

**Order of Readings**  
**Reckoning With Torture**  
**April 12, 2010**  
*Co-sponsored by ACLU-Vermont and UVM Libraries*

**Opening Remarks** (Allen Gilbert, ACLU-Vermont)

- 1. Interpreter's Sworn Statement, Kandahar Detention Facility, Afghanistan, February 13, 2002** (*Sydney Viray*)  
*Handwritten sworn statement of an interpreter at the Kandahar Detention Facility in Afghanistan*
  
- 2. CIA Background Paper Sent to Justice Department's Office of Legal Counsel, December 30, 2004** (*David Sleight*)  
*Excerpt from an 18-page memo prepared by the CIA for the Justice Department, which provides a detailed official account of the agency's detention, interrogation, and rendition programs*
  
- 3. Office of Legal Counsel Memo Approving CIA Interrogation Techniques, August 1, 2002** (*Bob Gensburg & Philip Baruth*)  
*Excerpt from a legal memo signed by Jay Bybee, Assistant Attorney General for the Justice Department's Office of Legal Counsel, relating to the proposed interrogation of Abu Zubaydah*

**Video Testimony of Former Guantánamo Detainees Ruhul Ahmed and Shafiq Rasul**

- 4. George W. Bush Speech, June 26, 2004** (*Travis Nelson*)  
*Speech delivered by President George W. Bush commemorating the United Nations Day in Support of Victims of Torture*
  
- 5. Statement by Khaled El-Masri, December 18, 2005** (*David Budbill*)  
*Statement of German citizen Khaled El-Masri, an innocent victim of the CIA's extraordinary rendition program*

**Video Testimony of Former Guantánamo Detainee Omar Deghayes**

- 6. Interrogation Log of Detainee 063: Mohammed al Qahtani, November 23, 2002 – January 11, 2003** (*Hilary Neroni & Adelit Rukomangana*)  
*Excerpts from an 84-page log detailing the seven-week interrogation of Mohammed al Qahtani at Guantánamo.*
  
- 7. Autopsy Reports of Detainee Deaths in U.S. Custody, December 2002 – November 2004** (*Ateqah Khaki*)  
*Excerpts from a series of autopsy and death reports of detainees held in U.S. custody in Iraq and Afghanistan.*

***Video Testimony of Former Guantánamo Detainee Moazzam Begg***

**8. Combatant Status Review Tribunal (CSRT) Transcripts, Guantánamo Bay, Cuba** *(Trina Magi, Emma Vick, & Traci Griffith)*

*Excerpts from the Combatant Status Review Tribunal of Guantánamo detainee Mustafa Ait Idr*

**9. Declaration of Lt. Col. Darrel Vandeveld in Habeas Corpus Case of Mohammed Jawad, January 12, 2009** *(Stephanie Farrior)*

*Excerpt from a 14-page sworn statement of Lt. Col. Darrel Vandeveld, former lead prosecutor in the military commission case of detainee Mohammed Jawad*

**Closing Remarks** (Jeffrey Marshall, UVM Libraries)

**Reading #1 [Sydnee Viray] [~2:0]**

*Hi, I'm Sydnee Viray. I'm going to read from the sworn statement of an interpreter at the Kandahar detention facility in Afghanistan. The handwritten document is dated February 13, 2002.*

I am writing this in response to events that I witnessed while performing my duties as an interrogator with the Task Force 202 JIF.

Specialist BLANK and I were conducting an interrogation of military prisoner number BLANK on 3 January, 2002. Special Forces personnel had been visiting the booth area previously and helping out by giving information that they had from their raids. BLANK and I took a break to regroup and check our notes. I was the translator. While we were out of the booth, several Special Forces members entered the booth. At the time I did not think anything of it, and thought they were just observing him based on previous experiences with their people. This was a different group of [Special Forces] people I hadn't seen before. BLANK and I finished the break and went back to continue the interrogation. When we entered the booth, we found the Special Forces members all crouched around the prisoner. They were blowing cigarette smoke in his face. The prisoner was extremely upset. It took a long time to calm him down and find out what had happened. The prisoner was visibly shaken and crying. BLANK immediately told them to get out and not to come back anywhere near anyone that we were talking to. I could tell something was wrong. The prisoner was extremely upset. He said that they had hit him, told him that he was going to die, blew smoke in his face, and had shocked him with some kind of device. He used the term "electricity."

I immediately notified our Non-Commissioned Officer in Charge of what had happened. I was very upset that such a thing could happen. I take my job and responsibilities as an interrogator and as a human being very seriously. I understand the importance of the Geneva Convention and what it represents. If I don't honor it, what right do I have to expect any other military to do so?

[327 words]

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**Reading #2 [David Sleigh] [4:15]**

*Hi, I'm David Sleigh. I'm going to read from a memo prepared by the CIA and sent to the Department of Justice on December 30, 2004. The cover letter of the memo reads, "Dan, a generic description of the process. Thank you."*

The purpose of interrogation is to persuade High-Value Detainees (HVD) to provide threat information and terrorist intelligence in a timely manner, to allow the US

Government to identify and disrupt terrorist plots *here several words are redacted* and to collect critical intelligence on al-Qa'ida *here several lines are redacted*

...Effective interrogation is based on the concept of using both physical and psychological pressures in a comprehensive, systematic, and cumulative manner to influence HVD behavior, to overcome a detainee's resistance posture. The goal of interrogation is to create a state of learned helplessness and dependence conducive to the collection of intelligence in a predictable, reliable, and sustainable manner. For the purpose of this paper, the interrogation process can be broken into three separate phases: Initial Conditions; Transition to Interrogation; and Interrogation.

A. Initial Conditions. Capture, *here several words are redacted* contribute to the physical and psychological condition of the HVD prior to the start of interrogation. Of these, "capture shock" and detainee reactions *redacted* are factors that may vary significantly between detainees *here three lines are redacted*

Regardless of their previous environment and experiences, once an HVD is turned over to CIA a predictable set of events occur:

1) Rendition.

a. The HVD is flown to a Black Site *redacted* A medical examination is conducted prior to the flight. During the flight, the detainee is securely shackled and is deprived of sight and sound through the use of blindfolds, earmuffs, and hoods. *Here one line is redacted.* There is no interaction with the HVD during this rendition movement except for periodic, discreet assessments by the on-board medical officer.

b. Upon arrival at the destination airfield, the HVD is moved to the Black Site under the same conditions and using appropriate security procedures.

2) Reception at Black Site. The HVD is subjected to administrative procedures and medical assessment upon arrival at the Black Site.

*Five lines are redacted.*

the HVD finds himself in the complete control of Americans;

*Six lines are redacted.*

the procedures he is subjected to are precise, quiet, and almost clinical; and no one is mistreating him. While each HVD is different, the rendition and reception process generally creates significant apprehension in the HVD because of the enormity and suddenness of the change in environment, the uncertainty about what will happen next, and the potential dread an HVD might have of US custody. Reception procedures include:

a. The HVD's head and face are shaved.

b. A series of photographs are taken of the HVD while nude to document the physical condition of the HVD upon arrival.

c. A Medical Officer interviews the HVD and a medical evaluation is conducted to assess the physical condition of the HVD. The medical officer also determines if there are any contraindications to the use of interrogation techniques.

d. A psychologist interviews the HVD to assess his mental state. The psychologist also determines if there are any contraindications to the use of interrogation techniques.

Transitioning to Interrogation — The Initial Interview.

Interrogators use the Initial Interview to assess the initial resistance posture of the HVD and to determine—in a relatively benign environment—if the HVD intends to willingly participate with CIA interrogators. The standard on participation is set very high during the Initial Interview. The HVD would have to willingly provide information on actionable threats and location information on High-Value Targets at large — not lower level information — for interrogators to continue with the neutral approach. *The rest of the page is redacted.*

[578 words]

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**Reading #3** [Bob Gensburg as Bybee and Philip Baruth as Zubaydah] [11:0]

*Hi, I'm Bob Gensburg. I am going to read an excerpt from a legal memo signed by Assistant Attorney General for the Justice Department's Office of Legal Counsel, Jay Bybee [BUY-bee]. The August 1, 2002 memo addresses the proposed interrogation of a detainee named Abu Zubaydah [ah-BU Zoo-BAE-duh].*

*And I am Philip Baruth. I will be reading excerpts of Abu Zubaydah's [ah-BU Zoo-BAE-duh's] first-hand account of his interrogation in a secret CIA prison. Abu Zubaydah's testimony is included in a report by the International Committee of the Red Cross about the treatment of detainees in U.S. custody.*

Bybee (Bob Gensburg)	Abu Zubaydah (Philip Baruth)
<b>Bob:</b> You have asked for this Office's views on whether certain proposed conduct would violate the prohibition against torture found at Section 2340A of title 18 of the United States Code. You have asked for this advice in the course of conducting interrogations of Abu Zubaydah....In light of the information you believe Zubaydah	

<p>has and the high level of threat you believe now exists, you wish to move the interrogations into what you have described as an “increased pressure phase.” This phase will likely last no more than several days but could last up to thirty days.</p>	
	<p><b>Philip:</b> [A]bout two and a half or three months after I arrived in this place, the interrogation began again, but with more intensity than before. Then the real torturing started.</p>
<p><b>Bob:</b> In this phase, you would like to employ ten techniques that you believe will dislocate his expectations regarding the treatment he believes he will receive and encourage him to disclose the crucial information mentioned above. These ten techniques are: (1) attention grasp, (2) walling, (3) facial hold, (4) facial slap (insult slap), (5) cramped confinement, (6) wall standing, (7) stress positions, (8) sleep deprivation, (9) insects placed in a confinement box, and (10) the waterboard. You have informed us that you expect these techniques to be used in some sort of escalating fashion, culminating with the waterboard, though not necessarily ending with this technique.</p>	
	<p><b>Philip:</b> Two black wooden boxes were brought into the room outside my cell. One was tall, slightly higher than me and narrow, measuring perhaps 1 meter by three-quarters of a meter and 2 meters in height. The other was shorter, perhaps only 1 meter in height. I was taken out of my cell and one of the interrogators wrapped a towel around my neck, they then used it to swing me around and smash me repeatedly against the hard walls of the room. I was also repeatedly slapped in the face. As I</p>

	<p>was still shackled, the pushing and pulling around meant that the shackles pulled painfully on my ankles.</p>
<p><b>Bob:</b> Cramped confinement involves the placement of the individual in a confined space, the dimensions of which restrict the individual’s movement. The confined space is usually dark. The duration of confinement varies based on the size of the container. For the larger confined space, the individual can stand up or sit down; the smaller space is large enough for the subject to sit down. Confinement in the larger space can last up to eighteen hours; for the smaller space, confinement lasts for no more than two hours.</p>	
	<p><b>Philip:</b> I was then put into the tall box for what I think was about one and a half to two hours. The box was totally black on the inside as well as the outside. It had a bucket inside to use as a toilet and had water to drink provided in a bottle. They put a cloth or cover over the outside of the box to cut out the light and restrict my air supply. It was difficult to breathe.</p>
<p><b>Bob:</b> For walling, a flexible false wall will be constructed. The individual is placed with his heels touching the wall. The interrogator pulls the individual forward and then quickly and firmly pushes the individual into the wall. It is the individual’s shoulder blades that hit the wall. During this motion, the head and neck are supported with a rolled hood or towel that provides a C-collar effect to help prevent whiplash. To further reduce the probability of injury, the individual is allowed to rebound from the flexible wall. You have orally informed us that the false wall is in part constructed to create a loud</p>	

<p>sound when the individual hits it, which will further shock or surprise the individual. In part, the idea is to create a sound that will make the impact seem far worse than it is and that will be far worse than any injury that might result from the action.</p>	
	<p><b>Philip:</b> When I was let out of the box I saw that one of the walls of the room had been covered with plywood sheeting. From now on it was against this wall that I was then smashed with the towel around my neck. I think that the plywood was there to provide some absorption of the impact of my body. The interrogators realized that smashing me against the hard wall would probably quickly result in physical injury. During these torture sessions many guards were present, plus two interrogators who did the actual beating still asking questions, which the main interrogator left to return when the beating was over. After the beating I was then placed in the small box. They placed a cloth or cover over the box to cut out all light and restrict my air supply. As it was not high enough even to sit upright, I had to crouch down. It was very difficult because of my wounds. The wound on my leg began to open and started to bleed. I don't know how long I remained in the small box, I think I may have slept or maybe fainted.</p>
<p><b>Bob:</b> Finally, you would like to use a technique called the "waterboard." In this procedure, the individual is bound securely to an inclined bench, which is approximately four feet by seven feet. The individual's feet are generally elevated. A cloth is placed over the forehead and eyes. Water is then applied to the cloth in a controlled manner. As this is done, the cloth is lowered until it covers the nose and</p>	

<p>mouth. Once the cloth is saturated and completely covers the mouth and nose, air flow is slightly restricted for 20 to 40 seconds due to the presence of the cloth. This causes an increase in carbon dioxide level in the individual's blood. This increase in the carbon dioxide level stimulates increased effort to breathe. This effort plus the cloth produces the perception of "suffocation and incipient panic," i.e., the perception of drowning. During those 20 to 40 seconds, water is continuously applied from a height of twelve to twenty-four inches. After this period, the cloth is lifted, and the individual is allowed to breathe unimpeded for three or four full breaths. The sensation of drowning is immediately relieved by the removal of the cloth. The procedure may then be repeated. The water is usually applied from a canteen cup or small watering can with a spout. You have orally informed us that this procedure triggers an automatic physiological sensation of drowning that the individual cannot control even though he may be aware that he is in fact not drowning. You have also orally informed us that it is likely that this procedure would not last more than 20 minutes in any one application.</p>	
	<p><b>Philip:</b> I was then dragged from the small box, unable to walk properly and put on what looked like a hospital bed, and strapped down very tightly with belts. A black cloth was then placed over my face and the interrogators used a mineral water bottle to pour water on the cloth so that I could not breathe. After a few minutes the cloth was removed and the bed was rotated into an upright position. The pressure of the straps on my wounds was very painful. I vomited. The bed was then again lowered to a horizontal position and the same torture carried out again with the black</p>

	<p>cloth over my face and water poured on from a bottle. On this occasion my head was in a more backward, downwards position and the water was poured on for a longer time. I struggled against the straps, trying to breathe, but it was hopeless. I thought I was going to die. I lost control of my urine. Since then I still lose control of my urine when under stress.</p>
<p><b>Bob:</b> In order for pain or suffering to rise to the level of torture, the statute requires that it be severe...[A]lthough the confinement boxes (both small and large) are physically uncomfortable because their size restricts movement, they are not so small as to require the individual to contort his body to sit (small box) or stand (large box). You have also orally informed us that despite his wound, Zubaydah remains quite flexible, which would substantially reduce any pain associated with being placed in the box.... The facial slap and walling contain precautions to ensure that no pain even approaching severe pain results. The slap is delivered with fingers slightly spread, which you have explained to us is designed to be less painful than a closed-hand slap. The slap is also delivered to the fleshy part of the face, further reducing any risk of physical damage or serious pain. Likewise, walling involves quickly pulling the person forward and then thrusting him against a flexible false wall. You have informed us that the sound of hitting the wall will actually be far worse than any possible injury to the individual. The use of the rolled towel around the neck also reduces the risk of injury. While it may hurt to be pushed against the wall, any pain experienced is not of the intensity associated with serious physical injury.</p>	

	<p><b>Philip:</b> I was then placed again in the tall box. While I was inside the box loud music was played again and somebody kept banging repeatedly on the box from the outside. I tried to sit down on the floor, but because of the small space the bucket with urine tipped over and spilt over me. I remained in the box for several hours, maybe overnight. I was then taken out and again a towel was wrapped around my neck and I was smashed into the wall with the plywood covering and repeatedly slapped in the face by the same two interrogators as before. I was then made to sit on the floor with a black hood over my head until the next session of torture began.</p>
<p><b>Bob:</b> As we understand it, when the waterboard is used, the subject’s body responds as if the subject were drowning – even though the subject may be well aware that he is in fact not drowning. You have informed us that this procedure does not inflict actual physical harm. Thus, although the subject may experience the fear or panic associated with the feeling of drowning, the waterboard does not inflict physical pain. As we explained in the Section 2340A Memorandum, “pain and suffering” as used in Section 2340 is best understood as a single concept, not distinct concepts of “pain” as distinguished from “suffering.” The waterboard, which inflicts no pain or actual harm whatsoever, does not, in our view, inflict “severe pain or suffering.” Even if one were to parse the statute more finely to attempt to treat “suffering” as a distinct concept, the waterboard could not be said to inflict severe suffering. The waterboard is simply a controlled acute episode, lacking the connotation of a protracted period of time generally given to suffering.</p>	

	<p><b>Philip:</b> This went on for approximately one week. During this time the whole procedure was repeated five times. On each occasion, apart from one, I was suffocated once or twice and was put in the vertical position on the bed in between. On one occasion the suffocation was repeated three times. I vomited each time I was put in the vertical position between the suffocation. During that week I was not given any solid food. I was only given Ensure to drink. My head and beard were shaved everyday. I collapsed and lost consciousness on several occasions. Eventually the torture was stopped by the intervention of the doctor. I was told during this period that I was one of the first to receive these interrogation techniques, so no rules applied. It felt like they were experimenting and trying out techniques to be used later on other people.</p>
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[1969 Words]

**FIRST VIDEO CLIP, RAHUL & SHAFIQ, 3 minutes**

**Reading #4** [Travis Nelson] [2:15]

*Hi, I am Travis Nelson. I am reading a speech delivered by President Bush on June 26, 2004 in commemoration of International Day in Support of Torture Victims.*

Today, on United Nations International Day in Support of Victims of Torture, the United States reaffirms its commitment to the worldwide elimination of torture. Freedom from torture is an inalienable human right, and we are committed to building a world where human rights are respected and protected by the rule of law.

America stands against and will not tolerate torture. We will investigate and prosecute all acts of torture and undertake to prevent other cruel and unusual punishment in all territory under our jurisdiction. American personnel are required to comply with all U.S. laws, including the United States Constitution, Federal statutes, including statutes prohibiting torture, and our treaty obligations with respect to the treatment of all detainees.

The United States also remains steadfastly committed to upholding the Geneva Conventions, which have been the bedrock of protection in armed conflict for more than 50 years. We expect other nations to treat our service members and civilians in accordance with the Geneva conventions. Our Armed Forces are committed to complying with them and to holding accountable those in our military who do not.

The American people were horrified by the abuse of detainees at Abu Ghraib prison in Iraq. These acts were wrong. They were inconsistent with our policies and our values as a Nation. I have directed a full accounting for the abuse of the Abu Ghraib detainees, and investigations are underway to review detention operations in Iraq and elsewhere.

Despite international efforts to protect human rights around the world, repressive regimes continue to victimize people through torture. The victims often feel forgotten, but we will not forget them. America supports accountability and treatment centers for torture victims. We stand with the victims to seek their healing and recovery, and urge all nations to join us in these efforts to restore the dignity of every person affected by torture.

These times of increasing terror challenge the world. Terror organizations challenge our comfort and our principles. The United States will continue to take seriously the need to question terrorists who have information that can save lives. But we will not compromise the rule of law or the values and principles that make us strong. Torture is wrong no matter where it occurs, and the United States will continue to lead the fight to eliminate it everywhere.

[384 words]

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**Reading #5** [David Budbill] [3:45]

*Hi, I'm David Budbill. I'm going to read from a statement by Khaled el-Masri [KHALED el MUH-sri], a German citizen of Lebanese descent, who was a car salesman before he was detained in December 2003.*

The US policy of "extraordinary rendition" has a human face, and it is mine.

I was born in Kuwait and raised in Lebanon. In 1985, I fled to Germany in search of a better life. I became a citizen and started my own family. I have five children.

On December 31, 2003, I took a bus from Germany to Macedonia. When we arrived, Macedonian agents confiscated my passport and detained me for 23 days. I was not allowed to contact anyone.

I was forced to record a video saying I had been treated well. I was handcuffed, blindfolded and taken to a building where I was severely beaten. My clothes were sliced from my body with a knife or scissors, and my underwear was forcibly removed. I was thrown to the floor, my hands pulled behind me, a boot placed on my back.

When my blindfold was removed, I saw men dressed in black wearing ski masks. I was put in a diaper, a belt with chains to my wrists and ankles, earmuffs, eye pads, a blindfold, and a hood. I was thrown into a plane, my legs and arms spread-eagled and secured to the floor. I felt two injections and became nearly unconscious. I felt the plane take off, land, and take off.

When we landed again, I was beaten and left in a dirty and cold concrete cell with a bottle of putrid water. I was taken to an interrogation room where I saw men dressed in the same black clothing and ski masks as before. They stripped and photographed me and took blood and urine samples. I was returned to the cell.

The following night my interrogations began. They asked me if I knew why I had been detained. I did not. They told me I was now in a country with no laws, and did I understand what that meant?

They asked me many times whether I knew the men who were responsible for the September 11th attacks, if I had traveled to Afghanistan, and if I associated with certain people in Germany. I told the truth: that I had never been in Afghanistan and had never been involved in any extremism. I asked repeatedly to meet with a representative of the German government, or a lawyer, or to be brought before a court. My requests were ignored.

In desperation, I began a hunger strike. After 27 days without food, I was taken to meet with two Americans — the prison director and another man, referred to as “the Boss.” I pleaded with them to release me or bring me before a court, but the prison director replied that he could not release me without permission from Washington. He also said he believed I should not be detained in the prison.

After 37 days without food, I was dragged to the interrogation room, where a feeding tube was forced through my nose into my stomach. I became extremely ill.

I was taken to meet an American who said he had traveled from Washington and who promised I would soon be released. I was also visited by a German-speaking man who explained that I would be allowed to return home but warned that I was never to mention what had happened because the Americans were determined to keep it secret.

Almost five months after I was kidnapped, I was again blindfolded, handcuffed and chained to an airplane seat. I was told we would land in a country other than Germany, but that I would eventually get to Germany.

After we landed I was driven into the mountains. My captors removed my handcuffs and blindfold and told me to walk down a dark, deserted path and not look back. I was afraid I would be shot in the back.

I turned a bend and encountered three men who asked why I was illegally in Albania.

They took me to the airport, where I bought a ticket home (my wallet had been returned to me). I had long hair, a beard, and had lost 60 pounds. My wife and children had gone to Lebanon, believing I had abandoned them. We are now together again in Germany.

I still do not know why this happened to me. I have been told that the American Secretary of State, Condoleezza Rice, confirmed in a meeting with the German chancellor that my case was a "mistake" — and that American officials later denied she said this. No one from the American government has ever contacted me or offered me any explanation or apology for the pain they caused me.

[764 words]

**SECOND VIDEO CLIP, OMAR, 3 minutes**

**Reading #6** [Hilary Neroni and Adelit Rukamangana] [5:23]

Adelit: *I am Adelit Rukamangana.*

Hilary: *And I am Hilary Neroni. We will be reading excerpts from the Interrogation Log of Detainee 063. This 83-page document logs the minute-by-minute seven-week interrogation of Mohammed al-Qahtani [al Qah-TAA-nee], which took place from November 2002 to January 2003 at Camp X-Ray, Guantánamo Bay, Cuba.*

*These excerpts were taken from a single day of that seven-week interrogation, December 13, 2002.*

Reader 1: Adelit Rukamangana	Reader 2: Hilary Neroni
<p><b>Adelit:</b> 0001: Upon entering the booth, lead played the call to prayer with a special alarm clock. Detainee was told, “this is no longer the call to prayer. You’re not allowed to pray. This is the call to interrogation. So pay attention.” Both lead and control participated in a “pride and ego down” approach. Control told detainee, “UBL has</p>	

<p>made a whore of Islam. Since you follow UBL, you also rape Islam.” Control put a sign on detainee that had the Arabic word for coward written on it. Explained how the words liar, stupid, weak, and failure apply to detainee. Detainee showed very little emotion during the initial portion of the session, except for the occasional smug smile that was met with immediate taunts and ridicule from the interrogators.</p>	
	<p><b>Hilary:</b> 0120: Lead ordered detainee to go to bathroom and walk for twenty minutes. Refused Water. Corpsman checked his vital signs and stated he was fine. Both interrogators continued with the “futility” and “pride and ego down” approaches. On occasion when the detainee began to drift off into sleep, lead dripped a couple of drops of water on detainees head to keep him awake. Detainee jerked violently in his chair each time.</p>
<p><b>Adelit:</b> 0240: After a bathroom and walking break and detainee’s refusal of water, the interrogators continued the aforementioned approaches. Detainee showed little response during this session. Detainee became increasingly tired and incoherent.</p>	
	<p><b>Hilary:</b> 0320: Detainee received walking and bathroom break. Refused water. He then slept for one hour, followed by one hour in his chair listening to white noise.</p>
<p><b>Adelit:</b> 0530: Control showed detainee the banana rats and stated that they live better than he does. Lead asked detainee, “What do you</p>	

<p>think is going to happen to you? What would a judge do if he saw all the information that links you to Al-Qaida?” Detainee stated, “I’m not associated with Al-Qaida.” After that statement, control read all circumstantial evidence collected against detainee. Detainee attempted to hide his emotions, but was clearly frightened when asked if the judge had enough evidence to convict him.</p>	
	<p><b>Hilary:</b> 0700: Detainee walked, refused water, and allowed to begin four-hour rest period.</p>
<p><b>Adelit:</b> 1100: Detainee awakened and offered coffee – refused.</p>	
	<p><b>Hilary:</b> 1115: Detainee taken to bathroom and walked 10 minutes. Offered water – refused. Interrogators began telling detainee how ungrateful and grumpy he was. In order to escalate the detainee’s emotions, a mask was made from an MRE box with a smiley face on it and placed on the detainee’s head for a few moments. A latex glove was inflated and labeled the “sissy slap” glove. This glove was touched to the detainee’s face periodically after explaining the terminology to him. The mask was placed back on the detainee’s head. While wearing the mask, the team began dance instruction with the detainee. The detainee became agitated and began shouting. The mask was removed and detainee was allowed to sit. Detainee shouted and addressed lead as “the oldest Christian here” and wanted to know why lead allowed the detainee to be treated this way.</p>

<p><b>Adelit:</b> 1300: Detainee taken to bathroom and walked 10 minutes.</p>	
	<p><b>Hilary:</b> 1320: Detainee offered food and water – refused. Detainee was unresponsive for remainder of session. Afghanistan / Taliban themes run for remainder of session.</p>
<p><b>Adelit:</b> 1430: Detainee taken to bathroom and walked 10 minutes.</p>	
	<p><b>Hilary:</b> 1500: Detainee offered water – refused.</p>
<p><b>Adelit:</b> 1510: Corpsman changed bandages on ankles, checked vitals – O.K.</p>	
	<p><b>Hilary:</b> 1530: Detainee taken to bathroom and walked 10 minutes.</p>
<p><b>Adelit:</b> 1600: Corpsman checks vitals and starts IV. Detainee given three bags of IV.</p>	
	<p><b>Hilary:</b> 1745: Detainee taken to bathroom and walked 10 minutes.</p>
<p><b>Adelit:</b> 1800: Detainee was unresponsive.</p>	

	<p><b>Hilary:</b> 1833: Detainee was allowed to sleep.</p>
<p><b>Adelit:</b> 1925: The detainee was awakened by interrogation team. He was offered food and water but he refused.</p>	
	<p><b>Hilary:</b> 1945: The interrogation team and detainee watched the video “Operation Enduring Freedom.”</p>
<p><b>Adelit:</b> 2120: Detainee was sent to the latrine. Offered water but he refused.</p>	
	<p><b>Hilary:</b> 2200: Detainee exercised for good health and circulation. Medical representative took detainee’s vital signs and removed the IV housing unit from the detainee’s arm. The detainee’s pulse rate was low (38) and his blood pressure was high (144/90). Detainee complained of having a boil on his left leg, just below his knee. The medical representative looked at the leg and phoned the doctor. The doctor instructed the corpsman to recheck the detainee’s vitals in one hour.</p>
<p><b>Adelit:</b> 2300: Detainee refused water and food. He was taken to the latrine and exercised in order to assist in improving the detainee’s vital signs.</p>	
	<p><b>Hilary:</b> 2345: The medical representative rechecked the detainee’s vital signs. The</p>

	<p>detainee's blood pressure had improved but it was still high (138/80) and his pulse rate had improved but it remained low (42). The corpsman called the doctor to provide an update and the doctor said operations could continue since there had been no significant change. It was noted that historically the detainee's pulse sometimes drops into the 40's in the evenings.</p>
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[809 words]

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**Reading #7** [Ateqah Khaki] [4:0]

*Hi, I am Ateqah Khaki. I am reading excerpts from a series of autopsy and death reports of detainees who died in U.S. custody in Iraq and Afghanistan.*

Death: December 3, 2002

Location: Bagram, Afghanistan

Found unresponsive, restrained in his cell

Cause: Pulmonary embolism due to blunt force injuries to the legs

Manner of Death: Homicide

Death: December 10, 2002

Location: Bagram, Afghanistan

Found unresponsive in cell

Cause: Blunt force injuries to lower extremities . . .

Manner of Death: Homicide

Autopsy Number: AO3-51. Date of Death: June 6<sup>th</sup>, 2003. Decedent is a . . .52 year old Iraqi Male, Civilian Detainee, who was found unresponsive outside in isolation at Whitehorse detainment facility.

This . . .52-year-old Male, [REDACTED] died as a result of asphyxia (lack of oxygen to the brain) due to strangulation. Additional findings at autopsy include blunt force injuries, predominantly recent bruises, on the torso and lower extremities. The abrasions encircling the left wrist are consistent with the use of restraints.

Cause of Death: Strangulation

Manner of Death: Homicide

Autopsy Number: ME 03-504. . . . Date of Death: November 4<sup>th</sup>, 2003. [A]n Iraqi National, died while detained at the Abu Ghraib prison where he was held for interrogations by government agencies. Fractures of the ribs and a contusion of the left lung imply significant blunt force injuries of the thorax and likely resulted in impaired respiration. . . . [I]nterviews taken from individuals present during the interrogation indicate that a hood was placed over the head and neck of the detainee. This likely resulted in further compromise of effective respiration.  
Cause of Death: Blunt Force Injuries Complicated by Compromised Respiration  
Manner of Death: Homicide

Autopsy Number: ME03-571. . . . Date of Death: November 26<sup>th</sup>, 2003. This Iraqi . . . died while in U.S. custody. The details surrounding the circumstances at the time of death are classified.  
Cause of Death: Asphyxia due to smothering and chest compression.  
Manner of death: Homicide.

Death: Jan. 1, 2004  
Location: FOB Rifles  
Questioned by “other government agency,” gagged in standing restraint  
Cause: Blunt force injuries & asphyxia  
Manner of Death: Homicide

Autopsy Number: ME04-14. Date of Death: January 9<sup>th</sup>, 2004. Iraqi detainee died while in U.S. custody. This 47-year-old White male died of blunt force injuries and asphyxia. The autopsy disclosed multiple blunt force injuries, including deep contusions of the chest wall, numerous displaced rib fractures, lung contusions, and hemorrhage into the intestine. The decedent was shackled to the top of a doorframe with a gag in his mouth at the time he lost consciousness and became pulseless. The severe blunt force injuries, the hanging position, and the obstruction of the oral cavity with a gag contributed to this individual’s death. The manner of death is homicide.

Death: April 5, 2004  
Location: LSA Diamon  
Questioned by NSWT, struggled/interrogated/died sleeping  
Cause and Manner: Pending

Death: Nov. 26, 2004  
Location: FOB Tiger

Questioned by “military intelligence,” died during interrogation  
Cause: Asphyxia due to smothering & chest compression  
Manner of Death: Homicide

[500 words]

**THIRD VIDEO CLIP, MOAZZAM, 3 minutes**

**Reading #8** [Trina Magi as Tribunal President; Traci Griffiths as Detainee Mustafa Ait Idr; and Emma Vick as Recorder] [5:23]

*Hello, I am Traci Griffith. Trina Magi and Emma Vick will be joining me for this reading. We will be reading excerpts from the Combatant Status Review Tribunal of detainee Mustafa Ait Idr [Moo-sta-fa Ait Id-ir] held at Guantánamo. I will be reading the part of the Mustafa, Trina is reading the part of the Tribunal President, and Emma is reading the part of the Recorder.*

**Excerpt #1**

Tribunal President Is it your plan to go through each allegation?

**(Trina):**

Detainee **(Traci):** Yes....

Tribunal President Recorder, read each one aloud and then allow the detainee to respond to each allegation.  
**(Trina):**

Recorder **(Emma):** [Item 2.a.1.] The detainee is Algerian, but acquired Bosnian citizenship by serving in the Bosnian army in 1995.

Detainee **(Traci):** Is this the first accusation?

Recorder **(Emma):** Yes.

Detainee **(Traci):** As I said to my Personal Representative earlier, I have some papers that were with me when I was transferred over here. They could not find those papers. The papers proved I was not living in Bosnia in 1995. I acquired the citizenship while living in Croatia in February 1995. I entered Bosnia, if I remember correctly, in July or August, about two or three months before the war ended. I am going to give you proof I was living in Croatia. In the year 1995, Croatia divided into two parts; Jupania and

Dalmatia. I was the [martial arts] champ in Dalmatia in 1995....The certificate that says I won the championship is probably still in my house. It even has the date on it....

Tribunal President  
**(Trina):** Can we move on to the second point?

Recorder **(Emma):** The Detainee is associated with the Armed Islamic Group (GIA)

Detainee **(Traci):** I don't want to ask you about the evidence because you said the evidence was classified. If you have any evidence, you can tell me. It is no problem. I am going to tell you and if you have any evidence, you can tell that to me.

Tribunal President  
**(Trina):** Are you responding to that with either a yes or no?

Detainee **(Traci):** Of course, no. What proves that is [that] if I was with the Algerian Armed Group, I would not have been able to go to the Algerian Embassy....[W]hen my Algerian passport had expired, I had to go to the embassy to renew it.... I had to hand in registration papers, which they take and send to the Interior Ministry in Algeria. The Interior Ministry sends those papers to the area where I lived in Algeria to verify all the information. So if I had any relationship with an armed group or drugs or weapons or anything, the response to the Algerian Embassy would be not to register me....I can tell you that I am not a member of this group. You can contact Algeria and ask them.

Tribunal President  
**(Trina):** Let's respond to the next one, 3-a-3.

Recorder **(Emma):** [Item 3.a.3.] GIA is a recognized extremist organization with ties to Al Qaida.

Detainee **(Traci):** How can I respond to this? It is not a question and it is not an accusation.

Tribunal President  
**(Trina):** You are right. Let's move on to the next one.

Recorder **(Emma):** [Item 3.a.4.] While living in Bosnia, the Detainee associated with a known Al Qaida operative.

Detainee **(Traci):** Give me his name.

Tribunal President  
**(Trina):** I do not know.

Detainee **(Traci):** How can I respond to this?

Tribunal President Did you know of anybody that was a member of Al Qaida?  
**(Trina):**

Detainee **(Traci):** No, no.

Tribunal President No?  
**(Trina):**

Detainee **(Traci):** No. This is something the interrogators told me a long while ago. I asked the interrogators to tell me who this person was. Then I could tell you if I might have known this person, but not if the person is a terrorist. Maybe I knew this person as a friend. Maybe it was a person that worked with me. Maybe it was a person that was on my [martial arts] team. But I do not know if this person is Bosnia, Indian, or whatever. If you tell me the name, then I can respond and defend myself against this accusation.

Tribunal President We are asking you the questions and we need you to respond to  
**(Trina):** what is on the unclassified summary. If you say you did not know or you did know anyone that was a part of Al Qaida, that is the information we need to know.

Detainee **(Traci):** I have only heard of Al Qaida after the attacks in the United States. Before that, I had never heard of Al Qaida. Even after I heard of Al Qaida, I felt that Al Qaida was the Taliban and the Taliban was Al Qaida. Then after watching the news, I knew Al Qaida was associated with Bin Laden and the Taliban was associated with the Afghans.

Recorder **(Emma):** [Item 3.a.5.] At the time of his capture, the detainee had planned to travel to Afghanistan once his Al Qaida contact arrived there and had made the necessary arrangements.

Detainee **(Traci):** I can respond to this accusation with a question. May I?

Tribunal President Please do.  
**(Trina):**

Detainee **(Traci):** Did they find any stamps or visas on my passport to any countries close to Afghanistan? Did they catch me with a suitcase on the plane? Was I seen going to an embassy for one of the countries close to Afghanistan? Was I seen sitting and talking with anyone known to be a part of Al Qaida? How can they know that I planned? I do not know how they can know this. Do you have anything that is clear or proves clearly that I planned these things?... The answer that I am able to give you is just to tell you that I did not plan these things. But I do not have any papers or anything to prove that....

Recorder (**Emma**): [Item 3.b.1.] The detainee was arrested by Bosnian authorities on 18 October 2001.

Detainee (**Traci**): Yes, but this phrase “arrested by,” I just want to make very clear that I was not arrested. I was in my house and they told me to come with them so they could ask me some questions....

Recorder (**Emma**): [Item 3.b.2.] The detainee was arrested because of his involvement with a plan to attack the U.S. Embassy located in Sarajevo.

Detainee (**Traci**): The same answer as before. The only thing I can tell you is I did not plan or even think of that. Did you find any explosives with me? Any weapons? Did you find me in front of the embassy?... Did I threaten anyone? I am prepared now to tell you, if you have anything or any evidence, even if it is just very little, that proves I went to the embassy and looked like that [Detainee made a gesture with his head and neck as if he were looking into a building or a window] at the embassy, then I am ready to be punished. I can just tell you that I did not plan anything....

These accusations, my answer to all of them is I did not do these things. But I do not have anything to prove this....

Tribunal President (**Trina**): Mustafa, does that conclude your statement?

Detainee (**Traci**): That is it, but I was hoping you had evidence that you can give me. If I was in your place – and I apologize in advance for these words – but if a supervisor came to me and showed me accusations like these, I would take the accusations and I would hit him in the face with them. Sorry about that. [Everyone in the Tribunal room laughs.]

Tribunal President (**Trina**): We had to laugh, but it is okay.

[1,187 words]

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**Reading #9** [Stephanie Farrior] [4:30]

*Hi, I am Stephanie Farrior. I am reading an excerpt from a 14-page declaration of Lt. Col. Darrel Vandeveld, Army Reserve Judge Advocate and former lead prosecutor in the military commission case of Guantánamo detainee, Mohammed Jawad [Mo-HA-med Ja-*

WAAD]. *Vandeveld removed himself from the case on ethical grounds, and submitted this sworn statement in support of Jawad's habeas petition, which was filed by the ACLU.*

I, Darrel Vandeveld, declare as follows:

I am a Lieutenant Colonel in the Judge Advocate General Corps. Since the September 2001 attacks, I have served in Bosnia, Africa, Iraq, and Afghanistan. My awards include the Bronze Star Medal, the Iraqi Campaign Medal, and two Joint Meritorious Unit Awards.

I offer this declaration in support of Mohammed Jawad's petition for habeas corpus.

I was the lead prosecutor assigned to the Military Commissions case against Mr. Jawad until my resignation in September 2008. Initially, the case appeared to be as simple as the street crimes I had prosecuted by the dozens in civilian life. But eventually I began to harbor serious doubts about the strength of the evidence.

Mr. Jawad was alleged to have thrown a grenade at U.S. troops, but the victims of the attack had not seen the attacker. At least three other Afghans had been arrested for the crime and had subsequently confessed, casting considerable doubt on the claim that Mr. Jawad was solely responsible for the attack. And I learned that the written statement characterized as Jawad's personal confession could not possibly have been written by him because Jawad was functionally illiterate and could not read or write. The statement was not even in his native language.

I also found evidence that Mr. Jawad had been badly mistreated by U.S. authorities both in Afghanistan and Guantanamo. Mr. Jawad's prison records referred to a suicide attempt, a suicide which he sought to accomplish by banging his head repeatedly against one of his cell walls. The records reflected 112 unexplained moves from cell to cell over a two week period, an average of eight moves per day for 14 days. Mr. Jawad had been subjected to a sleep deprivation program known as the "frequent flyer program."

I lack the words to express the heartsickness I experienced when I came to understand the pointless, purely gratuitous mistreatment of Mr. Jawad by my fellow soldiers.

It is my opinion, based on my extensive knowledge of the case, that there is no credible evidence or legal basis to justify Mr. Jawad's detention in U.S. custody or his prosecution by military commission. Holding Mr. Jawad for six years, with no resolution of his case and with no terminus in sight, is something beyond a travesty.

I have taken an oath to support and defend the Constitution of the United States and I remain confident that I have done so, spending over four of the past seven years away from my family, my home, my civilian occupation – all without any expectation of or desire for any reward greater than the knowledge that I have remained true to my word and have done my level best to rise to our Nation's defense in its time of need.

I did not "quit" the military commissions or resign; instead, I personally petitioned the Army's Judge Advocate General to allow me to serve the remaining six months of my two year voluntary obligation in Afghanistan or Iraq. In the exercise of his wisdom and discretion, he permitted me to be released from active duty. However, had I been returned to Afghanistan or Iraq, and had I encountered Mohammed Jawad in either of those hostile lands, where two of my friends have been killed in action and another one of my very best friends was terribly wounded, I have no doubt at all – *none* – that Mr. Jawad would pose no threat whatsoever to me, his former prosecutor and now-repentant persecutor.

Six years is long enough for a boy of sixteen to serve in virtual solitary confinement in a distant land, for reasons he may never fully understand. Mr. Jawad should be released to resume his life in a civil society, for his sake, and for our own sense of justice and perhaps to restore a measure of our basic humanity.

[640 words]