

[REDACTED]

U.S. soldiers dealing with deployment-related stress.<sup>274</sup> In a written statement provided to the Committee, MAJ Burney described the assignment:

Three of us; [REDACTED] [the enlisted psychiatric technician], and I, were hijacked and immediately in processed into Joint Task Force 170, the military intelligence command on the island. It turns out we were assigned to the interrogation element because Joint Task Force 170 had authorizations for a psychiatrist, a psychologist, and a psychiatric technician on its duty roster but nobody had been deployed to fill these positions. Nobody really knew what we were supposed to do for the unit, but at least the duty roster had its positions filled.<sup>275</sup>

(U) MG Dunlavey told the Committee that he was in the hospital for much of the month of June and did not know who initiated the creation of the JTF-170 BSCT.<sup>276</sup>

(U) Prior to their arrival at GTMO, neither MAJ Burney nor [REDACTED] had any training to support interrogations and there was no standard operating procedure in place for the team at GTMO.<sup>277</sup> MAJ Burney told the Committee that the team was “very aware of how little we knew about the whole spectrum of detention and interrogation, we decided we needed help.”<sup>278</sup>

**B. Behavioral Science Consultation Team (BSCT) Personnel Contact the Army Special Operations Command (USASOC) (U)**

(U) Shortly after arriving at GTMO, the BSCT contacted the Chief of the Psychological Applications Directorate (PAD) at the U.S. Army’s Special Operations Command (USASOC), LTC Louie “Morgan” Banks.<sup>279</sup> At the time, LTC Banks was also the senior Army SERE Psychologist. The BSCT psychologist, [REDACTED] had met LTC Banks prior to deploying to GTMO but told the Committee that he was unaware at the time of the connections LTC Banks had with the Army’s SERE School.

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<sup>274</sup> Committee staff interview of MAJ Paul Burney (August 21, 2007); Committee staff interview of [REDACTED] (September 12, 2007).

<sup>275</sup> Written statement of MAJ Paul Burney (August 21, 2007).

<sup>276</sup> Committee staff interview of MG Michael Dunlavey (November 30, 2007).

<sup>277</sup> [REDACTED] A standard operating procedure was drafted in November 2002, several months after the BSCT was established. It described BSCT tasks including: consulting on interrogation approach techniques, conducting detainee file reviews to construct personality profiles and provide recommendations for interrogation strategies; observing interrogations and providing feedback to interrogators on detainee behavior, flow of the interrogation process, translator and cultural issues and possible strategies for further interrogation; and providing consultation/training on specific behavioral science interviewing and observational techniques that promote productive interrogation. The November SOP also stated that the BSCT “does not conduct medical evaluation or treatment of detainees and does not participate in determining medical treatment protocols for detainees.” While the Committee does not know whether the SOP was ever approved, it comports with what BSCT members told the Committee about their activities. JTF GTMO-BSCT Memorandum for Record, *BSCT Standard Operating Procedures* (November 11, 2002); Committee staff interview of [REDACTED] (September 12, 2007); Committee staff interview of Paul Burney (August 21, 2007).

<sup>278</sup> Written statement of MAJ Paul Burney (August 21, 2007).

<sup>279</sup> Committee staff interview of [REDACTED] (September 12, 2007).

[REDACTED]

(U) According to DoD General Counsel Jim Haynes, the Secretary of Defense met with participants of the Working Group and was aware of concerns reflected in the comments made by the senior military lawyers.<sup>984</sup>

(U) On March 6, 2003, the Working Group circulated another version of its report entitled "Working Group Report on Detainee Interrogations in the Global War on Terrorism: Assessment of Legal, Historical, Policy and Operational Considerations."

[REDACTED] According to the Church Report, when circulated, the March 6, 2003 version was considered final, but at some point, it was later re-characterized as a draft.<sup>985</sup> Over the objections of the military lawyers, all 36 techniques from the February 4, 2003 draft report remained a part of the Working Group's recommendations and were included in the March 6, 2003 report.<sup>986</sup> The three techniques that the Working Group could not evaluate fully also remained in the March 6, 2003 report, but were not recommended for approval.<sup>987</sup> By March 6, 2003, the Working Group still "had not received adequate information" regarding these three techniques, including two that had been approved by the Secretary in December 2002, to conduct a "legal or policy analysis."<sup>988</sup>

(U) Upon receiving the March 6, 2003 version, senior military lawyers continued to raise concerns that the recommendations were based on a flawed OLC legal analysis. One JAG noted that the draft report's introduction, which said it was "informed" by [the] OLC opinion . . . create[d] an incorrect impression" since "[m]ost (if not all) working group members and TJAGs disagree[d] with significant portions of [the] OLC opinion, but were forced to accept it."<sup>989</sup> The military lawyers also continued to express the view that the recommended techniques would expose American soldiers to potential prosecution; would invite reciprocal treatment of captured U.S. personnel; could affect the admissibility of detainee statements in criminal prosecutions, including military commissions; and were not proven to result in obtaining reliable information from those being interrogated.<sup>990</sup>

#### D. *SOUTHCOM Presses for Additional Techniques (U)*

[REDACTED] As the various Working Group drafts were being discussed, JTF-GTMO and SOUTHCOM pressed for authority to use additional interrogation techniques at GTMO. On February 12, 2003, in advance of a planned briefing by MG Miller to Deputy Secretary of Defense Wolfowitz, LTC Beaver sent an email to the Department of Defense's Associate Deputy

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<sup>984</sup> Committee staff interview of William J. Haynes II (April 25, 2008) at 263.

<sup>985</sup> *Church Report* at 5.

<sup>986</sup> [REDACTED] "An additional caution was incorporated into the March 6, 2003 recommendations regarding technique 36, the waterboard: 'As a matter of policy, technique 36 should be used only in instances of extreme necessity. Some members of the working group believed that it should not be used by U.S. Armed Forces personnel.'" *Church Report* at 34; Working Group draft report (March 6, 2003) at 68-69.

<sup>987</sup> Working Group draft report (March 6, 2003) at 68-69.

<sup>988</sup> *Ibid.*

<sup>989</sup> Email from Col James Walker to Daniel Ramos (March 10, 2003).

<sup>990</sup> *Church Report* at 134-135.

[REDACTED]

General Counsel for International Affairs Eliana Davidson stating that “we must have interrogation technique approval immediately and will speak to Mr. Wolfowitz about this. The hallmark is isolation and up to 20 hour interrogation. Without that we can’t be successful in the community environment. We need commitment from the senior leadership to let us do this mission.”<sup>991</sup>

[REDACTED] Three days later, LTC Beaver followed up with the General Counsel’s office, stating that MG Miller “was informed by DEPSECDEF that we would have interrogation techniques (isolation and up to 20 hours) approved by Wednesday [February 19, 2003]. We hope this happens.”<sup>992</sup>

[REDACTED] A month later, on March 12, 2003, a Deputy Staff Judge Advocate at SOUTHCOM sent LTC Beaver an email informing her about a March 11, 2003 meeting that was attended by Secretary of Defense Donald Rumsfeld, SOUTHCOM Commander GEN James Hill, and Chairman of the Joint Chiefs of Staff (CJCS) Gen Richard Myers, where interrogation techniques were discussed.<sup>993</sup> According to the Deputy SJA at SOUTHCOM, during the meeting, Gen Myers, raised a concern that some of the techniques discussed for GTMO “could be illegal depending on how far they were used.”<sup>994</sup> The Deputy SJA informed LTC Beaver that GEN Hill “promised the Chairman a paper discussing the techniques we want” and that SOUTHCOM wanted to get a draft memo to GEN Hill by close of business March 20, 2003.<sup>995</sup> LTC Beaver forwarded the email to DoD Associate Deputy General Counsel Eliana Davidson and told her “This email is not good news. It appears something went wrong.”<sup>996</sup> Ms. Davidson replied that Mr. Haynes had been at the meeting where interrogation techniques were discussed and that she was trying to get some clarification on the meeting.<sup>997</sup>

[REDACTED] On March 21, 2003, GEN Hill sent a memorandum to Gen Myers regarding the interrogation techniques that had been rescinded in January. While MG Miller’s January 21, 2003 letter to General Hill had listed only nine Category II techniques as “essential,” General Hill’s March 21, 2003 memo stated that both he and MG Miller felt that approval of *all* of the previously authorized techniques (in Categories I, II and III) was “essential.”<sup>998</sup> General Hill stated that “both Geoff Miller and I believe that we need as many appropriate tools as possible” and called Category II and the one previously authorized Category III technique “critical to maximizing our ability to accomplish the mission, now and in the future.”<sup>999</sup> The “critical” techniques referred to by General Hill included stress positions, deprivation of light and auditory

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<sup>991</sup> Email from LTC Diane Beaver to Eliana Davidson (February 12, 2003).

<sup>992</sup> Ibid.

<sup>993</sup> Email from COL Terrence Farrell to LTC Diane Beaver (March 12, 2003).

<sup>994</sup> Ibid.

<sup>995</sup> Ibid.

<sup>996</sup> Email from LTC Diane Beaver to Eliana Davidson (March 13, 2003).

<sup>997</sup> Email from Eliana Davidson to LTC Diane Beaver (March 13, 2003).

<sup>998</sup> Memo from GEN Hill to Chairman of the Joint Chiefs of Staff, *Information on Interrogation Techniques* (March 21, 2003).

<sup>999</sup> Ibid.

[REDACTED]

stimuli, removal of clothing, use of detainee phobias such as dogs, and the one Category III technique the Secretary had authorized, which included grabbing, poking, and light pushing.

*E. JPRA Briefs Members of the Working Group on SERE Techniques (U)*

[REDACTED] Prior to issuing a final report on April 4, 2003, members of the Working Group again sought information from JPRA on SERE techniques. The JAG of the Air Force, Maj Gen Thomas Fiscus, and two other military officers, visited JPRA and were briefed on SERE physical pressures.<sup>1000</sup> At the briefing, JPRA described its previous support to “high value target” interrogations, discussed the processes and procedures used in SERE training, and reviewed the “application of physical pressures in an operational environment.”<sup>1001</sup> JPRA Chief of Staff Daniel Baumgartner told Maj Gen Fiscus that JPRA had previously provided information on techniques used in SERE schools to DoD Deputy General Counsel Richard Shiffrin.<sup>1002</sup>

*F. The Working Group Finalizes Its Report and the Secretary of Defense Issues a New Interrogation Policy For GTMO (U)*

[REDACTED] On March 28, 2003, the Secretary of Defense met with a number of senior advisors including Deputy Secretary Paul Wolfowitz, DoD General Counsel Jim Haynes, and Chairman of the Joint Chiefs of Staff Gen Richard Myers, to discuss the interrogation techniques being considered by the Working Group.<sup>1003</sup> After that meeting, the Secretary decided to expressly authorize 24 interrogation techniques, including five that were not listed in the Army Field Manual (one of these five was classified as an “exceptional” technique).<sup>1004</sup>

[REDACTED] The Joint Chiefs of Staff met on March 31, 2003, and were briefed about Secretary Rumsfeld’s decision. According to CAPT Dalton, the Legal Counsel to the Chairman of the Joint Chiefs of Staff, the “Chiefs recognized that the approved strategies would not hamper the combatant commander in the accomplishment of his mission, because the door was open to request additional strategies on a case-by-case basis if needed in compelling cases.”<sup>1005</sup>

[REDACTED] The last and final version of the Working Group report was issued on April 4, 2003. The report was similar to the March 6, 2003 version, except that it did not recommend waterboarding or list the three other exceptional techniques that the Working Group could not evaluate fully – stress positions, deprivation of light and auditory stimuli, and water

<sup>1000</sup> Committee staff interview of Lt Col Daniel Baumgartner (August 8, 2007).

<sup>1001</sup> JPRA Power Point presentation, *Project 22B* (June 2003).

<sup>1002</sup> Committee staff interview of Lt Col Daniel Baumgartner (August 8, 2007).

<sup>1003</sup> [REDACTED] “According to the Secretary’s daily schedule, the advisors at the meeting included Mr. Haynes, Gen Myers, the Deputy Secretary of Defense, Paul Wolfowitz, the Undersecretary of Defense for Intelligence, Stephen Cambone, the Under Secretary of Defense for Policy, Douglas Feith, the Principal Deputy Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, Marshall Billingslea, and CAPT Dalton.” *Church Report* at 136. By the time the Secretary met with his advisors, the Working Group had removed waterboarding from consideration. *Ibid.* at 135-6.

<sup>1004</sup> *Ibid.* at 136.

<sup>1005</sup> Memo from RADM Jane Dalton to VADM Church, *Request for Information* (August 10, 2004) at 5.

[REDACTED]

immersion/wetting down.<sup>1006</sup> At the direction of the DoD Principal Deputy General Counsel Daniel Dell’Orto, the April 4, 2003 report was not circulated to the participants of the Working Group.<sup>1007</sup>

(U) In fact, when it came to finalizing the report, some participants of the Working Group who had raised objections to the report were excluded from the process and did not even know that the report had been completed.<sup>1008</sup> According to Alberto Mora, the Navy General Counsel, “Neither I, [the Navy Office of the General Counsel], nor – to my knowledge – anyone else in the [Department of Navy] ever received a completed version of the Working Group report. It was never circulated for clearance. Over time, I would come to assume that the report had never been finalized.”<sup>1009</sup> Mr. Mora said that he only learned of the final report nearly a year later while watching a “televised congressional hearing on the Abu Ghraib scandal.”<sup>1010</sup>

[REDACTED] On April 5, 2003, Gen Myers forwarded a memo proposing that the Secretary of Defense authorize 24 of the interrogation techniques reviewed during the Working Group process.<sup>1011</sup> In response, Marshall Billingslea, the Principal Deputy Assistant Secretary of Defense for Special Operations/ Low-Intensity Conflict sent a memo to the Secretary of Defense raising concerns about the omission of certain techniques and recommending that the Secretary approve all 35 techniques “endorsed by the Working Group.”<sup>1012</sup> Mr. Billingslea’s memo stated:

The current memo omits some interrogation techniques that are not controversial from either a legal, or policy standpoint. For instance, blindfolding (‘hooding’), lightly touching a detainee, and threatening transfer to a 3rd country all seem reasonable techniques to approve.

The draft memo also omits some techniques which the Working Group found to be legally-permissible, but which should be done only with appropriate oversight. While the Working Group felt that the Combatant Commander could approve these measures, we recommend requiring that you be notified prior to their use.

The measures in question include using prolonged interrogations, prolonged standing in non-stress positions, forced grooming, requiring physical exercise, face/stomach slaps to cause surprise but not pain or injury, etc.

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<sup>1006</sup> Department of Defense, *Working Group Report on Detainee Interrogations in the Global War on Terrorism: Assessment of Legal, Historical, Policy, and Operational Considerations* (April 4, 2003).

<sup>1007</sup> *Church Report* at 136.

<sup>1008</sup> SASC Hearing (June 17, 2008) (Testimony of Alberto Mora); Military Justice and Detention Policy in the Global War on Terrorism, Senate Committee on Armed Services, Subcommittee on Personnel, 109<sup>th</sup> Cong. (July 14, 2005) (Testimony of MG Thomas Romig).

<sup>1009</sup> Mora, *Statement for the Record* at 20.

<sup>1010</sup> *Ibid.*

<sup>1011</sup> *Church Report* at 137.

<sup>1012</sup> Memo from Marshall Billingslea to Secretary Rumsfeld, *Interrogation Methods for GTMO* (April 10, 2003).

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authorized the Commander of  
the 24 techniques, four – Mutt and Jeff,  
isolation – required that the  
"necessity" and notify the Secretary  
of the use of the other 20 techniques with  
subject to certain safeguards. Those  
techniques, including environmental manipulation, sleep  
deprivation, and the Army Field Manual.

(U) In addition to expressly authorizing the 24 techniques listed in his April 16, 2003 memorandum, Secretary Rumsfeld wrote in his memo: "If, in your view, you require additional interrogation techniques for a particular detainee, you should provide me, via the Chairman of the Joint Chiefs of Staff, a written request describing the proposed technique, recommended safeguards, and the rationale for applying it with an identified detainee."<sup>1016</sup>

(U) CAPT Dalton told the Committee that all of the techniques recommended by the Working Group were available for request.<sup>1017</sup> That understanding was shared by the Joint Chiefs, who she said believed that the door was open to request additional strategies on a case-by-case basis if needed in compelling cases.<sup>1018</sup> The GTMO Commander would soon seek and receive authority to use additional techniques that went beyond the 24 expressly approved in the Secretary's April 16, 2003 memo.

**IX. Aggressive Interrogations at GTMO (U)**

**A. Allegations of Detainee Mistreatment (U)**

██████████ As the final Working Group report was being generated, and on the heels of SOUTHCOM and GTMO's press for additional interrogation authorities, a Commander's inquiry was initiated at GTMO following allegations that, between March and April 2003, interrogation personnel and military police had forced detainees to engage in physical training.<sup>1019</sup>

<sup>1013</sup> Ibid.

<sup>1014</sup> Memorandum from Secretary of Defense Donald Rumsfeld to GEN James T. Hill, *Counter-Resistance Techniques in the War on Terrorism* (April 16, 2003) (hereinafter "Secretary Rumsfeld to GEN Hill (April 16, 2003)").

<sup>1015</sup> Secretary Rumsfeld to GEN Hill (April 16, 2003).

<sup>1016</sup> Ibid.

<sup>1017</sup> Committee staff interview of RADM Jane Dalton (April 10, 2008) at 225.

<sup>1018</sup> Memo from RADM Jane Dalton to VADM Church, *Request for Information* (August 10, 2004) at 5.

<sup>1019</sup> Memo for Record from ACS Contractor, *Possible Inappropriate Activities* (undated).

[REDACTED]

The resulting inquiry looked into only one of the alleged incidents of mistreatment – an interrogation on [REDACTED]

[REDACTED]<sup>1022</sup> An interrogator, two analysts, and a member of the GTMO Behavioral Science Consultation Team (BSCT) who were interviewed for the inquiry “believed that the technique was appropriate, approved, applied properly, and was common practice . . .”<sup>1023</sup> Notwithstanding the statement that the technique was “common practice,” the GTMO Interrogation Control Element (ICE) Chief Lt Col Ted Moss, his deputy, and the ICE operations officer said they were not aware compulsive exercise was being used.<sup>1024</sup>

[REDACTED] On May 2, 2003, MG Miller directed the Director of the Joint Intelligence Group (JIG), John Antonitis, to “cease of the use of the ‘Fear-Up Harsh’ interrogation technique,” and said the inquiry had identified a need for re-training and corrective action to “ensure [interrogators] understand the approved interrogation techniques and practices and their limitations.”<sup>1025</sup>

(U) A subsequent memorandum called “Historic Look at Inappropriate Interrogation Techniques Used at GTMO” criticized the Commander’s inquiry.<sup>1026</sup>

[REDACTED] The memo said the inquiry was too limited and found that the disciplinary action “did not address the command failures that allowed such activity to take place, despite apparent command sanctioning of the incidents.”<sup>1027</sup> In fact, the Commander’s inquiry failed to [REDACTED]

[REDACTED]<sup>1028</sup> Nor did the inquiry review an allegation that, on April 17, 2003, a female GTMO interrogator sat on a detainee’s lap

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<sup>1020</sup> Memo from Diane Beaver to MG Geoffrey Miller. (U) *Results of Commander’s Inquiry, re: Allegation of Inhumane Treatment of [REDACTED]* (April 30, 2003).

<sup>1021</sup> Ibid.

<sup>1022</sup> Ibid.

<sup>1023</sup> Ibid.

<sup>1024</sup> Ibid. at 2.

<sup>1025</sup> Memo from MG Geoffrey Miller for Commander, USSOUTHCOM, *Commander’s Inquiry, Allegation of Inhumane Treatment of [REDACTED]* (May 3, 2003).

<sup>1026</sup> Memo, *Historic Look at Inappropriate Interrogation Techniques Used at GTMO* (undated) (hereinafter “*Historic Look at Inappropriate Interrogation Techniques*”).

<sup>1027</sup> Ibid.

<sup>1028</sup> An April 2003 Memorandum for Record drafted by a contractor at GTMO alleged the technique was used on several occasions, including in late March 2003 as well as on April 7, 2003, and April 17, 2003. Memo for Record from ACS Contractor, *Possible Inappropriate Activities* (undated).

[REDACTED]

“making sexual affiliated movements with her chest and pelvis while again speaking sexually oriented sentences.”<sup>1029</sup>

[REDACTED]

(U) The second incident involved a female military interrogator who wiped what she told the detainee was menstrual blood on a detainee’s face and forehead.<sup>1033</sup>

■ The “Historic Look at Inappropriate Interrogation Techniques Used at GTMO” memo found that there was “no clear information indicating disciplinary action for the ‘lap dance’ and simulated blood incidents.”<sup>1034</sup>

■ The same memo concluded that “the incidents occurring during the Spring of 2003 signif[ied] a consistent problem at GTMO.”<sup>1035</sup> It stated that it was “clear” that interrogators “may use several if not all of the techniques that require SECDEF notification.”<sup>1036</sup> The memo also concluded that “interpretation of the SECDEF approved techniques has resulted in variations on how techniques are applied (i.e., is yelling, loud music and strobe lights environmental manipulation?)” and “[d]espite these revelations by interrogators, the supervisory chain of command reports that these techniques are not used.”<sup>1037</sup> An FBI Special Agent serving at GTMO stated that “there was a time period where the interrogations were obtrusive enough that the interview rooms for an entire trailer were not available if one of these techniques were being utilized.”<sup>1038</sup>

■ Other contemporaneous documents indicate that in addition to the use of strobe lights and loud music, techniques such as forced shaving, sensory deprivation and even implied threats

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<sup>1029</sup> Ibid.

<sup>1030</sup> *Historic Look at Inappropriate Interrogation Techniques* at 2.

<sup>1031</sup> Ibid.

<sup>1032</sup> Ibid.

<sup>1033</sup> Ibid.

<sup>1034</sup> Ibid.

<sup>1035</sup> Ibid.

<sup>1036</sup> Ibid.

<sup>1037</sup> Ibid. at 3.

<sup>1038</sup> Email from FBI Special Agent (July 14, 2004).

[REDACTED]

of death were either used or planned for use in specific JTF-GTMO interrogations even after MG Miller's May 2, 2003 order to cease use of the "Fear-Up Harsh" interrogation technique. [REDACTED]

## B. *Special Interrogation Plans Modeled on Khatani Interrogation* (U)

(U) Despite their repeated objections, law enforcement had been unable to stop JTF-GTMO from proceeding with its aggressive interrogation of Mohammed al Khatani in November 2002. An FBI Special Agent told the Committee that law enforcement believed at the time that the Khatani interrogation would define the conduct of future interrogations at GTMO.<sup>1039</sup> Documents relating to JTF-GTMO's plans for interrogating other high value GTMO detainees substantiated the belief of the FBI Special Agent.

### 1. *JTF-GTMO Plans for Interrogation of Slahi* (U)

[REDACTED] A memo dated on January 16, 2003 – the day after the Secretary of Defense rescinded interrogation techniques he had previously authorized for GTMO – described a plan for the interrogation of Mohamadou Walid Slahi. While Slahi's interrogation does not appear to have begun until July 2003, the January 16, 2003 memo described specific techniques JTF-GTMO intended to use in his interrogation, many of which mirrored those used in the Khatani interrogation. For example, the memo stated that interrogations would be conducted for up to 20 hours per day on Slahi, just as they had been for Khatani.<sup>1040</sup> The memo said that interrogators could pour water on Slahi's head to "enforce control" and "keep [him] awake."<sup>1041</sup> Interrogators had also poured water over Khatani's head as a "method of asserting control."<sup>1042</sup>

[REDACTED] The January 16, 2003 memo stated that "K-9 dogs can be present and made to bark to agitate [Slahi]."<sup>1043</sup> Similarly, military working dogs had been used in Khatani's interrogation "to agitate the detainee and provide shock value."<sup>1044</sup> The presence of dogs in the Slahi memo is notable as MG Miller said that, months earlier, he had "rejected [using dogs in interrogations] as an acceptable technique" and that dogs "were not to be used during active interrogation."<sup>1045</sup>

[REDACTED] The January 16, 2003 memo also described techniques directed at breaking down Slahi's ego, including ridiculing him, making him wear a mask and signs labeling him a "liar," a "coward," or a "dog."<sup>1046</sup> The memo stated that interrogators would also instruct Slahi

<sup>1039</sup> Committee staff interview of FBI Special Agent (November 8, 2007).

<sup>1040</sup> Memo, *Methods and Approaches to Employ (U): Special Interrogation Operation of ISN 760* [REDACTED] (January 16, 2003) (hereinafter "*Interrogation of ISN 760* (January 16, 2003)").

<sup>1041</sup> *Interrogation of ISN 760* (January 16, 2003).

<sup>1042</sup> Memo, *Methods Employed X-Ray Interrogation ISN 63* [REDACTED] (January 17, 2003).

<sup>1043</sup> *Interrogation of ISN 760* (January 16, 2003).

<sup>1044</sup> Ibid.

<sup>1045</sup> Army IG, Interview of MG Geoffrey Miller (May 2, 2006).

<sup>1046</sup> *Interrogation of ISN 760* (January 16, 2003).

[REDACTED]

to bark and perform dog tricks “to reduce the detainee’s ego and establish control.”<sup>1047</sup> Khatani had also been forced to wear a dog collar and perform dog tricks, and interrogators had placed signs on him such as “liar,” “coward,” and “dog.”<sup>1048</sup>

[REDACTED] The January 16, 2003 memo described shaving Slahi’s head and beard, making him wear a burka, and subjecting him to strip search “to reduce [his] ego by assaulting his modesty.”<sup>1049</sup> Likewise, JTF-GTMO interrogators had shaved Khatani’s head and beard and he had also been strip searched.<sup>1050</sup>

[REDACTED] The memo stated that Slahi would be denied the opportunity to pray and described techniques to exploit “religious taboos,” such as using a female interrogator in “close physical contact.”<sup>1051</sup> The memo also stated that interrogators would play music to “stress [Slahi] because he believes music is forbidden” and that light in Slahi’s interrogation booth would be filtered “with red plastic to produce a stressful environment.”<sup>1052</sup> Khatani had also been denied prayer and a female interrogator touched him during his interrogation to increase his stress level.<sup>1053</sup> Khatani too had been isolated, a red filter was placed over the light in his interrogation booth, and music was used in his interrogation to create stress.<sup>1054</sup>

[REDACTED] The January 16, 2003 memo indicated that JTF-GTMO interrogators planned to make use of a completely white room during Slahi’s interrogation “to reduce outside stimuli and present an austere environment,” that interrogators would use a strobe light in his interrogation booth to “disorient [Slahi] and add to [his] stress level,” and that a hood would be placed on Slahi in the booth” “to isolate him and increase feelings of futility.”<sup>1055</sup>

## 2. *JTF-GTMO Formally Submits Special Interrogation Plan for Slahi (ISN 760) (U)*

[REDACTED] In July 2003, six months after the above-described memo was produced and three months after the Secretary issued new interrogation authorities for GTMO, MG Miller submitted to SOUTHCOM a formal request for approval of a special interrogation plan for Slahi.<sup>1056</sup> In seeming contradiction to his May 2, 2003 order that the fear up harsh approach not be used in interrogations, the plan included many of the techniques described in the January 16,

<sup>1047</sup> *Interrogation of ISN 760* (January 16, 2003).

<sup>1048</sup> *Methods Employed X-Ray Interrogation ISN 63* [REDACTED] (January 17, 2003); *Interrogation of ISN 760* (January 16, 2003).

<sup>1049</sup> *Interrogation of ISN 760* (January 16, 2003).

<sup>1050</sup> *Methods Employed X-Ray Interrogation ISN 63* [REDACTED] (January 17, 2003)

<sup>1051</sup> *Interrogation of ISN 760* (January 16, 2003).

<sup>1052</sup> *Interrogation of ISN 760* (January 16, 2003).

<sup>1053</sup> *Methods Employed X-Ray Interrogation ISN 63* [REDACTED] (January 17, 2003).

<sup>1054</sup> *Ibid.*

<sup>1055</sup> *Interrogation of ISN 760* (January 16, 2003).

<sup>1056</sup> Joint Task Force Guantanamo Bay, Joint Interrogation Group, *ISN 760 Interrogation Plan* (July 1, 2003) (hereinafter “*ISN 760 Interrogation Plan* (July 1, 2003)”).

[REDACTED]

2003 memo and stated that “the single most important aspect of these techniques is the initial shock of the treatment... [the] detainee will have the perception that his situation has changed drastically and that life can still become worse than what he is experiencing.”<sup>1057</sup>

[REDACTED] The first three to five days of interrogation were planned for Camp Delta.<sup>1058</sup> If Slahi was not cooperative, the plan proposed that military police in full riot gear take him from his cell, place him on a watercraft, and drive him around to make him think he had been taken off of the island. In reality, Slahi would be taken to Camp Echo where the interrogation was to continue. A memo describing that part of the plan said that military police working dogs would be used during his movement to “assist developing the atmosphere that something major is happening and add to the tension level of the detainee.”<sup>1059</sup>

[REDACTED] Interrogating Slahi at Camp Echo was intended to emotionally and psychologically weaken him through “drastic changes in his environment.”<sup>1060</sup> Mirroring the Khatani interrogation plan, the Slahi plan included efforts to “replicate and exploit the ‘Stockholm Syndrome’ between detainee and his interrogators.”<sup>1061</sup> In his evaluation of the Khatani plan more than seven months earlier, the NCIS psychologist assigned to the CITF, Dr. Michael Gelles, had said that the idea of inducing the Stockholm syndrome implied that “the subject feels that he is to be killed and the information provided may in fact be distorted.”<sup>1062</sup>

[REDACTED] The GTMO plan stated that, while in the interrogation room at Camp Echo, Slahi would sit in a basic chair and “be shackled to the floor and left in the room for up to four hours while sound is playing continually.”<sup>1063</sup> His time in the room was intended to “disorient him and establish fear of the unknown” and emphasize to Slahi that “‘the rules have changed’ and nobody knows he is there.”<sup>1064</sup> The practice of shackling him to the floor and subjecting him to loud music was to be repeated over several days, interrupted by actual interrogations. Slahi was to be permitted four hours of sleep every sixteen hours.<sup>1065</sup>

[REDACTED] The plan stated that an interrogation room would be “modified in such a way as to reduce as much outside stimuli as possible. The doors will be sealed to a point that allows no light to enter the room. The walls may be covered with white paint or paper to further

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<sup>1057</sup> *ISN 760 Interrogation Plan* (July 1, 2003).

<sup>1058</sup> *Ibid.*

<sup>1059</sup> Memo from LT Richard Zuley, *Objective: Transport ISN 760 from Camp Delta to Camp Echo* (undated).

<sup>1060</sup> *ISN 760 Interrogation Plan* (July 1, 2003).

<sup>1061</sup> *Ibid.*

<sup>1062</sup> Memo from Michael Gelles, Psy.D., *Review of JTF-GTMO Interrogation Plan Detainee 063 dtd November 21, 2002* (November 22, 2002).

<sup>1063</sup> *ISN 760 Interrogation Plan* (July 1, 2003) at 7.

<sup>1064</sup> *Ibid.*

<sup>1065</sup> On April 12, 2003 MG Miller sent GEN Hill an email requesting that SOUTHCOM provide a definition of sleep deprivation. On June 2, 2003, GEN Hill sent MG Miller a letter defining sleep deprivation as “keeping a detainee awake for more than 16 hours or allowing a detainee to rest briefly and then repeatedly awakening him, not to exceed four days in succession.” MG Geoffrey Miller email to GEN James Hill (April 12, 2003).

[REDACTED]

eliminate objects the detainee may concentrate on. The room will contain an eyebolt in the floor and speakers for sound.”<sup>1066</sup> The plan said that the “interrogation team will make detainee feel psychologically uncomfortable, emotionally uncomfortable, assert superiority over detainee, escalate stress, play loud music, and continue to condition detainee to menial tasks.”<sup>1067</sup>

[REDACTED] On July 18, 2003, SOUTHCOM Commander GEN James Hill forwarded a copy of GTMO’s interrogation plan for Slahi to the Secretary of Defense. GEN Hill’s cover memorandum stated that the interrogation plan “employs techniques not previously approved in your [April 16, 2003] memorandum” and requested the Secretary’s approval “to use sound modulation (at decibel levels not harmful to hearing) and sleep deprivation.”<sup>1068</sup> The memorandum also notified the Secretary that GTMO intended to isolate Slahi and use “pride and ego down” with him.<sup>1069</sup>

[REDACTED] On July 24, 2003, Marshall Billingslea, the Principal Deputy Assistant Secretary of Defense for Special Operations / Low-Intensity Conflict (SOLIC), forwarded a memo notifying the Secretary of Defense that JTF-GTMO intended to isolate Slahi and recommending that he approve the use of “sleep deprivation” and “sound modulation at decibel levels not harmful to hearing.”<sup>1070</sup> A handwritten note on the memo stated that “OGC concurs that this is legal. We don’t see any policy issues with these interrogation techniques. Recommend you authorize.”<sup>1071</sup> Deputy Secretary of Defense Paul Wolfowitz approved the memo on July 28, 2003 and forwarded it to Secretary Rumsfeld, who added his approval on August 13, 2003.<sup>1072</sup>

[REDACTED] The Slahi plan stated that it would “not be implemented until approved by higher authority.”<sup>1073</sup> Despite that statement, memoranda for the record suggest techniques for which JTF-GTMO sought authority were used at least a month before the Secretary’s written approval.

### 3. *Interrogation Begins Before Special Interrogation Plan Is Approved (U)*

[REDACTED] Several memoranda for the record documenting Slahi’s interrogation were written by JTF-GTMO personnel in July and August 2003. These memoranda indicate that at least one technique for which JTF-GTMO sought authority to use with Slahi, i.e., sound modulation, was used before written authority was actually granted by the Secretary of Defense.<sup>1074</sup> The

<sup>1066</sup> ISN 760 Interrogation Plan (July 1, 2003) at 8.

<sup>1067</sup> ISN 760 Interrogation Plan (July 1, 2003).

<sup>1068</sup> Memo from GEN James Hill to Secretary of Defense Donald Rumsfeld, *Interrogation Plan (IP) for Detainee Mohamadou Walid Slahi*, ISN [REDACTED] (July 18, 2003).

<sup>1069</sup> Ibid.

<sup>1070</sup> Memo from Marshall Billingslea to Secretary of Defense, *Mohamadou Walid Slahi*, [REDACTED] (July 24, 2003).

<sup>1071</sup> Ibid.

<sup>1072</sup> Ibid.

<sup>1073</sup> ISN 760 Interrogation Plan (July 1, 2003) at 3.

<sup>1074</sup> Memo for Record, [REDACTED] MOUHAMADOO OULD SLAHI// (July 17, 2003).

[REDACTED]

memoranda also suggest the use of some techniques, such as forcing Slahi to stand for prolonged periods, for which no request for authority from SOUTHCOM or OSD appears to have been made by JTF-GTMO.<sup>1075</sup> In addition, while MG Miller had, more than two months earlier, said that interrogators were not to use the fear up harsh approach, the memoranda indicate that increasing Slahi's level of fear was an integral part of his interrogation and that one interrogator even implied to Slahi that he could be tortured or killed.

[REDACTED] The memoranda indicate that, on several occasions from July 8 through July 17, Slahi was interrogated by a masked interrogator called "Mr. X." On July 8, 2003 Slahi was interrogated by Mr. X and was "exposed to variable lighting patterns and rock music, to the tune of *Drowning Pool's* 'Let the Bodies Hit [the] Floor'."<sup>1076</sup> On July 10, 2003 Slahi was placed in an interrogation room handcuffed and standing while the air conditioning was turned off until the room became "quite warm."<sup>1077</sup> The next day, Slahi was brought into the interrogation booth and again remained standing and handcuffed while the air conditioning was again turned off.<sup>1078</sup> After allowing Slahi to sit, the interrogator later "took [Slahi's] chair and left him standing for several hours."<sup>1079</sup> According to the memo, Slahi was "visibly uncomfortable and showed signs of fatigue. This was 4<sup>th</sup> day of long duration interrogations."<sup>1080</sup>

(U) On July 17, 2003, the masked interrogator told Slahi about a dream he had had where he saw "four detainees that were chained together at the feet. They dug a hole that was six feet long, six feet deep, and four feet wide. Then he observed the detainees throw a plain, unpainted, pine casket with the number 760 [Slahi's internment serial number (ISN)] painted on it in orange on the ground."<sup>1081</sup>

[REDACTED] On August 2, 2003 an interrogator told Slahi "to use his imagination and think up the worst possible thing that could happen to him" and asked him "what scares him more than anything else."<sup>1082</sup>

(U) That same day, the interrogator told Slahi that to "use his imagination to think up the worst possible scenario he could end up in."<sup>1083</sup> The interrogator told Slahi that "beatings and physical pain are not the worst thing in the world. After all being beaten for a while, humans tend to disconnect the mind from the body and make it through. However, there are worse things than physical pain."<sup>1084</sup> The interrogator told Slahi that he would "very soon disappear down a

<sup>1075</sup> Memo for Record, GTMO-0598, [REDACTED] MOUHAMADOO OULD SLAHI// (July 10, 2003).

<sup>1076</sup> Memo for Record, GTMO-0598, [REDACTED] MOUHAMADOO OULD SLAHI// (July 17, 2003).

<sup>1077</sup> Memo for Record, GTMO-0598, [REDACTED] MOUHAMADOO OULD SLAHI// (July 10, 2003).

<sup>1078</sup> Memo for Record, GTMO-0598, [REDACTED] MOUHAMADOO OULD SLAHI// (July 11, 2003).

<sup>1079</sup> Memo for Record, GTMO-0598, [REDACTED] MOUHAMADOO OULD SLAHI// (July 11, 2003).

<sup>1080</sup> Ibid.

<sup>1081</sup> Schmidt-Furlow Report at 24.

<sup>1082</sup> Memo for Record, GTMO-0598, [REDACTED] MOUHAMADOO OULD SLAHI// (August 2, 2003).

<sup>1083</sup> DoJ IG report at 123

<sup>1084</sup> Schmidt-Furlow Report at 25.

[REDACTED]

very dark hole. His very existence will become erased . . . no one will know what happened to him and, eventually, no one will care.”<sup>1085</sup>

(U) At one point in his interrogation, Slahi was also shown a fictitious letter that had been drafted by the Interrogation Team Chief stating that his mother had been detained, would be interrogated, and if she were uncooperative she might be transferred to GTMO.<sup>1086</sup> The letter pointed out that she would be the only female detained at “this previously all-male prison environment.”<sup>1087</sup>

[REDACTED] On August 7, 2003, Slahi informed an interrogator that he had made a decision to cooperate.<sup>1088</sup> After questioning Slahi, his interrogator “congratulated [him] on his decision to tell the whole truth.”<sup>1089</sup>

#### 4. *Special Interrogation Plan Approved and Implemented Despite Apparent Cooperation (U)*

[REDACTED] Five days after interrogators congratulated Slahi for his decision to “tell the whole truth,” the Secretary of Defense approved JTF-GTMO’s Special Interrogation Plan. Notwithstanding Slahi’s apparent decision on August 7, 2003 to cooperate with interrogators, an August 21, 2003 email described preparations made to implement the Special Interrogation Plan.<sup>1090</sup> The email described sealing Slahi’s cell at Camp Echo to “prevent light from shining” in and covering the entire exterior of his cell with tarp to “prevent him from making visual contact with guards.”<sup>1091</sup>

[REDACTED] Weekly Reports from the JTF-GTMO Commander in September and October 2003 indicated that Slahi “continue[d] to be cooperative.”<sup>1092</sup> Despite that apparent cooperation, those same weekly reports stated that the interrogations were continuing in accordance with the approved interrogation plan. A contemporaneous document suggested that the interrogation may have begun affecting Slahi’s mental state.<sup>1093</sup>

[REDACTED] An October 17, 2003 email from a JTF-GTMO interrogator to LTC Diane Zierhoffer, a JTF-GTMO Behavioral Science Consultation Team (BSCT) Psychologist, stated that “Slahi told me he is ‘hearing voices’ now... He is worried as he knows this is not normal.... By the way ... is this something that happens to people who have little external stimulus such as daylight,

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<sup>1085</sup> Ibid.

<sup>1086</sup> DoJ IG report.

<sup>1087</sup> Ibid.

<sup>1088</sup> Memo for Record, GTMO-0598 [REDACTED] MOUHAMADOO OULD SLAHI// (September 8, 2003).

<sup>1089</sup> Ibid.

<sup>1090</sup> Email from JTF-GTMO IS2 to LT Richard Zuley and Capt Sean Wilson (August 21, 2003).

<sup>1091</sup> Ibid.

<sup>1092</sup> JTF-GTMO Weekly Thematic Focus: September 29-October 5, 2003 and October 6-12 2003.

<sup>1093</sup> JTF-GTMO Weekly Thematic Focus: September 29-October 5, 2003; October 6-12 2003; October 20-26, 2003; and November 3-9, 2003.

[REDACTED]

human interaction etc???? Seems a little creepy.”<sup>1094</sup> LTC Zierhoffer responded “sensory deprivation can cause hallucinations, usually visual rather than auditory, but you never know... In the dark you create things out of what little you have...”<sup>1095</sup>

**5. FBI Concerns with Special Interrogation (U)**



■ The view that the use of the aggressive techniques could affect Slahi’s potential prosecution turned out to be accurate. LtCol Stuart Couch, a military prosecutor assigned to the Slahi case wrote in March 2004 that “prosecutors in our office are very concerned about the allegations of detainee abuse at GTMO and Afghanistan, and we have individually taken steps to address this issue. The techniques employed by the intelligence community in obtaining information is a policy decision that obviously affects our prosecution efforts, yet we are powerless to influence such activities.”<sup>1100</sup> After becoming aware of interrogations techniques to which Slahi had been subject, LtCol Couch refused to participate in the prosecution.<sup>1101</sup>

**6. Special Project at GTMO Uses Aggressive Interrogation Techniques (U)**

(U) JTF-GTMO produced written weekly updates on significant activities including certain detainee interrogations. The updates were sent to the SOUTHCOM Commander and, according to MG Miller, were forwarded to the Joint Staff and Deputy Secretary of Defense Paul

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<sup>1094</sup> Email from JTF-GTMO Interrogator to LTC Diane Zierhoffer (October 17, 2003).

<sup>1095</sup> Ibid.

<sup>1096</sup> Email from FBI Special Agent (December 5, 2003).

<sup>1097</sup> Ibid.

<sup>1098</sup> Ibid.

<sup>1099</sup> FBI Electronic Communication from Counterterrorism MLDU to Counterterrorism (May 18, 2004).

<sup>1100</sup> Memo from LtCol Stuart Couch to Brigadier General Scott Black, *Office of Military Commissions Prosecution Operational Assessment* (March 18, 2004).

<sup>1101</sup> Committee staff interview of LtCol Stuart Couch (June 21, 2007).

[REDACTED]

Wolfowitz.<sup>1102</sup> MG Miller said that Deputy Secretary Wolfowitz was interested in the reports and his office would occasionally call GTMO to inquire about particular detainees.

[REDACTED] On July 13, 2003, the GTMO Commander sent an email, accompanied by his Weekly Update report, stating that GTMO had “finalized [REDACTED] plans.”<sup>1103</sup> According to the email, the objective [REDACTED] was to “fracture [REDACTED] detainee resistance to cooperation and to induce detainees to be forthcoming during interrogations.”<sup>1104</sup> The email stated that the U.S. Army Special Operations Command (USASOC) Psychological Applications Directorate Chief LTC Morgan Banks, who had hosted the JPRA training for GTMO interrogation personnel at Fort Bragg in September 2002, “conducted a [REDACTED] assessment visit” and had provided “very valuable insights.”<sup>1105</sup> The email stated that LTC Banks planned to return for a “follow-up visit in 60 days.”<sup>1106</sup>

[REDACTED]

[REDACTED] ( [REDACTED] In November 2003, several months after [REDACTED] MG Miller submitted two requests for authority to use sound modulation in interrogations [REDACTED] suggesting that MG Miller felt he needed authorization to use that technique in interrogations.<sup>1108</sup> The Committee is not aware, however, of a similar request for authority to use strobe lights, loud music, and 15 hour interrogations in connection with [REDACTED] According to the Church report, some interrogators considered strobe lights and loud music a form of environmental manipulation which had been authorized by the Secretary of Defense in April.<sup>1109</sup> MG Miller’s written requests for authority to use sound modulation in the [REDACTED] interrogations are at odds with that understanding.

<sup>1102</sup> Committee staff interview of MG Geoffrey Miller (December 5, 2007).

<sup>1103</sup> Email from MG Geoffrey Miller to GEN James Hill (July 13, 2003).

<sup>1104</sup> Ibid.

<sup>1105</sup> Ibid.

<sup>1106</sup> Ibid.

<sup>1107</sup> Church Report at 172.

<sup>1108</sup> Memo from MG Geoffrey Miller to Commander, U.S. Southern Command, *Request for Approval of Interrogation Plan (IP) for [REDACTED]* (November 13, 2003) at 2-3 (hereinafter “MG Miller, *Request for Approval of IP for [REDACTED]*”); Memo from MG Geoffrey Miller to Commander, U.S. Southern Command, *Request for Approval of Interrogation Plan (IP) for ISN [REDACTED]* (November 13, 2003) at 2-3 (hereinafter “MG Miller, *Request for Approval of IP for [REDACTED]*”).

<sup>1109</sup> Church Report at 172.

[REDACTED]