MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY

UNITED STATES OF AMERICA v. ABD AL-RAHIM HUSSEIN MUHAMMED ABDU AL-NASHIRI	**AE 277N** **DEFENSE MOTION FOR APPROPRIATE RELIEF: ORDER APPROPRIATE PROTOCOLS IN ADMINISTERING COURT-ORDERED MAGNETIC RESONANCE IMAGE** September 18, 2015

1. Timeliness: This request is filed within the timeframe established by Rule for Military Commission (R.M.C.) 905 and is timely pursuant to Military Commissions Trial Judiciary Rule of Court (R.C.) 3.7.b.(1).

2. Relief Requested: The defense respectfully requests that the government be ordered to administer the Commission-ordered MRI of Mr. Al-Nashiri in defense counsel's presence, and only after both defense counsel and Dr. Sondra S. Crosby have had an opportunity to meet with him to prepare him for the procedure. The defense further requests that the images taken be those which the defense previously listed in a Memorandum to the Convening Authority on this issue. Finally, the defense requests that the results of any MRI administered pursuant to the Commission's order be shared *only* with the defense.

3. Overview: On June 4, 2014, the defense requested a magnetic resonance image (MRI) of Mr. Al-Nashiri's brain. See AE 277. This Commission ordered the Convening Authority to provide Mr. Al-Nashiri an MRI of his brain for mitigation purposes on April 9, 2015. See AE 277M. The defense then submitted a Memorandum to the Convening Authority in May of 2015, which detailed appropriate protocols for the administration of the MRI and requested particular MRI sequences. Attachment B. While the Convening Authority acknowledged receipt of that request on May 27, 2015 (*see* Attachment C), he has failed to act or respond to the defense request for

nearly four months. The Convening Authority's constructive denial of this request, along with information that an MRI machine may only be in Guantanamo for a short time, makes the instant motion ripe for relief.

4. Burden of Proof and Persuasion: The defense bears the burden of persuasion by a preponderance of the evidence. R.M.C. 905(c)(2)(A).

5. Statement of Facts:

On June 4, 2014, the Defense requested a magnetic resonance image (MRI) of Mr. Al-Nashiri's brain. See AE 277. The factual basis for this request was a declaration by Dr. Sondra S. Crosby, an expert in the field of diagnosing and treating torture survivors. Dr. Crosby, after meeting with Mr. Al-Nashiri for approximately thirty hours, found that Mr. Al-Nashiri suffers from chronic, complex Post-Traumatic Stress Disorder (PTSD) as a result of being tortured, and may also suffer from some physical brain dysfunction such as a Traumatic Brain Injury (TBI). *Id.* The R.M.C. 706 board appointed by this Commission also concluded Mr. Al-Nashiri suffers from PTSD. Specifically, Mr. Al-Nashiri suffers from gaps in his memory in connection to his torture. *Id.* Dr. Crosby recommended that Mr. Al-Nashiri be administered an MRI in order potentially to determine the source of his memory loss and other symptoms. *Id.*

Evidence of such memory loss, as well as evidence that it was caused by his torture, is both relevant and material to the findings and penalty phases of this capital case:

> Specifically, evidence of memory loss will directly militate against any lack of cooperation with law enforcement and detention officials or lack of rehabilitation potential that the prosecution will present during its case in aggravation. It will also buttress the defense's arguments to suppress past statements of the accused, support arguments for pre-trial confinement credit, and demonstrate to members the extent of the punishment already administered to Mr. Al-Nashiri. Further, the defense's expansive right to present mitigating evidence in a capital case logically includes evidence of mental disease, defect, or abnormality and chronic, complex PTSD, TBI, and the resulting memory loss all fall into that category.

Id. at 6.

This Commission initially denied the defense's motion (*see* AE 277H), noting on the record that because the Defense had not yet approached the Convening Authority with its request for an MRI, the Commission would not move on the issue. Unofficial/Unauthenticated Transcript, *United States v. Mr. Al-Nashiri*, 6 August 2014, p. 5061. After the defense followed this procedure (*see* AE 277K, Attachments A-B), this Commission reconsidered its ruling and granted relief on April 9, 2015.

In its order, this Commission deemed that "evidence of brain trauma or neuropsychological infirmity . . . is relevant and necessary to pre-trial, trial, and post-trial mitigation." See AE 277M ¶ 4(a). Such brain dysfunction, which could have been caused by Mr. Al-Nashiri's abuse at the hands of the government, constituted a mitigating factor. *Id.* Further, this Commission found that Mr. Al-Nashiri's memory loss would "buttress the defense's arguments to suppress past statements of the accused, support arguments for pre-trial confinement credit, and demonstrate to members the extent of the punishment already administered to Mr. Al-Nashiri." *Id.* (quoting AE 277 at 6). Therefore, an MRI was required in order to "further inform the Defense's understanding of the Accused's injuries and resulting symptoms." *Id.* ¶ 4(b).

After this Commission's order, the defense consulted with experts and submitted a Memorandum to the Convening Authority detailing what a proper scan would encompass and what protocols should be in place. Specifically, the defense raised concerns that without proper protocols the procedure could potentially re-traumatize Mr. Al-Nashiri due to his prior torture, and requested that defense counsel be notified before the MRI was conducted. Attachment B. The importance of that notification was underlined in the event the government chose to use a

closed MRI machine, as the tight quarters could easily re-traumatize a torture victim such as Mr. Al-Nashiri. Finally, the Memorandum outlined the types of images that would provide the most useful information, and the sequences that the technicians should obtain. *Id.*

The Convening Authority acknowledged receipt of this Memorandum via email on the day it was sent. Attachment C. To date, no further action was taken on the Memorandum and the defense has received no communication from the government about any progress on the ordered MRI in general.

Although the defense has not been given any information directly from the government, in recent months publicly available sources have indicated steps have been taken.[1] The request for an MRI machine was posted on the Federal Business Opportunities website on 22 June 2015, advertising the need for a short term lease "expected to be range [*sic*] from 30 to 180 calendar days." [2] When reached for interview in July, the anonymous Senior Medical Officer at the facility disclaimed any knowledge of the MRI machine's purpose, saying publicly that there was no medical need for the machine.[3] However, a SOUTHCOM spokesperson stated that the machine was being sought in order to comply with this Commission's order.[4] The spokesperson noted that although the MRI was currently only required for Mr. Al-Nashiri's case, the government was "discussing" the machine's use in the other capital cases pending before the

[1] It is interesting to note the government initially purchased an MRI machine for the facility in 2012, and it apparently arrived in Jacksonville, Florida, to be delivered by barge to Guantanamo in January of 2013. Carol Rosenberg, *Guantanamo-Bound MRI Machine Now in Georgia, Treating Soldiers*, MIAMI HERALD, Aug. 9, 2014, *available at* http://www.bradenton.com/2014/08/09/5296893/guantanamo-bound-mri-machine-now.html. The Defense filed their initial request for an MRI on June 4, 2014. *See* AE 277. Nine days after that, on June 13th, Guantanamo's MRI machine was then permanently installed in Georgia, at Fort Gordon. *Guantanamo-Bound MRI Machine Now in Georgia*, *supra*. Five days later, on June 18th, the prosecution filed a response stating that an MRI was not available at Guantanamo. *See* AE 277A at 3.

[2] https://www.fbo.gov/index?s=opportunity&mode=form&id=e82343e666a5b87c52f837c9ac1b2a9d&tab=core&_cview=0. Last accessed 18Sep15.

[3] Carol Rosenberg, *Navy Trying to Lease MRI for Guantanamo*, MIAMI HERALD, July 13, 2015, *available at* http://www miamiherald.com/news/nation-world/world/americas/guantanamo/article27114748.html.

[4] Carol Rosenberg, *Mystery Solved: Southcom Leasing MRI to Study Brain of Guantanamo Prisoner; Perhaps Others*, MIAMI HERALD, July 14, 2015, *available at* http://www miamiherald.com/news/nationworld/world/americas/guantanamo/article27248545.html

Military Commissions, since those defendants "will probably require an MRI at some future point."[5] There have been no further news reports on the facility's progress in obtaining the machine. However, in the past two weeks, the defense has learned that medical staff at Guantanamo approached at least one detainee, represented by counsel, and asked the detainee to submit to an MRI or else waive their right to request one in the future.

6. Argument:

Based on the available evidence, the government intends to execute a short-term lease for a portable, closed MRI machine, and to use it in the near future to evaluate capital defendants detained in Guantanamo (including Mr. Al-Nashiri). The Convening Authority has constructively denied the defense MRI protocol request and the defense remains in the dark on the status of the MRI ordered by this Commission. The defense has no information concerning who might be performing these scans, under what conditions, or what Mr. Al-Nashiri might be told about the MRI prior to its being administered. It is unclear with whom the results of any MRI will be shared.

First and foremost, as the defense pointed out to the Convening Authority, the administration of a closed MRI has the very real potential to re-traumatize Mr. Al-Nashiri. Attachment B. While he was in the custody of the CIA, Mr. Al-Nashiri was subjected to waterboarding at least three times. SEN. SELECT COMM. ON INTEL., COMMITTEE STUDY OF THE CENTRAL INTELLIGENCE AGENCY'S DETENTION AND INTERROGATION PROGRAM – EXECUTIVE SUMMARY § II(D)(1), at 67 (Dec. 3, 2014) (hereinafter "SSCI RPT."). That technique involved being tied, shackled, or otherwise held down on a board while his captors poured water over his face in order to suffocate him. He also was subjected to forcible sodomy under the guise of "rectal feeding." SSCI RPT. § II(D)(3), at 73. The SSCI Report also notes that one form of torture

[5] *Id.*

available for use on high-value detainees involved confining a detainee in a box. One of these boxes was "coffin size," while the other was approximately the dimensions of a floor safe, 21 inches wide by 30 inches deep by 30 inches tall. SSCI Rpt. § II(B)(9), at 42.

Without proper protocols, an MRI poses a significant likelihood of re-traumatizing Mr. Al-Nashiri. If the government continues to proceed without defense input and knowledge, then Mr. Al-Nashiri would once again be laid out flat on a board, and forced to undergo a procedure that even normal healthy adults routinely find overwhelmingly claustrophobic. Making matters worse, it is unlikely that the procedure will be satisfactorily explained to him before it is undertaken and while it is ongoing. Further, if the MRI chosen by the government is a closed machine, Mr. Al-Nashiri would be placed in a small, confined space much like the boxes described in the SSCI Report. Absent proper protocols, there is virtually no distinction between the techniques described in the SSCI Report and the insertion of Mr. Al-Nashiri into a loud, narrow tube.[6] Given the SSCI Report's description of Mr. Al-Nashiri's torture, undergoing an MRI without preparation, explanation, and the presence of someone he trusts would be a profoundly triggering experience for Mr. Al-Nashiri. It is critical to ensure the protocols put forth by the defense, after consultation with experts, be put in place before any MRI is administered.

The purpose of performing an MRI on Mr. Al-Nashiri, as the Commission has noted, is to gain access to mitigating information. Thus it is a defense investigation the results of which must initially be shared *only* with the defense. It is not to allow the government to subject Mr. Al-Nashiri to further maltreatment. It is not to put him in a situation in which he could conceivably be told that the source of his re-traumatization is a request filed by his attorneys. It is not to

[6] It may be safely assumed, because the Government is apparently seeking a portable and returnable MRI machine, that the machine will be a traditional closed-bore MRI. According to one imaging technology vendor, the opening of such a machine (as opposed to a completely open or a wide-bore MRI) is approximately 24 inches in diameter. *See* Jeremy Block, "Closed-Bore MRI vs. Open MRI vs. Wide-Bore MRI" (Oct. 4, 2013), *available at* http://info.blockimaging.com/bid/102182/Closed-Bore-MRI-vs-Open-MRI-vs-Wide-Bore-MRI.

diminish the value of mitigating evidence by putting him in a situation in which he refuses to undergo the MRI, or is uncooperative during the procedure, and then can be portrayed by the prosecution during trial as noncompliant. And it is not to prevent the defense from obtaining mitigating evidence by subjecting him to testing he could conceivably refuse or disrupt if he is not properly advised and guided. Also, as this Commission ruled, information from an MRI could be useful to "demonstrate to members the extent of the punishment already administered to Mr. Al-Nashiri." (AE 277M ¶ 4(a).) It violates the spirit if not the letter of the order to use the MRI procedure to re-traumatize Mr. Al-Nashiri and it is pointless to try to determine the extent of the punishment already administered if the government is free to inflict more trauma at will.

While an MRI is necessary in this case, there are several ways in which these problems can be remedied or prevented. Many of them can be found in the defense's May 2015 Memorandum to the Convening Authority, which has gone unanswered. Dr. Sondra Crosby should be permitted to meet with Mr. Al-Nashiri prior to and during the MRI procedure. She can advise him on the procedure, address his concerns, and prepare him for the physical aspects of the test. Dr. Crosby's expertise in torture victims, the trauma they experience and carry with them, and the ways that they cope with trauma and avoid triggering situations are invaluable in preparing Mr. Al-Nashiri for the MRI. Likewise, defense counsel need to meet with Mr. Al-Nashiri prior to administration of the MRI to discuss the testing with him to protect the attorney-client relationship. Finally, if an MRI is administered the results should only be shared with the defense.

Given the complete lack of information from the government on what the MRI procedure might entail, defense counsel and Dr. Crosby are unable to discuss the procedure with Mr. Al-Nashiri. Without any details, the defense is also unable to address specific concerns with the

government's proposed procedure with the Commission. However, recent reports and circumstances have indicated there is a need to raise this issue now to ensure Mr. Al-Nashiri is not re-traumatized and the Commission's MRI order does not create a punitive result. The fact that medical staff are approaching represented detainees and asking them to either submit to a medical procedure or else waive it forever is alarming, and indicates that the government intends to continue to keep the defense counsel in the dark on the MRI, if not cutting the defense out of the loop entirely. One can also infer that the Government wants to use the MRI to its advantage, thereby undermining a legitimate defense investigation. Therefore, in addition to permitting Dr. Crosby and counsel meet with Mr. Al-Nashiri prior to the MRI testing, the defense also requests that defense counsel be present when Mr. Al-Nashiri is given the MRI, and that any results be shared only with the defense.

Finally, because the Senior Medical Officer at Guantanamo has publicly stated there is no medical reason to administer MRIs to detainees, it appears that medical staff at Guantanamo are unclear as to what scans are required or how to appropriately administer them. This does not bolster the defense's confidence in the qualifications of the personnel operating the equipment, the quality of the scans to be taken, whether useful images will be obtained or sequences run, or whether appropriate and knowledgeable staff will take those images. Therefore, the sequences requested by the defense in its Memorandum to the Convening Authority should be the ones taken. Attachment B.

7. Oral Argument: The defense requests oral argument on this motion.

8. Witnesses:

a. Dr. Sondra Crosby

b. Dr. Barry Rosenfeld

9. Conference With Opposing Counsel: The defense counsel has conferred with the prosecution, which generally opposes all relief sought. The government concedes, in part, that the result of any MRI may only be given to the defense (at this time).

10. List of Attachments:

a. Certificate of Service, dated 18 September 2015

b. Memorandum for the Convening Authority ICO UC v. Al-Nashiri Regarding the Appropriate Conditions and Circumstances of the MRI That Is to Be Administered to Mr. Al-Nashiri (May 27, 2015)

c. Email acknowledging receipt of May 27, 2015, Memorandum for Convening Authority (May 27, 2015)

/s/ Richard Kammen
RICHARD KAMMEN
DOD Appointed Learned Counsel

/s/ Brian Mizer
BRIAN L. MIZER
CDR, JAGC, USN
Assistant Detailed Defense Counsel

/s/ Jennifer Pollio
JENNIFER POLLIO
LCDR, JACG, USN
Assistant Detailed Defense Counsel

ATTACHMENT

A

CERTIFICATE OF SERVICE

I certify that on 18 September 2015, I electronically filed the forgoing document with the Trial Judiciary and served it on all counsel of record via e-mail.

/s/ Jennifer Pollio
JENNIFER L. POLLIO
LCDR, JAGC, USN
Assistant Detailed Defense Counsel

ATTACHMENT

B

KAMMEN & MOUDY

Attorneys at Law

May 27, 2015

MEMORANDUM FOR THE CONVENING AUTHORITY ICO US. V. AL-NASHIRI REGARDING THE APPROPRIATE CONDITIONS ANDCIRCUMSTANCES OF THE MRI THAT IS TO BE ADMINISTERED TO MR. AL-NASHIRI

FROM RICHARD KAMMEN LEARNED COUNSEL

SIR.

As you are aware the Hon. Vance Spath ordered that the Convening Authority provide Mr. Al-Nashiri with an appropriate MRI. In order to avoid unnecessary delay as a result of further litigation on this issue we are writing to advise the CA and the prosecution as to our understanding about what a proper MRI should look like. We also write to discuss our view about the need to avoid additional traumatization of our client. As you should be aware, Mr. Al-Nashiri was tortured by the CIA. (See SSCI torture report) Pages 66-70 He has, in our view been repeatedly re-traumatized while incarcerated in Guantanamo since 2006. See e.g. D 002 (Nashiri) February 2009, regarding the process of sensory deprivation that previously was inflicted upon the accused.

Accordingly, wherever the MRI takes place, Mr. Al-Nashiri should not be re-traumatized while he is taken to the facility. Indeed, it would be helpful if counsel would be given notice prior to the MRI so that they could advise Mr. Al-Nashiri and alleviate concerns he might have, thereby insuring the process goes smoothly. This is especially important if the United States is going to us a closed rather than an open MRI, as that could potentially re-traumatize Mr. Al-Nashiri.

Counsel have consulted with MRI experts concerning the appropriate images that should be obtained and the type of machine that should be used. We did this because we have no confidence that the Convening Authority has any insight into what kind of MRI machine to obtain and that the Medical personnel at Guantanamo have the necessary training to obtain the necessary images. Our goal is to avoid unnecessary litigation so that the parties would know that what was obtained was what is necessary and we could avoid additional litigation over this issue. We are advised as follows:
Ideally the images would be collected on a Siemens 3T (tesla) MRI machine. If a 3T is not available a minimum of a 1.5T machine would be acceptable as well. There are four types of imaging we'd recommend collecting, listed both in importance and in ease of collecting:

1st - The standard set of high-resolution structural images. A standard MRI tech would be able to run these. With this data, we would have our board certified neuro-radiologist review the scans and we would be able to run the collected data through our quantitative analysis, comparing it to our database of age and gender matched subjects.

2nd - Collect Diffusion Tensor Images (DTI), which is also fairly straightforward and can be conducted by a tech. We would also be able to run our Quantitative analysis with this data and have our neuro-radiologist conduct a read.

3rd - Resting State MRI, which collects images of the brain in its resting state and can also be collected by a tech.

4th - Functional MRI, not something an average MRI tech would probably be familiar with and requires ancillary equipment that may not be available on a standard, non-research-based, 1.5 or 3T system.

SEQUENCES:

Attached is a document with a list of the MRI sequences that experts recommend collecting in order for the data to be informative in this case. These sequences are specific to a Siemens 3T scanner. If it turns out the scanner being used is a Siemens 1.5T the sequence parameters may need to be slightly modified.

Very Respectfully Submitted,

/s/ Richard Kammen
Richard Kammen
Attorney at Law
Kammen & Moudy

SIEMENS MAGNETOM TrioTim syngo MR B17

[redacted]

TA: 6:03 PAT: 2 Voxel size: 1.0×1.0×1.0 mm Rel. SNR: 1.00 USER: tfl_mgh_multiecho

Properties

Prio Recon	Off
Before measurement	
After measurement	
Load to viewer	On
Inline movie	Off
Auto store images	On
Load to stamp segments	Off
Load images to graphic segments	Off
Auto open inline display	Off
Start measurement without further preparation	On
Wait for user to start	Off
Start measurements	single

Routine

Slab group 1	
Slabs	1
Dist. factor	50 %
Position	R2.7 A35.1 H10.8
Orientation	S > T-2.8 > C2.6
Phase enc. dir.	A >> P
Rotation	0.00 deg
Phase oversampling	0 %
Slice oversampling	0.0 %
Slices per slab	192
FoV read	256 mm
FoV phase	100.0 %
Slice thickness	1.00 mm
TR	2530 ms
TE 1	1.64 ms
TE 2	3.5 ms
TE 3	5.36 ms
TE 4	7.22 ms
TE 5	9.08 ms
Averages	1
Concatenations	1
Filter	Prescan Normalize
Coil elements	HEA;HEP

Contrast

Magn. preparation	Non-sel. IR
TI	1200 ms
Flip angle	7.0 deg
Fat suppr.	None
Water suppr.	None
Averaging mode	Long term
Reconstruction	Magnitude
Measurements	1
Multiple series	Each measurement

Resolution

Base resolution	256
Phase resolution	100 %
Slice resolution	100 %
Phase partial Fourier	Off
Slice partial Fourier	Off
Interpolation	Off
PAT mode	GRAPPA
Accel. factor PE	2
Ref. lines PE	32
Accel. factor 3D	1

Reference scan mode	Integrated
Image Filter	Off
Distortion Corr.	Off
Unfiltered images	Off
Prescan Normalize	On
Normalize	Off
B1 filter	Off
Raw filter	Off
Elliptical filter	Off

Geometry

Multi-slice mode	Single shot
Series	Interleaved

System

Body	Off
HEP	On
HEA	On
Positioning mode	REF
Table position	H
Table position	0 mm
MSMA	S - C - T
Sagittal	R >> L
Coronal	A >> P
Transversal	F >> H
Save uncombined	Off
Coil Combine Mode	Adaptive Combine
Auto Coil Select	Default
Shim mode	Tune up
Adjust with body coil	Off
Confirm freq. adjustment	Off
Assume Silicone	Off
? Ref. amplitude 1H	0.000 V
Adjustment Tolerance	Auto
Adjust volume	
Position	Isocenter
Orientation	Transversal
Rotation	0.00 deg
R >> L	350 mm
A >> P	263 mm
F >> H	350 mm

Physio

1st Signal/Mode	None
Dark blood	Off

Inline

Subtract	Off
Std-Dev-Sag	Off
Std-Dev-Cor	Off
Std-Dev-Tra	Off
Std-Dev-Time	Off
MIP-Sag	Off
MIP-Cor	Off
MIP-Tra	Off
MIP-Time	Off
Save original images	On

Sequence

Introduction	On
Dimension	3D
Elliptical scanning	Off
Asymmetric echo	Off

Filed with TJC
18 September 2015

SIEMENS MAGNETOM TrioTim syngo MR B17

Bandwidth 1	651 Hz/Px
Bandwidth 2	651 Hz/Px
Bandwidth 3	651 Hz/Px
Bandwidth 4	651 Hz/Px
Bandwidth 5	651 Hz/Px
Flow comp. 1	No
Flow comp. 2	No
Flow comp. 3	No
Flow comp. 4	No
Flow comp. 5	No
Echo spacing	12.2 ms
RF pulse type	Fast
Gradient mode	Fast
Excitation	Non-sel.
RF spoiling	On
Readout polarity	Positive
Readout trajectory	Bipolar
Add. scale factor	4.0
Gradient spoiling	Integral
Gradient moment factor	3.0
Siemens reconstruction	On
Save raw k-space data	Off
Averaging	RMS

SIEMENS MAGNETOM TrioTim syngo MR B17

[redacted]

TA: 4:56 PAT: 2 Voxel size: 1.1×1.0×1.5 mm Rel. SNR: 1.00 SIEMENS: gre

Properties

Prio Recon	Off
Before measurement	
After measurement	
Load to viewer	On
Inline movie	Off
Auto store images	On
Load to stamp segments	Off
Load images to graphic segments	Off
Auto open inline display	Off
Start measurement without further preparation	On
Wait for user to start	Off
Start measurements	single

Routine

Slab group 1	
Slabs	1
Dist. factor	20 %
Position	Isocenter
Orientation	Transversal
Phase enc. dir.	R >> L
Rotation	90.00 deg
Phase oversampling	0 %
Slice oversampling	18.2 %
Slices per slab	88
FoV read	256 mm
FoV phase	75.0 %
Slice thickness	1.50 mm
TR	28 ms
TE	20.00 ms
Averages	1
Concatenations	1
Filter	Prescan Normalize
Coil elements	HEA;HEP

Contrast

MTC	Off
Magn. preparation	None
Flip angle	15 deg
Fat suppr.	None
Water suppr.	None
SWI	On
Averaging mode	Short term
Reconstruction	Magn./Phase
Measurements	1
Multiple series	Each measurement

Resolution

Base resolution	256
Phase resolution	92 %
Slice resolution	100 %
Phase partial Fourier	Off
Slice partial Fourier	Off
Interpolation	Off
PAT mode	GRAPPA
Accel. factor PE	2
Ref. lines PE	24
Accel. factor 3D	1
Matrix Coil Mode	Auto (Triple)
Reference scan mode	Integrated
Image Filter	Off
Distortion Corr.	Off
Unfiltered images	Off
Prescan Normalize	On
Normalize	Off
B1 filter	Off
Raw filter	Off
Elliptical filter	Off

Geometry

Multi-slice mode	Interleaved
Series	Interleaved
Saturation mode	Standard
Special sat.	None
Tim CT mode	Off

System

Body	Off
HEP	On
HEA	On
Positioning mode	REF
Table position	H
Table position	0 mm
MSMA	S - C - T
Sagittal	R >> L
Coronal	A >> P
Transversal	F >> H
Save uncombined	Off
Coil Combine Mode	Adaptive Combine
Auto Coil Select	Default
Shim mode	Standard
Adjust with body coil	Off
Confirm freq. adjustment	Off
Assume Silicone	Off
? Ref. amplitude 1H	0.000 V
Adjustment Tolerance	Auto
Adjust volume	
Position	Isocenter
Orientation	Transversal
Rotation	90.00 deg
A >> P	256 mm
R >> L	192 mm
F >> H	132 mm

Physio

1st Signal/Mode	None
Segments	1
Dark blood	Off
Resp. control	Off

Inline

Subtract	Off
Liver registration	Off
Std-Dev-Sag	Off
Std-Dev-Cor	Off
Std-Dev-Tra	Off
Std-Dev-Time	Off
MIP-Sag	Off
MIP-Cor	Off
MIP-Tra	Off
MIP-Time	Off
Save original images	On

Filed with TJ
18 September 2018

SIEMENS MAGNETOM TrioTim syngo MR B17

Wash - In	Off
Wash - Out	Off
TTP	Off
PEI	Off
MIP - time	Off

Sequence

Introduction	On
Dimension	3D
Elliptical scanning	Off
Phase stabilisation	Off
Asymmetric echo	Off
Contrasts	1
Bandwidth	120 Hz/Px
Flow comp.	Yes
Allowed delay	0 s
RF pulse type	Fast
Gradient mode	Normal
Excitation	Slab-sel.
RF spoiling	On

SIEMENS MAGNETOM TrioTim syngo MR B17

[redacted]

TA: 7:14 PAT: 2 Voxel size: 1.0×1.0×1.0 mm Rel. SNR: 1.00 SIEMENS: tse_vfl

Properties

Prio Recon	Off
Before measurement	
After measurement	
Load to viewer	On
Inline movie	Off
Auto store images	On
Load to stamp segments	Off
Load images to graphic segments	Off
Auto open inline display	Off
Start measurement without further preparation	On
Wait for user to start	On
Start measurements	single

Routine

Slab group 1	
Slabs	1
Position	Isocenter
Orientation	Sagittal
Phase enc. dir.	A >> P
Rotation	0.00 deg
Phase oversampling	0 %
Slice oversampling	0.0 %
Slices per slab	192
FoV read	256 mm
FoV phase	93.8 %
Slice thickness	1.00 mm
TR	6000 ms
TE	408 ms
Averages	1.0
Concatenations	1
Filter	Raw filter, Prescan Normalize
Coil elements	HEA;HEP

Contrast

MTC	Off
Magn. preparation	Non-sel. IR
TI	2000 ms
Fat suppr.	None
Water suppr.	None
Restore magn.	Off
Reconstruction	Magnitude
Measurements	1
Multiple series	Each measurement

Resolution

Base resolution	256
Phase resolution	99 %
Slice resolution	100 %
Phase partial Fourier	Allowed
Slice partial Fourier	6/8
Interpolation	Off
PAT mode	GRAPPA
Accel. factor PE	2
Ref. lines PE	24
Accel. factor 3D	1
Matrix Coil Mode	Auto (Triple)
Reference scan mode	Integrated
Image Filter	Off
Distortion Corr.	Off
Unfiltered images	Off
Prescan Normalize	On
Normalize	Off
B1 filter	Off
Raw filter	On
Intensity	Weak
Slope	25
Elliptical filter	Off

Geometry

Special sat.	None

System

Body	Off
HEP	On
HEA	On
Positioning mode	FIX
Table position	H
Table position	0 mm
MSMA	S - C - T
Sagittal	R >> L
Coronal	A >> P
Transversal	F >> H
Save uncombined	Off
Coil Combine Mode	Adaptive Combine
Auto Coil Select	Default
Shim mode	Standard
Adjust with body coil	Off
Confirm freq. adjustment	Off
Assume Silicone	Off
? Ref. amplitude 1H	0.000 V
Adjustment Tolerance	Auto
Adjust volume	
Position	Isocenter
Orientation	Sagittal
Rotation	0.00 deg
F >> H	256 mm
A >> P	240 mm
R >> L	192 mm

Physio

1st Signal/Mode	None
Dark blood	Off
Resp. control	Off

Inline

Subtract	Off
Std-Dev-Sag	Off
Std-Dev-Cor	Off
Std-Dev-Tra	Off
Std-Dev-Time	Off
MIP-Sag	Off
MIP-Cor	Off
MIP-Tra	Off
MIP-Time	Off
Save original images	On

Sequence

Introduction	On
Dimension	3D
Bandwidth	781 Hz/Px
Flow comp.	
Allowed delay	30 s
Echo spacing	3.3 ms

Filed with TJ
15 September 2015

Appellate Exhibit 277N (Al-Nashiri)
Page 20 of 30

SIEMENS MAGNETOM TrioTim syngo MR B17

Adiabatic-mode	Off
Define	Echo trains
Turbo factor	131
Slice turbo factor	2
Echo trains per slice	1
Echo train duration	835
RF pulse type	Normal
Gradient mode	Fast
Excitation	Non-sel.
Flip angle mode	T2 var

SIEMENS MAGNETOM TrioTim syngo MR B17

[redacted]

TA: 3:08 PAT: 2 Voxel size: 1.1×1.1×1.5 mm Rel. SNR: 1.00 SIEMENS: tse

Properties

Prio Recon	Off
Before measurement	
After measurement	
Load to viewer	On
Inline movie	Off
Auto store images	On
Load to stamp segments	Off
Load images to graphic segments	Off
Auto open inline display	Off
Start measurement without further preparation	On
Wait for user to start	Off
Start measurements	single

Routine

Slice group 1	
Slices	120
Dist. factor	0 %
Position	L0.9 A32.1 H8.5
Orientation	Transversal
Phase enc. dir.	R >> L
Rotation	90.00 deg
Phase oversampling	12 %
FoV read	220 mm
FoV phase	100.0 %
Slice thickness	1.5 mm
TR	15500 ms
TE	77 ms
Averages	1
Concatenations	1
Filter	Prescan Normalize, Elliptical filter
Coil elements	HEA;HEP

Contrast

MTC	Off
Magn. preparation	None
Flip angle	139 deg
Fat suppr.	None
Water suppr.	None
Restore magn.	Off
Averaging mode	Short term
Reconstruction	Magnitude
Measurements	1
Multiple series	Each measurement

Resolution

Base resolution	192
Phase resolution	100 %
Phase partial Fourier	Off
Trajectory	Cartesian
Interpolation	Off
PAT mode	GRAPPA
Accel. factor PE	2
Ref. lines PE	26
Matrix Coil Mode	Auto (Triple)
Reference scan mode	Integrated
Image Filter	Off
Distortion Corr.	Off
Unfiltered	Off
Prescan Normalize	On
Normalize	Off
B1 filter	Off
Raw filter	Off
Elliptical filter	On
Mode	Inplane

Geometry

Multi-slice mode	Interleaved
Series	Interleaved
Special sat.	None
Tim CT mode	Off

System

Body	Off
HEP	On
HEA	On
Positioning mode	REF
Table position	H
Table position	0 mm
MSMA	S - C - T
Sagittal	R >> L
Coronal	A >> P
Transversal	F >> H
Save uncombined	Off
Coil Combine Mode	Adaptive Combine
Auto Coil Select	Default
Shim mode	Standard
Adjust with body coil	Off
Confirm freq. adjustment	Off
Assume Silicone	Off
? Ref. amplitude 1H	0.000 V
Adjustment Tolerance	Auto
Adjust volume	
Position	L0.9 A32.1 H8.5
Orientation	Transversal
Rotation	90.00 deg
A >> P	220 mm
R >> L	220 mm
F >> H	180 mm

Physio

1st Signal/Mode	None
Dark blood	Off
Resp. control	Off

Inline

Subtract	Off
Std-Dev-Sag	Off
Std-Dev-Cor	Off
Std-Dev-Tra	Off
Std-Dev-Time	Off
MIP-Sag	Off
MIP-Cor	Off
MIP-Tra	Off
MIP-Time	Off
Save original images	On

Sequence

Introduction	On
Dimension	2D
Compensate T2 decay	Off
Reduce Motion Sens.	Off

Filed with TJ
18 September 2015

SIEMENS MAGNETOM TrioTim syngo MR B17

Contrasts	1
Bandwidth	199 Hz/Px
Flow comp.	No
Allowed delay	60 s
Echo spacing	11 ms
Define	Turbo factor
Turbo factor	11
Echo trains per slice	11
RF pulse type	Fast
Gradient mode	Normal

SIEMENS MAGNETOM TrioTim syngo MR B17

[redacted]

TA: 5:42 PAT: 2 Voxel size: 2.0×2.0×2.0 mm Rel. SNR: 1.00 SIEMENS: ep2d_diff

Properties

Prio Recon	Off
Before measurement	
After measurement	
Load to viewer	On
Inline movie	Off
Auto store images	On
Load to stamp segments	Off
Load images to graphic segments	Off
Auto open inline display	Off
Start measurement without further preparation	On
Wait for user to start	Off
Start measurements	single

Routine

Slice group 1	
Slices	72
Dist. factor	0 %
Position	Isocenter
Orientation	Transversal
Phase enc. dir.	A >> P
Rotation	0.00 deg
Phase oversampling	0 %
FoV read	256 mm
FoV phase	100.0 %
Slice thickness	2.0 mm
TR	9000 ms
TE	84 ms
Averages	1
Concatenations	1
Filter	None
Coil elements	HEA;HEP

Contrast

MTC	Off
Magn. preparation	None
Fat suppr.	Fat sat.
Averaging mode	Long term
Reconstruction	Magnitude
Delay in TR	0 ms
Multiple series	Off

Resolution

Base resolution	128
Phase resolution	100 %
Phase partial Fourier	6/8
Interpolation	Off
PAT mode	GRAPPA
Accel. factor PE	2
Ref. lines PE	32
Matrix Coil Mode	Auto (Triple)
Reference scan mode	Separate
Distortion Corr.	Off
Prescan Normalize	Off
Raw filter	On
Elliptical filter	Off
Hamming	Off

Geometry

Multi-slice mode	Interleaved
Series	Interleaved
Special sat.	None

System

Body	Off
HEP	On
HEA	On
Positioning mode	REF
Table position	H
Table position	0 mm
MSMA	S - C - T
Sagittal	R >> L
Coronal	A >> P
Transversal	F >> H
Coil Combine Mode	Adaptive Combine
Auto Coil Select	Default
Shim mode	Standard
Adjust with body coil	Off
Confirm freq. adjustment	Off
Assume Silicone	Off
? Ref. amplitude 1H	0.000 V
Adjustment Tolerance	Auto
Adjust volume	
Position	Isocenter
Orientation	Transversal
Rotation	0.00 deg
R >> L	256 mm
A >> P	256 mm
F >> H	144 mm

Physio

1st Signal/Mode	None
Resp. control	Off

Diff

Diffusion mode	Free
Diff. weightings	1
b-value	800 s/mm²
Diff. weighted images	On
Trace weighted images	Off
Average ADC maps	Off
Individual ADC maps	Off
FA maps	Off
Mosaic	On
Tensor	Off
Noise level	40
Diff. directions	35

Sequence

Introduction	Off
Bandwidth	1562 Hz/Px
Free echo spacing	Off
Echo spacing	0.72 ms
EPI factor	128
RF pulse type	Normal
Gradient mode	Fast

Filed with TJ
18 September 2015

Appellate Exhibit 277N (Al-Nashiri)
Page 24 of 30

SIEMENS MAGNETOM TrioTim syngo MR B17

[redacted]

TA: 5:51 PAT: 2 Voxel size: 2.0×2.0×2.0 mm Rel. SNR: 1.00 SIEMENS: ep2d_diff

Properties

Prio Recon	Off
Before measurement	
After measurement	
Load to viewer	On
Inline movie	Off
Auto store images	On
Load to stamp segments	Off
Load images to graphic segments	Off
Auto open inline display	Off
Start measurement without further preparation	On
Wait for user to start	Off
Start measurements	single

Routine

Slice group 1	
Slices	72
Dist. factor	0 %
Position	Isocenter
Orientation	Transversal
Phase enc. dir.	A >> P
Rotation	0.00 deg
Phase oversampling	0 %
FoV read	256 mm
FoV phase	100.0 %
Slice thickness	2.0 mm
TR	9000 ms
TE	84 ms
Averages	1
Concatenations	1
Filter	None
Coil elements	HEA;HEP

Contrast

MTC	Off
Magn. preparation	None
Fat suppr.	Fat sat.
Averaging mode	Long term
Reconstruction	Magnitude
Delay in TR	0 ms
Multiple series	Off

Resolution

Base resolution	128
Phase resolution	100 %
Phase partial Fourier	6/8
Interpolation	Off
PAT mode	GRAPPA
Accel. factor PE	2
Ref. lines PE	32
Matrix Coil Mode	Auto (Triple)
Reference scan mode	Separate
Distortion Corr.	Off
Prescan Normalize	Off
Raw filter	On
Elliptical filter	Off
Hamming	Off

Geometry

Multi-slice mode	Interleaved
Series	Interleaved
Special sat.	None

System

Body	Off
HEP	On
HEA	On
Positioning mode	REF
Table position	H
Table position	0 mm
MSMA	S - C - T
Sagittal	R >> L
Coronal	A >> P
Transversal	F >> H
Coil Combine Mode	Adaptive Combine
Auto Coil Select	Default
Shim mode	Standard
Adjust with body coil	Off
Confirm freq. adjustment	Off
Assume Silicone	Off
? Ref. amplitude 1H	0.000 V
Adjustment Tolerance	Auto
Adjust volume	
Position	Isocenter
Orientation	Transversal
Rotation	0.00 deg
R >> L	256 mm
A >> P	256 mm
F >> H	144 mm

Physio

1st Signal/Mode	None
Resp. control	Off

Diff

Diffusion mode	Free
Diff. weightings	1
b-value	800 s/mm²
Diff. weighted images	On
Trace weighted images	Off
Average ADC maps	Off
Individual ADC maps	Off
FA maps	Off
Mosaic	On
Tensor	Off
Noise level	40
Diff. directions	36

Sequence

Introduction	Off
Bandwidth	1562 Hz/Px
Free echo spacing	Off
Echo spacing	0.72 ms
EPI factor	128
RF pulse type	Normal
Gradient mode	Fast

SIEMENS MAGNETOM TrioTim syngo MR B17

[redacted]

TA: 7:02 PAT: Off Voxel size: 3.8×3.8×4.0 mm Rel. SNR: 1.00 SIEMENS: ep2d_pasl

Properties

Prio Recon	Off
Before measurement	
After measurement	
Load to viewer	On
Inline movie	Off
Auto store images	On
Load to stamp segments	Off
Load images to graphic segments	Off
Auto open inline display	Off
Start measurement without further preparation	On
Wait for user to start	Off
Start measurements	single

Routine

Slice group 1	
Slices	24
Dist. factor	25 %
Position	Isocenter
Orientation	Transversal
Phase enc. dir.	A >> P
Rotation	0.00 deg
Phase oversampling	0 %
FoV read	240 mm
FoV phase	100.0 %
Slice thickness	4.0 mm
TR	4000.0 ms
TE	12 ms
Averages	1
Concatenations	1
Filter	None
Coil elements	HEA;HEP

Contrast

Inversion time 2	1800.0 ms
Inversion time 1	700 ms
Saturation stop time	1600 ms
Flip angle	90 deg
Fat suppr.	Fat sat.
Fat sat. mode	Strong
Averaging mode	Long term
Reconstruction	Magnitude
Measurements	105
Delay in TR	0 ms
Multiple series	Off
Perfusion mode	PICORE Q2T
Inversion time 1	700 ms
Saturation stop time	1600 ms
Inversion time 2	1800.0 ms
Flow limit	100.0 cm/s

Resolution

Base resolution	64
Phase resolution	100 %
Phase partial Fourier	6/8
Interpolation	Off
PAT mode	None
Matrix Coil Mode	Auto (CP)
Prescan Normalize	Off
Raw filter	Off
Elliptical filter	Off
Hamming	Off

Geometry

Multi-slice mode	Interleaved
Series	Ascending
Special sat.	Parallel F
Gap	25.4 mm
Thickness	100 mm

System

Body	Off
HEP	On
HEA	On
Positioning mode	FIX
Table position	H
Table position	0 mm
MSMA	S - C - T
Sagittal	R >> L
Coronal	A >> P
Transversal	F >> H
Save uncombined	Off
Coil Combine Mode	Sum of Squares
Auto Coil Select	Default
Shim mode	Standard
Adjust with body coil	Off
Confirm freq. adjustment	Off
Assume Silicone	Off
? Ref. amplitude 1H	0.000 V
Adjustment Tolerance	Auto
Adjust volume	
Position	Isocenter
Orientation	Transversal
Rotation	0.00 deg
R >> L	240 mm
A >> P	240 mm
F >> H	119 mm

Physio

1st Signal/Mode	None

BOLD

GLM Statistics	Off
Dynamic t-maps	Off
Starting ignore meas	1
Ignore after transition	0
Model transition states	Off
Temp. highpass filter	On
Threshold	4.00
Paradigm size	4
Meas[1]	Baseline
Meas[2]	Active
Meas[3]	Baseline
Meas[4]	Active
Motion correction	Off
Spatial filter	Off

Sequence

Introduction	On
Bandwidth	2368 Hz/Px
Free echo spacing	Off
Echo spacing	0.49 ms
EPI factor	[illegible]
RF pulse type	Normal
Gradient mode	Fast

Filed with TJL
18 September 2015

SIEMENS MAGNETOM TrioTim syngo MR B17

[redacted]

TA: 5:34 PAT: Off Voxel size: 3.8×3.8×3.5 mm Rel. SNR: 1.00 USER: ep2d_complex

Properties

Prio Recon	Off
Before measurement	
After measurement	
Load to viewer	On
Inline movie	Off
Auto store images	On
Load to stamp segments	Off
Load images to graphic segments	Off
Auto open inline display	Off
Start measurement without further preparation	On
Wait for user to start	Off
Start measurements	single

Routine

Slice group 1	
Slices	33
Dist. factor	30 %
Position	R2.3 A20.9 F29.0
Orientation	T > S2.2 > C-1.8
Phase enc. dir.	A >> P
Rotation	0.00 deg
Phase oversampling	0 %
FoV read	240 mm
FoV phase	100.0 %
Slice thickness	3.5 mm
TR	2000 ms
TE	29 ms
Averages	1
Concatenations	1
Filter	None
Coil elements	HEA;HEP

Contrast

MTC	Off
Flip angle	75 deg
Fat suppr.	Fat sat.
Averaging mode	Long term
Reconstruction	Magnitude
Measurements	165
Delay in TR	0 ms
Multiple series	Off

Resolution

Base resolution	64
Phase resolution	100 %
Phase partial Fourier	Off
Interpolation	Off
PAT mode	None
Matrix Coil Mode	Triple
Distortion Corr.	Off
Prescan Normalize	Off
Raw filter	On
Elliptical filter	Off
Hamming	Off

Geometry

Multi-slice mode	Interleaved
Series	Ascending
Spe[illegible]	None
Body	Off
HEP	On
HEA	On
Positioning mode	FIX
Table position	H
Table position	0 mm
MSMA	S - C - T
Sagittal	R >> L
Coronal	A >> P
Transversal	F >> H
Coil Combine Mode	Adaptive Combine
Auto Coil Select	Default
Shim mode	Standard
Adjust with body coil	Off
Confirm freq. adjustment	Off
Assume Silicone	Off
? Ref. amplitude 1H	0.000 V
Adjustment Tolerance	Auto
Adjust volume	
Position	R2.3 A20.9 F29.0
Orientation	T > S2.2 > C-1.8
Rotation	0.00 deg
R >> L	240 mm
A >> P	240 mm
F >> H	150 mm

Physio

1st Signal/Mode	None

BOLD

GLM Statistics	Off
Dynamic t-maps	Off
Starting ignore meas	0
Ignore after transition	0
Model transition states	Off
Temp. highpass filter	Off
Threshold	4.00
Paradigm size	20
Meas[1]	Baseline
Meas[2]	Baseline
Meas[3]	Baseline
Meas[4]	Baseline
Meas[5]	Baseline
Meas[6]	Baseline
Meas[7]	Baseline
Meas[8]	Baseline
Meas[9]	Baseline
Meas[10]	Baseline
Meas[11]	Active
Meas[12]	Active
Meas[13]	Active
Meas[14]	Active
Meas[15]	Active
Meas[16]	Active
Meas[17]	Active
Meas[18]	Active
Meas[19]	Active
Meas[20]	Active
Motion correction	Off
Spatial filter	Off

Sequence

Introduction	Off
Bandwidth	2170 Hz/Px

SIEMENS MAGNETOM TrioTim syngo MR B17

Free echo spacing	Off
Echo spacing	0.53 ms
EPI factor	64
RF pulse type	Normal
Gradient mode	Fast

ATTACHMENT

C

From: [redacted] CIV OSD OMC CA (US)
To: Kammen, Richard CIV (US); Mizer, Brian L CIV (US); Pollio, Jennifer L LCDR USN OSD OMC (US); Jackson, Daphne L Maj USAF OSD OMC (US); Moscati, Robert C COL USARMY (US); Morris, Paul B LT USN (US)
Cc: OSD Pentagon OMC List CA Legal Advisor-Nashiri
Subject: RE: Request re MRI
Date: Wednesday, May 27, 2015 2:36:53 PM

Mr. Kammen,

This office acknowledges receipt of your request regarding the Order for a MRI for Mr. al-Nashiri.

Thank you.

V/R,
[redacted]

[redacted]
Executive Assistant to the Convening Authority/Legal Administrative Specialist

Office of Military Commissions (OMC) - Convening Authority
[redacted]

This email communication is intended only for the use of the designated recipient, and may contain attorney-client communication. As such, it is privileged and confidential. If the reader of this message is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution, or copying of the message is strictly prohibited. If you have received this transmission in error, please destroy this transmission and provide notification to me of the erroneous transmission immediately.