GTMO to conduct interrogations in a t-shirt with the BDU top removed because of the heat and humidity.

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employed on impulse. Considering the lapse in time, recommend this allegation be closed.

Allegation: That DoD interrogators improperly played loud music and yelled loudly at detainees.

Finding #4: On numerous occasions between July 2002 and October 2004, detainees were yelled at or subjected to loud music during interrogation.

Technique: Authorized: FM 34-52 technique – Incentive and Futility – acts used as reward for cooperating or to create futility if not cooperating.

Discussion: Almost every interviewee stated that yelling and the use of loud music were used for interrogations at GTMO. On a few occasions, detainees were left alone in the interrogation booth for an indefinite period of time while loud music played and strobe lights flashed. The vast majority of yelling and music was accomplished with interrogators in the room. The volume of the music was never loud enough to cause any physical injury. Interrogators stated that cultural music would be played as an incentive. Futility technique included the playing of Metallica, Britney Spears, and Rap music.

Organizational response: None.

Recommendation #4: The allegation should be closed. Recommend JTF-GTMO develop specific guidance on the length of time that a detainee may be subjected to futility music. Placement of a detainee in the interrogation booth and subjecting him to loud music and strobe lights should be limited and conducted within clearly prescribed limits.

Allegation: That military interrogators improperly used extremes of heat and cold during their interrogation of detainees.

Finding #5: On several occasions during 2002 and 2003, interrogators would adjust the air conditioner to make the detainee uncomfortable.

Technique: Unauthorized prior to 16 Apr 03: SECDEF did not approve exposure to cold in his 2 Dec 02 list of approved techniques

Technique: Authorized after 16 Apr 03: SECDEF approved technique. This technique was officially permitted under 16 Apr 03 SECDEF Memorandum – Environmental Manipulation

Discussion: Two FBI agents indicated that they were aware of DoD interrogators using temperature adjustment as an interrogation technique. Many interviewees, FBI agents and military interrogators, believed the hot climate at GTMO and the detainee's comfort in a hot climate caused a differing in opinions

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regarding the use of the air conditioning units in the interrogation booths. There were several individuals who were interviewed who acknowledged that certain military interrogators would adjust the air conditioning down (cool) in an attempt to make the detainee uncomfortable for the interrogation. Several witnesses indicated that the practice of adjusting the temperature ceased when CDR JTF-GTMO directed that the practice no longer be employed. The current GTMO SOP still permits interrogators to adjust the temperature. In addition, one interrogator supervisor stated that detainees were interrogated at Camp X-Ray, where the "booths" were not air-conditioned, to make the detainees uncomfortable.

Organizational response: No disciplinary action required.

Recommendation #5: *The allegation should be closed.*

Allegation: That military interrogators improperly used sleep deprivation against detainees.

Finding #6: During 2003 and 2004 some detainees were subjected to cell moves every few hours to disrupt sleep patterns and lower the ability to resist interrogation. Each case differed as to length and frequency of the cell moves.

Technique: Unauthorized prior to 2 Dec 02 and between 15 Jan 03 and 16 Apr 03: Neither sleep disruption or deprivation is an authorized FM 34-52 technique

Technique: Authorized between 2 Dec 02 and 15 Jan 03 and after 16 Apr 03: The exact parameters of this technique remained undefined until 2 Jun 03 when CDR USSOUTHCOM established clear guidance on the use of sleep adjustment. His guidance prohibited the practice of keeping a detainee awake for "more than 16 hours or allowing a detainee to rest briefly and then repeatedly awakening him, not to exceed four days in succession."

Discussion: Only one FBI agent alleged sleep deprivation; his complaint was that an individual was subjected to 16 hours of interrogation followed by four-hour breaks. He says he was told about these sessions by DoD interrogators and they implied that these 16 hour interrogations were repeated on a 20 hour cycle, but he did not know for certain what in fact occurred. The FBI agent was at GTMO from 2 Jun 03 to 17 Jul 03. Under CDR USSOUTHCOM's 2 Jun 03 guidance, 16 hour interrogations were permitted and do not constitute sleep deprivation if done on a 24 hour cycle. During the course of the investigation of the FBI allegation, the AR 15-6 did conduct a review of the interrogation records to see if there was any evidence that corroborated this allegation. While not directly supporting the FBI's allegation, records indicated that some interrogators recommended detainees for the "frequent flyer program." A current GTMO interrogation analyst indicated that this was a program in effect throughout 2003

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and until March 2004 to move detainees every few hours from one cell to another to disrupt their sleep. Documentation on one detainee indicated that he was subjected to this practice as recently as March 2004.

Organizational response: None. Current JTF-GTMO Commander terminated the frequent flyer cell movement program upon his arrival in March 04.

Recommendation #6: *The allegation should be closed. Recommend USSOUTHCOM clarify policy on sleep deprivation.*

Allegation: That military interrogators improperly used duct tape to cover a detainee's mouth and head.

Finding #7: Sometime in October 2002 duct tape was used to "quiet" a detainee.

Technique: Unauthorized

Discussion: In his testimony, the ICE Chief testified that he had a situation in which a detainee was screaming resistance messages and potentially provoking a riot. At the time of the incident there were 10 detainees in the interrogation section and the ICE Chief was concerned about losing control of the situation. He directed the MPs to quiet the detainee down. The MP mentioned that he had duct tape. The ICE Chief says he ultimately approved the use of duct tape to quiet the detainee. The MP then placed a single strand of duct tape around the detainee's mouth. The single strand proved ineffective because the detainee was soon yelling again. This time the MPs wrapped a single strand of duct tape around the mouth and head of the detainee. The detainee removed the duct tape again. Fed up and concerned that the detainee's yelling might cause a riot in the interrogation trailer, The ICE Chief ordered the MPs to wrap the duct tape twice around the head and mouth and three times under the chin and around the top of the detainee's head. According to an FBI agent, he and another FBI agent were approached by the ICE Chief who was laughing and told the agents that they needed to see something. When the first agent went to the interrogation room he saw that the detainee's head had been wrapped in duct tape over his beard and his hair. An interrogator testified that another interrogator admitted to him that he had duct taped the head of a detainee. According to the first agent, the ICE Chief said the interrogator wrapped the detainee's head with duct tape because the detainee refused to stop "chanting" passages from the Koran.

Organizational response: The JTF-170 JAG testified that she became aware of the incident and personally counseled the ICE Chief. The counseling session consisted of a verbal admonishment.² The ICE Chief did not receive any formal

² While the ICE Chief testified that he was counseled by the JTF-GTMO Commander this is not possible. The Commander in question did not arrive until the month following the event. The previous Commander has no recollection of the event.

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discipline action. We have no evidence that duct tape was ever used again on a detainee.

Recommendation #7: Command action was inadequate with respect to the ICE Chief. He should be formally admonished or reprimanded for directing an inappropriate restraint to be used on a detainee.

Allegation: That military interrogators improperly chained detainees and placed them in a fetal position on the floor

Finding #8: On at least two occasions between February 2002 and February 2003, two detainees were "short shackled" to the eye-bolt on the floor in the interrogation room.

Technique: Unauthorized.

Discussion: Two FBI agents each stated that they witnessed a detainee in an interrogation room that had been "short shackled" to the floor. Short shackling is the process by which the detainee's hand restraints are connected directly to an eyebolt in the floor requiring the detainee to either crouch very low or lay in a fetal position on the floor. The FBI agents indicated that each of the detainees was clothed. Another FBI agent stated she witnessed a detainee short shackled and lying in his own excrement. The AR 15-6 was unable to find any documentation, testimony, or other evidence corroborating the third agent's recollection, to this allegation or her email allegation that one of the detainees had pulled his hair out while short shackled. We also found that 'short shackling' was initially authorized as a force protection measure during the in processing of detainees.³

Organizational response: None. JTF-GTMO has implemented SOPs that prohibit short shackling.

Recommendation #8: The allegation should be closed. The AR 15-6 was not able to find any evidence to adequately assign responsibility for these actions. This practice is now specifically prohibited by current GTMO interrogation policy.

Allegation: That military personnel improperly interfered with FBI interrogators in the performance of their FBI duties.

Finding #9: We discovered no evidence to support this allegation.

³ During the course of a site visit to GTMO several detention operations personnel indicated that they understood that short shackling was permitted in the early days of GTMO as a force protection measure. They all stated that it was no longer authorized as either a detention measure or during interrogations.

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Discussion: This allegation stems from an FBI agent objections to a proposed Special Interrogation Plan. The dispute resulted in a DoD official being rude to the FBI agent. The team did not find any evidence of "interference" with FBI interrogations that extended beyond the dispute over which techniques worked best in interrogation. During the infancy of interrogation operations at GTMO, it was obvious that the different investigative agencies had different interrogation objectives. Law enforcement agencies were primarily interested in interviews that would produce voluntary confessions that would be admissible in U.S. Federal District Courts. Conversely, DoD interrogators were interested in actionable intelligence and thus had greater latitude on the techniques used during the interrogations. These different goals created friction.

Recommendation #9: *The allegation should be closed.*

Allegation: That military interrogators denied detainees food and water for long periods of time.

Finding #10: We discovered no evidence to support the allegation that the detainees were denied food and water.

Discussion: This allegation stems from the statement of an FBI Agent. She reports two incidents of observing two detainees in "the fetal position and lying on the floor of interview rooms." And that there were was no "evidence of any food or water." The Agent admits in her statement that she made an assumption that the detainees were denied food and water based solely upon their appearance. The Agent was unable to provide any specific information as to the day she made these observations to permit additional proof or assignment of responsibility.

Recommendation #10: *The allegation should be closed.*

SPECIAL INTERROGATION PLANS

During the course of interrogations certain detainees exhibited refined resistance techniques to interrogations. These detainees were suspected to possess significant current intelligence regarding planned future terrorist attacks against the United States. For these reasons Special Interrogation Plans were proposed and approved for the detainees. A total of two Special Interrogation Plans were carried out. They are referred to herein as the "First Special Interrogation Plan" and the "Second Special Interrogation Plan".

THE FIRST SPECIAL INTERROGATION PLAN

On 23 Nov 02 interrogators initiated the first Special Interrogation Plan. The interrogation plan was designed to counter resistance techniques of the subject

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of the first Special Interrogation Plan. The memo authorizing the techniques for this interrogation was signed by SECDEF on 2 Dec 02. These techniques supplemented techniques already permitted under the provisions of FM 34-52.

Allegation: That military interrogators improperly used military working dogs (MWD) during interrogation sessions to threaten detainees, or for some other purpose.

Finding #11a: On one occasion in October 2002 a military working dog was brought into the interrogation room and directed to growl, bark, and show his teeth at the subject of the first Special Interrogation Plan.

Technique: Unauthorized prior to 12 Nov 02.

Discussion: a. October 2002 incident: GTMO records indicate that on 01 Oct 02, the Commander of JTF-170 requested Joint Detention Operations Group (JDOG) support for interrogation operations to interrogate the subject of the first Special Interrogation Plan. The dog was requested to assist in the movement of the subject of the first Special Interrogation Plan between Camp X-ray and the GTMO Naval Brig to "discourage the detainee from attempting to escape." The interrogation plan (IP) indicates that the interrogation would begin on the 2nd or 3rd of October 2002. One FBI agent in his statement recalls the MWD being used on or about 05 Oct 02. He indicated that the events were notable for several reasons. He had recently purchased a German Shepard and wanted to get some "tips" from the dog handlers. The FBI agent noticed that there were two working dog teams (one Navy and one Army) present for the interrogation of the subject of the first Special Interrogation Plan. Finally, the FBI agent recalled that he and his partner left the observation room when the MWD was introduced into the interrogation room. The FBI agent's partner corroborates this statement.

In addition an interrogator indicated that she recalled a MWD being brought into the interrogation room during interrogation of the subject of the first Special Interrogation Plan at Camp X-ray, between 02-10 Oct 02. She stated that the dogs were used only "briefly." She stated that the use of the dog was documented on the IP and approved by the ICE Chief and CDR, JTF-GTMO

Finding #11b: In November 2002 a military working dog was brought into the interrogation room and directed to growl, bark, and show his teeth at the subject of the first Special Interrogation Plan.

Technique: Authorized: SECDEF approved the use of Category I and II techniques for the subject of the first Special Interrogation Plan. Category II technique permits the use of dogs to exploit "individual phobias" during interrogations.

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Discussion: b. An interrogator testified that the MWD was in the booth on one occasion for the subject of the first Special Interrogation Plan. He testified that he was approached by another interrogator and discussed the use of a MWD in an interrogation session. Specifically, the first interrogator stated that the second interrogator told him that a MWD was brought into the doorway of the interrogation room and ordered by the dog handler to growl, show teeth and bark at the detainee. In addition a psychologist assigned to the Behavioral Science Consultation Team (BSCT) for JTF-170/JTF-GTMO witnessed the use of a MWD named "Zeus" during a military interrogation of the subject of the first Special Interrogation Plan during the November 2002 time period. In his interview, the ICE Chief acknowledged that an MWD had entered the interrogation room of the subject of the first Special Interrogation Plan under the authority of a "special IP" for the subject of the first Special Interrogation Plan. The unsigned but approved interrogation plan for the subject of the first Special Interrogation Plan is from 12 Nov 02. (Church p. 115) It indicates dogs will only be used in interrogation if approved in writing, in advance. Both JTF-GTMO Commanders who were in charge during the execution of the special interrogation plan deny that they authorized the use of MWDs in the interrogation room.

Organizational response: a. and b. None. Current SOPs expressly prohibit the use of MWDs in the interrogation room. There is no evidence that this has ever happened again.

Recommendation #11: *The allegation should be closed. While the ICE Chief was aware of and condoned the first use of the MWD, additional corrective action is not necessary. The event occurred on two occasions and was expressly approved after the first occasion for this detainee. This practice is now specifically prohibited by current GTMO interrogation policy.*

Allegation: That a female military interrogator performed a "lap dance" on a detainee during an interrogation. I have expanded this allegation to "That female military interrogators performed acts designed to take advantage of their gender in relation to Muslim males."

Finding #12a: On 21 and 23 Dec 02, MPs held down a detainee while a female interrogator straddled the detainee without placing weight on the detainee;

Technique: Authorized: FM 34-52 technique – Futility – Act used to highlight futility of the detainee's situation.

Finding #12b: On 04 Dec 02, a female interrogator massaged the detainee's back and neck over his clothing;

Technique: Authorized: FM 34-52 technique – Futility – Act used to highlight futility of the detainee's situation.

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Finding #12c: On various occasions between October 2002 and January 2003, a female interrogator invaded the private space of a detainee to disrupt his concentration during interrogation;

Technique: Authorized: FM 34-52 technique – Futility – act used to highlight futility of the detainee's situation.

Discussion: Interrogation logs and MFRs for the subject of the first Special Interrogation Plan document that on both 21 and 23 Dec 02, a female interrogator straddled, without putting any weight on the detainee, the subject of the first Special Interrogation Plan while he was being held down by MPs. During these incidents a female interrogator would tell the detainee about the deaths of fellow Al-Qaeda members. During the straddling, the detainee would attempt to raise and bend his legs to prevent the interrogator from straddling him and prayed loudly. Interrogation MFRs also indicate that on 04 Dec 02, a female interrogator began to enter the personal space of the subject of the first Special Interrogation Plan, touch him, and ultimately massage his back while whispering or speaking near his ear. Throughout this event, the subject of the first Special Interrogation Plan prayed, swore at the interrogator that she was going to Hell, and attempted to get away from her. The female interrogator admitted in her interview that she personally prepared portions of the MFRs of the the subject of the first Special Interrogation Plan interrogations. She asserts that she had permission to employ all these techniques. We have found no evidence of a lap dance ever occurring.

Organizational response: No disciplinary action taken. The ICE Chief approved these techniques at the time.

Recommendation #12: *The allegation should be closed. No command action is necessary with respect to the individual interrogators. Their supervisor acknowledged that he approved the approaches at the time of the interrogation. AR 15-6 recommends that the approval authority for the use of gender coercion as futility technique be withheld to the JTF GTMO-CG.*

Allegation: That DoD interrogators improperly played loud music and yelled loudly at detainees.

Finding #13: On numerous occasions between November 2002 and 15 Jan 03, the subject of the first Special Interrogation Plan was yelled at or subjected to loud music during interrogation.

Technique: Authorized: FM 34-52 technique – Incentive and Futility – acts used as reward for cooperating or to create futility in not cooperating.

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Discussion: See above discussion for Finding #4.

Organizational response: No disciplinary action required; technique authorized.

Recommendation #13: *The allegation should be closed. Recommend JTF-GTMO develop specific guidance on the length of time that a detainee may be subjected to fullly music. Placement of a detainee in the interrogation booth and subjecting him to loud music and strobe lights should be limited and conducted within clearly prescribed limits.*

Allegation: That military interrogators improperly used extremes of heat and cold during their interrogation of detainees.

Finding #14: On several occasions between November 2002 and January 2003 interrogators would adjust the air conditioner to make the subject of the first Special Interrogation Plan uncomfortable.

Technique: Unauthorized prior to 16 Apr 03: SECDEF did not approve exposure to cold in his 2 Dec 02 list of approved techniques

Discussion. There are no medical entries indicating the subject of the first Special Interrogation Plan ever experienced medical problems related to low body temperature. The subject of the first Special Interrogation Plan's medical records do indicate that he did have a body temperature between 95 and 97 degrees twice. The subject of the first Special Interrogation Plan's medical records do indicate that from 7-9 Dec 02 he was hospitalized for observation after an episode of bradycardia. He was released within forty-eight hours, after the bradycardia resolved without intervention and he maintained stable hemodynamics.⁴ He experienced a second episode of bradycardia in Feb 03.

Organizational response: None

Recommendation #14: *The allegation should be closed.*

Allegation: That military interrogators improperly used sleep deprivation against detainees.

Finding #15: From 23 Nov 02 to 16 Jan 03, the subject of the first Special Interrogation Plan was interrogated for 18-20 hours per day for 48 of the 54 days, with the opportunity for a minimum of four hours rest per day.

Technique: Authorized: SECDEF approved technique. This technique was officially permitted under 2 Dec 02 SECDEF Memorandum – The use of 20-hour interrogations

⁴ Bradycardia is a relatively slow heart; hemo dynamics are mechanics of blood circulation.

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Discussion: SECDEF approved 20 hour interrogations for every 24-hour cycle for the subject of the first Special Interrogation Plan on 12 Nov 02. Later, CDR USSOUTHCOM formalized the definition of sleep deprivation in his 02 Jun 03 memorandum "promulgating" SECDEF's interrogation techniques of 16 Apr 03. He defined sleep deprivation as keeping a detainee awake for more than 16 hours, or allowing a detainee to rest briefly and then repeatedly awakening him, not to exceed four days in succession.

Organizational response: None. This was an authorized interrogation technique approved by SECDEF.

Recommendation #15: *The allegation should be closed. Recommend USSOUTHCOM clarify policy on sleep deprivation.*

Additional Allegations, Re: The subject of the first Special Interrogation Plan: In addition to the FBI allegations addressed above, the following additional interrogation techniques (not all inclusive) were used in the interrogation of the subject of the first Special Interrogation Plan. Each act is documented in the interrogation MFRs maintained on the subject of the first Special Interrogation Plan.

Finding #16a: That the subject of the first Special Interrogation Plan was separated from the general population from 8 Aug 02 to 15 Jan 03.

Technique: Unauthorized prior to 12 Nov 02: SECDEF did not approve movement of detainee to an "isolation facility" for interrogation purposes prior to approval of Category II techniques for the subject of the first Special Interrogation Plan on 12 Nov 02.

Technique: Authorized after 12 Nov 02:

Discussion: The subject of the first Special Interrogation Plan was never isolated from human contact. The subject of the first Special Interrogation Plan was however placed in an "isolation facility" where he was separated from the general detainee population from 8 Aug 02 to 15 Jan 03. The subject of the first Special Interrogation Plan routinely had contact with interrogators and MPs while in the "isolation facility." The SECDEF did not define "isolation facility" when he approved the use of an "isolation facility" for up to 30 days with additional isolation beyond 30 days requiring CDR JTF-GTMO approval on 12 Nov 02. Prior to the SECDEF's approval, placement in an "isolation facility" was not an authorized interrogation technique.

Organizational response to Additional Allegations, Re: The subject of the first Special Interrogation Plan: None taken.

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Eight Techniques Below: Authorized: FM 34-52 technique – Ego down and Futility.

Finding #16b: On 06 Dec 02, the subject of the first Special Interrogation Plan was forced to wear a woman's bra and had a thong placed on his head during the course of the interrogation.

Finding #16c: On 17 Dec 02, the subject of the first Special Interrogation Plan was told that his mother and sister were whores.

Finding #16d: On 17 Dec 02, the subject of the first Special Interrogation Plan was told that he was a homosexual, had homosexual tendencies, and that other detainees had found out about these tendencies

Finding #16e: On 20 Dec 02, an interrogator tied a leash to the subject of the first Special Interrogation Plan's chains, led him around the room, and forced him to perform a series of dog tricks.

Finding #16f: On 20 Dec 02, an interrogator forced the subject of the first Special Interrogation Plan to dance with a male interrogator.

Finding #16g: On several occasions in Dec 02, the subject of the first Special Interrogation Plan was subject to strip searches.⁵ These searches, conducted by the prison guards during interrogation, were done as a control measure on direction of the interrogators.

Finding #16h: On one occasion in Dec 02, the subject of the first Special Interrogation Plan was forced to stand naked for five minutes with females present. This incident occurred during the course of a strip search.

Finding #16i: On three occasions in Nov 02 and Dec 02, the subject of the first Special Interrogation Plan was prevented from praying during interrogation

Finding #16j: Once in Nov 02, the subject of the first Special Interrogation Plan became upset when two Korans were put on a TV, as a control measure during interrogation, and in Dec 02 when an interrogator got up on the desk in front of the subject of the first Special Interrogation Plan and squatted down in front of the subject of the first Special Interrogation Plan in an aggressive manner and unintentionally squatted over the detainee's Koran.

Finding #16k: On seventeen occasions, between 13 Dec 02 and 14 Jan 03, interrogators, during interrogations, poured water over the subject of the first Special Interrogation Plan head.

⁵ The subject of the first Special Interrogation Plan alleges that he was subject to "cavity searches." During the course of interrogation, the subject of the first Special Interrogation Plan was strip searched. The AR 15-6 was unable to determine the scope of these strip searches.

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Discussion: the subject of the first Special Interrogation Plan was a high value detainee that ultimately provided extremely valuable intelligence. His ability to resist months of standard interrogation in the summer of 2002 was the genesis for the request to have authority to employ additional counter resistance interrogation techniques. The techniques used against the subject of the first Special Interrogation Plan were done in an effort to establish complete control and create the perception of futility and reduce his resistance to interrogation. For example, this included the use of strip searches, the control of prayer, the forced wearing of a woman's bra, and other techniques noted above. It is clear based upon the completeness of the interrogation logs that the interrogation team believed that they were acting within existing guidance. Despite the fact that the AR 15-6 concluded that every technique employed against the subject of the first Special Interrogation Plan was legally permissible under the existing guidance, the AR 15-6 finds that the creative, aggressive, and persistent interrogation of the subject of the first Special Interrogation Plan resulted in the cumulative effect being degrading and abusive treatment. Particularly troubling is the combined impact of the 160 days of segregation from other detainees, 48 of 54 consecutive days of 18 to 20-hour interrogations, and the creative application of authorized interrogation techniques. Requiring the subject of the first Special Interrogation Plan to be led around by a leash tied to his chains, placing a thong on his head, wearing a bra, insulting his mother and sister, being forced to stand naked in front of a female interrogator for five minutes, and using strip searches as an interrogation technique the AR 15-6 found to be abusive and degrading, particularly when done in the context of the 48 days of intense and long interrogations.⁶ While this treatment did not rise to the level of prohibited inhumane treatment the JTF-GTMO CDR was responsible for the interrogation of the subject of the first Special Interrogation Plan and had a responsibility to provide strategic guidance to the interrogation team. He failed to monitor the interrogation and exercise commander discretion by placing limits on the application of otherwise authorized techniques and approaches used in that interrogation. The Commander stated he was unaware of the specific details or impacts of the techniques on the detainee for this important interrogation. His failure to supervise the interrogation of the subject of the first Special Interrogation Plan allowed subordinates to make creative decisions in an environment requiring extremely tight controls⁷.

Recommendation #16: The Commander JTF-GTMO should be held accountable for failing to supervise the interrogation of the subject of the first Special Interrogation Plan and should be admonished for that failure.

⁶ The AR 15-6 found no evidence that the subject of the first Special Interrogation Plan was ever physically assaulted. His medical records show no evidence of any physical assaults. A medical examination completed on the subject of the first Special Interrogation Plan on 16 Jan 03 found no medical conditions of note.

⁷ The JTF-GTMO Commander's testimony that he was unaware of the creative approaches taken in the interrogation is inconsistent with his 21 Jan 03 letter to CDR USSOUTHCOM in which he asserts that the CJTF approved the interrogation plan in place and it was followed "relentlessly by the command."

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Allegation: In addition to the allegations above, the AR 15-6 also considered additional allegations raised specifically by the subject of the first Special Interrogation Plan.

Finding #17: The AR 15-6 was unable to corroborate the subject of the first Special Interrogation Plan's allegations to the point of concluding that they had occurred by a preponderance of the evidence. Specific findings include:

The AR 15-6 did find that the subject of the first Special Interrogation Plan was required to stand for periods of time which he may have interpreted as forced positions.

There is evidence that the subject of the first Special Interrogation Plan regularly had water poured on his head. The interrogation logs indicate that this was done as a control measure only.

There is no evidence that the subject of the first Special Interrogation Plan was subjected to humiliation intentionally directed at his religion. It is however possible that the subject of the first Special Interrogation Plan interpreted many of the interrogation techniques employed to be religious humiliation.

The AR 15-6 found no evidence that the subject of the first Special Interrogation Plan was threatened with homosexual rape. He was told on 17 Dec 02 that he was a homosexual but not threatened in any manner.

There is no evidence, to include entries in his medical records, that either occurred regarding the subject of the first Special Interrogation Plan or any other detainee.

Discussion: In reaching conclusions on the treatment of the subject of the first Special Interrogation Plan the AR 15-6 relied heavily on the interrogations logs. The level of specificity of the logs strongly supports their credibility regarding the interrogation of the subject of the first Special Interrogation Plan and thus they carried considerable weight on the findings.

Recommendation #17: *The allegation should be closed*

THE SECOND SPECIAL INTERROGATION PLAN

In July 03 interrogators initiated a request for approval of a Special Interrogation Plan for a detainee. This plan was approved by SECDEF on 13 Aug 03. Interrogation logs indicate that the techniques were never implemented because the subject of the second special interrogation plan began to cooperate prior to the approval.

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In addition to the interrogation logs, the AR 15-6 also considered allegations of abuse raised by the subject of the second special interrogation, himself. Specifically, after months of cooperation with interrogators, on 11 Dec 04, the subject of the second special interrogation notified his interrogator that he had been "subject to torture" by past interrogators during the months of July to October 2003.⁸

Allegation: That military interrogators improperly used extremes of heat and cold during their interrogation of detainees.

Finding #18: During the summer of 2003, interrogators would adjust the air conditioner to make the subject of the second special interrogation uncomfortable.

Technique: Authorized: SECDEF approved technique. This technique was officially permitted under 16 Apr 03 SECDEF Memorandum – Environmental Manipulation.

Discussion: The interrogation logs of the subject of the second Special Interrogation Plan indicate that on at least two occasions on 10 and 11 Jul 03 the air conditioner was turned off to heat up the room. In addition the subject of the second special interrogation alleges that on repeated occasions from Jul 03 to Oct 03, he was subjected to placement in a room referred to as the "freezer."

Organizational response: No disciplinary action required. Environmental manipulation was expressly permitted in the 16 Apr 03 SECDEF Memorandum. There is no evidence in the medical records of the subject of the second special interrogation being treated for hypothermia or any other condition related to extreme exposure.

Recommendation #18: *The allegation should be closed.*

Allegation: The subject of the second special interrogation alleges that female military interrogators removed their BDU tops and rubbed themselves against the detainee, fondled his genitalia, and made lewd sexual comments, noises, and gestures.

⁸ He reported these allegations to an interrogator. The interrogator was a member of the interrogation team at the time of the report. The interrogator reported the allegations to her supervisor. Shortly after being advised of the alleged abuse, the supervisor interviewed the subject of the second special interrogation, with the interrogator present, regarding the allegations. Based upon this interview, and notes taken by the interrogator, the supervisor prepared an 11 Dec 04 MFR addressed to JTF – GTMO JIG & ICE. The supervisor forwarded his MFR to the JTF – GTMO JIG. The JIG then forwarded the complaint to the JAG for processing IAW normal GTMO procedures for investigating allegations of abuse. The JAG by email on 22 Dec 04 tasked the JDOG, the JIG, and the JMG with a review of the complaint summarized in the 11 Dec 04 MFR and directed them to provide any relevant information. The internal GTMO investigation was never completed.

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Finding #19: The AR 15-6 was unable to corroborate the allegations to the point of concluding that they had occurred by a preponderance of the evidence.

Discussion: The interrogation logs for the subject of the second special interrogation indicate that on a number of occasions female interrogators used their status as females to distract the subject of the second special interrogation during the interrogation but there is nothing to corroborate the allegation of the subject of the second special interrogation.

Organizational response: No disciplinary action taken.

Recommendation #19: *The allegation should be closed.*

Allegation: The subject of the second Special Interrogation Plan alleges that in late summer of 2003 he was hit by guards and an interrogator "very hard" and "with all their strength" he was hit "all over."

Finding #20: The AR 15-6 was unable to corroborate the allegations to the point of concluding that they had occurred by a preponderance of the evidence.

Discussion: The interrogation logs contain no reference to any physical violence against the subject of the second Special Interrogation Plan. His medical records indicate that in August 2003 the subject of the second special interrogation reported "rib contusions" from an altercation with MPs when moved between camps. During this examination the physician also noted an "edema of the lower lip" and a "small laceration" on his head. There are no other medical entries of any other physical injuries. There are no indications of swelling or contusions to support a conclusion that the subject of the second special interrogation was hit "very hard all over."

Organizational response: No disciplinary action taken. The allegation was not substantiated.

Recommendation #20: *The allegation should be closed. There is no evidence to support the subject of the second special interrogation's allegation of physical abuse.*

Allegation: A DoD interrogator improperly impersonated a Navy Captain assigned to the White House.

Finding #21: The Special Team Chief impersonated a USN Captain assigned to the White House during interrogation of the subject of the second special interrogation.

Technique: Authorized: This technique is permitted under FM 34-52 -- Deception.

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Discussion: On 2 Aug 03 the Special Team Chief presented himself to the subject of the second special interrogation dressed as a Captain in the USN and indicated he was from the White House in an effort to convince the subject of the second special interrogation that he needed to cooperate with his interrogators. The Special Team Chief presented a letter to the subject of the second special interrogation, which indicated that because of the subject of the second special interrogation's lack of cooperation, U.S. authorities in conjunction with authorities from the country of origin of the subject of the second Special Interrogation Plan would interrogate the mother of the subject of the second Special Interrogation Plan. The letter further indicated that if his mother was uncooperative she would be detained and transferred to U.S. custody at GTMO for long term detention. While the JTF-GTMO Commander acknowledges that he was aware of the intent by the interrogator to wear Captain's rank and purport to be from the White House, he stated that he was not aware of the intention to convey a threat or the plan to use a fictitious letter.

Organizational response: None taken.

Recommendation #21: *The allegation should be closed. No further action necessary.*

Allegation: That Military interrogators threatened the subject of the second special interrogation and his family.

Finding #22: The Special Team Chief threatened the subject of the second special interrogation and his family in July, August and September 2003.

Technique: Unauthorized: This technique was rejected by SECDEF on 2 Dec 2002

Discussion: During the interrogation of the subject of the second special interrogation, a masked interrogator was used to interrogate the subject of the second special interrogation⁹. On 17 Jul 03 the masked interrogator told that he had a dream about the subject of the second special interrogation dying. Specifically he told the subject of the second special interrogation that in the dream he "saw four detainees that were chained together at the feet. They dug a hole that was six-feet long, six-feet deep, and four-feet wide. Then he observed the detainees throw a plain, pine casket with the detainee's identification number painted in orange lowered into the ground." The masked interrogator told the detainee that his dream meant that he was never going to leave GTMO unless he started to talk, that he would indeed die here from old age and be buried on "Christian... sovereign American soil." On 20 Jul 03 the masked interrogator, "Mr.

⁹ The interrogator was a DoD interrogator who was masked so as to preserve the identity of the interrogator. This was done in case the interrogation team wanted to use that interrogator later in another role.

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X", told the subject of the second Special Interrogation Plan that his family was "incarcerated." On 2 Aug 03, the Special Team Chief, while impersonating a USN Captain from the White House, told the subject of the second special interrogation that he had a letter indicating that the subject of the second special interrogation's family had been captured by the United States and that they were in danger.¹⁰ He went on to tell the subject of the second special interrogation that if he wanted to help his family he should tell them everything they wanted to know. The MFR dated 02 Aug 03 indicates that the subject of the second special interrogation had a messenger that day there to "deliver a message to him". The MFR goes on to state:

"That message was simple: Interrogator's colleagues are sick of hearing the same lies over and over and are seriously considering washing their hands of him. Once they do so, he will disappear and never be heard from again. Interrogator assured detainee again to use his imagination to think of the worst possible scenario he could end up in. He told Detainee that beatings and physical pain are not the worst thing in the world. After all, after being beaten for a while, humans tend to disconnect the mind from the body and make it through. However, there are worse things than physical pain. Interrogator assured Detainee that, eventually, he will talk, because everyone does. But until then, he will very soon disappear down a very dark hole. His very existence will become erased. His electronic files will be deleted from the computer, his paper files will be packed up and filed away, and his existence will be forgotten by all. No one will know what happened to him and, eventually, no one will care."

Finally, interrogator MFRs dated 08 Sep 03 indicate that the subject of the second special interrogation wanted to see "Captain Collins" and that they "understood that detainee had made an important decision and that the interrogator was anxious to hear what Detainee had to say. Detainee stated he understood and will wait for interrogator's [Captain Collins] return and that the subject of the second Special Interrogation Plan "...was not willing to continue to protect others to the detriment of himself and his family."

In investigating the actions above, the AR 15-6 focused on the threat made by the Special Team Chief.¹¹ When questioned about the threats to the subject of the second special interrogation, the Special Team Chief indicated that prior to the "threat" to detainee the subject of the second special interrogation he cleared the proposal and the letter with the senior judge advocate who approved the technique as a "deception." As written the letter does contain a threat to detain the subject of the second special interrogation's mother but does not contain any threat on her life or that of her family. The SJA indicated in his initial interview

¹⁰ The actual content of the letter simply indicates that his mother will be taken into custody and questioned.

¹¹ Mr. X's dream story does not rise to the level of a threat. It appears to be a staged prelude to the direct threat made by the Special Team Chief.

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that he did not recall the letter. He subsequently elected to exercise his Article 31 rights and declined to answer direct questions about the letter and the threats. The Special Team Chief also indicated that both JIG Chiefs in charge during the promulgation of the Special Interrogation Plan¹² were also aware of the threat letter. The first JIG Chief has retired and was unwilling to cooperate with this investigation. The second JIG Chief indicated under oath that he was unaware of the interrogation events discussed above. He recognizes, that read in conjunction with each other, they indicate a threat. He believes that the Commander of JTF-GTMO was not aware of the threat since the second JIG Chief was not aware of the threat. The second JIG Chief stated that they had weekly meetings with the Commander to discuss interrogations but they would not have covered this level of detail in that meeting. Neither he nor the Commander read interrogation MFRs on a regular basis. Finally, the Commander denies any knowledge of the existence of the threat or the letter. He does not recall ever discussing the issue of threats with the interrogators. He is aware that this is a prohibited practice and would not have permitted it if he had been aware of the plan.

Taken as a whole, it appears that the decision to threaten the subject of the second Special Interrogation Plan was made by the Special Team Chief. He claims that he cleared the plan with the senior judge advocate but not with his supervisors. Considering the actual content of the letter, it is reasonable to conclude that the JAG advised that the letter was a proper deception and therefore additional approval was not required. The Special Team Chief knew that under FM 34-52 deception did not require additional approval.

Despite the fact that the letter may be a proper deception technique under FM 34-52, the interrogation logs clearly indicate that the interrogation went well beyond the "threat to detain" made in the letter, and in fact was a threat to the subject of the second special interrogation and his family that violated the UCMJ, Article 134 Communicating a threat.

Organizational Response: None taken.

Recommendation #22: *While the threats do not rise to the level of torture as defined under U.S. law, the facts support a conclusion that the Special Team Chief violated the UCMJ, Article 134, by communicating a threat. Recommend his current commander discipline the Special Team Chief.*

¹² The first JIG Chief was in charge during the approval process for the second Special Interrogation Plan and then rotated out of JTF-GTMO. The second JIG Chief was in charge during the execution of the second Special Interrogation Plan

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SUMMARY OF FINDINGS

The findings above fall into three categories: Techniques that were authorized throughout the interrogation periods; techniques that were never authorized and finally, techniques that were originally unauthorized, and then subsequently authorized. The summary below only outlines the latter two categories of techniques to address whether the findings violated the UCMJ, international law, U.S. Law, regulations or directives.

Techniques that were never authorized: AR 15-6 determined the following acts were NEVER authorized under any interrogation guidance:

- a) On at least two occasions between February 2002 and February 2003, two detainees were "short shackled" to the eye-bolt on the floor in the interrogation room;
- b) Sometime in October 2002 duct tape was used to "quiet" a detainee.
- c) Military interrogators threatened the subject of the second special interrogation and his family;

Techniques that became authorized after the fact: AR 15-6 determined the following acts were initially not authorized under existing interrogation guidance but later authorized as an approved technique.

- a) On several occasions during 2002 and 2003, interrogators would adjust the air conditioner to make the detainees, to include the subject of the first Special Interrogation Plan, uncomfortable. This technique is now permitted under the SECDEF 16 Apr 03 guidance.
- b) On several occasions prior to 2 Dec 02 and between 15 Jan 03 and 16 Apr 03 interrogators had detainees moved from one cell to another every few hours to disrupt sleep patterns and lower the ability to resist interrogation. This technique is now permitted under the SECDEF 16 Apr 03 guidance.
- c) In October 2002 a Military Working Dog was brought into the interrogation room during the course of interrogation of the subject of the first Special Interrogation Plan and directed to growl, bark, and show his teeth at the detainee. This technique is subsequently approved for the interrogation of the subject of the first Special Interrogation Plan by SECDEF on 12 Nov 02.
- d) The subject of the first Special Interrogation Plan was separated from other detainees in an isolation facility away from the general population from 8 Aug 02 to 12 Nov 02. This technique was subsequently approved

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for the interrogation of the subject of the first Special Interrogation Plan by SECDEF on 12 Nov 02.

In each of the incidents above the violations can best be characterized as violations of policy. The SECDEF's subsequent approval of each of the techniques clearly establishes the ultimate legitimacy of that technique and thus additional corrective action is not necessary.

Additional Matters: In addition to findings outlined above it is important to document some additional findings:

- a) The team found no evidence that any detainee at GTMO was improperly documented or unaccounted for at any time. Every agency interviewee clearly indicated that they never knew of any "ghost detainees" at GTMO;
- b) Several past interrogators at GTMO declined to be interviewed. In the case of personnel who are currently in a civilian status we had extremely limited authority to compel the individuals to cooperate with this investigation; of particular note was former SGT Erik Saar who has written a book into "activities" at GTMO. Despite repeated requests he declined to be interviewed;
- c) During the course of this investigation, JTF-GTMO CG investigated and took action for personal misconduct of senior DoD personnel on GTMO. These allegations were reviewed and it was determined that they were not relevant to this investigation, and did not rise to a level to suggest a leadership environment with any impact on interrogation or detainee operations.

ADDITIONAL RECOMMENDATIONS

This AR15-6 recommends consideration of the following:

- a) **Recommendation #23** Recommend a policy-level review and determination of the status and treatment of all detainees, when not classified as EPWs. This review needs to particularly focus on the definitions of humane treatment, military necessity, and proper employment of interrogation techniques. (e.g. boundaries or extremes);
- b) **Recommendation #24** Recommend study of the DoD authorized interrogation techniques to establish a framework for evaluating their cumulative impact in relation to the obligation to treat detainees humanely;

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- c) **Recommendation #25** Recommend a reevaluation of the DoD and Inter-agency interrogation training consistent with the new realities of the requirements of the global war on terror;
- d) **Recommendation #26** Recommend a policy-level determination on role of Military Police in "setting the conditions" for intelligence gathering and interrogation of detainees at both the tactical level and strategic level facilities;
- e) **Recommendation #27** Recommend an Inter-Agency policy review to establish "standards" for interrogations when multiple agencies and interrogation objectives are involved. Particular emphasis should be placed on setting policy for who has priority as the lead agency, the specific boundaries for the authorized techniques in cases with multiple agencies involved, a central "data-base" for all intelligence gathered at a detention facility, and procedures for record keeping to include historical, litigation support, lessons learned, and successful/unsuccessful intelligence gathering techniques.

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DEPARTMENT OF DEFENSE
HEADQUARTERS JOINT TASK FORCE GUANTANAMO
U.S. NAVAL BASE, GUANTANAMO BAY, CUBA
APO AE 97344

JTF-GTMO [REDACTED]

MEMORANDUM FOR THE RECORD

SUBJECT: Allegations of Torture regarding ISN [REDACTED] 760

1. ISN [REDACTED] 760 has been one of the most, if not the most, cooperative and influential detainees at JTF-GTMO. [REDACTED] returned to his family in the Massachusetts authorities in November 2001. [REDACTED] In July 2002, he was turned over to the US in Bagram, AF and arrived at GTMO on [REDACTED] August 2002.

2. [REDACTED] 760 reported to his interrogator on [REDACTED] the following story of torture that occurred here at GTMO during the months of August through October of 2003. According to the detainee, approximately a year after his arrival here he was subjected to torture by personnel at Guantanamo. He has named some of the personnel involved. Some names are consistent with personnel who were present at GTMO during this time period. Specifically, he mentioned [REDACTED] Mr. X (through the entire time), [REDACTED] two Arab men

(one with a Egyptian accent, one with Jordanian accent)

Allegations included:

3. Women. [REDACTED]

[REDACTED]

5. Sleep Deprivation.

[REDACTED]

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[REDACTED]

b. **Extreme.** He stated that he was forced to stay awake for 70 days. The detainee described a room which the detainees all called the "ice room."

[REDACTED]

6. **Exposure to Cold.** The detainee stated that his interrogators put ice directly against his skin, all over his body. Interrogators would pour water over his head and body. When the ice melted, new ice was put in his clothing or suit.

[REDACTED]

7. [REDACTED] 760 states that as a result of this torture he was coerced into signing a statement that implicated him [REDACTED]. The detainee has since recanted that statement. Within the time he has been completely compliant, he has denied ever being involved in or knowing about [REDACTED].

8. **Recommendation.** Pass this information up the chain of command to facilitate an investigation into the detainee's allegation of torture.

//ORIGINAL SIGNED//

[REDACTED]
Special Projects Team Chief
CAPT, USMC
[REDACTED]

Received by [REDACTED]

Signature: _____

Date: _____

Time: _____

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Exhibit 27

**SUMMARIZED WITNESS STATEMENT OF MAJOR GENERAL GEOFFREY D.
MILLER**

MG Miller was interviewed on 18 March 2005 at WFO, Arlington, Virginia. The witness was sworn by LtGen Schmidt. His statement was substantially as follows:

I was the Commanding General for the Joint Task Force, Guantanamo Bay, Cuba from 4 November 2002 to 26 March 2004.

My overall responsibility was interrogation and detention at Guantanamo Bay, Cuba. JTF-160 was set up for detention and JTF-170 was set up for interrogation. My task was to integrate them so that they were in synchronization. USSOUTHCOM wanted to improve intelligence and detention. I was told to fix it. It was broken. I did not perceive that I worked for the SECDEF. General Dunlavey and I had four days of overlap. We had a change over from 4-9 November 2002. We did not have a conversation about whether he had authority beyond GTMO. JTF-180 in Afghanistan was not in my command relationship. It was a coordination and information relationship. The detainees did come from JTF-180. Detainees and interrogators all came through JTF-180. There were no detainees that came from IRAQ or Operation IRAQI FREEDOM when I was there.

The command climate at GTMO was dysfunctional when I arrived. There were two separate organizations with senior leadership that was at odds with each other regarding how they would integrate their missions. My first job was putting that together. The leadership had a single mission focus that was separate. Single unit disparity did not allow the units to be successful. There was no abuse or torture going on. The organization was not working together efficiently. It did not affect the detainees. SOPs needed to be updated. The basic standard was going on. The detainees were treated in a humane manner.

I did receive FM 34-52. The additional techniques that were requested went up to GEN Hill. I was uncomfortable with Category III. I was not comfortable using Category III techniques in interrogations. We were going towards incentives. Category III would not help develop intelligence rapidly and effectively from the detainees there. I did not intend to use them. They were approved, but not directed. I had the latitude to use them. It was an order that came down through the SECDEF. I did not question them about not using the techniques in interrogation. They wanted to do aggressive techniques. Special Interrogation Plans (IPs) had to be done in detail and sent to a higher authority. The purpose of the techniques was to support the nation's effort. There were two Special IPs; they were enormous documents. The IPs were the way to set standards. Everyone understood where the limits were.

How controlling was I? I'd be frank with you, when you put an organization together you say here are the new standards. Some thought they were more aggressive. I would state how to do and what to do. It is part of team building for success. You win the battle one day at a time. Senior leadership got on board right away. That is why GEN Hill asked me to come down to GTMO.

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We had incidences of good faith mistakes. We stopped them. I would do a Commander's Inquiry and corrective action was done on an interrogator. Retraining was done. The interrogator would go back under the supervisor and then interrogate again. A junior interrogator needed oversight. It was a handful of occurrences. The occurrences did not rise to torture, maltreatment, or inhumane treatment. I had an interrogator that exceeded the bounds. It was a female interrogator who took off her BDU shirt and inappropriately rubbed on the detainee. The female rubbing was brought to my attention by a contract interrogator. We pulled her out. We found she did cross boundaries. She was given an administrative Letter of Reprimand and retrained her. One incident, the interrogator asked the MP to help in an interrogation and the MP was actively involved. I got it fixed. We continued to refine the policy. We built the SOPs. It was a continuously evolving operation. We had a weekly meeting that had enormous leadership involvement about staying within standards. Whoever violated the standards received appropriate action. In another incident an MP could not control his temper. He struck a detainee. He was a pretty good soldier. It occurred in the cell block. The standards were well known. If any standards were violated, appropriate action would be taken. When a mistake was made we took appropriate action.

The detainees are ruthless, murderous people. We had to teach interrogators and MPs not to hate. I spent a lot of time with the chain of command and how to control them professionally. We had to talk about this to all interrogators.

There was a high leader touch. We had to lead the led. I was down there engaged at the Camp. I spent enormous amount of time going through the cell block. It was difficult keeping that balance. We had weekly meetings. The lawyer went over the standards. The lawyer would tell the interrogators that if you cross the line call me. It got to be a joke sometimes. I said call [REDACTED] Do not cross those standards.

General Hill told me that you are the Commander. Here are the basic guidelines, go ahead, and go forward.

We had numerous actions routed through the J2 [REDACTED] I worked for General Hill. A direct line to him would interrupt his command authority. I was very clear of my chain of command. I talked to OSD almost every day. There was lots of talk. I understood for whom I worked for. I had informal conversations with OSD. I sent a report to DEPSECDEF through USSOUTHCOM.

I have known General Hill for 20 years. If I had a problem, I would call him. We talked once or twice a week. I got guidance and all the support I needed.

The contractors probably made up roughly 50% of the personnel. There were a higher number of contract analysts that supported the interrogation mission. I gave the same talk to the contract analyst, their supervisor, and contract interrogators. I told them they were soldiers without the uniform.

The FBI was at the established weekly meeting. I had an FBI agent come down. They had opportunity to come to the meeting every week. We had a meeting and I gave the FBI Special Agent (SA) an hour. I told him it was anything he wanted to talk about. They had a different perspective. They had a law enforcement perspective. There was significant friction between the FBI, CIIF and JTF on how interrogations were done. It was the first one and then SSA [redacted] came later. I said here are the standards. No FBI SA questioned interrogation methodology. For segregation, we had to go to General Hill for 30 days. No one from the FBI came to talk to me about that. One of the Doctors of CIIF came to talk to me about interrogations.

I am not an expert on detention or interrogation. I spent an enormous amount of time to help me understand how I can do this business better. I had a talk with every leader, CIIF, FBI and the JTF and told them that they would follow the standards. We would come in on occasion and look at interrogations.

[redacted]

Nothing placed me in a compromising situation.

There was an interrogation SOP in place when I got there. I split the JIG, ICE, and J2. They were counterproductive. It was the most dysfunctional I've ever seen. I could not believe it. It was senior leader's squabbling on personal matters. It was debilitating to the organization. The JIG did normal 2 stuff.

Military working dogs- No, not in interrogations. They were at Camp X-ray for Al Katani. They were used for detention, not interrogation.

Duct tape - Not that I knew of. After I left, I was told that a senior interrogator duct taped someone's mouth. I was told it was [redacted] but that is only speculation. I was surprised. I don't know when it happened or the dates.

I knew about the false flag. I don't know any instance. It was an authorized technique in the IP.

Impersonating FBI- No.

Yelling at detainee and loud music - In the Special IP, yes. It was an approved technique. The interrogator was authorized to do that.

Interference with FBI - There was an FBI and CIIF focus on law enforcement on DoD guidance to develop intelligence. Their focus was on evidence. We were developing intelligence. They had a different focus. We followed DoD. FBI followed public law.

Sleep deprivation - This was in the Special IP for ISNs 063 and 760.

Short shackling. While I was there the detainees were chained to the eye-bolt for security. Every interrogator saw the detainee's legs and feet. I saw hundreds of interrogations. There were no stress positions. I gave guidance.

Food and water we do not use as a weapon. (ISN 063) gained 30 pounds.

Hot and cold temperature -- Not to my knowledge.

Inappropriate touching is not authorized. It was brought to my attention and we took care of it. The touching was done by a [REDACTED]

[REDACTED] never came to my attention.

Ink and menstrual fluid -- No.

There were no ghost detainees that were under the control of JTF-GTMO.

What humane treatment means to me are adequate food, shelter, medical care, and an environment that would not cause physical or mental abuse.

Some interrogation techniques that SECDEF granted authority for was beyond what I was comfortable with.

I never saw a memo or received a memo from the FBI that commented on SIPs.

It was clear to all the standards. The boundaries were for all. FBI and CTF had the same boundaries for all DoD included. In our discussions, everybody understood the standards. We have the same guidance. Everybody was formally notified that the superior commander made the guidance for interrogations.

I recognize the CTF memo objecting to the Special IP. I sent the interim plan up and it was approved by higher headquarters.

My focus was on the relationship between the CTF and the JTF. My focus was to improve it. They were at odds professionally and personally to the detriment of the mission. I called the CTF commander personally. We discussed that they were trying to develop evidence and the JTF position is not to develop evidence, but intelligence. The meeting was attended by General Ryder (the CID Commander), the CTF commander, and myself. We talked about an effective relationship about doing the mission. Subordinates are to work together effectively. An interrogation plan was approved and we followed the plan.

I directed the Director of the JIG to conduct an investigation into the lap dance allegation. I agreed with his recommendations and findings. The Director of the JIG was [REDACTED] [REDACTED] was an effective leader and did a good over watch. He was a senior leader down there that would execute the mission.

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The standards were known across the mission. I found out about the duct tape incident later. It never came to my level. I believe it came to [REDACTED] attention and she took appropriate action.

I had several counseling sessions with [REDACTED]. He is very fine man. He did operate in a manner that demonstrated what the standards are.

I am a standards guy. If you don't follow the standards, I'll take the appropriate action. When honest mistakes are made, you counsel, coach, and mentor.

I came to a dysfunctional organization not with mission success. I spent a large amount of time fixing it.

SERE to be frank with you, SERE training was recommended to me. I said let's get the SERE people down here. They came down. There was one psychologist, [REDACTED]. There were techniques beyond what I felt comfortable with. They talked about stress positions. It was about spring when they came. I asked them to come down so I could know what they were talking about. Bring the experts down to talk to me and let me understand. I did not accept some of the techniques they wanted to use.

I am aware of the 2 May 2003 memo I signed. It was in response to the up and down incident. The letter was signed in response to an AR 15-6. It was a Fear up. The MPs were told not to do it anymore. This particular incident was a single incident. There were some cases of the MPs being actively involved in interrogation; that was not my guidance.

The ICRC brought several general statements for review [REDACTED]

The guidance every week revalidated the guidance. It was very important.

The FBI and [REDACTED] representative came every 30 days.

Interrogations require that we would restate the standards every time. I knew the contract interrogators. I gave them the same speech for standards.

There was fairly large friction between JTF and ICRC. One of my focuses was to make it effective. It was producing unnecessary friction.

ISNs 063 and 760 [REDACTED]

[REDACTED] we needed special techniques. The Special IP for ISN 063 was 75

[REDACTED]
They were exceptional and not to be used by an interrogator on other detainees.
I joined the JIG to put the Special IP together. The same was done for ISN 760.

[REDACTED] I supported both Special
IPs.

I have not been through SERE. I don't believe to my knowledge that the interrogators
went through SERE. The Psychologist, Forensic Psychologist, and Clinical Psychologist
were trained through SERE.

Most interrogators were school trained on tactical interrogation. Tactical debriefing in
strategic interrogation, some were trained. It was a small number. Some picked up
training while there at GTMO.

We established the JIG for Team [REDACTED]
[REDACTED]

I have seen several hundred interrogations now. When I showed up at GTMO I had
never before witnessed one.

I believe one of the things we found out holistically. Unity of command for success and
standards demonstrated success on a regular basis.

JTF-160 and JTF-170 was an ad hoc organization that started from a cold start that we
normally would have in our institution. There were a lot of developmental operations
and procedures for strategic interrogation on how things should be done.

Abuse problems are simply about discipline setting, standards and developing these
standards. You need leadership involvement that clarifies and focuses on the importance
of the mission.

GTMO and Iraq are different. I have had a year and a half to look at GTMO. GTMO
used standards, how to treat detainee that are not combatants, how to interrogate, and
incentive based interrogations. GTMO was successful.

The Special IP was an invaluable tool. It required senior leader evaluation. It was not
incentive based. It rapidly exploited enemy combatants that were extraordinary value to
the mission.

Those interrogations did not involve torture.

GTMOize inappropriately reads bad information. I have heard of it. If you apply a
leader and standard there is adherence to the standards. In another context, it brings
discredit to all the leaders.

On 26 March 2004, I departed the island and went to Iraq three days later.

MG Geoffrey Miller was interviewed, via secure telephone, a second time on 31 March 2005 at 1843 EST. At that time Lieutenant General Schmidt advised MG Miller of his rights under Article 31 of the Uniform Code of Military Justice.

Lt Gen Schmidt asked MG Miller several questions regarding events that have been documented in the interrogation logs obtained from GJMD. Lt Gen Schmidt asked MG Miller if he had ever read the interrogation logs and MG Miller responded that he had not. MG Miller responded that he was unaware of the following events:

- on 21 and 23 Dec 02, MPs held down a detainee while SGT [REDACTED] straddled the detainee without placing weight on the detainee
- on 4 Dec 02, SGT [REDACTED] massaged the detainee's back and neck over his clothing
- on several occasions between November 2002 and January 2003, interrogators would adjust the air conditioner to make ISN 063 uncomfortable
- on 6 Dec 02, ISN 063 was forced to wear a woman's bra and had panties placed on his head during the course of the interrogation
- on 17 Dec 02, ISN 063 was told that his mother and sister were "whores"
- on both 17 Dec 02 and 27 Dec 02, ISN 063 was told that he was a homosexual, or had homosexual tendencies, and that other detainees had found out about these tendencies
- on 20 Dec 02, an interrogator forced ISN 063 to dance with a male interrogator
- on several occasions in December 2002, ISN 063 was subject to strip searches (MG Miller stated that he had a vague recollection about strip searches for ISN 063)
- on 20 Dec 02, an interrogator tied a leash to ISN 063's chains and led him through a series of dog tricks
- that in October and November 2002, military working dogs were used in the interrogation of ISN 063
- that ISN 760 was subjected to hot or cold temperature changes to make him uncomfortable
- that ISN 760 and his family were threatened

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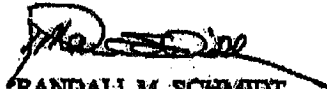


MG Miller stated that had he known of the threats to [ISN 760] and his family, he would never have allowed it.

MG Miller stated that he was aware of the following:

- that detainees were yelled at and that music was used in interrogations
- that [ISN 063] was interrogated for 20 hours a day with 4 hours of sleep from 23 November 2002 until 15 January 2003
- that [ISN 063] was separated from the detainee population from 8 August 2002 until 15 January 2003
- that [redacted] impersonated a Navy Captain from the White House

I declare under penalty that the foregoing is a true and correct summary of the statement given by the witness, MG Geoffrey Miller. Executed at Davis-Monthan Air Force Base, Arizona, on 31 March 2005.


RANDALL M. SCHMIDT
Lieutenant General, USAF
AR 15-6 Investigating Officer

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Exhibit 28

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nomenclature to describe the same (or very similar) techniques; therefore, the list of techniques represents our best effort to harmonize the nomenclature across all three theaters. The techniques are organized as follows:

- (C) Techniques 1-30: Techniques specifically associated with FM 34-58 (the 17 doctrinal techniques, plus Change of Some Up and Down, both broken out separately, plus Mutt and Jeff, which was in the 1987 version of FM 34-58);
- (C) Techniques 21-37: The counter resistance techniques approved in the Secretary of Defense's December 2, 2002 memorandum (deception is listed as a separate technique because it is closely related to the Category I techniques from the December 2, 2002 memorandum, and presence of military working dog is also listed as a separate technique);
- (C) Techniques 38-40: Techniques approved in the Secretary's April 16, 2003 memorandum that were in addition to the counter resistance techniques;
- (C) Techniques 41-50: Techniques taken from a variety of sources, including proposed or approved techniques in Afghanistan or Iraq, techniques considered by the Detainee Interrogation Working Group, as well as techniques used during U.S. military SERE training; and
- (C) Techniques 51-58: Techniques prohibi-

(C) Comparison of Interrogation
Techniques Approved and Employed

(C) At bottom, our investigation of interrogation techniques was focused on two principal areas: the development of approved techniques, and what techniques were actually used by interrogators on the ground. A comparison between these two illuminates whether interrogation policy was adequately followed. The chart on the next page provides a comprehensive picture of both approved and employed interrogation techniques at GTMO, which enables such a comparison to be made.

(C) A few words of explanation regarding the chart. First, the interrogation techniques are listed on the vertical axis. In order to facilitate comparison among GTMO, Afghanistan and Iraq, this list comprises the universe of possible interrogation techniques from all three locations. At times, the respective commands used different

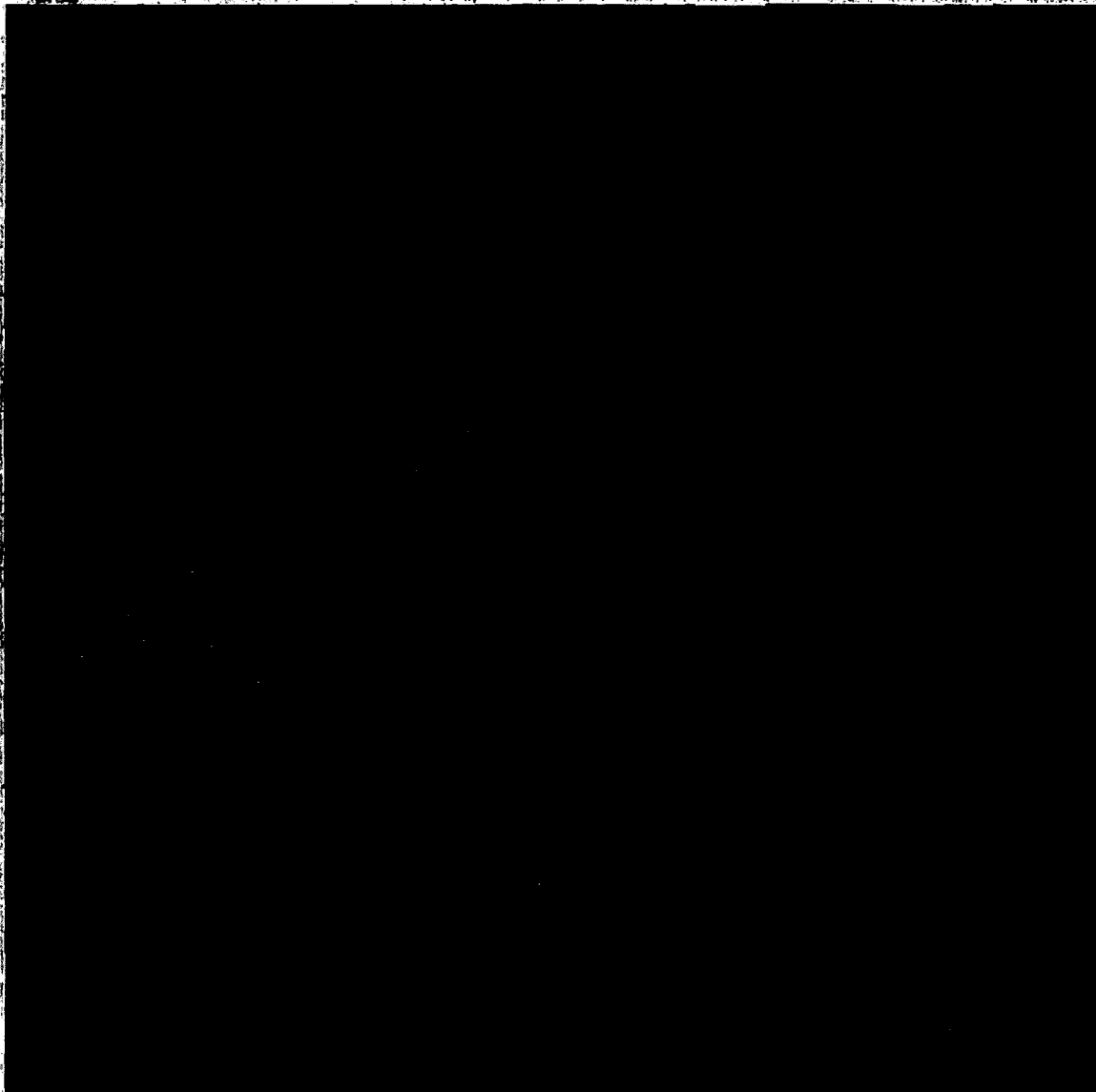
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ed by law or policy across all areas and never approved for use.

The Comments section of the chart provides, where appropriate, explanatory information about the interrogation policy governing particular techniques.

(C) Second, the various interrogation policies are presented in chronological order across the horizontal axis. This begins with the FM 84-52 guidance, followed by the Secretary's December 2, 2002 memorandum, followed by his rescission of that memorandum on January 15, 2003, and finally the current guidance, which has been in effect since April 16, 2003.

(C) Third, the colors on the chart represent the approval status of a particular technique at a particular time. In order to indicate least permissive status, green indicates that a particular technique was approved for general use; white means that no official guidance was given for the technique; yellow indicates that policy identifies the particular technique, but that the technique is not to be used without advance notice to and approval by the Secretary; orange means that the technique is not specifically identified by policy, but the policy in effect at the time forbids the use of non-identified techniques without advance notice to and approval by the Secretary; and red represents techniques that are prohibited by law or policy under all circumstances.

(C) Fourth, the X markings on the chart indicate where techniques were actually employed, while bracketed X markings ("X") indicate where techniques that required advance notice and approval were employed with such notice and approval. Thus, any X markings in yellow or orange areas (where advance notice and approval are required) are potentially problematic, because they would indicate situations in which such advance notice and approval were not sought and yet the techniques were nevertheless employed. Any X markings in red areas would, of course, be troublesome because this would indicate where prohibited techniques were employed. While the placement of X and [X] markings on this chart helps to illuminate whether interrogation policy was followed, it is important to understand the limitations of these markings. Most significantly, they do not indicate the frequency with which a particular technique was employed -- they merely indicate that our investigation showed that the particular technique was employed at least once in the designated time period. Frequency of use is addressed in more detail in the fuller discussion of the Chart that appears below.

(C) Overall Compliance With Approved Techniques

(C) An initial examination of the chart reveals that interrogations at GTMO have generally followed the approved policy, with some notable exceptions. There are four X markings in the red,

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prohibited areas, but these represent isolated incidents. There are several X markings in orange and yellow areas, but most of these represent either use of techniques that arguably fall within the broad guidance of FM 34-52 and therefore are not particularly problematic, or situations in which particular techniques were used only once under specific circumstances. There are also several X markings in white areas, but this is not particularly surprising. Interrogation policy did not always list every conceivable technique that an interrogator might use, and interrogators often employed techniques that were not specifically identified by policy but nevertheless arguably fall within its parameters.

(U) We found that from the beginning of interrogation operations to the present, interrogation policies at GTMO were effectively disseminated to interrogators and the interrogators had a good, working knowledge of these policies. Moreover, the close compliance with interrogation policy was due in large part to those aspects of the GTMO model discussed above: command organization that placed detention and intelligence operations under the command of a single entity, JTF-GTMO; effective coordination between interrogators and military police; adequate detention and interrogative resources; and well-developed standard operating procedures. Strong command oversight and effective leadership also played important roles in ensuring that interrogators followed approved policy.

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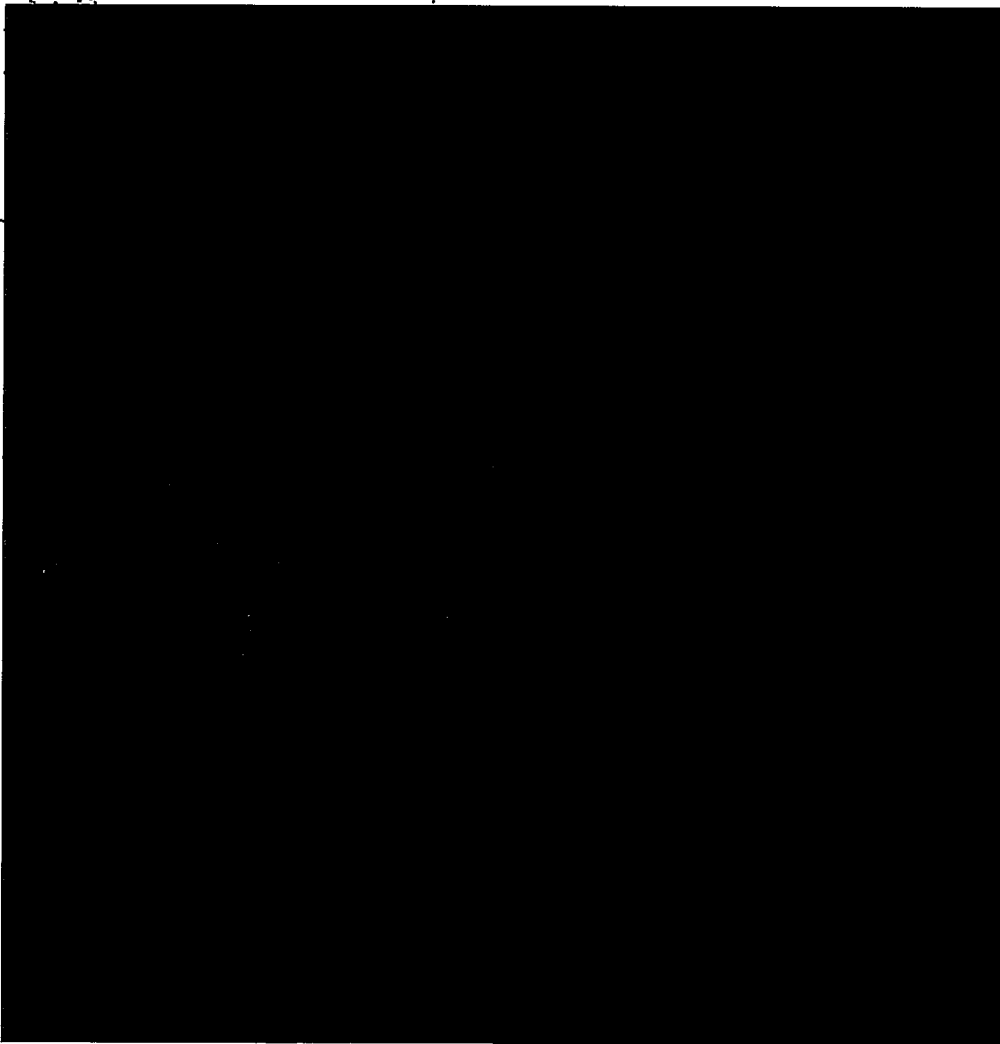
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frequently employed. This technique is not specifically listed in the chart, but can be considered a variation of mild, non-injurious physical contact. Finally, Kahtani was at times forced to engage in physical training, during which he would stand and sit at the interrogators' commands. Kahtani was checked daily by a doctor, and a medic was always present at the site during interrogations. As discussed above, the combination of the numerous techniques used on Kahtani during this period neutralized his resistance training and produced significant intelligence on al Qaeda operations.

(S) Mohamedou Ould Slahi

~~(S/NF)~~ Mohamedou Ould Slahi (Slahi) was the subject of a second Special Interrogation Plan that was conducted in the late summer and fall of 2003. As the 9/11 Commission noted, Slahi is a citizen of Mauritania and an al Qaeda operative who recruited several of the 9/11 hijackers in Germany. He was handed over to U.S. custody at Bagram Air Force Base in Afghanistan, and was then transferred to GTMO in August 2002. After several months of standard interrogations proved fruitless (including military interrogations based on the specific FM 34-52 techniques, as well as FBI interrogations focused on rapport-building), JTF-GTMO, via SOUTHCOM, requested that the Secretary of Defense approve a Special Interrogation Plan for Slahi. The plan included isolation, interrogations for up to 20 hours, the use of various types of sound, deprivation of light and

auditory stimuli (whereby Slahi would at times be placed in a silent "white room"), removal of all comfort items, MRE-only diet, forced grooming, and sleep adjustment. SOUTHCOM projected that the interrogations would take place over a period of 90 days, with JTF-GTMO to assess their effectiveness every 30 days.

(S) On August 13, 2003, the Secretary approved the interrogation plan for Slahi. We note that soon after the Secretary's approval, JTF-GTMO, via SOUTHCOM, requested permission to conduct Special Interrogation Plans patterned after Slahi's on two other resistant, high-value detainees, Fouad Mahoud Hasan al-Rabia (al-Rabia) and Mohammed Rajab Sadiq Abu Ghanim (Abu Ghanim). Al-Rabia is a Kuwaiti citizen and known al Qaeda financier and facilitator who has been linked to Khalid Sheik Mohammed, the mastermind of the 9/11 plot. Abu Ghanim is a Yemeni citizen and former bodyguard for Usama Bin Ladin. These proposed interrogation plans were never implemented, however, because JTF-GTMO withdrew the plans before the Office of the Secretary of Defense responded to them. According to Esteban Rodriguez, the current Director of the JIG, al-Rabia's plan was withdrawn because he was moved to Camp Five (the maximum security facility that houses the most uncooperative individuals) and the GTMO leadership "wanted to give that a chance to work," while Abu Ghanim's plan was withdrawn because "he was not of enough value anymore to warrant a Special Interrogation Plan."

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(S) On August 25, 2003, Slahi was transferred from Camp Delta to isolation at Camp Echo in an elaborate movement plan named [REDACTED]

The purpose of the movement plan was to create the impression in Slahi's mind that he had been transferred from GTMO to another location. Slahi was removed from his cell at Camp Delta, fitted with blackout goggles and taken on a disorienting boat ride that lasted between four and five hours, before arriving at Camp Echo. In order to help create an atmosphere that something major was occurring, dog teams accompanied the movement to and from the boat, and Slahi was also permitted to overhear pre-planned deceptive conversations among other passengers on the boat.

(S) Upon his arrival at Camp Echo, Slahi was kept in isolation for several days without being interrogated, presumably to allow tension to build and set the stage for subsequent interrogations. In early September 2003, interrogations were initiated using the Special Interrogation Plan described above, and Slahi soon began providing useful information. He admitted for the first time that he was a sworn member of al Qaeda, and provided detailed information on the day to day operations of al Qaeda, including recruiting, money laundering, and Internet activities, as well as in-depth information on al Qaeda cells operating in Canada and Europe. He also provided information on possible links between al Qaeda and the Iranian government. Within the first few weeks of this interrogation, Slahi gave his interrogators information on

approximately 50 individuals associated with terrorist activity, including his cousin Abu Hafs the Mauritanian, one of Usama Bin Ladin's trusted advisors. The interrogation of Slahi was so successful, in fact, that by the end of September he was being interrogated only intermittently, for a few hours at a time, because he was willingly providing information and therefore 20 hour interrogation sessions (and other counter resistance techniques from his Special Interrogation Plan) were no longer necessary.

(S) While Slahi's interrogation did provide important intelligence, our investigation revealed the use of some troubling techniques that apparently were not part of the approved interrogation plan. First, according to an August 2, 2003 memorandum of record that summarized that day's interrogation session, the interrogator told Slahi that he was not there to interrogate him, but rather "to deliver a message to him." The message was that the interrogator and his colleagues were "sick of hearing the same lies over and over and are seriously considering washing their hands of him." Once they had done so, Slahi would "disappear and never be heard from again." The interrogator assured Slahi "that there are much worse places than GTMO," and asked him "to use his imagination to think of the worst possible scenario he could end up in." He told Slahi that "beatings and physical pain are not the worst thing in the world," and that if he did not talk, "he will very soon disappear down a very dark hole," and that "his very existence

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would become erased." Once this happened, "no one will know what happened to him and, eventually, no one will care."

(S) These threats came just weeks before [redacted] and in our view it is certainly conceivable that Slahi interpreted the [redacted] as preparation for making good on the threats, which contributed to his willingness to provide information. Moreover, during interrogation sessions in early September 2003, interrogators falsely told Slahi that his mother and brother had been arrested and were in U.S. custody because of Slahi's lies. Interrogators also presented Slahi with a false document on Joint Staff letterhead, stating that his mother might need to be transferred to long-term custody at GTMO if she did not provide the details of Slahi's true role within al Qaeda. These threats clearly had an impact on Slahi's state of mind. For example, a September 4, 2003 memorandum of record summarizing that day's interrogation noted that Slahi "began crying when discussion turned to his mother and brother being in U.S. custody." On September 8, Slahi told his interrogators that "he had made a decision to come clean and tell the truth," at which point he provided information on al Qaeda. His interrogators reminded him, however, that only after he had told them everything "would his family be returned and [his] overall situation would improve."

(S) Lessons of the Kahtani and Slahi

Interrogations

(S) The interrogations of Kahtani and Slahi are crucial snapshots of the Global War on Terror. On the one hand, they provide at least anecdotal evidence of the importance and effectiveness of counter resistance interrogation techniques that go beyond traditional techniques found in FM 34-52 that were designed for use against EPWs. Simply put, in their resistance training and fanatical hatred for the United States, detainees like Kahtani and Slahi are nothing like traditional EPWs and thus it should not be surprising that traditional techniques would have limited effect on them. While interrogation methods designed to build rapport with detainees certainly have their place and may prove effective on a significant percentage of detainees, some hard core al Qaeda operatives and other terrorists simply are not going to respond to these methods. And it is these individuals who often harbor the most significant intelligence - intelligence that we must obtain and exploit if we are to protect our nation from further attack. Those who assert that low key, rapport-building interrogations are the best option in all circumstances ignore the facts; adhering to such an approach, moreover, would imperil American lives.

(S) On the other hand, the Kahtani and Slahi interrogations clearly pushed the boundaries of humane treatment, and these interrogations raise the difficult questions of precisely defining these boundaries, and whether circumstances may

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exist in which interrogators should be permitted to cross them. The Secretary of Defense has been consistent in his direction that detainees must be treated humanely, but the lack of specific guidance on what this means has left commanders with the task of filling this void with their own definitions. In his analysis of Kahtani's interrogation, for example, GEN Hill in a March 21, 2003 memorandum to Gen Myers, stated that Kahtani was always "treated humanely" because during his 20-hour interrogation sessions "a Navy hospital corpsman and an ambulance were on scene. Additionally, a medical doctor conducted daily evaluations and a commissioned officer with extensive experience in interrogations was present and empowered to stop the sessions in the event of an emergency. Finally, a judge advocate visited the site daily, spoke with interrogators about the operation, and reviewed the interrogation log to ensure continued humane treatment."

(S) Similarly, MG Miller, in a January 21, 2003 memorandum to GEN Hill, stated that "controls were in place to ensure [Kahtani] was treated humanely and to monitor his medical condition should an emergency arise." General Miller went on to cite the President's Military Order, dated November 7, 2001, as providing a definition of humane treatment, which consists of providing detainees with "shelter, food, medical care, and clothing" and noted that "this standard has been met during the interrogation of [Kahtani], and will continue to be met in future operations." (GTMO's

Tiger Team SOP also incorporates this supposed definition of humane treatment.) This is a misreading, however, of the President's order, which simply states that detainees be "treated humanely, without any adverse distinction based on race, color, religion, gender, birth, wealth, or any similar criteria," and then goes on to state that detainees should also be "afforded adequate food, drinking water, shelter, clothing, and medical treatment," without offering these basic standards as a definition of humane treatment.

(S) In our view, GEN Hill's and MG Miller's definition of humane treatment - under which detainees merely receive medical care in the event of an emergency, and also receive shelter, food and clothing - cannot be the correct one, because a literal interpretation of this definition would permit interrogators to subject detainees to abusive, inhumane (or even torturous) interrogation techniques with impunity, as long as the interrogations were halted in the event of a medical emergency, and the detainees were provided with basic shelter, food and clothing. We do not, however, have a conclusive definition of our own to offer, nor is it our place to do so. Such a definition should come from higher authority. The sooner this guidance is provided, the less likely confusion over the limits of humane treatment may lead to detainee abuse.

(S) This is not to say, however, that we believe that the interrogations of Kahtani or Slahi necessarily crossed a line that should not have

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[REDACTED]

been crossed. Rather, they highlight both the need for a clear, detailed definition of humane treatment, as well as the need for a serious analysis of whether extraordinary circumstances may exist in which interrogators would be justified in employing techniques that cross the line of humane treatment. Kahtani and Slahi are not, to put it mildly, sympathetic characters. They are key players in a plot that murdered thousands of innocent Americans; moreover, they are dedicated to slaughtering more Americans if given the opportunity, and possess information vital to preventing further attacks. Had Kahtani been present on United Flight 93, giving the hijackers a full five-man team, it is certainly possible that this extra manpower could have bought them the extra 20 minutes that they needed to slam the plane into the White House or the U.S. Capitol. If such a man is likely to possess information that could save hundreds or even thousands of innocent lives, should we as a nation first and foremost be concerned that he be treated humanely, or should we be willing to consider subordinating that concern to the immediate need to protect our citizens from further attack?

(S) That is a delicate question, and again, we do not presume to offer an answer. But we think it is one that our government can and should legitimately explore, and should not be defensive or apologetic about exploring it. On a basic level, if we do not explore this question, we risk not arriving at the right answer, whatever that answer may be. Just as importantly, if we do not explore this question, interrogations of high-value detainees

like Kahtani and Slahi may take place in a murky area that may unintentionally facilitate abuse. Nor do we think that an exploration of this question is precluded by the nearly universal condemnation of the August 1, 2002 OLC memo that discussed the legal permissibility of torture. (This memo was withdrawn in June 2004, and superseded on December 30, 2004, by a more conservative OLC memo that reiterated "the President's unequivocal directive that United States personnel not engage in torture.") In our view, the criticism of this memorandum flowed legitimately from its analysis, which defined torture much too narrowly, and then concluded that the President had the authority to order widespread torture of detainees in the Global War on Terror as a matter of policy. Instead, we propose the much narrower question of whether extraordinary circumstances may exist under which resistant, high-value detainees who likely possess time-sensitive, critical intelligence that could prevent the slaughter of innocent people, may be subjected to interrogation techniques that in combination may at times push the limits of humane treatment.

(S) Analysis of Techniques Employed

(S) As explained above, the chart, which provides a comprehensive picture of both approved and employed interrogation techniques at GTMO, helps to illuminate whether interrogation policy at GTMO was adequately followed. The discussion below provides details on the employment of the individual techniques, with particular focus on any

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potential problem areas where an X marking appears in either a yellow, orange or red block in the chart.

~~(S)~~ FM 34-52 Techniques: (1) Direct through (20) Mutt and Jeff

~~(S)~~ Not surprisingly, our investigation revealed that all of the FM 34-52 techniques were employed across all time periods, with one exception. (Change of Scene Down was not employed during the period January 16 to April 15, 2003). Most of these techniques were employed routinely, and often in combination. Direct questioning was the most common technique employed, and was particularly effective when used on cooperative detainees. Of note, MG Miller eliminated the use of the fear up harsh technique on May 2, 2003, following an investigation into the improper use of forced physical training, discussed in more detail later in this section. Because fear up harsh was used prior to May 2, 2003, there is an X marking in the final column of the chart, but we found no evidence that this technique was used after MG Miller issued his prohibition. Interestingly, several interrogators reported that they would only use the fear up harsh technique as a last resort, because it runs the risk of destroying the trust and rapport that the interrogators often work to build with detainees. Discussed below are those FM 34-52 techniques that at one time period or another required prior notice to and approval by the Secretary of Defense.

~~(S)~~ *Incentive*

~~(S)~~ [REDACTED] Incentives can generally be divided into two categories: those provided inside the interrogation room, and those provided in the cellblock, or outside the interrogation room. Interrogators provide the incentives inside the interrogation room, which commonly consist of such items as extra food, drinks, cigarettes or other minor luxury items. Interrogators have used these types of incentives since the beginning of interrogation operations at GTMO.

~~(S)~~ [REDACTED] These incentives cover almost every part of the detainees' lives - from the comfort items that they may receive (such as playing cards, prayer beads, or extra towels), to the activities that they may engage in (such as reading authorized materials, or using a soccer ball in the exercise yard), to the particular cellblock to which they are assigned. In particular, the GTMO Positive Behavior Rewards Program, which was put into place soon after JTF-GTMO was established, organizes comfort items and activities into [REDACTED] based upon detainee cooperation. No matter how uncoopera-

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tive, however, all detainees currently receive a minimum level of basic hygiene and comfort items - such as a toothbrush, toothpaste, towel, sleeping mat, blanket, and Koran (if desired) - as well as adequate food, water, shelter and medical care. While there certainly is a discipline component to this program (rewards are given out or taken away as a means of deterring unruly behavior and

[REDACTED] the main purpose of the program is to encourage cooperation with interrogators.

[REDACTED] This is a logical and legitimate use of the program. This use is designed, as one interrogation Team Chief put it, to support "the notion that the interrogator should have the ability to control the detainee's world sufficiently to have the detainee become dependent upon that individual for positive reinforcement." Simply put, if the interrogators do not have the ability to control the detainees' environment outside the interrogation room, where the detainees spend the great majority of their time, then it is much easier for detainees to resist interrogation. That is exactly what was occurring at GTMO prior to the establishment of JTF-GTMO; [REDACTED]

[REDACTED] Thus, the detainees had no real incentive to cooperate with interrogators and found it relatively easy to hold out against interrogation. This problem was highlighted in both the Custer Report and the

Herrington GTMO Report, which noted that "to effectively carry out its intelligence exploitation mission, JTF-170 and its interagency collaborators need to be in full control of the detainees' environment. Treatment, rewards, punishment, and anything else associated with a detainee should be centrally orchestrated by the debriefing team responsible for obtaining information from that detainee." (Additionally, MG Miller, in bringing some of the lessons learned from GTMO to Iraq, observed in his September 2008 report on intelligence collection in Iraq that "[j]oint strategic interrogation operations are hampered by lack of active control of the internees within the detention environment.")

[REDACTED] once the detainees had a real incentive to cooperate with their interrogators, the quantity and quality of the intelligence collected from interrogations increased substantially. As discussed in the background section, [REDACTED]

[REDACTED] While the detention mission at GTMO is interwoven with the [REDACTED] this detention mission is [REDACTED] and [REDACTED]. In other words,

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GTMO does not exist to remove our enemies from the battlefield and simply detain them, but rather exists to remove our enemies from the battlefield [REDACTED] will save American lives.

~~(S)~~ As demonstrated by the chart, current interrogation policy, which went into effect on April 16, 2003, requires that the Secretary receive advance notice before incentive (and removal of incentive) may be used as interrogation techniques. This condition was fulfilled by a June 2, 2003, letter from GEN Hill to the Secretary of Defense stating, "the [Walker] Working Group was most concerned about removing the Koran from detainees. We no longer do this. Providing incentives (e.g. McDonald's Fish Sandwiches) remains an integral part of interrogations. My intent is to provide you notice when the proposed incentive would exceed that outlined by interrogation doctrine detailed in Army Field Manual 34-52 (which implements Geneva Convention standards), or when interrogators intend to remove an incentive from a detainee." GEN Hill also stated his intent in a June 2, 2003, memorandum to MG Miller. We found no evidence that any exceptional incentive techniques were requested or employed.

~~(U)~~ *Pride and Ego Down*

~~(S)~~ This technique was used occasionally, especially on resistant detainees, until the implementation of the current interrogation policy on

April 16, 2003. Thereafter, the use of pride and ego down required advance notice to the Secretary, and was used only as part of Slahi's Special Interrogation Plan.

~~(U)~~ *Change of Scene, and Change of Scene Up and Down*

~~(S)~~ Since the opening of Camp Delta in April 2002, change of scene up has often been employed by interrogating detainees in a living room-like environment in the [REDACTED] building, described above in the background section. This environment is offered to cooperative detainees as a reward and incentive for their cooperation. Between January 16, 2003 and April 15, 2003, change of scene up required advance notice to the Secretary of Defense. We found no evidence, however, that such notice was provided during this time period. The MI personnel that we interviewed did not seem to be aware that change of scene up during that time period required advance notice to the Secretary, perhaps because employment of the technique was considered routine. Moreover, they did not appear particularly concerned about the use of the technique, because it involved rewarding a detainee and not treating him in a harsh manner.

~~(S)~~ In contrast, interrogators infrequently employed change of scene down. This technique was used only on Kahtani (by interrogating him

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in the spartan confines of Camp X-Ray) and Slahi (by interrogating him at Camp Echo).

~~(S)~~ *Mutt and Jeff*

~~(S)~~ Interrogators reported using the Mutt and Jeff technique - one interrogator taking a friendly approach, and another adopting a harsh persona - on a frequent basis until the Secretary issued his April 16, 2003 policy. That policy required advance notice to the Secretary before Mutt and Jeff could be employed, and also noted that the harsh interrogator "might employ the Pride and Ego Down technique." As noted above, the April 16, 2003 policy also required advance notice to the Secretary before Pride and Ego Down could be used. We found that since the promulgation of this policy, interrogators have not used Mutt and Jeff, but that they have utilized a milder multiple interrogator technique, where one interrogator is friendly while the other adopts a neutral stance.

~~(S)~~ *December 2, 2002 Counter Resistance Techniques: (21) Yelling to (37) Mild Contact*

~~(S)~~ *Category I: Yelling, Deception, Multiple Interrogators and Interrogator Identity*

~~(S)~~ Interrogators have commonly employed yelling and deception throughout

interrogation operations at GTMO, and consider both to be included in FM 34-52. In particular, yelling is inherent to fear-up, harsh (as well as fear up mild); interrogators reported using yelling only in a controlled manner and only on resistant detainees. Deception is inherent to several FM 34-52 techniques, such as we know all and file and dossier. The April 16, 2003 interrogation policy required advance notice to and approval by the Secretary for use of any interrogation techniques not listed in the policy. Because yelling and deception are not specifically listed in the policy, both are colored orange in the last column of the chart. However, neither interrogators nor MI leaders considered it necessary to provide the Secretary with advance notice when using these techniques, given their relationship to FM 34-52, and we think this is a reasonable interpretation.

~~(S)~~ The interrogator identity technique can be considered a form of deception. When this technique was adopted in the December 2, 2002 policy, it envisioned having an interrogator falsely present himself as from a country with a reputation for harsh treatment of detainees. We found no evidence that interrogator identity was ever employed in this manner, but we did identify one instance in which an interrogator falsely portrayed himself as a Special Agent of the U.S. State Department. As for the use of multiple interrogators, this is inherently part of the Mutt and Jeff technique, described above, which is why the row

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for multiple interrogators is marked for every time period in the chart. Furthermore, multiple interrogators were sometimes employed as a means of introducing new interrogators to detainees.

~~(S)~~ *Category II: Stress Positions through Presence of Military Working Dog*

~~(S)~~ As demonstrated by the chart, interrogation policy regarding these techniques has become more restrictive over time. They were approved for general use in the December 2, 2002 policy; following the Secretary of Defense's rescission of that policy, use of these techniques has required advance notice to and approval by the Secretary. According to our investigation, interrogators have closely complied with interrogation policy when employing these techniques, with a limited number of exceptions noted below.

~~(S)~~ The biggest exception that we found was with the use of stress positions. Throughout interrogation operations at GTMO, interrogators have made a practice of chaining detainees' hands and feet to an eyebolt in the floor of the interrogation room, ostensibly as a matter of safety, so that detainees are under control and cannot physically assault their interrogators. This practice is used primarily on resistant or violent detainees. We found that when chained to eyebolts in this manner, detainees in a sitting position often could not sit up straight, and detainees in a standing position were sometimes forced to stoop or hunch over. (In

addition, "short chaining" involved intentionally placing a detainee's hands closer to the eyebolt; the JTF-GTMO Commander, BG Jay Hood, halted this practice in May 2004.) Interrogators and MI leadership at GTMO consider chaining detainees to eyebolts more in the nature of a safety position than a stress position, and accordingly the practice is routinely used without providing advance notice to the Secretary. While we agree that there is a legitimate safety component to the practice, it is also clear to us that it causes detainees moderate physical discomfort, and that it is used in order to intimidate and establish control over resistant detainees in order to encourage their cooperation. We therefore have classified the practice as a stress position, and we recommend that JTF-GTMO reexamine the use of this practice to ensure that it does not violate current interrogation policy. We note, however, that we found no indication that any other type of stress positions were regularly employed at GTMO, other than the stress/safety positions described above.

~~(S)~~ We identified only a handful of occasions where false documents and reports were used as part of interrogations. As noted above, they were used as part of Kahtani's Special Interrogation Plan. A false document was also used during Slahi's interrogation, discussed above. Additionally, as part of an interrogation of a high-value detainee in June 2003, an interrogator used a false letter, supposedly from the [REDACTED] Ambassador to the United States to the U.S.

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Secretary of State, which asked for the transfer of the detainee into [REDACTED] custody. This letter was designed to invoke fear in the detainee that if he did not cooperate with interrogators, he would be sent to [REDACTED] where he would be treated harshly. We found no evidence that the Secretary received advance notice before employment of this technique. Although this technique was a form of deception (and thus related to FM 34-52 techniques), it was sufficiently aggressive and distinct that we believe it should not have been employed without prior notice and approval.

(S) Isolation was employed on only two high-value detainees, Kahtani and Slahi, discussed above. From August 2002 to November 2002, Kahtani was isolated at the Guantanamo Brig. In November 2002, in accordance with his approved Special Interrogation Plan, he was moved to isolation at Camp X-Ray, where he remained until mid-January, 2003, when the Secretary of Defense rescinded his approval of the December 2, 2002 interrogation policy. At that time, he was moved back into isolation at the Brig, where he remained until April 2003. We found no indication, however, that the Secretary of Defense was notified that Kahtani was kept in isolation after the Secretary rescinded his December 2, 2002 policy. Kahtani is currently being held at Camp 5, the maximum-security facility that houses the most uncooperative detainees. In accordance with his Special Interrogation Plan, Slahi was isolated at Camp Echo from September 2003 to May 2004. He is also

currently held at Camp 5.

(S) Several of the remaining counter resistance techniques merit little discussion, because they were used either very infrequently or not at all. First, deprivation of light and auditory stimuli was employed only as part of Slahi's Special Interrogation Plan. Slahi was at times kept in a completely dark cell, and at other times was kept in a silent white room. Second, hooding was used only during Kahtani's Special Interrogation Plan, and it was used infrequently as part of that plan, principally during transportation rather than questioning. Third, 20-hour interrogations were used against Kahtani beginning in August 2002 when he was held at the Guantanamo Brig, and then continued as part of his Special Interrogation Plan at Camp X-Ray. Slahi was also interrogated for up to 20 hours during his isolation at Camp Echo. Fourth, removal of all comfort items, including religious items, was used only during Kahtani's and Slahi's Special Interrogation Plans. Fifth, an MRE-only diet was fed to Kahtani and Slahi as part of their Special Interrogation Plans. In addition, we identified one instance in which MRE-only diet was used during the interrogation of a high-value detainee in June 2003. Sixth, we found no evidence that removal of clothing was ever employed as an interrogation technique at GTMO, even though it was briefly approved for use as part of the December 2, 2002 policy. (We note that our finding stands in contrast to the Independent Panel's observation that "[t]echniques employed at

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Guantanamo included . . . removal of clothing.") And seventh, forced grooming was employed as an interrogation technique only during Kahtani's and Slahi's Special Interrogation Plans. Additionally, military police have on occasion forcibly groomed detainees for hygienic purposes, or to enforce good order and discipline in reaction to disturbances in the cellblock.

(S) We found evidence of only one instance in which a detainee's individual phobias were exploited as an interrogation technique. This instance was discussed above, as part of Kahtani's interrogation, where one interrogator recalled seeing a dog inside the interrogation room. (Additionally, as noted above, dogs were employed during [redacted] when Slahi was moved to Camp Echo). Although dogs were not otherwise used during interrogations, dogs have been and are a presence at GTMO. Handled by trained military dog handlers, unmuzzled dogs routinely patrol the grounds at GTMO as a force protection measure designed to discourage detainees from engaging in unruly behavior.

(S) *Category III: Mild, Non-injurious Physical Contact*

(S) We found no instances in which straightforward grabbing, poking in the chest with the finger, or light pushing were employed. However, as noted above, we consider female inva-

sion of space, which was used as part of Kahtani's Special Interrogation Plan, to be a variation of this technique. In addition, interrogators reported that they would routinely greet detainees with a handshake, or sometimes touch them on the knee or give them a pat on the back when trying to build rapport, but we do not consider this type of conduct to be encompassed within the meaning of the Category III technique of mild physical contact.

(U) April 16, 2003 Techniques: (38) Sleep Adjustment to (40) Environmental Manipulation

(S) Sleep adjustment has been frequently employed throughout interrogation operations at GTMO. Most commonly, it has involved interrogating detainees at various times of the day or night in order to disrupt their sleep cycles, as opposed to restricting them to any particular amount of sleep. Additionally, sleep adjustment was implemented via the Continuous Cell Transfer Program, which began in fall 2003 and continued until March 2004, when BG Hood ended the practice. Under this program, which was used on a handful of resistant detainees, the detainees were transferred from cell to cell every few hours, thereby preventing them from sleeping for extended periods, with a minimum four-hour sleep period permitted at least once a day. Interrogators, and even JTF-GTMO leadership, sometimes referred to the Continuous Cell Transfer Program as the "Frequent Flyer" program.

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(S) The line between legitimate sleep adjustment, and prohibited sleep deprivation is blurry, and no U.S. interrogation doctrine exists that defines sleep deprivation with precision. In a June 2, 2003 letter to JTF-GTMO that amplified the Secretary of Defense's April 16, 2003 interrogation policy, General Hill defined sleep deprivation "as keeping a detainee awake for more than 16 hours or allowing a detainee to rest briefly and then repeatedly awakening him, not to exceed four days in succession." This definition, however, leaves considerable room for interpretation. For example, while it may be improper to keep a detainee awake for more than 16 hours straight, it is not clear how much sleep a detainee must be permitted to have in a 24-hour period. As will be noted later in this report, commanders in Afghanistan and Iraq apparently interpreted anything less than four hours of sleep a day to be sleep deprivation (although the four hours might not be consecutive). Although not part of any official policy, we found that this minimum standard also applied at GTMO.

(S) We found one instance, however, in which this standard may have been violated and possibly crossed the boundary into prohibited sleep deprivation. During the period of September 2003 to March 2004, Abu Ghanim, the Yemeni citizen and former bodyguard for Usama Bin Laden discussed above, was at times placed on an aggressive version of the Continuous Cell Transfer Program.

According to the cell transfer logs, Abu Ghanim often underwent cell rotations every few hours for up to 35 hours without receiving a four-hour sleep period. While we cannot say for certain how much sleep Abu Ghanim actually received on a daily basis during this period (nor, for that matter, can we say for certain how much sleep he should have received in order to avoid sleep deprivation), nevertheless we highlight this example because of its aggressive (and apparently unique) approach.

(S) Like sleep adjustment, environmental manipulation has been regularly employed throughout interrogation operations at GTMO. By far the most common version of this technique involved turning the air conditioning up in the interrogation room to induce moderate discomfort in the detainees, most of whom are accustomed to warm climates. Several interrogators also reported that they used this technique to wake up "sleepy" detainees. Unlike sleep adjustment and environmental manipulation, we found no evidence that false flag (i.e., convincing the detainee that individuals from a country other than the United States are interrogating him) was ever employed at GTMO.

(S) Additional Techniques: (41) Loud Music/Light Control to (50) Female Interrogators

(S) Among the additional techniques, the

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ones that merit the most discussion are loud music/light control and physical training. Loud music and light control have never been specifically addressed by GTMO interrogation policy, but both have been used occasionally to disorient and induce stress in resistant detainees. Some interrogators that we interviewed considered loud music and light control to be forms of environmental manipulation. Loud music and strobe lights have sometimes been used in combination, with the music often consisting of rock music played at a strident level, but not so loud as to damage hearing. Red lighting, without music, has also at times been used in the interrogation room to induce stress. Typically, interrogators did not remain in the room with a detainee when these forms of environmental manipulation were applied.

(S) We found that loud music and light control were employed most aggressively as part of an interrogation strategy named [REDACTED] that was developed for use against the [REDACTED] detainee population. According to the [REDACTED] Regional Team Chief, the [REDACTED] were the toughest and most uncooperative detainees at Camp Delta. "They generally kept a unified front and saw themselves as leaders within the camp, and as a result, other detainees drew strength from them." [REDACTED] was implemented in summer 2003 and lasted for approximately six months. It was designed to gain the cooperation of designated [REDACTED] detainees by separating them from other [REDACTED] in the camp and interrogating them for up to 15 hours, while often employing a combi-

nation of yelling, loud music and strobe lights. This project apparently was reasonably successful, although the [REDACTED] remain some of the most uncooperative detainees.

(S) Like loud music/light control, physical training has never been specifically addressed by GTMO interrogation policy. As an interrogation technique, physical training was infrequently employed, but it bears emphasis because its unauthorized use led to an instance of minor detainee abuse. Physical training was first used as part of Kahtani's Special Interrogation Plan, in which Kahtani would sometimes be instructed to stand and sit in rapid succession. It was also employed on a handful of occasions in March and April 2003 against Abu Ghanim, who was instructed to move repeatedly from standing to a prone position and back.

(S) Notably, on April 22, 2003, this technique was employed in an unauthorized and inappropriately aggressive manner, when an interrogator directed MPs to facilitate bringing Abu Ghanim from standing to a prone position, and the detainee suffered superficial bruising to his knees. As a result, the interrogator involved was issued a letter of reprimand. Furthermore, this abuse was compounded by the fact that the Secretary did not receive advance notice prior to the employment of this technique on April 22, 2003, even though the April 16, 2003 policy requires such advance notice whenever techniques

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not listed in the policy (such as physical training) are employed. This incident was identified and summarized in the May 2004 Church Review.

(S) According to our investigation, several of the additional techniques were not employed at GTMO at all. Exposure to cold weather or water, with appropriate medical monitoring (which was a proposed Category III technique that the Secretary of Defense did not adopt as part of the December 2, 2002 policy) was never employed. Likewise, face slap/stomach slap, a technique used on U.S. service members during SERE training, was never employed by GTMO interrogators. We also found no evidence that relaxed grooming standards for U.S. personnel, which is a technique originating from Afghanistan, was used at any time.

(S) As noted above, safety positions were routinely employed by chaining detainees to an eyebolt in the floor of the interrogation room, although in our view these positions could also be considered stress positions, particularly when "short-chaining" was employed prior to May 2004. Threat of transfer to a third country was used on one occasion, already discussed above, as part of an interrogation of a high-value detainee in June 2003, when an interrogator used a false letter that asked for the transfer of the detainee into [redacted] custody. As explained above, the Secretary did not receive advance notice before employment of this technique, even though interrogation policy required it.

(S) Finally, the remaining additional techniques - sterile uniforms, informing detainees why he is detained, and female interrogators/guards - have been utilized over all time periods at GTMO. These techniques, which originate from Afghanistan, are more in the nature of routine procedures and are only "techniques" insofar as policy memoranda in Afghanistan characterized them as such. As a matter of standard operating procedure and as a force protection measure, personnel at GTMO wear sterile uniforms (i.e., those without any name tags or rank insignia, or with the tags or insignia covered) when interacting with detainees, so that detainees do not learn their identities. Detainees are always informed why they are detained as a matter of routine procedure and common sense. And there are female interrogators and guards at GTMO simply because MI and MP units in our military contain both men and women.

(U) Prohibited Techniques: (51) Food Deprivation to (58) Threats Against Others

(S) The final techniques listed at the bottom of the chart are prohibited by law or policy and have never been approved in any theater. Some of these techniques are prohibited by U.S. law; some are specifically prohibited by FM 34-52; others have been rejected in the interrogation policy development process. But more fundamentally, all

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of these techniques clearly violate any standard of "humane" treatment, and thus we consider the use of any of these techniques to constitute detainee abuse. Accordingly, we refer the following discussion to JTF-GTMO for further investigation as appropriate. As demonstrated by the chart, we identified only four prohibited techniques that were ever employed at GTMO. As discussed more fully below, these are all isolated, one-time incidents.

~~(S)~~ *Sleep Deprivation*

~~(S)~~ As noted above, the use of the Continuous Cell Transfer Program against Abu Ghanim may have crossed the line from sleep adjustment to sleep deprivation, although the line between the two is blurry and we cannot make any affirmative judgment on whether Abu Ghanim was subjected to sleep deprivation. Nevertheless, for completeness, we have marked this instance on the chart. Moreover, while the Continuous Cell Transfer Program is no longer in use at GTMO, we recommend that SOUTHCOM clarify its policies on sleep adjustment/sleep deprivation to ensure that problems do not arise in this area in the future.

~~(S)~~ *Use of Threatening Scenarios and Threats Against Others*

~~(S)~~ As discussed above in some detail, threats were issued against Slahi that apparently were not part of his approved Special Interrogation Plan. In particular, the threats against Slahi, in conjunction with [REDACTED] would fall under technique 53 (the use of scenarios designed to convince the detainee that death or severely painful consequences are imminent for him and/or his family) and the threats against his family would fall under technique 58 (threats against others).

~~(S)~~ *Sexual Acts or Mock Sexual Acts*

~~(S)~~ Finally, on April 17, 2003, a female interrogator made inappropriate contact with a detainee by running her fingers through the detainee's hair and making sexually suggestive comments and body movements, including sitting on the detainee's lap. As mentioned in the abuse section of our report, we used the Manual for Courts-Martial definition of sexual assault, referred therein as "Indecent Assault," to characterize any potential sexual assault case. Consequently, we did not consider this case to be a sexual assault because the interrogator did not perpetrate the act with the intent to gratify her own sexual desires. The female interrogator was given a written admonishment for her actions. This incident was identified and summarized in the May 2004 Church Review.

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ing the reliability of information in ongoing investigations, we limited our review primarily to closed investigations. In making that determination, we recognized that many of the ongoing investigations would probably be closed as unsubstantiated (current substantiation rate for Iraq abuse investigations is approximately 40%) and acknowledged that additional information could be uncovered that would change the character of open investigations. By focusing on closed investigations, we sought to remove uncertainty and increase the reliability of our findings.

(C) Of the 44 incidents identified in MG Fay's report, 26 incidents are covered by open CID investigations. Four of those CID investigations are closed and two substantiate abuse (the sexual assault of a female detainee at Abu Ghraib, described above, and a case involving the use of military working dogs to humiliate detainees); the other CID investigations of the Abu Ghraib abuses remain open as of September 30, 2004.

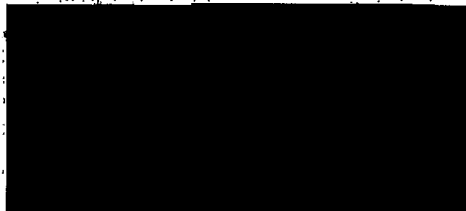
(C) Finally, 18 of the incidents in MG Fay's report are not addressed by CID investigations. These incidents, many of which involve detainee nudity, isolation, and humiliation, have been deemed outside the purview of CID's investigative responsibilities, and are considered sufficiently covered in MG Fay's report for administrative and disciplinary purposes.

(C) Conclusions: Interrogation Techniques and Abuse

(C) In sum, our major findings regarding interrogation techniques employed, and interrogation-related abuses in Iraq are as follows:

(C) Dissemination of approved interrogation policies was ineffective, often resulting in interrogators' lack of awareness of which techniques were currently authorized. This was largely due to reliance on SUPNET as the medium for disseminating guidance.

(C) Compliance with approved interrogation policies was often incomplete, even when units were in possession of the latest guidance. Warrant officer or senior enlisted interrogators had to orally convey finely nuanced policies to junior enlisted and contract interrogators without the benefit of firsthand knowledge of the legal considerations that had guided policy development.



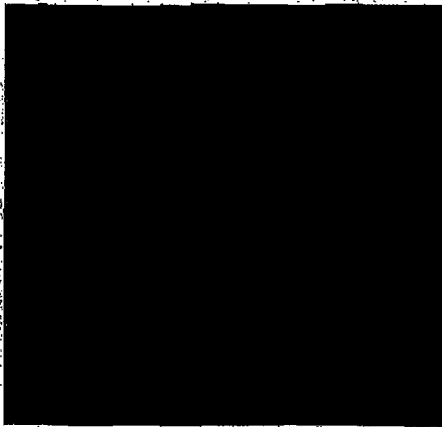
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~~(S)~~ Missed Opportunities

~~(S)~~ Our investigation suggested several additional missed opportunities (besides those suggested by our findings above). None of these missed opportunities themselves contributed to or caused abuse; in addition, it is unlikely that they could have prevented the interrogation-related abuses that did occur, which were already prohibited by other existing policies, law, and doctrine. However, had they been pursued, US forces might have been better prepared for detention and interrogation operations in Iraq.

~~(S)~~ There was no evidence of explicit pressure for intelligence other than that legitimately conveyed from CJTF-7 (and subsequently MNF-I) headquarters to interrogators via the chain of command.

~~(S)~~ Interrogation-related abuses and the non-interrogation abuses at Abu Ghraib appear unrelated to any approved interrogation policies. In particular, the promulgation of the September and October 2008 CJTF-7 interrogation policies did not appear to play any role in the abuses at Abu Ghraib or any of the closed, substantiated abuse cases in Iraq; in fact, had the policies been adhered to, some of the abuses might have been prevented.

~~(S)~~ There was no evidence that specific detention and interrogation lessons learned from previous conflicts in the Balkans, Afghanistan, and elsewhere were incorporated in planning for Operation IRAQI FREEDOM.

~~(S)~~ There were no standard procedures for identifying or reporting detainee abuse or for determining whether abuse allegations were legitimate. US service members, DoD civilians, and contractors uniformly reported that they had an obligation to report any abuse that they observed; however, their descriptions of what constituted abuse

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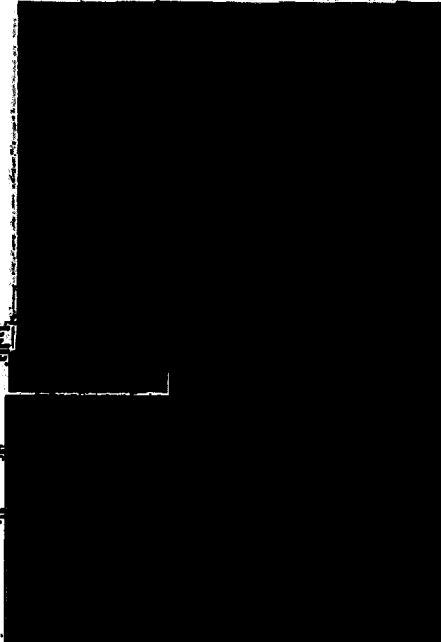
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(which ranged from "beating" to "verbal abuse"), to whom they would report abuse (ranging from their immediate superior in command to the unit inspector general), and who would determine whether abuse allegations were legitimate (often the senior enlisted or warrant officer, and sometimes the interrogator him or herself) were highly varied.



~~(S)~~ Other Issues

~~(S)~~ Finally, we offer some observations on detention and interrogation issues concerning coalition and Iraqi National Guard forces.

~~(S)~~ Coalition Forces

~~(S)~~ Though coalition forces in Iraq fall under the command of MNF-I (and previously CJTF-7), we did not visit any non-US-run detention facilities or conduct any interviews with non-US personnel. The British and Australian

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Medical Findings

Our findings relevant to medical issues are organized below into four sections. The first section is an overview of detainee deaths and the processes in place to determine causes of death. Three site-specific sections then follow, addressing Guantanamo Bay, Afghanistan, and Iraq, respectively. The site-specific sections include reviews of individual detainee deaths, along with other impressions from local site visits and interviews of medical personnel. In this regard, our discussion of Guantanamo Bay is more extensive and detailed than those of Afghanistan and Iraq. Although unintended, this is no accident. The concentration of facilities and stable environment at Guantanamo Bay allowed us, in a very brief period, to aggressively tour detention and medical facilities, review medical records, and interview medical personnel. This was not possible in Afghanistan and Iraq.

Our findings in relation to detainee deaths are based primarily on our own review of investigative summary reports by CID as of September 30, 2004. We augmented these reviews with discussion of overall processes and selected individual cases during a visit to the OAFME in Rockville, Maryland.

Summary reports in message format are prepared by CID investigators to communicate and periodically update findings from

various investigations. Reports on detainee deaths briefly summarize the circumstances of death, information obtained from individual statements, and available medical information on the cause of death. These CID investigations are primarily criminal investigations to determine any likelihood of detainee abuse. They do not focus on medical issues, although actions of medical personnel around the time of death are frequently noted. In those cases where OAFME conducted an autopsy, available CID records usually include copies of autopsy reports or death certificates, or cite their content.

We elected to study detainee deaths for pragmatic reasons. Detainee deaths are sentinel events more likely to trigger attention, reporting, and independent CID investigation. In many cases, forensic autopsies add objective corroboration of other findings. The overall result is a reasonable body of documentation on a manageable number of cases. Meanwhile, our medical interest in reviewing summary reports on detainee deaths differed from the focus of CID investigators. Even though we sometimes applied our own label of "Suspicious for Abuse" in categorizing detainee deaths, we did not attempt to definitively assess detainee abuse. Instead, we looked for references to healthcare or medical personnel, and for insights on how their roles related to those of non-medical processes and individuals. Our assessments in this regard are necessarily subjective.

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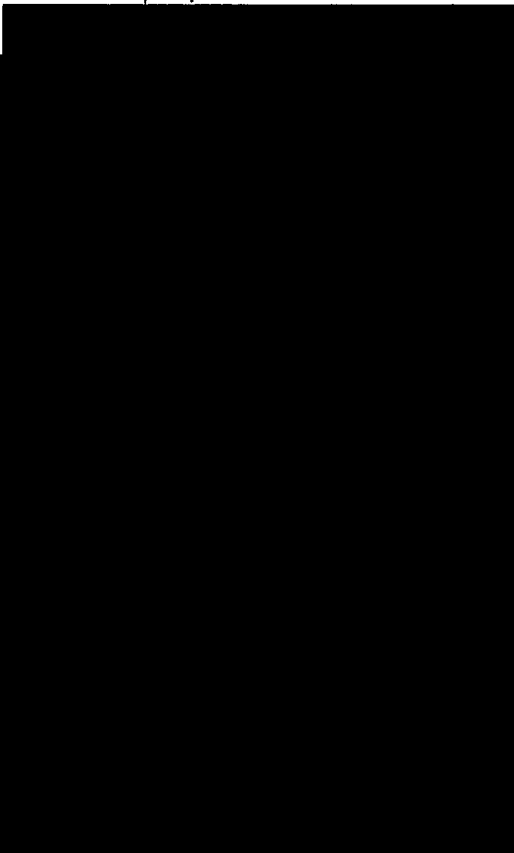
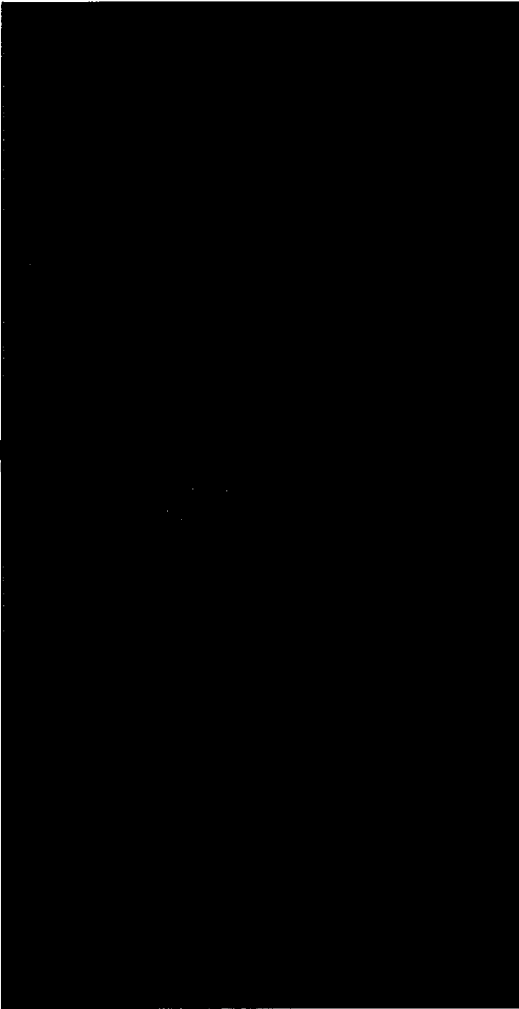
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~~(S) Overview of Detainee Deaths~~



~~(S) Guantanamo Bay~~

~~(S) Detainee Screening and Medical Treatment~~

~~(S) Detainees at Guantanamo Bay~~

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Exhibit 29

110TH CONGRESS }
2nd Session }

COMMITTEE PRINT {

**INQUIRY INTO THE TREATMENT
OF DETAINEES IN U.S. CUSTODY**

R E P O R T

**OF THE
COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE**

NOVEMBER 20, 2008

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[REDACTED]

to bark and perform dog tricks “to reduce the detainee’s ego and establish control.”¹⁰⁴⁷ Khatani had also been forced to wear a dog collar and perform dog tricks, and interrogators had placed signs on him such as “liar,” “coward,” and “dog.”¹⁰⁴⁸

[REDACTED] The January 16, 2003 memo described shaving Slahi’s head and beard, making him wear a burka, and subjecting him to strip search “to reduce [his] ego by assaulting his modesty.”¹⁰⁴⁹ Likewise, JTF-GTMO interrogators had shaved Khatani’s head and beard and he had also been strip searched.¹⁰⁵⁰

[REDACTED] The memo stated that Slahi would be denied the opportunity to pray and described techniques to exploit “religious taboos,” such as using a female interrogator in “close physical contact.”¹⁰⁵¹ The memo also stated that interrogators would play music to “stress [Slahi] because he believes music is forbidden” and that light in Slahi’s interrogation booth would be filtered “with red plastic to produce a stressful environment.”¹⁰⁵² Khatani had also been denied prayer and a female interrogator touched him during his interrogation to increase his stress level.¹⁰⁵³ Khatani too had been isolated, a red filter was placed over the light in his interrogation booth, and music was used in his interrogation to create stress.¹⁰⁵⁴

[REDACTED] The January 16, 2003 memo indicated that JTF-GTMO interrogators planned to make use of a completely white room during Slahi’s interrogation “to reduce outside stimuli and present an austere environment,” that interrogators would use a strobe light in his interrogation booth to “disorient [Slahi] and add to [his] stress level,” and that a hood would be placed on Slahi in the booth” “to isolate him and increase feelings of futility.”¹⁰⁵⁵

2. *JTF-GTMO Formally Submits Special Interrogation Plan for Slahi (ISN 760)* ~~(S)~~

[REDACTED] In July 2003, six months after the above-described memo was produced and three months after the Secretary issued new interrogation authorities for GTMO, MG Miller submitted to SOUTHCOM a formal request for approval of a special interrogation plan for Slahi.¹⁰⁵⁶ In seeming contradiction to his May 2, 2003 order that the fear up harsh approach not be used in interrogations, the plan included many of the techniques described in the January 16,

¹⁰⁴⁷ *Interrogation of ISN 760* (January 16, 2003).

¹⁰⁴⁸ *Methods Employed X-Ray Interrogation ISN 63* [REDACTED] (January 17, 2003); *Interrogation of ISN 760* (January 16, 2003).

¹⁰⁴⁹ *Interrogation of ISN 760* (January 16, 2003).

¹⁰⁵⁰ *Methods Employed X-Ray Interrogation ISN 63* [REDACTED] (January 17, 2003)

¹⁰⁵¹ *Interrogation of ISN 760* (January 16, 2003).

¹⁰⁵² *Interrogation of ISN 760* (January 16, 2003).

¹⁰⁵³ *Methods Employed X-Ray Interrogation ISN 63* [REDACTED] (January 17, 2003).

¹⁰⁵⁴ *Ibid.*

¹⁰⁵⁵ *Interrogation of ISN 760* (January 16, 2003).

¹⁰⁵⁶ Joint Task Force Guantanamo Bay, Joint Interrogation Group, *ISN 760 Interrogation Plan* (July 1, 2003) (hereinafter “*ISN 760 Interrogation Plan* (July 1, 2003)”).

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2003 memo and stated that "the single most important aspect of these techniques is the initial shock of the treatment... [the] detainee will have the perception that his situation has changed drastically and that life can still become worse than what he is experiencing."¹⁰⁵⁷

█ The first three to five days of interrogation were planned for Camp Delta.¹⁰⁵⁸ If Slahi was not cooperative, the plan proposed that military police in full riot gear take him from his cell, place him on a watercraft, and drive him around to make him think he had been taken off of the island. In reality, Slahi would be taken to Camp Echo where the interrogation was to continue. A memo describing that part of the plan said that military police working dogs would be used during his movement to "assist developing the atmosphere that something major is happening and add to the tension level of the detainee."¹⁰⁵⁹

█ Interrogating Slahi at Camp Echo was intended to emotionally and psychologically weaken him through "drastic changes in his environment."¹⁰⁶⁰ Mirroring the Khatani interrogation plan, the Slahi plan included efforts to "replicate and exploit the 'Stockholm Syndrome' between detainee and his interrogators."¹⁰⁶¹ In his evaluation of the Khatani plan more than seven months earlier, the NCIS psychologist assigned to the CITF, Dr. Michael Gelles, had said that the idea of inducing the Stockholm syndrome implied that "the subject feels that he is to be killed and the information provided may in fact be distorted."¹⁰⁶²

█ The GTMO plan stated that, while in the interrogation room at Camp Echo, Slahi would sit in a basic chair and "be shackled to the floor and left in the room for up to four hours while sound is playing continually."¹⁰⁶³ His time in the room was intended to "disorient him and establish fear of the unknown" and emphasize to Slahi that "the rules have changed" and nobody knows he is there."¹⁰⁶⁴ The practice of shackling him to the floor and subjecting him to loud music was to be repeated over several days, interrupted by actual interrogations. Slahi was to be permitted four hours of sleep every sixteen hours.¹⁰⁶⁵

█ The plan stated that an interrogation room would be "modified in such a way as to reduce as much outside stimuli as possible. The doors will be sealed to a point that allows no light to enter the room. The walls may be covered with white paint or paper to further

¹⁰⁵⁷ ISN 760 Interrogation Plan (July 1, 2003).

¹⁰⁵⁸ Ibid.

¹⁰⁵⁹ Memo from LT Richard Zuley, *Objective: Transport ISN 760 from Camp Delta to Camp Echo* (undated).

¹⁰⁶⁰ ISN 760 Interrogation Plan (July 1, 2003).

¹⁰⁶¹ Ibid.

¹⁰⁶² Memo from Michael Gelles, Psy.D., *Review of JTF-GTMO Interrogation Plan Detainee 063 dtd November 21, 2002* (November 22, 2002).

¹⁰⁶³ ISN 760 Interrogation Plan (July 1, 2003) at 7.

¹⁰⁶⁴ Ibid.

¹⁰⁶⁵ On April 12, 2003 MG Miller sent GEN Hill an email requesting that SOUTHCOM provide a definition of sleep deprivation. On June 2, 2003, GEN Hill sent MG Miller a letter defining sleep deprivation as "keeping a detainee awake for more than 16 hours or allowing a detainee to rest briefly and then repeatedly awakening him, not to exceed four days in succession." MG Geoffrey Miller email to GEN James Hill (April 12, 2003).

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[REDACTED]

eliminate objects the detainee may concentrate on. The room will contain an eyebolt in the floor and speakers for sound."¹⁰⁶⁶ The plan said that the "interrogation team will make detainee feel psychologically uncomfortable, emotionally uncomfortable, assert superiority over detainee, escalate stress, play loud music, and continue to condition detainee to menial tasks."¹⁰⁶⁷

[REDACTED] On July 18, 2003, SOUTHCOM Commander GEN James Hill forwarded a copy of GTMO's interrogation plan for Slahi to the Secretary of Defense. GEN Hill's cover memorandum stated that the interrogation plan "employs techniques not previously approved in your [April 16, 2003] memorandum" and requested the Secretary's approval "to use sound modulation (at decibel levels not harmful to hearing) and sleep deprivation."¹⁰⁶⁸ The memorandum also notified the Secretary that GTMO intended to isolate Slahi and use "pride and ego down" with him.¹⁰⁶⁹

[REDACTED] On July 24, 2003, Marshall Billingslea, the Principal Deputy Assistant Secretary of Defense for Special Operations / Low-Intensity Conflict (SOLIC), forwarded a memo notifying the Secretary of Defense that JTF-GTMO intended to isolate Slahi and recommending that he approve the use of "sleep deprivation" and "sound modulation at decibel levels not harmful to hearing."¹⁰⁷⁰ A handwritten note on the memo stated that "OGC concurs that this is legal. We don't see any policy issues with these interrogation techniques. Recommend you authorize."¹⁰⁷¹ Deputy Secretary of Defense Paul Wolfowitz approved the memo on July 28, 2003 and forwarded it to Secretary Rumsfeld, who added his approval on August 13, 2003.¹⁰⁷²

[REDACTED] The Slahi plan stated that it would "not be implemented until approved by higher authority."¹⁰⁷³ Despite that statement, memoranda for the record suggest techniques for which JTF-GTMO sought authority were used at least a month before the Secretary's written approval.

3. *Interrogation Begins Before Special Interrogation Plan Is Approved* ~~(U)~~

[REDACTED] Several memoranda for the record documenting Slahi's interrogation were written by JTF-GTMO personnel in July and August 2003. These memoranda indicate that at least one technique for which JTF-GTMO sought authority to use with Slahi, i.e., sound modulation, was used before written authority was actually granted by the Secretary of Defense.¹⁰⁷⁴ The

¹⁰⁶⁶ ISN 760 Interrogation Plan (July 1, 2003) at 8.

¹⁰⁶⁷ ISN 760 Interrogation Plan (July 1, 2003).

¹⁰⁶⁸ Memo from GEN James Hill to Secretary of Defense Donald Rumsfeld, *Interrogation Plan (IP) for Detainee Mohamadou Walid Slahi*, ISN [REDACTED] (July 18, 2003).

¹⁰⁶⁹ Ibid.

¹⁰⁷⁰ Memo from Marshall Billingslea to Secretary of Defense, *Mohamadou Walid Slahi*, [REDACTED] (July 24, 2003).

¹⁰⁷¹ Ibid.

¹⁰⁷² Ibid.

¹⁰⁷³ ISN 760 Interrogation Plan (July 1, 2003) at 3.

¹⁰⁷⁴ Memo for Record, [REDACTED] MOUHAMADOO OULD SLAHI// (July 17, 2003).

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[REDACTED]

memoranda also suggest the use of some techniques, such as forcing Slahi to stand for prolonged periods, for which no request for authority from SOUTHCOM or OSD appears to have been made by JTF-GTMO.¹⁰⁷⁵ In addition, while MG Miller had, more than two months earlier, said that interrogators were not to use the fear up harsh approach, the memoranda indicate that increasing Slahi's level of fear was an integral part of his interrogation and that one interrogator even implied to Slahi that he could be tortured or killed.

[REDACTED] The memoranda indicate that, on several occasions from July 8 through July 17, Slahi was interrogated by a masked interrogator called "Mr. X." On July 8, 2003 Slahi was interrogated by Mr. X and was "exposed to variable lighting patterns and rock music, to the tune of *Drowning Pool's* 'Let the Bodies Hit [the] Floor'."¹⁰⁷⁶ On July 10, 2003 Slahi was placed in an interrogation room handcuffed and standing while the air conditioning was turned off until the room became "quite warm."¹⁰⁷⁷ The next day, Slahi was brought into the interrogation booth and again remained standing and handcuffed while the air conditioning was again turned off.¹⁰⁷⁸ After allowing Slahi to sit, the interrogator later "took [Slahi's] chair and left him standing for several hours."¹⁰⁷⁹ According to the memo, Slahi was "visibly uncomfortable and showed signs of fatigue. This was 4th day of long duration interrogations."¹⁰⁸⁰

[REDACTED] On July 17, 2003, the masked interrogator told Slahi about a dream he had had where he saw "four detainees that were chained together at the feet. They dug a hole that was six feet long, six feet deep, and four feet wide. Then he observed the detainees throw a plain, unpainted, pine casket with the number 760 [Slahi's internment serial number (ISN)] painted on it in orange on the ground."¹⁰⁸¹

[REDACTED] On August 2, 2003 an interrogator told Slahi "to use his imagination and think up the worst possible thing that could happen to him" and asked him "what scares him more than anything else."¹⁰⁸²

[REDACTED] That same day, the interrogator told Slahi that to "use his imagination to think up the worst possible scenario he could end up in."¹⁰⁸³ The interrogator told Slahi that "beatings and physical pain are not the worst thing in the world. After all being beaten for a while, humans tend to disconnect the mind from the body and make it through. However, there are worse things than physical pain."¹⁰⁸⁴ The interrogator told Slahi that he would "very soon disappear down a

¹⁰⁷⁵ Memo for Record, GTMO-0598, [REDACTED] MOUHAMADOO OULD SLAHI// (July 10, 2003).

¹⁰⁷⁶ Memo for Record, GTMO-0598, [REDACTED] MOUHAMADOO OULD SLAHI// (July 17, 2003).

¹⁰⁷⁷ Memo for Record, GTMO-0598, [REDACTED] MOUHAMADOO OULD SLAHI// (July 10, 2003).

¹⁰⁷⁸ Memo for Record, GTMO-0598, [REDACTED] MOUHAMADOO OULD SLAHI// (July 11, 2003).

¹⁰⁷⁹ Memo for Record, GTMO-0598, [REDACTED] MOUHAMADOO OULD SLAHI// (July 11, 2003).

¹⁰⁸⁰ Ibid.

¹⁰⁸¹ Schmidt-Furlow Report at 24.

¹⁰⁸² Memo for Record, GTMO-0598, [REDACTED] MOUHAMADOO OULD SLAHI// (August 2, 2003).

¹⁰⁸³ DoJ IG report at 123

¹⁰⁸⁴ Schmidt-Furlow Report at 25.

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[REDACTED]

very dark hole. His very existence will become erased . . . no one will know what happened to him and, eventually, no one will care."¹⁰⁸⁵

~~(U)~~ At one point in his interrogation, Slahi was also shown a fictitious letter that had been drafted by the Interrogation Team Chief stating that his mother had been detained, would be interrogated, and if she were uncooperative she might be transferred to GTMO.¹⁰⁸⁶ The letter pointed out that she would be the only female detained at "this previously all-male prison environment."¹⁰⁸⁷

[REDACTED] On August 7, 2003, Slahi informed an interrogator that he had made a decision to cooperate.¹⁰⁸⁸ After questioning Slahi, his interrogator "congratulated [him] on his decision to tell the whole truth."¹⁰⁸⁹

4. *Special Interrogation Plan Approved and Implemented Despite Apparent Cooperation* ~~(U)~~

[REDACTED] Five days after interrogators congratulated Slahi for his decision to "tell the whole truth," the Secretary of Defense approved JTF-GTMO's Special Interrogation Plan. Notwithstanding Slahi's apparent decision on August 7, 2003 to cooperate with interrogators, an August 21, 2003 email described preparations made to implement the Special Interrogation Plan.¹⁰⁹⁰ The email described sealing Slahi's cell at Camp Echo to "prevent light from shining" in and covering the entire exterior of his cell with tarp to "prevent him from making visual contact with guards."¹⁰⁹¹

[REDACTED] Weekly Reports from the JTF-GTMO Commander in September and October 2003 indicated that Slahi "continue[d] to be cooperative."¹⁰⁹² Despite that apparent cooperation, those same weekly reports stated that the interrogations were continuing in accordance with the approved interrogation plan. A contemporaneous document suggested that the interrogation may have begun affecting Slahi's mental state.¹⁰⁹³

[REDACTED] An October 17, 2003 email from a JTF-GTMO interrogator to LTC Diane Zierhoffer, a JTF-GTMO Behavioral Science Consultation Team (BSCT) Psychologist, stated that "Slahi told me he is 'hearing voices' now... He is worried as he knows this is not normal. . . . By the way . . . is this something that happens to people who have little external stimulus such as daylight,

¹⁰⁸⁵ Ibid.

¹⁰⁸⁶ DoJ IG report.

¹⁰⁸⁷ Ibid.

¹⁰⁸⁸ Memo for Record, GTMO-0598 [REDACTED] MOUHAMADOO OULD SLAHI// (September 8, 2003).

¹⁰⁸⁹ Ibid.

¹⁰⁹⁰ Email from JTF-GTMO IS2 to LT Richard Zuley and Capt Sean Wilson (August 21, 2003).

¹⁰⁹¹ Ibid.

¹⁰⁹² JTF-GTMO Weekly Thematic Focus: September 29-October 5, 2003 and October 6-12 2003.

¹⁰⁹³ JTF-GTMO Weekly Thematic Focus: September 29-October 5, 2003; October 6-12 2003; October 20-26, 2003; and November 3-9, 2003.

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human interaction etc???? Seems a little creepy."¹⁰⁹⁴ LTC Zierhoffer responded "sensory deprivation can cause hallucinations, usually visual rather than auditory, but you never know... In the dark you create things out of what little you have..."¹⁰⁹⁵

5. *FBI Concerns with Special Interrogation* ~~(S)~~

The view that the use of the aggressive techniques could affect Slahi's potential prosecution turned out to be accurate. LtCol Stuart Couch, a military prosecutor assigned to the Slahi case wrote in March 2004 that "prosecutors in our office are very concerned about the allegations of detainee abuse at GTMO and Afghanistan, and we have individually taken steps to address this issue. The techniques employed by the intelligence community in obtaining information is a policy decision that obviously affects our prosecution efforts, yet we are powerless to influence such activities."¹¹⁰⁰ After becoming aware of interrogations techniques to which Slahi had been subject, LtCol Couch refused to participate in the prosecution.¹¹⁰¹

6. *Special Project at GTMO Uses Aggressive Interrogation Techniques* ~~(S)~~

~~(S)~~ JTF-GTMO produced written weekly updates on significant activities including certain detainee interrogations. The updates were sent to the SOUTHCOM Commander and, according to MG Miller, were forwarded to the Joint Staff and Deputy Secretary of Defense Paul

¹⁰⁹⁴ Email from JTF-GTMO Interrogator to LTC Diane Zierhoffer (October 17, 2003).

¹⁰⁹⁵ Ibid.

¹⁰⁹⁶ Email from FBI Special Agent (December 5, 2003).

¹⁰⁹⁷ Ibid.

¹⁰⁹⁸ Ibid.

¹⁰⁹⁹ FBI Electronic Communication [REDACTED] (May 18, 2004).

¹¹⁰⁰ Memo from LtCol Stuart Couch to Brigadier General Scott Black, *Office of Military Commissions Prosecution Operational Assessment* (March 18, 2004).

¹¹⁰¹ Committee staff interview of LtCol Stuart Couch (June 21, 2007).

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Exhibit 30

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____	x	
	:	
MOHAMMED SULAYMON BARRE,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civil Action No. 08-1153 (HHK)
	:	
BARACK H. OBAMA, <i>et al.</i> ,	:	
	:	
Respondents.	:	
_____	x	

DECLARATION OF NANCY HOLLANDER

I, Nancy Hollander, declare as follows:

1. I am a citizen of the United States. I am over 18 years old. I am an attorney licensed to practice law in the State of New Mexico.
2. I am lead counsel for Guantánamo detainee Mohamedou Ould Slahi. Mr. Slahi is ISN 760. I have met with Mr. Slahi several times at Guantánamo, and have corresponded with him in writing. I am familiar with his handwriting and his signature.
3. I have reviewed the document attached hereto as Exhibit 1. I recognize it as a letter sent from Mr. Slahi to his attorneys, including me, dated November 9, 2006. Specifically, I recognize the handwriting and signature on the letter as Mr. Slahi's.
4. I received the letter from Mr. Slahi through the "legal mail" system established by the protective order entered in the Guantánamo detainee habeas cases, and it was determined to be "Unclassified" by the Defense Department Privilege Review Team established by the protective order.

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5. If called to testify in court based on my personal knowledge, I would swear under oath that the document attached hereto as Exhibit 1 is a letter a from Mr. Slahi.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 21, 2009

A handwritten signature in black ink, appearing to read 'Nancy Hollander', written over a horizontal line.

Nancy Hollander

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EXHIBIT 1

UNCLASSIFIED//FOR PUBLIC RELEASE

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(1)

9 NOV 2006

Dear Everybody!

I received both the letters from you Sylvie and the other from Nancy that contains the new DTA. I read the whole thing and as you might have noticed I am not subject to a ~~to~~ a trial by the MC for ~~the~~ I've done of none of the mentioned crimes in the new law.

You ask me to write you everything I told my interrogators. Are you out of your mind! How can I conduct an interrupted interrogation that has been lasting the last 7 years. That's like asking Charlie Sheen, how many women he dated.

Yet I provided you everything (almost) in my book, which the govt denies you the access to. Furthermore I was going to go deeper in details, but I figured it was futile.

To make a long story short you may divide my time in two big steps.

(1) Pre-torture (I mean that I couldn't resist). I told them the truth about

we having done nothing a few 5/1 years

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2

Country. It lasted until May 22nd, 2003

② Post-torture era: Where ~~I~~ my brake broke loose. I yes-set every accusation my interrogators made. I even wrote the infamous confession about me was planning to hit the CN-Tower in Toronto based on SSG advise. I ~~was~~ wanted to get the mo Keys off my back. I don't care how long I stay in Jail. My believe com forts me.

One of you have got to come visit me, or I am going to go!

Nonetheless, I doubt that the govt would provide you the info's I provided them. I mean a lot of it is true though not incriminating. And the incriminating part ~~are~~ lies. Still, I persist that some of my statements in Guantanamo Bay or other dictatorship countries are binding. Only the ~~state~~ honest statements I'd make in front of a Fed judge and a jury would be binding.

Around the subject: I believe that you r leader acts like a bad Chess player (Patzet). He keeps doing the

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3

Wrong moves, and if he is cornered, he
cheats. Why just thinking before making
Or resigning the game. Not even is meant
to play chess or being a president :))

Sylvia, what about the Canadian file?

Do you remember the hook up story?
Tell Nancy and Len about it,
and better be as quick as I get out.

I pray for you almost everyday. May
Allah guide and bless you!

W. The Love
P. Loh

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Exhibit 31

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA :

STIPULATION

- v - :

S(7) 98 Cr. 1023 (LBS)

USAMA BIN LADEN, et al., :

Defendants. :

-----X

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, by Mary Jo White, United States Attorney for the Southern District of New York, Patrick J. Fitzgerald, Kenneth M. Karas, and Paul W. Butler, Assistant United States Attorneys, of counsel, and defendants, by and with the consent of their attorneys, as follows:

1. On December 27, 1979, the Soviet Union invaded Afghanistan, a country with a predominately Muslim population.
2. In response to the Soviet invasion of Afghanistan, groups of Muslims formed an armed force that became known as the Afghan mujahideen. The Afghan mujahideen fought the invading Soviet force and the Soviet supported Afghan government.
3. In 1986, during its occupation of Afghanistan, the Soviet Union installed Mohammed Najibullah as president of Afghanistan.
4. On February 15, 1989, the last Soviet troops departed from Afghanistan.
5. From the time of the departure of Soviet troops from Afghanistan in February 1989, through the dissolution of the Soviet Union in 1991, the Soviet Union provided economic and military support to the Najibullah government in Afghanistan.

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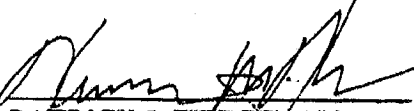
6. From shortly after the start of the Soviet invasion in Afghanistan in 1979 through September 1991, the United States, through one of its intelligence agencies, provided economic and military support to the Afghan mujahideen through a third country intermediary.
7. Beginning in 1987, the American military support to the Afghan mujahideen included Stinger anti-aircraft missiles.

IT IS FURTHER STIPULATED AND AGREED that this stipulation may be received in evidence as a Government Exhibit 30 at trial.

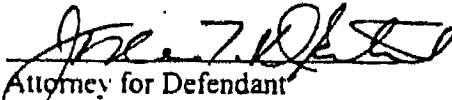
Dated: New York, New York
February 14, 2001

MARY JO WHITE
United States Attorney
Southern District of New York

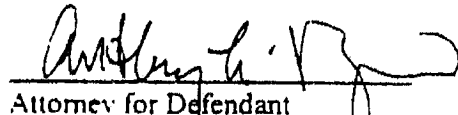
By:


PATRICK J. FITZGERALD
KENNETH M. KARAS
PAUL W. BUTLER
Assistant United States Attorneys

By:



Attorney for Defendant
Wadhi el Hage


By:


Attorney for Defendant
Mohamed Sadeek Odeh

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By: 
Attorney for Defendant
Mohamed Rashed Daoud al-'Owhali

By: 
Attorney for Defendant
Khalfan Khamis Mohamed

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Exhibit 32

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FEDERAL BUREAU OF INVESTIGATION

05/03/2002

MOHAMMED SULAYMON BARRE, ISN US9SO-00567DP, AKA ABU YUSSEF, AKA MOHAMMED SULAYMON, [REDACTED] POB BURCO, Somalia, was interviewed by SA [REDACTED] U.S. Army CID [REDACTED] on 05/03/02 and 05/05/02 at Camp Delta, Guantanamo Bay, Cuba.

MOHAMMED SULAYMON BARRE was escorted to the interview room by U.S. Army personnel. He was asked if he was comfortable to which he responded he was. MOHAMMED SULAYMON BARRE indicated to the undersigned that he was willing to answer any questions and that his responses would be truthful. MOHAMMED SULAYMON BARRE is a 37-year-old male who claims Somali citizenship and speaks English.

MOHAMMED SULAYMON BARRE is married and lives at home at [REDACTED]

His wife, [REDACTED] a Somali, lives with her parents in [REDACTED] Pakistan. He could not remember the address but stated that it is near the [REDACTED] Mosque. MOHAMMED SULAYMON BARRE stated that his father is SULAYMON BARRE who is a retired tile worker who lives in the village of Og. MOHAMMED SULAYMON BARRE stated that his father-in-law is [REDACTED] a Somali. His brother-in-law is [REDACTED] who studies at a school in [REDACTED] Pakistan. MOHAMMED SULAYMON BARRE could not remember his own parent's address in Somalia, but stated that it is near the [REDACTED] which his cousin, [REDACTED] operates. He stated that he and his family are members of the [REDACTED] Tribe in Somalia.

MOHAMMED SULAYMON BARRE stated that he attended formal schooling in Somalia from 1981-84 at Amout Secondary School, Boroma, Somalia where he pursued general studies. During that time he also spent 1983 in the Somali military as a result of the Somalian Compulsory Service. He only maintained a status of trainee during that time period and claims to have no other military training. From 1984-89, MOHAMMED SULAYMON BARRE attended Mogadishu University, Mogadishu, Somalia where he earned a Bachelor of Science Degree in Agriculture.

In 1994, MOHAMMED SULAYMON BARRE traveled to Pakistan to find work. He believed that with the lack of job opportunities in Somalia he would have better opportunities to find work in Pakistan. He traveled

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on a Somali passport, but claims that he lost the passport in Pakistan in 1994.

From 1994-98, MOHAMMED SULAYMON BARRE was self-employed as a personal shopper in Karachi, Pakistan. From 1998-2001, MOHAMMED SULAYMON BARRE was employed by the DAHABSHILL CORPORATION in Karachi, Pakistan. He obtained the job through a friend named [REDACTED] who knew the son of the owner of the DAHABSHILL CORPORATION. MOHAMMED SULAYMON BARRE operated an illegal money transfer service out of his home in Pakistan for the DAHABSHILL CORPORATION. He held four e-mail accounts and maintained his own web page.

MOHAMMED SULAYMON BARRE stated that he would receive various amounts of money from individuals in many different countries with requests to deliver the money to Muslim students attending university in Pakistan.

He admitted that he knew that his business and all other money changing businesses were illegal under Pakistani law because they did not pay taxes to the government. He further related that the Pakistani

[REDACTED] conducted three unsuccessful raids on his house in an attempt to locate proof of his illegal money transfer business. Finally, the Pakistani [REDACTED] conducted a fourth raid on his house at which time he was caught attempting to shred documents from his business.

MOHAMMED SULAYMON BARRE stated that the Pakistani [REDACTED] then apprehended him and placed him in jail where he was held and later turned over to American authorities.

MOHAMMED SULAYMON BARRE stated that he did not send or transfer any funds to anyone in the US; however, he admitted that he received a lot of business from the US. He stated that he received large amounts of funds from the US that were to be transferred to Muslim students in Islamabad, Pakistan. The largest amount of money that he ever received was \$20,000 US dollars from a man named SHAKIR. MOHAMMED SULAYMON BARRE is not sure of the nationality of SHAKIR but believes that he may be Yemeni or Saudi. In 1999 MOHAMMED SULAYMON BARRE received \$15,000 US dollars from a man named [REDACTED] for transfer to students.

He described [REDACTED] as 60-70 years old with glasses, black hair and a gray beard, who was from [REDACTED] Kenya. MOHAMMED SULAYMON BARRE stated that he has received large amounts of money from individuals in many countries, to include UAE but he could not remember how much or from whom. He was unable to identify photographs of [REDACTED]

[REDACTED] He also reviewed photographs of the current detainees and was unable to identify anyone for the exception of a few individuals that he had met in the Kandahar detention facility.

MOHAMMED SULAYMON BARRE stated that he did not know anyone who went to the US to go to school or for any other reason. He related that he has a friend named [REDACTED] who traveled from Pakistan to Canada and still resides there. He also has a friend named [REDACTED] that immigrated to Canada. MOHAMMED SULAYMON BARRE has maintained e-mail correspondence with many people to include individuals in the US. The only individuals in the US that he can remember maintaining e-mail correspondence with are two Somali men named

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[REDACTED] who reside in Minnesota.
MOHAMMED SULAYMON BARRE did not know where in Minnesota that the two men live.

MOHAMMED SULAYMON BARRE denied having any prior knowledge of the September 11th attacks on America. He also denied having any knowledge of any future attacks on the US or US interests or allies.

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Exhibit 33

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MEMORANDUM FOR RECORD

SUBJECT: ~~(S)~~ ISN US9SO00567DP/ MOHAMMED SULAYMON ((BARRE)) IS A 37-YR-OLD WHO CLAIMS SOMALI CITIZENSHIP. DETAINEE MOVED TO PAKISTAN IN 1994 TO FIND WORK. DETAINEE HAS WORKED ILLEGALLY FOR THE DAHAB SHEH MONEY TRANSFER SERVICE SINCE 1998. PAKISTANI AUTHORITIES HAD CONDUCTED THREE RAIDS ON HIS HOME BEFORE FINALLY DETAINING HIM FOR ILLEGAL MONEY TRANSFERS. DETAINEE RELIABILITY HAS NOT BEEN DETERMINED.

1. ~~(S)~~ SUMMARY: [REDACTED] INTERROGATED BARRE [REDACTED] FOR SIX HOURS IN ARABIC. A DOD CONTRACT LINGUIST WAS THE INTERPRETER. THIS WAS [REDACTED] THIRD INTERVIEW WITH THE DETAINEE.
 - A. ~~(S)~~ APPROACH USED: "EMOTIONAL LOVE OF FAMILY" WAS USED TO REAFIRM COOPERATION AND HONESTY THROUGHOUT INTERROGATION.
[REDACTED]
 - B. ~~(S)~~ EFFECTIVENESS OF APPROACH/LEVEL OF COOPERATION: WHEN DETAINEE [REDACTED] FIRST STARTED OUR INTERVIEW, DETAINEE STATED THAT HE HAS NOT PRAYED. AT THIS TIME IT WAS OFFERED TO HIM A FEW MINUTES OF PRAYER SO THAT HE MAY PURIFY HIMSELF. ONCE PRAYER WAS OVER WITH, DETAINEE WAS READY TO TALK. DETAINEE WAS MADE AWARE THAT MANY OF THE QUESTIONS THAT WERE ALREADY ASKED WILL BE ASKED AGAIN IN ORDER TO CLARIFY ANY TIME GAPS AND DIFFERENCES. AT THIS TIME DETAINEE STATED THAT HE HAS ALL DAY SINCE HE HAS NOWHERE TO GO. IT WAS THEN EXPLAINED TO DETAINEE WHAT THE INTERVIEW WAS GOING TO ENTAIL FOR THAT SESSION. AT THIS POINT INTERROGATOR AND DETAINEE BEGAN A REVERSE TIMELINE FROM THE POINT OF CAPTURE TO WHEN HE LIVED IN SOMOLIA WITH HIS FAMILY IN ORDER TO VERIFY PAST INFORMATION THAT WAS IN HIS FILE.
 - C. ~~(S)~~ RECOMMENDED APPROACH FOR NEXT MEETING: [REDACTED]
 - D. ~~(S)~~ SPECIAL ACTION REQUIRED: [REDACTED]
 - E. ~~(S)~~ INTELLIGENCE CONTINGENCY FUNDS: [REDACTED]

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F. ~~(S)~~ LONG TERM COLLECTION PLAN:

1. ~~(S)~~ THE FOLLOWING [REDACTED] ARE STILL OUTSTANDING: NONE
2. (S) DETAINEE INFORMATION HAS PRODUCED IIRS ANSWERING THE FOLLOWING REQUIREMENTS:

[REDACTED] MONEY TRANSFERS

3. ~~(S)~~ IN [REDACTED] ESTIMATION, THE FOLLOWING [REDACTED] THAT HAVE BEEN LEVIED AGAINST THIS DETAINEE ARE NOT APPLICABLE BECAUSE THE DETAINEE HAS NO KNOWLEDGE OF THEM:

[REDACTED] MONEY TRANSFERS

[REDACTED] AL-QAIDA/MARITIME FINANCIAL OPS

2. ~~(S)~~ SUMMARY OF NEW INFORMATION OBTAINED:

- A. ~~(S)~~ MONEY TRANSFERS. DAHABSHIL WAS A COMPANY DETAINEE WAS WORKING FOR BEFORE BEING CAPTURED. THE DAHABSHIL WAS A LEGAL COMPANY WITH OFFICES IN THE UNITED STATES, AUSTRALIA, AND IN EUROPE. THE MAIN OFFICES ARE IN HARGEISA, SOMOLIA. DETAINEE STARTED A BRANCH OFFICE IN HIS RESIDENCE IN BLOCK 6 IN KARACHI, PAKISTAN EVEN THOUGH IT WAS ILLEGAL. DETAINEE STATED THAT WORKING SMALL JOBS WASN'T ENOUGH TO LIVE OFF AND MOST OF THE OTHER JOBS HE DID WERE TEMPORARY OR SEASONAL. DETAINEE WORKED OUT OF HIS HOME. PEOPLE CALLED DETAINEE OR SHOWED UP

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AT HIS RESIDENCE. MOST OF DETAINEE'S CLIENTS WERE SOMALIS SENDING MONEY TO THEIR CHILDREN AT COLLEGE. WHEN PEOPLE WANTED TO SEND MONEY TO SOMOLIA OR ELSEWHERE THEY HANDED OVER THE MONEY AND FILLED OUT A FORM WHICH IN TURN WAS FAXED TO THE HEADQUARTERS IN SOMOLIA STATING THE AMOUNT, RECEIVING PERSON'S NAME, AND THE ADDRESS RECEIVING THE MONEY. THE DETAINEE KEPT THE MONEY HE RECEIVED IN CASE HE RECEIVED A FAX FROM SOME OTHER BRANCH OFFICE THAT WANTED TO HAVE MONEY DELIVERED TO SOMEONE IN PAKISTAN. DETAINEE CHARGED A COMMISSION OF THREE TO FIVE PERCENT FOR EVERY TRANSACTION. DETAINEE HIRED TWO DIFFERENT STUDENTS. THE FIRST STUDENT WAS ADUD-AL RASHEED ((CATDID)) OR ((AA'DEED)). WHEN CATDID QUIT DUE TO STUDIES DETAINEE HIRED FAISA ((DAHIR)). THE STUDENTS WERE PAYED 100 TO 120 DOLLARS A MOUNTH, SOMETIMES MORE.

- B. ~~(S)~~ MEETING WITH SHAKIR: DETAINEE HANDLED TWO LARGE TRANSACTIONS FOR ((SHAKIR)) (NFI). ONE WAS FOR 20,000 USD AND THE OTHER WAS FOR 5,000 USD. A MAN NAMED ABDUL ((KARIM)) IN MOGADISHU, SOMOLIA (NFI) WAS THE RECIPIENT. SHAKIR CONTACTED DETAINEE BY CELL PHONE ON BOTH OCCASSIONS. ON THE FIRST OCCASSION SHAKIR REQUESTED TO MEET IN A MOSQUE TO DISCUSS THE HANDLING OF THE TRANSACTIONS. ON BOTH OCCASIONS SHAKIR CAME ON FOOT TO DETAINEE'S HOUSE TO DELIVER 100 USD IN BILLS WRAPPED IN BROWN PAPER.
- C. ~~(S)~~ DETAINEE NEVER HEARD OF JIHAD AGAINST THE UNITED STATES, GREAT BRITAIN, ITALY, AUSTRALIA, FRANCE, GERMANY OR ANY OTHER COUNTRIES: DETAINEE NEVER HEARD OF ANYTHING OF THE SORT. (DETAINEE COMMENT - - IF I KNEW THEN THAT I WOULD BE SITTING HERE IN FRONT OF THE AMERICANS BECAUSE OF SOME SMALL MONEY TRANSFER THEN I WOULD HAVE NEVER ENTERED INTO THAT TYPE OF BUISNESS).
- D. DETAINEE NEVER HEARD OF ANY AL QAIDA NETWORKS WITHIN SOMOLIA OR KARACHI, PAKISTAN.
- E. DETAINEE HAD NO KNOWLEDGE OF WOMEN FIGHTING JIHAD OR FOR AL QAIDA.
- F. DETAINEE HAD NO KNOWLEDGE OF MARITIME TRANSPORTION OF MERCHANDISE OR OTHER MARITIME OPERATIONS.
- G. DETAINEE HAD NO KNOWLEDGE OF HOW ISLAMIC ORGANIZATIONS MOVE FUNDS UNTIL HE WAS DETAINED BY THE PAKISTANIS. THE PAKISTANIS INFORMED DETAINEE THAT HE WAS HELPING AL WAFI WITH ILLEGAL MONEY TRANSACTIONS. (DETAINEE COMMENT - - I'VE NEVER TO MY

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KNOWLEDGE HELPED ANY ILLEGAL ORGANIZATION, ALL I TRIED TO DO IS MAKE SOME MONEY SO THAT I CAN LIVE AND PROVIDE FOR MY WIFE AND MYSELF).

H. PERSONNEL IN THE UNITED STATES: MUSTAFA ((HASSAN)) IS A SOMALI WHO ATTAINED UNITED NATIONS REFUGEE STATUS AND CAME TO THE UNITED STATES AROUND 1999 OR 2000. DETAINEE DID NOT KNOW WHERE IN THE UNITED STATES HASSAN WAS. (DETAINEE COMMENT - - HE CAME TO THE U.S. WITH REFUGEE CARD NUMBER, SO I AM SURE YOU CAN FIND HIM THROUGH THAT). (FIELD COMMENT - DETAINEE STATED MOST SOMALIS WHO SOUGHT REFUGEE STATUS WENT TO THE UNITED NATIONS OFFICE IN PAKISTAN). DETAINEE MET HASSAN IN PAKISTAN WHILE HASSAN WAS STUDYING MECHANICS (NFI). IN THE U.S. HASSAN WOULD OFTEN SEND MONEY TO HIS BROTHER [REDACTED] (NFI) IN PAKISTAN WHO WAS ATTENDING COLLEGE.

I. ~~(S)~~ CLARIFICATION OF NAMES AND WEBSITES THAT WERE FOUND ON HIS COMPUTER CONFISCATED [REDACTED]

1. ~~(S)~~ ALJAZEERA.NET: THIS WEBSITE IS A PLACE WHERE ARABS OF ANY BACKGROUND CAN SPEAK OPENLY AND STATE THEIR OPINIONS. THIS WAS WHERE DETAINEE WOULD USUALLY GO TO FIND OUT WHAT WAS GOING ON IN THE WORLD. (FIELD COMMENT - - THIS WEBSITE IS THE ARAB EQUIVALENT OF CNN). PEOPLE ALWAYS SPOKE THEIR MINDS AT ALJAZEERA.NET SAYING WHY IS U.S. DOING THIS OR THAT BUT DETAINEE NEVER HEARD ANYTHING ABOUT JIHAD OR RECRUITMENT HERE.
2. ~~(S)~~ HOTMAIL.COM: HOTMAIL WAS USED IN ORDER TO COMMUNICATE WITH THE MAIN DHABSHIBIL OFFICES IN HARGEISA, SOMALIA. DETAINEE'S USER NAME WAS [REDACTED] DETAINEE COULD NOT REMEMBER HIS PASSWORD SINCE IT WAS A LONG TIME AGO.
3. ~~(S)~~ MAKTOOB.COM: THIS SITE WAS ARABS ONLINE COMMUNITY TO TALK WITH OTHER ARABS. DETAINEE USED IT TO FIND OUT WHAT WAS GOING ON IN THE ARAB COMMUNITY. DETAINEE DOES NOT RECALLING USING MAKTOOB CHAT.
4. ~~(S)~~ USA.NET: DETAINEE OFTEN LOOKED FOR FREE E-MAIL BASED WEB SITES THAT OFFERED FREE WEB CALLS. HOWEVER DETAINEE DOES NOT REMEMBER USING THAT WEBSITE.
5. ~~(S)~~ YAHOO.COM: DETAINEE OFTEN LOOKED FOR FREE E-MAIL BASED WEB SITES THAT OFFERED FREE WEB CALLS. HOWEVER DETAINEE DOES NOT REMEMBER USING THAT WEBSITE.

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6. ~~(S)~~ GERRYSFAX.COM. DETAINEE USE THIS WEBSITE IN PAKISTAN. DETAINEE BECAUSE IT WAS CHEAPER TO SEND A FAX VIA INTERNET RATHER THAN THROUGH THE PHONE LINE. (FIELD COMMENT - PREVIOUS MFR'S MENTIONED DETAINEE USED THIS WEBSITE MORE THAN ANY OF THE OTHER WEBSITES.)

7. ~~(S)~~ OTHER WEBSITES: DETAINEE USED THE FOLLOWING WEBSITES IN ORDER TO DIAL FREE CALLS. (DETAINEE COMMENT - - SOME OF THESE WEB SITES SOMETIMES OFFER FREE WEB CALLS OF TWO OR THREE MINUTES SO THAT IS WHY I LOOK AT THESE WEB SITES).
 - A. DIALPAD- AN AMERICAN COMPANY THAT OFFERS FREE INTERNET CALLS.
 - B. EASYDIAL
 - C. FREECALL UK
 - D. GO2CALL
 - E. HOTELEPHONE
 - F. MEDIARING TALK
 - G. NET2PHONE
 - H. PALTALK
 - I. PHONEHOG
 - J. PHONEFREE
 - K. SOMALITALK (SEE COLLECTORS COMMENTS)
 - L. TALKCITY
 - M. TALKWAVE
 - N. PC-TO-PHONE

8. ~~(S)~~ NAMES FOUND IN THE INBOX OF THE COMPUTER:
 - A. ABDIRASHID ((AIDED)): AIDED WAS ABUD-AL ((DEED)), WHO WAS THE FIRST PERSON THAT WORKED FOR DETAINEE IN ISLAM ABAD, PAKISTAN.
 - B. [REDACTED] WAS DETAINEE'S BROTHER IN LAW.
 - C. ABDUL ((QADIR)): QADER WAS ABED ((ALQADER)), THE FIRST PERSON DETAINEE STAYED WITH WHEN DETAINEE ARRIVED IN KARACHI, PAKISTAN.
 - D. ABU ((SALMAN)): SALMAN WAS AN ISLAMIC TEACHER IN PAKISTAN WITH WHOM DETAINEE SPOKE ONCE IN A WHILE ABOUT ISLAMIC TEACHINGS.
 - E. AXMED ((MAXAMED)): (FIELD COMMENT - - IN SOMALI THE LETTER X IS ROUGHLY EQUIVALENT TO THE LETTER H IN ENGLISH, THEREFORE AXMED ((MAXAMED)) IS ACTUALLY AHMED ((MAHAMED)). MAXAMED IS A SOMALI FROM THE ISSAK TRIBE WITH WHOM DETAINEE STAYED WHILE LIVING IN ISLAM ABAD, PAKISTAN. MAXAMED WAS ATTENDING COLLEGE IN PAKISTAN.

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MAXAMED TOLD DETAINEE ABOUT MANY BUISNESS OPPORTUNITES IN KARACHI, PAKISTAN.

9. ~~(S)~~ FAXES FOUND ON THE COMPUTER:

- A. ~~(S)~~ [REDACTED] IS DETAINEE'S WIFE. ALSO KNOWN AS [REDACTED]
- B. ~~(S)~~ [REDACTED] IS DETAINEE'S WIFE'S SISTER.
- C. ~~(S)~~ [REDACTED] HUSBAND (FIELD COMMENT -- BOTH [REDACTED] LIVE IN CANADA). (NFI).
- D. ~~(S)~~ MUSTAFA HASSAN: HASSAN WAS A SOMALI FROM ISSAK TRIBE WHO SOUGHT U.N. REFUGEE STATUS AND IS NOW IN THE UNITED STATES. (DESCRIBED ABOVE.)
- E. SALAH ((HURUSEH)): HURUSEH WAS IN CHARGE OF THE DAHABSHIL OFFICE IN MELBOURNE, AUSTRALIA. HURUSEH CALLED DETAINEE TO TELL DETAINEE HURUSEH HAD A FRIEND BY THE NAME OF HAJ (NFI) WHO WAS MOVING TO PAKISTAN. HURUSEH WANTED DETAINEE TO HELP HAJ GET SITUATED IN PAKISTAN. DETAINEE AGREED TO HELP. DETAINEE HELPED HAJ GET SITUATED HOWEVER HAJ'S VISA EXPIRED. HAJ TRIED TO RENEW IT BUT PAKISTANI OFFICIALS REFUSED. HAJ LEFT PAKISTAN TO GO TO UAE ENROUTE TO SOMALIA). DETAINEE EXPLAINED THAT MANY PEOPLE MOVE TO PAKISTAN BECAUSE THE COST OF LIVING THERE IS CHEAPER AND THERE ARE NO WARS.
- F. ~~(S)~~ [REDACTED] WAS ANOTHER NAME FOR [REDACTED]
- G. ~~(S)~~ [REDACTED] IS DETAINEE'S COUSIN [REDACTED] IS A SOMALI PHARMACIST WITH WHOM DETAINEE USUALLY SPOKE. DETAINEE STATED [REDACTED] WOULD SOMETIMES CALL TO SEE IF MEDICINE WAS CHEAPER IN PAKISTAN THAN IT WAS IN SOMALIA. (DETAINEE COMMENT -- I USUALLY WROTE TO HIM FROM HERE IN THE CAMP BUT I DO NOT KNOW IF LETTERS EVER REACHED HIM). (NFI).

3. ~~(S)~~ ADDITIONAL COLLECTOR COMMENTS:

- A. ~~(S)~~ WHEN DETAINEE WAS ASKED WHERE IN THE UNITED STATES MUSTAFA HASSAN MAY BE DETAINEE STATED HE DID NOT KNOW.



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4. ~~(S)~~ POC THIS MEMORANDUM IS [REDACTED]
[REDACTED] JTF GITMO, [REDACTED]

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Exhibit 34

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MOHAMMED SULAYMON BARRE, ISN US950-000567DP, was interviewed at Camp Delta, U.S. Naval Base Guantanamo Bay, Cuba, by SA [REDACTED] Federal Bureau of Investigation (FBI) and SA [REDACTED] Naval Criminal Investigative Service (NCIS). After being advised of the identities of the interviewing Agents and the nature of the interview, BARRE provided the following information:

BARRE advised that he had been living in Pakistan and was working independently as an interpreter for Somalis who traveled to Pakistan. While doing this, BARRE befriended a fellow Somali by the name of [REDACTED] who was in Pakistan studying in medical school.

BARRE and [REDACTED] were from the same tribe in Somalia and as such, there was a special kinship or loyalty among tribe members who were living outside Somalia. BARRE advised that due to this relationship, tribe members would try to assist each other. BARRE advised that [REDACTED] had an in-law relative who worked for the DAHABSHILL CORPORATION (DC) which was a money transfer company, which at the time did not have any offices located in Karachi, Pakistan. [REDACTED] was able to obtain employment for BARRE through his family connection to the DC which subsequently opened an office run by BARRE in Karachi.

Upon gaining employment with DC, BARRE had to sign an official DC document which was also signed by [REDACTED] as a way for [REDACTED] to vouch for BARRE. BARRE basically described the form as a contract which stipulated that he would not steal any money he dealt with and would be responsible to his customers and the DC.

BARRE stated that his responsibilities were to receive money from individuals and then provide that money to Somalis who were living in Pakistan. BARRE advised that the money he received would generally go to students and were sent by family members from Somalia and other countries to include the United States. BARRE was responsible for providing a monthly statement of his transactions to the DC. BARRE stated that the DC received a commission from each transaction and he would receive 20% of the companies commission as his payment for services. BARRE advised that he did not send the companies commission back to their main office in Hargeysa, Somalia, but would instead use the money to disburse out to people. BARRE stated that when he began working things were slow and he would average approximately \$100 per month in commission; however, at the time of his arrest, he had approximately two to three hundred customers and could receive up to \$900 per month in commission. BARRE advised that he was arrested because the DC did

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not pay taxes in Pakistan and as such was considered an illegal operation. BARRE also advised that he kept records of his transactions and those were seized at the time of his arrest.

BARRE was questioned about two transactions that he made for an individual that amounted to \$20,000 and \$5,000. BARRE advised that an individual contacted him by telephone, which was listed on his website and made arrangements to meet BARRE in order to make a money transaction. BARRE described the individual he then met as either a Saudi or Yemeni named SHAKER (LNU), who was approximately 5', slim build, approximately late 20's, dark hair and medium beard, light skinned male who spoke Al Fusha Arabic. BARRE met SHAKER at the Fiasel mosque in Karachi because SHAKER did not know the area where BARRE lived, but he did know where the mosque was. Upon meeting, BARRE and SHAKER discussed the \$20,000 transaction and agreed to do it. They then went to BARRE'S house and conducted the transfer. BARRE advised that he couldn't recall who the transfer went to, but it did go to Mogadishu City, Somalia. BARRE advised that SHAKER called him approximately 2 to 3 weeks later and conducted a second transfer of \$5,000 to Mogadishu City. BARRE stated that he had no other transactions with SHAKER and the times that he did, they did not discuss anything other than the transactions. BARRE did advise that he was excited about dealing with SHAKER because he received large commissions due to the amount of money SHAKER was transferring. BARRE advised that on the \$20,000 transfer, the commission was \$600 of which his 20% amounted to \$120. BARRE advised that after the two transactions, he never saw SHAKER again.

BARRE was asked if he conducted any transfers for an individual named [REDACTED]. BARRE advised that he couldn't remember that name nor could he recall any transactions by that name.

BARRE advised that upon opening the DC office in Karachi, [REDACTED] was one of his customers. BARRE stated that [REDACTED] would receive between \$100 to \$300 per month from his brother who was working in the United Arab Emirates. BARRE believed that [REDACTED] is still in Pakistan or at least he was at the time of BARRE'S arrest.

BARRE was questioned about some comments in an e-mail that was recovered from his computer and sent by [REDACTED]. BARRE stated that [REDACTED] was a student who was studying computers and was living in the United States. Their contact was primarily for business purposes, because [REDACTED] was sending money to his brother in Pakistan through BARRE. In the e-mail from [REDACTED] to BARRE, there was the statement "I haven't seen anything strange from the Somalis I met in Minnesota". BARRE advised that there was a problem with the Somali/English translation and believed the comment to mean that the Somalis that [REDACTED] had met in the U.S. are simply keeping with their religion and customs.

BARRE was also asked about the comment "small secret" in the same e-mail. BARRE advised that the phrase "a small secret" is a Somali statement about a personal conversation which is not a big deal. BARRE could not advise what the "small secret" was, but assumed that it had to do with money that [REDACTED] was sending to his brother in Pakistan.

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through BARRE. BARRE advised that [REDACTED] would send approximately \$400 per month to his brother.

BARRE was asked about his knowledge of the AL BARAKAT (AB) TRANSFER COMPANY. BARRE advised that he knew AB to be a large company located in southern Somalia. BARRE advised that he was from northern Somalia, and as such he didn't interact with the AB. BARRE stated that the AB probably did have an office in Islamabad, but they did not have one in Karachi.

BARRE was shown [REDACTED] MOHAMED AMI SHAKIR, ISN US9SA-00239DP and asked if he could identify him. BARRE stated that he thinks the individual [REDACTED] is named SHAKER, and is possibly in jail, but he is not sure if it is the same person as the one in jail in Cuba. BARRE advised that he has never seen the individual before arriving in Cuba.

Exhibit 35

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SUMMARY INTERROGATION REPORT:

~~(S//NF)~~ SUBJECT: ISN US9SO-000567DP, ((BARRE)) MOHAMMED SULAYMON WAS BORN ON DECEMBER 27, 1964 AND CLAIMS SOMALIA CITIZENSHIP.

1. ~~(S//NF)~~ SUMMARY: [REDACTED] INTERROGATED ((BARRE)) MOHAMMED SULAYMON [REDACTED] FOR 2 HOURS AND 0 MINUTES. THE INTERROGATION WAS CONDUCTED IN ARABIC - MODERN STANDARD USING [REDACTED] AN INTERPRETER. THE PURPOSE OF THE SESSION WAS EXPLOIT REQUIREMENT [REDACTED] SOMALI CLAN ACTIVITIES AND THEIR IMPACT WITHIN CENTCOM'S AOR ~~(S)~~.

2. ~~(S//NF)~~ APPROACH USED: [REDACTED] DIRECT QUESTIONS.

3. ~~(S//NF)~~ EFFECTIVENESS OF APPROACH: THE DETAINEE RESPONDED TO ALL QUESTIONS WITHOUT HESITATION.

4. ~~(S//NF)~~ COOPERATION/KNOWLEDGEABILITY/TRUTHFULNESS/EXPLOITED: [REDACTED]

5. ~~(S//NF)~~ RECOMMENDED APPROACH FOR NEXT MEETING: [REDACTED]

6. ~~(S//NF)~~ SUMMARY OF INFORMATION (ENSURE ANY INTELLIGENCE RESULTS IN AN IIR): DETAINEE WAS COMPLIANT IN ANSWERING ALL QUESTIONS, ALL OF WHICH RESULTED IN IIR. 6 034 0425 05, TRANSACTIONS CONDUCTED AT THE DAHABSHIIL HAWALA OFFICE IN KARACHI, PK; INDIVIDUAL CONTACTS FOUND ON THE KARACHI OFFICE DAHABSHIIL COMPUTER. DETAINEE WAS FORTHCOMING AND DISCUSSED MORE TRANSACTIONS HE CONDUCTED AT HIS HAWALA OFFICE WHICH WERE NOT DISCUSSED BEFORE. DETAINEE REITERATED THAT MANY OF HIS CUSTOMERS WERE SOMALIS IN MINNEAPOLIS, MINNESOTA WHO WOULD WIRE MONEY TO THE SOMALIA HEADQUARTERS OFFICE, WHICH WAS THEN WIRED TO THEIR FAMILIES IN PAKISTAN. THEREFORE, DETAINEE CLAIMED NOT TO KNOW THE MINNEAPOLIS, MINNESOTA HAWALA AGENTS NAME. HE DID STATE WE SHOULD BE ABLE TO EASILY FIND THIS ON THE DAHABSHIIL WEBSITE HOWEVER.

DETAINEE DID HAVE OTHER ISSUES WHICH HE WANTED RESOLVED, SUCH AS PURPORTED MISSING ICRC LETTERS. DETAINEE SAID HE RECEIVED AN INVENTORY PRINT-OUT OF HIS LETTERS BY MISTAKE AND NOT THE ACTUAL LETTERS THEMSELVES FROM ADMIN. HE KNOWS HE HAS LETTERS AND DEMANDS THAT WE FIND THEM FOR HIM. INTERROGATOR SHOULD NOT GO TO THE BOOTH AGAIN UNTIL THEY HAVE AT LEAST DID A PROPER SEARCH ON THESE MISSING LETTERS.

ADDITIONALLY, DETAINEE WANTS NEWS ABOUT SOMALIA. DETAINEE IS NERVOUS ABOUT RETURNING TO SOMALIA BECAUSE WHEN HE LEFT IT WAS A BLOODBATH. GIVING THE DETAINEE POSITIVE NEWS ABOUT SOMALIA'S NEW GOVERNMENT WOULD BE HARMLESS AND WOULD GO A LONG WAY INTO CALMING THE DETAINEE DOWN. (ANALYST COMMENT - ONE OF THE OUTSTANDING [REDACTED] AGAINST HIM IS OPINIONS ABOUT CURRENT SOMALIAN TRIBES AND THEIR POSSIBLE REACTION TO THE NEW GOVERNMENT. THEREFORE, THE NEWS WOULD HELP INTELLIGENCE, NOT HINDER IT). WE FEEL THAT HE WOULD BE EVEN MORE COOPERATIVE IF HE WAS NOT SCARED AT WHAT AWAITED HIM AT HOME. DETAINEE ALSO REQUESTED WE CHECK ON HIS FATHER-IN-LAW'S HEALTH, US9SO-000704DP AND ALSO MAKE AN ARRANGEMENT FOR THEM TO MEET.

7. ~~(S//NF)~~ COLLECTORS COMMENTS: INTERROGATOR INFORMED DETAINEE THAT HE WOULD BE

MOVED TO CAMP 5 LATER IN THE DAY. (FIELD COMMENT - [REDACTED])

[REDACTED] DETAINEE STATED HE PREFERRED CAMP FIVE SO HE WOULD NOT FEEL PRESSURED BY THE OTHER DETAINEES IN CONTINUING A HUNGER FAST. ADDITIONALLY, DETAINEE STATES THAT THE OTHERS SURROUNDING HIM IN CAMP I ARE LOUD AND OBNOXIOUS AND HE JUST WANTS PEACE.

OVERALL COMMENTS - [REDACTED]

[REDACTED] THE
GOVERNMENT WANTED HIM BUT NOT HIS FATHER-IN-LAW, [REDACTED]

8. (S) POC FOR THIS MEMORANDUM IS [REDACTED]
GTMO.

JTF

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Exhibit 36

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SUMMARY INTERROGATION REPORT:

~~(S//NF)~~ SUBJECT: ISN US9SO-000567DP, ((BARRE)) MOHAMMED SULAYMON WAS BORN ON [REDACTED] 1964 AND CLAIMS SOMALIA CITIZENSHIP.

1. ~~(S//NF)~~ SUMMARY: [REDACTED] INTERROGATED ((BARRE)) MOHAMMED SULAYMON [REDACTED] FOR 1 HOURS AND 45 MINUTES. THE INTERROGATION WAS CONDUCTED IN ARABIC - MODERN STANDARD USING [REDACTED] AN INTERPRETER.

2. ~~(S//NF)~~ APPROACH USED: [REDACTED] DIRECT QUESTIONS. LOVE OF FATHER-IN-LAW. [REDACTED]

3. ~~(S//NF)~~ EFFECTIVENESS OF APPROACH: SUCCESSFUL. DETAINEE WAS FASTING TODAY, [REDACTED]

4. ~~(S//NF)~~ COOPERATION/KNOWLEDGEABILITY/TRUTHFULNESS/EXPLOITED: [REDACTED]

5. ~~(S//NF)~~ RECOMMENDED APPROACH FOR NEXT MEETING: [REDACTED]

6. ~~(S//NF)~~ SUMMARY OF INFORMATION (ENSURE ANY INTELLIGENCE RESULTS IN AN IIR): [REDACTED]

THIS INTERROGATION CONTINUED THE COLLECTION PROCESS FOR THE [REDACTED] EVAL REQUIREMENTS.

HARMONY DOCUMENT AFGP-2002-801888-025 (FIELD COMMENT - PART OF THE OFFICE LITTER OBTAINED FROM DETAINEE'S HOME/OFFICE DURING HIS ARREST BY THE PAKISTAN AUTHORITIES) IS A SOMALI LANGUAGE MEMO FROM THE DAHABSHIIL HEADQUARTERS IN HARGEYSA, SOMALIA. DETAINEE DISCUSSED THE CONTENTS OF THIS MEMO. THE MEMO DATED 19 SEPTEMBER 2001 WAS SENT TO ALL AGENTS AS A NOTIFICATION THAT A SUB-BRANCH WOULD NOW BE OPERATING AS ITS OWN BRANCH (DETAINEE COMMENT - AGENTS SOMETIMES HAD SMALLER BRANCHES THAT REPORTED DIRECTLY TO THE AGENT, NOT THE HEADQUARTERS). THE MEMO ADDED THAT THE NEW BRANCH IS LOCATED IN SOMALIA AND WILL HAVE THE CODE "BXW".

HARMONY DOCUMENT AFGP-2002-801888-024 (FIELD COMMENT - PART OF THE OFFICE LITTER) IS A SOMALI LANGUAGE MEMO FROM THE DAHABSHIIL HEADQUARTERS. DETAINEE DISCUSSED THE CONTENTS OF THIS MEMO. THE MEMO DATED 22 SEPTEMBER 2001 WAS SENT TO THE AGENTS FOR YEMEN, ETHIOPIA, SYRIA, AND PAKISTAN. THE MEMO IS A DIRECTIVE TO CHANGE THE "CASH BALANCE BREAKDOWN" REPORTING REQUIREMENTS. PREVIOUSLY, THE ACCOUNTING FIGURES WERE SENT BY FIELD AGENTS ON A MONTHLY BASIS TO DAHABSHIIL (DETAINEE COMMENT - THE MAJOR OFFICES ALWAYS DID DAILY REPORTS, BUT THE SMALLER ONES IN THIRD WORLD COUNTRIES WERE ONLY MONTHLY). THE DIRECTIVE STATED THAT THE FOUR AGENTS HAD TO BEGIN SUBMITTED THE ACCOUNTING FIGURES DAILY VIA E-MAIL BY 0800 HOURS LOCAL SOMALI TIME (DETAINEE COMMENT - THE DIRECTIVE DOES NOT STATE WHICH E-MAIL ADDRESS TO SEND TO, BUT IT WOULD BE WHICHEVER ONE EACH AGENT WAS USING). FIELD COMMENT - THE DIRECTIVE WAS WRITTEN AND SIGNED BY CABDILLAHI CABDI ((CAWAD)), ACCOUNTS & FINANCE CHIEF. FIELD COMMENT - THE POINTS OF CONTACT THE DIRECTIVE WAS SENT TO ARE: MAAMULKA & XISAABAADKA (YEMEN), MAAMULKA & XISAABAADKA (ETHIOPIA), CABDICASIIS ((CARTAN)) (SYRIA), AND MAXAMED SALEEBAN ((BARRE)) (PAKISTAN) (DETAINEE). DETAINEE DID NOT PROVIDE A REASON FOR THE

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CHANGE IN PROCEDURES.

RELOCATION. DETAINEE CLARIFIED HIS INTENT ON RELOCATION AND CONTINUATION OF BEING THE DAHABSHIIL AGENT FOR PAKISTAN (FIELD COMMENT - REFER TO HARMONY DOCUMENT AFGP-2002-600559 FOR DETAINEE'S LETTER RETRIEVED FROM HIS COMPUTER HARD DRIVE FOR ADDITIONAL INSIGHT INTO PLANNED INTENTIONS FOR DAHABSHIIL IN PAKISTAN). DUE TO THE [REDACTED] OFFICERS" INVESTIGATING DETAINEE IN LATE OCTOBER 2001, DETAINEE WAS PLANNING ON MOVING TO A DIFFERENT RESIDENCE IN KARACHI, PK. DETAINEE HAD NOT YET LOCATED A NEW RESIDENCE BY THE TIME HE WAS TAKEN INTO CUSTODY ON 01 NOVEMBER 2001. DETAINEE WAS HOPING THAT RENTING A NEW RESIDENCE AND MOVING WOULD PREVENT THE [REDACTED] OFFICERS FROM BEING ABLE TO LOCATE AND/OR CONTINUE THEIR INVESTIGATION ON HIM. DETAINEE WOULD HAVE CONTINUED OPERATING AS THE DAHABSHIIL AGENT FOR PAKISTAN IN THE NEW RESIDENCE. THE ABOVE REFERENCED HARMONY DOCUMENT WAS SENT BY DETAINEE TO THE DAHABSHIIL HEADQUARTERS AS A BACK-UP IN CASE DETAINEE WAS TAKEN INTO CUSTODY OR UNABLE TO CONTINUE AS THE DAHABSHIIL AGENT (DETAINEE COMMENT - IN CASE SOMETHING HAPPENED TO ME). THE DR. MUSE MOHAMED ABDI ((BATTER)) REFERENCED IN THE LETTER FROM THE DETAINEE WAS KNOWN BY THE DAHABSHIIL HEADQUARTERS. BATTER WAS INITIALLY OFFERED THE OPPORTUNITY TO REPRESENT DAHABSHIIL IN PAKISTAN, BUT HE COULD NOT BECAUSE OF HIS STUDIES. BATTER REFERRED DETAINEE FOR THE POSITION. DETAINEE WANTED SOMEONE RELIABLE IN KARACHI THAT COULD BE CONTACTED BY DAHABSHIIL TO TAKE CARE OF DAHABSHIIL'S MATERIALS AT DETAINEE'S HOME/OFFICE (FIELD COMMENT - DETAINEE WAS REFERRING TO COMPUTER, FAX, DOCUMENTS, MONEY, ETC). BATTER WAS LIVING IN KARACHI, PK AT THE TIME OF THIS LETTER AND DETAINEE'S ARREST. DETAINEE DOES NOT KNOW IF DAHABSHIIL CONTINUED TO OPERATE IN PAKISTAN AFTER HIS ARREST.

FAISAL DAHIR ((HUBANE)) AND ABDIRASHID AIDID ((AHMED)). HUBANE AND AHMED WERE EMPLOYEES OF DETAINEE. THEIR RELATIONSHIP WITH DETAINEE WAS A PROFESSIONAL RELATIONSHIP WITH FEW PERSONAL MATTERS DISCUSSED. DETAINEE DID NOT HAVE A RELATIONSHIP WITH EITHER ONE OUTSIDE OF BUSINESS. DETAINEE BELIEVES HUBANE AND AHMED KNEW EACH OTHER (NFI), BECAUSE OF THE SMALL SOMALI POPULATION (FIELD COMMENT - HUBANE AND AHMED WERE EMPLOYED AT DIFFERENT TIMES) (DETAINEE COMMENT - MOST OF THE SOMALIS IN ISLAMABAD KNOW EACH OTHER AS BEING FROM THE SAME COMMUNITY, BUT BEYOND THAT, I DO NOT KNOW). DETAINEE RECRUITED BOTH HUBANE AND AHMED IN THE SAME MANNER. DETAINEE MET BOTH IN ISLAMABAD, PK, AND AFTER HEARING THAT THEY WERE IN NEED OF A JOB AND TALKING TO THEM, DETAINEE THEN HIRED THEM. DETAINEE DOES NOT REMEMBER HOW LONG HE KNEW HUBANE OR AHMED BEFORE ACTUALLY HIRING THEM. DETAINEE WAS IN ISLAMABAD, PK AT TIMES VISITING THE FAMILY OF HIS WIFE AND VISITING THE UNITED NATIONS OFFICE TO RENEW HIS REGISTRATION WITH THE UNITED NATIONS. DETAINEE HAD SOLE RESPONSIBILITY FOR PAKISTAN AND THE DAHABSHIIL AGENT (DETAINEE COMMENT - PAKISTAN WAS MINE). NEITHER HUBANE OR AHMED WOULD HAVE THEIR OWN BRANCH IN PAKISTAN. THEY WORKED FOR DETAINEE AS COURIERS, AND DETAINEE WAS THE AGENT IN PAKISTAN (FIELD COMMENT - AS IN THE LAST SESSION, DETAINEE BECAME FRUSTRATED WITH INTERROGATOR'S ATTEMPTS AT DETERMINING HUBANE'S OR AHMED'S POTENTIAL FOR CONTINUED WORK AS COURIERS AFTER DETAINEE WAS ARRESTED). AHMED WAS STUDYING AT THE INTERNATIONAL ISLAMIC UNIVERSITY IN ISLAMABAD, PK. AHMED DID NOT DISCUSS HIS STUDIES WITH DETAINEE.

MOHAMMED SAEED ((DUALEH)) AND ABDI RASHID ((DUALEH)) (FIELD COMMENT - DAHABSHIIL'S OWNER AND HIS SON). DETAINEE DOES NOT BELIEVE EITHER OF THE TWO HAVE CONNECTIONS TO ISLAMIC EXTREMISM OR TERRORISM. DETAINEE DOES NOT REMEMBER ANY SPECIFIC CONVERSATIONS IN WHICH MUSE MOHAMED ABDI ((BATTER)) DISCUSSED EITHER OF THE TWO BEYOND CONVERSATIONS (NFI) REGARDING THE COMPANY (FIELD COMMENT - DETAINEE WAS UNCOMFORTABLE AND EVASIVE ON THIS TOPIC. PRIOR REPORTING INDICATES BATTER INTRODUCED DETAINEE TO ABDI RASHID DUALE.) BATTER KNOWS BOTH THE OWNER AND THE OWNER'S SON, AND THEY MAY HAVE BEEN RELATED (FIELD COMMENT - PRIOR REPORTING BY DETAINEE STATED BATTER WAS OF DISTANT RELATION WITH DUALEH).

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DETAINEE DOES NOT KNOW IF EITHER OF THE TWO DUALEH'S WERE HEAVILY INVOLVED WITH THE DAY-TO-DAY OPERATIONS OF DAHABSHILL OR EVEN IF THEY WERE STRICT IN THEIR RUNNING OF THE COMPANY. DETAINEE NEVER MET EITHER DUALEH IN PERSON.

DR. MUSE MOHAMED ABDI ((BATTER)). BATTER NEVER LIVED WITH DETAINEE. WHEN SHOWN HARMONY DOCUMENT AFGP-2002-801888-023, DETAINEE STATED THAT HE RECEIVED THAT IN THE MAIL FOR BATTER. IT IS NOT UNCOMMON FOR SOMALIS TO USE SOMEONE ELSE'S MAILING ADDRESS, AND THAT BATTER WAS MOVING AROUND A LOT (NFI). FIELD COMMENT - THIS HARMONY DOCUMENT IS A WIRE TRANSFER DOCUMENT FOR "MR. MUSA MUHAMMAD ABDI, [REDACTED], KARACHI" AND IS THE SAME POST OFFICE BOX DETAINEE USED.

7. ~~(S//NF)~~ COLLECTORS COMMENTS: [REDACTED]

LINGUIST WAS NOT AVAILABLE FOR THE FIRST 15 MINUTES OF THE SESSION. THE SESSION WAS HELD IN ENGLISH UNTIL THE ARRIVAL OF THE LINGUIST.

ITEMS REQUIRING FOLLOW-UP ARE AS FOLLOWS: COPIES OF OLDER DETAINEE MAIL, NEWS ARTICLES ON SOMALILAND, [REDACTED] AND THE POETRY BOOK.

DETAINEE IS HIGHLY FOCUSED ON THE MAIL, NEWS FROM HOME, AND HIS FATHER-IN-LAW (SO-704). DETAINEE UNDERSTANDS THAT THE MAIL WRITTEN IN SOMALI WILL BE DELIVERED TO HIM BY THE RED CROSS WHEN THEY RETURN. THE OTHER MAIL (OLDER AND IN ARABIC) IS NO LONGER IN HIS POSSESSION (STATES HE HAS NOT HAD THEM FOR SEVERAL YEARS). [REDACTED]

8. ~~(U)~~ POC FOR THIS MEMORANDUM IS [REDACTED] JTF GTMO.

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Exhibit 37

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SUMMARY INTERROGATION REPORT:

~~(S//NF)~~ SUBJECT: ISN US9SA-000264DP, ((AL BADDAH)) ABD AL AZIZ ABD AL RAHMAN ABD AL AZIZ WAS BORN ON [REDACTED] 1982 AND CLAIMS SAUDI ARABIA CITIZENSHIP.

1. ~~(S//NF)~~ SUMMARY: [REDACTED] INTERROGATED ((AL BADDAH)) ABD AL AZIZ ABD AL RAHMAN ABD AL AZIZ [REDACTED] FOR 4 HOURS AND 30 MINUTES. THE INTERROGATION WAS CONDUCTED IN ENGLISH USING NO LINGUIST. PURPOSE OF INTERROGATION WAS TO TALK TO DETAINEE ABOUT HIS TWO COUSINS AND TO CONTINUE TO ASK ABOUT THE EVAL ON SULEYMON AL-BARRE. DETAINEE'S ATTITUDE AND BEHAVIOR WERE COOPERATIVE.

2. ~~(S//NF)~~ APPROACH USED: DIRECT, LOVE OF FAMILY [REDACTED]

3. ~~(S//NF)~~ EFFECTIVENESS OF APPROACH: ALL APPROACHES WERE EFFECTIVE.

4. ~~(S//NF)~~ COOPERATION/KNOWLEDGEABILITY/TRUTHFULNESS/EXPLOITED: [REDACTED]

5. ~~(S//NF)~~ RECOMMENDED APPROACH FOR NEXT MEETING: [REDACTED]

6. ~~(S//NF)~~ SUMMARY OF INFORMATION (ENSURE ANY INTELLIGENCE RESULTS IN AN IIR): GUANTANAMO DETAINEE (SO-567 (BARRE) MOHAMMED SULAYMON) WAS FROM SOMALIA. HE WAS THE BROTHER-IN-LAW OF MUHAMMED (LNU) AL-SOMALI WHO WAS THE FACILITATOR AND FINANCIER FOR GUANTANAMO DETAINEE (SA-5 (AL-MATRAFI) ABDALLAH AYDHAN ABDALLA). SA-5 WAS THE DIRECTOR FOR AL-WAFA IN KABUL, AF. SO-567'S REAL NAME IS YUSIF AL-SOMALI. SO-567 AND MOHAMMED AL-SOMALI WERE LIVING IN PESHAWAR, PAKISTAN WITH THEIR FATHER-IN-LAW FROM PAKISTAN, GUANTANAMO DETAINEE (SO-704 (ABDALLAH) MUHAMED HUSSEIN). SO-567 WAS IN CHARGE OF GETTING ALL THE SUPPLIES FROM PAKISTAN TO AFGHANISTAN FOR SA-5 AND THE TALIBAN. DETAINEE HEARD FROM SO-567'S FATHER-IN-LAW THAT MUHAMMED AL-SOMALI PROCURED ALL HOSPITAL SUPPLIES, RADIOS, COMPUTERS AND SATELLITE PHONES. DETAINEE HEARD FROM OTHER DETAINEES IN CAMP FOUR THAT SO-567 WAS ALSO PART OF THE TERRORIST GROUPS WHO SUPPORTED THE TALIBAN IN PAKISTAN: BOTH SO-567 AND HIS FATHER-IN-LAW HAVE HOMES IN PESHAWAR. DETAINEE DID NOT KNOW THE EXACT LOCATION OF THE HOMES.

DETAINEE HEARD FROM SO-704 THAT A FORMER GUANTANAMO DETAINEE (BA-159 (AL NOAIMI) ABDULLAH) FROM BAHRAIN WENT TO COLLEGE IN VIRGINIA AND ALSO WENT TO FLIGHT SCHOOL. DETAINEE DID NOT KNOW WHERE BA-159 ATTENDED FLIGHT SCHOOL, BUT BA-159 WENT TO AMERICA TO JOIN THE TERRORIST GROUPS. BA-159 TOOK PART IN THE USS COLE BOMBING, AND HE WAS ALLOWED TO GO HOME TO BAHRAIN. THE DETAINEE WONDERS WHY AMERICA IS KEEPING HIM HERE IN GUANTANAMO, WHILE THE DANGEROUS PEOPLE ARE GOING HOME. (DETAINEE COMMENT - SAID HE DID NOT KNOW THE EXACT RELATIONSHIP BETWEEN SULAYMON AND ABDALLAH, BUT HEARD THAT THEY KNEW EACH OTHER IN AFGHANISTAN.) (NFI)

7. ~~(S//NF)~~ COLLECTORS COMMENTS: [REDACTED]

8. ~~(S)~~ POC FOR THIS MEMORANDUM IS [REDACTED] JTF GTMO.

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Exhibit 38

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**U.S. Department of Justice
Office of the Inspector General**

~~SECRET~~

A Review of the FBI's Involvement in and Observations of Detainee Interrogations in Guantanamo Bay, Afghanistan, and Iraq (U)



Office of the Inspector General
Oversight and Review Division
May 2008

~~SECRET~~

DRV FROM: Multiple Sources

DECL ON: May 15, 2033

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would be considered coercive and would not be permissible conduct for FBI agents conducting interviews in the United States.⁹

(U) The FBI agents did not join actively in this conduct. In addition, the FBI's May 2004 Detainee Policy requiring agents to remove themselves from such situations and report them to their superiors had not yet been issued. However, the FBI was the lead agency during this interrogation and we believe that agents could have influenced the techniques used by other interrogators during this interview, or at least reported this incident to their On-Scene Commander. We also found that the FBI participated in using duct tape to blindfold one of the detainees in a potentially painful matter, but we were unable to determine which FBI agent participated in this activity.

(U) **Slahi** We investigated several allegations by detainee Mohammed Ould Slahi relating to FBI agents at GTMO. Slahi alleged that an FBI agent was involved in subjecting him to a harrowing boat ride as a ruse for making him believe he was being transferred to a different location, that another FBI agent implied that Slahi would be tortured by the military if Slahi did not cooperate with the FBI, that another FBI agent said Slahi would be sent to Iraq or Afghanistan if the charges against him were proved, and that an interrogator told Slahi he would be sent to a "very bad place" if Slahi did not provide certain information.

(U) However, we determined that the FBI was not involved in the boat ride ruse that the military used with Slahi. We concluded that an Army Sergeant impersonated an FBI agent, without the consent of the FBI, in connection with this incident.

(U) We also concluded that although an FBI agent who was leaving GTMO may have told Slahi that the military would treat him differently than the FBI, he did not intend to threaten Slahi. The military implemented a plan to use much harsher techniques on Slahi, but this plan was not agreed to or condoned by the FBI. We also found insufficient evidence to conclude that another FBI agent threatened Slahi by telling him he would be transferred to Iraq or Afghanistan if convicted.

(U) **Al-Sharabi** We investigated several allegations relating to FBI agents who were involved in questioning GTMO detainee Zuhail Abdo Al-Sharabi. We found that the military kept Al-Sharabi in an isolation cell for at least 2 months in 2003 in order to break his resistance to

⁹ (U) This activity was not equivalent to "waterboarding" as that technique has been described in media reports.

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~~SECRET//NOFORN~~**CHAPTER FIVE****(U) FBI CONCERNS ABOUT MILITARY INTERROGATION AT
GUANTANAMO BAY**

(U) [REDACTED] In this chapter we describe the response of the FBI and DOJ to the military's interrogation of Muhammad Ma'ana Al-Qahtani at GTMO in 2002 and 2003. Al-Qahtani is a Saudi Arabian national who was allegedly sent to the United States to be one of the September 11, 2001, hijackers.⁴⁵ The Al-Qahtani interrogation became the focus of a major disagreement between FBI agents and the military regarding interrogation techniques. As detailed below, FBI agents at GTMO became concerned that the DOD's approach was ineffective and possibly illegal, that they would complicate or preclude any effort to prosecute Al-Qahtani, and that the agents' exposure to these techniques would create problems for the agents and the FBI in the future. We determined that some of these concerns reached senior officials at the FBI and DOJ. However, these officials focused primarily on the issue of whether the DOD's techniques were effective at obtaining intelligence from Al-Qahtani and other detainees. Ultimately, the military prevailed in the inter agency dispute resolution process and the military's methods were pursued over DOJ's objections. We also determined that at one point officials from the FBI and DOJ participated in developing a proposal to [REDACTED] [REDACTED] for interrogation using techniques of the sort that had been used on Abu Zubaydah and [REDACTED]. This proposal was never finalized or acted upon.

(U) In this chapter we also describe how the FBI handled reports regarding the alleged mistreatment of another high value detainee, Mohamedou Ould Slahi (#760). Some of the FBI agents' concerns about treatment of this detainee were communicated to senior officials at DOJ.

I. (U) Background on Al-Qahtani

(U) Al-Qahtani was captured by Pakistani forces on December 15, 2001, while trying to enter Pakistan from Afghanistan. He was turned over to U.S. custody, and on February 13, 2002, was transferred to GTMO. When Camp Delta was set up at GTMO in April 2002, Al-Qahtani was moved there along with the rest of the detainee population, as described in more detail in Chapter Two.

⁴⁵ (U) *Church Report* at 115. Al-Qahtani has also been known as: Mohammed Ma'ana Ahmed Al-Qatani, Muhammad Mani' Ahmed Al-Shal-Jan Al-Qahtani, and Mohammad Al-Kahtani.

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DOD Deputy General Counsel responsible for intelligence issues. Bowman said that the DOD Deputy General Counsel assured him that they knew about the FBI's concerns and the matter was being handled. A member of the DOD General's Counsel's office came to FBI Headquarters approximately one week later to review the EC and its attachments. According to Bowman, the person who reviewed the documents seemed "disturbed" by what he read. Bowman said that when he called to follow up, however, he was unable to obtain any information about what actions the DOD planned to take, if any, in response to the information in the EC. Bowman said he even called the DOD General Counsel to inquire, and the response he received was that the Deputy General Counsel was handling it.

(U) Documents reflect that McMahon's EC and its attachments were provided to officials at DOJ Headquarters in May 2004, after the Abu Ghraib prison scandal became public. One reason that we believe this EC did not receive much attention in the FBI was that many of the concerns expressed in it had been mooted by events during the months between McMahon's deployment to GTMO and May 30, 2003. As detailed above, by May 30, 2003, Secretary Rumsfeld had rescinded his approval for the harshest interrogation techniques, the DOD had ceased using such techniques on Al-Qahtani, and Al-Qahtani had become fully cooperative. However, Bowman apparently was not aware of these developments when he contacted the DOD about the allegations in McMahon's EC.

XV. (U) Concerns Raised Regarding Slahi's Interrogation

(U) The case of Mohamedou Ould Slahi (#760) presents another example in which FBI agents raised concerns through their chain of command about rumors of detainee mistreatment at GTMO. In this case, some of these concerns were communicated to senior officials at DOJ.

(U) Slahi was an al-Qaeda operative who is believed to have recruited several of the September 11 hijackers in Germany. *Church Report* at 159. According to FBI records, Slahi was arrested in Mauritania at the request of the United States, held in Jordan for several months, and then transferred to U.S. custody in Afghanistan (Bagram). He was taken to GTMO in August 2002.

(U) The FBI sought to interview Slahi immediately after he arrived at GTMO. FBI and task force agents interviewed Slahi over the next few months, utilizing rapport-building techniques.⁹⁵ An FBI agent who was

⁹⁵ (U) Allegations of misconduct by two of these agents are addressed in Section III of Chapter Eleven.

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assigned to Slahi told us that the military disagreed with the FBI's approach and wanted to use interrogation techniques similar to those employed on Al-Qahtani. One of the FBI's OSCs at GTMO told us that a military contract interrogator was extremely critical of the friendly tenor of the FBI's interview strategy. In late May 2003 the FBI agents who were involved with Slahi left GTMO, and the military assumed control over Slahi's interrogation. One of the FBI agents told us that before he left GTMO he saw a draft of special interrogation plan that the military was preparing for Slahi, and that it was similar to Al-Qahtani's interrogation plan.

(U) According to FBI documents, on July 1, 2003, General Miller signed a request from the Defense Intelligence Agency (DIA) seeking "Special Projects Status" for Slahi and approval of a 90-day special interrogation plan that included "techniques not specified the Secretary of Defense guidance document, 'Counter-Resistance Techniques in the War on Terrorism' dated 16 April 2003." The plan stated that Slahi would be hooded and flown around Guantanamo Bay for one or two hours in a helicopter to persuade him he had been moved out of GTMO to a location where "the rules have changed." According to the *Church Report*, the interrogation plan for Slahi also included isolation, interrogations for up to 20 hours, sensory deprivation, and "sleep adjustment." *Church Report* at 159. The version of the plan provided to the OIG called for 15-hour interrogations (during which Slahi would be prevented from sleeping) followed by 4 hours of rest, as well as using continuous sound to hinder Slahi's concentration and establish fear. We did not find any evidence of FBI involvement in the development of this interrogation plan or in the interrogations of Slahi during the summer of 2003.

(U) According to the *Schmidt-Furlow Report*, the military used a masked interrogator called "Mr. X" to interrogate Slahi. *Schmidt-Furlow Report* at 25-26. On August 2, 2003, a different military interrogator posing as a Navy Captain from the White House gave Slahi a fake memorandum from the "Joint Staff, U.S. Army Director for Intelligence," indicating that because of Slahi's lack of cooperation, his mother would be apprehended for interrogation by U.S. and Mauritanian authorities, and that if she was uncooperative she might be transferred to GTMO. The letter referred to "the administrative and logistical difficulties her presence would present in this previously all-male prison environment." The interrogator told Slahi that his family was "in danger if he (760) didn't cooperate." *Schmidt-Furlow Report* at 26 and Ex. 72. On August 3, military interrogators told Slahi to "use his imagination to think up the worst possible scenario he could end up in," that "beatings and physical pain are not the worst thing in the world," and that unless he began to cooperate, he would "disappear down a dark hole." *Id.* at 26 and Ex. 75.

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(U) Secretary Rumsfeld approved the interrogation plan for Slahi on August 13, 2003. The movement plan for Slahi was amended, however, to utilize a several-hour boat ride rather than a helicopter to deceive Slahi. According to the *Church Report*, on August 25, 2003, Slahi was removed from his cell in Camp Delta, fitted with blackout goggles, and taken on a disorienting boat ride during which he was permitted to hear pre-planned deceptive conversations among other passengers. He was then placed in isolation in Camp Echo. *Church Report* at 160.

(U) The extent to which the harsher elements of the interrogation plan approved by Secretary Rumsfeld for Slahi were ever implemented is not clear to us. The *Church Report* states that the special interrogation plan was implemented in early September 2003 and Slahi soon began providing useful information. *Church Report* at 160. The Special Projects Team Chief stated that "once the [interrogation plan] for 760 was approved in August 2003, we started the [interrogation plan] in earnest." However, he also stated: "Most of the [plan] was not executed. The only thing we ever did was the direct approach."⁹⁶ *Schmidt-Furlow Report* Ex. 20. The *Schmidt-Furlow Report* concluded that the "techniques" in the plan were never implemented because Slahi began to cooperate prior to the approval. *Schmidt-Furlow Report* at 23.

(U) According to military documents, Slahi began cooperating with military interrogators on September 8, 2003, and immediately began providing intelligence. A military report on that date stated that the interrogator told Slahi: "After interrogators are finished with all our questions, only then would his family be returned and Detainee's overall situation would improve."

(U) Over a year later, Slahi made allegations to military interrogators that he had been mistreated during the summer of 2003. He made similar allegations in interviews with the OIG.⁹⁷ He alleged that:

⁹⁶ (U) Military documents indicate that techniques other than direct questioning were used on Slahi during this period. For example, a memorandum dated July 17, 2003, stated that on July 8, Slahi had been exposed to "variable lighting patterns and rock music, to the tune of Drowning Pool's 'Let the Bodies Hit the Floor,'" which kept Slahi "awake and in a state of agitation." It further stated that on July 17, the interrogators employed a "Fear Up" approach on Slahi in which he was deprived of some clothes and yelled at. *Schmidt-Furlow Report*, Ex. 73.

⁹⁷ (U) The OIG provided a list of questions to Slahi's U.S. Army assigned interrogator, which she then posed to Slahi. This unusual step was taken at the behest of JTF-GTMO Commander General Hood in an effort to avoid compromising in any way the significant progress that the interrogator had made in obtaining information from Slahi. The OIG was later given permission to interview Slahi directly.

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- (U) He was left alone in a cold room known as "the freezer," where guards would prevent him from sleeping by putting ice or cold water on him or making noise;
- (U) He was subjected to sleep deprivation for a period of 70 days by means of prolonged interrogations, strobe lights, threatening music, forced intake of water, and forced standing;
- (U) He was deprived of clothing by a female interrogator;
- (U) Two female interrogators touched him sexually and made sexual statements to him;
- (U) Prior to and during the boat ride incident he was severely beaten; and
- (U) During the boat ride incident he overheard an Egyptian and Jordanian arguing over who would get him.⁹⁸

(U) *Schmidt-Furlow Report*, Exs. 5 and 6. During Slahi's OIG interview, he stated that he had never been in a helicopter since he has been at GTMO.

(U) We determined that FBI agents became concerned about the potential mistreatment of Slahi in the fall of 2003. In October or November of 2003, a special agent from the Naval Criminal Investigative Service (NCIS) who was assigned to CITF contacted two FBI agents who were on temporary duty assignment to CITF at Fort Belvoir, Virginia. The NCIS agent told the FBI agents that he was concerned that tactics being utilized by the military on Slahi at GTMO would jeopardize the military commission's prosecution of Slahi. He showed the FBI a copy of an e-mail containing a second-hand report that Slahi was pulled off a helicopter at GTMO, was led to believe he was going to be executed, and urinated on himself. The NCIS agent also told the FBI that he had received reports that a military interrogator had displayed a letter to Slahi on State Department letterhead threatening to have Slahi's family taken to Morocco for possible torture, which caused Slahi to "crack."

(U) The FBI agents who received this report then reviewed numerous Memoranda for Record (MFR) regarding Slahi maintained in CITF files, and

⁹⁸ (U) The only allegation of improper conduct with respect to Slahi that the *Schmidt-Furlow Report* found to be corroborated was the use of threats against Slahi and his family. The *Schmidt-Furlow Report* concluded that placing Slahi in cold temperatures was an approved technique under DOD's April 2003 GTMO Policy. It found Slahi's claims of having been subjected to sexual behavior could not be corroborated, and that although he was treated for "edema of the lower lip" and a small head laceration, his allegation of having been beaten "very hard all over" during his transfer from Camp Delta to Camp Echo was "not substantiated." *Schmidt-Furlow Report* at 23-27.

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determined, among other things, that on several occasions in early June 2003 an Army Sergeant on the DIA Special Projects Team at GTMO identified herself to Slahi as FBI SSA "Samantha Martin" in an effort to persuade Slahi to cooperate with interrogators. The FBI agents prepared a draft EC dated November 25, 2003, that summarized the MFRs, with particular emphasis on the threats against Slahi's family. It also described the alleged helicopter incident and the impersonation of an FBI agent by a military interrogator. The draft EC indicated that the military was repeating its techniques on other detainees.

(U) On December 5, 2003, an SSA assigned to the FBI's Military Liaison and Detainee Unit (MLDU) sent an e-mail forwarding the draft EC up the chain of command in the FBI Counterterrorism Division (CTD). His e-mail was addressed to CTD Deputy Assistant Director Gary Bald, CTORS Section Chief Frankie Battle, and ITOS-1 Section Chief Arthur Cummings. The e-mail stated:

(U) 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.

(U) Of concern, DOD interrogators impersonating Supervisory Special Agents of the FBI told a detainee that the "FBI" could protect him from prosecution. These same interrogation teams then took the detainee on a helicopter ride and threatened to execute him. The detainee was also told by this interrogation team that the detainee's family was detained in Mauritania by the USG and that things would get worse for his family until he cooperated.

(U) 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.

(U) 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 [by] the "FBI" interrogators. The FBI will [be] left holding the bag before the public.

(U) The draft EC was not immediately finalized and disseminated because there was concern within the FBI regarding whether it was appropriate to document this information and whether it was adequately supported. Special Agent Scott, one of the FBI agents who drafted the EC, told us that the contents of the EC were briefed to Battle, Deputy Assistant

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Director T.J. Harrington, the MLDU Unit Chief, and an attorney in FBI-OGC.⁹⁹ Scott also discussed the matter with the FBI's OSC at GTMO.

(U) Battle told the OIG that he could not recall how the FBI followed up on the issues in the draft EC. He said he did not recall any communications with Scott or with the MLDU Unit Chief. Harrington told the OIG that he instructed the OSC at GTMO to raise the issues in the EC with the military. He also said he discussed the EC with Bald. Bald and Cummings told the OIG they recalled hearing about an incident in which a detainee was taken up in a helicopter and was threatened to be dropped out. Bald said he thought the matter was referred to the military.

(U) The FBI's OSC at GTMO told us that he did not think the FBI impersonation issue was as serious as Scott and the MLDU Unit Chief were making it out to be. He said they were concerned that if military interrogators tortured Slahi and were impersonating the FBI, then if Slahi were later released he could say that the FBI tortured him. The OSC said he did not consider this scenario realistic, and he declined Scott's recommendation that he see General Miller about it immediately. Instead, the OSC discussed the matter with the GTMO Interrogation Control Element Chief, who told the OSC he was not aware that the FBI had not been consulted about the impersonation ruse, and agreed that in the future this type of approach would be strictly coordinated with the FBI.

(U) The OSC also discussed the alleged helicopter incident with military personnel at GTMO. He said he was told that a helicopter was never used in conjunction with the movement of Slahi or in the implementation of the special interrogation plan for him. The Interrogation Control Element Chief told the OSC that they did not use a helicopter because General Miller decided that it was too difficult logistically to pull off, and that too many people on the base would have to know about it to get this done. The MLDU Unit Chief told us that he thought the OSC reported to him that the alleged helicopter incident did not happen.

(U) The FBI's MLDU Unit Chief communicated his concerns about the rumored helicopter incident to Bruce Swartz, Deputy Assistant Attorney General in the DOJ Criminal Division. Swartz said that based on the Unit Chief's description, Swartz did not believe that any FBI agents had witnessed the incident, and he did not ask the Unit Chief to get any more details about it. However, Swartz stated that in his opinion the alleged conduct amounted to torture, and he discussed the incident with Deputy Attorney General Larry Thompson, someone in the FBI General Counsel's office, and a legal advisor to the National Security Council (NSC). Swartz

⁹⁹ (U) Scott is a pseudonym.

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told us that he later learned from the NSC legal advisor that Navy Criminal Investigative Service (NCIS) looked into it and had concluded that no such incident took place. Swartz said it was "unfortunate" that he had chosen to elevate an allegation that had proved to be false, since it suggested that Swartz was "crying wolf" when he continued to raise questions about whether detainees were being treated humanely.

(U) Other senior officials at DOJ told us that they could not recall the allegation about a helicopter incident. Former Deputy Attorney General Larry Thompson told us he did not recall anyone raising an allegation of this nature to him, and he did not recall DOJ raising these types of concerns with the NSC. He said the only thing he remembers along those lines was a proposal to give a detainee the illusion that he was going to be buried alive, but he said a decision was made that DOJ would not permit that. Former Deputy Assistant Attorney General David Nahmias told us he heard about a detainee being taken up in a helicopter by FBI, but was confident that no one ever presented it to him as a fact, because otherwise he would have taken it up the "chain." Former Deputy Assistant Attorney General Alice Fisher said she did not recall an allegation about a detainee being taken on a helicopter ride. Similarly, former Assistant Attorney General Michael Chertoff told us that he did not remember hearing about such an incident. As detailed above, the concerns about Slahi's treatment were first elevated within the FBI in December 2003, which was after Fisher and Chertoff had left DOJ.

(U) The draft EC prepared by Special Agent Scott identified three concerns about military interrogation tactics: the impersonation of an FBI agent, the helicopter incident, and the use of threats against Slahi's family to induce him to cooperate. The first two issues were addressed relatively easily when the OSC obtained a promise that the impersonation tactic would be coordinated with the FBI, and when it was determined that the helicopter incident never took place. It does not appear that the question of the use of threats against Slahi's family created any significant concerns among senior officials in the FBI, or that the issue ever reached DOJ. We believe that the FBI likely considered this tactic to be within the scope of permissible techniques under military policy. Furthermore, the FBI was generally reluctant to become involved in issues relating to the scope of military policies with respect to tactics (like threats) that did not clearly constitute torture or physical abuse.

XVI. (U) Conclusion

(U) The Al-Qahtani interrogation was the focal point of the dispute between the FBI and the DOD regarding interrogation techniques at GTMO. Several agents who observed the interrogation of Al-Qahtani at GTMO

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became deeply concerned not only about the efficacy of these techniques, but also about their legality and the complications it would create for FBI agents in the future to be involved in or even witness interrogations where such techniques were used. The agents requested guidance from FBI Headquarters regarding these issues.

(U) [REDACTED] We found that as concerns regarding the Al-Qahtani interrogations filtered upward within the FBI and in DOJ, the focus shifted almost exclusively to the question of whether the DOD techniques were effective at obtaining information from the detainee. Officials at all levels of the FBI and DOJ recognized, however, that the DOD ultimately had the final call on the interrogation of Al-Qahtani, who was in military custody at a military facility. Nevertheless, as result of their concerns about the efficacy of DOD interrogations, certain officials in the FBI and DOJ developed a proposal to [REDACTED]. At least some officials understood that under this proposal Al-Qahtani would be subjected to an alternative debriefing model of the sort used on Zubaydah and [REDACTED]. This proposal was never adopted, possibly because other factors led the military to change its interrogation policies in January 2003 and Al-Qahtani began cooperating within weeks thereafter.

(U) Agents also expressed concerns about the military's treatment of Slahi, including rumors that military personnel threatened to throw him out of a helicopter. When senior officials learned that Slahi was never taken up in a helicopter they largely dropped the issue, although questions remained about a boat ride that the military took Slahi on as a ruse.

(U) FBI Headquarters officials responded to the requests from agents for guidance by orally advising agents at GTMO not to be involved in coercive techniques used by the DOD. We found, however, that these instructions did not address several important issues raised by the reported incidents involving Al-Qahtani, Slahi, and other detainees, including: (1) what agents should do if confronted with DOD techniques that would not be permitted under FBI policy; (2) the circumstances under which agents could interview detainees who had previously been interrogated with coercive techniques; or (3) whether and how to report incidents of detainee mistreatment. As explained in Chapter Six, the FBI began confronting these issues more directly after the Abu Ghraib detainee abuse incidents became publicly known in 2004.

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(U) According to an FBI FD-302 interview report that was dated April 8, 2003, detainee Abdul Latif Nasir (#244) made allegations of possible rapes of more than one detainee by either a military guard or interrogator during the 1:00 a.m. to 6:00 a.m. shift. The FD-302 also stated that Nasir described instances when detainees were searched in the groin area and touched sexually by male guards in the interview rooms. Nasir also described the possible attempted suicide of a Saudi detainee who had allegedly been raped and beaten by guards. Neither of the agents identified in the FD-302 stated in their OIG survey responses that they had heard these allegations. As previously noted, the FBI did not have a formal procedure for communicating allegations of this type to appropriate military officials until February 2005. According to the FBI, Nasir's allegations were transmitted to military officials at GTMO.

(U) Several FBI SSAs told the OIG that they received reports about military interrogators behaving in a sexually provocative manner toward detainees. An SSA who served as OSC at GTMO from June 2003 to August 2003 stated in his survey response and interview that while he was at GTMO FBI agents told him that they observed female military interrogators straddling detainees, whispering in their ears, and generally invading the detainees' personal space. The SSA stated that one agent told him a female military interrogator unbuttoned her blouse while straddling a detainee. The SSA said he could not recall the agents who provided this information to him.

(U) Two other FBI SSAs told the OIG that an FBI Intelligence Analyst told them that a female military interrogator named "Sydney" had exposed her breasts and performed sexual lap dances on detainees to make them uncomfortable and ashamed, although the analyst had not witnessed this conduct personally.

(U) Also, one FBI agent indicated in his survey response that he had information that detainees Slahi (#760) and Al-Qahtani (#63) were subjected to sexual conduct or touching. The agent was not specific about the actual techniques that were employed on Slahi and Al-Qahtani. Further information regarding the interrogation of Slahi and Al-Qahtani is provided in Chapters Five and Eight.

The report found that this technique was authorized under military policy as an act to demonstrate the "futility" of the detainee's situation, but faulted the interrogator for using a technique that was not approved in advance and recommended that she be formally reprimanded. *Schmidt-Furlow Report* at 9.

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(U) Four FBI agents deployed to GTMO reported that they heard about military personnel placing women's clothing on detainees, although none of them personally witnessed this conduct.

(U) One agent described an incident involving detainee Yussef Mohammed Mubarak Al-Shihri (#114) during March to May of 2003. The agent stated that he and another FBI agent were building rapport with Al-Shihri over the course of three interviews, but that during their fourth interview Al-Shihri told them that "the mean ladies" came and got him from his cell in the middle of the night and interrogated him for hours. Al-Shihri said that during this interrogation he was also forced to listen to a recorded loop of the "meow mix" jingle for hours, was sprayed with perfume, and had a woman's dress draped on him. The agent told us he confronted a young female military intelligence contract interrogator whose name was unknown. She admitted to "poaching" his detainee and subjecting him to the treatment that he had alleged. The agent told us that after this incident Al-Shihri became uncooperative and that the techniques employed on Al-Shihri were counterproductive. The agent said he did not report this incident to the OSC at GTMO at the time or describe it in his FD-302 interview summaries for Al-Shihri.¹⁴⁷

(U) Other FBI employees told us they heard rumors of the use of women's clothing on detainees. An FBI Investigative Support Specialist said that while at GTMO he heard rumors that a detainee was forced to wear women's clothing and makeup during an interrogation and that this same detainee was also given a "lap-dance" by a female guard. An FBI Intelligence Analyst told us that while at a social function at GTMO she was told that a female military interrogator placed women's undergarments on a detainee during an interrogation. The analyst said that it was obvious to her that this was done to humiliate and demean the detainee. The analyst was also told that the female military interrogator performed a lap dance on this same detainee during the same interrogation.¹⁴⁸

¹⁴⁷ (U) Another detainee told us that an FBI agent made him put on a woman's coat that had perfume on it, and that when he took it off he smelled like the perfume. We address this matter in Part IV of Chapter Eleven.

¹⁴⁸ (U) As noted in Chapter Five and confirmed in the *Schmidt-Furlow Report*, in late 2002 military interrogators forced Al-Qahtani to wear women's clothing in an attempt to humiliate and embarrass him.

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O. (U) Transfer to Another Country for More Aggressive Interrogation

(U) A few FBI agents who served at GTMO reported hearing about claims that detainees had been sent to another country for more aggressive interrogation by foreign interrogators.¹⁴⁹ However, it appears that these agents were likely describing an allegation relating to the same detainees.

(U) One agent stated in his survey response that detainees Mohamadou Ould Slahi (#760) and Mahmdouh Habib (#661) told him that they had been sent to different countries before they were sent to GTMO: Slahi from Mauritania to Jordan, and Habib from Afghanistan to Egypt.¹⁵⁰ Another agent told the OIG that Habib told her that when he was in Afghanistan he was turned over to Egyptian authorities. The agent said that although Habib had been born in Egypt, he was a citizen of Australia. Habib told her that prior to his transfer to Egypt he met with both Australian and U.S. Government officials, and that while he was in Egypt he was subjected to several forms of torture. A third agent described hearing a second-hand report about an Australian detainee (likely Habib) who had been sent to Egypt and interrogated by the Egyptian intelligence service prior to being transferred to GTMO.

P. (U) Threatened Transfer to Another Country

(U) Several FBI agents told the OIG that they had information about threats to send detainees to another country for detention or more aggressive interrogation. According to the *Church Report*, threat of transfer to another country was never specifically listed as a pre-approved interrogation technique under military policy for GTMO, and beginning in January 2003 prior notice to the Secretary of Defense was required before using it. The Church investigator identified one incident involving the use of this technique in a June 2003 interrogation of a high value detainee. *Church Report* at 168-69, 173.

(U) SSA Lyle stated in his OIG survey response that military interrogators threatened Al-Qahtani using this technique.¹⁵¹ Lyle said that at some point during the military's interrogation of Al-Qahtani at Camp X-Ray military interrogators threatened to send him to another country. Lyle believes that the country they threatened him with was Jordan. Lyle

¹⁴⁹ (U) The military policies for GTMO did not explicitly address actual or threatened rendition.

¹⁵⁰ (U) Military and FBI documents indicate that Slahi was arrested in Mauritania and interrogated in Jordan for several months before he was transferred to GTMO.

¹⁵¹ (U) Lyle is a pseudonym.

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paraphrased what the interrogators said to Al-Qahtani as "we are going to send you to a place where the people aren't as nice as we are."

(U) An SSA who served at GTMO in 2002 told the OIG that he was present at a GTMO staff meeting where this technique was discussed concerning Al-Qahtani and other detainees. The SSA said that the military wanted to handcuff Al-Qahtani, put a hood over his head, and fly him around in a helicopter and then an airplane. The plan was to return Al-Qahtani to GTMO but completely isolate him so that he would believe he was somewhere else. The agent said the goal was to make Al-Qahtani believe that they were just about to turn him over to officials from another country. We believe that this SSA may have in fact have been referring to interrogation plan for Slahi (#760) rather than Al-Qahtani. This plan is discussed in Section XV of Chapter Five. The SSA said that after he objected to this plan, he was not invited to any more staff meetings.

(U) Another FBI agent who served at GTMO from December 2003 until September 2004 said that some detainees at GTMO were threatened with the prospect of being returned to their home countries which could go badly for the detainee. She indicated that this could be threatening to some detainees depending on where they were from, and that she probably used this technique herself. She stated that she did not consider this a threat because it was a real possibility for some of the detainees. As an example, she said that the Russian detainees did everything they could to be as valuable as possible in order to avoid returning to Russia. However, the agent stated that eventually these detainees were repatriated to Russia despite their cooperation.

(U) Another FBI agent stated in his survey response that he asked certain uncooperative detainees if they would like to be sent back to their home countries for interrogation. He stated that some of the detainees may have perceived this as a threat and that some of them acknowledged that they were being treated better at GTMO than they would be in their home countries.

(U) Other agents reported that they heard about the use of this technique from others. One agent reported that he heard that some detainees were threatened with being sent to Israel for interrogation. In addition, a Detective from the Phoenix Police Department who was deployed to GTMO as part of the FBI's Joint Terrorism Task Force stated in his survey response that a New York City Detective posed as an Egyptian Intelligence Officer, and the detainee involved was told that he would go back to Egypt with this Intelligence Officer unless he was cooperative.

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stated that this technique was used by the FBI, NCIS, CID, CIA, and the U.S. military.¹⁵³

S. (U) Depriving a Detainee of Clothing

(U) Several agents told the OIG that they saw or heard about detainees who were deprived of clothing. Removal of clothing was an explicitly authorized interrogation technique at GTMO between December 2, 2002, and January 12, 2003. *Church Report* at 117-121. As described in Chapter Five, two witnesses stated that Al-Qahtani (#63) had been at least partially deprived of clothing during part of his interrogation by the military.¹⁵⁴ The other incidents reported by the agents did not involve the removal of clothing as an interrogation technique, but rather as a disciplinary measure in response to detainee misconduct.

(U) For example, one agent reported that the DOD's Joint Detention Operations Group confiscated the long pants from a segment of the detainee population that was notorious for throwing urine and feces on the guards, leaving the detainees with only short pants or underwear. The agent said that there were no other comfort items left to confiscate from these detainees. She said the incident was referred to as "Pants Jihad" because other detainees protested by refusing to come to scheduled interrogations and generally being very uncooperative. Another agent stated in his survey response that detainees told him that the guards took away a detainee's clothing due to repeated suicide attempts.

T. (U) FBI Impersonation

(U) Approximately 20 FBI agents told the OIG that they had information regarding non-FBI personnel impersonating FBI agents. However, only one agent reported that she personally observed this conduct. In many cases FBI agents reported that detainees told them they had already been interviewed by the FBI, when the agents knew otherwise.

(U) An FBI agent who was deployed to GTMO from December 2003 through September 2004 told the OIG about two occasions when a CIA interrogator represented herself as an FBI agent in a detainee interrogation. The agent stated that she reported this activity to her immediate supervisor

¹⁵³ (U) The FBI has stated that this technique falls short of "depriving" a detainee of food or water.

¹⁵⁴ (U) The *Schmidt-Furlow Report* found that in December 2002 interrogators forced Al-Qahtani to stand naked in front of a female interrogator, and used strip searches as an interrogation technique. *Schmidt-Furlow Report* at 20-21. This contradicted a finding in the *Church Report* that removal of clothing was not a technique used in the interrogation of Al-Qahtani. *Church Report* at 158.

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(U) However, we believe that Howard should have recognized that this activity was inappropriate to an interrogation being led by the FBI, even if the acts were those of a non-FBI agent. In our opinion, an FBI employee who observed conduct of this kind should have at least reported the activity to his OSC.

~~(S)~~ The other FBI agents who were present during the [REDACTED] interrogation did not tell the OIG that they saw the water incident. One possible explanation is that they were outside of the room at the time it took place. Rohr stated that he and Howard may have left the interrogation for at least one 60- to 90-minute period to transport a detainee. We therefore found insufficient evidence to conclude that Rohr was aware of the water incident.

(U) Cisco, who is no longer an FBI employee, did not volunteer any information about this incident in his interview, which occurred before we learned about the incident. Cisco did not respond to our requests for a follow-up interview. We therefore could not make any finding regarding Cisco's involvement in this incident.

(U) We also did not conclude that the failure of Howard and Bennett to report the water incident to their supervisors was misconduct. The FBI policy requiring that any abuse be reported was not issued until May 19, 2004, more than 2 months after the interrogation. Moreover, the FBI agents may have inferred that this conduct was permissible for military interrogators in Iraq. As explained in Chapter Six, even after the issuance of the FBI's May 19, 2004, policy, it was not clear how FBI agents were expected to know the boundaries of permissible military interrogation techniques.

~~(S)~~ **Alleged Use of Stress Positions.** Bennett told us that the detainees were placed in an uncomfortable kneeling position or "stress position" at some point during the Saleh interrogation [REDACTED]. Rohr also stated that the detainees were made to kneel against the wall, but that this was not as a stress position for purposes of the interrogation. He stated that detainees were often put in this position during transportation.

(U) Howard told the OIG that one of the detainees was already in the kneeling position when he was being "given a drink," but that he could not remember why. However, in the written statement Howard provided to the Army he stated that Saleh "was seated in a chair the whole time and was never put in any odd positions."

(S) FBI agents would not be permitted to put a prisoner in a kneeling "stress" position as an interrogation technique during a

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custodial interview in the United States (as distinguished from a security measure during an arrest). However, there is no evidence that any FBI agents participated in placing detainees in stress positions. Moreover, the interrogation facility [REDACTED] was not equivalent to a typical facility used for custodial law enforcement interrogations in the United States, and security may have been a concern underlying the use of a kneeling position for a limited period of time to ensure control over the detainees. For these reasons, we did not find sufficient evidence to conclude that a kneeling "stress position" was used as an interrogation technique as contrasted to a security measure, or that the FBI agents improperly "participated" in the use of stress positions during [REDACTED] interview. In addition, given the widespread use of this technique by the military in Iraq, the agents could have reasonably inferred that the use of stress positions was permitted at the time of the interrogation, and there was no FBI policy at that time requiring the agents to report this conduct to their superiors.

(U) Alleged Use of Duct Tape To Blindfold a Detainee. Several witnesses told us that a detainee (identified as Saleh's cousin) was blindfolded with duct tape. One of the photographs made available to the OIG shows a detainee with duct tape wrapped on his head, which would have likely been painful to remove.

(U) Rohr said he thought Cisco might have put duct tape on the detainee. As mentioned previously, Cisco was originally interviewed before this issue came to light and has since left the FBI. He did not respond to our requests for a follow-up interview, and as an ex-FBI employee he could not be compelled to cooperate. Howard stated that the military typically used duct tape this way when transporting detainees, and that the detainee may have arrived in this condition. However, this suggestion was inconsistent with Rohr's statement that detainees were usually hooded during transportation but that duct tape was used in this instance so that the other detainee would be able to tell the identity of the person making the confession, which hooding would not permit.

(S) We believe that FBI policies regarding coercion would have prohibited an FBI agent from using duct tape in this manner in the United States. We also believe that the FBI participated in this technique during [REDACTED] interview. However, we were unable to determine which FBI agent was directly involved in duct taping a detainee's head to blindfold him, in part because Cisco declined to provide a follow-up interview. None of the agents objected to the use of duct tape at the time, or reported the incident to their superiors. We acknowledge that in the United States alternatives would be available that may not have been available in the Iraq war zone, such as videotaping the confessing

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detainee or using a one-way mirror. This does not excuse the potentially painful use of duct tape, however, because other alternatives could have been used, such as a conventional blindfold or blacked-out goggles.

~~(S)~~ **Conclusion.** The available evidence was insufficient for us to conclude that any FBI employee actively participated in using coercive or otherwise prohibited interrogation techniques [REDACTED] in March 2004. Techniques were used by non-FBI personnel during this interview that clearly would not have been permitted for use by FBI agents in the United States. With the exception of Bennett's leaving the room during the water incident, we found that the FBI agents generally did not withdraw from the interview, object to these techniques, or report the matter to their OSC. Because of the lack of clarity in FBI policies at the time and the vagueness of some witnesses' recollections, we did not find a sufficient basis to conclude that these agents violated FBI policy.

~~(S)~~ However, the FBI was the lead agency during the interviews of Saleh and his cousin [REDACTED] and we believe that agents could have influenced the techniques used by other interrogators during these interviews, or at least reported this incident to their OSC.¹⁹⁶ We also believe that this incident illustrates shortcomings in the guidance that the FBI provided its agents regarding interrogation techniques in the military zones. We address this issue further in Chapter Twelve.

III. (U) Allegations of FBI Mistreatment of Mohamedou Ould Slahi

(U) In this Section we address allegations made by detainee Mohamedou Ould Slahi (#760) relating to the conduct of FBI agents at GTMO. In Section XV of Chapter Five we discussed the treatment of Slahi, primarily by the military, and the FBI's reporting on the allegations that it received relating to his treatment. This section analyzes the conduct of FBI agents involved in the handling of Slahi.

A. (U) Slahi's Allegations

(U) Slahi made his allegations relating to FBI conduct during two interviews conducted on April 25 and 27, 2005, by a military interrogator on behalf of the OIG.¹⁹⁷ Prior to these interviews, the military

¹⁹⁶ ~~(S)~~ Our criticism is not directed at Bennett, who was not an FBI interrogator responsible [REDACTED] interrogations and who was clearly surprised and upset at what he observed. We believe that Bennett provided the most complete and candid information about this incident to the OIG.

¹⁹⁷ (U) During the OIG's visit to GTMO in April 2005, the OIG requested access to Slahi to interview him regarding FBI e-mails that referenced his treatment by the

(Cont'd.)

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interrogator provided the OIG with a Memorandum for Record (MFR) dated December, 24, 2004, summarizing an earlier interrogation in which Slahi had made allegations of mistreatment by the military.

(U) In the interviews for the OIG, Slahi told the military interrogator that most of his contact with the FBI was with FBI agents Poulson and Santiago, and he identified Santiago as a "nice guy."¹⁹⁸ He stated that no one from the FBI ever threatened his family. However, he made the following allegations relating to the FBI, which the OIG investigated:

- (U) An FBI agent named "Samantha" was involved in putting him on the boat for the "boat ride" as a ruse for making him believe he was being transferred to a different location. (This incident is described in detail in Chapter Five.)
- (U) When Poulson was leaving GTMO, he said that Slahi would "not have a good time in the near future," which Slahi later interpreted as a prediction that the military would torture him.¹⁹⁹
- (U) Santiago said Slahi would be sent to Iraq or Afghanistan if the charges against him were proved.
- (U) On the behalf of the FBI, an interrogator told Slahi that he would be sent to a "very bad place" if Slahi did not provide certain information.

(U) In addition to interviewing Slahi, the OIG interviewed Poulson and Santiago and examined relevant records.

military. General Hood, the JTF Commander at the time, expressed concern about disrupting the detainee's interrogation by a military interrogator who he said had developed an excellent rapport with Slahi. As a result, the military interrogator presented our questions to Slahi and provided us with his responses. The military interrogator posed the OIG's questions in two separate sessions with Slahi. During the OIG's second trip to GTMO in February 2007, the OIG investigators obtained direct access to Slahi, and he confirmed much of what he had told the military interrogator asking questions on our behalf. He also provided additional details on several issues.

¹⁹⁸ (U) Poulson and Santiago are pseudonyms.

¹⁹⁹ (U) According to the December 24, 2004, MFR, Slahi alleged that Poulson had told Slahi that he "would not be invited to tea and snacks" when he was transferred to military interrogators. Slahi did not allege that Poulson said anything else about the transfer.

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~~SECRET//NOFORN~~**B. (U) OIG Analysis****1. (U) Alleged FBI Participation in the "Boat Ride" Incident**

(U) As discussed in Chapter Five, at GTMO Slahi was taken on a boat ride as part of a ruse to make him believe he was being transferred to a different location. Slahi alleged that the only FBI agent who was involved in the boat ride was an agent named "Samantha." He said that Samantha conducted the interrogation just prior to when he was removed to the boat and that she may have observed this movement.

(U) Santiago told the OIG that a person who referred to herself as "Samantha" to Slahi was not an FBI agent. As detailed in Chapter Five, the OIG determined from FBI and military records that the person who identified herself as "Samantha" was actually an Army Sergeant.

2. (U) Alleged FBI Predictions of Harsh Treatment by Military

(U) Slahi stated during his interview that when Poulson told him Poulson was leaving GTMO, Poulson said that Slahi would "not have a good time in the near future." Slahi said he interpreted this to mean that he was going to be tortured by the military. Slahi told the OIG that he did not take this statement by Poulson as a threat, but rather that Poulson was objectively telling him what would happen. Slahi also told the OIG that when he was treated harshly by the military, referring to the boat ruse discussed in Chapter Five, he did not believe that Poulson or the FBI had any control over what happened.

(U) Poulson told the OIG that his approach to interviewing Slahi was to build rapport with him. He said that he never suggested to Slahi that if he did not cooperate he would be turned over to the military and the military would use harsher techniques. He said that Slahi often asked Poulson what was going to happen to him, and Poulson told him he did not know but that things were changing, as a way of planting doubt in Slahi's mind.

(U) Poulson told the OIG that in his last interview with Slahi, he told Slahi that he would not be working with him anymore, but said he did not state this in a threatening way. Poulson said that he wanted Slahi to know that he was no longer going to be handled by the FBI. Poulson told us that he had no idea what the military planned to do with Slahi, but he suspected the treatment would be similar to how the military handled Al-Qahtani (#63), which would likely involve some harsh techniques. Poulson's partner, Santiago, told us that before he left GTMO he saw a draft of a special interrogation plan that the military was

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Exhibit 39

~~SECRET//NOFORN~~

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED WITH THE
COURT SECURITY OFFICER
CSO: A. Stause
DATE: 7/14/09

MOHAMMED SULAYMON BARRE,)
)
Petitioner,)
)
v.)
)
BARACK H. OBAMA, <i>et al.</i>)
)
Respondents)

Civil Action No. 08-cv-1153 (HHK)

DISCLOSURES

Medical Records ISN 760	13 pages
Medical Records ISN 691	3 pages

~~SECRET//NOFORN~~

SON 111

NSN 7540 00 254 4101

MEDICAL RECORD

DOCTOR'S ORDERS

(Sign all orders)

DATE AND TIME		RX	DRUG ORDERS	DOCTOR'S SIGNATURE	NURSE'S SIGNATURE
START	STOP				
3/3/06			Zocor 20mg po qhs lodef	(b)(3):S(1),(b)(6)	(b)(3):S(1),(b)(6)
			✓ LFTs in 1 month 4/3/06		(b)(3):S(1),(b)(6)
			✓ Lipids in 3 months Greater 4/17/06		(b)(3):S(1),(b)(6)
			3/3/06		
3/3/06 orders verified					
3-5-06			Zantac 150mg po BID PRN ② MVI QD	(b)(3):S(1),(b)(6)	(b)(3):S(1),(b)(6)
			3/5/06 @ 1300		(b)(3):S(1),(b)(6)
S March 06 @ 1615 Orders verified					
3/26/06			Zantac 150mg po BID		(b)(3):S(1),(b)(6)
3/29/06			@ 1700 Dr P added		(b)(3):S(1),(b)(6)
Verified 3/30/06					

(Continue on reverse side)

PATIENT'S IDENTIFICATION (For typed or written entries give: Name - last, first, middle; grade, rank, rate, hospital or medical facility)

REGISTER NO.

WARD NO.

760

(b)(2)

DOCTOR'S ORDERS

Medical Records

STANDARD FORM 508 (Rev. 3-84)
Prescribed by GS/NCVF, P FVN (41 UPM) 571-2282-1

USA 7500-09-664-4121

MEDICAL RECORD			DOCTOR'S ORDERS <i>(Sign all orders)</i>		
DATE AND TIME		RX	DRUG ORDERS	DOCTOR'S SIGNATURE	NURSE'S SIGNATURE
START	STOP				
	2/11/06		Report JA.	(b)(3):S(1),(b)(6)	
	1/21/06		1500 Orders verified	(b)(3):S(1),(b)(6)	
	2/2/06		JHNOB @ 1600 ORDERS VERIFIED	(b)(3):S(1),(b)(6)	
	2/13/06		√ weight	(b)(3):S(1),(b)(6)	
			√ Fasting lipid panel		
			√ blood pressure one week x 4 weeks		
	2/13/06		1530 Orders verified		
	15 FEB 06 1600		ADD KLOWPIN 0.5m	(b)(3):S(1),(b)(6)	
	15 Feb 05 @ 1500		Order ref	(b)(3):S(1),(b)(6)	

(Continue on reverse side)

PATIENT'S IDENTIFICATION (For typed or written entries give: Name - last, first, middle; grade, rank; rate; hospital or medical facility)	REGISTER NO.	WARD NO.
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760

DOCTOR'S ORDERS
Medical Record

STANDARD FORM 502 (Rev. 3-74)
Prescribed by SSA/IC/D. FORM (41 CFR) 201-5.202-1

JTF-GTMO MEDICATION ADMINISTRATION RECORD

ALLERGIES NKDA

TRANSCRIBED/ DATE (b)(3); S(1); (b)(6)

VERIFIED/ DATE 3/5/06

MONTH/ YEAR 19-Feb-06 to 4-Mar-06

***** Any refused, not checked, or other entry must be in red ink and verified by RN *****

MEDICATION LEGEND: 1= REFUSED (Nurse Must Initial) 2= NOT IN STOCK (Must Notify Nurse) 3= OTHER (Document below any reason meds not given.) (Must Notify Nurse)

RN INT	START DATE	STOP DATE	SCHEDULED MEDICATION	TIME	2/19	2/20	2/21	2/22	2/23	2/24	2/25	2/26	2/27	2/28	3/1	3/2	3/3	3/4
(b)(3); S(1); (b)(6)	6/6/05	6/6/06	PAXIL 20MG PO QDAY	1800	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)
	6/6/05	6/6/06	KLONOPIN 1MG PO QDAY	1800														
	3/4/05	INDEF	BENZOYL PEROXIDE AAA BID	0600														
	1/28/05	2/28/06	MULTI-VITAMIN 1 TAB PO DAILY X 3 MONTHS	0600														
	1/28/05	2/28/06	ZANTAC 150MG 1 TAB PO BID X 3 MONTHS	0600														
	2/13/06	3/15/06	BIP CHECK ONCE PER WEEK X 4 WEEKS	0600														
	3/2/06	INDEF	KLONOPIN 0.5 MG PO QAM	0600														
	3/2/06	INDEF	Zocor 20mg PO QHS	2200														
SICKCALL VISITS																		
SICKCALL LEGEND: S = SICKNESS I = INJURY X = SICKCALL OFFERED BUT DETAINEE DECLINED																		

Comments/Reason for medications not being passed, (i.e. #3- Block unsafe)

3/2/06	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)	(b)(3); S(1); (b)(6)
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D-JTF 888-0-760

BLOCK#

(b)(2)

UNCLASSIFIED//FOR PUBLIC RELEASE

JTF-GTMO MEDICATION ADMINISTRATION RECORD

ALLERGIES

TRANSCRIBED/ DATE

(b)(3):S(1), (b)(6)

VERIFIED/ DATE

(b)(3):S(1), (b)(6)

MONTH/ YEAR

JAN 06

*****Any refused, not

MEDICATION LEGEND:

1 = REFUSED (Nurse: Must Initial) 2 = NOT IN STOCK (Must Notify Nurse) 3 = OTHER (Document below any reason meds not given.) (Must Notify Nurse)

RN INT (b)(3):S(1), (b)(6)	START DATE	STOP DATE	SCHEDULED MEDICATION	TIME	16	17	18	19	20	21
(b)(3):S(1), (b)(6)	1/28/05	2/28/06	MYI TABS PO QD x 3 MTH	0800						
(b)(3):S(1), (b)(6)	3/2/05	I	BENZOYL PEROXIDE AAA QD	1800						
(b)(3):S(1), (b)(6)	1/28/05	7/29/06	ZANTAC 150mg TABS PO BID	1800						
(b)(3):S(1), (b)(6)	1/28/05	7/29/06	ZANTAC 150mg TABS PO BID	1800						
(b)(3):S(1), (b)(6)	1/28/05	7/29/06	PAXIL 750mg PO QD	1800						
(b)(3):S(1), (b)(6)	1/28/05	7/29/06	KLONOPIN 1mg PO QD	1800						

SICKCALL VISITS

SICKCALL LEGEND: S = SICKNESS I = INJURY X = SICKCALL OFFERED BUT DETAINEE DECLINED

Comments/Reason for medications not being passed. (i.e. #3- Block unsafe)

DATE	TIME	REASON	INT (b)(3):S(1), (b)(6)
1/18/06	DET	B87 150/110 68	(b)(3):S(1), (b)(6)
1/23/06	3:30	3:30	(b)(3):S(1), (b)(6)

D-JTF 888-0-760

BLOCK#

(b)(2)

UNCLASSIFIED//FOR PUBLIC RELEASE

UNCLASSIFIED//FOR PUBLIC RELEASE

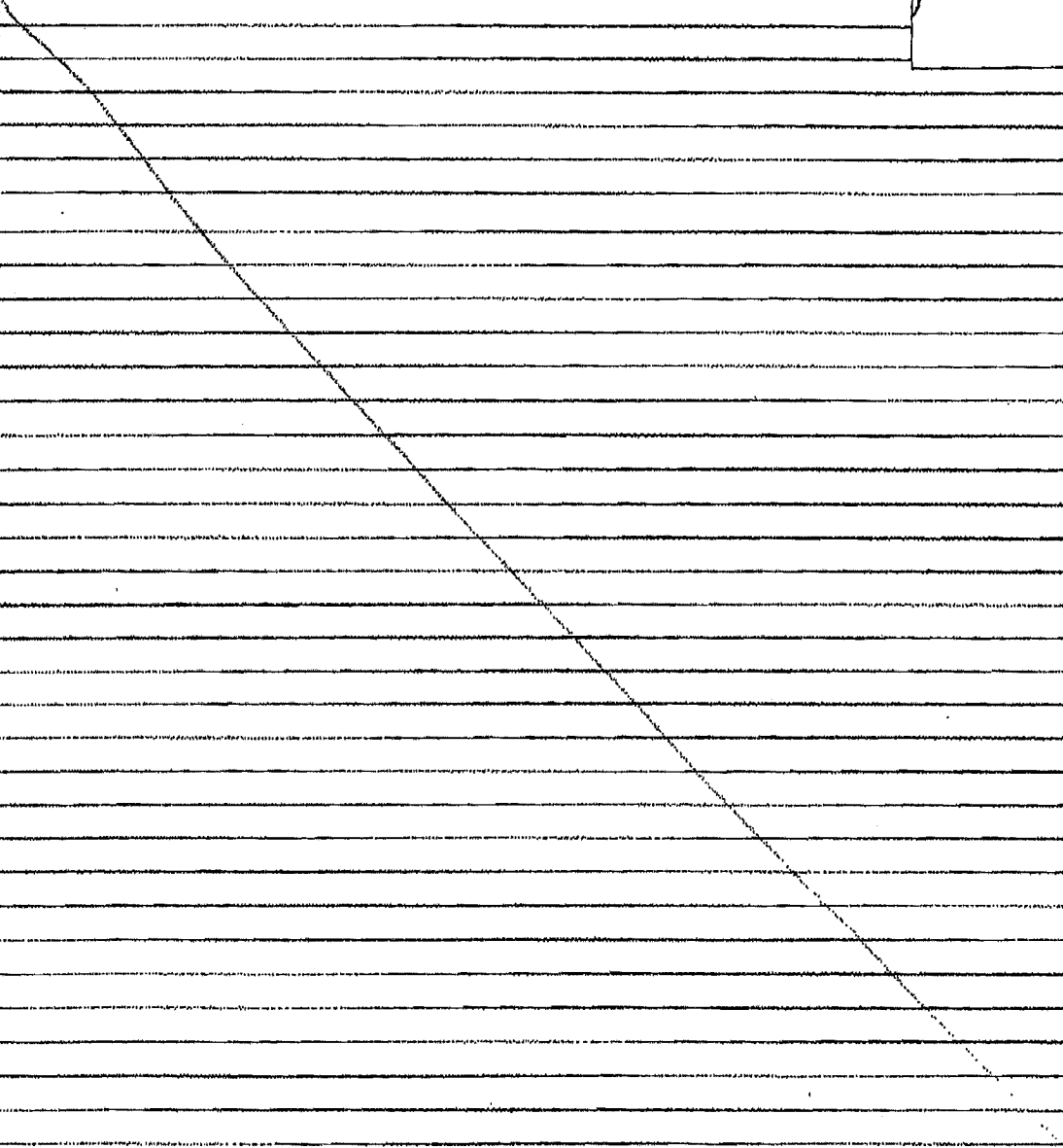
DATE SYMPTOMS, DIAGNOSIS, TREATMENT TREATING ORGANIZATION (SIGN EACH ENTRY)

12/20/06 HM note: Det used to receive a MVI QD, and
Zantac 150mg, BTID, and the Det would
like to receive them again

(b)(3):S(1),(b)(6)

3 MAR 06 used the Zantac 150mg and Zantac 150mg

(b)(3):S(1),(b)(6)



7/00

NSN 7540-00-634-4176

MEDICAL RECORD	CHRONOLOGICAL RECORD OF MEDICAL CARE
DATE	SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION <i>(Sign each entry)</i>

DATE:
02 MAR 06

BEHAVIORAL HEALTHCARE SERVICES
TREATMENT PLAN

ALLERGIES:
NKDA

DIAGNOSTIC IMPRESSION:

Axis I:	300.00 Anxiety Disorder Not Otherwise Specified
Axis II:	V 71.09 No Diagnosis
Axis III:	Defer to Medical Record
Axis IV:	Routine Stressors of Confinement

MEDICATIONS:

Midrin	
Zoloft 100mg QD	
Zyprexa 15mg QD	

SAFETY PLAN AND LEVEL:

	DATE:	ITEMS:
<input type="checkbox"/> No safety measures necessary at this time.	Beginning on this date: <u>NA</u>	<input type="checkbox"/> Not applicable.
Level I	✓	
Level II		
Level III		
Level IV		

PLAN:

1) **TREATMENT GOALS:**

<input type="checkbox"/> Healthy coping skills.	
<input type="checkbox"/> Stress management.	
<input type="checkbox"/> Progressive relaxation.	
<input type="checkbox"/> Sleep hygiene.	
<input type="checkbox"/>	

2) **SELF OR OTHER HARM PRECAUTIONS INITIATED ON THIS DATE:** NA

*If a Behavioral Modification Program/Brief Services has been initiated for this Detainee, attach and refer to the Brief Services Tx Plan. —N/A: Detainee is not currently on a BMP.

3) **COMMENTS:** Detainee is stabilized on medications and reports minimal anxiety symptoms. He appreciates monthly therapy sessions for maintenance, as well as the social interaction. Detainee may be seen without the assistance of an interpreter as he speaks English very well. He is maintained in a high security area and will be followed by providers only for routine visits.

4) No current change in treatment plan

HOSPITAL OR MEDICAL FACILITY JTF-GTMO DETENTION HOSPITAL	STATUS DETAINEE	DEPART./SERVICE BEHAVIORAL HEALTH SERVICES	RECORDS MAINTAINED AT DELTA CLINIC JTF-GTMO, CUBA
---	--------------------	---	---

DETAINEES IDENTIFICATION	FOLLOW UP PH.D./M.D. ONLY MONTHLY	LANGUAGE ARABIC FRENCH ENGLISH
--------------------------	--	---

ISN: 0760

CHRONOLOGICAL RECORD OF MEDICAL CARE
Medical Record
STANDARD FORM 800 (REV. 8-97)

NSN 7540-00-634-4176

MEDICAL RECORD	CHRONOLOGICAL RECORD OF MEDICAL CARE
DATE	SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION <i>(Sign each entry)</i>

3/2/2006
12:58 PM

BEHAVIORAL HEALTHCARE SERVICES CASE REVIEW/TREATMENT TEAM

- 1) ISN# 0760
- 2) CASE WAS REVIEWED BY THE TREATMENT TEAM ON THIS DATE.
- 3) NO CHANGES WERE MADE TO CURRENT TREATMENT PLAN
 THE FOLLOWING CHANGES WERE MADE TO THE CURRENT TREATMENT PLAN. UPDATED PLAN HAS BEEN PLACED IN TREATMENT RECORD.

ISSUE	PROPOSED CHANGES

4) TREATMENT TEAM MEMBERS

(b)(3):S(1),(b)(6)	RATE/RANK	TITLE	(b)(3):S(1),(b)(6)
(b)(3):S(1),(b)(6)	MAJ/O4	Psychiatrist	(b)(3):S(1),(b)(6)
	MAJ/O4	Division Officer	(b)(3):S(1),(b)(6)
	LT/O3	Psychologist	(b)(3):S(1),(b)(6)
	CPT/O3	Shift Nurse	(b)(3):S(1),(b)(6)
	CPT/O3	Shift Nurse	(b)(3):S(1),(b)(6)
	MSGT/E7	NCOIC	(b)(3):S(1),(b)(6)
	SSG/E6	Assist NCOIC	(b)(3):S(1),(b)(6)
	CPT/O3	Shift Nurse	(b)(3):S(1),(b)(6)

HOSPITAL OR MEDICAL FACILITY JTF-GTMO DETENTION HOSPITAL	STATUS DETAINEE	DEPART./SERVICE BEHAVIORAL HEALTH SERVICES	RECORDS MAINTAINED AT DELTA CLINIC JTF-GTMO, CUBA
DETAINEES IDENTIFICATION		FOLLOW UP MONTHLY	LANGUAGE ARABIC ENGLISH

ISN: 0760

CHRONOLOGICAL RECORD OF MEDICAL CARE
Medical Record
STANDARD FORM 800 (REV. 8-97)

NSN 7540-00-634-4176

AUTHORIZED FOR LOCAL REPRODUCTION

MEDICAL RECORD

CHRONOLOGICAL RECORD OF MEDICAL CARE

DATE

SYMPTOMS, DIAGNOSIS, TREATMENT TREATING ORGANIZATION (Sign each entry)
JTF -JMG, Medical Department, Guantanamo Bay, Cuba

2/13/2006

no note
Determine ill for exclusion for HTN. No real complaints. Concerned of fatigue during day. Would like to get more sleep
No recent interactions w/ psychiatrist.

Vs BP 132/84 90. 12
gen: NAD
CV: HR 115/2
Lung: CTD
abd: eff NT ND
ext: 2/4/2

LABS
Chol 164
Trig 513
AST 43
ALT 35

MESS:
- RVE: HIGH
- NO ECG STRIPS
- HEMOGLOBIN
- HEMATOCRIT
- KIDNEY FUNCTION
- PHOSPHORUS
- URIC ACID
- SODIUM
- CHOLESTEROL
- TRIGLYCERIDES
- AST
- ALT

- A/P:
- ① HTN - well controlled today
✓ bp - once a week x 4 weeks
- ② Anxiety - No recent evaluation by psychiatrist
Dorr
- ③ T character - repeat lab - fasting
Before breakfast Returned exercise
- ④ V weight

(b)(3):S(1),(b)(6)

2/18/06

RN Note:
NO, Please clarify if klonopin 0.5mg PO QAM (2/15/06)
is in addition to klonopin 1mg PO q day. (10/6/05)

2/18/06

MO NOTE/ Yes, in addition
Thank you (b)(3):S(1),(b)(6)

(b)(3):S(1),(b)(6)

DETAINEE'S IDENTIFICATION NUMBER:

760

CHRONOLOGICAL RECORD OF MEDICAL CARE
MEDICAL RECORD
STANDARD FORM 600 (rev. 9/05)

NSN 7540-00-634-4176

DIAGNOSTIC RECORD	CHRONOLOGICAL RECORD OF MEDICAL CARE
DATE	SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (Sign each entry)

DATE/TIME: 14 FEB 06
1600

BEHAVIORAL HEALTHCARE SERVICES
Daily Progress Notes

45 min. E

ID: _____ LANGUAGE: ENGLISH INTERPRETER: N

SUBJECTIVE: CATG REVIEWED + DETAINEE REEVALUATED.
 (P) COMPLIANT w/ RX w/ "SOME PROBLEM" RESULTS
 (P) SELF REPORTED. DENIES DEP or SIGNIFICANT
 Δ IN NEUROLOG. (P) COMPLAINT OF ↑ ANXIETY
 CONTAINING DREAMS NIGHTLY. REVIEWED RECENT
 ARS DECISION TO EXTEND HIM 1 YR. + HOW RELATED
 TO RECENT ↑ IN ANXIETY. (P) CONFLICTED OVER
 BEING RELEASED vs CONT DET. STATES HE WOULD BE
 HAPPY TO STAY INDEF RELATED TO (P) PERCEPTION

OBJECTIVE: HOW DETAINEE WOULD AFFECT EMPLOYABILITY.
 (P) CONCERNED OVER ↑ HTN ↑ CHOL ↑ TRIGLYCERIDES
 DIVULGED SAME. REVIEWED DX + TX PLAN.

ASSESSMENT: ADDA (P) COND REASON - WALK (P) ASYMPTOMATIC
 TRIPWAGON GID TLESA @ HZ (P) PHYSICAL NON/AFFRIT - ECONOMIC

AXIS_I(a) ANX D/O
 (b)
 AXIS_II DEF
 AXIS_III

PLAN: (1) CONT CURRENT TX PLAN + OUT-PT TX
 (2) ADD 0.5mg Clonidine qAM, REVIEWED R/R/SEV + APT
 REFERRED TO SAME.
 (3) NUTRITION CONSULT
 (4) ROUTINE F/U.

(b)(3):S(1),(b)(6)
 McKen
 Chief, P

HOSPITAL OR MEDICAL FACILITY JTF-GTMO DETENTION HOSPITAL	STATUS DETAINEE	DEPART. BEHAVIORAL HEALTH SERVICES	DEPT/ORGANIZATION JTF-GTMO, CUBA
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DETAINEES IDENTIFICATION	FOLLOW UP	LANGUAGE
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ASN: 760

NSN 7540-00-634-4176

AUTHORIZED FOR LOCAL REPRODUCTION

MEDICAL RECORD

CHRONOLOGICAL RECORD OF MEDICAL CARE

DATE

SYMPTOMS, DIAGNOSIS, TREATMENT TREATING ORGANIZATION (Sign each entry)
JTF - JMG, Medical Department, Guantanamo Bay, Cuba

30 JAN 06

MEBS

MVI 13mm 2/13/06

Benzoyl Peroxide 5TB

Carboc 150mg BTK

3men. 2/28/06

Paxil 20mg Qb

Klonopin 1mg Qb

12 Feb 06 HM Note: Det seen on block for S/C. Det stated he would like to know when he is suppose to see the doctor about his HIV, and he would like to know his labs results.

(b)(3):S(1),(b)(6)

12 Feb 06 no Note/ will we determine for name

(b)(3):S(1),(b)(6)

DETAINEE'S IDENTIFICATION NUMBER:

760

CHRONOLOGICAL RECORD OF MEDICAL CARE
MEDICAL RECORD
STANDARD FORM 600 (rev. 9/05)

NSN 7540-00-824-4174

AUTHORIZED FOR LOCAL REPRODUCTION

MEDICAL RECORD

CHRONOLOGICAL RECORD OF MEDICAL CARE

DATE	SYMPTOMS, DIAGNOSIS, TREATMENT TREATING ORGANIZATION (Sign each entry)
1/6/06	<p>Rn Note: Det c/o "Throbbing" HA approx 2030. HX HTN. Currently on Bp med. VS: BP 149/88 P:94 R:20 SaO₂ 97% on Room air. Tylenol 650mg given PO by carpman @ 2200 med pass for HA. Recommend Det to be eval for Bp ✓ or Bp med.</p>
Tvanote	<p>PA Note - will eval in clinic if Sx's present please repeat BP 3x/week.</p>
Bkm06	<p>HA note: Det seen during med pass. Det c/o HA, det requested BIP taken BIP was 144/102. HM recommends det. evaluated for BIP.</p>
13 Jan 06	<p>PA note on record tabs will eval Labs and will start Lisin. tabs. Labs will continue serial BP checks.</p>
19 Jan 06	<p>HA Note BIP check - 139/100</p>
20 Jan 06	<p>NP note: Nited - keeping</p>
21 Jan 06	<p>LE @ on UA and 3 WBC - w/ Hpf. Chl - 242, Trig 513. clau spot panel. will recheck UA.</p>

(b)(3):S(1),(b)(6)

(b)(3):S(1),(b)(6)

(b)(3):S(1),(b)(6)

(b)(3):S(1),(b)(6)

(b)(3):S(1),(b)(6)

(b)(3):S(1),(b)(6)

HOSPITAL OR MEDICAL FACILITY	STATUS	DEPART./SERVICE	RECORDS MAINTAINED AT
SPONSOR'S NAME	SSN/ID NO.	RELATIONSHIP TO SPONSOR	
PATIENT'S IDENTIFICATION: (For typed or written entries, give: Name - last, first, middle; ID No or SSN; Sex; Date of Birth; Rank/Grade.)		REGISTER NO.	WARD NO.

#760

(b)(2)

CHRONOLOGICAL RECORD OF MEDICAL CARE Medical Record

STANDARD FORM 600 (REV. 6-87) Prescribed by GSA/ICMHR (41 CFR) 201-9.202-1

USP LVM

Exhibit 40

