



UNCOVERING THE COVER UPS: DEATH IN CAMP DELTA

MARK DENBEAUX

Professor, Seton Hall University School of Law
Director, Seton Hall Law Center for Policy and Research
Counsel for Guantanamo Detainees

Charles Church, Ryan K. Gallagher,
Adam Kirchner & Joshua Wirtshafter

CO-AUTHORS & RESEARCH FELLOWS

Joseph Hickman

LEAD INVESTIGATOR

Kieran Dowling, Bahadir Ekiz,
Chrystal Loyer & Michael Ricciardelli

CONTRIBUTORS & RESEARCH FELLOWS

Elijah Bresley, Jeremy Dack, James Froehlich, Daokta
Gallivan, Paul Juzdan, Alexandra Kutner, Lucas Morgan,
Chelsea Perdue, Kelly Poupore, Rachel Simon, Jared
Stepp, Jason Stern & Christopher Whitten

RESEARCH FELLOWS

.....

NCIS agents who investigated the case also found no evidence indicating that the three detainees died by means other than suicide.¹

- Assistant Attorney General Robert Weich

.....

I, [name redacted] make this free and voluntary statement to [name redacted] whom I know to be a Representative of the United States Naval Criminal Investigative Service.... The shift I worked Block Guards conducted cell searches of all the cells on Alpha Block. **We did not discover anything that a detainee could hang himself with....** I heard rumors that the detainees bound their hands and feet and then hung themselves with altered sheets. I searched cell 5 but **I did not find anything that would allow the detainee in cell 5 to hang himself in the manner of the rumors.**²

- Alpha Block Guard on Duty June 9, 2006

.....

¹ See Appendix B: Letter from Assistant Attorney General Ronald Weich to Congresswoman Anna G. Eshoo, Dated May 25, 2010. See also Appendix I: For further evidence of Assistant Attorney General Ronald Weich's knowledge of a potential Congressional hearing.

² Naval Criminal Investigative Service, Report of Investigation, 993-94, available at http://www.dod.mil/pubs/foi/operation_and_plans/Detainee/death_investigation/NCIS_DeathInvestigativeFiles.pdf [hereinafter NCIS] (emphasis added). See also Appendix G: NCIS Death Investigation Exhibit 22.

Executive Summary

Over seven years have passed since the simultaneous “Guantanamo suicides” of three detainees in 2006; it has been four years since the Seton Hall Law report and Harper’s Magazine exposé which called into question the military’s conclusion that those deaths were suicides. The Seton Hall Law report, *Death in Camp Delta*, uncovered serious inconsistencies and contradictions as well a number of highly implausible explanations in the military’s official report. The Harper’s investigation exposed the presence of a secret CIA camp directly outside the detention facility, presented medical evidence by forensic pathologist Michael Baden which both contradicted and disputed the government finding of death by suicide, and presented new evidence by four Guantanamo guards, implicating both foul play and a major cover-up.

As a direct result of these reports, Congresswoman Anna G. Eshoo, a member of the House Permanent Select Committee on Intelligence, wrote to Attorney General Eric H. Holder, conveying her “grave concern” about the military’s investigation and “doubts” about the deaths’ characterization as suicides. Congresswoman Eshoo formally requested that the Justice Department conduct its own investigation into the deaths, the investigation itself and the military report on the matter produced by the Naval Criminal Investigation Service (NCIS). As were the investigations which preceded it, the Justice Department’s response to Congresswoman Eshoo was notable for being variously false, misleading, and incomplete.

The key findings of this report include:

- The Senior Medical Officer who gave medical care to, and declared the deaths of, two of the detainees was never interviewed on record by NCIS.
- The Senior Medical Officer created his own narrative record, which concluded that there exists “evidence indicating that the three detainees died by means other than suicide” by hanging – evidence not included in the NCIS Report.
- A sworn statement from a guard on duty in the shift preceding the alleged suicides recounted that all the cells on the block in question were searched and that “[w]e did not discover anything that a detainee could hang himself with. We did not find any weapons either. I heard rumors that the detainees bound their hands and feet and then hung themselves with altered sheets. I searched cell 5 but I did not find anything that would allow the detainee in cell 5 to hang himself in the manner of the rumors.”
- Contrary to standard investigative protocol, NCIS never authenticated “suspected suicide notes.”
- Contrary to standard suspected suicide protocol, NCIS never investigated the behavior, state of mind, or emotional condition of the dead men during the minutes, hours, days, and weeks before they died.
- NCIS failed to investigate multiple irregularities in protocol, among them: tampering with the contents of cells where the men were reported to have died, as well as more than

fifty discrete events so irregular that they had no specific designation in the log book, and that were so secret that their details were redacted which occurred for hours before the alleged crime scene was secured and investigated by NCIS.

- When NCIS investigators obtained a detailed, explicit, multiple page statement from a credible witnesses with personal knowledge of facts that contradicted Admiral Harris's and the NCIS's conclusions, the statement was removed from the NCIS investigation, its existence was concealed, and the document was destroyed.
- One such concealed sworn statement included an eyewitness account of a Corpsman in the detainee medical clinic binding a detainee's hands with an altered bed sheet:

I observed a Corpsman wrapping an altered detainee sheet... around the detainee's right wrist. The other side of the material was bound to the detainee's left wrist with approximately a foot of cloth in between. The cloth was not on the detainees [sic] wrists when the Camp 1 guards removed the handcuffs a few minutes earlier.

- Contrary to extensive protocol, the Camp Commander ordered the cessation of video recording of the events. A sworn statement exists evidencing the existence of video recording prior to the command to cease, as well as witnessing the order to cease recording. That sworn statement, which contradicts the official NCIS narrative in other key respects, was physically removed from the final NCIS Report and replaced with other random documents from the same report.

I. Introduction

Three men detained by the United States in the Guantanamo Bay Naval Base detention facility died while in custody on the night of June 9, 2006.³ The sudden death of three detainees in a way seemingly impossible in the closely guarded prison sparked worldwide concern.

Hours after the deaths, Rear Admiral Harry Harris, Commander of the Guantanamo Naval Forces, announced to the media the stance taken by the Defense Department regarding the night's events. Admiral Harris reported that the three detainees had hung themselves, and declared: "[t]hey are smart, they are creative, they are committed.... They have no regard for life, neither ours nor their own. I believe this was not an act of desperation, but an act of asymmetrical warfare waged against us."⁴

Beginning on June 10, 2006, the Naval Criminal Investigation Service (NCIS) conducted an investigation into the detainees' cause and manner of death.⁵ The investigation is notable for the rapidity with which it reached a conclusion, its inexplicable omissions, and a replacement of a key witness statement within the Report that directly contradicts the official version of the events on the night of June 9, 2006.

Within eleven days following the deaths, the NCIS secretly ratified Admiral Harris's original statement in concluding "that the three deaths were suicides as a result of hanging undertaken solely by the victims themselves."⁶

Although the NCIS's ratification of Admiral Harris's press statement occurred within eleven days of the initiation of the investigation, it was withheld from the public for 26 months. On August 22, 2008, the NCIS finally issued a statement reporting that "[t]he manner of death for all detainees was determined to be suicide and the cause of death was determined to be hanging, the medical term being 'mechanical asphyxia.'"⁷

³ The deceased were Yassar Talal al-Zahrani (Internment Serial Number [ISN] 093), Mani Shaman Turki al-Habardi al-Tabi (ISN 588), and Ali Abdullah Ahmed (ISN 693). See NCIS at a.

⁴ James Risen and Tim Golden, *3 Prisoners Commit Suicide at Guantanamo*, N.Y. Times, June 11, 2006, <http://www.nytimes.com/2006/06/11/us/11gitmo.html>.

⁵ NCIS at b. On the orders of Colonel Michael Bumgarner, the commander of the Guantanamo Bay detention facility, the Detention Operations Center notified the NCIS of the deaths shortly after cellblock guards reported the discovery of the detainees' bodies. *Id.* at 1060.

⁶ Staff Judge Advocate, Investigation initiated by Admiral Harris, 268, available at http://www.dod.mil/pubs/foi/operation_and_plans/Detainee/death_investigation/DicksteinGTMO_SJA_DeathInvestigation2.pdf [hereinafter SJA]. N.b. the first 102 pages of the SJA report are available in a separate file at http://www.dod.mil/pubs/foi/operation_and_plans/Detainee/death_investigation/DicksteinGTMO_SJA_DeathInvestigation.pdf. See also Appendix C: Memorandum from Admiral Harry B. Harris to Commander, US Southern Command Dated June 22, 2006.

⁷ NCIS Statement of Findings from Suicide Investigation, 1, available at http://www.dod.mil/pubs/foi/operation_and_plans/Detainee/NCISstatement_Suicide_Investigation.pdf [hereinafter NCIS Statement].

Two independent investigative bodies reviewed the NCIS Report and published their findings in the winter of 2009/10. In December 2009, the Center for Policy and Research published *Death in Camp Delta*,⁸ which analyzed evidence discovered and reported by the NCIS investigators and contained in the NCIS Report. Taking the NCIS investigation's findings as truthful and complete, *Death in Camp Delta* revealed the following contradictions and implausibilities of that information. In order for the three detainees to have committed suicide by hanging, they had to:

- braid a noose by tearing up sheets and/or clothing⁹
- hang the makeshift nooses from the metal mesh of the cell walls and/or ceilings¹⁰
- make a mannequin with assorted objects so that it would appear to the guards that they were asleep in their cells¹¹
- hang sheets to block vision into the cells¹²
- tied their feet and hands together¹³
- climb up on the sink in their cells¹⁴
- stuff rags down their throats¹⁵
- put the makeshift nooses around their own necks, release their weight to cause death by strangulation,¹⁶ and then
- remain hanging in that position for the next two hours before any of the six guards patrolling Alpha Block discovered them, despite the SOP requirement that “[t]here must be a continuous presence on the blocks by the Block Guards. At no time should the block not have a Block Guard walking up and down the block.”¹⁷

⁸ Mark Denbeaux, et al., *Death in Camp Delta*, December 7, 2009, available at http://law.shu.edu/ProgramsCenters/PublicIntGovServ/policyresearch/upload/gtmo_death_camp_delta.pdf [hereinafter *Death in Camp Delta*].

⁹ Denbeaux, et al., *Death in Camp Delta*.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *See infra*, notes 70-71.

¹⁶ Denbeaux, et al., *Death in Camp Delta*.

¹⁷ Camp Delta Standard Operating Procedures, Cell Block Operations: Security Procedures Overview 6-1(d) (2004), available at http://www.dod.mil/pubs/foi/operation_and_plans/detainees/CampDeltaSOP_dec07.pdf [hereinafter SOP]. The SOPs used in this report are the 2004 Standard Operating Procedures, the latest publicly available edition. The 2005 SOPs were adopted in March of that year and were in place at the time of the deaths. Accordingly, the SOP numbers may differ between this report's citations and witness statements.

- evade detection by *two* Block Guards who at random times, walk the block and annotate their patrol in a pass-on book¹⁸
- avoid being recorded by constant video camera surveillance¹⁹

In addition, there is no explanation in the NCIS Report how the supposed acts of “asymmetrical warfare” could have been coordinated by the three detainees, who had been on the same cell block together for only 72 hours with occupied and unoccupied cells between them, and who had been under constant supervision.²⁰ No one was disciplined for dereliction of duty even though all of the Alpha Block guards were advised that they were suspected of making false statements or failing to obey direct orders.

Within weeks after *Death in Camp Delta* was published, an independent investigation in Harper’s magazine, *The Guantanamo “Suicides,”* found extrinsic evidence which explicitly refuted the conclusions of the NCIS Report and Admiral Harris’s determinations.²¹ The Harper’s investigation identified four soldiers who contradicted the NCIS Report and alleged that a deliberate cover-up conducted by the Defense Department began within hours of the deaths.²² *The Guantanamo “Suicides”* reported the following:

The four guards “had an unobstructed view of [...] the path by which any prisoners who died at Camp 1 would be delivered to the clinic.”²³ The guards in the security towers independently confirmed that they “had seen no prisoners transferred to the clinic that night, dead or alive.”²⁴

The detainee clinic’s medical personnel told the tower guards about the deaths but made no mention of apparent hangings. Instead, the medical personnel told the tower guards that the three detainees “had died because they had rags stuffed down their throats.”²⁵ Other Navy guards

¹⁸ *Id.* See also NCIS at 1056 (Colonel Bumgarner swearing that “The SOP states (para 8-5d., page 28) that there must always be at least one guard on the tier at all times. Basically there is to be no less than one guard walking the tier, but randomly two guards are to walk the block.”)

¹⁹ Rear Admiral Mark H. Buzby, *Declaration of Rear Admiral Mark H. Buzby*, http://archive.org/stream/gov.uscourts.dcd.116163/gov.uscourts.dcd.116163.37.0_djvu.txt.

²⁰ See Joint Medical Group, Medical Record for ISN 693, 4, 25 (noting that ISN 693 had been discharged from Oscar Block after a six-month hunger strike on June 6, 2006, three days before his death), available at http://www.dod.mil/pubs/foi/operation_and_plans/Detainee/death_investigation/DicksteinMedicalFilesRedacted-1.pdf [hereinafter ISN 693 Medical Record]. N.b. the second of three portions of the ISN 693 Medical Record is available at http://www.dod.mil/pubs/foi/operation_and_plans/Detainee/death_investigation/DicksteinMedicalFilesRedacted-2.pdf and the third of three portions of the ISN 693 Medical Records is available at http://www.dod.mil/pubs/foi/operation_and_plans/Detainee/death_investigation/DicksteinMedicalFilesRedacted-3.pdf.

²¹ Scott Horton, *The Guantanamo “Suicides”: A Camp Delta Sergeant Blows the Whistle*, Harper’s Magazine, January 18, 2010, available at <http://archive.harpers.org/2010/03/pdf/HarpersMagazine-2010-03-0082865.pdf> [hereinafter *The Guantanamo “Suicides”*].

²² *Id.*

²³ *Id.* at 31.

²⁴ *Id.*

²⁵ *Id.*

also told the tower guards that “the men had died as the result of having rags stuffed down their throats,” not as the result of hanging themselves in their cells.²⁶

The officer in charge of detention operations, Colonel Bumgarner, called a meeting of platoons of soldiers and sailors at 7 a.m. to instruct how to report the information to the public:²⁷

Bumgarner told his audience that “you all know” three prisoners in the Alpha Block at Camp 1 committed suicide during the night by swallowing rags, causing them to choke to death. This was a surprise to no one – even servicemen who had not worked the night before had heard about the rags. But then Bumgarner told those assembled that the media would report something different. It would report that the three prisoners had committed suicide by hanging themselves in their cells. It was important, he said, that servicemen make no comments or suggestions that in any way undermined the official report. He reminded the soldiers and sailors that their phone and email communications were being monitored.²⁸

Despite his own orders, Colonel Bumgarner subsequently reported to the Charlotte Observer, his hometown newspaper, that each of the detainees who died on June 9, 2006, “had a ball of cloth in their mouth either for choking or muffling their voices.”²⁹ Colonel Bumgarner was immediately suspended, relieved of command, reassigned to Missouri, and eventually was downgraded from running one of the most notorious prisons in the world to instructing ROTC cadets.³⁰

One week after *The Guantanamo “Suicides”* was published in Harper’s, Congresswoman Anna G. Eshoo, a member of the House Permanent Select Committee on Intelligence, wrote to Attorney General Eric H. Holder, conveying her “grave concern” about the NCIS investigation, and requesting that the Justice Department conduct its own investigation into the information revealed by the two independent investigations.³¹ Congresswoman Eshoo expressed doubt in her letter to Attorney General Holder that the three detainees’ deaths were “suicide, as announced by the commander of the facility.”³² Congresswoman Eshoo stated to the Attorney General that “the article [*The Guantanamo “Suicides”*] raises questions regarding the thoroughness of the investigation by the [NCIS] in reviewing the incident” and “cites accounts of witnesses at Guantanamo, as well as statements from other documents that conflict with the conclusions of the base commander.”³³ Congresswoman Eshoo formally requested that the Justice Department

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.* at 32.

³⁰ *Id.*

³¹ See Appendix A: Letter From Congresswoman Anna G. Eshoo to Attorney General Eric H. Holder Dated January 25, 2010.

³² *Id.*

³³ *Id.*

“review the report of the NCIS to determine its veracity,” and thereafter “take the appropriate actions.”³⁴

Four months later, Assistant Attorney General Ronald Weich responded to Congresswoman Eshoo’s grave concerns and her request for a review of the death investigation in a one-page letter.³⁵ The few facts that the Justice Department included in its response to Congresswoman Eshoo are misleading and demonstrate a lack of familiarity with the NCIS investigation.

The Justice Department claimed that the NCIS conducted “a thorough, year-long investigation” into the three detainees’ deaths, that autopsies under the direction of the Department of Defense “ruled the cause of death as suicide,” that “NCIS agents who investigated the case also found no evidence indicating that the three detainees died by means other than suicide,” and that in 2009 a joint DOJ-FBI review team in 2009 traveled to Guantanamo Bay, “interviewed a number of persons, and examined large amounts of evidentiary material.”³⁶ The joint DOJ-FBI review team in 2009 concluded, before the reports by Seton Hall and Harper’s were published, “that there was no credible evidence to support the allegations later reported.”³⁷

The Justice Department’s response was false in important respects, disingenuous in others, and incomplete in almost all respects.

The Justice Department’s report that the NCIS had conducted a year-long investigation was knowingly false. Several Justice Department representatives participated in a conference on June 21, 2006, eleven days after the men were found dead.³⁸ This conference was memorialized in a memo dated June 22 and signed by Admiral Harris.³⁹ At that conference, the NCIS informed the Justice Department that “they had concluded that the three deaths were suicides as a result of hanging undertaken solely by the victims themselves.”⁴⁰ The NCIS delayed the official closure of the death investigation until May 12, 2008, nearly *two years* after the investigation had begun, without acknowledging in its own report that it had already delivered its conclusion to the Justice Department after eleven days of investigation.⁴¹ Only the thorough follow-up investigation by Center Fellows discovered Admiral Harris’ conference memo in the Staff Judge Advocate (“SJA”) file, which was the only documentation in the released death investigation files discussing how quickly the NCIS had reached its conclusion. Nevertheless, the Justice Department knew since June 21, 2006, eleven days after the investigation began, that the NCIS’ purported determination of the cause and manner of death was suicide and the Department’s statement that it took longer was deceitful.

The Justice Department’s response to Congresswoman Eshoo’s request for investigation is nonresponsive as to the guards’ statements that expressly contradicted the NCIS’s findings.

³⁴ *Id.*

³⁵ *See* Appendix B.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *See* Appendix C.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ NCIS at c.

For instance, one sworn statement provided by a guard asserted that his shift searched the Alpha Block cells hours before the incident and the guard shift determined that there were no materials with which the detainees could have hung themselves “in the manner of the rumors.”⁴²

As noted above, whatever investigation that the joint DOJ-FBI team may have done in 2009 was conducted before Congresswoman Eshoo’s request and before *Death in Camp Delta* and *The Guantanamo “Suicides”* were published. There is no indication in the Justice Department’s response that it revisited any of the discrepancies identified in those reports. For example, the response ignores the explicit statements made by the four identified guards in *The Guantanamo “Suicides.”* This is despite the reality that there is no indication that any of the persons interviewed by the joint DOJ-FBI review team in 2009 were any of the same individuals interviewed by Harper’s. Indeed, there is no indication that any of the persons interviewed by the joint DOJ-FBI review team had any personal knowledge of the events of June 9, 2006. It is highly unlikely that individuals stationed at the base in 2009 had been present in 2006 because their tours of duty had long since ended.⁴³

Moreover, the Justice Department’s failure to meaningfully respond to the Congressional request for reexamination of the deaths, as well as the NCIS investigation into those deaths in light of new and disturbing evidence, has spurred this latest report by the Center for Policy & Research. The Center’s report attempts to resolve the persisting “grave concerns” regarding the detainee deaths and the NCIS investigation. The Center found many of these answers hidden within the information that the NCIS had omitted, removed, or disregarded. On its face, the information provided by the NCIS did not provide those answers.

While *Death in Camp Delta* reported on what the NCIS investigators’ statements said, accepting as true the statements therein, this Report looks beyond internal inconsistencies to assess the quality of the NCIS investigation. And the result of this reinvestigation is stark: the Center found a pattern that evidence was concealed, destroyed, missing, or omitted. This pattern, along with the discovery of information in the NCIS Report that had been previously overlooked, raised more troublesome implications.

The central question driving this reexamination was to determine whether the NCIS investigation was thorough, as the Justice Department claimed to Congresswoman Eshoo. The following discussion details the concealments, omissions, and oversights of the NCIS death investigation.

⁴² See *supra*, note 2 (emphasis added).

⁴³ See, e.g. Rudi Williams, ‘Mr. Met’ Ends Reserve Duty at Guantanamo Bay, American Forces Press Service (Oct. 21, 2002), <http://www.defense.gov/News?NewsArticle.aspx?ID=42596> (“Maj. Lee Reynolds just finished *six months duty* at Naval Station Guantanamo Bay, Cuba...”) (emphasis added). See also The Washington Times, *Guantanamo Probe Snares Army Colonel* (Nov. 30, 2003), <http://www.washingtontimes.com/news/2003/nov/30/20031130-122206-6099r/> (“According to the Southern Command statement, Col. Farr was serving a *six-month stint* as an intelligence officer at [Guantanamo Bay detention camp].”) (emphasis added).

II. Methodology

In contrast to *Death in Camp Delta*, which relied on the NCIS Report, assumed that it was complete and that everything in it was accurate, and in light of the Defense and Justice Departments' lack of accountability, the Center for Policy and Research conducted a follow-up review of the NCIS Report, this time looking for what was not referenced in the NCIS's conclusions. This reexamination identifies what was missing from the investigation report either because of destruction of evidence, concealment of information, or omission of information, as a result of secretive redaction or an apparent decision not to interview, investigate, or otherwise recognize.

This report relies primarily upon documents prepared and released by the United States Government after the June 10, 2006, incident. This report also includes public statements of certain high-ranking individuals and official press releases. Some of the documents were released to the public through the Freedom of Information Act; others were released voluntarily by the Justice and Defense Departments.

In developing and writing this report, research fellows at Seton Hall University School of Law's Center for Policy and Research reviewed and analyzed the investigative files of the June 10, 2006, deaths released by the Defense Department. These files include reports from the Naval Criminal Investigation Service (NCIS), the Criminal Investigation Task Force (CITF), U.S. Armed Forces Southern Command (SOUTHCOM), the Staff Judge Advocate (SJA), and disciplinary or medical records of Guantanamo Bay detainees.

Since the allegations contained in *The Guantanamo "Suicides"* led to Congresswoman Eshoo's request for the Justice Department to investigate the deaths and the NCIS investigation, that article is relevant to evaluate the extent to which the Justice Department's response to the facts reported in Harper's are incomplete, non-responsive and inaccurate. Accordingly, this report relies on *The Guantanamo "Suicides"* because Congresswoman Eshoo specifically referred to the facts established in that article in her request for a Congressional inquiry and the Justice Department failed to address the veracity of the article's findings. In other words, *The Guantanamo "Suicides"* should be construed as a government document because its study was mandated by a government official.

III. Uncovered Evidence of Cover-Ups

The Justice Department's failure to conduct a genuine review of the NCIS investigation in response to Congresswoman Eshoo's request highlights an oversight void within the United States Government that facilitates cover-ups of cover-ups.

The NCIS Report, and, correspondingly, the Justice Department's response to Congresswoman Eshoo's request, evince startling failures to investigate the manner and cause of death suspected to be suicides. The NCIS never investigated the behavior, state of mind, or

emotional condition of the dead men during the minutes, hours, days, and weeks before they died. The NCIS never authenticated “suspected suicide notes.”⁴⁴ The Senior Medical Officer who declared the deaths of two of the detainees was never interviewed. The NCIS failed to investigate tampering with the contents of cells where the men were reported to have died. When NCIS investigators obtained statements from credible witnesses with personal knowledge of facts that contradicted the Admiral’s and the NCIS’s later conclusions, the evidence was removed from the NCIS report, its existence concealed, and the documents themselves destroyed. This section reveals the evidence that is missing from the NCIS Report indicative of a cover up.

A. Spoliation of Evidence: Key Eyewitness’ Sworn Statement Removed from the NCIS Report, Replaced by Fabricated Documents and Destroyed by the NCIS

The most lucid and compelling sworn statement taken by the NCIS in its investigation – which contradicts essential aspects of the NCIS Report narrative and its findings – was physically removed from the NCIS Report and replaced with duplicates of other pages from the report before it was released to the public. The NCIS Report was then published in an incoherent state to support the NCIS’s corroboration of Admiral Harris’ suicide narrative.

Only a thorough examination of the materials produced *outside* the NCIS Report led to the discovery of the covered-up sworn statement, which was included as an attachment to the Staff Judge Advocate (SJA) report on the investigation initiated by Admiral Harris into guard behavior on the night of the incident.⁴⁵ No one could have discovered the document merely by reviewing the NCIS Report. Only upon comparing the index of exhibits from the NCIS Report to the substance of the sworn statement found in the SJA report and examining the exhibit label was it possible to realize the true NCIS exhibit had been removed. Not only was it discovered that the document had been removed, but also that its removal of the document had been concealed with duplicates of other unrelated documents from within the NCIS Report.⁴⁶

The sworn statement was originally included in the NCIS raw file as Exhibit 25.⁴⁷ The statement provides a detailed account of the events as observed by a detainee medical escort and his partner as they responded to a medical emergency and were required to report to the platoon leader of Camp One.⁴⁸ The escort observed events on the way to the Detainee Clinic, inside the Detainee Clinic, during the ambulance ride to the naval hospital (NAVHOSP), and up to the pronouncement of ISN 093’s death at the NAVHOSP.⁴⁹ The narrative provided by this escort,

⁴⁴ NCIS at 1239.

⁴⁵ See Appendix D: NCIS Death Investigation Exhibit 25 for a discussion of the missing exhibit, its verification, and the refutation of the placeholder pages. Many other sworn statements taken by the NCIS and included in its report also appear in the SJA Report, e.g. Exhibit 3, NCIS 935-39 at SJA 112-16 (with an attached Military Suspect’s Acknowledgement and Waiver of Rights form and another non-substantive page omitted from the SJA attachment); Exhibit 27, NCIS 1003-05 at SJA 120-22; etc. However, Exhibit 25 is the only document among the NCIS statements that appear in the SJA Report that was replaced in the NCIS Report with pages other than the rightful pages.

⁴⁶ *Id.*

⁴⁷ The term “raw file” as used here refers to the documents collected by the NCIS prior to the Report’s publication.

⁴⁸ SJA at 117-19.

⁴⁹ *Id.*

identified as “MA3 DENNY” in a different, poorly redacted sworn statement,⁵⁰ contains precisely the types of comments or suggestions that undermine the official report warned against by Colonel Bumgarner.⁵¹

The Witness’s Observations of Planted Evidence and Cover-ups

Denny’s observations are mutually exclusive with the prevailing narrative of the NCIS and Admiral Harris. The NCIS reports that witnesses followed protocol and made certain observations; however, Denny’s observations contradict those claims. If protocol had been followed, the medical escorts would have moved the detainees from Alpha Block rather than someone else. If protocol had been followed, the detainees would have been restrained with flexicuffs rather than metal handcuffs. If protocol had been followed, the rope found around the detainee’s neck should have been completely removed by *both* the guards and the clinic staff before Denny and EMTs found the rope still choking the detainee in the ambulance. Moreover, observations in the official narrative are at odds with Denny’s sworn statement. If the lifeless descriptions of the detainee in the prevailing narrative are to be believed, there is no explanation for a corpse to be raced to the Naval Hospital in an ambulance under guard.

According to Denny, the detainee had been moved to the Detainee Clinic before the escorts dispatched to move him could even arrive at the detainee’s cellblock. Denny was then told by the operator of the gate to camp the detention facility that “the detainee *was already in the Detainee Clinic (DET)*, at which point MA2 [name redacted] and I proceeded to the DET clinic. *I was surprised to hear that the detainee was already in the clinic, because he was not supposed to be moved from his cell without an escort team.*”⁵²

After arriving at the clinic, Denny reported that the protocol for moving detainees from cell blocks to the clinic had not been followed. If it had been followed the “escorts respond[ing] to the cell on a Code [redacted] and Flex cuffs are used, but in this instance we did not go to the cell, and the detainee was handcuffed.”⁵³ Denny noticed that metal handcuffs were being used when medical personal were impeded because – unlike flexicuffs, which could be cut off – a guard’s key was required to remove the handcuffs. This use of metal handcuffs represents another instance of protocol violation.

Denny observed that the bed sheets that the detainees allegedly used to hang themselves in their cells were actually tied onto them by a Corpsman in the Detainee Clinic:

I observed a Corpsman wrapping an altered detainee sheet, that looked like the same material ISN 093 had used to hang himself, around the detainee’s right wrist. The other side of the material was bound to the detainee’s left wrist with approximately a foot of cloth in between. The cloth was not on the

⁵⁰ NCIS at 1015.

⁵¹ See *supra*, notes 27-28.

⁵² SJA at 117 (emphasis added).

⁵³ *Id.*

*detainees [sic] wrists when the Camp 1 guards removed the handcuffs a few minutes earlier.*⁵⁴

The first detainee reportedly found hanging dead for two hours before being brought to the Detainee Clinic was, according to Denny, still alive. When an ambulance arrived at the Detainee Clinic Colonel Bumgarner “said that he wanted at least one MP to go with the detainee. [Name redacted] and I, along with the two EMTs carried ISN 093 out to the ambulance and accompanied him to the hospital.”⁵⁵ While in the ambulance, en route to the Naval Hospital, Denny reported that, “When the corpsman checked the first set of vitals [...], *he said the detainee’s heart was beating, and I observed this on the monitor. [...] The heart beat was up and down the whole way to the hospital.*”⁵⁶ Beyond the fact that the first detainee had a measurable heartbeat, the fact that an ambulance was called and the fact that Colonel Bumgarner ordered Denny and his partner to escort the detainee to the Naval Hospital confirms that witnesses thought that the detainee was still alive – after all, why would the ranking officer of the detention center order a corpse to be raced to the hospital under guard?

The detainee was strangled by a tight coil knotted in the front that no guard or medic had removed until he was in an ambulance on the way to NAVHOSP:

*As the corpsman pushed on the detainee’s neck, the corpsman seemed surprised to see that the detainee still had a piece of material wrapped tightly three or four times around his neck. The corpsman tried to put his finger in between the cloth and the detainee’s neck, but the material was too tight for him to do this. I also tried to do this without success. [...] The cloth was knotted around the detainee’s neck in front, and appeared to have been cut just above the knot. [...] The corpsman cut the “rope” a bit to loosen it, but did not cut it all the way through, and it remained on the detainee’s body.*⁵⁷

Thus, whoever initially cut the coil wrapped tightly around ISN 093’s neck cut it on *the wrong side of the knot*, leaving it still strangling him instead of rescuing him from death. In a different witness statement, an Alpha Block guard alleges that “I pulled at [the noose from which ISN 093 hung] and got a little slack and they were able to cut it and we got the detainee down out of the cell [...]. [Name redacted] told me later that he was the one who cut down the detainee.”⁵⁸ Although the Alpha Block guard statement fails to mention where a cut was made on the noose, a statement by “the initial medical responder to the detainees who were brought in[to the Detainee Clinic]”⁵⁹ suggests that the Alpha Block guard effectively cut the noose off of the detainee’s neck by cutting on the inside of the knot. The medical responder remarked that “[t]here were no foreign objects around his [ISN 093’s] neck....”⁶⁰ Rather than acknowledging and resolving the ways in which Denny’s statement contradicted the prevailing narrative, it was

⁵⁴ *Id.* at 118 (emphasis added).

⁵⁵ *Id.*

⁵⁶ *Id.* at 118-19 (emphasis added).

⁵⁷ *Id.* (emphasis added).

⁵⁸ NCIS at 975.

⁵⁹ CITF at 49, NCIS at 1065.

⁶⁰ *Id.* (emphasis added).

simply extracted from the file and replaced with duplicates of other pages from the NCIS Report.⁶¹

Denny reported the last moments of the detainee's life after arriving at the NAVHOSP:

[m]edical surrounded ISN 093 and commenced care. I answered the phone [...]. The Commander called back and said that the other two were dead, and again asked for the status. One of the medical staff looked at me and held his thumb and index finger about an inch apart and said, "*He's that close to death.*"⁶²

Finally, the detainee died.

Denny's statement is obviously highly relevant to any credible investigation. The investigators found the key witness, took a careful, sworn, signed statement. The removal, concealment and then destruction of a sworn statement by a credible person with knowledge of the key events would be deeply distressing for any investigation. When the document in question is a detailed refutation of the official position of the highest ranking officers of the Navy and the NCIS's ratification, the disappearance and concealment of such a statement upon publication are evidence of a high-level investigative cover-up.

Furthermore, Denny's sworn statement directly refutes Assistant Attorney General Weich's claim that "NCIS agents who investigated the case also found no evidence indicating that the three detainees died by means other than suicide."⁶³ On the contrary, the NCIS agents who investigated the case found credible evidence indicating that the detention facility staff disobeyed protocol on the night of June 9, 2006, the three detainees did not die by hanging, the detainees had materials planted on them while they were unconscious, and they were not dead for two hours prior to their arrival in the Detainee Clinic.

B. The Senior Medical Officer's Declaration of the Cause of Deaths Contradicting the NCIS's Conclusion Was Omitted From the NCIS Report

The sworn statement of the escort discussed above is not the only documentation of the types of comments or suggestions made by witnesses that undermine the official report, as warned against by Colonel Bumgarner. Like the escort discussed above, the Senior Medical Officer (SMO) who treated detainees at the Detainee Clinic created a record that is "evidence indicating that the three detainees died by means other than suicide" by hanging.⁶⁴ The SMO's narrative – whether in the form of a medical record, a witness statement, or otherwise – is glaringly and inexplicably absent from the NCIS Report. However, unlike the escort's statement,

⁶¹ See Appendix D: NCIS Death Investigation Exhibit 25 for a discussion of the missing exhibit, its verification, and the refutation of the placeholder pages.

⁶² *Id.* at 119 (emphasis added).

⁶³ See *supra*, note 35.

⁶⁴ *Id.*

which NCIS agents not only found but also originally included in the Report before removing it, the SMO's Narrative Summary was conspicuously omitted from the report altogether.⁶⁵

The SMO's Narrative Summary is particularly insightful because of his medical expertise.⁶⁶ Clinic personnel reported to NCIS agents that the SMO was the person who declared two of the three detainees dead.⁶⁷ Given that the NCIS's mandate was "to determine the cause and manner of death"⁶⁸ of the three detainees, arguably the most qualified witness on the subject was the SMO, who possessed both medical expertise and personal knowledge of the circumstances surrounding his declaring two of the three detainees dead. However, the NCIS Report contains no indication that the SMO was ever questioned by NCIS agents in order to determine either the cause or the manner of the deaths that the SMO had declared just hours earlier. In short, it is beyond strange for NCIS agents investigating the cause and manner of death of three detainees in one of the most notorious prisons on Earth not to interview the doctor who pronounced two of the three deaths.

The SMO's position on the cause of death of ISN 693 contradicts the cause of death as reported by the NCIS in its Report. The NCIS reports the cause of death to be "hanging."⁶⁹ However, the SMO, who declared ISN 693 dead, states in his Narrative Summary that the detainee had been "brought to clinic on night of June 11th [sic] after committing suicide by likely asphyxiation from *obstructing his airway*. Detainee declared dead at 0115 after a significant attempt to resuscitate."⁷⁰ The SMO's position on the cause of death refers to an object inside ISN 693's mouth that obstructed his airway, with no mention at all of "hanging" – the cause of death reported by the NCIS. Many other medical personnel's statements to NCIS and CITF agents, contained in the NCIS Report and incorporated documents, corroborate the SMO's declaration that obstruction of the airway was the cause of the detainees' deaths instead of hanging:

⁶⁵ Despite the NCIS's omission of the SMO from its Report, the SMO nonetheless created his own record of his medical observations on the night of June 9, 2006. The SMO drafted at least one Narrative Summary in connection with the three detainees' deaths, and he likely created a second one for the other detainee whom he declared dead. The Defense Department released a substantial amount of medical records for ISN 693 in connection with the Freedom of Information Act request for the death investigation files. Note that these medical records are heavily redacted and fragmented like other documents released by the Defense Department in connection with the Freedom of Information Act request for the death investigation files. The medical records for ISN 693 contain the Narrative Summary drafted by the SMO, in which he summarizes the detainee's past medical history, including the dates of the detainee's hunger strikes; the detainee's past surgical history; the detainee's in-process medical history; the detention medical, inpatient, and surgical histories, etc. ISN 693 Medical Record 25-26. *See* Appendix E: Senior Medical Officer's Summary for ISN 693.

⁶⁶ Although he was not at the Detainee Clinic when the three detainees were brought there, medical personnel called him and requested that he come in to respond to the medical emergency in light of his expertise. NCIS at 1075.

⁶⁷ *Id.* at 1069, 1074. Other witness statements report a person declaring ISN 588 and ISN 693 dead in the detainee clinic, but redactions obscure the identity of the person who made the declaration.

⁶⁸ *See supra*, note 5.

⁶⁹ NCIS at b.

⁷⁰ ISN 693 Medical Record at 25-26. Note that, although the Narrative Statement reports that the detainee was brought to the clinic on June 11, 2006, the document itself is dated June 10, 2006. Thus, the date of June 11 is an accidental misstatement.

It was during this time that *the Senior Medical Officer* arrived. Upon his assessment he attempted to intubate [ISN 588] and *found what appeared to be either gauze or white fabric lodged in the back of the detainee's mouth.*⁷¹

The Senior Medical Officer, [name redacted], arrived and assessed [ISN 693]. . . . Once the mouth was open *we saw that there was a big piece of cloth lodged in the back of [ISN 693's] mouth.* [Name redacted] extracted it with forceps and it appeared to take a good amount of force to get it out. Once it was out I saw that it was folded repeatedly on itself and nearly as big as a wash cloth that was folded once in half. . . . *[W]e thought there may have been something else obstructing the airway.*⁷²

Non-medical witnesses also confirmed the SMO's declaration that the detainees' airways were obstructed: "The doctor was able to open ISN-693's mouth slightly by prying the jaws apart with a specialized tool. It was at this point *the doctor stated ISN-693 had something stuck in the back of his mouth.*"⁷³ Colonel Bumgarner personally corroborated this fact: "[name redacted] started work on ISN 588 and ISN 693. I observed him trying to get into his mouth [redacted]."⁷⁴ This is how Colonel Bumgarner knew the actual cause of death when he ordered platoons of soldiers and sailors not to reveal that information to the public.⁷⁵

In short, the NCIS's omission of the SMO's belief as to the cause of death is inexplicable, given the extent of his medical expertise and personal knowledge of material facts directly within the investigation's mandate. Moreover, the SMO's belief about the cause of death – obstructed airway – is extensively confirmed by other "evidence indicating that the three detainees died by means other than suicide." Assistant Attorney General Weich's statement to the contrary in response to Congresswoman Eshoo's request demonstrates either the Justice Department's investigatory negligence in failing to identify such starkly contradictory evidence, or a deliberate cover-up by the Justice Department of the Defense Department's cover-up by alleging that evidence found by NCIS agents did not exist.

⁷¹ NCIS at 1073 (emphasis added).

⁷² *Id.* at 1079 (emphasis added). *See also* Criminal Investigation Task Force, Report of Investigative Activity 49, NCIS at 1065, available at http://www.dod.mil/pubs/foi/operation_and_plans/Detainee/death_investigation/citf/Dickstein_CITF_docs.pdf [hereinafter CITF] ("ISN 693 was the third detainee brought in and appeared to have a white cloth in his mouth."); CITF at 50, NCIS at 1066 ("[T]he first detainee that came in had what appeared to be a large piece of white gauze in his mouth."); NCIS at 1068 ("[T]here was a white gag in [ISN 093's] mouth."); *Id.* at 1073 ("[ISN 693] had a white athletic sock in his mouth."); *Id.* at 1091 ("We eventually opened [ISN 693's] mouth and discovered what I believe to be a white nylon sock inserted inside the back of the detainee's mouth."); *Id.* at 1093 ("I noticed that [ISN 093] had a rag, which looked like the material from a bed sheet, stuck in his mouth."); *Id.* at 1097 ("[ISN 093] also had what appeared to be a shredded t-shirt inside of his mouth. . .").

⁷³ *Id.* at 1044 (emphasis added). *See also* CITF at 32, NCIS at 954 ("[ISN 093] had a sheet around his face, neck and a 'wad of sheet in his mouth.'"); NCIS at 959 ("... we could see a bunch of white sheets crammed inside of [ISN 093's] mouth."); *Id.* at 966 ("I observed [name redacted] try to pull [redacted] sheet form [sic] 93's mouth but they were not able to" and "I do remember 588 having a mask made from sheets that was in [his] mouth. . ."); CITF at 37, NCIS at 969 ("[name redacted] tried to check for a pulse and also tried to remove the sheet that was lodged down ISN 93's throat but was unsuccessful."); NCIS at 975 ("there was material [from torn sheets] jammed into [ISN 093's] mouth."); *Id.* at 1012 ("I noticed a piece of white clothe [sic] protruding out of [ISN 693's] mouth."); *Id.* at 1031 ("[ISN 093's] face was towards me with his head slouching down, a rag in his mouth. . .").

⁷⁴ *Id.* at 1060.

⁷⁵ *See supra*, notes 27-28.

C. Tampering with the Detainees' Cell Block and Reconstructing the "Crime" Scene.

The NCIS Report excluded evidence that an extensive amount of activity occurred on the cell block where the three detainees allegedly were found hanging between the time of their discovery and the commencement of the NCIS investigation.⁷⁶ In total, 89 activities were recorded between the hours of 2:12 a.m. and 4:59 p.m. on June 10, 2006.⁷⁷ Most of those activities are irregular, inexplicable, and redacted. None of this information was contained in the NCIS Report but it was compiled and contained in the SJA investigation which also contained the medical escort's statement.

Despite extensive redactions, what is clear from the Alpha Block log is that a substantial amount of activity occurred in and around an alleged crime scene during the time in which twenty-five witnesses were being relocated. More than fifty discrete events -- so irregular that they had no specific designation in the log, and so secret that their details were redacted -- occurred over a period of hours before the alleged crime scene was secured and investigated by the NCIS. These activities contaminated Alpha Block and undermined the veracity of the subsequent NCIS investigation. The NCIS makes no note in its Report of this inordinate activity at the crime-scene.

In Colonel Bumgarner's sworn statement, he clarifies that the twenty-five "Movement" records in the log refer to the relocation of "every detainee off block so NCIS could move in. The moves started at approximately 0200 and were finished at approximately 0500."⁷⁸ Colonel Bumgarner also accounts for the one "99-Other" record at 5:05 a.m. "At 0500 [redacted] and I believe [redacted] and I walked down and looked at the cells."⁷⁹ The "99-Other" record at 5:13 a.m. is not entirely redacted and it seems to reflect Colonel Bumgarner's group finishing their survey of the block, becoming "[redacted] OFF BLOCK."⁸⁰ But more than fifty "99-Other" records during that three-hour period are inexplicable.

Although the log is heavily redacted, that which is not redacted is nonetheless instructive. There are five distinct classes of records contained in this excerpt from the block log: "08-Medical Emergency," "10-BHS," "99-Other," "Movement," and one so sensitive that it is fully redacted. Given that medical emergencies and behavioral health visits are anticipated and have

⁷⁶ See Appendix F: Log of Alpha Block Between 2:12 a.m. and 4:59 p.m. on June 10, 2006.

⁷⁷ SJA at 254-57. One activity that occurred between 3:30 and 3:34 that was so sensitive that it was completely redacted from the log printout; one "10-BHS" record at 3:01 a.m.; two "08-Medical Emergency" records at 8:09 and 8:10 a.m. which include brief summarizations of the alleged discovery of the three detainees, eight hours afterward; thirty "Movement" records including five records of relocating the deceased detainees; and fifty-five "99-Other" records between 2:12 a.m. and 8:11 a.m. that signify abnormal cellblock activities. See also Appendix F.

⁷⁸ NCIS at 1061. See also SJA at 15: "The 2350 Alpha Block random headcount entry recorded twenty-eight (28) detainees present, twenty-eight (28) detainees accounted for, and five (5) guards present." Accepting this headcount record as true, the total number of detainees present on Alpha Block at the time of the incident was twenty-eight, less the three victims leaves twenty-five detainees whose movements to another block are reflected in the log. Note that three additional "Movement" records appear posthumously at 5:17, 5:21, and 5:23 a.m., updating the log to reflect that the deceased detainees had been moved from their cells to "Patient Admin," presumably referring to the Detainee Clinic, and two additional "Movement" records appear at 4:58 and 4:59 p.m. curiously updating the log to reflect that two of the deceased detainees had been moved back from "Patient Admin" to their cells.

⁷⁹ *Id.*, SJA at 254.

⁸⁰ SJA at 254.

fixed codes, and given that movement of detainees are accounted for as such, the more than fifty “99-Other” records are documentation of activities that were unrelated to the movement of the detainees – the only activity that Colonel Bumgarner reports was to occur on Alpha Block during those three hours – and so irregular that they did not have a dedicated code to indicate their occurrence. The fifty inexplicable events during that period are rendered further suspicious in light of a witness statement that the NCIS ignored.

D. The NCIS Ignored Statements From the *Previous* Guard Shift That Were Contradictory to Its Conclusions of the Cause and Manner of Death

The premise that the detainees’ cause of death was hanging in their cells is contradicted by evidence contained in the NCIS Report. The guard shift on duty on Alpha Block until 5:00 p.m., which preceded the shift on duty at the time that the detainees died, had carefully searched the entire cellblock and “*did not discover anything that a detainee could hang himself with.*”⁸¹ That witness’s sworn statement in relevant part is as follows:

The shift I worked Block Guards conducted cell searches of *all the cells on Alpha Block. We did not discover anything that a detainee could hang himself with.* We did not find any weapons either. I heard rumors that the detainees bound their hands and feet and then hung themselves with altered sheets. I searched cell 5 but *I did not find anything that would allow the detainee in cell 5 to hang himself in the manner of the rumors.* I did not see any hanging blankets in cell 5. My recollection is that they were folded on the bunk. I took them and shook them loose refolded them and put them back on the bunk. I may have searched cells 8 and 12 but I do not remember. These cell searches were done between 1400 and 1700.⁸²

The fact that an entire guard shift determined that the three detainees had nothing in their cells with which to hang themselves mere hours before they allegedly were found hanging in their cells strongly undermines the theory that the cause of death was hanging in their cells. This guard’s sworn statement spotlights a central flaw of the suicide theory: The NCIS never explains how coordinated suicides possibly could have happened, given the lack of resources and lack of opportunity.

In sum, the pattern of events during a twelve-hour period before dawn on June 10, 2006, seem to be as follows: By 5:00 p.m. on June 9, an entire guard shift determined that there was nothing on the entire cell block with which the three detainees could have used to hang themselves. Hours later, guards reported that the three detainees were found hanging in their cells. Between 2:00 and 5:00 a.m. fifty inexplicable events were documented on the cell block. Thereafter, objects and materials allegedly used by three detainees in suicides were found on the cell block.

⁸¹ NCIS 994 (emphasis added). See Appendix G.

⁸² *Id.* (emphasis added). See Appendix G. See also NCIS at 914: The first detainee found dead was held at Cell A-8, the second detainee found dead was held at Cell A-12, and the third detainee found dead was held at Cell A-5.

E. The NCIS Report Did Not Substantiate Suspected Suicide Notes

The NCIS attempted to substantiate Admiral Harris's suicide theory by searching for suicide notes. The NCIS noted that "[a]pparent suicide notes were discovered in the clothing of all three victims."⁸³ For the entirety of the NCIS investigation, the NCIS referred to the purported suicide notes with skepticism. The NCIS never cites to language from the translations of the purported suicide notes in order to establish that the manner of death was suicide. The NCIS never even conclusively refers to any of the notes as an unqualified suicide note.

The NCIS never resolved evidence that cast doubt on the significance of the notes. There was no forensic evidence that ISN 588 ever touched the note reportedly found in his pocket.⁸⁴ Moreover, the NCIS never investigated the disparity between two different versions of the presence of a suspected suicide note on ISN 093. A nurse told investigators that ISN 093 did not have any "written notes within his property" when he was in the Detainee Clinic.⁸⁵ Despite that witness's observation, the NCIS did not resolve the conflict arising from repeated statements made by an individual who alleged that he found a note in ISN 093's pocket:

[Name redacted] explained that on the night of 9-10JUN06, he responded to the DACU and assisted wrapping up the body of ISN 0093 [sic] for shipment to the Naval Hospital, GTMO. [Name redacted] said that he cut the pants off 0093 [sic] and was picking up the shirt of 0093 [sic] to cut it off when he felt something he assumed was paper in the inside shirt pocket. [Name redacted] stopped what he was doing and asked that an Army Major [name redacted] who was waiting outside the DACU, be brought in. [Name redacted] was wearing latex gloves. He removed a paper note from the pocket and handed it to [name redacted]... [Name redacted] also stated that he witnessed an NCIS agent (SA [name redacted]) remove a similar note from the shirt pocket of ISN 693. This also occurred in the DACU.⁸⁶

Among the apparent factual misrepresentations in this witness's statement, ISN 093 *already was in the Naval Hospital* at the moment when this individual claims that he found a possible suicide note in ISN 093's pocket in the DACU, only later sending ISN 093 to NAVHOSP. ISN 093 could not have been in two places at once. ISN 588 and ISN 693 were in the DACU at that moment. Moreover, although this witness claims that an NCIS agent removed a note from ISN 693's pocket, a CITF Report of Investigative Activity states that a CITF agent rather than an NCIS agent removed the note.⁸⁷ But even assuming that this individual's statements are accurate, the NCIS never determined which individual allegedly found a note in

⁸³ NCIS at b (emphasis added). Other notes were found in cells on Alpha Block, but the NCIS doubted the veracity of those documents too. *See, e.g.* NCIS at 1372 ("[T]here is no explicit discussion of suicide in the handwritten portion of the document." (emphasis added)).

⁸⁴ *Id.* at b. Although "[l]atent print analysis of evidence submitted to the U.S. Army Criminal Investigation Laboratory (USACIL) revealed V/Ahmed's and V/Al Zahrani's latent fingerprints were contained on the apparent suicide notes," there is no reference in the NCIS Report that ISN 588, Mani Shaman Turki al-Habardi a-Tabi, even touched the "apparent suicide note" allegedly written by him. *Id.*

⁸⁵ CITF at 50, NCIS at 1066.

⁸⁶ NCIS at 733.

⁸⁷ CITF at 2, NCIS at 433.

ISN 588's pocket.⁸⁸ In short, the claims that the suspected suicide notes were found in the three detainees' pockets are highly suspect.

The contents of the suicide notes that the NCIS included in the investigative raw file were ambiguous; no fingerprints were presented, and no handwriting or other authentication was conducted.

After allegedly finding suicide notes in the detainees' cells, NCIS investigators seized 50,000 pages of "personal items and papers, *including legal material* and other correspondence" from the entire prison facility in search of more concrete suicide notes and evidence of a broader range of plans, including the potential for more suicides.⁸⁹ Despite taking more than 50,000 pages of documents, reviewing them with translators and other investigators NCIS investigators could find no evidence of any writings suggesting any plan for suicide. In fact, out of the 50,000 pages the NCIS deemed only twelve to have some possible relation to a suicide plot.⁹⁰

The content of the twelve documents as described by the NCIS demonstrates that the NCIS was still seeking to find documents supporting the suicide theory eighteen months after the detainees were found dead. Among those twelve documents, out of 50,000 pages, the NCIS investigators found six to be suspicious simply because they could not read them.⁹¹ Remarkably, with all of the translation resources among NCIS, CIA, DIA, military intelligence, and contract translators, no one managed to identify the language used for these six documents. At no time did NCIS or anyone else address the issue of the investigators' inability to determine the language, much less the content, of these six documents.

Among the six documents that possibly implicated a suicide plot or suicides in general that NCIS investigators could read, three documents were attorney-client material (one document that "appear[ed] to be instructions concerning the development of a system for the detainees to communicate with each other" and two were "lists of detainees by ISN and country" that purportedly violated the protective order), and three were non-attorney client materials (an email written by a United States Army Major; an "Army CID evidence custody document;" and a record that "may relate to discussions of the suicides *after they occurred*").⁹²

Despite fearing future plots of suicide by the detainees, the NCIS' investigation lacked any sense of urgency. All Guantanamo Bay detainees' legal and non-legal documents were confiscated on June 14, 2006. On June 18, 2006 NCIS began sorting through the documents. The NCIS did not review the documents again until October 23, 2006, because it was awaiting the formation of a court-ordered Filter Team. Finding "12 documents of potential evidentiary value," a second Filter Team Review was scheduled. This second review did not occur until September

⁸⁸ As discussed in Note 84, *supra*, the NCIS never determined that ISN 588 ever touched the suspected suicide note allegedly found in his pocket.

⁸⁹ NCIS at 77 (emphasis added).

⁹⁰ *Id.* at 14-16. N.b. the exact twelve documents vary over time, but the total is always twelve documents. As of June 18, 2006, NCIS investigators alleged that they had discovered one document that referenced tying knots. *Id.* at 78. However, this document no longer was suspected during the October-November 2006 and September 2007 document reviews.

⁹¹ *Id.* at 14-15.

⁹² *Id.* at 15 (emphasis added).

10, 2007. The NCIS officially closed the investigation May 14, 2008, making no findings of any potential camp-wide plot to commit suicide.

The NCIS's failed endeavor to substantiate the suicide theory is further exemplified by information from Guantanamo Bay medical records, excluded from the NCIS Report. A timely psychological evaluation conducted by a member of the detention center's Behavioral Health Services (BHS) staff explicitly stated that ISN 693 had no "concerning depressive symptoms."⁹³ When a BHS staff member visited ISN 693 on May 14, 2006 – mere weeks before he was found dead – for a weekly evaluation during his hunger strike in the Oscar Block isolation cell, the BHS staff member remarked the following about ISN 693's mental state:

Detainee with a smile stated, "*I'm good. I'm not crazy. They know me no crazy.*" ... It appeared detainee did not appear to be in any mental or physical distress at this time. Although detainee has his reason for being voluntarily feed [sic] since January, it appeared detainee will continue to be on hunger strike until he's release [sic] to his home country. *He does not seem to have any concerning depressive symptoms or evidence of thought disorder....*⁹⁴

Colonel Bumgarner also suggested problems with the suicide premise: "Two of the three had been cleared by Behavioral Health Services *just the week prior* and were noted to be in *good spirits*. 093 refused to be seen by BHS which was consistent with past behavior."⁹⁵

Moreover, even if the three detainees were inclined to commit suicide, the NCIS Report never states how or when the three detainees had the opportunity to plan and coordinate their own deaths. The three detainees had been together on Alpha Block only 72 hours before they were reported dead.⁹⁶ ISN 693 had been on Oscar Block, an isolation wing, during his hunger strike that began in December 2005 until he was discharged on June 6, 2006.⁹⁷ ISN 693 was not the only recent hunger-striker. A particularly observant fellow detainee incarcerated on Alpha Block on June 9, 2006, recounted that "all three victims were formerly on a recent hunger strike, and were considered by the other detainees on the block to be the most resolute in their cause [of using hunger striking as a means to protest detention conditions and to compel their release]."⁹⁸ The three detainees took care to *stay alive* while hunger striking. For instance, one of the detainees remarked to the witness that he had interrupted a hunger strike in April 2006 due to fatigue, taking "an opportunity to *recover his strength*."⁹⁹ Within the few short days during which the three detainees had even been on the same cell block,

their return seemed so out of character that the guards appeared to be watching them more closely.... *[T]he guards appeared to be watching them more closely; conducting even more roaming patrols of the block.... [T]he*

⁹³ See Appendix H: Record of ISN 693's Medical Care.

⁹⁴ ISN 693 Medical Record at 28 (emphasis added). See Appendix H.

⁹⁵ NCIS at 1063 (emphasis added).

⁹⁶ See ISN 693 Medical Record at 4, 25 (stating that ISN 693 had been discharged from Oscar Block after a six-month hunger strike on June 6, 2006, three days before his death).

⁹⁷ *Id.*

⁹⁸ CITF at 67, NCIS at 1145.

⁹⁹ *Id.* (emphasis added).

*guards constantly walked up and down the blocks, oftentimes interrupting the detainees' sleep by their (guards) frequency in which they passed the cells.*¹⁰⁰

In sum, not only were the three detainees apparently disinclined to commit suicide, they lacked the opportunity to coordinate their deaths even if they had wanted to do so. Nonetheless, the NCIS suppressed these facts in order to conclude that suicide was the manner of the three detainees' deaths.

F. The NCIS Report Omitted Video Recordings from the Night of June 9, 2006

The Defense Department ordered the discovery and treatment of the detainees not to be video-recorded despite Camp Delta SOP requiring the creation of evidence of incidents precisely like the purported discovery of three deceased detainees. Moreover, to the extent that video-recordings of the incident exist, the NCIS ignored them. There are no references in the NCIS Report to the images depicted in the video-recordings in the NCIS's possession during its death investigation.¹⁰¹

In response to the reported discovery of the three detainees hanging in their cells, a primary Immediate Response Force (IRF) code had been called.¹⁰² An IRF code is a phrase that quickly alerts designated personnel that a detainee emergency is occurring in response to which immediate assistance is required.¹⁰³

The protocols for video-recording IRF events are so extensive that a supplemental checklist must be followed.¹⁰⁴ All IRF incidents are recorded.¹⁰⁵ Moreover, recording is so essential that *two* other persons are assigned to ensure that the videographer follows the checklist: "The [IRF platoon leader] and/or [Sergeant of the Guard] *must ensure that the camera operator captures the imagery and information he is required to for each step.*"¹⁰⁶ Camp Delta SOP specifically requires the recording of IRF incidents so that there is evidence of the events.¹⁰⁷

When individuals in the detainee clinic tried to record the event to create an evidentiary record pursuant to protocol, the military commander of the detention facility ordered personnel under his command to violate protocol. "[T]wo Combat Camera personnel also arrived to begin filming the other two detainees with digital Cam Corders [sic]. I do not know how much of a chance they got to film and am not sure if the third detainee arrived yet, *because Colonel B told*

¹⁰⁰ *Id.*

¹⁰¹ A memorandum dated June 15, 2006, confirms that SOUTHCOM delivered "a videotape of the events of 10 Jun 06" to NCIS. US Southern Command File at 839, available at http://www.dod.mil/pubs/foi/operation_and_plans/Detainee/SOUTHCOM_DOCS.pdf.

¹⁰² NCIS 1038.

¹⁰³ SOP 24-5, 24-7.

¹⁰⁴ SOP 24-7(d) ("The camera operator will ensure that he is following the IRF Camera Operator checklist and *each step is completed.*" (emphasis added)).

¹⁰⁵ SOP 24-7(c) ("Once an IRF has been called ... [t]he Admin NCO in the DOC will bring the video camera to the IRF team location to record the IRF.").

¹⁰⁶ *Id.* (emphasis added).

¹⁰⁷ SOP 24-9(g) ("The SIR, *video*, checklists, and copies of all statements will be forwarded to the JDOG S-3 *to be kept as evidence.*" (emphasis added)).

them to stop fairly quickly.”¹⁰⁸ Colonel Bumgarner gave a direct order to disregard several SOPs requiring the creation of evidence despite his own decree that “[t]he Camp Delta Standard Operating Procedures (SOP) manual lays out the way the JDG is to be run.”¹⁰⁹

Colonel Bumgarner’s order to violate protocol requiring the creation of videographic evidence relating to the three detainees’ deaths is the most explicit evidence that the highest level at the camp was trying to conceal the events that occurred that night and neither the NCIS nor the Justice Department ever sought to determine why this most crucial, dispositive primary source evidence was prevented.

IV. Conclusion

The cause and manner of the death of three detainees in United States custody at Guantanamo Bay remains unexplained by the available records, and the deficiencies in the investigation are strongly suggestive of a cover-up. . Military commanders deliberately obstructed justice while the events were occurring. Military commanders deliberately reported misinformation to the media. Military commanders deliberately ordered witnesses not to reveal the true cause of death. At least one military commander was relieved of command and reassigned after violating his own order not to reveal covered-up information to the media.

The conclusions of the death investigation were flawed, unsubstantiated, and in direct conflict with information contained in the investigative files. The investigation deliberately removed essential statements and outright ignored and omitted other witnesses and evidence. The result of this misconduct is a cover-up of the military commanders’ cover-ups.

Following the request of a Congresswoman, the Justice Department covered-up the Defense Department’s cover-up. The Justice Department dismissively replied to Congresswoman Eshoo’s request for a review of the circumstances surrounding the death of three men held in United States custody with its own set of misinformation and nonresponsive, unsubstantiated remarks.

Precisely what the cover-ups were concealing, and why, remains unclear.

¹⁰⁸ SJA at 118 (emphasis added). Note that this is the sworn statement taken by an NCIS investigator but removed from the NCIS Report. *See supra*, notes 45-46.

¹⁰⁹ NCIS at 1055.



SETON HALL | LAW

List of Appendices

- A. Letter from Congresswoman Anna G. Eshoo to Attorney General Eric H. Holder Dated January 25, 2010
- B. Letter from Assistant Attorney General Ronald Weich to Congresswoman Anna G. Eshoo Dated May 25, 2010
- C. Memorandum from Admiral Harry B. Harris to Commander, U.S. Southern Command Dated June 22, 2006
- D. NCIS Death Investigation Exhibit 25
- E. Senior Medical Officer's Narrative Summary for ISN 693
- F. Log of Alpha Block Activity Between 2:12 a.m. and 4:59 p.m. on June 10, 2006
- G. NCIS Death Investigation Exhibit 22
- H. Record of ISN 693's Medical Care
- I. Email Chain Subject: Heads-up from Rep. Delahunt re: GTMO suicide allegations started on October 28, 2009

A FAX FROM
CONGRESSWOMAN
ANNA G. ESHOO
14TH DISTRICT OF CALIFORNIA



RECEIVED
U.S. DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT
JAN 27 PM 3:59

TO: The Honorable Eric Holder FAX: 202-514-4482

FROM: Rep. Anna Eshoo

TOTAL NUMBER OF PAGES: 2 (INCLUDING COVER SHEET)

DATE: 1/25/10 TIME: 2:20 PM

MESSAGE: Letter from Rep. Eshoo for Attorney General Holder.

Washington, D.C. Office:
205 CANNON BUILDING, WASHINGTON DC 20515
Phone: (202) 225-8104 Fax: (202) 225-8890

District Office:
698 EMERSON STREET, PALO ALTO CA 94301
Phone: (650) 323-2984 (408) 245-2339 (831) 335-2020
Fax: (650) 323-3498

<http://eshoo.house.gov/>

1775888
ET



*Congress of the United States
House of Representatives
Washington, D.C. 20515*

*Anna G. Eshoo
Fresnoville District
California*

January 25, 2010

The Honorable Eric H. Holder
Attorney General of the United States
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Holder,

It is with grave concern that I read an extensive article entitled "The Guantanamo 'Suicides'," in the March 2010 issue of *Harper's Bazaar*, authored by Scott Horton. In it, it is alleged that the deaths of three detainees at the Guantanamo Bay Detention Facility in June of 2006 were not suicide, as announced by the commander of the facility.

The article further cites accounts of witnesses at Guantanamo, as well as statements from other documents that conflict with the conclusions of the base commander.

Furthermore, the article also raises questions regarding the thoroughness of the investigation by the Naval Criminal Investigative Service (NCIS) in reviewing the incident.

For all of the above reasons, I'm calling on you today to open an investigation of these grave allegations. I'm also calling on you to review the report of the NCIS to determine its veracity, and should your conclusions warrant, to then take the appropriate actions.

Sincerely,

Anna G. Eshoo
Member of Congress

0-0-0



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

MAY 25 2010

The Honorable Anna G. Eshoo
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Eshoo:

This responds to your letter, dated January 25, 2010, citing a *Harper's Bazaar* article which reported allegations about the suicides of three detainees at Guantanamo Bay in 2006.

The Justice Department recognizes that the deaths of individuals in the custody of the United States military raises serious concerns. Immediately following the deaths of Salah Ahmed Al-Salami, Mani Sharan al-Utaybi, and Yasser Talal Al-Zahrani, there was a thorough, year-long investigation by the Naval Criminal Investigative Service (NCIS). In all three cases, an autopsy performed by a senior medical examiner from the Department of Defense Armed Forces Institute of Pathology ruled the cause of death as suicide. A civilian, state-level medical examiner served as an independent observer for these autopsies and concurred with the conclusions. NCIS agents who investigated the case also found no evidence indicating that the three detainees died by means other than suicide.

In 2009, lawyers and investigators from the U.S. Department of Justice and Federal Bureau of Investigation were tasked to review new allegations made by one of the perimeter guards who had been on duty the evening of these individuals' deaths. During its review, this investigative team traveled to Guantanamo camp, interviewed a number of persons, and examined large amounts of evidentiary material. They ultimately concluded that there was no credible evidence to support the allegations later reported in the magazine article to which you referred.

We hope this information is helpful. Please do not hesitate to contact this office if we may be of further assistance regarding this, or any other matter.

Sincerely,

Ronald Weich
Assistant Attorney General



DEPARTMENT OF DEFENSE
 HEADQUARTERS, JOINT TASK FORCE GUANTANAMO
 U.S. NAVAL STATION, GUANTANAMO BAY, CUBA
 APO AE 99360

22 Jun 06

JTF-GTMO-CDR

MEMORANDUM FOR Commander, U.S. Southern Command, 3511 NW 91st Avenue, Miami Florida 33172

SUBJECT: Request for NCIS Investigation into Circumstances Surrounding the Detainee Suicides on 9/10 June 2006

1. In a telephone conference call conducted on 21 June 2006, between representatives of JTF-GTMO ((b)(3)-10), USSOUTHCOM ((b)(3)-10 USC), DoD Office of General Counsel ((b)(3)-10), the Acting Navy General Counsel ((b)(3)-1), the Director of NCIS ((b)(3)-10), the Deputy Navy JAG ((b)(3)-10 USC), and representatives of the Department of Justice ((b)(3)-10 USC), NCIS indicated that their suicide investigation was largely complete. They indicated that in keeping with their traditional investigative mandate, they had concluded that the three deaths were suicides as a result of hanging undertaken solely by the victims themselves.

2. ((b)(3)-1) Acting General Counsel of the Navy, and ((b)(3)-10) Director of NCIS, stated that if requested by Commander, JTF-GTMO through Commander, USSOUTHCOM, they are willing for NCIS to investigate whether the suicides were in furtherance of a larger plot or had been encouraged or ordered by other detainees and whether there is any evidence of other suicide plans.

3. Request that NCIS be formally asked to include within their investigation: (1) whether the suicides on 9/10 June were related to a plot by detainees to commit suicide, or were otherwise encouraged, ordered, or assisted by other detainees or third persons; and, (2) whether there exists any evidence of past, ongoing or future plots for detainees to commit suicide.

4. My point of contact for this matter is my ((b)(3)-10 USC) Commander ((b)(3)-1) may be contacted at ((b)(3)-1).

Harris
 HARRY H. HARRIS, JR.
 REAR ADMIRAL, U.S. NAVY
 Commanding

Appendix D Summary

Appendix D consists of this one-page summary and twenty-two following pages extracted from the NCIS and SJA Reports. Appendix D contains five subsections.

The first subsection, pages D-2 and D-3, reproduces in relevant part the index to the first Report of Investigation (Interim) filed by NCIS on June 20, 2006. D-2 reproduces NCIS at 914, the beginning of the index. D-3 reproduces NCIS at 915, the second page of the index which describes all referenced exhibits within Appendix D.

The second subsection, pages D-4 through D-8, reproduces the pages that appear in the NCIS Report beginning with Exhibit 24, NCIS at 998, and ending with Exhibit 26, NCIS at 1002. Note that Exhibit 24, NCIS at 998, is an undated one-page summary, and that Exhibit 26, NCIS at 1002, is a one-page summary dated June 10, 2006, as described in the index reproduced on D-3. However, unlike Exhibits 24 and 26, the three pages in between do not match the description of Exhibit 25 in the index reproduced on D-3. The index reproduced on D-3 identifies Exhibit 25 as a sworn statement dated June 14, 2006. Although NCIS at 999, the first page following Exhibit 24, is a first-person statement, it begins mid-sentence with the words “him on a bed” and it is clearly dated June 15, 2006. This does not match either the description of Exhibit 24 (an undated summary) or Exhibit 26 (a summary dated June 10, 2006). Moreover, the next two pages, NCIS at 1000-1001, are a two-page summary dated June 10, 2006 – clearly not the sworn statement dated June 14, 2006 that the index describes Exhibit 25 to be. Although NCIS at 1000 bears a partially obscured exhibit label that could read “Exhibit 25,” the third subsection clarifies what the label actually reads.

The third subsection, pages D-9 through D-17, reproduces the pages that appear in the NCIS Report beginning with Exhibit 34, NCIS at 1019, and ending with Exhibit 36, NCIS at 1023-27. All pages in this sequence match their descriptions in the index reproduced on D-3. Exhibit 34, NCIS at 1019-20, is a two-page sworn statement dated June 15, 2006. Exhibit 35, NCIS at 1021-22, is a two-page summary dated June 10, 2006. Exhibit 36, NCIS 1023-27, is a five-page sworn statement dated June 14, 2006. Most importantly, other than minor differences between the redactions on NCIS at 999-1001 as compared to the redactions on NCIS at 1020-22, the pages are *identical*. Thus, the pages between Exhibit 24 and Exhibit 26 (meant to be Exhibit 25) in the NCIS report are duplicates of Exhibits 34 and 35, and the label on both NCIS at 1000 and NCIS at 1021 reads “Exhibit 35.”

The fourth subsection, pages D-18 through D-20, reproduces the three pages that appear in the SJA Report at 117-119. These pages substantively match the description of Exhibit 25 in the index reproduced on D-3. SJA at 117-19 is a three-page dated June 14, 2006.

The fifth subsection, pages D-21 through D-23, replicates the fourth subsection’s pages, SJA at 117-119. The only difference between the fourth and fifth subsections is the first page of the fifth subsection, D-21. The authors of this report used Adobe Acrobat to remove the Bates number, “GTMO SJA 117,” revealing the original exhibit label that the SJA Bates label had obscured. Although the quality is somewhat poor, one can discern the label “Exhibit (25)” at the bottom right-hand corner of the document. Removal of the SJA Bates label reveals that SJA at 117-119 is the original Exhibit 25 from the NCIS Report.

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

0023B/MPMP/ADLANT/

~~SECRET/NOFORN~~

U. S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

20JUN06

DEATH (II)

CONTROL: 10JUN06-MPGT-0031-7HNA

V/AL ZAHRANI, YASSER TALAL/CIV

M/W/FNSA/N//26DEC83/SAUDI ARABIA

SUPP: DETAINEE BEING HELD AT JTF-GTM/ISN: 93/CELL A-8

V/AL TABI, MANA SHAMAN ALLABARD/CIV

M/W/FNSA/N//01JAN76/SAUDI ARABIA

SUPP: DETAINEE BEING HELD AT JTF-GTMO/ISN: 588/CELL A-12

V/AHMED, ALI ABDULLA H/CIV

M/W/FNYM/N//01AUG79/YEMEN

SUPP: DETAINEE BEING HELD AT JTF-GMTO/ISN: 693/CELL A-5

COMMAND/JOINT TASK FORCE GUANTANAMO BAY, CUBA/31886

MADE AT/MPGT/GUANTANAMO BAY CUBA, (b)(7)(C) SPECIAL AGENT

EXHIBIT(S)

- (1) IA: Results of Evidence Collection From Base Police/12JUN06... (Copy All) (U)
- (2) IA: Receipt of Navy Expeditionary Guard Battalion Watch Bill/19JUN06... (Copy All) (U)
- (3) Rights Waiver & Sworn Statement of (b)(3) (b)(6) (b)(7)(C) /15JUN06... (Copy All) (U)
- (4) Results of Re-Interrogation of (b)(3) (b)(6) (b)(7)(C) /17JUN06... (Copy All)
- (5) IA: Results of Interview of (b)(3) (b)(6) (b)(7)(C) (b)(3) (b)(6) /10Jun06... (Copy All) (U)
- (6) Sworn Statement of (b)(3) (b)(6) (b)(7)(C) /14JUN06... (Copy All) (U)
- (7) IA: Interview of (b)(3) (b)(6) (b)(7)(C) /10Jun06... (Copy All) (U)
- (8) Rights Waiver & Sworn Statement of (b)(3) (b)(6) (b)(7)(C) (b)(3) /15Jun06... (Copy All) (U)
- (9) IA: Results of Re-Interview of (b)(3) (b)(6) /7Jun06 (U)
- (10) CITF Report of Investigative Activity, Activity# 90762061651032/10Jun06... (Copy All) (U)
- (11) Rights Waiver & Sworn Statement of (b)(3) (b)(6) (b)(3) /15Jun06... (Copy All) (U)
- (12) CITF Report of Investigative Activity, Activity# 09610061620816, Witness Interview of (b)(3) (b)(6) (b)(3) /10Jun06... (Copy All) (U)
- (13) Rights Wavier & Sworn Statement of (b)(3) (b)(6) (b)(3) /15Jun06... (Copy All) (U)
- (14) CITF Report of Investigative Activity, Activity# 20136061641251, Witness Interview of (b)(3) (b)(6) (b)(3) /10Jun06... (Copy All) (U)

~~SECRET/NOFORN~~

PAGE 1

~~WARNING~~

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE ACCESS
HEREFO. CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED WITHOUT SPECIFIC
AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

Appendix D-2

914

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

10JUN06-MPGT-0031-7HNA

SUBJ: V/AL ZAHRANI, YASSER TALAL/CIV

U. S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

- (15) Rights Wavier & Sworn Statement of (b)(3) (b)(6) (b)(3) 14Jun04... (Copy All) (U)
- (16) IA: Results of Re-Interview of (b)(3) (b)(6) 16Jun06... (Copy All) (U)
- (17) CITF Report of Investigative Activity, Activity# 29217061641100, Witness Interview of (b)(3) (b)(6) (b)(3) 10Jun06... (Copy All) (U)
- (18) Rights Waiver & Sworn Statement of (b)(3) (b)(6) (b)(3) /14Jun06... (Copy All) (U)
- (19) IA: Results of Re-Interview of (b)(3) (b)(6) 17Jun06... (Copy All) (U)
- (20) IA: Results of Interview of (b)(3) (b)(3) (b)(6) /10Jun06... (Copy All) (U)
- (21) Sworn Statement of (b)(3) (b)(6) (b)(7)(C) 14Jun06... (Copy All) (U)
- (22) Sworn Statement of (b)(3) (b)(6) (b)(7)(C) /15Jun06... (Copy All) (U)
- (23) Sworn Statement of (b)(3) (b)(6) (b)(7)(C) /17Jun06... (Copy All) (U)
- (24) IA: Results of Interview of (b)(3) (b)(6) (b)(7)(C) (b)(3) Undated... (Copy All) (U)
- (25) Sworn Statement of (b)(3) (b)(6) (b)(7)(C) 14Jun06... (Copy All) (U)
- (26) IA: Results of Interview of (b)(3) (b)(6) (b)(7)(C) 10Jun06... (Copy All) (U)
- (27) Sworn Statement of (b)(3) (b)(6) 14Jun06... (Copy All) (U)
- (28) IA: Results of Interview of (b)(3) (b)(6) (b)(7)(C) /10Jun06... (Copy All) (U)
- (29) Sworn Statement of (b)(3) (b)(6) (b)(7)(C) /14Jun06... (Copy All) (U)
- (30) CITF Report of Investigative Activity, Activity# 91671061640955, Witness Interview of (b)(3) (b)(6) (b)(3) (b)(6) 10Jun06... (Copy All) (U)
- (31) Sworn Statement of (b)(3) (b)(6) (b)(7)(C) 15Jun06... (Copy All)
- (32) IA: Results of Interview of (b)(3) (b)(6) (b)(7)(C) /Undated... (Copy All) (U)
- (33) Sworn Statement of (b)(3) (b)(6) (b)(7)(C) 15Jun06... (Copy All) (U)
- (34) Sworn Statement of (b)(3) (b)(6) 15Jun06... (Copy All) (U)
- (35) IA: Results of Interview of (b)(3) (b)(6) (b)(3) 10Jun06... (Copy All) (U)
- (36) Sworn Statement of (b)(3) (b)(6) (b)(7)(C) 14Jun06... (Copy All) (U)
- (37) IA: Results of Re-Interview of (b)(3) (b)(6) /17Jun06... (Copy All) (U)
- (38) CITF Report of Investigative Activity, Activity# 59567061641047, Witness Interview of (b)(3) (b)(6) (b)(3) 10Jun06... (Copy All) (U)
- (39) Sworn Statement of (b)(3) (b)(6) (b)(7)(C) /14Jun06... (Copy All) (U)

~~SECRET/NOFORN~~
PAGE 2

~~WARNING~~

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE ACCESS
HERE TO. CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED WITHOUT SPECIFIC
AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

915

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

TITLE: V/AL ZAHARANI, YASSER TALAL/CIV
CCN: 10JUN06-MPGT-0031-7HNA

INVESTIGATIVE ACTION: RESULTS OF INTERVIEW OF [REDACTED]

NARRATIVE

1. In the early morning hours of 10JUN06, three detainees were found hanging inside Alpha Block of Camp 1 at Camp Delta, Joint Task Force Guantanamo Bay, Cuba. Reporting Agent (RA) interviewed [REDACTED] at Camp Delta, Bldg 1, regarding his knowledge of the circumstances surrounding the discovery of three detainees, hanging inside Alpha Block cells, during the early morning hours of 10Jun06.

2. For background [REDACTED] 12-hour shift commenced at approximately [REDACTED] on 09Jun06. [REDACTED] was assigned to work Escort Control. (b)(3) (b)(6)

3. [REDACTED] advised on 10Jun06, he was working Escort Control with [REDACTED] when they responded to the Alpha block in response to the 1st (b)(2) being called. (b)(3) (b)(6) indicated [REDACTED] is the code word for a suicide attempt. [REDACTED] stated he and (b)(3) (b)(6) were the assigned Escort Team for the 1st hanging victim, V/AL ZAHARANI (ISN 093), from Alpha block to the Detention (DET) Clinic. [REDACTED] stated he assisted while in the DET Clinic with Cardio Pulmonary Resuscitation (CPR). (b)(3) (b)(6) advised while he was at the DET Clinic he observed Combat Camera filming the bodies of the 3 hanging victims. [REDACTED] assisted medical personnel with CPR in the Naval Hospital Guantanamo Bay, Cuba (NAVHOSP GTMO) Ambulance. [REDACTED] explained during the transit of ISN 093 to NAVHOSP GTMO blood started coming out of ISN 093's mouth. Swelling was observed of ISN 093's neck. They observed material layered still around the neck. [REDACTED] stated the rescue personnel cut off the material on the way to the hospital. [REDACTED] believed the material around the neck might have been parts of a sheet cut into strips. (b)(3) (b)(6) reported the ambulance arrived at the NAVHOSP at approximately 0111. ISN 093 was brought to the Detainee Wing where NAVHOSP medical personnel worked on him until he was declared dead at approximately 0150.

NCIS
b2

BIOGRAPHICAL DATA

[REDACTED]

Reported By: FRANK J. SOUCY III, SPECIAL AGENT
Office: NCISRU GUANTANAMO BAY, CUBA

EXHIBIT (24)

~~WARNING~~

PAGE 1 OF XX

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE. CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE ACCESS HERETO. CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE. NCIS

Appendix D-4

998

him on a bed. I stayed while the other guards returned back to Alpha Block. Three corpsman then came in and proceed to perform CPR and another put an IV into his arm. The corpsman was on his knees on the side of the bed while performing chest compressions. I assisted in keeping the corpsman from fall off the bed by holding his back. I also witnessed a black female lieutenant bring in the electrodes and attached them to the detainee's chest. She shocked the subject approximately three times but got no response. The corpsman rotated positions and kept giving them chest compression but got no response. After several minutes, a white male doctor in civilian cloths entered the room. The doctor tried to open the detainee's mouth to give him medical attention but it was too stiff. He then left and the corpsman proceed with CPR. The doctor returned and asked a corpsman what time it was. The corpsman said, "0115". The doctor said, "I pronounce him dead at 0115." After that, all the corpsman left the room but I stayed with the body. (b)(3) (b)(6) (b)(7)(C) (b)(3) (b)(6) were in the room with the other body. During my time in the clinic, there were only two bodies there. I was relieved at approximately 0130 and told watch the other body at the main hospital. (b)(3) (b)(6) came into my room at the clinic and we both left to go to the big hospital. (b)(3)

(b)(3) (b)(6) (b)(7)(C) When we arrived at the hospital, we were told we would not be needed. We then went back to escorts. I am not sure of the time but I was told to relieve (b)(3) (b)(6) who was one of the three escort guards watching the two bodies. I relieved him and documented who come into the room. NCIS investigators along with combat camera personnel later entered the room and I turned over my documentation. I waited outside the room until investigators were done with their investigation. The bodies were put into bags and moved to the morgue by ambulance. We were no longer needed so we went back to escort control. During the incident, I did not know the name of the guards and medical personnel involved. (b)(3)

(b)(3) Based upon my training at Fort Lewis and training here, it taught that nothing should be hung above the beanhold. In some blocks there is a black line painted on the fence of cells indicating that nothing can be hung above the line. Based upon my experience escorting, each camp is operated differently. I have seen blankets and other items hanging before but I never saw items hung as high as I did on the night in question. (b)(3) (b)(6)

(b)(3) (b)(6) (b)(7)(C) This statement, consisting of this page and 1 page(s) was typed for me by (b)(7)(C) as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief. (b)(3)

Signature (b)(3) (b)(6) (b)(7)(C)

Sworn and subscribed before me this 15 day of JUNE in the year at 2006

Witnessed: (b)(7)(C)

Representative, Naval Criminal Investigative Service
AUTH: DERIVED FROM ARTICLE 136
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

10JUN06

CONTROL: 10JUN06-MPGT-0031-7HNA

V/AL ZHRANI, YASSER TALAL/CIV
M/W/FNSA/N//26DEC83/SAUDI ARABIA
SUPP: DETAINEE BEING HELD AT JTF-GTMO

RESULTS OF INTERVIEW OF (b)(3) (b)(6) (b)(7)(C)

Please note the original transmission(s) of this IA contained errors in the "Header" portion. Any previous transmissions of this IA should be destroyed. This transmission supercedes all others and contains revised "Header" information.

NARRATIVE

1. In the early morning hours of 10Jun06, three detainees were found hanging inside Alpha Block of Camp 1 at Camp Delta, Joint Task Force Guantanamo Bay, Cuba. Reporting Agent (RA) interviewed (b)(3) (b)(6) (b)(3) (b)(6) at Camp Delta, Bldg. 1, regarding her knowledge of the circumstances surrounding the discovery of three detainees, hanging inside Alpha Block cells, during the early morning hours of 10Jun06.

2. For background (b)(3) (b)(6) (b)(2) commenced at approximately 1700, on 09Jun06. (b)(3) (b)(6) was assigned to work Escort Control.

3. (b)(3) (b)(6) advised on 10Jun06, she was working Escort Control with (b)(3) (b)(6) when they responded to the Alpha Block in response to a (b)(2) being called. (b)(3) (b)(6) indicated (b)(2) is the code word for a suicide attempt. (b)(3) (b)(6) stated she ran following other military members to Alpha Block, Cell A-12. (b)(3) (b)(6) reported she could not see anything because of other people. (b)(3) (b)(3) then went to Cell A-5, where she observed a detainee hanging. This detainee was identified as V/AHMED (ISN 693). (b)(3) (b)(6) pulled at cloth material, which was wrapped around ISN 693's neck. (b)(3) (b)(3) was able to unravel enough of the material so that others could get ISN 693 down. Once down (b)(3) (b)(6) continued to unwrap the material from his neck. (b)(3) (b)(6) advised the material felt to be soft similar to t-shirt material. (b)(3) (b)(6) helped put ISN 693 on a backboard and carry him to the Detention (DET) Clinic. (b)(3) (b)(6) stayed at the DET Clinic and helped to stabilize a corpsman that was performing Cardio Pulmonary Resuscitation (CPR) on ISN 588, the hanging victim from Cell A-12. (b)(3) (b)(6) indicated she observed a deep indentation on the neck of ISN 693. She added that his pupils were fixed and dilated, his fingernails and feet purple. (b)(3) (b)(6) did not witness any signs of life on either ISN 693 or ISN 588 while she was around them. (b)(3) (b)(6) stated she thought ISN 693 was pronounced dead at approximately 0112, on 10Jun06 and that ISN 588 was pronounced dead at approximately 0115, 10Jun06. (b)(3) (b)(6) indicated both ISN 693 and ISN 588 were in the DET Clinic when they were pronounced dead.

NCS
b2

NCIS b2

BIOGRAPHICAL DATA
EMPLOYMENT: MA2 USN, JTF-GTMO, NEGB

~~FOR OFFICIAL USE ONLY~~

Page 1

~~WARNING~~

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL
HERE TO. CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CON
AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

Appendix D-6

1000

25

SUBJ: V/AL ZHRANI, SSER TALAL/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

SSN:

DOB:

POB:

RESIDENCE:



REPORTED BY: (b)(7)(C)

OFFICE: NCISRU GUANTANAMO BAY, CUBA

~~FOR OFFICIAL USE ONLY~~

Page 2 LAST NDK V2 LNY

~~WARNING~~

~~THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE ACCESS
HERETO. CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED WITHOUT SPECIFIC
AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.~~

1001

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

10JUN06

CONTROL: 10JUN06-MPGT-0031-7HNA

V/AL ZHRANI, YASSER TALAL/CIV
M/W/FNSA/N//26DEC83/SAUDI ARABIA
SUPP: DETAINEE BEING HELD AT JTF-GTMO

RESULTS OF INTERVIEW OF K [REDACTED]

Please note the original transmission(s) of this IA contained errors in the "Header" portion. Any previous transmissions of this IA should be destroyed. This transmission supercedes all others and contains revised "Header" information.

NARRATIVE

1. In the early morning hours of 10Jun06, three detainees were found hanging inside Alpha Block of Camp 1 at Camp Delta, Joint Task Force Guantanamo Bay, Cuba. Reporting Agent (RA) interviewed [REDACTED] at Camp Delta, Bldg. 1 regarding his knowledge of the circumstances surrounding the discovery of V/AHMED (ISN 693), hanging inside Alpha Block cell A-5, during the early morning hours of 10Jun06.

2. For background [REDACTED] 12-hour shift commenced at approximately [REDACTED] on 09Jun06. [REDACTED] was assigned on his shift as the Escort Team LPO.

3. [REDACTED] reported on 10Jun06, he heard the call go out over the radio for "[REDACTED]". [REDACTED] stated when he arrived at Alpha Block the 1st detainee, from Cell A-8, had already been removed from the block. [REDACTED] entered Alpha Block to see the 2nd detainee, from Cell A-12, being placed on a backboard. About that time (b)(3) [REDACTED] advised someone yelled out A-5. MA1 [REDACTED] responded to Cell A-5 and witnessed a blanket on the side of the cell. [REDACTED] grabbed the blanket and saw the detainee ISN 693 hanging. (b)(3) (b)(6) [REDACTED] immediately lifted up the body to release the weight and someone cut the material wrapped around ISN 693's neck. [REDACTED] stated there was something tied around the hands of ISN 693. (b)(3) (b)(6) [REDACTED] explained ISN 693's eyes were open. [REDACTED] did not observe any signs of life on ISN 693. [REDACTED] also did not observe any signs of life as he passed cell A-12 where ISN 588 had been discovered hanging. [REDACTED] accompanied ISN 693 to the Detention (DET) Clinic, where he remained until being told to respond to Bldg. 1.

BIOGRAPHICAL [REDACTED]
EMPLOYMENT: [REDACTED]
SSN: [REDACTED]
DOB: [REDACTED]
POB: [REDACTED]
RESIDENCE: [REDACTED]

REPORTED BY: (b)(7)(C) [REDACTED]

OFFICE: NCISRU GUANTANAMO BAY, CUBA

~~FOR OFFICIAL USE ONLY~~

Page 1 LAST (b)(7)(C) V2 LNY

~~WARNING~~

~~THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFF-
HERETO, CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S)
AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE~~

1002

STATEMENT

Place : Guantanamo Bay, Cuba

Date : June 15, 2006

(b)(3) (b)(6) (b)(7)(C) make the following free and voluntary statement to (b)(3) (b)(6) (b)(7)(C) whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the three detainee deaths which occurred between 09Jun06 and 10Jun06.

(b)(3) (b)(6) (b)(7)(C)

On 09Jun06 at approximately 1830, I was assisted by (b)(3) (b)(6) (b)(7)(C) with an escort from Gold Building to Foxtrot Block. As we approached Foxtrot Block, I heard some loud singing. This was unusual because normally only a few detainees would sing at one time. On this date, it sounded like the whole block was singing songs. We arrived at Foxtrot Block and dropped off the detainee. I asked a guard who was standing near a translator what was going on. The translator said they were singing but did not specifically say what they were singing about. I then returned back to my duty station. I left my duty station to get fresh air at 2230. I could still hear singing coming from Camp 1 but it was not as loud as before.

I carried out my normal duties until 10Jun06 at approximately 0045. A call come into escort control that they had a (b)(3) (b)(6) (b)(7)(C) in Alpha Block. A (b)(3) (b)(6) (b)(7)(C) indicates a low level of medical assistance is needed. A team was dispatched to the location for assistance but I am unsure of the exact personnel. At approximately two minutes after the escort team left, someone came the escort control and yelled, (b)(3) (b)(6) (b)(7)(C) Camp 1". I along with my partner (b)(3) (b)(6) (b)(7)(C) responded to Alpha Block to assist. I told (b)(3) (b)(6) (b)(7)(C) to go to the camp to help while I went to get the restraints. After picking up the restraints I ran to Alpha Block. When I arrived some guards were standing around a cell. I am not sure of the cell number but I remember the detainee number was 588. There were already guards inside along with the guards standing outside. The detainee was already down on the deck with his head towards the rear of the cell. While we were standing at the cell, another person said, "There is another one here," or words towards that effect. The person was referring to the detainee in A-5. Approximately three guards left the cell and responded to A-5. The guard who discovered the person in A-5 needed the key and it was produced by one of the responding guards. The guard who was working on 588 needed restrains which I was carrying. I gave him the restraints and asked him what else he needed. The guard said he would need a stretcher. I left cell area and retrieved a stretcher by the front shack of Alpha Block. On my way to get the stretcher, I saw a group of guards make entry into A-5.

NCIS 60

After getting the stretcher, I returned to 588's cell and put the stretcher half way into the cell door. I then assisted picking up the detainee and putting him on the stretcher by his ankles. When I grabbed his ankles, they were cold. I also noticed his toe and finger nails were purple and the palm of his hands were very white. After placing him on the stretcher, I help carrying him to the hospital and we placed

1019

him on a bed. I stayed while the other guards returned back to Alpha Block. Three corpsman then came in and proceed to perform CPR and another put an IV into his arm. The corpsman was on his knees on the side of the bed while performing chest compressions. I assisted in keeping the corpsman from fall off the bed by holding his back. I also witnessed a black female lieutenant bring in the electrodes and attached them to the detainee's chest. She shocked the subject approximately three times but got no response. The corpsman rotated positions and kept giving them chest compression but got no response. After several minutes, a [REDACTED] doctor in civilian cloths entered the room. The doctor tried to open the detainee's mouth to give him medical attention but it was too stiff. He then left and the corpsman proceed with CPR. The doctor returned and asked a corpsman what time it was. The corpsman said, "0115". The doctor said, "I pronounce him dead at 0115." After that, all the corpsman left the room but I stayed with the body. (b)(3) (b)(6) (b)(7)(C)

(b)(3) (b)(6) were in the room with the other body. During my time in the clinic, there were only two bodies there. I was relieved at approximately 0130 and told watch the other body at the main hospital. (b)(3) (b)(6) came into my room at the clinic and we both left to go to the big hospital. (b)(3) (b)(6)

(b)(3) (b)(6) (b)(7)(C) When we arrived at the hospital, we were told we would not be needed. We then went back to escorts. I am not sure of the time but I was told to relieve (b)(3) (b)(6) who was one of the three escort guards watching the two bodies. I relieved him and documented who come into the room. NCIS investigators along with combat camera personnel later entered the room and I turned over my documentation. I waited outside the room until investigators were done with their investigation. The bodies were put into bags and moved to the morgue by ambulance. We were no longer needed so we went back to escort control. During the incident, I did not know the name of the guards and medical personnel involved. (b)(3) (b)(6)

(b)(3) (b)(6) Based upon my training at Fort Lewis and training here, it taught that nothing should be hung above the beanhold. In some blocks there is a black line painted on the fence of cells indicating that nothing can be hung above the line. Based upon my experience escorting, each camp is operated differently. I have seen blankets and other items hanging before but I never saw items hung as high as I did on the night in question. (b)(3) (b)(6)

(b)(3) (b)(6) This statement, consisting of this page and 1 page(s) was typed for me by (b)(7)(C) as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief. (b)(3) (b)(6)

Signature: [REDACTED] (b)(3) (b)(6) (b)(7)(C)

Sworn and subscribed before me this 15 day of JUNE (b)(3) (b)(6) the year at 2006

Witnessed: [REDACTED] (b)(7)(C)

Representative, Naval Criminal Investigative Service
AUTH: DERIVED FROM ARTICLE 136
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

10JUN06

CONTROL: 10JUN06-MPGT-0031-7HNA

V/AL ZHRANI, YASSER TALAL/CIV
M/W/FNSA/N//26DEC83/SAUDI ARABIA
SUPP: DETAINEE BEING HELD AT JTF-GTMO

RESULTS OF INTERVIEW OF [REDACTED]

Please note the original transmission(s) of this IA contained errors in the "Header" portion. Any previous transmissions of this IA should be destroyed. This transmission supercedes all others and contains revised "Header" information.

NARRATIVE

1. In the early morning hours of 10Jun06, three detainees were found hanging inside Alpha Block of Camp 1 at Camp Delta, Joint Task Force Guantanamo Bay, Cuba. Reporting Agent (RA) interviewed [REDACTED] at Camp Delta, Bldg. 1, regarding her knowledge of the circumstances surrounding the discovery of three detainees, hanging inside Alpha Block cells, during the early morning hours of 10Jun06.

2. For background [REDACTED] 12-hour shift commenced at approximately [REDACTED] on 09Jun06. [REDACTED] was assigned to work Escort Control.

3. [REDACTED] advised on 10Jun06, she was working Escort Control with [REDACTED] when they responded to the Alpha Block in response to a [REDACTED] being called. [REDACTED] indicated (b)(2) [REDACTED] is the code word for a suicide attempt. (b)(3)(b)(6) [REDACTED] stated she ran following other military members to Alpha Block, Cell A-12. [REDACTED] advised she could not see anything because of other people. MA2 [REDACTED] then went to Cell A-5, where she observed a detainee hanging. This detainee was identified as V/AHMED (ISN 693). [REDACTED] pulled at cloth material, which was wrapped around ISN 693's neck. MA2 [REDACTED] was able to unravel enough of the material so that others could get ISN 693 down. Once down [REDACTED] continued to unwrap the material from his neck. [REDACTED] advised the material felt to be soft similar to t-shirt material. [REDACTED] helped put ISN 693 on a backboard and carry him to the Detention (DET) Clinic. [REDACTED] stayed at the DET Clinic and helped to stabilize a corpsman that was performing Cardio Pulmonary Resuscitation (CPR) on ISN 588, the hanging victim from Cell A-12. [REDACTED] indicated she observed a deep indentation on the neck of ISN 693. She added that his pupils were fixed and dilated, his fingernails and feet purple. [REDACTED] did not witness any signs of life on either ISN 693 or ISN 588 while she was around them. [REDACTED] stated she thought ISN 693 was pronounced dead at approximately 0112, on 10Jun06 and that ISN 588 was pronounced dead at approximately 0115, 10Jun06. [REDACTED] indicated both ISN 693 and ISN 588 were in the DET Clinic when they were pronounced dead.

BIOGRAPHICAL DATA

EMPLOYMENT: MA2 USN, JTF-GTMO, NEGB

~~FOR OFFICIAL USE ONLY~~

Page 1

WARNING

~~THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL
HERE TO, CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(IES) COI
AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE~~

Appendix D-11

EVIDENCE 25 1021

SUBJ: V/AL ZHRANI, SSER TALAL/CIV
U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

SSN: (b)(3) (b)(6) (b)(7)(C)
DOB: [REDACTED]
POB: [REDACTED]
RESIDENCE: [REDACTED]

REPORTED BY: (b)(7)(C)
OFFICE: NCISRU GUANTANAMO BAY, CUBA

~~FOR OFFICIAL USE ONLY~~

Page 2 LAST (b)(7)(C) V2 LNY

WARNING

~~THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE ACCESS
HERETO. CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED WITHOUT SPECIFIC
AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.~~

1022

STATEMENT

Place: Building 760, NCISRU Guantanamo Bay, Cuba

Date: 14JUN06

(b)(3) this time, I (b)(3) (b)(6) (b)(7)(C), make the following free and voluntary statement to (b)(7)(C) whom I know to be a Special Agent (SA) with the Naval Criminal Investigative Service (NCIS). I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my response to a (b)(2) alert on 10JUN06, in NCIS b2 which I observed a detainee, Ali Abdulla AHMED, Internment Serial Number (ISN) 693, hanging in his cell and immediately assisted my fellow guards to take him down. (b)(3)

(b)(3) INTRODUCTION

(b)(3) For the purpose of identification, my full name is (b)(3) (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C)

(b)(3) COMMENCING MY SHIFT

At approximately (b)(3) on 09JUN06, I commenced my (b)(2) as a guard at Camp Delta. I was assigned to escort department. There is an escort control room, located on Camp Delta, in which escorts are dispatched as required. When I came on shift, there were approximately six persons, including myself, on shift for escort control. My team handled about three moves on Friday evening. That evening the detainees started chanting at about 1900, and I could hear them from where I was in Camp 1. The chants sounded louder than normal to me. I recall that an interpreter was standing near the block, alongside another guard, and actively listening. I could tell that the interpreter was trying to understand what the chants were saying. (b)(3) (b)(6)

(b)(3) RESPONDING TO (b)(2) "FOR ISN 693"

Early the following morning, on 10JUN06, I continued to work escort duty. I was (b)(2) with (b)(3) (b)(6) (b)(7)(C) who was my partner. I recall that there was a (b)(2) Yellow, sometime after midnight, which pertained a minor medical matter. One of the (b)(2) responded to that code. Upon his return, he immediately shouted (b)(2) "Snowball". NCIS b2 "Snowball" is a code word for attempted suicide. We immediately got up and ran to Alpha Block. I ran to accompany other guards to cell A-12, but I couldn't see anything there because there were so many people. Another guard proceeded to make the rounds to make sure that the other cells were OK, but then she also called (b)(2) alert, this NCIS b2 time at cell A-5. I ran, along with (b)(3) (b)(6) to cell A-5. At the moment I entered cell A-5, I could tell that ISN 693 was hanging. (b)(3) (b)(6) had entered the cell just slightly before me, and started to take ISN 693 down. (b)(3) (b)(6) myself and another guard were able to take ISN 693 down and lay him on the floor. (b)(3)

(b)(3) (b)(6) (b)(7)(C)

1023

[REDACTED] held up ISN 693's body, while another guard cut the apparatus holding the body up. I helped the other guard to find the right place to cut the apparatus. [REDACTED] and the other guard then lowered the body to the ground, while I continued to remove the cloth material from around his neck. The cloth material around ISN 693's neck appeared to be twisted, as though there could have been several pieces tied together. I also noticed that there was some material around at least one of ISN 693's wrists. The cloth material around ISN 693's neck was beige to white in color. The cloth material around the wrist was the same color. I also noticed, just as I entered the cell and before we started taking the body down, that there was some material, blue in color, right next to ISN 693's head. Since we started to take the body down immediately, I didn't get a chance to see what the material was attached to, nor do I recall what had connected the body to the material. I also do not know how the cloth material, around the neck, was attached to the overhead or the wall [REDACTED]

As mentioned above, ISN 693 had cloth material around his neck. After the body was laid down, I finished removing the cloth. The cloth material was soft, and was similar to tee shirt material. As to ISN 693's body, as I observed it at this time, I could tell that his eyes were dilated, eyelids half to three quarters opened. There was a large indentation around his neck, and I was immediately struck with how deep the indentation was. I remember seeing this indentation as a crescent shape, toward the side of his neck. I noticed the indentation after we lifted his chin. [REDACTED] checked for a pulse, for a chest rising, but there was no motion and no sign of life. ISN 693's fingers were blue, behind the fingernails. His toes were also blue. The skin on his face and arms appeared to be a normal color and hue. I helped the other guards to place ISN 693's body on a backboard and carry it to the Detention (DET) Clinic [REDACTED]

As previously stated, we moved to take ISN 693 down from the apparatus very quickly. As a result, I do not recall whether, upon our first entry, if ISN 693's feet were dangling or touching the ground. The body itself was pliable enough that we were able to move the chin up, at which point we examined the indentation in the neck. The body was not completely stiff, like a board; it was still pliable [REDACTED]

ASSISTING CORPSMEN IN ATTEMPTS TO REVIVE ISN 588

After we laid ISN 693 down at the DET clinic, I heard that more help was needed in the next room. I went to the nearby room. A corpsman was conducting cardiopulmonary resuscitation (CPR) on another hanging victim, ISN 588. ISN 588 was laying on a table. The corpsman was kneeling on the side of the table, with his knees toward the edge of the table and the rest of his legs and his feet over the side of the table. [REDACTED] and myself assisted by corpsman, by stabilizing his body. We held on to both his feet and his legs, keeping together and in place as he administered the body compression [REDACTED]

Sworn Statement of [REDACTED]
NCISRU Guantanamo Bay, Cuba
14JUN06

[REDACTED] and I helped a corpsman, who was performing (CPR) on another hanging victim, ISN 588. The corpsman was conducting chest compressions, and was on his knees, on the table where ISN 588 was laying. I helped to stabilize the corpsman, by holding down his legs and keeping them together. The corpsman did shifts for CPR with a second corpsman. I then went to the other side of the table, and assisted holding an oxygen mask in place over the detainee's mouth. While I was holding the oxygen mask in place, I moved the detainee's hand out of the way, so I could do a better job holding the oxygen mask in place. I don't recall off hand if I was able to bend the elbow. There was a problem because the detainee's mouth would not open, so another corpsman arrived with a special instrument to try and pry the detainee's mouth open. She struggled, and she was able to open the detainees' lips, but the detainee's teeth were clenched shut. I noticed at this point, when the lips were opened, that there were a large number of small pieces of goldish brown material, in the detainee's mouth. I could not tell for sure what these were. I was unable to tell if they were, for example, pieces of food or some other substance. [REDACTED]

A surgeon also came to assist, but was still unable to pry the detainees' jaw open. The detainee's jaw was clenched shut. I heard this same physician comment that the body appeared to be in the preliminary stage of rigor mortis. ISN 588's chest was a natural color. Only the fingers and toes were blue in color. [REDACTED]

At one point, while the corpsmen were attempting life saving measures for ISN 588, they attempted to revive him using a machine, which had tubes which connected from a machine to the detainee's body. We were told to stand clear. This device, which was probably a defibrillator, yielded no response and no movement on the part of ISN 588. [REDACTED] was in the room for part of the time that the corpsmen were trying to revive ISN 588. [REDACTED]

PRONOUNCEMENTS OF DEATHS OF ISN 693 AND ISN 588

ISN 693 was pronounced dead at 0112, and ISN 588 was pronounced dead at 0115. These pronouncements were both made at the clinic [REDACTED]

I went to the original room to look at ISN 693. [REDACTED] was talking to MA1 [REDACTED]. He told him to take charge of the bodies and not let anyone enter the room any more. Admiral Harris provided a quick de-brief to us, and thanked us for our cooperation in handling this situation [REDACTED]

(b)(3) INITIAL INFORMATION ON ISN 09 [REDACTED] NCIS b2

By this time, I already knew, from contact with other camp personnel, that there was a third [REDACTED] alert. I later found out that this referred to a third hanging victim. This [REDACTED]

NCIS
b2

1025

(b)(3)
(b)(6)
(b)(7)(C)
Third hanging victim was identified as ISN 093. [REDACTED] told me we needed a team to go to the base hospital, to see what the situation was with ISN 093. [REDACTED]

TRIP TO NAVAL HOSPITAL TO MONITOR ISN 093

[REDACTED] drove myself and [REDACTED] to the Naval Hospital. This hospital is on base, but is outside Camp Delta. We came to the acute care section. There was another team of escorts there, accompanying the body of ISN 093. These escorts advised us that no further escort guards were required for ISN 093. These escorts included [REDACTED] and her partner. When we realized that no further escorts were required, we decided to return to Camp Delta. We gave a ride to the other team, as well as a legal officer who was monitoring the situation. We dropped the legal officer off at another location, and then we returned to Camp Delta. [REDACTED]

I remember that we arrived back at Camp Delta at about 0200. As soon as we got back, a recall of escorts was in progress. We could see more escort teams were in the area. We were told to come to the conference room. At that time, we took turns talking to an NCIS agent, [REDACTED]

SUMMARY

In summary, I responded to a [REDACTED] alert and assisted in taking ISN 693 down from the hanging position. After transporting ISN 693 to the DET Clinic, and while at that clinic, I also assisted corpsmen attempting to revive ISN 588. I was able to observe the condition of the bodies of both ISN 693 and ISN 588. I did not learn of the [REDACTED] on ISN 093 until some time after it had happened [REDACTED]

I did not receive any specific indicators, in advance, that these three hanging incidents would take place. I was aware that there were other incidents of attempted suicides before, but nothing pointed to something happening that night [REDACTED]

NO FURTHER ENTRIES THIS PAGE
CONTINUED ON NEXT PAGE

Page Five of Five Pages
Sworn Statement of [REDACTED]
NCISRU Guantanamo Bay, Cuba.
14JUN06

[REDACTED] The above information completes my narrative on the events of the morning of 10JUN06. I would like to cooperate fully with this investigation, and I am available to answer additional questions upon request. [REDACTED]

[REDACTED] I have provided the above statement, consisting of this and the previous four pages, to SA [REDACTED] who typed it for me at my request. I have been given an opportunity to review this statement, and to make any changes or corrections as desired. I have placed my initials over any changes or corrections. I have read and understand this statement. This statement is the truth to the best of my knowledge and belief. [REDACTED]

Sworn to and subscribed before me this fourteenth day of June, 2006.

Witnessed:

[REDACTED]
(b)(7)(C)
Special Agent, Naval Criminal Investigative Service

Authority: Derived from Article 136, UCMJ (10 USC 936) and 5 USC 303

STATEMENT

Place : Building 760, NCISRU Guantanamo Bay, Cuba

Date : June 14, 2006

I, (b)(6)(b)(7)(C) make the following free and voluntary statement to Special Agent (b)(6)(b)(7)(C) whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the three detainee deaths which occurred in the Alpha Block of Camp 1 at Camp Delta, Joint Task Force Guantanamo Bay, Cuba, during the early morning hours of 10JUN06. (b)(6)(b)(7)(C)

For identification purposes, I, (b)(6)(b)(7)(C) am a Master at Arms (MA3), USN, JTF-NEGB, Guantanamo Bay, Cuba. I arrived at GTMO on 03DEC05, and worked in Camp 4 for four months, and moved to escorts APR06. I was at GTMO previously for six months from FEB05 to AUG05, for rotation 6.0 with Alpha Company. During that time I worked in Camp 2 and 3 for four months and as an escort for two months. On the night 09JUN06, I was working on the Escort Team, either (b)(6)(b)(7)(C). My 12 hour shift started at (b)(6)(b)(7)(C). As an escort team member, I was responsible for timely movements of detainees to medical and interrogations. Escort team members also responsible for contractor escorts. Escort team members work camp wide, but are based out of building 1 where the DOC is located. (b)(6)(b)(7)(C)

In the early morning hours of 10JUN06, at approximately 0030 or 0045, I was standing by when one of the escort control personnel called a Code (b)(6)(b)(7)(C) in Camp 1. The specific block was not indicated by escort control. Code (b)(6)(b)(7)(C)'s medical brevity code indicating that a detainee is having life threatening symptoms, such as chest pains, but Code (b)(6)(b)(7)(C) is not the highest code. During the six months I was at GTMO in FEB to AUG05, there were a lot of Code (b)(6)(b)(7)(C). For a while during that period there were over ten Code (b)(6)(b)(7)(C) a day, due to detainees dropping out due to hunger strikes. I became very familiar with Code (b)(6)(b)(7)(C) responses, and knew the exact procedures to handle a Code (b)(6)(b)(7)(C). (b)(6)(b)(7)(C)

On 10JUN06, once the (b)(6)(b)(7)(C) was called, my partner, (b)(6)(b)(7)(C) and I were told to report to the Platoon Leader (PL) of Camp 1. We were not given an exact location to respond to, so we proceeded to the SALLY of Camp 1. We asked the SALLY which block the Code (b)(6)(b)(7)(C) was on, SALLY told us that the detainee was already in the Detainee Clinic (DET), at which point MA2 (b)(6)(b)(7)(C) and I proceeded to the DET clinic. I was surprised to hear that the detainee was already in the clinic, because he was not supposed to be moved from his cell without an escort team, for this reason I had a feeling something was wrong. From my experience, the usual response to a Code (b)(6)(b)(7)(C) involves the Block Guard calling the Block Sergeant who will call the Sergeant of the Guard (SOG). The SOG then calls DOC, and DOC contacts medical and escort teams to respond to the detainee's cell prior to removal. (b)(6)(b)(7)(C)

As (b)(6)(b)(7)(C) and I entered the clinic, we saw the detainee, ISN 093, lying on a stretcher in the center of the clinic with a lot of medical personnel around him. On the morning of 10JUN06, MA2 (b)(6)(b)(7)(C) and I were responsible first detainee. When detainees are out of their cells it is our (b)(6)(b)(7)(C)

(b)(3)
(b)(6)
(b)(7)(c)

responsibility to look after their well-being and to ensure the safety of the detainee and those around him. The first thing I noticed about the detainee was his blue feet. I also noticed the detainee was limp. We asked medical if we would be going to the Naval Station Hospital and they said we would, so I called back to control to have someone bring over a full set of shackles and the ID card for ISN 093, because this is standard procedure. ID cards or "Ball cards" are required to move a detainee.

At about this time, medical advised the Camp 1 guards that they needed to remove the handcuffs that were on the detainee so that they could put the IV in him. I also recall a more senior medical person telling a junior corpsman to "stick him with something or start chest compression," but I never saw any medical staff perform chest compressions on the detainee. I did observe medical putting IV's into the detainee at about the same time I asked and was told the detainee on the bed was ISN093.

Medical advised the Camp 1 guards that they needed to remove the handcuffs that were on the detainee so that they could put the IV in him. After the handcuffs were removed, I observed a Corpsman wrapping an altered detainee sheet, that looked like the same material ISN 093 used to hang himself, around the detainee's right wrist. The other side of the material was bound to the detainee's left wrist, with approximately a foot of cloth in between. The cloth was not on the detainees wrists when the Camp 1 guards removed the handcuffs a few minutes earlier. One reason I noticed this is because usually escorts respond to the cell on a Code [REDACTED] and Flex cuffs are used, but in this instance we did not go to the cell, and the detainee was handcuffed.

One of the other detainees then arrived on a stretcher. I observed that this detainee was unconscious also. I directed the group carrying the second detainee, ISN 588, to put him into the first room on the left while I moved chairs out of the hallway. I moved back over to ISN 093, and noticed that FC1 [REDACTED] Combat Camera, from DOC was filming ISN 093. Then the Commanding Officer of Joint Detention Group (JDG), [REDACTED] arrived. The Colonel handed his cell phone to MA2 [REDACTED] and asked her to get Naval Expeditionary Guard Battalion Commanding Officer, Commander [REDACTED] on the line. At some point I also remember some Camp 1 guards running in looking for backboards, but the board was not there so they ran back out. I know that the next two detainees had escort members carrying the detainees on the backboards when they were brought into medical.

I remember Colonel [REDACTED] saying to "recall everyone now, at least a hundred people". Another two Combat Camera personnel also arrived to begin filming the other two detainees with digital Cam Corders. I do not know how much of a chance they had to film and am not sure if the third detainee had arrived yet, because Colonel B told them to stop fairly quickly. When the third detainee did arrive in medical, which was right around this time, he and was taken into a third area of the clinic. I did not observe him closely, but did see that he appeared lifeless.

When I heard sirens coming I started to look for [REDACTED] because I knew we needed to assist in transporting ISN 093 to the hospital. I located [REDACTED] quickly, and noted she was on the phone doing something for Colonel [REDACTED]. I remember the EMTs coming in. They were both HM3s and arrived with a large stretcher and gear. One of them immediately started doing chest compressions because medical was not doing it. Right before we put ISN 093 on the EMT's stretcher. Colonel [REDACTED] said that he wanted at least one MP to go with the detainee. [REDACTED] and I, along with the two EMTs carried ISN 093 out to the ambulance and accompanied him to the hospital. As soon as we got into the ambulance, the corpsman started up chest compressions again. I was in the back of the ambulance with the corpsman, while [REDACTED] was sent by the corpsman to find a qualified driver for the ambulance. In about three minutes [REDACTED] returned with a corpsman from the clinic who drove the vehicle. The corpsmen in the back of the ambulance said they needed my help, so I pulled the detainees neck back to keep his airway open while also keeping the air mask on his mouth and compressing the air bag twice for every fifteen chest compressions given by the corpsman. I remember that it was very rough ride to the hospital. When the corpsman checked the first set of vitals in the ambulance, he said the detainee's heart was beating, and I observed this on the monitor. But I

[REDACTED] am not sure if his heart was beating on its own or if we were doing it. The heart beat was up and down the whole way to the hospital. [REDACTED]

When we were about halfway to the hospital ISN 093 started spitting up blood all over my hands. The blood was not like normal blood, it was thick and orange. I pulled back, but the corpsman said to keep going. When I pulled ISN 093's head back again the corpsman and I noticed that the detainee's neck was swollen, puffy and was a purple color. As the corpsman pushed on the detainee's neck, the corpsman seemed surprised to see that the detainee still had a piece of material wrapped tightly three or four times around his neck. The corpsman tried to put his finger in between the cloth and the detainee's neck, but the material was too tight for him to do this. I also tried to do the same thing, but without success. I know that the material was an altered sheet that was ripped into strands. I know this because detainees used to do it all the time when I worked in Camp 4, in order to make things such as clothes lines and shower curtain lines. The cloth was knotted around the detainee's neck in the front, and appeared to have been cut just above the knot. The material was not braided, but was bunched up. The corpsman cut the "rope" a bit to loosen it, but did not cut it all the way through, and it remained on the detainee's body. We continued CPR all the way to the hospital and on into the Detention/Detainee Advanced Care Unit. We were directed by medical to put ISN093 on one of the beds, where CPR was continued by the corpsman, while I used the phone to inform DOC that we had arrived. The DOC contact logged the call in at 0111. Medical surrounded ISN 093 and commenced care. I answered the phone, and a female Commander from the DET clinic was asking for the status of the detainee, but the status was uncertain at that point. The Commander called back and said that the other two were dead, and again asked for the status. One of the medical staff looked at me and held his thumb and index finger about an inch apart and said, "He's that close to death." I told the Commander we would call her back when we had a status. The head of S3 arrived with a JAG officer to assess the situation. ISN093 was pronounced dead at 0150. S3 then relieved us to go "back to the wire." From the time I was told to report to Camp 1 and the time ISN 093 was pronounced dead was probably about an hour and fifteen minutes. [REDACTED]

[REDACTED] Throughout the time I have been at GTMO (this includes both rotations), I have watched the detainees be given more leeway and have more items provided to them by Command. Detainees have consistently been allowed to get away with Standard Operating Procedures (SOP) violations that have been allowed to slide by the Command. Violations include the hanging of sheets too high and altering [REDACTED] When a guard observes a violation, the Guard can ask a detainee to stop what he is doing, but can do little else when a violations occurs except write the detainee up and put the incident in the system. Detainees are allowed to get away with small stuff and then this grows until they are allowed to get away with even more. [REDACTED]

This statement [REDACTED] (b)(3), (b)(7)(C) other pages was typed for me by [REDACTED] (b)(6), (b)(7)(C) s we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is true to [REDACTED] (b)(3), (b)(6), (b)(7)(C)

Signature [REDACTED]

Sworn to and subscribed before me this 15th day of June in the year 2006, at [REDACTED] 1210

Witnessed: [REDACTED]

Representative Naval Criminal Investigative Service
AFFIDAVIT DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) and 5 U.S.C. 303

STATEMENT

Place : Building 760, NCISRU Guantanamo Bay, Cuba

Date : June 14, 2006

I, (b)(3)(b)(6)(b)(7)(F) make the following free and voluntary statement to Special Agent (b)(3)(b)(6) whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the three detainee deaths which occurred in the Alpha Block of Camp 1 at Camp Delta, Joint Task Force Guantanamo Bay, Cuba, during the early morning hours of 10JUN06. (b)(3)(b)(6)

For identification purposes, I, (b)(3)(b)(6)(b)(7)(F) am a Master at Arms (MA3), USN, JTF-NEGB, Guantanamo Bay, Cuba. I arrived at GTMO on 03DEC05, and worked in Camp 4 for four months, and moved to escorts APR06. I was at GTMO previously for six months from FEB05 to AUG05, for rotation 6.0 with Alpha Company. During that time I worked in Camp 2 and 3 for four months and as an escort for two months. On the night 09JUN06, I was working on the Escort Team, either (b)(3)(b)(6). My 12 hour shift started at (b)(3)(b)(6). As an escort team member, I was responsible for timely movements of detainees to medical and interrogations. Escort team members also responsible for contractor escorts. Escort team members work camp wide, but are based out of building 1 where the DOC is located. (b)(3)(b)(6)

In the early morning hours of 10JUN06, at approximately 0030 or 0045, I was standing by when one of the escort control personnel called a Code (b)(3)(b)(6) in Camp 1. The specific block was not indicated by escort control. Code (b)(3)(b)(6) is medical brevity code indicating that a detainee is having life threatening symptoms, such as chest pains, but Code (b)(3)(b)(6) is not the highest code. During the six months I was at GTMO in FEB to AUG05, there were a lot of Code (b)(3)(b)(6). For a while during that period there were over ten Code (b)(3)(b)(6) a day, due to detainees dropping out due to hunger strikes. I became very familiar with Code (b)(3)(b)(6) responses, and knew the exact procedures to handle a Code (b)(3)(b)(6). (b)(3)(b)(6)(b)(7)(F)

On 10JUN06, once the (b)(3)(b)(6) was called, my partner, (b)(3)(b)(6)(b)(7)(F) and I were told to report to the Platoon Leader (PL) of Camp 1. We were not given an exact location to respond to, so we proceeded to the SALLY of Camp 1. We asked the SALLY which block the Code (b)(3)(b)(6) was on, SALLY told us that the detainee was already in the Detainee Clinic (DET), at which point MA2 (b)(3)(b)(6) and I proceeded to the DET clinic. I was surprised to hear that the detainee was already in the clinic, because he was not supposed to be moved from his cell without an escort team, for this reason I had a feeling something was wrong. From my experience, the usual response to a Code (b)(3)(b)(6) involves the Block Guard calling the Block Sergeant who will call the Sergeant of the Guard (SOG). The SOG then calls DOC, and DOC contacts medical and escort teams to respond to the detainee's cell prior to removal. (b)(3)(b)(6)

As (b)(3)(b)(6) and I entered the clinic, we saw the detainee, ISN 093, lying on a stretcher in the center of the clinic with a lot of medical personnel around him. On the morning of 10JUN06, MA2 (b)(3)(b)(6) and I were responsible first detainee. When detainees are out of their cells it is our (b)(3)(b)(6) (b)(3)(b)(6)(b)(7)(F)

(b)(3)
(b)(6)
(b)(7)(C)

responsibility to look after their well-being and to ensure the safety of the detainee and those around him. The first thing I noticed about the detainee was his blue feet. I also noticed the detainee was limp. We asked medical if we would be going to the Naval Station Hospital and they said we would, so I called back to control to have someone bring over a full set of shackles and the ID card for ISN 093, because this is standard procedure. ID cards or "Ball cards" are required to move a detainee.

At about this time, medical advised the Camp 1 guards that they needed to remove the handcuffs that were on the detainee so that they could put the IV in him. I also recall a more senior medical person telling a junior corpsman to "stick him with something or start chest compression," but I never saw any medical staff perform chest compressions on the detainee. I did observe medical putting IV's into the detainee at about the same time I asked and was told the detainee on the bed was ISN093.

Medical advised the Camp 1 guards that they needed to remove the handcuffs that were on the detainee so that they could put the IV in him. After the handcuffs were removed, I observed a Corpsman wrapping an altered detainee sheet, that looked like the same material ISN 093 used to hang himself, around the detainee's right wrist. The other side of the material was bound to the detainee's left wrist, with approximately a foot of cloth in between. The cloth was not on the detainees wrists when the Camp 1 guards removed the handcuffs a few minutes earlier. One reason I noticed this is because usually escorts respond to the cell on a Code [REDACTED] and Flex cuffs are used, but in this instance we did not go to the cell, and the detainee was handcuffed.

One of the other detainees then arrived on a stretcher. I observed that this detainee was unconscious also. I directed the group carrying the second detainee, ISN 588, to put him into the first room on the left while I moved chairs out of the hallway. I moved back over to ISN 093, and noticed that FC1 [REDACTED] Combat Camera, from DOC was filming ISN 093. Then the Commanding Officer of Joint Detention Group (JDG), [REDACTED] arrived. The Colonel handed his cell phone to MA2 [REDACTED] and asked her to get Naval Expeditionary Guard Battalion Commanding Officer, Commander [REDACTED] on the line. At some point I also remember some Camp 1 guards running in looking for backboards, but the board was not there so they ran back out. I know that the next two detainees had escort members carrying the detainees on the backboards when they were brought into medical.

I remember Colonel [REDACTED] saying to "recall everyone now, at least a hundred people". Another two Combat Camera personnel also arrived to begin filming the other two detainees with digital Cam Corders. I do not know how much of a chance they had to film and am not sure if the third detainee had arrived yet, because Colonel B told them to stop fairly quickly. When the third detainee did arrive in medical, which was right around this time, he and was taken into a third area of the clinic. I did not observe him closely, but did see that he appeared lifeless.

When I heard sirens coming I started to look for [REDACTED] because I knew we needed to assist in transporting ISN 093 to the hospital. I located [REDACTED] quickly, and noted she was on the phone doing something for Colonel [REDACTED]. I remember the EMTs coming in. They were both HM3s and arrived with a large stretcher and gear. One of them immediately started doing chest compressions because medical [REDACTED] was not doing it. Right before we put ISN 093 on the EMT's stretcher, Colonel [REDACTED] said that he wanted at least one MP to go with the detainee. [REDACTED] and I, along with the two EMTs carried ISN 093 out to the ambulance and accompanied him to the hospital. As soon as we got into the ambulance, the corpsman started up chest compressions again. I was in the back of the ambulance with the corpsman, while [REDACTED] was sent by the corpsman to find a qualified driver for the ambulance. In about three minutes [REDACTED] returned with a corpsman from the clinic who drove the vehicle. The corpsman in the back of the ambulance said they needed my help, so I pulled the detainee's neck back to keep his airway open while also keeping the air mask on his mouth and compressing the air bag twice for every fifteen chest compressions given by the corpsman. I remember that it was very rough ride to the hospital. When the corpsman checked the first set of vitals in the ambulance, he said the detainee's heart was beating, and I observed this on the monitor. But I

[REDACTED] am not sure if his heart was beating on its own or if we were doing it. The heart beat was up and down the whole way to the hospital. [REDACTED]

When we were about halfway to the hospital ISN 093 started spitting up blood all over my hands. The blood was not like normal blood, it was thick and orange. I pulled back, but the corpsman said to keep going. When I pulled ISN 093's head back again the corpsman and I noticed that the detainee's neck was swollen, puffy and was a purple color. As the corpsman pushed on the detainee's neck, the corpsman seemed surprised to see that the detainee still had a piece of material wrapped tightly three or four times around his neck. The corpsman tried to put his finger in between the cloth and the detainee's neck, but the material was too tight for him to do this. I also tried to do the same thing, but without success. I know that the material was an altered sheet that was ripped into strands. I know this because detainees used to do it all the time when I worked in Camp 4, in order to make things such as clothes lines and shower curtain lines. The cloth was knotted around the detainee's neck in the front, and appeared to have been cut just above the knot. The material was not braided, but was bunched up. The corpsman cut the "rope" a bit to loosen it, but did not cut it all the way through, and it remained on the detainee's body. We continued CPR all the way to the hospital and on into the Detention/Detainee Advanced Care Unit. We were directed by medical to put ISN093 on one of the beds, where CPR was continued by the corpsman, while I used the phone to inform DOC that we had arrived. The DOC contact logged the call in at 0111. Medical surrounded ISN 093 and commenced care. I answered the phone, and a female Commander from the DET clinic was asking for the status of the detainee, but the status was uncertain at that point. The Commander called back and said that the other two were dead, and again asked for the status. One of the medical staff looked at me and held his thumb and index finger about an inch apart and said, "He's that close to death." I told the Commander we would call her back when we had a status. The head of S3 arrived with a JAG officer to assess the situation. ISN093 was pronounced dead at 0150. S3 then relieved us to go "back to the wire." From the time I was told to report to Camp 1 and the time ISN 093 was pronounced dead was probably about an hour and fifteen minutes. [REDACTED]

[REDACTED] Throughout the time I have been at GTMO (this includes both rotations), I have watched the detainees be given more leeway and have more items provided to them by Command. Detainees have consistently been allowed to get away with Standard Operating Procedures (SOP) violations that have been allowed to slide by the Command. Violations include the hanging of sheets too high and altering [REDACTED] When a guard observes a violation, the Guard can ask a detainee to stop what he is doing, but can do little else when a violations occurs except write the detainee up and put the incident in the system. Detainees are allowed to get away with small stuff and then this grows until they are allowed to get away with even more. [REDACTED]

This statement, consisting of this page and two other pages was typed for me by [REDACTED] s we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is true to [REDACTED]

Signature [REDACTED]

Sworn to and subscribed before me this 15th day of June in the year 2006, at [REDACTED]

Witnessed: [REDACTED]

Representative Navy Criminal Investigative Service
AFFIDAVIT DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) and 5 U.S.C. 303

NARRATIVE SUMMARY

10 June 2006

Number: 888-00-0693

DOB: 1979

Language: Arabic

In process date: 18 June 2002

Allergies: No known drug allergies

Past Medical History: History of nephrolithiasis and urinary tract infections
History of peptic ulcer disease
Hunger striking 7/02, 7/05, 8/05, 9/05, 10/05, 12/05
Hunger striker – enterally fed from 12/05 until 6/06
Chronic knee pain
Chronic testicular pain – Varicocele
Old 5th metacarpal fracture stable

Past Surgical History: Right Mandibular abscess/cyst incision and drainage in July 2002.

In-Process Medical History: He arrived at Guantanamo Bay in good health. He had a 2cm scar in left frontal, multiple scars on scalp, superficial abrasion on left pinna and right cheek. He was found to have tenderness epigastrically on entrance physical exam. He complained about chronic testicular pain and dysuria on entrance history. His weight was 172 pounds with a BMI of 27.

Detention Medical History: He had access to medical care on a daily basis. In July 2002, he was treated for right mandibular abscess/cyst and required incision and drainage with multiple dressing changes. He was treated for a left otitis media in July 2003. He had a contact dermatitis in February 2005 that resolved with hydrocortisone and benadryl. He has complained about chronic testicular pain and was found to have a varicocele in February 2005 and was given scrotal support for comfort reasons. He complained of chronic knee pain and treated appropriately with anti-inflammatory pain medications and exercises. He has been a repeated hunger striker during 2005. In December 2005, he was worked up extensively for significant weight loss. After complete work up was negative, detainee admitted to being a covert hunger striker. He had been seen for inflammation of his nasal turbinates due to prolonged enteral feeding while on hunger strike. Evaluated by otolaryngologist in April 2006 for this issue and resolved with some topical antibiotics. Detainee was a prolonged hunger striker who was enterally fed for 5 months. He was 113.5% of IBW with a weight of 165lbs prior to ending his hunger strike and was returned to the regular blocks. Detainee brought to clinic on night of June 11th after committing suicide by likely asphyxiation from

obstructing his airway. Detainee declared dead at 0115 after a significant attempt to resuscitate.

Detention Psychiatric History: No known psychiatric history.

Detention Inpatient History: Admitted to detention hospital for weight loss work up in December 2005 and later enterally fed in the hospital before moving to the feeding blocks.

Detention Surgical History: In July 2002, he had incision and drainage of right mandibular abscess/cyst.

Dental History: He had access to routine dental care while in custody and in May 2004 and May 2006 for a routine exam and cleaning.

Eye Exam: He had access to routine eye exams.

Current Health: He is currently in good health on most recent exam with a BMI of 26.

Medications: None

Immunizations: PPD negative; MMR 4/03; Hep A/Hep B (TWINRIX) completed 10/03; Influenza 10/03; completed DpT/Tetanus 4/04. Hepatitis A, Hepatitis B, Hepatitis C and HIV screens were negative. He is not G6PD deficient.

Physical Examination: Deferred

Radiographic Studies: Not applicable.

Senior Medical Officer
Detention Hospital
Guantanamo Bay, Cuba

10JUN2005 Movement
1659L

10JUN2006 Movement
1658L

10JUN2006 99-Other
0811L

ISN#000693. Finished Move (b)(2) from Patient Admin to Cell A5

ISN#000693. Finished Move (b)(2) from Patient Admin to Cell A8

(b)(3):10 USC
§130b,(b)(6)

FURTHER INVESTIGATION REVEALED THAT Cells A5, A12 AND A8 WERE ALL SETUP IN THE SAME MANNER WITH A SHEET AND BLANKET IN THE BACK CORNER OF THE CELL BY THE DRINKING FOUNTAIN AND THE BEDS WERE SETUP TO LOOK AS IF SOMEONE WAS SLEEPING. ISN#000588, ISN#000693 AND ISN#000693 WERE ALL TIED UP AND HANGING BEHIND BLANKET. ALL IN THE SAME MANNER, WITH A CLOTH TIED AROUND THEIR NECK, HANDS, ANKLES AND HEAD. ALSO, THEIR MOUTHS WERE COVERED WITH A MUZZLE LIKE FACE PIECE WITH ONE EXCEPTION, ISN#000693 AND ISN#000588 HAD PIECES OF CLOTH IN THEIR MOUTHS AND ISN#000693 HAD NO CLOTH IN HIS MOUTH.

10JUN2006 08- Medical
0810L Emergency

At approximately 0046, 09Jun2006, while (b)(2) was walking the tier, he was not able to see ISN#000693 Cell A5. (b)(2) began calling ISN#000693 by his ISN number and banged the bean hole with no response, at which time (b)(2) called away (b)(2). Upon entering Cell A5, (b)(2) observed ISN#000693 hanging in the cell with a tightly twisted sheet and appeared to be unconscious. (b)(2) grabbed

(b)(3):10 USC
§130b,(b)(6)

ISN#000693 around the waist and arms supporting his weight, MA2 (Escorts) cut ISN#000693 down. (b)(2) placed ISN#000693 down on the deck, handcuffed and shackled. ISN#000693 was placed on the back board and secured, at which time he was transported to Det Clinic. SOG and PL took over the scene. DOC was notified.

10JUN2006 08- Medical
0809L Emergency

At approximately 0045, 09Jun2006, while (b)(2) was walking on the tier, he was told by (b)(2) that he can't see ISN#000588 from the front of Cell A12. (b)(2) proceeded to the back of the cell and noticed ISN#000588 hanging behind a blanket in the back corner of the cell by the drinking fountain with a tightly twisted sheet. ISN#000588 was also observed with a gag piece of cloth in his mouth. (b)(2),(b)(3) called away (b)(2) and proceeded to the front of the cell to help (b)(2),(b)(3):10 USC and (b)(2) with ISN#000588 Cell A12. Upon entering Cell A12, (b)(2),(b)(3) grabbed ISN#000588 around the waist and arms supporting his weight. (b)(2) cut ISN#000588 down. (b)(2),(b)(3):10 USC placed ISN#000588 down on the deck, handcuffed and shackled. (b)(2),(b)(3) removed the piece of cloth from ISN#000588's mouth. ISN#000588 was placed on the back board and secured, at which time he was transported to Det Clinic. SOG and PL took over the scene. DOC notified.

(b)(3):10 USC

10JUN2006 Movement
0523L

10JUN2006 Movement
0521L

10JUN2006 Movement
0517L

ISN#000588. Started Move (b)(2) from Cell A12 to Patient Admin

ISN#000693. Started Move (b)(2) from Cell A8 to Patient Admin

ISN#000693. Started Move (b)(2) from Cell A5 to Patient Admin

(b)(3):10 USC
§130b,(b)(6)

10JUN2006 99-Other

(b)(2) § OFF BLOCK.

A BLOCK NCO

0513L
10JUN2006 99-Other
0513L
10JUN2006 Movement
0511L
10JUN2006 Movement
0507L
10JUN2006 99-Other
0605L
10JUN2006 Movement
0457L
10JUN2006 99-Other
0456L
10JUN2006 99-Other
0453L
10JUN2006 99-Other
0452L
10JUN2006 Movement
0451L
10JUN2006 99-Other
0450L
10JUN2006 99-Other
0450L
10JUN2006 Movement
0449L
10JUN2006 99-Other
0449L
10JUN2006 Movement
0448L
10JUN2006 99-Other
0447L
10JUN2006 Movement
0446L
10JUN2006 99-Other
0445L
10JUN2006 99-Other
0444L
10JUN2006 Movement
0443L
10JUN2006 Movement
0442L
10JUN2006 Movement
0442L
10JUN2006 99-Other
0439L
10JUN2006 Movement
0438L
10JUN2006 99-Other
0432L
10JUN2006 Movement
0428L
10JUN2005 Movement
0427L

(b)(2),(b)(3):10 USC §130b,(b)(6)

10JUN2006 99-Other
0427L

10JUN2006 Movement
0426L

10JUN2006 99-Other
0426L

10JUN2006 Movement
0425L

10JUN2006 99-Other
0423L

10JUN2006 Movement
0422L

10JUN2006 99-Other
0421L

10JUN2006 99-Other
0419L

10JUN2006 Movement
0417L

10JUN2006 Movement
0416L

10JUN2006 99-Other
0416L

10JUN2006 99-Other
0415L

10JUN2006 99-Other
0414L

10JUN2006 99-Other
0411L

10JUN2006 99-Other
0408L

10JUN2006 Movement
0407L

10JUN2006 99-Other
0405L

10JUN2006 99-Other
0405L

10JUN2006 99-Other
0402L

10JUN2006 99-Other
0402L

10JUN2006 99-Other
0358L

10JUN2006 99-Other
0351L

10JUN2006 Movement
0350L

10JUN2006 99-Other
0349L

10JUN2006 99-Other
0348L

10JUN2006 Movement
0347L

10JUN2006 99-Other
0347L

(b)(2),(b)(3):10 USC §130b,(b)(6)

10JUN2006 99-Other
0346L

10JUN2006 99-Other
0345L

10JUN2006 99-Other
0344L

10JUN2006 Movement
0341L

10JUN2006 99-Other
0340L

10JUN2006 99-Other
0339L

10JUN2006 Movement
0338L

10JUN2006 99-Other
0338L

10JUN2006 99-Other
0336L

10JUN2006 99-Other
0335L

10JUN2006 99-Other
0334L

(b)(2)

10JUN2006 99-Other
0330L

10JUN2006 99-Other
0328L

10JUN2006 Movement
0325L

10JUN2006 99-Other
0317L

10JUN2006 99-Other
0316L

10JUN2006 99-Other
0311L

10JUN2006 99-Other
0310L

10JUN2006 Movement
0306L

10JUN2006 99-Other
0303L

10JUN2006 10- BHS
0301L

10JUN2006 99-Other
0300L

10JUN2006 99-Other
0259L

10JUN2006 99-Other
0257L

10JUN2006 99-Other
0218L

10JUN2006 99-Other
0212L

(b)(2),(b)(3):10 USC §130b,(b)(6)

(b)(2)

STATEMENT

PLACE: NCISRU Guantanamo Bay, Cuba Office

DATE: June 15, 2006

(b)(3) I, (b)(3) (b)(6) (b)(7)(C) make this free and voluntary statement to (b)(7)(C) (b)(7)(C) whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the deaths of three detainees residing in Alpha Block, Camp Delta on 10JUN06. (b)(3) (b)(6)

(b)(3) For identification purposes (b)(3) (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C)

(b)(3) I serve as a Block Guard at Camp 1 or (b)(2) of the Joint Task Force, Guantanamo Bay, Cuba. As a Block Guard I conduct cell searches, escort the detainees to the Recreation Rooms and showers, provide food to the detainees and try to maintain order in the Block. To maintain order, the Block Guards walk on the "tier" between the two rows of cells. There should be a Block Guard on the tier at all times. The purpose of being on the tier is to monitor the activities of the detainees. (b)(3) (b)(6)

(b)(3) On 09JUN06 from (b)(3) (b)(6) I served as a Block Guard on Alpha Block of Camp 1. (b)(6) During this time the block was mostly quiet except for three events. The first event involved the inmate in cell (b)(2). He was using the restroom and was covering his head with sheets. This is not allowed. The detainees are allowed to cover themselves up to their shoulders but no higher. The Non-Commissioned Officer, (b)(3) (b)(6) seized the detainee's sheet. I don't remember what time this event occurred. (b)(3) (b)(6)

(b)(3) The second event was the detainee in cell (b)(2). I cannot remember which, was moved to (b)(2). He was moved because he shouldn't have been in cell (b)(2). He was originally in (b)(2) and somebody moved him to cell (b)(2). Once he was in (b)(2) the detainee complained about being too close to (b)(2) because there is a disruptive detainee in that cell. After he complained about being too close to (b)(2) the detainee was moved to (b)(2). The (b)(2) team moved him. I do not know who the members of the (b)(2) were. I think the detainee was moved to (b)(2) between 1000 and 1100 and then was moved to (b)(2) two hours later. (b)(3) (b)(6)

(b)(3) The third event involved the inmate in cell 4 where the detainee hung a blanket from the (b)(6) sides of the cell. The blanket was hung from approximately half way up the wall across the cell. The blanket was tied off through the mesh of the cell walls. The blanket was approximately 2 to 3 feet from the back wall. It was approximately 4 to 5 feet high. I believed he was covering himself while he was using the restroom. I told him to take it (b)(3) (b)(6)

(b)(3) down three times but he would not comply. I then went to do paperwork in order to seize the blanket. After completing the paperwork, (b)(3) (b)(6) seized the blanket by requesting it from the detainee. The detainee provided both of his blankets and (b)(3) (b)(3) took one of the blankets and sent it the linen department and put the other one on top of his cell. This event occurred from 1500 to 1600. (b)(3)

(b)(3) The events described in the preceding three paragraphs should have been entered into the Detainee Information Management System (DIMS). I did not enter the information. I do not remember the times of these events but the exact times should be recorded in DIMS. (b)(3)

(b)(3) The shift I worked Block Guards conducted cell searches of all the cells on Alpha Block. (b)(6) We did not discover anything that a detainee could hang himself with. We did not find any weapons either. I heard rumors that the detainees bound their hands and feet and then hung themselves with altered sheets. I searched cell 5 but I did not find anything that would allow the detainee in cell 5 to hang himself in the manner of the rumors. I did not see any hanging blankets in cell 5. My recollection is that they were folded on the bunk. I took them and shook them loose refolded them and put them back on the bunk. I may have searched cells 8 and 12 but I do not remember. These cell searches were done between 1400 and 1700. (b)(3) (b)(6)

(b)(3) (b)(6)
(b)(7)(C)

994

Continuation of Voluntary Sworn Statement of

(b)(3) (b)(6) (b)(7)(C)

On 15 June 2006

(b)(3) (b)(6)
(b)(7)(C)

This statement, consisting of this page and 2 other page(s) was typed for me by (b)(7)(C) as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief.

(b)(3) (b)(6) (b)(7)(C)

Signature: _____

Sworn to and subscribed before me this 15th day of June in the year 2006
at NCISRU Guantanamo Bay, Cuba.

Witnessed: (b)(7)(C) _____

(b)(7)(C) _____

Representative, Naval Criminal Investigative Service
AUTH: DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

Date: 14-May-03

Time: 1701

ISN: 888-00-0693

Cell#: (b)(2)

Language: Arabic English Farsi French Pashtu Russian Urdu Uzbek

Subjective:

FOOD REFUSAL ASSESSMENT: Detainee with a smile stated, "I'm good. I'm not crazy. They know me no crazy." Detainee limited his interaction with me, spoke with the guard briefly and he said he don't want to talk anymore to BHS.

Objective:

Visited feeding block with without interpreter. Detainee was seen seated inside his segregation cell. Detainee appeared well nourished with energy as he uttered with normal tone of voice his comments. Detainee wore a black support brace on his right ankle. According to the nutritionist flow chart, there's no detainee current weight for May. His last weight dated 6 April was 160.8 pounds and his height is 66.6 inches. His in processing weight was 149 pounds in Jan 2002 (Average weight = 134). Detainee did not appear to be in any physical or mental distress at this time. SIB noted or observed. Internal or external stimuli was noted or observed.

Mental Status Exam:

Appearance: neat/clean

Mood: mellow

Distinguishing Features: none noted

Affect: congruent

Alert/Orientation: alert

Thought Content: within normal limits

Speech: normal English

Thought Process: goal directed

Eye Contact: good

Thought Perception: within normal limits

Communication: normal

Attention/Concentration: within normal limits

Motor Skills: within normal limits

Intelligence: average

Memory: intact

Insight/Judgment: good

Level Status: Level III

Self-injurious Behavior: Detainee denied or none noted

Assessment:

Dx: No Diagnosis on Axis I, Antisocial and Borderline Traits

It appeared detainee did not appear to be in any mental or physical distress at this time. Although detainee have his reason for being involuntarily feed since January, it appeared detainee will continue to be on hunger striker until he's release to his home country. He does not seem to have any concerning depressive symptoms or evidence of thought disorder. The detainee's food refusal coincides with multiple other food refusals who were or are demanding release and or for medical reasons.

Plan:

Continue to rule out symptoms or evidence of thought/mood disorder in 7 days providing detainee will talk.

- F/U is scheduled for every week
- Initiate or maintain precautions for
- Recommend medication evaluation
- Encourage fluid intake and eating

- Discuss case at next treatment team
- Referral to psychologist for complete evaluation
- Recommend discharge from service

(b)(3):10 USC §130b,(b)(6)

DETAINEE IDENTIFICATION (Impress)

0693

RECORDS MAINTAINED AT: Detention Hospital, GTMO Cuba

SEX: Male

11U

888-00-0693

DOB:

McHenry, Teresa

From: Weinstein, Jason
Sent: Thursday, October 29, 2009 5:50 PM
To: McGovern, Robert; McHenry, Teresa; Jaffe, David
Cc: Raman, Mythili; Fagell, Steven
Subject: RE: Heads-up from Rep. Delahunt re: GTMO suicide allegations

Exemptions 5, 7(E) per CRM



Thanks!

From: McGovern, Robert
Sent: Thursday, October 29, 2009 4:40 PM
To: Weinstein, Jason; McHenry, Teresa; Jaffe, David
Subject: RE: Heads-up from Rep. Delahunt re: GTMO suicide allegations

Sorry, I just returned from the FBI lab at Quantico. Tomorrow at 1pm is good for me too if that is still a go.

From: Weinstein, Jason
Sent: Thursday, October 29, 2009 11:24 AM
To: McHenry, Teresa; Jaffe, David; McGovern, Robert
Subject: FW: Heads-up from Rep. Delahunt re: GTMO suicide allegations

DSS folks?

From: Weinstein, Jason
Sent: Thursday, October 29, 2009 11:24 AM
To: Ruemmler, Kathryn (ODAG) (SMO)
Cc: Monaco, Lisa (ODAG); Raman, Mythili; Fagell, Steven
Subject: RE: Heads-up from Rep. Delahunt re: GTMO suicide allegations

Let me check with the DSS folks.

From: Ruemmler, Kathryn (ODAG) [mailto:Kathryn.Ruemmler@usdoj.gov]
Sent: Thursday, October 29, 2009 11:21 AM
To: Weinstein, Jason
Cc: Monaco, Lisa (ODAG); Raman, Mythili; Fagell, Steven
Subject: RE: Heads-up from Rep. Delahunt re: GTMO suicide allegations

10/30/2009

Would 1 to 2 tomorrow work?

From: Weinstein, Jason (CRM)
Sent: Thursday, October 29, 2009 11:19 AM
To: Ruemmler, Kathryn (DDAG)
Cc: Monaco, Lisa (ODAG); Raman, Mythili (CRM); Fagell, Steven (CRM)
Subject: RE: Heads-up from Rep. Delahunt re: GTMO suicide allegations

Exemptions 5, 7(E) per CRM



From: Ruemmler, Kathryn (ODAG) [mailto:Kathryn.Ruemmler@usdoj.gov]
Sent: Thursday, October 29, 2009 10:58 AM
To: Weinstein, Jason
Cc: Monaco, Lisa (ODAG)
Subject: FW: Heads-up from Rep. Delahunt re: GTMO suicide allegations

FYI. Let me know when you want to discuss.

From: Monaco, Lisa (ODAG)
Sent: Wednesday, October 28, 2009 11:14 PM
To: Ruemmler, Kathryn (ODAG); Verrill, Donald
Subject: Fw: Heads-up from Rep. Delahunt re: GTMO suicide allegations

We should discuss tomorrow. Assume this is our NJ matter.

Lisa Monaco
Associate Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
(o) 202.514.3712
(c) [redacted] Exemption 6
Lisa.Monaco@usdoj.gov
SIPR: Lisa.Monaco@usdoj.gov(classified email)

From: Agrast, Mark D.
To: Miller, Matthew A; Olsen, Matthew (OAG)
Cc: Monaco, Lisa (ODAG); Jeffress, Amy (OAG); Welch, Ron
Sent: Wed Oct 28 22:33:42 2009
Subject: Heads-up from Rep. Delahunt re: GTMO suicide allegations

Rep. Delahunt called today to alert us to an upcoming ABC story on allegations involving three deaths at GTMO in 2008 which were ruled suicides. (The allegations are that the three did not take their own lives.) You are probably already aware of this, but it was the first we had heard of it. Apart from wanting to alert us that ABC is preparing to air the story, the congressman asked whether this matter is under investigation, and said that if the allegations are credible, he may wish to hold hearings on these cases. Please let me know if there is anything we can tell him.

10/30/2009.

Mark David Agrast
Deputy Assistant Attorney General for Legislative Affairs
U.S. DEPARTMENT OF JUSTICE
Robert F. Kennedy Main Justice Building
950 Pennsylvania Avenue, N.W., Room 1607
Washington, D.C. 20530-0001
202.514.2141 main | 202.305.7851 direct | 202.514.4482 fax

10/30/2009