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1 [The R.M.C. 803 session was called to order at 1114, 23
2 February 2016.]

3 MJ [COL POHL]: The commission is called to order. All
4 parties are again present.

5 Mr. Binalshibh, please return to the witness chair.

6 [The witness resumed the witness stand.]

7 MJ [COL POHL]: I remind you that you're still under oath.
8 Do you understand that?

9 ACC [MR. BINALSHIBH]: Yes.

10 MJ [COL POHL]: I remind you you're still under oath.

11 ACC [MR. BINALSHIBH]: Yes.

12 MJ [COL POHL]: Thank you.

13 Mr. Trivett.

14 **CROSS-EXAMINATION**

15 **Questions by the Managing Trial Counsel [MR. TRIVETT]:**

16 Q. Mr. Binalshibh, is there anything anyone could show
17 you that would convince you that the vibrations and the noises
18 you have been complaining about are not actually happening?

19 A. No.

20 Q. So you're 100 percent sure that the guards are doing
21 this to harass you and disrupt your sleep?

22 A. Yes.

23 Q. Will you even allow for the possibility that the

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1 guards are not doing it at all?

2 A. Say that again.

3 Q. Would you even allow for the possibility that the
4 guards aren't doing this at all?

5 A. No.

6 Q. Is it possible that these are just normal noises and
7 vibrations you're feeling in the building?

8 A. No.

9 Q. I want to talk to you a little bit about your answers
10 to some of Mr. Harrington's questions about that first Navy
11 doctor. Are you familiar with whom I'm speaking about?

12 A. Yes. The psychiatrist you mean, no?

13 Q. That's correct.

14 A. Yes.

15 Q. Now, it's safe to say that shortly after you got to
16 Camp VII in September of 2006, you began making these
17 complaints, correct?

18 A. Three, four weeks later.

19 Q. So the first three or four weeks you didn't feel
20 anything?

21 A. No.

22 Q. And you felt like your walls were shaking?

23 A. Not shaking.

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1 Q. Vibrating?

2 A. Not vibrating.

3 Q. I'm sorry?

4 A. No, not shaking or vibrating. It was -- first
5 complaint was three or four weeks later was about banging
6 noises and cold temperature.

7 Q. Okay. Explain the banging noises. Where did you
8 hear them coming from?

9 A. I was Alpha 3, my cell called Alpha 3, the wall
10 between me and Alpha 4, my neighborhood that time was banging.
11 And then the wall behind the toilet was banging also. And
12 then the Charlie rec, which was closed at the time we were
13 not -- we were not allowed to go to the Charlie, it was every
14 morning from maybe, say, 7:00 to 9:00, banging all the time,
15 and then that's it.

16 Q. So the walls behind your toilet. Could that have
17 been the pipes from the toilet?

18 A. No.

19 Q. How do you know?

20 A. I know it from the black site. They use the same
21 method.

22 Q. So what you were experiencing with the banging in
23 those first three to four weeks was exactly what you were

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1 experiencing when you were in the black sites, is that your
2 testimony?

3 A. Some of them, yes.

4 Q. Do you recall filing a declaration in this case?

5 A. Which one you mean?

6 Q. On 18 December 2013 do you remember signing a
7 statement to use as evidence in this case?

8 A. I don't remember.

9 MTC [MR. TRIVETT]: I'm going to ask that the document
10 camera be projected to Mr. Binalshibh?

11 MJ [COL POHL]: Does the exhibit have a number?

12 MTC [MR. TRIVETT]: I'm about to say, sir. Yes, sir.

13 MJ [COL POHL]: Okay.

14 MTC [MR. TRIVETT]: It is Appellate Exhibit 152W(Gov),
15 page 131 of 134. I would ask that this document get shown to
16 Mr. Binalshibh only now.

17 MJ [COL POHL]: Do you see it there on the screen,
18 Mr. Binalshibh?

19 ACC [MR. BINALSHIBH]: No, it's off. It's coming.

20 MJ [COL POHL]: Okay. Do you see it now?

21 ACC [MR. BINALSHIBH]: Yes.

22 MJ [COL POHL]: You said just for him now. Okay. Any
23 reason why it can't go on the overhead?

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1 MTC [MR. TRIVETT]: It can. I just wanted to make sure
2 that I gave him the opportunity to deny that that was his, if
3 it's not his.

4 MJ [COL POHL]: Okay.

5 **Questions by the Managing Trial Counsel [MR. TRIVETT]:**

6 Q. Do you recall signing that declaration,
7 Mr. Binalshibh?

8 MJ [COL POHL]: Leave it on the small screen temporarily.

9 A. I didn't recall it at all. Maybe if you have it in
10 my handwritings, that's different.

11 **Questions by the Managing Trial Counsel [MR. TRIVETT]:**

12 Q. Okay. Do you recognize that signature on the bottom
13 of the page?

14 A. Yes.

15 Q. Is that your signature?

16 A. I think so.

17 Q. Dated 18 December 2013?

18 A. The date is in mine.

19 Q. It can be displayed, sir.

20 MJ [COL POHL]: Okay. Go ahead.

21 **Questions by the Managing Trial Counsel [MR. TRIVETT]:**

22 Q. So just to be clear, everything that you claim was
23 happening back in December 2013 is still happening, correct?

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1 A. Yes.

2 Q. And in paragraph 2, you describe the sounds as "loud
3 banging," is that the banging that you were just discussing
4 with me?

5 A. It is many different types of sounds. It's not just
6 one sounds, every time from time to time they change it.

7 Q. Okay. And are you convinced that there's a person
8 doing this or a machine doing this that the person's
9 controlling?

10 A. The second part you said.

11 Q. Person.

12 A. Person, person control it, control the machines.

13 Q. Controlling the machine, okay. And you said there's
14 many types of banging. Can you list five for me?

15 A. Yes, they -- they can make noises came from any
16 places inside your cell. They can banging your walls; they
17 can make banging from fences outside your Charlie rec; they
18 can make banging from the showers; they can make banging from
19 the floor where the water drain; they can make banging from
20 the toilet itself. This kind of banging and every bang
21 depends on where that sound came from. That the sound is
22 different from the others if it comes from the wall it is like
23 "bing-bing-bing," if it comes from metal. It is metal sounds.

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1 Difference.

2 Q. Now, can you see any of these machines that are
3 making these noises?

4 A. No.

5 Q. So they are all hidden from you?

6 A. I think so.

7 Q. The ones in the drain, have you ever tried to look
8 down the drain to see them?

9 A. No, I cannot see there because it's dark anyways.

10 Q. Does it sound like a metal machine hitting something?

11 A. I told you, it depends on the sound sources.

12 Q. Okay. Let's talk specifically about fence shaking.

13 A. Fence shaking.

14 Q. Does that sound like a person when they're shaking a
15 fence back and forth?

16 A. Kind of, and sometimes, yes. Let me tell you this,
17 if there is no power at all, the power is off or we have
18 hurricanes or we have bad weathers, it seems to turn
19 everything off. If you go to Charlie to touch the fence, the
20 fence is steel, doesn't move at all, but if they turn it
21 on ----

22 Q. And by "it," do you mean the power?

23 A. If the power is back or the hurricanes is over,

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1 three, four days, five days later, everything's back shaking.
2 The sun you can -- if you touch the fence, the fence makes
3 sounds. And then if you leave it, they keep doing these
4 sounds, because they -- as I just told my lawyers, they
5 following you and they doing these things on you -- based on
6 what you are doing then.

7 Q. When you say "is the power off," do you mean all the
8 electrical power is off at Camp VII or someone switched a
9 switch in the power?

10 A. I mean the whole power in Camp VII. When it's off,
11 everything is off.

12 Q. So you never feel any vibrations or shaking or noises
13 during power outages?

14 A. No.

15 Q. Because that would be impossible, right?

16 A. For what?

17 Q. They couldn't use a machine without electric, right?

18 A. That's what I mean.

19 Q. So as soon as the power goes out, you know not to
20 expect any noises or vibrations for that time?

21 A. Yes.

22 Q. Now, we just discussed the banging. I want to talk a
23 little about the knocking and cracking. What do you mean by

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1 knocking and cracking? It's paragraph 2.

2 A. Knocking, maybe I think this is the things that comes
3 maybe sometimes from the floors.

4 Q. The floor's concrete?

5 A. Yes, floor's concrete, the wall's concrete.

6 Q. So do you think the machine is in the middle of the
7 floor or underneath the floor?

8 A. I don't know this kind -- I don't know where, but I
9 know they can generate noises from anything, they can generate
10 from the walls behind you, in front of you, where you're
11 sitting, from showers. As I told you, from every part of the
12 cells.

13 Q. So they can make noises and vibrations from every
14 single part of the cell?

15 A. That's what I know, yes.

16 Q. That's what you believe. Okay. And the buzzing
17 noises, can you describe the buzzing noises?

18 A. The buzzing noises, let me say, they have -- if I
19 recall them now, they have two type of them. One that is in
20 my cell right now, it is 24 hours since they started it in
21 2014 maybe, in April, and it's two -- 24 hours on, it's like
22 (made noise), but sharp and very annoying and very painful,
23 that cause problems for ears and stuff, and had to use,

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1 sometimes ear plugs. It doesn't go away.

2 Q. Can you ever localize where the sound is -- meaning
3 can you tell exactly where the sound is coming from?

4 A. Yes, sometimes from -- the things -- the idea is
5 behind this that make you believe this is not normal sounds,
6 or it is normal sounds, the sound that we have right now that
7 I describe to you, this comes from the camera.

8 Q. So the camera -- does the camera make a sound when it
9 moves?

10 A. It is still camera, it doesn't move.

11 Q. And you know that for sure?

12 A. Yes.

13 Q. Is it possible the camera inside moves, inside the
14 black globe?

15 A. No, still camera. Doesn't move.

16 Q. So you're hearing -- most of the buzzing comes from
17 the camera, then?

18 A. The one right now is coming from camera even though
19 this is different camera from the one that we had before
20 because long time camera that was like that cameras and ----

21 MTC [MR. TRIVETT]: Let the record reflect the witness has
22 identified one of the security cameras in the front left
23 corner of the courtroom.

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1 A. That cameras moves and, of course, and that kind of
2 camera they were making noises from it and me and some
3 brothers broke it down and the camera that we have now is
4 different.

5 **Questions by the Managing Trial Counsel [MR. TRIVETT]:**

6 Q. So when you said these sounds hurt your ears, did you
7 ever ask for ear protection?

8 A. Yes.

9 Q. And what kind of ear protection did you actually get?

10 A. Just regular ear plugs.

11 Q. Like ear plugs?

12 A. Yes.

13 Q. You put in your ears?

14 A. Yes.

15 Q. Did they help?

16 A. No.

17 Q. You were still able to hear the sound?

18 A. Yes.

19 Q. Do you think that's because the ear plugs weren't
20 strong enough or do you think they can make that noise even
21 with the ear plug in your ear?

22 A. The noise is very, very, very sharp and the ear
23 plugs, even though they make special ear plugs for me by

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1 request from the doctors, doesn't help at all.

2 Q. Okay. The same volume as you did before you put the
3 ear plug in?

4 A. Close.

5 Q. I want to talk a little bit about paragraph four of
6 your declaration. Now, you said you described the vibrations
7 like a cell phone or car engine?

8 A. Yes.

9 Q. Is that like when a cell phone vibrates when it was
10 ringing, is that what you are talking about?

11 A. Yes.

12 Q. Now, for these vibrations, where do you feel them in
13 your body?

14 A. If I'm sitting they ----

15 Q. Sitting where?

16 A. In any places, in my cell or rec or in Echo camps,
17 Echo II or also here, outside the waiting cell, it is in your
18 spot where you are sitting, if I'm sitting.

19 Q. If you're standing, do you ever feel it in your feet?

20 A. Yes, sometimes they do it when I pray.

21 Q. And when you pray, you're often on your knees,
22 correct?

23 A. No. Depends. I'm on my feet, knees, or sittings.

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1 Q. So when you are on your knees and praying in the
2 camp, you will feel the vibrations in your legs?

3 A. It depends. If they turn it on, yes; if not then,
4 it's not there.

5 Q. Now, you had mentioned a couple of different places.
6 I want to walk through some of those with you. So you say --
7 and by this, I just mean all of it, the sounds, the noises,
8 the vibrations. You feel those in Camp VII, correct?

9 A. Yes.

10 Q. Do you ever feel them in Echo II in your meetings
11 with the attorneys?

12 A. Yes.

13 Q. Do you ever feel them in the courtroom?

14 A. The noises? No, I don't think the noise is there.
15 Maybe they have the vibration, other things, maybe they still
16 have it here. I don't -- I don't -- maybe they have it but I
17 didn't feel it.

18 Q. So you think it's possible that the guards have --
19 did vibrations in the courtroom?

20 A. I believe they have it everywhere.

21 Q. Everywhere you go?

22 A. Every place, yes. I'm going to give you an example.
23 Even in the day in the hospital, which was -- some brothers

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1 was there for some surgery there for a couple days, and he
2 told me they do it to him. At the hospital they do the --
3 they did the vibration to him. I don't know. I wasn't there,
4 I cannot confirm it or dismiss it, but I believe my brother
5 so ----

6 Q. So what you're talking about right now is someone
7 else at the hospital?

8 A. Yes.

9 Q. But because of that you believe that the guards have
10 the ability to vibrate you wherever you are?

11 A. I believe it is very -- it is a technique that they
12 can install it in any places.

13 Q. Install it in any place. Okay. Have you ever felt
14 it in the transport van being driven over here?

15 A. No.

16 Q. But as far as you know, you think they may have it
17 there?

18 A. In the car? I don't know.

19 Q. So it's not everywhere necessarily, just in
20 buildings?

21 A. In buildings, yes.

22 Q. Okay. And they may have it in the court, but you're
23 not sure?

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1 A. Maybe.

2 Q. You never felt it in the court, at least?

3 A. No.

4 MJ [COL POHL]: Mr. Binalshibh, you indicated that you
5 felt this in your attorney room meetings?

6 ACC [MR. BINALSHIBH]: Yes.

7 MJ [COL POHL]: Were your attorneys there with you at the
8 time or was this before they came to the meeting or after they
9 left?

10 ACC [MR. BINALSHIBH]: Especially when they are leaving,
11 if nobody is there, just me by myself.

12 MJ [COL POHL]: Okay. So they're not there when the
13 vibrations go on?

14 ACC [MR. BINALSHIBH]: No, they don't do these things
15 while they are in the meetings, actually, but maybe very rare
16 times but I don't recall that when they are inside the room
17 they're doing this.

18 MJ [COL POHL]: Okay. Thank you. Mr. Trivett?

19 MTC [MR. TRIVETT]: Thank you, sir.

20 **Questions by the Managing Trial Counsel [MR. TRIVETT]:**

21 Q. Now, throughout the declaration, Mr. Binalshibh, I
22 see some handwritten notes. Is it safe to say that those are
23 your handwritten notes?

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1 A. It is not very clear. I cannot say yes or not?

2 Q. In paragraph 1, after the end of the typing and it
3 says "and my whole life," would you have written that?

4 A. As I said, the copy is not -- illegible.

5 Q. Do you recall writing that on this declaration?

6 A. I cannot -- I don't know.

7 LDC [MR. RUIZ]: Judge, the copy on our screen is also not
8 very clear. I think it might be a focus issue with the
9 devices being used. Just if you can bring it into closer
10 focus.

11 MTC [MR. TRIVETT]: I'm sorry, sir. That was actually my
12 last question about the declaration so...

13 MJ [COL POHL]: Okay. Well ----

14 **Questions by the Managing Trial Counsel [MR. TRIVETT]:**

15 Q. I want to get back to speaking a little bit about
16 September of 2006. You said about three or four weeks after
17 you got to the camp, you started complaining of those noises,
18 correct?

19 A. Yes.

20 Q. And you met with a Navy psychiatrist at the time,
21 correct?

22 A. I don't recall the exact dates and time, but I know
23 that in that time frame. Actually, I met her first time when

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1 I arrived because they have this kind of interviews and stuff,
2 first two days maybe.

3 Q. And you brought these concerns to her about you
4 hearing these noises, correct?

5 A. No.

6 Q. How is it that she came to know that you were
7 complaining of these things?

8 A. I complained to the guard and the guard sent her to
9 me, or they take me to treatment room, let me talk with her,
10 or send her to my main rec to talk with me. This is her.

11 Q. And this is the woman you were referring to as the
12 "war criminal," correct?

13 A. Yes.

14 Q. And she finally filed a declaration in this case, did
15 she not?

16 A. I think so.

17 Q. And do you remember reading it?

18 A. A long time ago.

19 Q. Is it fair to say that she looked into your
20 complaints, that she didn't just automatically make the
21 assumption that you were hallucinating?

22 A. I don't know. The things with her and people like
23 her is that's what -- that's why I'm referring to "talk with

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1 the psychiatrist," because I know they are behind it. Every
2 times I was in black site talk with somebody, before I know
3 that they are doing these things, every times I talk with
4 them, the things goes worse. Every times I talk with the
5 psychiatrist, things goes worse. He knows where you are --
6 what part is bothering you, the noises or vibrations and
7 stuff. Once you complain about that, this point, they goes
8 and make it worse. This time I decide not to talk with them
9 at all.

10 Q. So you don't talk to any psychiatrist anymore about
11 this?

12 A. No. I don't talk with them in any other talks, too?

13 Q. Now, you said that at some point you were given
14 injections of medication, correct?

15 A. Yes.

16 Q. And you were told that was a very strong dose of
17 medication, that first dose of medication?

18 A. Yes.

19 Q. And that had side effects on you?

20 A. Yes.

21 Q. Were you told one of those side effects was tardive
22 dyskinesia?

23 A. I am not familiar with this term.

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1 Q. You said it made you very, very tired?

2 A. Yes.

3 Q. And you kind of felt dead?

4 A. Yes.

5 Q. And you drooled a little bit from your right side?

6 A. Yes.

7 Q. And that was after you got the actual injections,
8 correct?

9 A. Yes.

10 Q. Did you feel any of the vibrations after you got
11 those injections?

12 A. They are there. For -- let's say for the vibrations,
13 I didn't complain about vibrations first time. As I said, I
14 was complaining about the banging and the coldness in my cell.
15 The vibrations, they have used at times later, but it wasn't
16 so in bad way like they have now. They control it somehow.
17 And I know that if they were -- if I'm going to go and
18 complain about it, they going to make it worse, so I didn't
19 complain about it until just last year.

20 Q. Now, at some point you switch from that powerful,
21 injected medicine to medicine that you were taking by your
22 mouth, correct?

23 A. They switched it.

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1 Q. But you started taking it voluntarily through your
2 mouth, correct?

3 A. Not voluntarily. They forced it, have to.

4 Q. No one actually made you swallow it, correct, they
5 gave it to you?

6 A. They told me if I am not going to take that kind of
7 medication, they going to go back to the injection back.

8 Q. So you just took it?

9 A. I have to.

10 Q. And isn't it true that for the six-month period
11 before you were taking this medication, that you weren't
12 complaining of noises or vibrations?

13 A. I was completely dead, and I was complaining. I do
14 remember that I was still complaining about these things, but
15 it does mean that -- as I said, it is -- the complaining was
16 on, on forever, since then. I don't remember that I didn't
17 complain at that time.

18 Q. But if the complaints weren't in any of the records
19 like they are for all of your other complaints, is it possible
20 that you weren't complaining quite as much?

21 A. Which record?

22 Q. I'm sorry, what was your question?

23 A. Which kind of record?

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1 Q. In that time period where you were taking the
2 medication?

3 A. Okay.

4 Q. Your disciplinary records indicate far fewer
5 complaints. Is it possible it's because you actually didn't
6 have any of those complaints?

7 A. First of all, I don't trust those report and this
8 record. It is not accurate.

9 Q. How come? Why don't you trust them?

10 A. I'm going to give you very easy examples. The first
11 paper in my record, medical record, on the top of it, the date
12 of my arriving to GTMOs, September 6, 2006, on the top of it
13 said detainee so-and-so has fixed belief that the guard force
14 is using vibration, noises, and other.

15 Q. So it says that right on the front of your very
16 first ----

17 A. Day.

18 Q. ---- medical record, very first day you get here
19 that's already on there?

20 A. Where they get it from?

21 Q. Okay. Is it possible that that record was actually
22 sent with you when you were moved from the black site to
23 Guantanamo?

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1 A. Yes.

2 Q. And you were making similar complaints while at the
3 black site, correct?

4 A. Yes.

5 Q. And you think it's the same exact machines that
6 they're able to use?

7 A. Yes. And for your information, if you go back to my
8 record till now, you going to see the same things, detainees
9 has fixed belief in so-and-so, and so -- and everybody just
10 copy that part and paste it in the next place. That's it.

11 Q. Would it be safe to say that you saw over a dozen
12 different -- well, strike that.

13 Is it safe to say that there are at least a dozen
14 different doctors during that time period up in Camp VII?

15 A. What time period?

16 Q. From 2006 until now.

17 A. Yes.

18 Q. Is it also safe to say that before Dr. Homer's
19 diagnosis where he wasn't sure if there was a medical
20 diagnosis, every doctor before him, 10, 11 doctors, had the
21 same diagnosis as that first doctor?

22 A. Yes, without seeing me.

23 Q. That they carried forth that diagnosis, correct?

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1 A. Yes, but they just put it there.

2 Q. I want to talk to you a little bit about your sleep
3 patterns in Camp VII. And I know you mentioned to
4 Mr. Harrington that you're 43 years old; is that correct?

5 A. 43 years.

6 Q. 43. All right. Now, before you were captured in
7 September of 2002, did you ever have trouble sleeping?

8 A. Not at all.

9 Q. What hours would you normally sleep when you lived in
10 Germany when you were in your 20s?

11 A. Different times. Depends on my work, my ----

12 Q. Would you normally sleep during nighttime hours or
13 daytime hours?

14 A. Almost nighttime hours.

15 Q. Nighttime hours. And that's when you were in
16 Germany?

17 A. Everywhere.

18 Q. And so when you lived in Afghanistan and Karachi in
19 2001 and 2002, same thing, would you sleep at night?

20 A. Most of the time.

21 Q. Work during the day?

22 A. Most of the time.

23 Q. And you discussed with Mr. Harrington that you're

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1 having a hard time sleeping at night in the camp, correct?

2 A. Yes. Night or day.

3 Q. Night or day?

4 A. Yes.

5 Q. So whenever you go to lay down in the bed -- do you
6 sleep on the bed or do you sleep on a mat on your floor?

7 A. Right now I'm sleeping on the floor.

8 Q. Concrete floor?

9 A. Concrete floor but on my mattress.

10 Q. Have you ever slept on your bed?

11 A. Yes.

12 Q. Feel the vibrations both when you're sleeping on your
13 bed and on the floor?

14 A. Yes.

15 Q. Do you feel them right away? You mentioned to
16 Mr. Harrington -- I'm sorry, I will let you answer the
17 question.

18 Do you feel them immediately upon laying down or
19 after you fall asleep?

20 A. Let me tell you this, the guard in the control room,
21 they are different from one to others. We have at least four
22 groups for day shift and four other groups for night shift and
23 they have rotation system to be in the tier control room,

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1 other places, other tiers. So it depends on the guard in
2 control room. Sometimes they keep it on from the time I'm up
3 and the time I sleep and the time I woke up again.

4 Like one of the previous watch commander was just
5 unbelievable. He turn it on for 24 hours, or at least for
6 time he's being on his shift. He didn't turn it off at all.
7 And he was -- for me he's sick.

8 Q. I'm sorry, I didn't hear the last thing you said.

9 A. Sick.

10 Q. You think he was sick?

11 A. Sickness. It's kind of sickness you watch somebody
12 doing nothings and you just keep torturing him, abusing him.
13 What can I call this? So that -- actually the normal things
14 they let me lie down 15, 20, 30, 40 minutes. After they know
15 that I fall asleep, they turn it on. Just like last night.

16 Q. So sometimes they turn it on right when it looks like
17 you're about to fall asleep?

18 A. Yes.

19 Q. Then they keep it on all night long?

20 A. Depends, as I told you.

21 Q. Did they do that last night?

22 A. Yes.

23 Q. How many hours of sleep do you think you got last

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1 night?

2 A. My sleep is on and off. I don't recall. I don't
3 recall at all that I have sleep for four, five, six hours.
4 Since October 15, 2004 until now, four or five hours or six
5 hours without any disruptions, nothings.

6 Q. So you say you never had anywhere from more than four
7 to six hours of sleep without disruptions?

8 A. No.

9 Q. Do you remember your dreams when you wake up from
10 your sleep?

11 A. Sometimes.

12 Q. Do you ever dream about the people that were killed
13 on September 11, 2001?

14 LDC [MR. HARRINGTON]: Objection, Judge.

15 MJ [COL POHL]: Sustained.

16 **Questions by the Managing Trial Counsel [MR. TRIVETT]:**

17 Q. The confinement facility is primarily made up of
18 steel and concrete, correct?

19 A. Not all of it. In some part of the camp, the part of
20 our cells where they're hosting us, it's concrete, cement, and
21 walls that they're connected together.

22 Q. Steel walls?

23 A. Steel walls. But the outside -- outside the tiers,

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1 it is like normal prison in the United States, it's blocks,
2 white blocks.

3 Q. Heavy doors inside the facility, correct?

4 A. Yes.

5 Q. When the doors are opened and closed, it can be
6 really loud?

7 A. Not necessarily. Sometimes, sometimes not.

8 Q. Do you ever feel like any of the guards were
9 intentionally slamming the doors to disturb you?

10 A. They do these things sometimes, but when we complain
11 about it, they stopped it. Because the way that they are
12 doing the things is to do it from inside, not from outside.
13 It's not face to face they came and disturb you. They make it
14 from when they are in the control room or far away from you,
15 you cannot see them. They do it so they can deny it. They
16 say we are not doing anything.

17 Q. So just so I understand, you believe that it's
18 someone in the control, room correct?

19 A. Yes.

20 Q. And do you believe often times its females rather
21 than males that are doing this?

22 A. No, not until the recent time. I don't have problem
23 with females. Females were there from the first group of Army

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1 and the Navy and they -- some of them good, some are bad like
2 other guards, male or females. There is no difference. But
3 since the MP took place and take the Camp VII, the females
4 that work with the MPs from the last camp commander until the
5 one we have now, they are very bad, very, very, very bad.

6 Q. So these particular females for the last couple
7 months are very bad?

8 A. I haven't seen them. I know them from the control
9 room, from the intercom.

10 Q. So you only talk to them?

11 A. Yes.

12 Q. You don't even know what they look like?

13 A. No.

14 Q. So if you were to complain to the, quote, blond bitch
15 in control to stop vibrating your cell, how do you even know
16 she's blond?

17 A. One of them I saw it first time she comes to the
18 camp.

19 Q. The blond one?

20 A. I think so. She comes to the tier just once and then
21 she left.

22 Q. Now, you said you never had a problem with the female
23 guards?

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1 A. I didn't have problems with the female guards before
2 those females.

3 Q. Okay. Do you remember writing a letter called "these
4 are the rules for the females in Camp VII"?

5 A. Yes.

6 Q. And you sent that letter to the camp commander?

7 A. Yes.

8 Q. And you had very specific rules about that?

9 A. Say it again.

10 Q. You wrote very specific rules about what you think
11 the females should be able to do?

12 A. Yes.

13 Q. Okay. And you only wanted females over 40 years of
14 age, correct?

15 LDC [MR. HARRINGTON]: Judge, I object to this.

16 MJ [COL POHL]: Basis?

17 LDC [MR. HARRINGTON]: What is the relevance of it?

18 MJ [COL POHL]: Relevance of this?

19 MTC [MR. TRIVETT]: Goes to bias, sir. There are four
20 plausible reasons that this is happening. One is that it is
21 actually happening; the second is he is imagining it; the
22 third is there is some kind of natural cause of it; and the
23 fourth is that he's lying and he's fighting the jihad against

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1 the guards in the camp. I'm exploring that fourth theory.
2 The government's defending itself, quite frankly, against the
3 allegations that are being made by Mr. Binalshibh in Camp VII.

4 LDC [MR. HARRINGTON]: Judge, he's -- this line of
5 questioning goes -- he's trying to create something about his
6 apparent bias against females. He testified on direct that
7 he's gotten good treatment from some females. He just said
8 some are good and some are bad. I mean, this is not ----

9 MTC [MR. TRIVETT]: That's why I'm allowed to explore it,
10 sir.

11 MJ [COL POHL]: Under your Category 4 ----

12 MTC [MR. TRIVETT]: Yes.

13 MJ [COL POHL]: ---- what would be the limits of that?

14 MTC [MR. TRIVETT]: I'm not going to get into many of
15 these questions, sir.

16 MJ [COL POHL]: I didn't ask you that. You say that I
17 want to show he may be lying because it's part of an ongoing
18 jihad and I'm simply saying if that's your grounds of
19 relevance, where is that line drawn?

20 MTC [MR. TRIVETT]: I want to be able to establish ----

21 MJ [COL POHL]: His entire background and everything else?

22 MTC [MR. TRIVETT]: No, sir. I want to be able to
23 establish specifically he believes the guard force is his

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1 enemy, the United States is his enemy, and that gives him a
2 motive to lie and try to malign them in their duties because
3 he's captured by his enemy.

4 MJ [COL POHL]: The objection is sustained as far as to
5 the rules for the female guards.

6 MTC [MR. TRIVETT]: Yes, sir.

7 MJ [COL POHL]: If you want to explore the general bias
8 against the United States, I will give you a little bit of
9 leeway, but I think you're -- again, I will give you a little
10 bit of leeway.

11 MTC [MR. TRIVETT]: Yes, sir.

12 MJ [COL POHL]: I mean, Mr. Trivett ----

13 MTC [MR. TRIVETT]: Yes, sir.

14 MJ [COL POHL]: ---- why are they here?

15 MTC [MR. TRIVETT]: Why is who here?

16 MJ [COL POHL]: Why are we in this trial? Because of the
17 accusations made against these accused.

18 MTC [MR. TRIVETT]: Correct.

19 MJ [COL POHL]: So you want to -- you feel you need to
20 explore the very basis of why we're here to show bias. I will
21 give you some leeway, but just not much.

22 MTC [MR. TRIVETT]: Understood.

23 Questions by the Managing Trial Counsel [MR. TRIVETT]:

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1 Q. I'm not going to ask any specific questions about
2 your charges, but it's safe to say that you believe you're an
3 enemy of the United States, correct?

4 A. Yes.

5 Q. And that's why you're wearing that military uniform?

6 A. Yes.

7 Q. Okay. You believe you're a warrior?

8 A. I'm -- I need my lawyers to answer these things.

9 Q. I'm asking you the question, I need you to answer.

10 A. I need to consult my lawyers because this is -- for
11 me it is out of the topic.

12 Q. Your lawyer can object if he wants.

13 MJ [COL POHL]: Mr. Binalshibh, unless there's an
14 objection, you have to answer the question. You don't get to
15 object. He asked you a question, do you perceive that you're
16 a lawyer [sic]. Is there an objection?

17 LDC [MR. HARRINGTON]: I do object, Judge. And with
18 respect to this line of questioning, this man is coming in
19 here testifying that he is under extreme turmoil and that he
20 wants some relief from that. He is not waging any kind of a
21 war against anybody in this behavior. He wants it to go away.
22 What motivation would he have to lie because of some feelings
23 that he has against the United States about this particular

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1 problem that he has?

2 MJ [COL POHL]: Again, Mr. Trivett, this is an
3 interlocutory motion. You established he believes his
4 relation -- what his view of the United States is. That is
5 sufficient background to show any type of bias. Objection is
6 sustained.

7 If you have further questions about something else,
8 go ahead but this line of bias question is over.

9 MTC [MR. TRIVETT]: Yes, sir.

10 **Questions by the Managing Trial Counsel [MR. TRIVETT]:**

11 Q. So you believe that every one of the guards in
12 Camp VII is in on this secret to harass you, correct?

13 A. Yes.

14 Q. Okay. And over the last nine years, it's safe to say
15 that there were many different units who came in to guard you
16 men in Camp VII?

17 A. Yes.

18 Q. Some from the Army?

19 A. Yes.

20 Q. Some from the Navy?

21 A. Yes.

22 Q. Units from all over the United States, correct?

23 A. I'm not familiar with the units, but maybe. I assume

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1 so.

2 Q. Okay. And it's safe to say that in your mind every
3 single one of them knew that they were doing this to you?

4 A. They are Army. They are following the orders. They
5 are not contractors.

6 Q. So they're following orders from their camp
7 commander?

8 A. Their process, their chain of command, yes, whoever
9 is there.

10 Q. Okay. All right. Mr. Harrington asked you some
11 questions specifically about your use of the intercom some.
12 And so generally you will use the intercom some late at night
13 to make these complaints about the vibrations, correct?

14 A. I use it every day, every time I need to use it. But
15 at midnight times, if I fell sleep and then went to sleep and
16 they disturb me, I use it and I talk with them through the
17 intercom, yes.

18 Q. And can you be agitated sometimes?

19 A. Yes.

20 Q. And you can get angry with them?

21 A. Of course.

22 Q. Okay. And you believe that it's just the females in
23 the control room all the time?

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1 A. No.

2 Q. Sometimes there's men, sometimes women?

3 A. They have rotations.

4 Q. You can't see the control room from where you're at,
5 right?

6 A. No, I walk by it and I see it sometimes from when the
7 door's open. I can see inside.

8 Q. Okay. And you believe sometimes that these female
9 guards are dancing in the control room? Dancing noises? Can
10 you explain what those dancing noises are?

11 A. Dancing? Dance?

12 Q. Dancing noises, that was one of the words you used in
13 one of your letters to the camp commander. I'm trying to
14 figure out what that means.

15 A. I remember my lawyers told me about this dancing
16 stuff, but I don't recall it. Because I talked with them, I
17 said, "Who's dancing?" Maybe somebody put it there, maybe
18 misinterpretations, I don't know. Anyways, it is not the word
19 that I use.

20 Q. Do you believe that they are laughing at you?

21 A. Yes.

22 Q. That they're playing a game with you?

23 A. Yes.

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1 Q. Okay. And do you believe when you're up in Camp VII
2 that at all times you're playing a chess match between
3 yourself and the guards and the United States?

4 A. How do you mean that?

5 Q. I'm sorry?

6 A. What do you mean?

7 Q. Do you feel like you are playing a chess match, like
8 you have to do a move after they do a move?

9 A. No, it is high security camp. It is maximum
10 security -- this is the most secure prison on the earth. I am
11 not playing there. Things are going on very serious. Yes,
12 sometimes we joke to each other, but it's not just kind of
13 gaming or gambling.

14 Q. All right. So do you remember yelling at one of the
15 female guards, "You slut, I have your profile. I have your
16 physical profile. I know how many push-ups and sit-ups you
17 do. It's quite impressive. I will tell ISIS. Good luck with
18 your life and, by the way, I also have your social media.
19 Good luck."

20 Do you recall saying that?

21 A. Maybe.

22 Q. It's a yes-or-no question.

23 A. I cannot say yes or no because if I say yes, that

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1 means everything you said I said it, and I don't recall it.

2 Q. We can go through it. Do you remember calling her a
3 "slut"?

4 A. Sometimes.

5 Q. That's a word you use sometimes to the female guards?

6 A. Yes.

7 Q. Do you remember claiming to have her profile?

8 A. Maybe. I don't recall it.

9 Q. Okay. Okay. Do you remember telling her that you
10 knew how many push-ups she did, how many sit-ups she did?

11 A. Maybe.

12 Q. Okay. Do you remember threatening to tell ISIS about
13 her?

14 A. Some females want to join ISIS. They told me they
15 want to join ISIS; so they want to join ISIS, not me.

16 Q. So you think some of the guards in Camp VII want to
17 join ISIS?

18 A. Yes.

19 Q. They told you that?

20 A. Some.

21 Q. So when you were offering to tell ISIS about her, was
22 that so they could recruit her or were you threatening her
23 with death?

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1 A. This depend on the context. I don't know. I don't
2 know that.

3 Q. I understand. Okay. Did you really have her
4 physical profile or were you lying to her?

5 A. Her profile?

6 Q. Yes, you said that you had her profile. Is that true
7 or were you lying?

8 A. I don't have any profile for any guards.

9 Q. So if you said that to her, you were lying?

10 A. As I told you, I don't recall every single word that
11 you said.

12 Q. Okay. Do you remember threatening any of the guards
13 with death, that you would cut their heads off?

14 A. No.

15 Q. You don't remember saying that?

16 A. No.

17 Q. So if it's in the disciplinary records, someone would
18 have been making that up?

19 A. Yes. If the medical record is not accurate, if the
20 doctors ----

21 Q. I'm not talking about those records. I'm talking
22 about your disciplinary records, just to be clear. Not your
23 medical records, but your disciplinary records ----

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1 A. But, I mean, if the doctors are lying, the guards
2 aren't supposed to do this? The doctors are professional and
3 they have oath not to lie and they're lying.

4 Q. Let me stop you a second. You may have misunderstood
5 my question.

6 A. I understand your question. I got it. But if the
7 doctor is lying, what do you think the guard going to do?

8 Q. My question was, if your disciplinary records, not
9 your medical records, if the records that list what you say
10 over the intercom say that you said those things, are you
11 saying that you didn't say them and that they're made up?

12 A. Many times.

13 Q. Thank you. I'm going to talk about the bird noises
14 very briefly that you mentioned. You had made a complaint
15 about the bird noises back in the early times when you were
16 here, correct?

17 A. No, just me.

18 Q. Right, the other brothers as well?

19 A. Yes.

20 Q. Everyone recognized that there was birds chirping out
21 of those speakers, correct?

22 A. Yes.

23 Q. And you could actually see the speakers, right?

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1 A. Yes, the speakers.

2 Q. And you told someone in the camp at some point that
3 it made you nervous and you wanted it turned off, correct?

4 A. I don't recall this kind of conversation, but I
5 remember that we asked them to turn it off.

6 Q. And it did get turned off, didn't it?

7 A. No.

8 Q. Never?

9 A. They turned it off later on, but it's not because I
10 told them to turn it off. Because at first they were denying
11 things is there. And then later on, when they couldn't do
12 this anymore -- because sometimes the guard came out to the
13 rec while the noise is on without coordinating with the
14 control room to turn it off, we caught them there, say, "Okay,
15 this is the noise we're talking about. What's this?"

16 And they say, "I'm going to ask and see." And they
17 said, "We will see," and he goes and sees is these things.

18 Q. So they listen to your complaints?

19 A. Just not my complaint, everybody.

20 Q. They listened to all the brothers complaining, they
21 went back and looked into it and then they stopped it?

22 A. I don't -- I didn't recall that they stopped it
23 because of my complaint. I know that some brothers, Zubaydah,

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1 for instance, he complained about it and then they turn it
2 because of him. When he complained about it, they turn it
3 off.

4 Q. So you think they ignored your complaints but they
5 listened to Mr. Zubaydah's complaints, is that what you're
6 saying?

7 A. Yes.

8 MJ [COL POHL]: Mr. Trivett, how much more do you have?

9 MTC [MR. TRIVETT]: Not much, sir. Let me confer very
10 briefly with the ----

11 MJ [COL POHL]: Sure.

12 [Pause.]

13 MTC [MR. TRIVETT]: Just a few more questions, sir.

14 **Questions by the Managing Trial Counsel [MR. TRIVETT]:**

15 Q. Mr. Binalshibh, you mentioned to Mr. Harrington that
16 there were a couple of female guards that were helpful at some
17 point to you?

18 A. Yes.

19 Q. And they listened to your complaints?

20 A. Yes.

21 Q. And they sympathized with your complaints?

22 A. I cannot say "sympathized," but they understand
23 what's going on.

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1 Q. Okay. They never said that they didn't believe you?

2 A. No.

3 Q. But they've never admitted that it's actually going
4 on, correct?

5 A. When I complained to them they said, "We going to
6 take care of it, I'm going to take care of it. I'm going to
7 take care of it and I'm going to talk with the guys inside the
8 control room."

9 Q. Okay. When you spoke to Dr. Homer ----

10 A. Yes.

11 Q. ---- right, is it safe to say that you had a pretty
12 good relationship with him?

13 A. I saw him just for few amount of times, just one
14 times or two times, it's not long time. Maybe sometimes he
15 come by, yes, maybe good relationship, you can say that,
16 different from the other psychiatrist.

17 Q. You had a friendly relationship with him the few
18 times you met him?

19 A. Maybe you can say that, friendly, but it is not that
20 kind.

21 Q. He never challenged your belief that this vibration
22 and the shaking and the noises were not in your head, correct?

23 A. He never said that.

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1 Q. The other doctors, though, did, correct?

2 A. As I told you, I didn't meet with other
3 psychiatrists, just first female psychiatrist and the second
4 and third and maybe three of them, and the other one when they
5 want to talk with me, I refuse to talk with them until
6 Dr. Homer comes in 2015 or 2014.

7 Q. And that first psychiatrist said this is all in your
8 head?

9 A. No, she's -- she didn't say that every times. As I
10 told you, she told me, you are not helpful, you are making
11 this hard for you. And I know what she means with that, that
12 I am not enough -- I'm not working with them or I am refusing
13 to work with them for the government.

14 Q. So what do you mean by "working for them for the
15 government?" Explain that. I know you mentioned that before.
16 I need to understand what you mean by "working for the
17 government."

18 A. Do you want me to go in details?

19 Q. Is your -- did you -- strike that.

20 Did the first doctor say to you that everything that
21 you were complaining to her about was in your mind, yes or no?

22 A. Not every times.

23 Q. Okay.

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1 MTC [MR. TRIVETT]: No further questions, sir.

2 MJ [COL POHL]: Mr. Harrington, are you going to want any
3 redirect?

4 LDC [MR. HARRINGTON]: I do, Judge. It will be about ten
5 minutes or so.

6 MJ [COL POHL]: Okay. We're going to do it after lunch.
7 Okay. We're going to break for lunch now until 1330. Just
8 for the way ahead, it does seem because of the, particularly
9 the 112 issue, that we need to address that. We will do an
10 open session of the commission until approximately 1500 or so
11 with a natural break thereafter, and then after all the moving
12 pieces are moved, we'll do the 505(h) hearing thereafter. If
13 we can go a little later than, that we will, but I -- just
14 kind after mark on the wall.

15 CP [BG MARTINS]: Your Honor, that -- I wasn't hearing
16 that from you before, relating to a -- you're thinking of
17 going into a 505(h) at 1500? Are you going to go back to 018?

18 MJ [COL POHL]: We're going to go back to -- when
19 Mr. Binalshibh is done, we're going to go back to 018. Okay.
20 Then 1530ish or so, 1530 in the afternoon I want to do the
21 505(h) hearing on 400 and 112 to see whether or not we need to
22 address them tomorrow in the closed 806 session. Okay.
23 That's kind of the way ahead.

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1 CP [BG MARTINS]: I understand.

2 MJ [COL POHL]: Okay. Then we'll pick up -- just so
3 everybody understands, then we'll pick up 018 on Friday. No
4 matter where we are at with 018, we will -- this is still
5 subject to what comes out at the 806 session, but Friday right
6 now I expect to hear all arguments on all of 254, all aspects
7 of 254, because -- again, it could be changed, depends on what
8 comes up at the 505 or 806 hearing, but both sides need to be
9 prepared to do that.

10 That being said, Mr. Connell, you wanted to be heard
11 on something?

12 LDC [MR. CONNELL]: Your Honor, in the 505(h) you
13 mentioned F and O. I'm also tracking 386C that we passed over
14 yesterday.

15 MJ [COL POHL]: Yes, I think the three of them.

16 LDC [MR. CONNELL]: Yes, sir, I agree.

17 MJ [COL POHL]: 400, 386, and 112.

18 LDC [MR. CONNELL]: Okay. Commission is in recess until
19 1330.

20 [The R.M.C. 803 session recessed at 1206, 23 February 2016.]

21 [END OF PAGE]

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23