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1 [The R.M.C. 803 session was called to order at 1419,
2 8 December 2015.]

3 MJ [COL POHL]: The commission is called to order. All
4 parties are again present that were present when the
5 commission recessed.

6 Mr. Ruiz, has Ms. Lachelier rejoined us?

7 LDC [MR. RUIZ]: She did, Judge. In fact, she rejoined us
8 shortly after we had the discussion, so she has been in here
9 throughout.

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

11 I remind the witness you are still under oath.
12 Mr. Harrington.

13 **DIRECT EXAMINATION CONTINUED**

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

15 Q. Lieutenant Colonel, I last asked you if you had any
16 identification on you when you spoke to Mr. Binalshibh.

17 A. I would have had the assigned number in lieu of my
18 actual name, sir.

19 Q. And that's the -- that's an SOP, right, that you and
20 the other watch commander, assistant watch commander and
21 guards do not identify themselves by name; is that correct?

22 A. That's true across the Joint Detention Group, sir.

23 Q. But there normally is some form of identification on

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1 each person, is there not?

2 A. There absolutely is, sir, either a number or their
3 duty position.

4 Q. And that applies to the watch commanders and the
5 assistant watch commanders; is that right?

6 A. Yes, sir.

7 Q. And is there an SOP that directs them to have some
8 form of identification on them?

9 A. I don't recall the SOP number, but there is an SOP
10 for the personnel working in all of the camps, and it required
11 that you not wear your actual name tag, but you wore an
12 identifying name tape, either position or assigned number,
13 sir.

14 Q. Did there come a point in time when you were the camp
15 commander that you had to make a direction that they comply
16 with that SOP, the watch commanders and the assistant watch
17 commanders?

18 A. No, sir.

19 Q. Okay. Now, you understand that the issue before the
20 Court is -- relates only to the touching by female guards
21 during the escorting of the detainees, correct?

22 A. That's my understanding, sir.

23 Q. And while you were camp commander, Mr. Binalshibh did

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1 not object to you in any way about female guards working in
2 the camp in other capacities; is that right?

3 A. He made no complaints, sir.

4 Q. And is that the same for the other detainees that are
5 charged here?

6 A. I don't believe any of them made a complaint about
7 the females that they dealt with while I was there, which
8 would include myself or the camp librarian/mail clerks.

9 Q. And you understand that the complaint that they made
10 to you was rooted in their religious practice; is that
11 correct?

12 A. There were individual detainees that voiced their
13 concern. There were other detainees that did not have that
14 concern, sir.

15 Q. But you understood that the issue of touching is
16 something that's rooted in the Islam faith; isn't that right?

17 TC [MR. RYAN]: Objection, Your Honor, asked and answered.

18 MJ [COL POHL]: Overruled. You may answer the question.

19 A. Sir, I can't speak generally. I can only restate
20 that some detainees voiced an objection, others did not have
21 an objection.

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

23 Q. And the fact that someone does not voice an objection

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1 does not in any way undermine whether something is part of a
2 religion; isn't that correct?

3 A. I would say the objection against it is not
4 monolithic, sir.

5 Q. But you understand what the source of the objection
6 is by those who make it?

7 A. I know they -- that certain individuals voiced an
8 objection to it. Their basis for it, I could only attest to
9 what they said. I don't know for sure what the -- if there
10 was another source.

11 Q. Are you telling us today that Mr. Binalshibh did not
12 tell you and/or any of the people that reported to you that he
13 objected to being touched because it was against his faith --
14 touched by women because it's against his faith?

15 A. Sir, he -- he provided that argument, as well as
16 other suggestions on what should be allowed with female
17 soldiers in the facility.

18 LDC [MR. HARRINGTON]: Okay. Thank you. That's all I
19 have, Judge.

20 MJ [COL POHL]: Thank you. Colonel Thomas.

21 DDC [Lt Col THOMAS]: Thank you, Your Honor.

22 **DIRECT EXAMINATION**

23 **Questions by the Detailed Defense Counsel [Lt Col THOMAS]:**

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1 Q. Good afternoon, Lieutenant Colonel.

2 A. Good afternoon, sir.

3 Q. I'm Lieutenant Colonel Sterling Thomas. I represent
4 Mr. Amar al Baluchi.

5 You indicated that you were the camp commander at
6 Camp VII from March 2014 to December 2014; is that right?

7 A. Yes, sir.

8 Q. Do you recall in November of 2014 when the interim
9 order came out enjoining the use of female guards in contact
10 positions for legal moves and commissions visits?

11 A. Yes, sir.

12 Q. Can you tell us what policy or practice changed when
13 that order AE 021B from Hadi al-Iraqi's case came out?

14 A. Sir, there was no official policy change. There was
15 direction that we would comply with the order, and so we had
16 to adjust -- well, we had to plan to adjust our staffing
17 processes at that point.

18 Q. What I'm trying to clarify, Lieutenant Colonel,
19 you've described earlier in your tenure you identified a
20 manning issue; you moved several NCOs from, I believe, an HQ
21 position and replaced them with NCOs who had less of a
22 clearance need and made them escort platoon leaders. Did I
23 get that right?

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1 A. The higher-level clearance was needed in the
2 headquarters platoon, so I replaced -- I swapped out two
3 female NCOs with two male NCOs of the same rank, and I swapped
4 them. So that's how the two female NCOs went to the escort
5 platoon, sir.

6 Q. Okay. And you had even identified this gender
7 restriction even before that issue came up; am I correct?

8 A. Are you referring to the deployment manning document,
9 sir?

10 Q. Absolutely.

11 A. Yes, because it impacted our ability to actually fill
12 the manning document.

13 Q. Okay.

14 A. And the guidance we received was that that
15 restriction was no longer in place.

16 Q. So let me vector you back in. You had already begun
17 making changes based on new guidance; am I correct?

18 A. Staffing prior to deploying, sir? You're talking
19 about that?

20 Q. Sure.

21 A. I just want to be sure I'm answering the right
22 question.

23 Q. Sure, I'll try to tighten the question up a little

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1 bit.

2 You had identified an issue with the deployment
3 manning document and you pushed it up the chain, as you said,
4 saying this gender restriction is causing me problems to fill
5 these positions. Have we got that?

6 A. Yes.

7 Q. When you arrived on post and took your role as the
8 Camp VII commander, you already -- you then had this ability
9 to fill the positions as you saw fit; is that correct?

10 A. Yes.

11 Q. And so now can you help me understand, in November
12 2014, if you filled the positions as you saw fit, what did you
13 have to change or what policy did you have to change or
14 practice did you have to change when the al-Iraqi order came
15 out?

16 A. We had females -- female NCOs in team leader
17 positions -- well, in leadership positions that, based on the
18 order, they could not handle the move of that detainee if
19 their turn came around in the assignment roster, when his
20 moves were coming up. So we had to be able to move another
21 team in there and pull them off of it. We tried to project
22 that out, but as I explained before, the process isn't exact
23 as far as knowing every move.

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1 Q. Lieutenant Colonel, was that practice change codified
2 somewhere in the DIMS records or in the operational records
3 that you maintained at Camp VII?

4 A. No, it was an adjustment made when his moves were
5 coming up, because it only affected the legal moves and the
6 moves to the military commissions. So if, when those moves
7 were being executed, he did not -- we had a female team leader
8 lined up, we would have to then make a change. So we had that
9 potential there.

10 The fact of the matter is we never actually had to do
11 that, because it did not come up based on cancellations.

12 Q. You never had to replace any escort leaders because
13 there were cancellations?

14 A. Yes, sir. His commissions -- his last series of
15 commissions before we left was canceled, so he didn't have
16 that, and either -- and I don't recall if either his legal
17 meetings were canceled or the assignment roster didn't come
18 around to cause that conflict.

19 Q. And I know, as a military officer, records are an
20 important issue. Did we keep a record of how these decisions
21 were made and codify this so we could pass on this practice,
22 if necessary, until this order was resolved?

23 A. Sir, we had the guidance from the Joint Detention

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1 Group that came through channels, through the JTF, that we
2 were to adjust to comply with the order. So that was
3 explained, and the shift scheduling was detailed in the escort
4 platoon.

5 Q. I want to drill down just a little further there.
6 That guidance, did it come in the form of a verbal
7 communication or an e-mail?

8 A. Verbal, sir.

9 Q. And who issued that?

10 A. I got verbal through the chain of command, so that
11 would have been from the admiral to the Joint Detention Group
12 commander. The -- and it came along with the order from the
13 court.

14 DDC [Lt Col THOMAS]: Thank you. Your Honor, could I have
15 just a moment, please?

16 MJ [COL POHL]: Sure.

17 [Pause.]

18 DDC [Lt Col THOMAS]: Your Honor, in accordance with your
19 ruling on 505(g) notice that we provided, the remaining
20 questions that I have would have to take place in an 803
21 proceeding, so at this time I would have to yield.

22 MJ [COL POHL]: Thank you.

23 Mr. Ruiz, do you have any questions for this witness?

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1 LDC [MR. RUIZ]: Judge, if I could have a moment, I just
2 need to confer to streamline my questioning.

3 MJ [COL POHL]: I do have one question for you, Lieutenant
4 Colonel. This is the judge, can you hear me okay?

5 WIT: Yes, sir.

6 **EXAMINATION BY THE MILITARY COMMISSION**

7 **Questions by the Military Judge [COL POHL]:**

8 Q. You left your position in December of '14; is that
9 correct?

10 A. That's correct, Your Honor.

11 Q. And at that time, there was the Hadi order that you
12 were adjusting to; is that correct?

13 A. Yes, Your Honor.

14 Q. And I think it's obvious, but I'm going to ask it
15 anyway.

16 The order in this case, was that issued after you
17 left? I'm talking about for the five detainees involved in
18 this particular case.

19 A. I'm not certain, Your Honor.

20 Q. Okay. So you don't know whether or not ----

21 A. I know I ----

22 Q. Go ahead.

23 A. I don't have the date of the order in front of me. I

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1 transferred responsibility to my replacement on the -- I
2 believe it was the 14th of December, sir.

3 Q. Okay. So it would be fair to say you would not have
4 any memory of any impact of the order in this case on your
5 operations, then, particularly if it came out ----

6 A. That's correct, sir.

7 Q. ---- particularly if it came out after you left?

8 A. Roger, Your Honor.

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

10 Mr. Ruiz?

11 LDC [MR. RUIZ]: I was listening to your questions and
12 answers, so I'll still need some time.

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

14 [Pause.]

15 LDC [MR. RUIZ]: Judge, may I proceed?

16 MJ [COL POHL]: Yeah. Go ahead.

17 **DIRECT EXAMINATION**

18 **Questions by the Learned Defense Counsel [MR. RUIZ]:**

19 Q. Good afternoon, Lieutenant Colonel.

20 A. Good afternoon, sir.

21 Q. I need to clarify something for my purposes. Did you
22 have the instance to testify in the al-Iraqi hearings on this
23 very same issue? Were you one of the witnesses?

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1 A. Yes, sir.

2 Q. And what pseudonym did you testify under at that
3 time? I'm trying to reconcile the transcripts that I have
4 with the pseudonym that you used.

5 A. At that time it was "Former Camp Commander."

6 Q. Okay. That was in ----

7 A. It may have been "Former Camp VII Commander."

8 Q. All right.

9 A. Sorry.

10 Q. But it was not "Current Camp Commander," correct?

11 A. No, it was not.

12 Q. Okay. Very good. Well, we'll find out for sure, I
13 think, in a few minutes.

14 And that was on 28 January of 2015, correct?

15 A. That sounds right. It was either the 28th or the
16 29th. I know it was the end of January.

17 Q. At that time, you had the opportunity to testify in
18 Mr. al-Iraqi's hearing regarding this very same or similar
19 questions and similar issues, correct?

20 A. Yes, sir.

21 Q. Now, granted, that was focused on Mr. al-Iraqi's
22 case, but is it fair to say that you plowed some of the same
23 ground that you've covered here today?

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1 A. Yes, sir.

2 Q. Okay. And at that time, I presume you were sworn and
3 you were under oath?

4 A. That's correct, sir.

5 Q. And you answered the questions that were posed to
6 you, and you answered those truthfully, correct?

7 A. Yes, sir.

8 Q. Do you recall testifying at that time that the impact
9 of the order, referring to the al-Iraqi order, was a very
10 careful oversight of the scheduling process to ensure that the
11 order was not violated?

12 A. That sounds right, sir.

13 Q. Okay. Do you recall testifying that you had to
14 change the assignment rotation based on the order?

15 A. I don't recall that. I don't believe we had to do
16 that, but in January I had the benefit of being much closer to
17 the issue than I am now.

18 Q. Understood. You don't happen to have a copy of your
19 transcript from that testimony in front of you, do you, or
20 nearby?

21 A. I do not, sir.

22 Q. Do you recall at that time opining that just because
23 you could accommodate detention operations in the short term,

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1 it did not necessarily mean that you could accommodate
2 detention operations in the long term?

3 A. Yes, sir.

4 Q. All right. Now, as we've determined, you left the
5 facility, or your position in the facility, in December of
6 2014, correct?

7 A. That is correct.

8 Q. All right. Since that time, have you had the
9 opportunity to follow the procedures or the operations of the
10 detention facility, either by discussing them with personnel
11 that have continued to supervise those detention operations or
12 any other means that would inform you of the detention
13 facility's operations?

14 A. I wouldn't say "follow," sir. I would say every once
15 in a while, there's a news report. They're not -- they're
16 infrequent, but there's a news report of changes or issues
17 being raised down there.

18 Q. Have you discussed with ----

19 A. So yes, open-source media.

20 Q. Okay. Have you discussed with any personnel in
21 leadership within the detention facility how the detention
22 operations have run since the time you left to the present or
23 throughout that time frame?

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1 A. No discussions of their detention operations other
2 than there were a few inquiries made to me about -- and it was
3 just after I left, nothing recent -- just following up on if
4 detainees made a complaint that things were done one way,
5 whether or not we had done it that way. But it wasn't a
6 discussion about current operations.

7 Q. And by that, what I mean by kept up or discussed
8 detainee operations, I'm also referring to things such as have
9 the detention facilities been able to continue to operate,
10 have there been any safety violations or failures of carrying
11 out the mission; it could be informal conversations that
12 you've had with colleagues or personnel that continue to serve
13 in this capacity. Have you had anything like that?

14 A. No, sir. Quite frankly, I left all of that behind
15 and moved on to my new duties.

16 Q. As you testified today, you do not have a foundation
17 or a basis of knowledge to testify that the detention
18 operations, since the time that you left to the present time,
19 have been unable to carry out their mission effectively and
20 with the requisite amount of safety both to the detainees and
21 to the military personnel, correct?

22 A. I'd make no comments on that, sir. I don't have a
23 basis to comment on it, correct.

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1 Q. Understood. You testified that there were, of
2 course, as there always are in missions, concerns about the
3 appropriate training of personnel going into a particular
4 mission, and to train them in accordance with standard
5 operating procedures to make sure that not only the personnel
6 involved would be safe and secure, but also the object of the
7 mission would be carried out. Do you recall that earlier
8 today?

9 A. Correct, yes.

10 Q. Now, one thing that I want to key in on is you
11 indicated that once there was an added variable, for lack of a
12 better term, regarding the female guard order, because of a
13 number of other issues, such as people having to leave,
14 whether it was for personal reasons or family emergencies,
15 unexpected developments, you then were put in a position where
16 you were forced to cross-train. Do you remember that
17 discussion?

18 A. Yes, sir. That wasn't specific to the female guards.
19 That was an overall staffing shortfall that we had to -- we
20 had to deal with, yes.

21 Q. Understood. So am I to understand correctly that in
22 preparing for this mission and in carrying out this mission,
23 which to some extent, based on your assessment, carried at

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1 least the risk of personnel safety measures for the guard
2 force, they were not cross-trained initially to conduct each
3 other's duties in the event one of them was injured on the
4 job?

5 A. We focused the training on the primary mission in
6 pre-deployment training, sir, and then when we went down
7 there, they focused on learning the very detailed SOPs that
8 were required for the facility and by the Joint Detention
9 Group.

10 So as time progressed over the mission, which
11 coincided with the staffing losses and the increased requests
12 for meetings, we figured out how to get more out of the force,
13 accepting risk in some areas, and that had to be discussed
14 with the chain of command.

15 Q. So I'm still not sure what the answer is.

16 I think your answer is: "No, they were not
17 originally cross-trained, but over the course of time we
18 determined that that we needed to cross-train the guard
19 force." Is that fair?

20 A. That's accurate.

21 Q. Okay. And by "cross-training," we mean -- well, we
22 do it with our paralegals. If one paralegal gets hit by a
23 car, heaven forbid, the next paralegal can pick up and do

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1 their job because they understand how to do each of the
2 different jobs that each paralegal has. That's the concept of
3 cross-training, correct?

4 A. Yes.

5 Q. Okay. And so, as I understand it, by the time you
6 left in 2014 in December, the decision had been made to
7 cross-train personnel that was involved in the detention
8 operations of Camp VII, correct?

9 A. We had initiated that process, yes.

10 Q. Okay. You testified today that you consulted with a
11 cultural advisor regarding specific sensitivities or religious
12 accommodations of some of the detainees in Camp VII, correct?

13 A. Yes. When the detainees raised the issue, I sought
14 the counsel -- the cultural advisor out.

15 Q. Now, the question that I want to ask you is not about
16 the person's identity or his name, but what I would want to
17 ask you is about the knowledge you have regarding that
18 person's cultural competence.

19 And what I mean by that is: Are you aware of what
20 the basis of that person's knowledge for the particular
21 religion or culture is?

22 A. Sir, he's a member of the JTF, Joint Task Force,
23 headquarters. I was not privy to his background. That was

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1 his duty position.

2 Q. Were you aware of whether he had a -- any training or
3 particular experience in regards to the Muslim culture?

4 A. Sir, he was the primary advisor to the Joint Task
5 Force regarding the cultural and religious issues. That's the
6 extent of the background on him that I know.

7 Q. So the answer is, you do not know if he was Muslim?

8 A. I don't know his background, sir.

9 Q. Okay. It is not clear to me, after all of the
10 testimony that you've given, whether you volunteered for this
11 mission or whether you were part of a larger recall. And
12 correct me if I'm using the right terminology. We in the Navy
13 call it recalls or mobilizations, and I'm not as conversant
14 with Army National Guard. But what exactly was the motivation
15 for you to ultimately become involved with this mission?

16 A. Sir, at the time I was assigned as a deputy commander
17 for the brigade that had the military police battalion as a
18 subordinate element. The commander who was preparing or had
19 planned on going on the mission had not been able to deploy
20 due to personal reasons. At that time, the brigade commander
21 tasked me to do that based on the requirements that they had
22 and the available personnel. Part of the reason is the fact
23 that I was qualified for the job, and that I was also within

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1 the command and was well aware of the issues because I had
2 been involved in the pre-mobilization preparation.

3 Q. So was it ----

4 A. So I was tasked. I did not volunteer.

5 Q. And as I understand it, your unit itself was already
6 tasked or recalled or whatever the terminology is?

7 A. The battalion headquarters and one of its companies
8 were already sourced for the mission, sir.

9 Q. Now, when the person who was slated to be the
10 commander had to, for personal reasons, withdraw, was that
11 something that you had -- you were consulted with in terms of
12 whether you would be willing to step in and fill that
13 position? Was there that type of discussion with yourself and
14 the person who was originally slated to be assigned to that
15 position?

16 A. No, sir. The first I heard of it was from my brigade
17 commander. Quite frankly, I was out on the range and he
18 called me back to the headquarters. And as I recall the
19 conversation, it was more of a, is there any reason -- a
20 question of is there any reason you cannot deploy, and which
21 there was not.

22 Q. And this was a mission that you wanted to be a part
23 of when it was presented to you?

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1 A. Sir, what I wanted didn't matter. The mission was --
2 had to -- the unit had to deploy in approximately 90 days, so
3 I was tasked with it and moved forward.

4 Q. At the time, were you a lieutenant colonel? I
5 believe you said you were, but were -- I guess my question is:
6 Were you a lieutenant colonel in rank, or were you a selected
7 lieutenant colonel?

8 A. I was a lieutenant colonel, sir.

9 Q. All right. And as I understand it, based on your
10 experience and your history, you do have an extensive history
11 with law enforcement as a military police officer and also
12 just in general with the civilian police department, correct?

13 A. Yes, sir.

14 Q. But as has been discussed a number of times, you had
15 never been in a position of commanding a detention facility
16 itself, correct?

17 A. Correct.

18 Q. And it's fair to say that -- how long have you been
19 in grade as a lieutenant colonel? Let's say at the time.

20 A. About eight years now.

21 Q. All right. So as a lieutenant colonel ----

22 A. So it would have been less than seven.

23 Q. At the time, correct?

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1 A. I'm sorry, I stepped on you. Go ahead.

2 Q. At the time of the deployment, it would have been
3 around seven?

4 A. About right.

5 Q. And is the normal ----

6 A. No, strike that. Six. Six, sir.

7 Q. All right. So in the Navy, the normal ----

8 A. We're going back to '13 now.

9 Q. Okay. Gotcha.

10 So in the Navy, the normal -- relatively normal gap
11 between an 0-5 and an 0-6 is between five or six years. And
12 before you go up for promotion as an 0-6, you get a look at as
13 an 0-6. Is that comparable in the Army?

14 TC [MR. RYAN]: Objection, Judge, relevance.

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

16 LDC [MR. RUIZ]: Judge, I'd like to state the basis for
17 that, but I'd like to do it outside of the presence of this
18 witness.

19 MJ [COL POHL]: Would the word "bias" be one?

20 LDC [MR. RUIZ]: Yes.

21 MJ [COL POHL]: I'll give you a little bit of leeway. I
22 think it's a stretch, since it's a motion. The objection is
23 overruled.

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1 Lieutenant Colonel, have you been considered for
2 selection for promotion to O-6 in the National Guard yet?

3 WIT: Yes, I have, sir.

4 MJ [COL POHL]: And have you been selected?

5 WIT: Yes, I have, sir.

6 MJ [COL POHL]: And what is -- when was that selection?

7 LDC [MR. RUIZ]: Your Honor ----

8 WIT: It's a matter of billets.

9 LDC [MR. RUIZ]: I have follow up after that.

10 WIT: April of 2014, sir.

11 MJ [COL POHL]: Go ahead. You can follow up on that.

12 **Questions by the Learned Defense Counsel [MR. RUIZ]:**

13 Q. As part of your OER, which is your officer evaluation
14 report, it is fair to say that having a command is more
15 favorably looked upon when you're competing against fellow
16 officers than not having been in command; isn't that correct?

17 A. That's correct, sir, and I already had command prior
18 to this deployment.

19 Q. But not of a detention facility of this complexity or
20 this high visibility, correct?

21 A. As stated, not of a detention facility, correct, sir.

22 Q. Right. And certainly not one of as high visibility
23 as this one?

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1 MJ [COL POHL]: Well, obviously, she had -- you don't have
2 to answer that.

3 A. I had not been commander of a detention facility
4 prior to this, sir.

5 MJ [COL POHL]: She just said this is the only detention
6 facility.

7 **Questions by the Learned Defense Counsel [MR. RUIZ]:**

8 Q. Of course, as you discussed, prior to your deployment
9 and your assignment to Guantanamo, there was a change that had
10 to take place in the policy of no females in Guantanamo Bay in
11 the detention facility, because you would not have been able
12 to come and assume command had that policy not been changed,
13 correct?

14 A. Sir, we did request clarification on the deployment
15 manning document that had the constraint of "No Males" [sic]
16 printed on it. We were told that that was not the policy.
17 That was before I was assigned as this -- as the commander,
18 sir. That was earlier when we were trying to fill the
19 document, so that point was clarified before any discussions
20 of my assignment to this mission.

21 Q. But had that not changed, you would not have been
22 able to assume the duties of commander in Camp VII, correct?

23 A. If it was a policy, I wouldn't have been able to, no.

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1 LDC [MR. RUIZ]: That's all I have, Judge.

2 MJ [COL POHL]: Thank you.

3 Trial Counsel? Mr. Ryan, I was planning to recess in
4 about five minutes. Would you rather me recess now than pick
5 up your direct or your cross after that?

6 TC [MR. RYAN]: I can get started, Judge.

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

8 **CROSS-EXAMINATION**

9 **Questions by the Trial Counsel [MR. RYAN]:**

10 Q. Commander, we have not met in person. My name is
11 Edward Ryan. I work for the Office of the Chief Prosecutor.
12 We have spoken by phone.

13 Ma'am, you have been questioned today in regard to
14 many subjects. One of them was an SOP regarding religious
15 issues inside of Camp VII. Do you recall that?

16 A. Yes, sir.

17 Q. Are you aware of any SOP, any provision of any SOP,
18 that requires you to compromise your mission to allow for
19 every religious accommodation desired by the accused in this
20 case, or by any detainee?

21 A. No, sir.

22 Q. Ma'am, you've been in the crosshairs for the entire
23 part of this day as to the decision you made in regard to the

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1 staffing of the escort teams that move detainees around.

2 LTC [MR. NEVIN]: Object to the form of the question.

3 MJ [COL POHL]: Overruled. Go ahead.

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

5 Q. I'm going to ask you now, ma'am, your decision in
6 regard to that staffing and who was assigned to escort teams,
7 tell me now, please, was that decision based entirely for the
8 purpose of ensuring the success of your mission, your
9 responsibility?

10 A. Yes, sir.

11 Q. Did you have any hidden agenda in this regard?

12 A. No, sir.

13 Q. Were you trying to get yourself a promotion or a
14 medal or a commendation?

15 A. No, sir.

16 Q. You were asked about -- I believe it was
17 SOP Number 39. That goes on for many pages, does it not,
18 ma'am, in regard to the religious accommodations made for the
19 detainees in Camp VII?

20 A. It has a long list, yes, sir.

21 Q. You would agree with me that a great deal of effort
22 went into trying to make proper accommodations?

23 A. Yes, sir.

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1 Q. Did you spend a lot of your time as camp commander
2 focused on the matters of accommodating their religious
3 preferences and needs?

4 A. Yes, sir. Anytime an inquiry was made, and
5 especially if it had to do with a link to their religious
6 preferences, it was reviewed thoroughly.

7 Q. Let me read to you from 39-3 under the title
8 "General."

9 "Detainees are allowed to exercise their religious
10 beliefs within the bounds of the JDG in a manner consistent
11 with the articles of the Geneva Conventions and to the extent
12 permissible based on military operations."

13 Is that consistent with what you have been telling us
14 today that you did in regard to your command?

15 A. Yes, sir.

16 Q. And was military operations, the success of your
17 military operation, the ultimate paramount concern?

18 A. Yes, sir.

19 Q. Ma'am, you've been asked about your declaration. Am
20 I correct that you signed that on November the 27th of 2014?

21 A. Yes, sir.

22 Q. You signed it under penalty of perjury; am I correct?

23 A. That is correct, sir.

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1 Q. Is it true and correct as you signed it on that day,
2 and is it still true and correct to this day?

3 A. Yes, it is, sir.

4 Q. All right. Ma'am, you've got a long history in law
5 enforcement. 32 years, I believe, in the military; is that
6 correct?

7 A. 33 now.

8 Q. Sorry about that.

9 Is that entirely in the field of military police law
10 enforcement?

11 A. Yes, sir, both enlisted and commissioned service.

12 Q. My next question to you: You went from enlisted to
13 officer; is that correct?

14 A. Yes, sir.

15 Q. Tell us how that came about.

16 A. I basically was approaching the end of my enlistment
17 and was encouraged to apply to Officer Candidate School, which
18 I did, and was subsequently commissioned as a second
19 lieutenant.

20 Q. You've been a military police officer both through
21 the enlisted level and through the officer corps; is that
22 correct?

23 A. That's correct, sir.

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1 Q. Then on top of that, you were a police officer in a
2 city of Massachusetts for 21 years upon your retirement; is
3 that correct?

4 A. Yes, sir.

5 Q. In the course of your career in the military, did you
6 have occasion to deploy in both Desert Shield and Desert
7 Storm?

8 A. Yes, sir.

9 Q. And where did you deploy to, what nations?

10 A. We deployed to Saudi Arabia, sir, and then we moved
11 into Iraq ----

12 Q. So you have had ----

13 A. ---- and subsequently went around into Kuwait and
14 back.

15 Q. ---- experience in the field of military police work
16 in nations in which there is substantially a large Muslim
17 population, correct to say?

18 [VTC transmission disconnected.]

19 TC [MR. RYAN]: I didn't do it, Judge, for the record.
20 But it's probably a good time, sir.

21 MJ [COL POHL]: Okay. We're going to go ahead and take
22 the afternoon recess for 20 minutes. If the accused wish to
23 engage in afternoon prayer, they are to take advantage of it

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1 at that time. We'll reconvene at 1525. Commission is in
2 recess.

3 [The R.M.C. 803 session recessed at 1504, 8 December 2015.]

4 [END OF PAGE]

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