

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 [The R.M.C. 803 session was called to order at 0905, 3 June
2 2016.]

3 MJ [COL POHL]: Commission is called to order.

4 Trial Counsel, any change in the representatives for
5 the United States?

6 MTC [MR. TRIVETT]: Good morning, Your Honor. No change
7 with the attorneys. There are no FBI personnel present in the
8 courtroom today.

9 MJ [COL POHL]: Okay. Mr. Mohammad, Mr. Bin'Attash, and
10 Mr. Hawsawi are not present. Mr. Binalshibh and
11 Mr. al Baluchi are present.

12 Defense counsel, any change in defense counsel since
13 we last were in session?

14 LDC [MR. NEVIN]: No, Your Honor.

15 MJ [COL POHL]: Okay.

16 LDC [MS. BORMANN]: No, Judge.

17 LDC [MR. HARRINGTON]: No, sir.

18 LDC [MR. CONNELL]: No, Your Honor.

19 MJ [COL POHL]: And, Mr. Ruiz, any changes?

20 LDC [MR. RUIZ]: Judge, no change.

21 MJ [COL POHL]: Thank you.

22 Mr. Swann.

23 MAJOR, U.S. ARMY, was called as a witness for the prosecution,

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 was previously sworn, and testified as follows:

2 DIRECT EXAMINATION

3 Questions by the Trial Counsel [MR. SWANN]:

4 Q. Major, are you the same major who has testified
5 previously in these proceedings this week?

6 A. I am.

7 Q. All right. Again I remind you, you are under oath.

8 A. I understand.

9 Q. Did you have occasion to advise the accused of their
10 right to attend this morning?

11 A. I did.

12 Q. You have in front of you what's been marked as
13 Appellate Exhibit 429G, H and I, each consisting of three
14 pages; is that correct?

15 A. That is correct.

16 Q. All right. Let's take G first. That is the waiver
17 by Khalid Shaikh Mohammad. Did you advise him of his rights
18 this morning?

19 A. I did.

20 Q. And did you use the same procedure that you've used
21 in every other occasion?

22 A. I did. With Mr. Mohammad, I used the same procedure.
23 I read the English version only and started reading that at

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 0614 hours. He did not want it interpreted, and I signed it
2 after him at 0616 hours.

3 Q. All right. Do you believe he understood his rights?

4 A. Yes, I do.

5 Q. With respect to 429H which is Khallad Bin'Attash, did
6 you do the same thing?

7 A. I did. The only difference, he asked that -- I read
8 the entire English version, started reading that at
9 0603 hours. He followed along with the Arabic version, and
10 then I had the interpreter read the entire Arabic version to
11 Mr. Bin'Attash, and I signed the document at 0607 hours.

12 Q. All right. Do you believe he understood his rights?

13 A. I do.

14 Q. With respect to 429I, Hawsawi. What time did you
15 start with him?

16 A. I read the English version to him. I started reading
17 that at 0608 hours. He also followed along with the Arabic
18 version and filled out the Arabic version, and then I had the
19 interpreter read the entire Arabic version to Mr. al Hawsawi,
20 and I signed that document at 0611 hours.

21 Q. And he signed the document?

22 A. He did sign the document prior to my signature.

23 Q. Again, did he understand his rights?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. He did.

2 TC [MR. SWANN]: Your Honor, I have no further questions.

3 MJ [COL POHL]: Any defense counsel have any questions?

4 LDC [MR. NEVIN]: No, Your Honor.

5 LDC [MS. BORMANN]: None, Your Honor.

6 LDC [MR. RUIZ]: No questions.

7 MJ [COL POHL]: Thank you. Thank you.

8 WIT: Thanks, Judge.

9 [The witness was excused.]

10 MJ [COL POHL]: Before we call the witness, there's one
11 issue I need to address. Mr. Harrington, it's my
12 understanding that immediately prior to us coming in to court,
13 you handed a stack of documents to the court information
14 security officer. Do you intend to display these documents?

15 LDC [MR. HARRINGTON]: I think so, Judge. I'm not sure.

16 MJ [COL POHL]: Well, what I'm saying is that he has not
17 had the time to go through the review. The rule requires at
18 least 24 hours so he can do his job. And there's -- so
19 basically, you got your option now. You can't use these
20 documents until the review is done and I'm not going to stop
21 the proceedings. I don't know how long it will take because
22 sometimes it requires consultation with OCAs.

23 LDC [MR. HARRINGTON]: Judge, the documents have been seen

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 by -- in fact, some were provided by Mr. Trivett to me.

2 MJ [COL POHL]: That's not the rule, Mr. Harrington.

3 LDC [MR. HARRINGTON]: I understand.

4 MJ [COL POHL]: As we've seen, sometimes the government
5 doesn't necessarily always recognize it. I mean, this came up
6 yesterday with the exhibit that Mr. Schwartz wanted to put in.
7 Just handing a document to the CISO right before you want to
8 use it is not the way it's supposed to work because there can
9 be no -- we certainly don't want to have -- understand, I'm
10 not saying that you're trying to slip in classified documents
11 but the procedure is the same.

12 The rule is clear, in the absence -- in this whole
13 stack, you know, it will take a while for him to even go
14 through the whole thing. Can you proceed without displaying
15 the documents?

16 LDC [MR. HARRINGTON]: Judge, I can ask questions of the
17 witness, whether he -- they're mainly to refresh his
18 recollection is what it is.

19 MJ [COL POHL]: Yeah. It's the concern about the word
20 display.

21 LDC [MR. HARRINGTON]: Right.

22 MJ [COL POHL]: The rule talks about display, and so if
23 you -- you are bound by the answer because you can't show him

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 the documents because VTC, you'd have to display it, unless he
2 has a copy of them at his end. Do you want to think about it
3 a second?

4 LDC [MR. HARRINGTON]: Let me talk to Major Wichner for a
5 second.

6 DDC [MR. SCHWARTZ]: Your Honor, I just want to note, we
7 didn't ever intend to display the document yesterday. That
8 wasn't meant for the court security officer. That was just
9 simply to introduce into the record.

10 [Pause.]

11 MJ [COL POHL]: Mr. Harrington. I mean, just so it's
12 clear why there's kind of -- if it's displayed, once it's
13 displayed without a review, everybody can see it. There's
14 no -- you know, whereas in -- whereas if a question is asked
15 on it, that may trigger a classification issue. That's why we
16 have the 40-second delay. So that's -- somebody's asking why
17 is there two separate -- two apparent rules, that's the reason
18 why. But go ahead.

19 LDC [MR. HARRINGTON]: Judge, obviously it would be
20 preferable if the witness could look at this just because it
21 might refresh his recollection, but I can ask him the
22 questions. And I can tell you that there are many, many
23 instances that I would ask him about I would anticipate he's

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 going to say he does not recall them, but I have to ask him
2 the questions.

3 MJ [COL POHL]: No, I understand that. It just limits
4 your ability to refresh his recollection on a VTC witness. I
5 got it. But that's ----

6 LDC [MR. HARRINGTON]: Judge, there are -- the pleadings
7 in this case, which I intend to show to the witness, and I did
8 not give those to the court security officer, I assume it's
9 already ----

10 MJ [COL POHL]: But they went through a review, though.

11 LDC [MR. HARRINGTON]: Yes.

12 MJ [COL POHL]: I'm not saying -- these may be attached to
13 other documents, I got it. But that's -- we can't have two
14 separate sets of rules, well, this is okay in this kind. Are
15 you with me?

16 LDC [MR. HARRINGTON]: Yes, I understand.

17 MTC [MR. TRIVETT]: Sir, can I have a moment to confer
18 with Mr. Harrington?

19 MJ [COL POHL]: Sure.

20 [Pause.]

21 LDC [MR. HARRINGTON]: Judge, one of the packages of
22 materials that I provided are already labeled as available for
23 public release. So I don't know that that requires a review

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 or not.

2 MJ [COL POHL]: Well, see, my point would be is that's
3 what he would look at. He would go through the whole package.
4 If there are things that are clearly nonclassified like that,
5 he would say fine. But again, you know, one minute to nine is
6 not the time to give it to him. That's all I'm saying. If
7 you think that there's things that are clearly marked for
8 public release and limit yourself to that, and give him an
9 opportunity to look at it, we'll take a break and do it. But
10 my concern is, is that if it we start -- I mean, it just -- it
11 just is not a very efficient way to run the railroad.

12 LDC [MR. HARRINGTON]: No. I understand, Judge. In the
13 documents that I gave you, the only one that's of any
14 significance in terms of number of pages is the one that's
15 marked for public release.

16 MJ [COL POHL]: The one that's marked for FOUO? That one?

17 LDC [MR. HARRINGTON]: Yes.

18 MJ [COL POHL]: The one with the green sheet? What I will
19 do, and understand, Mr. Harrington, and I'm going to give
20 you part of this because we have a certain flexibility in
21 scheduling today, but I just want everybody to understand, the
22 two -- if this -- it says 24 hours. I think the new rule may
23 be even longer.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 If you are planning your case and you need -- you
2 want to present something, it's not that hard to plan ahead of
3 time. We'll take a recess and I'll ask the CIS0 to see
4 whether or not the one document can be reviewed as long as
5 each page is marked correctly.

6 The commission is in recess.

7 [The R.M.C. 803 session recessed at 0917, 3 June 2016.]

8 [END OF PAGE]

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 [The R.M.C. 803 session was called to order at 1014, 3 June
2 2016.]

3 MJ [COL POHL]: The commission is called to order. I
4 believe everybody is here.

5 Mr. Harrington. During the hour-long recess ----

6 LDC [MR. NEVIN]: Excuse me, Your Honor. I should say
7 Ms. Leboeuf is not present, but we can proceed in her absence.

8 MJ [COL POHL]: ---- we were able to -- the CISO was able
9 to review two of the documents and they're clearly marked --
10 they were clearly marked. Okay.

11 The memoranda -- I just want to explain. It may seem
12 easy to other people, but just to illustrate what happens
13 here. On one of the memoranda there was an issue of whether
14 or not it contained information that may have been classified.
15 That means that the CISO has to go to the OCA, talk to them
16 about it, and then in this particular case, require the OCA
17 then go to talk to their people in Washington to coordinate
18 whether or not the document is -- and, again, we're talking
19 about relatively simple, straightforward documents here.
20 Okay. That's what it entails when we do one of these reviews
21 and that's why it's got to be given earlier.

22 Now as it turns out, the concern, the OCA said it's
23 FOUO only and therefore there's no issue with your current

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 documents. But I just kind of want to explain to everybody,
2 this is not just simply handing the documents to the CISO and
3 he takes a quick look at them and now we're done. If there's
4 any concern, it requires a lot of coordination.

5 In this particular case, we've done all of that and
6 I'm going to let you use them. But I'm just telling you now,
7 to both sides, is give them to him ahead of time. Because
8 like I said, today we have some wiggle room in the schedule,
9 but if we're going normally and moving along, I'm not going to
10 sit and use an hour-and-a-half of court time because you
11 didn't give the documents in a manner in accordance with the
12 rules.

13 All that being said, Mr. Harrington, they've gone
14 through the review and you can use them, and you may display
15 them.

16 LDC [MR. HARRINGTON]: Thank you, Judge. Judge, I think
17 we have to clarify something that was brought to our attention
18 during the -- while this was going on, is that my confusion
19 was in showing a document to a witness to refresh their
20 recollection. Because of the VTC, I was told that it had to
21 be put up on the screen so that everybody saw. But normally
22 in every court, including this court, is you don't show
23 something to somebody -- for somebody's recollection and have

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 it published to the public and to everybody else; you show it
2 to the witness, and that document usually never gets into the
3 record. It's just used for the purpose of refreshing
4 recollection.

5 MJ [COL POHL]: No. And, Mr. Harrington, I certainly
6 understand that, and I understand because it's a VTC witness,
7 it may have created an issue that wasn't there, but ----

8 LDC [MR. HARRINGTON]: But it's my understanding we can do
9 it with the VTC. We were told we can do it with the VTC, we
10 just tell the controller of the VTC don't publish it.

11 MJ [COL POHL]: But it cannot be displayed, and the issue
12 is the display issue. And perhaps we wouldn't have had this
13 discussion, but display also means it can't be displayed on
14 the monitors that the gallery can see.

15 LDC [MR. HARRINGTON]: But they wouldn't be able to,
16 Judge.

17 MJ [COL POHL]: Okay. Okay. Okay. Well, if it's not a
18 display issue, I've got it. I'm simply saying now is that if
19 there's an intent to display anything, because when we started
20 this discussion -- I understand what you're telling me now.
21 Initially, my impression, because what's been done a lot is
22 that if it's put on the ELM0, it's displayed to everybody, the
23 witness says yes, that's true or no, it's not true. But if

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 you -- if somebody says -- if you hand something in here and
2 say it's not going to be displayed, then I got you. There's
3 no need for it.

4 But I'm saying if it is going to be displayed, and my
5 impression was this was going to be, then we've got to do the
6 other procedure.

7 LDC [MR. HARRINGTON]: That's my confusion in the word
8 display. I meant display to the witness. You obviously meant
9 display in the broader sense.

10 MJ [COL POHL]: Yeah. Yeah. Exactly. You're correct.
11 If the witness here was live, you could hand it to him once
12 you go through the -- and get it back, and I got it. Okay.
13 Good.

14 That being said, is the witness ready?

15 LDC [MR. HARRINGTON]: Yes, sir.

16 MJ [COL POHL]: Mr. Harrington, do you need these back?

17 LDC [MR. HARRINGTON]: I have other copies.

18 MJ [COL POHL]: Have they been marked?

19 LDC [MR. HARRINGTON]: No.

20 MJ [COL POHL]: Okay. (Conferred with court reporter.)

21 MTC [MR. TRIVETT]: Major, can you hear me?

22 WIT: Yes, sir.

23 MTC [MR. TRIVETT]: Please stand and raise your right

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 hand.

2 CURRENT CAMP COMMANDER, U.S. Army, was called as a witness for
3 the prosecution, was sworn, and testified as follows:

4 DIRECT EXAMINATION

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

6 Q. Please be seated. If I can ask the volume be turned
7 up from the major's microphone. It's a little low.

8 Now, Major, you've testified before in this
9 commission as the, quote, Current Camp Commander, correct?

10 A. Yes.

11 Q. And just so there's no confusion on the record, you
12 are now a former camp commander, correct?

13 A. Yes, sir.

14 Q. For purposes of the record and for today, you're
15 still going to be referred to as the Current Camp Commander.
16 Do you understand?

17 A. Yes, sir.

18 Q. And you were the officer in charge of Camp VII from
19 August 2015 to May 2016; is that correct?

20 A. Yes, sir.

21 Q. And now I don't intend to elicit any classified
22 information from any of these questions. If you feel like a
23 question calls for a classified answer, please indicate that

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 you feel that the question calls for a classified answer and
2 I'll either rephrase the question in a more general way or we
3 can handle it later in the classified session. Do you
4 understand?

5 A. Yes, sir.

6 Q. Are you aware of the military judge's order in this
7 case to not intentionally subject Mr. Binalshibh to noises and
8 vibrations?

9 A. Yes, sir.

10 Q. And did you make your guards aware of it?

11 A. Yes.

12 Q. How did you go about doing that?

13 A. I briefed each guard and I had -- before they -- when
14 I was brought into court by the judge to make sure that every
15 soldier was notified, I briefed every soldier before they came
16 on shift at guard mount.

17 Q. In your judgment, was every one of your guards
18 following your order?

19 A. Yes.

20 Q. To your knowledge, did any of your guards
21 intentionally harass Mr. Binalshibh or disrupt his sleep by
22 creating noises and vibrations?

23 A. No.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. Now, when you first took over as camp OIC, did you
2 get a period of turnover with your predecessor?

3 A. Yes, sir.

4 Q. And is that sometimes called the left seat/right seat
5 ride?

6 A. Yes, sir.

7 Q. And how long was the turnover that you had?

8 A. About three weeks.

9 Q. And was one of your predecessors a lieutenant colonel
10 from the Louisiana National Guard?

11 A. Yes.

12 Q. As part of your duties, did you become aware of an
13 investigation that he performed on the facility following
14 earlier complaints that Mr. Binalshibh had made?

15 A. Yes.

16 Q. Switching topics a little bit, as the camp OIC, what
17 are your main responsibilities?

18 A. I'm responsible for the humane care and custody of
19 the detainees under my charge.

20 Q. And did you have an office in Camp VII?

21 A. Yes, I did.

22 Q. How many hours did you spend a day in the facility?

23 A. It would all depend on the day. Sometimes a few

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 hours, sometimes several hours. It all depended on what was
2 going on.

3 Q. Would you say that you were in the facility every
4 day?

5 A. Just about every day. Usually on Sunday I would not
6 be in there.

7 Q. Is Camp VII made of concrete and steel?

8 A. Yes.

9 Q. Are the doors heavy?

10 A. Yes.

11 Q. Do they make noise?

12 MJ [COL POHL]: Mr. Trivett.

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

14 MJ [COL POHL]: Since we're going to have a classified
15 session, isn't there an issue about the exact makeup of the
16 facility?

17 MTC [MR. TRIVETT]: If there's very specific details, sir,
18 there is. I talked to the court security officer yesterday.
19 We referred other documents in the case that have been
20 cleared, including testimony from Mr. Binalshibh and others
21 and other declarations. So ----

22 MJ [COL POHL]: Okay.

23 MTC [MR. TRIVETT]: ---- I don't believe I'm getting into

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 any classified information here.

2 MJ [COL POHL]: Okay.

3 MTC [MR. TRIVETT]: Thank you.

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

5 Q. Do the noises -- do the doors make noise when you
6 close them?

7 A. Yes.

8 Q. And what is that specific noise like?

9 A. It would be like a -- it could be like a metal bang
10 or a door closing sound, like a metal-on-metal sound. It
11 could also be a pop lock.

12 Q. And can you describe that a little bit more?

13 A. Like a pneumatic pop. Like a slight little pop or
14 maybe even it would sound like a little bang.

15 Q. From a release of air? When you say pneumatic, do
16 you mean like from a release of air?

17 A. Yes. Yes.

18 Q. Now, is there any attempt from the guards to handle
19 the doors as quietly as possible?

20 A. Yes.

21 Q. And are they actually trained on the proper way to
22 close the doors in the facility?

23 A. Yes.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. Are there signs in the facility to be as quiet as
2 possible?

3 A. Yes.

4 Q. And are there signs posted to be quiet during prayer
5 time?

6 A. Yes.

7 Q. Would you say the confinement facility is louder
8 during the day or at night?

9 A. I would say during the day because of conversation,
10 general moving around.

11 Q. So to your knowledge, what kind of noises would a
12 typical detainee likely hear in the facility during the day or
13 at night?

14 A. Doors opening and closing, people moving around,
15 talking.

16 Q. Now, in your left seat/right seat ride as part of
17 your training to take over the duties, were you made aware of
18 Mr. Binalshibh's frequent complaints?

19 A. Yes.

20 Q. And who informed you of those complaints?

21 A. The previous OIC.

22 Q. And to your knowledge, has Mr. Binalshibh sent you or
23 the previous OIC any letters complaining of the noises and

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 vibrations?

2 A. Yes.

3 Q. And were you made aware of the letters that were sent
4 to your predecessor during your left seat/right seat ride?

5 A. Yes.

6 Q. Are you aware of whether, and if so, how many times
7 Mr. Binalshibh changed cells from 2006 until you arrived?

8 A. To the best of my knowledge, five times.

9 Q. And without getting into how many different tiers
10 there are in the camp, is it safe to say that he had cells in
11 at least two of those tiers?

12 A. Yes.

13 Q. Now, during your time as OIC, was there always at
14 least one detainee that was directly next to Mr. Binalshibh's
15 cell?

16 A. Yes.

17 Q. So during your time, are you aware of any incident
18 where one of his next-cell neighbors that shares a common wall
19 with him complained about walls shaking or vibrating?

20 A. No.

21 Q. And do you have a set temperature that the camp
22 usually is?

23 A. Usually between 70 and 75 degrees.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. Okay. Are there more -- is there more than one
2 thermostat in the camp?

3 A. Yes.

4 Q. Are there thermostats in the individual cells?

5 A. No.

6 Q. So for every cell that's on the tier that
7 Mr. Binalshibh is detained, are they all under the same
8 thermostat?

9 A. The tiers have separate thermostats, but every cell
10 on the tier would have the same thermostat.

11 Q. And how is the temperature checked by the guards?

12 A. We use a laser thermometer.

13 Q. In your eight months in the camp as OIC, did you ever
14 feel like the temperature drastically fluctuated from day to
15 day?

16 A. No.

17 Q. Now, was there ever maintenance work done on the
18 facility while you were the OIC?

19 A. Yes.

20 Q. What was the nature of that maintenance work?

21 A. We had repairs to the roof for leaks, maintenance on
22 air conditioners, replacing air conditioners, installation of
23 overhead cover for recreation areas, and just general

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 preventative maintenance.

2 Q. And when the air conditioning work was being done,
3 are the air conditioners also on the roof?

4 A. Yes.

5 Q. What type of noises were made during that period of
6 time when the maintenance was being performed?

7 A. There could have been, you know, walking, banging,
8 moving of stuff, heavy equipment to remove the equipment from
9 the roof.

10 Q. And would you notify the detainees if there was any
11 maintenance to be performed that day to give them a heads up?

12 A. Yes. We would notify the tier leaders, and they
13 would notify the detainees.

14 Q. Could there have been hammering sounds that were made
15 during any of that maintenance?

16 A. I believe so.

17 Q. I want to talk to you now a little bit about your
18 inspection of the facility. Now, are you aware of a
19 March 2016 defense request from Mr. Binalshibh's defense
20 counsel to investigate a matter that occurred on March 3?

21 A. Yes.

22 Q. And as part of that request, did you speak with an
23 investigator from the terrorism and criminal investigation

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 service?

2 A. Yes.

3 Q. And as part of that discussion, did the prosecution
4 ask you to familiarize yourself with your predecessor's
5 physical inspection of the facility?

6 A. Yes.

7 Q. And did you do so?

8 A. Yes.

9 Q. Were you also asked to perform your own inspection of
10 the Camp VII structure to verify whether that original
11 investigation was accurate?

12 A. Yes.

13 Q. Did you find anything in your own investigation that
14 differed from the conclusions of your predecessor?

15 A. No.

16 Q. Are you aware of whether the electrical power goes
17 off from time to time at the camp?

18 A. Yes.

19 Q. Did -- I'm sorry. I didn't mean to interrupt you.

20 A. Yes.

21 Q. Is there an emergency gasoline generator there that
22 the camp has?

23 A. Yes.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. And how quickly would that come on if the power was
2 out?

3 A. Almost instantaneous.

4 Q. And I don't want to get into too many details about
5 the control room, but there's been certain testimony taken
6 regarding the control room in this case.

7 So without getting into too much detail, there's a
8 control room in Camp VII and guards man it, correct?

9 A. Yes.

10 Q. And what are their general responsibilities if
11 they're a guard in the control room?

12 A. Coordination of movements and activities inside the
13 facility.

14 Q. And do the guards have the ability to communicate
15 with detainees from the control room?

16 A. Yes.

17 Q. And can the detainees communicate with the guards in
18 the same manner?

19 A. Yes.

20 Q. And is that done through an intercom system?

21 A. Yes.

22 Q. Now, is there any way for Mr. Binalshibh or any of
23 the other detainees to hear the guards in the control room

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 unless they were speaking to him on the intercom system?

2 A. No.

3 Q. So if they were yelling or yucking it up in the
4 control room, is it something that the detainees would be able
5 to hear?

6 A. I don't believe so, no.

7 Q. And is Mr. Binalshibh or any of the other detainees
8 able to see the guards in the control room while they're in
9 their cell?

10 A. No.

11 Q. Would Mr. Binalshibh or any of the detainees ever get
12 the opportunity to see inside of the control room when they're
13 being moved in and out of the facility?

14 A. To my knowledge, no.

15 Q. And did you familiarize yourself with all of the
16 controls in the control room?

17 A. Yes.

18 Q. Did you find a button in the control room that
19 controls machines that make noises and cause vibrations in
20 Mr. Binalshibh's cell?

21 A. No.

22 Q. Are there any buttons in the control room that you
23 didn't know what they were used for?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. No.

2 Q. To your knowledge, is there ever anyone else in the
3 camp at night other than your guard personnel or senior active
4 duty military leaders responsible for them?

5 A. No.

6 Q. Now, during your time as OIC, would anyone not in
7 uniform ever enter Mr. Binalshibh's cell? And if so, what
8 for?

9 A. The only one that would be possible would be a -- an
10 interpreter at the camp. But to my knowledge, during that
11 time, no, he has never entered.

12 Q. So during your entire investigation, did you find any
13 mechanical means in the facility that would or could cause the
14 vibrations to the cell that Mr. Binalshibh complains about?

15 A. No.

16 Q. And did you go into the tiers to check?

17 A. Yes.

18 Q. Did you go into one of the surrounding cells?

19 A. Yes.

20 Q. Did you go into the utility chases on the tiers? And
21 when I say utility chases, I mean spaces that allow for either
22 electrical or plumbing, anything that might be accessible
23 through the tiers.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Yes.

2 Q. Okay. And what did you see in those chases?

3 A. I saw what appeared to be piping for plumbing, and
4 they were bracketed to the wall. They were -- there was space
5 between the pipe and the wall and there was a bracket that
6 extended from the pipe to the wall.

7 Q. And in your view, they were plumbing pipes?

8 A. Yes.

9 Q. Did you see any electrical lines in those chases?

10 A. No.

11 Q. Did you find any evidence of a machine that can make
12 banging noises in the actual walls themselves?

13 A. No.

14 Q. Did you find any evidence of a machine that can
15 generate banging noises behind the toilet?

16 A. No.

17 Q. What is behind the toilet?

18 A. The wall.

19 Q. That wall is made of concrete?

20 A. Yes.

21 Q. Did you find any evidence of a machine that can cause
22 banging noises in any of the cells?

23 A. No.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. Anything that could make sounds of metal banging
2 metal?

3 A. No.

4 Q. Metal banging concrete?

5 A. No.

6 Q. Did you find any evidence of a machine that can make
7 banging noises on the fences outside in the recreation area?

8 A. No.

9 Q. In the shower drains?

10 A. No.

11 Q. Did you find any evidence of a machine that can make
12 banging noises from the toilet itself?

13 A. No.

14 Q. Did you find any evidence of the camp being equipped
15 with a machine that can be turned on to shake a metal fence?

16 A. No.

17 Q. Did you find any evidence of a hidden machine in
18 Camp VII, controlled by your guards, that can make all of the
19 types of different noises to disturb a detainee?

20 A. No.

21 Q. Did you find any evidence of a machine that can
22 generate noises and vibrations in every part of the cell no
23 matter where the detainee happens to be?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. No.

2 Q. Did you observe that the cameras in the cells create
3 sharp, buzzing noises that are very painful to the ears?

4 A. No.

5 Q. Do the cameras in the cells move or oscillate from
6 side to side?

7 A. No.

8 Q. Have you ever personally heard of ear-piercing sounds
9 coming out of the camera?

10 A. No.

11 Q. To your knowledge, have any of your guards ever
12 complained to you about ear-piercing sounds coming out of the
13 cameras?

14 A. Not ear-piercing sounds, no.

15 Q. To your knowledge, have any of the other detainees
16 complained of ear-piercing sounds coming out of the cameras or
17 anything in their cells?

18 A. No.

19 Q. Now, are you aware of an incident where there
20 actually was some humming coming from one of the cameras in
21 the facility?

22 A. Yes. There was -- the guards and the detainees told
23 me of humming from one camera. It was not in a cell, it was

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 in another location. We heard it and we ended up -- it was a
2 little loud, it sounded like a little fan, and we replaced the
3 camera.

4 Q. And did any of the detainees also complain about that
5 particular camera?

6 A. Yes. One of the tier leaders talked to me about the
7 camera, and we had it replaced.

8 Q. Did you have it replaced in an expeditious manner?

9 A. Yes. We immediately called the -- we immediately
10 called to have maintenance have the camera replaced.

11 Q. During your investigation, did you find any evidence
12 of a machine that can cause vibrations in the recreation yard?

13 A. No.

14 Q. On his Charlie rec patio?

15 A. No.

16 Q. On any of the Charlie rec patios in the camp?

17 A. No.

18 Q. Did you find any evidence of a machine that vibrates
19 the detainees' beds?

20 A. No.

21 Q. Now, for purposes of this investigation, did you
22 spend some time in the cell to see for yourself what a
23 detainee could hear and feel?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Yes.

2 Q. How long were you in the cell?

3 A. I spent about 30 minutes in a cell, and then later
4 went back and spent probably about ten minutes in a cell when
5 the generator was operational.

6 Q. Now, the cell that you spent 20 minutes in, was that
7 near Mr. Binalshibh's cell?

8 A. Yes.

9 Q. How close to Mr. Binalshibh's cell?

10 A. Next to it.

11 Q. And did you do it at day or night?

12 A. During the day.

13 Q. And what types of things were you able to hear?

14 A. I heard some talking, I heard the sounds of the
15 pneumatic locks in doors and feed trays. General noise. And
16 I heard the air from the air conditioner blowing.

17 Q. Did you ever hear a high-pitched whistle sound, like
18 someone blowing a referee's whistle?

19 A. No. No.

20 Q. Did you feel anything vibrating in the cell?

21 A. No.

22 Q. Did you hear any loud noises?

23 A. Only when the generator was on. I could hear the

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 sound of the generator.

2 Q. Did you hear anything on the outside fence making
3 noises like it was being shaken?

4 A. No.

5 Q. Did you hear any noises coming out of the plumbing
6 drains?

7 A. No.

8 Q. Any noises coming out of the security cameras?

9 A. No.

10 Q. Were you able to hear the guards from the control
11 room from your cell?

12 A. No.

13 Q. Now, did you also do a walk-through of the detainee
14 huts where they meet with their attorneys?

15 A. Yes.

16 Q. And did you find any evidence of a machine that
17 vibrates the rooms in the huts where he meets with his
18 attorneys?

19 A. No.

20 Q. What kind of chair do the detainees sit in when they
21 meet with their attorneys?

22 A. A plastic chair.

23 Q. Now, to your knowledge, is there anywhere you could

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 even put a vibration machine on a white plastic chair that the
2 accused would not be able to see himself?

3 A. No.

4 Q. Now, of all of the detainees in the camp that had
5 complaints during your time as OIC, which detainee would you
6 say complained the most?

7 A. Ramzi.

8 Q. And had you trained the guards specifically on how to
9 respond to Mr. Binalshibh's complaints?

10 A. Yes.

11 Q. And are the guards trained specifically with how to
12 respond to any other detainee complaints?

13 A. Yes.

14 Q. What was the response to Mr. Binalshibh when he would
15 complain to the guards about shaking that you had trained them
16 on?

17 A. I would tell them -- the guards were to respond with
18 words to the effect, we are aware of the judge's order and we
19 are not shaking or vibrating your cell, or we are following
20 the judge's order and we are not shaking or vibrating your
21 cell.

22 Q. And has he from time to time asked to speak to you
23 directly about his complaints of noises and vibrations?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Yes.

2 Q. And what was the nature of his complaints to you when
3 he would speak to you directly?

4 A. He would usually -- he would usually say that the
5 guard force was shaking and vibrating his cell, usually
6 accusing a -- [no audio] -- of being responsible for it all or
7 being the mastermind of it and would make threats against the
8 guard force to stop doing it.

9 Q. Now, approximately what percentage of the complaints
10 that you fielded as an OIC from all of the detainees came from
11 Mr. Binalshibh?

12 A. The vast majority, 90 percent maybe.

13 Q. Would he ever be verbally abusive to you or to the
14 guards?

15 A. Yes.

16 Q. And in what way, specifically, would he be verbally
17 abusive?

18 A. He would make -- besides cursing, he would make
19 threats. He would say that he would have your personal
20 information, that he would have people looking for you, and if
21 you thought you were safe here you were stupid, and he would
22 get you either here or somewhere else.

23 He would make threats to guard force to have

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 individuals sent to find their families and behead them, or
2 other acts of violence.

3 Q. And have you ever actually witnessed Mr. Binalshibh
4 when he was complaining to the guards about the noises and
5 vibrations, any incidents where you witnessed yourself?

6 A. Yes. I have been on tier before when he said it, and
7 I have been in control before when he said stuff.

8 Q. And how would you describe his demeanor when he's
9 doing these things?

10 A. Usually angry, aggressive, yelling. Sometimes he
11 will be banging his feed tray cover or banging his hands on
12 his cell door.

13 Q. Now, is that typical detainee behavior amongst the
14 other detainees?

15 A. Not the majority of the detainees. There are one or
16 two that do things like that occasionally, but I would have to
17 be in a classified setting to go more into detail.

18 Q. Understood. And generally, are there a lot of guards
19 that will walk around the tier during the nighttime?

20 A. No.

21 Q. I want to talk to you specifically about a 3 March
22 2016 interaction that you had with Mr. Binalshibh. Do you
23 recall speaking with him about an alleged violation ----

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Yes.

2 Q. ---- of the judge's order on that day?

3 A. Yes, I do.

4 Q. And what were the nature of his complaints on that
5 day?

6 A. He requested to see me, and stated words to the
7 effect of that there was an SOP from higher that he knew that
8 he -- that he knew existed and that I was following, and he
9 was going to tell the judge that I said something to the
10 effect of the judge's order has no power here. I have my SOPs
11 to follow, and I wasn't required to follow the judge's order.
12 I told him that was false, that we were following the judge's
13 order, and that's how I usually responded to him when he made
14 allegations like that.

15 He continued again to say that he was going to tell
16 the judge that I said that we weren't required to follow it,
17 something to that effect. I told him again, so you're going
18 to lie to the judge, because I had never said that. I have
19 always said that we are following the judge's order. And he
20 consisted to say that he had my information, he had my -- I
21 want to say he said that he had my records or he had my
22 profile, one of those two words, and was going to have people
23 find me and if I thought I was safe, I was stupid. And then

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 he ended it with I was a dumb, stupid playboy. And the only
2 reason that I was in the military was I had nothing better to
3 do. And he banged on his feed tray cover and things of that
4 nature during that time.

5 Q. Now, during that discussion at any time, did you
6 bring up the issue of only being required to follow the
7 standard operating procedure?

8 A. No. I usually responded to him with that we're
9 following the judge's order, which usually made him upset.

10 Q. So did you claim that there was a conflict between
11 the SOPs and the military judge's order?

12 A. No, I did not.

13 Q. In your mind as a commander, if there was a conflict
14 between the SOP you had in Camp VII and the military judge's
15 order, in your mind, which one would govern?

16 A. The judge's order.

17 Q. Now, following your investigation, do you have any
18 reason to believe that anyone in the facility is intentionally
19 making noises and vibrations to disrupt Mr. Binalshibh or any
20 other detainee?

21 A. No, I do not.

22 Q. As camp OIC, if you had learned that any of your
23 guards were intentionally harassing Mr. Binalshibh, what would

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 you have been required to do?

2 A. I would have looked into the matter, and if it
3 appeared there was any credible information, I would have
4 requested that soldier be removed, and I would ask the
5 commander of the Joint Detention Group to appoint someone to
6 investigate the situation.

7 Q. Did you have to do that with any of your soldiers
8 during your time as OIC of Camp VII?

9 A. No, I did not.

10 Q. Are you familiar with the detainee by the name of
11 Gouled, Mr. Gouled?

12 A. Yes.

13 Q. And was he a detainee that would make frequent
14 complaints to you guys, or your guards?

15 A. No, not frequent.

16 Q. When he would make complaints, what would they
17 generally be of the nature of?

18 A. It was either to support another detainee's complaint
19 or it would be basic stuff about newspapers, things like that.

20 Q. Did he ever make any complaints to you about
21 vibrations in his cell or shaking of his cell?

22 A. No.

23 Q. Did he ever make any complaints to you about noises

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 being intentionally made to keep him awake at night?

2 A. No.

3 Q. Now, are you familiar with the detainee DIMS reports?

4 A. Yes.

5 Q. Okay. I'm not going to get into a lot of detail of
6 these reports, but is it safe to say that the -- all detainee
7 complaints are documented in the reports by the guards?

8 A. Yes. To my knowledge, yes.

9 Q. Now, if there's no complaint in the DIMS about a
10 certain complaint, is it safe to assume that there's no
11 complaint made to the guards on that issue?

12 A. Yes, I would believe so.

13 Q. Did any other detainee during your entire time as
14 Camp VII OIC ever complain of vibrations or noises to you and
15 your guard force that you are aware of?

16 A. No.

17 Q. Do any of the camp visitors have access to the
18 detainees' cells while they're in the cell?

19 A. No.

20 Q. So who has authorized access to detainees' cells,
21 period?

22 A. Just the guard force. If -- or maintenance
23 personnel, if we would have to do a repair, but they would be

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 accompanied by the guard force.

2 Q. Is it possible that they would be in there, in the
3 cell, while the detainee was in the cell?

4 A. No.

5 Q. Did you ever have any civilian visitors in there at
6 nighttime?

7 A. No.

8 Q. During your time as camp OIC, did anyone ever tell
9 you about an eight-year-long conspiracy that all of the
10 control room guards were in on to vibrate and shake
11 Mr. Binalshibh's cell?

12 A. No.

13 Q. Is there a camp psychiatrist available to
14 Mr. Binalshibh who may be able to prescribe him medicine if he
15 was interested in taking it again?

16 A. Yes.

17 MTC [MR. TRIVETT]: No further questions, Your Honor.

18 MJ [COL POHL]: Thank you. Mr. Harrington.

19 **CROSS-EXAMINATION**

20 **Questions by the Learned Defense Counsel [MR. HARRINGTON]:**

21 Q. Major, if you recall, I'm Jim Harrington, and I'm
22 Mr. Binalshibh's attorney.

23 A. Good afternoon -- or good morning, sir.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. Good morning. I want to give you the same caution
2 that Mr. Trivett gave you that if I ask you a question that
3 you believe strays into a classified area or something you
4 believe is a classified area, please let us know, all right?

5 A. Yes, sir.

6 Q. You talked about the transition that you had into
7 Camp VII, and you came in August of 2015; is that correct?

8 A. Yes, sir.

9 Q. And did you come -- before your duty started as camp
10 commander, did you come before that?

11 A. Yes, sir.

12 Q. How long did you come before that?

13 A. About a week.

14 Q. And you had testified that you met with the previous
15 camp commander, the one before you; is that right?

16 A. Say again, sir. You -- it glitched. I didn't hear
17 all of your question.

18 Q. You said that when you came -- earlier you had
19 testified, you said that you met with the previous camp
20 commander, the one that preceded you; is that right?

21 A. Yes.

22 Q. Okay. And he reviewed with you what your
23 responsibilities and duties were, I assume; is that right?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Yes. We went over it, or what we could in the time
2 that we had.

3 Q. And before you came here, you had -- you've had some
4 experience in housing of prisoners or detainees, you have not?

5 A. Yes.

6 Q. All right. And what experience have you had?

7 A. I served at the -- I served in Afghanistan, and also
8 I served on staff at the United States -- or at the 15th MP
9 Brigade which supports the United States Disciplinary
10 Barracks.

11 Q. I'm sorry, I didn't hear the last part of your
12 answer. Supports what?

13 A. And I served on the United States Disciplinary
14 Barracks.

15 Q. Where is that?

16 A. Fort Leavenworth, Kansas.

17 Q. How long did you do that?

18 A. Two years.

19 Q. And is that essentially the same as a jail or a
20 prison?

21 A. Yes. It's a prison.

22 Q. And can you tell me, is there a distinction in the
23 military between a facility that holds people who have not

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 been convicted and one that holds people who have been
2 convicted of offenses?

3 A. Are you alluding to pretrial confinement versus post
4 conviction?

5 Q. Yes, sir. Yes.

6 A. Yes.

7 Q. And have you had experience in pretrial confinement
8 also?

9 A. No.

10 Q. So was -- your duties at Camp VII, is that the first
11 time that you dealt with anybody that was in pretrial or
12 pre-conviction confinement?

13 A. Yes.

14 Q. And did you get any special training about how
15 detainees awaiting trial were supposed to be handled?

16 A. The only training I received was the training that
17 SOUTHCOM required prior to deployment.

18 Q. And what was that?

19 A. It was basic detentions ops training.

20 Q. And how long did that last?

21 A. It was a few weeks of training at Fort Leavenworth.

22 Q. And what were you trained in?

23 A. Different aspects of detention operations.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. Like what?

2 A. Basics of how to run a facility, how to do searches,
3 detainee moves, things of that nature.

4 Q. Did you get any specialized training because of the
5 nature of the charges against the detainees at Camp VII?

6 A. No.

7 Q. And before you came, you knew what Camp VII was, did
8 you not?

9 A. I did not learn what Camp VII was before I came.

10 Q. So when did you find out?

11 A. When I came and when I first -- for that one week in
12 GTMO when I first came down, that's when I found out what
13 Camp VII was.

14 Q. So before you came to Guantanamo and Camp VII, you
15 did not know that you would be guarding the detainees in the
16 most secure facility at Guantanamo?

17 A. Until I did my leader's recon, no, I did not know who
18 was in there.

19 Q. And when you arrived, who told you who was in there?

20 A. It was -- I received a brief from the camp OIC.

21 Q. You keep -- you say camp OIC. That's the same thing
22 as the camp commander; is that right?

23 A. Yes. Same thing, camp commander and camp OIC.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. And OIC is officer in charge; is that right?

2 A. Yes.

3 Q. And when you met with the previous camp commander,
4 did he review with you anything about any of the detainees who
5 were in Camp VII?

6 A. At that initial meeting, it was just a very brief
7 overview. I didn't get any detailed stuff until later when I
8 showed up in August.

9 Q. All right. So when did you come for that week
10 overview?

11 A. If memory serves, it was either February -- probably
12 February of '15.

13 Q. And so between February of '15 and August of '15,
14 were you given any other information from any source about who
15 was being detained in Camp VII?

16 A. No.

17 Q. When you were briefed in February, your predecessor
18 didn't tell you that Khalid Shaikh Mohammad and Ramzi
19 Binalshibh and Mr. al Baluchi and Mr. Hawsawi were here?

20 A. When I came in February, I got a briefing that they
21 were there, but it was just a basic overview of who was in the
22 facility.

23 Q. Did he give you the names?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Yes.

2 Q. Between February and August, did you do anything to
3 research about any of the detainees that were here?

4 A. No.

5 Q. When he gave you a briefing, did he discuss with you
6 that any of the detainees were -- had particular difficulties,
7 problems, or other issues?

8 A. We didn't really get into that until I got here in
9 August.

10 Q. Okay. When you came in August, did you come before
11 you actually started your duties as camp commander?

12 A. Yes.

13 Q. And how soon in August did you come before you
14 started those duties?

15 A. About three weeks.

16 Q. And what happened during those three weeks? What
17 were you trained in or given advice in?

18 A. Reviewing of the SOPs, we discussed some things about
19 the detainees, maintenance of the camp, general transition
20 stuff.

21 Q. Did you do a tour of the camp?

22 A. Yes.

23 Q. And did you see or meet with any of the detainees

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 during that three-week period?

2 A. Yes. I met with the tier leaders.

3 Q. The tier leaders for the -- of the detainees, you
4 mean?

5 A. Yes.

6 Q. And what was a tier leader?

7 A. That's an individual that's kind of the spokesman for
8 the detainees.

9 Q. And there was one of those for each tier; is that
10 right?

11 A. Yes.

12 Q. And other than the tier leaders, did you meet with
13 any other detainees then?

14 A. No. Just the tier leaders.

15 Q. During that three-week period, were you given any
16 specific information about any of the detainees in Camp VII by
17 your predecessor?

18 A. Yes.

19 Q. And what information were you given?

20 A. I believe that to provide any clarity on that, I'd
21 have to do it in a classified setting.

22 Q. Before you started your responsibilities, did you
23 have any knowledge of the fact that Mr. Binalshibh had had

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 problems in the facility before?

2 A. During the three-week rep, the previous OIC did talk
3 with me about his previous issues.

4 Q. And you were given any information to review during
5 that three-week period?

6 A. I looked at -- I could probably go into that during
7 the classified session.

8 Q. You mentioned that there were -- there were SOPs for
9 Camp VII; is that right?

10 A. Yes.

11 Q. What's an SOP?

12 A. Standard operating procedure.

13 Q. These are basically the rules or regulations that
14 govern the conduct of the soldiers or sailors or whoever the
15 military are that work at Camp VII; is that right?

16 A. Yes.

17 Q. And were these SOPs in place when you came?

18 A. Yes.

19 Q. Now, when you started your duties as camp commander,
20 did you have a guard force that came with you?

21 A. I arrived before the guard force. They came about a
22 week or so after I did.

23 Q. And is that a guard force that you knew before you

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 came?

2 A. Yes.

3 Q. All right. You came as a unit; is that correct?

4 A. Yes.

5 Q. And I'm not going to ask you numbers or anything like
6 that, but after your guard force took over, did any of the
7 guard force from the previous camp commander, did any of them
8 remain in the camp and work with you?

9 A. Yes, they did.

10 Q. And how many? Just rough.

11 A. I can go over that during the classified setting.

12 Q. Now, what training did your unit get in terms of how
13 they were to act and handle the detainees at Camp VII?

14 A. They received the training that was required by
15 SOUTHCOM.

16 Q. All right. What is that?

17 A. Different detention operations training, searching,
18 moving a detainee, how to operate a facility, things of that
19 nature.

20 Q. Did your unit have experience before in guarding
21 detainees?

22 A. Members of the unit did, yes.

23 Q. And had they worked with you at Leavenworth?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Yes. We were assigned to the same battalion.

2 Q. And was there a transition period where the guard
3 force that came with you worked with the guard force that was
4 leaving?

5 A. Yes.

6 Q. And how long did that last?

7 A. For the majority of the guard force, about two weeks.

8 Q. And can you tell me, did the new guard force that was
9 coming, did they actually work with or accompany the old guard
10 force throughout the daily duties and responsibilities?

11 A. Yes, during the transition.

12 Q. And did you give any -- did you or anybody else that
13 was already here give any other training to the -- to your
14 unit before they started their actual duties, other than
15 accompanying the previous guard force?

16 A. There was classes on the SOPs, things of that nature,
17 besides just accompanying the guard force. And then we did
18 establishment training throughout the year.

19 Q. During the training, was there any discussion about
20 any of the detainees?

21 A. Yes.

22 Q. Was there discussion about Mr. Binalshibh?

23 A. Yes.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. And what was said?

2 A. I can go over that in the classified setting.

3 Q. Was there any discussion about any other detainees?

4 A. Yes. They discussed all of the detainees, I believe.

5 Q. Did you go through a briefing or somebody go through
6 a briefing on each one of them?

7 A. Yes.

8 Q. And who did that?

9 A. Previous members of the guard force briefed the new
10 staff.

11 Q. When is the first time that you actually met
12 Mr. Binalshibh --

13 A. I don't recall the exact day or time.

14 Q. -- you testified earlier that in March of 2016, you
15 went and you had a meeting with him that he requested; is that
16 right?

17 A. Yes.

18 Q. Had you met him before March of 2016?

19 A. Yes.

20 Q. Where and when?

21 A. He made other requests prior to that to see me, or he
22 would stop me when I was on tier.

23 Q. And how many times did that occur, do you know?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Off the top of my head, I don't know.

2 Q. Two? Three? Five? What's your best recollection?

3 A. I don't want to speculate and guess. I saw him
4 several times.

5 Q. What does several mean? Is it five? Is it ten?

6 A. I don't know. I've see him on more than one
7 occasion.

8 Q. In Camp VII, you have SOPs and fairly strict rules
9 about keeping records about the inmates; is that right?

10 A. Yes.

11 Q. You have what's called DIMS; is that right?

12 A. Yes.

13 Q. What are DIMS?

14 A. What is DIMS? It's an information management system.

15 Q. And is it a daily record of activities about an
16 inmate?

17 A. Yes.

18 Q. And can you tell me, did you keep any record of your
19 meetings with Mr. Binalshibh?

20 A. There would have been DIMS entries, yes.

21 Q. Did you review any DIMS entries before you came to
22 testify today?

23 A. Before I testified today?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. Yes --

2 A. Since leaving the camp? No, I have not.

3 Q. At any time in preparation for your testimony today,

4 did you review any DIMS records?

5 A. Did I review DIMS records ----

6 Q. Yes.

7 A. ---- since leaving the camp? No, I did not.

8 Q. You have not looked at any DIMS records?

9 A. I don't believe -- I don't believe I did. Let

10 me ----

11 Q. Okay. Go ahead.

12 A. Can I check something real quick? I want to make

13 sure I'm not giving you a ----

14 No, I have not.

15 Q. What did you review?

16 A. I have -- some letters were sent to me to review.

17 Q. What are the letters? What letters were sent to you?

18 A. They were letters written by Mr. Binalshibh to the

19 camp commander or OIC.

20 Q. Anything else?

21 A. No. That's all I received was these letters and

22 supporting documentations that went with the letters.

23 Q. And you had a chance to review them; is that right?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Yes.

2 Q. Now, the first time that you met Mr. Binalshibh, do
3 you remember where in the camp it was?

4 A. More than likely, it would have been his cell.

5 Q. And what did you discuss with him then?

6 A. The first time meeting with him?

7 Q. Yes.

8 A. I cannot recall. The majority of our conversations
9 we usually had consisted of banging and noise, things of that
10 nature. So I can only assume it would have been that.

11 Q. We don't want you to assume anything. We want you to
12 give us your best recollection.

13 Was your conversation with him cordial, or was it
14 difficult?

15 A. I believe the first conversation was cordial.

16 Q. And you mentioned that your conversations usually
17 dealt with banging and noising -- noises. Do you think he
18 talked about that in the first conversation?

19 A. Possibly.

20 Q. Do you recall having a conversation with him where he
21 did not talk about complaints about banging and noises,
22 vibrations?

23 A. I cannot recall one. That doesn't mean he didn't say

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 something to me in passing that didn't have to do with it.

2 Q. And do you recall what -- when your second
3 conversation with Mr. Binalshibh was?

4 A. No.

5 Q. Do you recall the substance of that?

6 A. I -- it would be like the first one. I can only
7 guess that it probably had something to do with the noise or
8 something to do related with the guards.

9 Q. Do you remember ever talking to Mr. Binalshibh about
10 a different subject?

11 A. I cannot recall.

12 Q. How often would you go and walk on the tiers?

13 A. It all depends. Some days, sometimes I would observe
14 stuff via control, sometimes I would go out on the tiers once
15 a week, sometimes a little less, a little more.

16 Q. And when you say observe stuff through the control,
17 from the control room, you can see into the cells; is that
18 correct?

19 A. I can talk about that in a more classified setting.

20 Q. Can you tell me, are the detainees kept in their
21 cells all day?

22 A. No.

23 Q. When did they leave their cells?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. We can talk about that in a classified setting.

2 Q. Now, in May of 2016 you left as the camp commander
3 here at Guantanamo and for Camp VII; is that right?

4 A. Yes, sir.

5 Q. And do you remember when in May you left?

6 A. I departed the island towards the middle of May.

7 Q. And do you recall when your successor arrived?

8 A. Roughly, yes.

9 Q. And when was that?

10 A. Towards the beginning of May. Towards the beginning
11 of May.

12 Q. And did you brief your successor like you had been
13 briefed?

14 A. Yes.

15 Q. And did you discuss Mr. Binalshibh with your
16 successor?

17 A. Yes.

18 Q. And what did you tell your successor about
19 Mr. Binalshibh?

20 A. I made him aware of the judge's order, and the rest I
21 can discuss in a classified setting.

22 Q. Now, at any point in time did you read
23 Mr. Binalshibh's motion under AE 152 where he asked the judge

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 to make an order about the noises and vibrations in the cells?

2 A. I read the judge's order, yes.

3 Q. No. I'm not asking about the order. I'm asking you
4 if you read the application to the judge, or the papers that
5 asked the judge to grant the order.

6 A. I don't recall reading it, no.

7 Q. At any point in time did you read any other documents
8 that were filed by Mr. Binalshibh's lawyers in which they
9 itemized incidents which Mr. Binalshibh said he was being
10 subjected to noises and vibrations?

11 A. I don't recall reading any, no.

12 Q. If you know -- first of all, could you tell me, if
13 Mr. Binalshibh makes a complaint during the day or the night
14 about complaints -- about noises and vibrations, this is back
15 when you were camp commander, and no written form had been
16 filled out, are you made aware of that?

17 A. Yes. If he was to make a complaint to the guards,
18 they would annotate it in DIMS.

19 Q. Did you read the DIMS every day?

20 A. Usually, yes.

21 Q. So you -- when Mr. Binalshibh might have told a guard
22 or complained to a guard about something, if they entered it
23 in the DIMS, you would have seen it within a day or so; is

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 that right?

2 A. Yes.

3 Q. So you were familiar with the fact that almost on a
4 daily basis Mr. Binalshibh was complaining about these noises
5 and vibrations; is that right?

6 A. Yes.

7 Q. And can you tell me, were there particular times of
8 day that he complained about?

9 A. If I can recall, it was mostly at night, and I --
10 mostly at night, if I remember correctly.

11 Q. Did he complain of sleep disruption?

12 A. Yes.

13 Q. Did he do that both verbally and in writing to you,
14 or to the ----

15 A. Yes.

16 Q. Now, before Judge Pohl entered his order, had you had
17 any discussion with the guards in Camp VII about what they
18 should do with Mr. Binalshibh's complaints about noises?

19 A. I just told them that they should just treat him with
20 dignity and respect and tell him that we're not doing
21 anything.

22 Q. Well, you're telling the guards to tell him you're
23 not doing anything; is that right?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Right. Uh-huh.

2 Q. And that's without knowing that they're doing
3 anything, correct?

4 A. They weren't doing anything.

5 Q. And you know that because you trust them?

6 A. Yes.

7 Q. All right. Other than that, you weren't there
8 24 hours a -- or 24 hours a day, were you?

9 A. No, I was not.

10 Q. All right. And at night when Mr. Binalshibh would
11 call the intercom and complain about the fact that he couldn't
12 sleep because of the noises, you weren't there, were you?

13 A. No, I was not.

14 Q. So other than relying on what the people were telling
15 you, you don't have any personal knowledge of that, correct?

16 A. For his nighttime complaints, no.

17 Q. And yet you told them to respond to Mr. Binalshibh
18 that, we're not doing that, right?

19 A. Yes.

20 Q. Now, before Mr. Trivett asked you to do this
21 inspection, which we'll talk about later, had you done any
22 inspection or investigation on your own about Mr. Binalshibh's
23 complaints?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Investigation, no. I had gone around the facility
2 before to just basically observe maintenance, and that's about
3 it. But I never did an investigation.

4 Q. Now, was it standard protocol for the guards to
5 record in the DIMS any complaints that Mr. Binalshibh or any
6 other inmate made?

7 A. Yes.

8 Q. And that applies to everything, whether it's noises
9 and vibrations or anything, correct?

10 A. Yes.

11 Q. And did you have a procedure set up where somebody on
12 your staff or you, when you got a complaint, would do
13 something to address each complaint?

14 A. We would look into the complaint usually, either the
15 camp operations or the camp sergeant major, depending on what
16 the issue was.

17 Q. Now, you mentioned before that there was a --
18 somebody from each tier that you would talk to about ----

19 A. Yes.

20 Q. ---- common problems or maybe individual problems
21 that a detainee was having; is that right?

22 A. Yes.

23 Q. Okay. And can you tell me, was Mr. Abu Zubaydah, was

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 he one of those persons?

2 A. I could go into that in a classified setting.

3 Q. Oh, we've had testimony about it already, so ----

4 A. I'm not aware of any testimony.

5 Q. Okay. Have you you had discussions with any of
6 the -- those tier coordinators about Mr. Binalshibh?

7 A. Yes.

8 Q. And during your period when you were there, was
9 Mr. Binalshibh on the same tier the whole time?

10 A. Yes.

11 Q. So that the person that you -- there only would have
12 been one of those coordinators that you would have talked to;
13 is that right?

14 A. Yes.

15 Q. And how many times did you talk to that coordinator
16 about what he was complaining about?

17 A. Multiple times.

18 Q. What does that mean; daily, weekly?

19 A. Every couple of weeks maybe? I can't tell you. I
20 don't know exactly.

21 Q. After those conversations, did you do anything to try
22 and address what the complaint was?

23 A. I can go in depth in those -- I can talk more about

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 those conversations in a classified setting.

2 Q. Mr. Trivett asked you some questions about what would
3 happen to a guard if they violated the SOPs, and ----

4 A. Uh-huh.

5 Q. ---- I think you indicated that the guard could be
6 removed from his or her responsibilities; is that right?

7 A. I believe the question he asked me had to do with if
8 I knew a guard was intentionally harassing Mr. Binalshibh, not
9 if they violated the SOP.

10 Q. Okay.

11 A. Unless I got the question he asked wrong.

12 Q. What would you have done if you knew that somebody
13 was intentionally harassing Mr. Binalshibh?

14 A. If someone's intentionally harassing him, I would
15 have initially removed him. I would have looked into it. If
16 there seemed to be credible evidence, I would have requested
17 the commander of the Joint Detention Group to do an
18 investigation on this.

19 Q. And while you were camp commander, did you ever
20 initiate any of those investigations?

21 A. No, I had no soldiers that I believed was
22 intentionally harassing him.

23 Q. Mr. Binalshibh on many occasions identified guards

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 that he claimed had been harassing him, had he not?

2 A. Yes.

3 Q. On each of those occasions, did you investigate that?

4 A. There was no need to investigate it. We didn't deem
5 it was credible.

6 Q. Mr. Binalshibh has accused many assistant watch
7 commanders of harassing him, has he not?

8 A. He's accused many people of harassing him.

9 Q. Well, the question was, has he accused assistant
10 watch commanders of harassing him while you were camp
11 commander?

12 A. I believe so.

13 Q. Did you do anything to investigate those complaints?

14 A. No.

15 Q. Mr. Binalshibh has accused many watch commanders of
16 participating in harassing him, has he not?

17 A. Yes.

18 Q. And did you do anything to investigate those
19 complaints?

20 A. No.

21 Q. Mr. Binalshibh has accused persons who operated -- or
22 worked in the control room of harassing him, has he not, while
23 you were camp commander?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Yes.

2 Q. Did you do anything ----

3 A. Yes.

4 Q. Did you do anything to investigate those complaints?

5 A. No.

6 Q. And when is it that you formed the opinion that
7 Mr. Binalshibh's complaints were not credible?

8 A. At the beginning of the deployment, when it was
9 briefed to me that his complaints were not credible.

10 Q. So even before you started your official duties, you
11 went in there with the assumption that Mr. Binalshibh's
12 complaints were not credible; is that correct?

13 A. During the RIP/TOA, you was briefed about the history
14 of it.

15 Q. What did you call that? A RIP/TOA?

16 A. Left seat/right seat. Left seat/right seat.

17 Q. The transition period, correct?

18 A. Yes. Uh-huh.

19 Q. You did nothing independently on your own after that
20 to confirm whether your predecessors's opinion that he had
21 conveyed to you was accurate or not; is that right?

22 A. I can go into more in the classified setting.

23 Q. Mr. Trivett asked you whether the SOPs or the judge's

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 order on this issue control, and you answered that the judge's
2 order controls; is that correct?

3 A. Yes.

4 Q. All right. And you went and you had a conversation
5 with Mr. Binalshibh about that, did you not?

6 A. Yes.

7 Q. Okay. And didn't Mr. Binalshibh tell you that one of
8 your watch commanders had told him that the SOPs control, and
9 not the judge's order?

10 A. He's made several allegations against people, yes.

11 Q. Well, I'm asking you about a specific allegation.
12 When you talked to him, did he ----

13 A. Yes, I believe -- yes, I believe he mentioned
14 something like that.

15 Q. That someone else had told him, someone else on
16 your -- on your staff or your unit had told him that the SOPs
17 controlled, not the judge's order?

18 A. Yes.

19 Q. Okay. And do you know who that was?

20 A. Yes, and I talked to that watch commander.

21 Q. I'm sorry?

22 A. Yes, and I talked to that watch commander. Yes, and
23 I talked to that watch commander, yes.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. And did you talk to that watch commander after
2 Mr. Binalshibh had made that allegation?

3 A. Yes.

4 Q. And did you go back to Mr. Binalshibh and tell him
5 that the watch commander denied it?

6 A. I don't believe I went back and talked to him, no.

7 Q. Major, do you consider Mr. Binalshibh to be your
8 enemy?

9 A. I consider him to be a detainee.

10 Q. And do you consider Muslims to be your enemy?

11 A. No.

12 Q. Do you consider Islam to be your enemy?

13 A. No.

14 Q. You know what Mr. Binalshibh is accused of, do you
15 not?

16 A. I have a general idea.

17 Q. Okay. What's your general idea of what he's accused
18 of?

19 A. He's part of the 9/11 conspiracy. That's my general
20 idea.

21 Q. And when you took over as camp commander, did you
22 ever get the charge sheet that shows what it is that he's
23 alleged to have done?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. No, I do not believe that I have.

2 Q. Okay. Did you ever look online about Mr. Binalshibh
3 and get any information about him and his background?

4 A. I believe I've read some news articles about the 9/11
5 before, yes.

6 Q. Was that before or after you came to the camp?

7 A. Probably before, without not even realizing, just
8 reading general news; and then after, reading news.

9 Q. Okay. And when you were here at the camp as camp
10 commander, did you do any follow-up about that, about
11 Mr. Mohammad or Mr. Binalshibh or any of the detainees?

12 A. Follow-up as in what?

13 Q. As to what they were accused of.

14 A. No.

15 Q. Was that not important to you in your assessing what
16 kind of threat they might be to you or to your guards?

17 A. I based what type of threat they could be based on
18 how they acted inside the facility, and I treated them with
19 dignity and respect.

20 Q. So when you came here to take over this facility,
21 Camp VII, you treated them as if they were just anybody else,
22 right? Didn't matter what they had been accused of?

23 A. I treated them like I would treat any other detainee.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. Major, I mentioned before that there were some
2 pleadings or papers filed in this case, and you indicated that
3 you had not read any of them other than the judge's order; is
4 that correct?

5 A. I don't remember reading them. If I -- I don't
6 remember reading them.

7 Q. Okay. Was there any time that Mr. Trivett or one of
8 the other trial prosecutors sent you papers to look at about
9 the specific allegations that were being made on behalf of
10 Mr. Binalshibh?

11 A. I was sent a copy of the -- a previous OIC's
12 inspection of the facility.

13 Q. When were you sent that?

14 A. Sometime in February or March maybe.

15 Q. Was that in connection with what you testified before
16 about your going and doing your own inspection?

17 A. Yes. So it would have been in March, I guess.

18 Q. Okay. But you don't recall getting papers from one
19 of the trial prosecutors with what the outline was or the
20 details were of what Mr. Binalshibh was alleging was being
21 done to him by your guard force?

22 A. I do not remember. I do remember reading something
23 that had to do with the March allegation, but that's it.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. You testified that you had an office in Camp VII; is
2 that right?

3 A. Yes.

4 Q. Was that the only office you had?

5 A. No.

6 Q. So you said you spent part of your time in the office
7 in Camp VII, correct? Is that right?

8 A. Yes.

9 Q. And part of your time in a different office?

10 A. Yes.

11 Q. All right. Would you say that ----

12 A. Um ----

13 Q. I'm sorry. I didn't mean to cut you off.

14 A. No, go ahead. I'm sorry.

15 Q. You would say the majority of your time was spent in
16 your other office?

17 A. No. The majority of my time was spent at Camp VII.

18 Q. And your office in Camp VII, were you able to -- did
19 you have cameras or -- I mean TVs or monitors that you could
20 watch what was happening in the camp?

21 A. No.

22 Q. Mr. Trivett asked you some questions about the
23 inspection that he asked you to make. Do you recall those?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Yes.

2 Q. And can you tell us, what's your educational
3 background?

4 A. My educational background? I have a graduate degree
5 in business and organizational security management, an
6 undergraduate degree in criminal justice.

7 Q. Do you have any training in any kind of engineering?

8 A. No.

9 Q. Do you have any training -- let me specify it more.
10 Mechanical engineering, no training, correct?

11 A. No.

12 Q. Electrical engineering, no training?

13 A. No.

14 Q. How about any training, either formal or informal, in
15 being an electrician?

16 A. No.

17 Q. Any training in plumbing?

18 A. No.

19 Q. Any training or experience in construction?

20 A. No.

21 Q. So when you are sent to do this inspection on your
22 own, did you have a game plan in mind?

23 A. Yes.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. All right. What was your game plan?

2 A. I went through -- I was -- I went through the entire
3 facility from top to bottom to look for anything that looked
4 unusual, abnormal, that might be out of place. I looked for
5 any type of button in any location, to include under tables,
6 things of that nature, anything that, like I said, that
7 appeared to be abnormal or that could do something that was
8 being described.

9 Q. And can you tell me, do you have any sophisticated
10 computer skills?

11 A. No.

12 Q. Do you know how to -- have you ever done programming
13 for computers?

14 A. No.

15 Q. Are you -- can you handle sophisticated software?

16 A. No.

17 Q. So when you went -- for example, you described
18 looking at some area where you saw some plumbing pipes; is
19 that right?

20 A. Yes.

21 Q. And you said the pipe was attached to the wall by a
22 bracket, and you just saw the pipe there; is that right?

23 A. Yes.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. And so what was it that was unusual that you were
2 looking for when you looked at the plumbing pipe?

3 A. I was just looking to see if there was anything
4 sticking out. I put my hand on it to see if it was causing
5 any type of vibrations, things of that nature.

6 Q. Did you ask or request that you be given the
7 schematics or the diagrams for the facility?

8 A. No.

9 Q. Had you been given them, would you have been able to
10 look at them intelligently and coherent ----

11 A. I probably would only have a novice understanding.

12 Q. Did you make a request of anybody else for
13 information about the facility?

14 A. Request as in to who? Or what type of request?

15 Q. Request, for example, about what company built the
16 facility?

17 A. No.

18 Q. How the facility was built?

19 A. No.

20 Q. What capabilities there were within the facility to
21 do, for example, the surreptitious making of noises,
22 vibrations and sounds?

23 A. No, I went through on my own.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. You didn't reach out to SOUTHCOM or J2 or anybody
2 else?

3 A. No, I did not. No, I did not.

4 Q. I believe that when you testified about a different
5 issue, that you -- I think you said that you had not read the
6 Senate -- the New York State -- or the United States Senate
7 Select Committee on Intelligence report about the torture of
8 Mr. Binalshibh and the other detainees; is that correct?

9 A. That's correct.

10 Q. So before he -- before you came here and you started
11 working on Mr. -- with Mr. Binalshibh in Camp VII, you were
12 not aware of anything that might have happened to him before
13 in his life at the hands of the United States Government; is
14 that right?

15 A. Yes.

16 Q. Does that remain the same today?

17 A. I can talk about other stuff in a classified setting.

18 Q. Now, you testified for Mr. Trivett that
19 Mr. Binalshibh has always, to the best of your knowledge, had
20 a detainee living in the cell next door to him; is that right?

21 A. During my tenure there, yes.

22 Q. All right. And you said that no one who lived in the
23 cell next to him complained about noises and vibrations,

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 correct?

2 A. Yes.

3 Q. When you did your inspection, did you do anything to
4 determine whether noises or vibrations or sounds could be
5 heard from one cell to another?

6 A. Yes.

7 Q. What did you do?

8 A. I sat in a cell.

9 Q. Okay. And you did not hear anything; is that right?

10 A. I did not hear anything.

11 Q. Now, when you went to make your inspection, the
12 people on your guard force knew you were there, did they not?

13 A. Yes, they did.

14 Q. You also talked a little bit about the temperature on
15 the tiers, and it's uniform for each cell; is that correct?

16 A. Yes.

17 Q. All right. And that's, of course, dependent upon the
18 working of the various air conditioners that are pumping cold
19 air into the cells; is that correct?

20 A. That's -- yes.

21 Q. And the air conditioners are -- you said, on the
22 roof?

23 A. Yes.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. Did you go up on the roof when you made your
2 inspection?

3 A. Yes.

4 Q. All right. And do the air conditioners have dampers?

5 A. Yes.

6 Q. Do they all open the same degree or same way?

7 A. I would have to look into each individual cell to see
8 if they -- if the detainees were adjusting them.

9 Q. Can the detainees adjust them, the dampers?

10 A. I believe so, yes.

11 Q. From inside the cell?

12 A. Are you talking about the little vent or -- yeah,
13 like a vent?

14 Q. Yes.

15 A. Yes. Yeah, I believe they can or they ----

16 Q. Is there another ----

17 A. Or they try to cover them up or something.

18 Q. Is there a damper up on the roof?

19 A. I don't recall.

20 Q. Now, is it fair to say that some of the detainees
21 like their rooms warmer than others?

22 A. Yes.

23 Q. And do you attempt to accommodate those detainees who

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 want it warmer?

2 A. It's very difficult. It's central air.

3 Q. So are you saying there's not individual units for
4 each cell on the roof?

5 A. No. No.

6 Q. The only thing that is individual, then, is the
7 dampers; is that right?

8 A. Yes.

9 Q. Is Mr. -- when you were there, did Mr. Binalshibh
10 complain about the temperature?

11 A. I don't recall him complaining about the temperature.

12 Q. Can you tell me, while you were there, did his
13 complaints change in any way?

14 A. Not exactly sure what you mean.

15 Q. Well, did he always complain about the same noise,
16 the same vibration?

17 A. To my knowledge, yes.

18 Q. Did he complain about anything else?

19 A. I do not recall him complaining about -- I do recall
20 him complaining, actually, about a different issue, but I can
21 go into that in the classified setting.

22 Q. And when he complained about the noises, do you know
23 if he described the noises?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Yes. Well, he did describe them to me.

2 Q. What did he -- how did he describe the noises to you?

3 A. He would make banging sounds, and then -- and
4 sometimes buzzing sounds, if I remember correctly.

5 Q. And when -- the buzzing sounds, did he try to
6 describe it with his mouth, you mean simulating it himself?

7 A. Yes.

8 Q. Okay.

9 A. Yes.

10 Q. The banging, how did he show you the banging?

11 A. I believe he would say bang, bang, bang, or he would
12 clap his hands.

13 Q. Did he tell you that it was not always the same,
14 sometimes it was louder, sometimes it was softer?

15 A. I believe so.

16 Q. Did you ask him where the banging was coming from?

17 A. Yes.

18 Q. What did he tell you?

19 A. Charlie rec, if I remember correctly.

20 Q. Charlie rec is the additional room onto the cell; is
21 that right?

22 A. Yes.

23 Q. And I think you said that when you did your tour,

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 you -- or your inspection, you went out into his room or into
2 Charlie rec, rec in his cell?

3 A. No, I did not go into his cell.

4 Q. Oh, when you did your inspection, you did not do it
5 in Mr. Binalshibh's cell?

6 A. I did not go into his particular cell, no.

7 Q. You did it in a different cell?

8 A. Yes.

9 Q. Are all the cells the same?

10 A. Yes.

11 Q. And when you looked in the place where the plumbing
12 pipe was, was that the plumbing pipe for Mr. Binalshibh's
13 cell?

14 A. I looked at all of them.

15 Q. All of the plumbing pipes, all of the places
16 that ----

17 A. All of the chases I looked at, yes.

18 Q. Okay. So there are times in the day when
19 Mr. Binalshibh leaves his cell, correct?

20 A. Yes.

21 Q. Go to different activities; is that right?

22 A. Yes.

23 Q. So you could have gone into his cell to inspect; is

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 that right?

2 A. Yes.

3 Q. When you were doing your inspection, did you tell him
4 either before, during or after that you were doing this
5 inspection?

6 A. No.

7 Q. So when you go into this different cell, you did go
8 into Charlie rec in the different cell?

9 A. Yes.

10 Q. And how far was this cell from his?

11 A. Next door. It was right next to his.

12 Q. Was that empty when you went there?

13 A. Yes.

14 Q. And ----

15 A. Yes.

16 Q. When you went to Charlie rec, that's the place he
17 said the sounds were coming from that you understood, correct?

18 A. Yes.

19 Q. Did he tell you where in Charlie rec he believed the
20 sounds were coming from?

21 A. If I recall, it was the back, and it was -- and I can
22 kind of go into more detail in the classified briefing or in
23 the classified meeting.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. You also said that he said that there was a buzzing
2 sound or a Z-Z-Z [imitating] sound; is that right?

3 A. Uh-huh. Yes.

4 Q. I'm sorry. Did he tell you where that was coming
5 from?

6 A. I believe it was also Charlie rec.

7 Q. Were either of those, did he tell you specifically
8 where in Charlie rec he believed they were coming from?

9 A. Towards the back.

10 Q. Towards the back. Did -- at any time did you -- I
11 take it you didn't ask him to take you to the back or show you
12 the back where -- the spot where he believed it was coming
13 from?

14 A. No. I asked him once if they were making the sounds
15 now, he said yes, and I listened, and I could not hear
16 anything.

17 Q. No. The question was, did you ask him to take you to
18 the spot where he said the sounds were coming from?

19 A. No, I did not.

20 Q. Now, when you -- I think you mentioned -- or
21 Mr. Trivett asked you questions about a camera, and you said
22 the cameras don't make any noises; is that right?

23 A. No. They're quiet.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. And the cameras you're talking about are inside the
2 cells; is that right?

3 A. Yes.

4 Q. How many cameras are in there? Don't answer. We'll
5 talk about it later.

6 Are you familiar with the fact that the cameras were
7 changed several years ago to make them quiet?

8 A. No.

9 Q. I think, with respect to the cameras, did you
10 mention that another detainee had complained about a camera
11 that had a humming or something, and it was fixed; is that
12 right?

13 A. Yes. Yes, it was.

14 Q. But other than that, you had no other complaints
15 about cameras?

16 A. No.

17 Q. And during the entire time you were there,
18 Mr. Binalshibh never complained to you about cameras or noises
19 from the camera, did he?

20 A. No.

21 Q. Now, you said that while you were there there were
22 never other people walking around in Camp VII without
23 uniforms; is that right?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. I didn't say never. I believe it was at night was
2 the question that was asked, if I recall correctly.

3 Q. And at night, you're not there or watching on a
4 camera; is that correct?

5 A. That's correct.

6 Q. And during the daytime, are there people walking
7 around that don't have uniforms?

8 A. Occasionally we might have a maintenance personnel
9 that would have to come, but they would be escorted.

10 Q. You're not aware of anybody else other than
11 maintenance people that come on the -- into Camp VII?

12 A. No, I'm not.

13 Q. When you did your inspection, you said you checked
14 the place that had the plumbing. Did you check the place
15 where the wiring was that went into the cell?

16 A. Wiring that went into the cell?

17 Q. Yeah.

18 A. No.

19 Q. There are things that require electricity in the
20 cell, are there not?

21 A. Yes.

22 Q. And cameras do, correct?

23 A. Yes.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. Lights do, correct?

2 A. Yes.

3 Q. Did you check to see where that wiring was or how it
4 entered the cell?

5 A. I did not -- I did not look inside the walls to check
6 the wiring.

7 Q. All right. We'll ask you more about the walls in the
8 closed setting.

9 A. Uh-huh.

10 LDC [MR. NEVIN]: Your Honor, would a break be possible at
11 any point?

12 MJ [COL POHL]: Well, as discussed yesterday, I plan to
13 stop at noon, which is 11 minutes from now, and if --
14 anticipating that this witness would be done. But if he's
15 not, we may have to adjust the schedule.

16 LDC [MS. BORMANN]: Judge, I wanted to ask if we can turn
17 the air conditioning, whichever way it is to turn up the heat.
18 It's really cold here. We're going to be back in this room
19 after lunch, so it would be terrific. Thank you.

20 MJ [COL POHL]: Thank you. How much more do you have,
21 Mr. Harrington?

22 LDC [MR. HARRINGTON]: A bit, Judge.

23 MJ [COL POHL]: I'm sorry?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 LDC [MR. HARRINGTON]: Some.

2 MJ [COL POHL]: Okay. When you say some, do you have an
3 estimated time?

4 LDC [MR. HARRINGTON]: Probably about 15, 20 minutes,
5 Judge.

6 MJ [COL POHL]: Okay.

7 LDC [MR. HARRINGTON]: Maybe less.

8 **Questions by the Learned Defense Counsel [MR. HARRINGTON]:**

9 Q. Major, I think you indicated that Mr. Binalshibh
10 complained almost on a daily basis; is that right?

11 A. He complained a lot. You could say at times on a
12 daily basis, other times there was gaps when he didn't.

13 Q. And when there are gaps when he didn't complain, did
14 you inquire about why that was -- why that was?

15 A. No, I did not.

16 Q. And you testified about the control room, and I think
17 you talked about the intercom between the detainee's cell and
18 the control room; is that right?

19 A. Yes. Uh-huh.

20 Q. And Mr. Trivett asked you a question about whether
21 Mr. Binalshibh could hear things in the control room if the
22 person there wasn't talking to him. Do you recall that?

23 A. Yes.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. And you said that he would not be able to; is that
2 right?

3 A. Yes.

4 Q. So if he pushed his button for the control room, he
5 would not be able to hear anything on the other end until the
6 person in the control room pushed whatever button he or she
7 had, right?

8 A. Yes.

9 Q. But if both buttons were left pushed, the person
10 could overhear what was being said there, could they not?

11 A. I believe that would be a hot mic situation. I don't
12 think either one would be able to hear, but that was my best
13 guess.

14 Q. Well, if he's engaged in a conversation with somebody
15 in the control room, are both buttons pushed at the same time?

16 A. No.

17 Q. And so when he hits his button to call the control
18 room, they can hear him, and that's how they know to respond;
19 is that right?

20 A. Yes. Yes.

21 Q. And when they talk back, it broadcasts in his cell;
22 is that correct?

23 A. Yes.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. So if that button was still pushed in from the
2 control room, he would be able to hear what was being said,
3 conceivably, correct?

4 A. Yes, if the mic was left open.

5 Q. You were asked some questions about Echo II, which is
6 the place where visitations take place; is that right?

7 A. Yes.

8 Q. All right. And are you familiar with the fact that
9 Mr. Binalshibh has complained that the same kind of thing has
10 been done to him at Echo II? Is that right?

11 A. Yes.

12 Q. Did he make those complaints while you were camp
13 commander?

14 A. I recall, I believe he made it one time, if I
15 remember correctly.

16 Q. When he made that complaint, did he say it was at a
17 time before his lawyers got there to see him?

18 A. I don't recall. I don't recall the exact -- if the
19 lawyers were there or not.

20 Q. And you went and examined Echo II; is that right?

21 A. I did go to Echo II, yes.

22 Q. And what examination did you do of Echo II?

23 A. I looked around all the huts to see if there was

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 anything inside of them or I looked the best I could on the
2 roofs to see if there was anything up there that would cause
3 what he was describing.

4 Q. All right. And you found nothing; is that right?

5 A. I did not observe anything, no.

6 Q. Did you have anybody with you?

7 A. Myself and my camp sergeant major.

8 Q. And again, you have no engineering, plumbing, other
9 kind of experience. You're in the same situation, correct?

10 A. Yes.

11 Q. And you're just looking for something out of the
12 ordinary; is that right?

13 A. Yes.

14 Q. And when you went to Echo II, did you notice that
15 there was a metal screen down the middle of the room?

16 A. Yes.

17 Q. And on one side there's a table and some plastic
18 chairs, right?

19 A. Yes.

20 Q. And the other side there's a bed and toilet area; is
21 that right?

22 A. Yes.

23 Q. Did you notice in Echo II that the bed was on a metal

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 frame that came from the floor up and across?

2 A. Yes.

3 Q. And did you notice that in Echo II, in order to go
4 into the bedding area, you had to step up on a -- about four
5 or five inches?

6 A. Yes.

7 Q. And do you know what Echo II was used for before?

8 A. No.

9 Q. Did you ask anybody about it?

10 A. No.

11 Q. Did you know what Guantanamo was used for back in
12 2003-4?

13 A. Detainee operations.

14 Q. And what do you mean by "detainee operations"?

15 A. The same thing that we're doing now, detainee
16 operations.

17 Q. Now, you said there were plastic chairs in Echo II;
18 is that right?

19 A. Yes.

20 Q. Did you notice a big, heavy plastic chair in there,
21 just one?

22 A. Yes.

23 Q. Did you check that out?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Yes.

2 Q. What did you do to it? How can you check it?

3 A. You glitched out. You glitched out, sir. I couldn't
4 hear you. What did you say?

5 Q. I said, how did you check the chair?

6 A. I moved it around, picked it up. I didn't see
7 anything connected to it, didn't see anything out of the
8 ordinary except for it being heavy.

9 Q. You talked about generally Mr. Binalshibh being
10 verbally abusive; is that right? Do you remember that?

11 A. Yes.

12 Q. In your knowledge, have there been many times where
13 Mr. Binalshibh has raised complaints about the same issues
14 where he was not verbally abusive?

15 A. No.

16 Q. You're not familiar with any time where he talked to
17 somebody without raising his voice or yelling?

18 A. Oh, no. I'm sorry. I misunderstood your question.
19 Yes, there are times that he has not raised his voice.

20 Q. And there are times when he has; is that right?

21 A. Yes.

22 Q. And when he has done this, he has been very upset,
23 has he not?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Yes.

2 Q. And in the complaints that he's raised, he writes
3 things out in the complaints and says things on the intercom
4 to stop interrupting my sleep, does he not?

5 A. He says a lot of things, yes.

6 Q. And are you aware of the fact that he has complained
7 that there have been many, many nights where he has not been
8 able to sleep?

9 A. I am aware of the fact that he has made many
10 complaints.

11 Q. No, no. My question is specific. Are you aware of
12 the fact that he has made many, many complaints about the fact
13 that he has not been able to sleep?

14 A. Yes.

15 Q. Okay. Are you aware of the fact that he has made
16 many, many complaints that he has not been able to sleep
17 sometimes for days at a time?

18 A. Yes.

19 Q. And these times when he yells or curses, those are
20 times when he has complained that he has not been able to
21 sleep; isn't that right?

22 A. It's -- he yells or curses usually when he's
23 complaining about the noises, or that he can't sleep.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. Major, you're familiar with -- in running Camp VII,
2 you're familiar with the security that's involved in allowing
3 information in to the detainees, are you not?

4 A. I'm not exactly sure of your question.

5 Q. Detainees are not allowed to receive letters from
6 other people, are they not? I mean, just ordinary people.

7 A. That's not something that's handled by me.

8 Q. Okay. So you don't know?

9 A. I believe they get legal mail and ICRC. That's what
10 I'm aware of.

11 Q. And are they allowed to send letters out to people?

12 MTC [MR. TRIVETT]: Objection.

13 MJ [COL POHL]: What's the relevance of this?

14 LDC [MR. HARRINGTON]: It leads up to, Judge, his
15 allegation that Mr. Binalshibh made certain threats.

16 MJ [COL POHL]: Well, the allegation was he made the
17 threats, not whether or not he could carry out the threats; is
18 that your ----

19 LDC [MR. HARRINGTON]: That's the point. That ----

20 MJ [COL POHL]: Okay.

21 LDC [MR. HARRINGTON]: What are the -- the threats don't
22 mean anything.

23 MJ [COL POHL]: Okay. I got your point. I don't think we

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 need to pursue it any further. Objection sustained.

2 Questions by the Learned Defense Counsel [MR. HARRINGTON]:

3 Q. In these threats that you said that Mr. Binalshibh
4 made to you and others that have reported threats that he has
5 made to them, would it be fair to say that those are made when
6 he's in a state of extreme frustration?

7 A. When he's angry, yes.

8 LDC [MR. HARRINGTON]: Judge, the balance of what I have
9 will have to be done in a classified setting.

10 MJ [COL POHL]: Okay. Thank you.

11 Mr. Trivett, you have no need for redirect; is that
12 true?

13 MTC [MR. TRIVETT]: That is true, sir, in the open
14 session. We would reserve the right to redirect in the close.

15 MJ [COL POHL]: Okay. Major, I want to thank you for your
16 testimony. I think, as you know, we're going to go into a
17 classified session this afternoon in about an hour. You will
18 be contacted. Thank you for your testimony. You can turn off
19 the feed.

20 WIT: Yes, sir.

21 [The witness was excused and feed was terminated.]

22 MJ [COL POHL]: Just note for the record that we had a
23 505(h) hearing and determined that we needed to discuss

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 certain matters in a closed session dealing with classified
2 matters pursuant to Rule For Military Commission 806. Just to
3 close the loop, even though Mr. Mohammad is not here today,
4 you asked, Mr. Nevin, that he be present at least for the 400
5 discussion in the 806. And just to put on the record, that
6 request is denied.

7 Thank you for telling you -- but I got you. We will
8 be in recess until 1315. The guards may take the two
9 detainees back and then we will reconvene in a closed session
10 at 1315.

11 LDC [MR. HARRINGTON]: Judge, could we ask that,
12 especially Mr. Binalshibh here, I need to talk to him about
13 continued examination of the witness. And we're breaking for
14 Ramadan at this point in time, too, so we won't be seeing them
15 again.

16 MJ [COL POHL]: Yes. As I discussed yesterday, and you
17 had a whole hour and 15 minutes earlier, you can have 15 more
18 minutes with him and then he's going to go back. Okay?

19 Commission is in recess.

20 [The R.M.C. 803 session recessed at 1205, 3 June 2016.]

21 [END OF PAGE]

22

23

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT