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1 **[The R.M.C. 803 session was called to order at 1004, 15 July 2024.]**

2 MJ [Col McCALL]: The commission's called to order.

3 Good morning, Mr. Trivett. Can you please identify who's  
4 here on behalf of the United States both here in the courtroom and at  
5 the Remote Hearing Room?

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

7 Representing the United States today in the courtroom is  
8 myself, Mr. Clay Trivett; Lieutenant Commander Robert Baxter;  
9 Mr. Christopher Dykstra. Also present, paralegals LN1 Trevis Howard,  
10 Ms. Karissa Grippando, Mr. Rudolph Gibbs.

11 Here today from the FBI is Special Agent Justin Zuccolotto  
12 and Management and Program Analyst Kate Ferguson.

13 Representing the United States in the Remote Hearing  
14 Facility in Virginia is Mr. Jeff Groharing, Colonel Joshua Bearden,  
15 Major Neville Dastoor. Also present is Ms. Megan Gentry and  
16 paralegal Staff Sergeant Samantha Resendiz.

17 Your Honor, these proceedings are being transmitted via  
18 closed-circuit television to sites in the continental United States  
19 pursuant to the commission's orders.

20 MJ [Col McCALL]: All right. Thank you, Mr. Trivett.

21 Good morning, Mr. Sowards.

22 LDC [MR. SOWARDS]: Good morning, Your Honor.

23 Appearing on behalf of Mr. Mohammed, who is present in the

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1 courtroom, are Gary Sowards; Elspeth Theis, United States Air Force  
2 Major; Denise LeBoeuf; and William Xu, United States Navy Lieutenant,  
3 who is attending to an escort issue with one of our paralegals.

4 MJ [Col McCALL]: All right. Thank you.

5 Good morning, Mr. Engle.

6 LDC [MR. SOWARDS]: I beg your pardon, Your Honor. I failed  
7 to account for Gabriela McQuade, who is joining us from the Remote  
8 Hearing.

9 MJ [Col McCALL]: All right. Thank you.

10 LDC [MR. SOWARDS]: Thank you, sir.

11 LDC [MR. ENGLE]: Good morning, Your Honor.

12 MJ [Col McCALL]: Good morning.

13 LDC [MR. ENGLE]: Here in the courtroom with Mr. Bin'Attash we  
14 have Lieutenant Austin Ridgeway; Edwin Perry; William Montross;  
15 Captain Marian Messing; myself, Matthew Engle.

16 Up in the RHR we have Tasnim Motala, and also present is  
17 investigator Chris Pipe and Lieutenant Colonel Daniel Goldberg, who  
18 has not yet entered an appearance before you but will do so in due  
19 course.

20 MJ [Col McCALL]: Okay. Understood. Just by due course, and  
21 not necessarily today, but at one of the later sessions perhaps? Is  
22 that ----

23 LDC [MR. ENGLE]: I don't think this session, but a future

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1 session.

2 MJ [Col McCALL]: Understood. All right.

3 Good morning, Ms. Pradhan.

4 ADC [MS. PRADHAN]: Good morning, Your Honor. On behalf of  
5 Mr. al Baluchi, Learned Counsel James Connell is at the back; myself,  
6 Alka Pradhan; Ms. Rita Radostitz; and from the RHR, Ms. Defne  
7 Ozgediz, and Lieutenant Jennifer Joseph.

8 MJ [Col McCALL]: All right. Thank you.

9 Good morning, Mr. Ruiz.

10 LDC [MR. RUIZ]: Good morning, Judge. I am here along with  
11 Suzanne Lachelier, Captain Kerry Mawn, Captain Patrick Tipton, and  
12 Mr. Sean Gleason on behalf of Mr. al Hawsawi.

13 MJ [Col McCALL]: All right. Thank you.

14 All right. I will now advise the accused of their right to  
15 be present and their right to waive said presence. And I do note  
16 that all four accused are present.

17 You each have the right to be present during all sessions of  
18 the commission. If you request to absent yourself from any session,  
19 such absence must be voluntary and of your own free will.

20 Your voluntary absence from any session of the commission is  
21 an unequivocal waiver of the right to be present during that session.  
22 Your absence from any session may negatively affect the presentation  
23 of the defense in your case.

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1           Your failure to meet with and cooperate with your defense  
2 counsel may also negatively affect the presentation of your case.  
3 Under certain circumstances, your attendance at a session can be  
4 compelled regardless of your personal desire not to be present.

5           Regardless of your voluntary waiver to attend a particular  
6 session of the commission, you have the right at any time to decide  
7 to attend any subsequent session. If you decide not to attend the  
8 morning session but you wish to attend the afternoon session, you  
9 must notify the guard force of your desires. Assuming there is  
10 enough time to arrange transportation, you will then be allowed to  
11 attend the afternoon session.

12           You will be informed of the time and date of each commission  
13 session prior to the session to afford you the opportunity to decide  
14 whether or not you wish to attend that session.

15           Mr. Mohammad, do you understand what I've just explained to  
16 you?

17           ACC [MR. MOHAMMAD]: Yes.

18           MJ [Col McCALL]: Mr. Bin'Attash, do you understand what I've  
19 just explained?

20           ACC [MR. BIN'ATTASH]: Yes.

21           MJ [Col McCALL]: Mr. Ali, do you understand what I've just  
22 explained to you?

23           ACC [MR. AZIZ ALI]: Yes.

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1 MJ [Col McCALL]: Mr. al Hawsawi, do you understand what I've  
2 just explained?

3 ACC [Mr. Al HAWSAWI]: Yes.

4 MJ [Col McCALL]: All right. So, again, the gist of it  
5 is -- and, Mr. al Hawsawi, I'll get to you in just a second -- but  
6 we'll follow the same procedures that we followed since I became the  
7 judge, and I believe it was actually implemented by Judge Cohen.

8 Mr. al Hawsawi, did you have something if -- perhaps may  
9 confer with Mr. Gleason or one of your counsel? Is there anything  
10 you need to raise to my attention?

11 ACC [Mr. Al HAWSAWI]: Yes.

12 **[Counsel conferred with the accused.]**

13 MJ [Col McCALL]: Mr. Gleason?

14 DC [MR. GLEASON]: Your Honor, Mr. Hawsawi is going to prepare  
15 a document in writing to submit as an exhibit. We'll get that  
16 submitted as soon as he's finished, sir.

17 MJ [Col McCALL]: All right. And is this in regards to the  
18 matter that we've been dealing with in the recent ex parte sessions  
19 with your team?

20 DC [MR. GLEASON]: Yes, sir. It will be ex parte.

21 MJ [Col McCALL]: All right. Understood.

22 And kind of jumping ahead, I do wish to discuss that. If  
23 you can go ahead and get that document from Mr. al Hawsawi and submit

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1 it to me so I can review it. And I'll circle back to discuss the  
2 setting up -- I know there's a few ex parte sessions that have been  
3 requested, and we'll talk about that as we get into the schedule for  
4 this session.

5 DC [MR. GLEASON]: Thank you, Judge.

6 MJ [Col McCALL]: But, Mr. al Hawsawi, did you have any  
7 questions about that right to be present that I just went through?

8 ACC [Mr. Al HAWSAWI]: **[Speaking in English]** No, thank you.

9 MJ [Col McCALL]: Okay. All right.

10 Moving on, the prayer time and meal time schedule for this  
11 session seems to mirror pretty much what we've had in the past of  
12 couple sessions. So it's my understanding that there are two of the  
13 daily prayer times that are scheduled to take place during our normal  
14 court hours.

15 In order to accommodate prayer time, I intend to take a  
16 lunch recess, just as we've done recently, from 1200 to 1330, and  
17 then an afternoon break from 1630 to 1645. And just in case we're  
18 working a bit late into the evening, if we need a break at that  
19 point, we'll break sometime before 1900.

20 I assume that adequately allows for the parties to get lunch  
21 and also have a chance for prayer?

22 **[Pause.]**

23 Apparently so.

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1 All right. Yet, I'm not tracking if there's any notices of  
2 appearance for new counsel that need to make an entry of appearance.  
3 Any new counsel need to make an entry of appearance?

4 **[Pause.]**

5 Apparently not.

6 All right. On -- just to do a little housekeeping. On  
7 Sunday prior to the start of hearing session, I normally meet with  
8 trial and defense counsel for an administrative conference in  
9 accordance with Rule for Military Commission, R.M.C. 802.

10 Yesterday's R.M.C. 802 conference, however, did not take  
11 place as originally scheduled. I decided to cancel yesterday's  
12 session because one counsel -- there's a concern that they might have  
13 tested positive for COVID.

14 As I'm tracking the issue at this point, that counsel has  
15 tested negative and is -- as a precaution, is going to wear a mask  
16 and sit in the back of the courtroom.

17 I intend to go forward as we normally do with our normal  
18 sessions. I'll let the parties put something on the record if they  
19 wish to discuss it.

20 Anyone, obviously, that wishes to wear a mask, feel free to  
21 wear a mask. Anyone that needs to sit somewhere different in the  
22 courtroom, if they have health concerns, again, I'm very flexible on  
23 that. If counsel wish to watch from the adjacent facility, again,

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1 they can do that as well.

2 So anything more on this topic? I know that the parties  
3 discussed it briefly with some of my staff this morning, but it  
4 seemed like we were good to go forward.

5 Any concerns?

6 **[Pause.]**

7 MJ [Col McCALL]: All right. Apparently not.

8 So let's -- we're going to cover some of the matters that I  
9 normally would cover in the 802, and then have to summarize them in  
10 this so it actually doesn't -- it's fine.

11 So the witnesses that we have scheduled for this session  
12 during this first week, I anticipate that we'll hearing from Dr.  
13 Bruce Jessen, testifying from the Remote Hearing Room, the RHR.

14 I do want to ask -- I know, obviously, the parties are aware  
15 of how I handle witnesses. I'm prepared to go late into the evening  
16 if needed. I'm prepared to go into the weekend, this weekend in  
17 particular, if needed.

18 Is Dr. Jessen available next week if -- and I see some head  
19 shakes. Is that correct?

20 Mr. Groharing?

21 TC [MR. GROHARING]: He's not, Your Honor.

22 MJ [Col McCALL]: All right. Understood.

23 All right. Moving into the second week -- so, again, we'll



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1 just adjust and make sure that we get it accomplished this week and  
2 adjust the court hours as needed.

3           During the second week we were originally going to hear from  
4 Special Agent Steven Gaudin, but instead we are going to hear from  
5 Special Agent Maria Jocys.

6           What is anticipation for how long Special Agent Jocys might  
7 take? And if the parties don't know -- I mean, I understand that  
8 this is always an estimate, but if the parties don't know and they  
9 wish to confer, that's fine. I believe this was a witness for  
10 Mr. Ali.

11           Ms. Pradhan, if you want to confer with Mr. Connell.

12           ADC [MS. PRADHAN]: Yes, sir. Just one moment. We're  
13 conferring with Ms. Ozgediz who's doing the examination.

14           MJ [Col McCALL]: Perfect.

15           **[Counsel conferred.]**

16           ADC [MS. PRADHAN]: Your Honor, we estimate we'll be starting  
17 with Ms. Jocys and we estimate about a day open and half-day closed,  
18 and so probably three to four days, we think, for everyone. But, you  
19 know, famous last words.

20           MJ [Col McCALL]: Sure. All right. That's about what I was  
21 tracking based on the discussion that we've had in court before with  
22 the witness.

23           If we have white space, obviously we'll fill it with some of

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1 the oral arguments. We also -- again, two of the teams have asked  
2 for ex parte sessions and so I anticipate we can do those ex parte  
3 sessions next week. So -- and if that needs to move up, if the  
4 parties can just let my staff know and, again, we'll try to fit it in  
5 either early in the morning or late at night. Or on the weekend if  
6 needed.

7 All right. The third week I anticipate we're going to hear  
8 from Lieutenant Commander David Hanrahan and the former Camp VII  
9 commander, both testifying from the RHR.

10 And before I move on -- Special Agent Jocys, I believe, is  
11 she testifying from here at GTMO?

12 All right. And then during the fourth week I anticipate  
13 that we're going to hear from Special Agent Robert McFadden and  
14 Dr. 1/WK5I, who will both be testifying from the RHR. Again, if the  
15 parties can just let me know if any issues pop up with that  
16 availability so that we can try to adjust.

17 All right. Because I intend to spend the majority of court  
18 time this session taking testimony, I anticipate we'll only be  
19 hearing oral argument when we have some free time. And, again, we're  
20 going to, as past practice, go down the AEs as they are listed in the  
21 scheduling order.

22 If there's additional AEs that the parties believe are ready  
23 for oral argument, I'm happy to throw them on the schedule; move them

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1 up and down the queue. Parties, just let me know what works for you.  
2 I know that sometimes there's issues with counsel who are the ones  
3 prepared to argue certain AEs and it's hard for them to be ready at a  
4 moment's notice when all of a sudden our afternoon or morning opens  
5 up.

6 I do want to draw the parties' attention to the fact that  
7 this morning I issued AE 951C. That ruling denied Mr. Ali and  
8 Mr. Mohammad's motion for procedures regarding legal meetings in the  
9 Expeditionary Legal Complex facilities.

10 Okay. Lieutenant Xu? Okay. I saw you standing up, but I  
11 think you're just standing up.

12 All right. And I just -- last bit from me. Again, I just  
13 remind the parties that we have limited court staff, and so please be  
14 cognizant of the court reporters attempting to take a good transcript  
15 of our proceedings, the interpreters who are trying to get a good  
16 translation for the accused, and so please just speak slowly so that  
17 we can accomplish those tasks.

18 All right. Any other housekeeping matters that the parties  
19 would like to bring up to my attention? And I see Mr. Connell is  
20 already up. He beat you to it, Mr. Sowards.

21 LDC [MR. SOWARDS]: Glad to see he's so recovered.

22 LDC [MR. CONNELL]: Sir, two things. You asked about  
23 additional motions. 942MM seems like a good candidate.

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1           And second, I wanted to ask if it would be all right if I  
2 sat in the jury box so I could have something to write on.

3           MJ [Col McCALL]: That's fine.

4           LDC [MR. CONNELL]: Thanks.

5           MJ [Col McCALL]: And MM is that -- the motion to compel the  
6 discovery regarding the 914 Jencks issue?

7           Yeah, perfect.

8           All right. Mr. Sowards?

9           LDC [MR. SOWARDS]: Yes, sir. I just wondered whether the  
10 commission might consider wisdom of a slight adjustment in your lunch  
11 hour break, only because I understand the noon prayer is 1:07 -- or  
12 1307, I'm sorry. So I don't know if that -- just in terms of  
13 concluding that and being back at 1330 might be a little tight.

14          MJ [Col McCALL]: Okay. Will ten minutes suffice? 1210  
15 to -- or how about let's make it 1215 to 1345.

16          LDC [MR. SOWARDS]: Sure. Thanks. That works. Thank you,  
17 sir.

18          MJ [Col McCALL]: All right. And if the parties can just  
19 remind me if I try to break early, force of habit.

20          All right. Any other housekeeping?

21          **[Pause.]**

22          All right. So I believe from reading the transcript that we  
23 are still with Ms. Pradhan doing the direct.

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1 Is that correct, Ms. Pradhan?

2 ADC [MS. PRADHAN]: With a gap of four-and-a-half years, yes,  
3 sir.

4 MJ [Col McCALL]: All right. If we can get Dr. Jessen on the  
5 witness stand.

6 And while that's being accomplished, Mr. Groharing, do you  
7 have -- I see you have a binder in your hand. That's exactly what I  
8 was going to ask you about.

9 TC [MR. GROHARING]: I'll walk it up the witness stand.

10 And, Your Honor, I would also note that Mr. Paszamant will  
11 be present again, Dr. Jessen's attorney.

12 MJ [Col McCALL]: Okay. Thank you for reminding me of that.

13 And just to make sure the record's clear, so the binder we  
14 all are tracking, that's the binder with the UFIs linking them to  
15 names, or at least the names that the witness might be familiar with,  
16 correct?

17 TC [MR. GROHARING]: Yes, Your Honor. I believe it's  
18 628NNNNN.

19 MJ [Col McCALL]: And also for the locations giving the -- a  
20 little more fidelity, that -- I believe? Is that correct?

21 TC [MR. GROHARING]: Correct.

22 MJ [Col McCALL]: All right.

23 MTC [MR. TRIVETT]: Sir, one brief housekeeping: After we did

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1 roll call, Dr. Michael Welner is also present in the courtroom in the  
2 RHR.

3 MJ [Col McCALL]: All right. Thank you, Mr. Trivett.

4 **JOHN BRUCE JESSEN, civilian, was called as a witness for the defense,**  
5 **was previously sworn, and testified further as follows:**

6 MJ [Col McCALL]: All right. Dr. Jessen, this is Judge  
7 McCall. Just -- we'll do a little bit of -- just make sure you can  
8 hear us and see us. You're able to hear me?

9 WIT: Yes, I can hear you fine, Judge.

10 MJ [Col McCALL]: Okay. Great. I can see you and hear you as  
11 well. Are you able to see Ms. Pradhan there at the podium? Maybe if  
12 you say ----

13 WIT: No.

14 MJ [Col McCALL]: ---- something, Ms. Pradhan ----

15 WIT: Oh, yes. Yes, I can see her.

16 MJ [Col McCALL]: Okay. All right. And I'll just remind you  
17 you're still under oath. You were placed under oath at the last  
18 session.

19 WIT: Okay.

20 MJ [Col McCALL]: It's a little unusual that there would be  
21 such a lengthy break, but that's fine.

22 WIT: Okay.

23 MJ [Col McCALL]: All right. Go ahead, Ms. Pradhan.

1 ADC [MS. PRADHAN]: Thank you, Your Honor.

2 DIRECT EXAMINATION CONTINUED

3 Questions by the Assistant Defense Counsel [MS. PRADHAN]:

4 Q. Good morning, Dr. Jessen.

5 A. Good morning.

6 Q. You recall we met before in 2020?

7 A. Yeah.

8 Q. So there's been a few years in the interim. Can I ask,  
9 have you been able to review your previous testimony?

10 A. I reviewed some of it.

11 Q. Okay. And we'll just continue to -- particularly with the  
12 gap in space now, there's sort of a time -- the whole space-time  
13 continuum has been disturbed, but we'll continue to speak a little  
14 slowly for the interpreters, and I will in particular try not to talk  
15 over you at any point.

16 A. Okay.

17 Q. Okay. If you recall, you know, we're trying very hard to  
18 make sure that everything classified stays off the record in open  
19 session, and so I will try to make sure that I indicate if specific  
20 questions require a yes-or-no answer in order to maintain that.

21 Is that okay with you?

22 A. Sure.

23 Q. Okay. And I think we just went through this, but last

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1 time you had a list in front of you with a -- with the unique  
2 functional identifiers of CIA personnel paired with, I think, your  
3 true names as you would have known them, as well as a list of  
4 location numbers paired with black site locations.

5 Do you have those in front of you?

6 A. Yes.

7 Q. Perfect. And if you need a break or anything at any  
8 point, please just let us know.

9 A. Okay.

10 Q. Great. So, Dr. Jessen, when we ended in January 2020, we  
11 were at that point talking about your experience at a black site code  
12 named Location Number 2 or COBALT. I'm actually going to come back  
13 to that topic a little bit later. I'd like to start with a couple of  
14 questions about your experience in SERE.

15 A. Okay.

16 Q. Right. A couple of just orienting representations because  
17 it's been a long time. Do you recall that you defined resistance  
18 training as, quote, designed to inculcate resiliency so that if a  
19 person is held captive by a government, or in war, or by a terrorist  
20 organization, and they're interrogated and they're trying to protect  
21 classified information, that they have an optimistic feeling about  
22 being able to do that?

23 Do you recall that, sir?



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1 A. That sounds like something I would have said.

2 Q. All right.

3 ADC [MS. PRADHAN]: And, Your Honor, that's in the transcript  
4 from January 31st, 2020, at 32313.

5 Q. You also testified in connection with that, with reference  
6 to a quote from Dr. Albert Biderman about how, quote, fear of the  
7 unknown is a greater threat than realistic respect for known danger  
8 and how SERE was meant to reduce fear of the unknowns.

9 Do you recall that, sir?

10 A. No. I don't deny that he said it, but I don't recall it.

11 Q. Okay. And I'll represent that that's at pages 32323 and  
12 32324 of the transcript from January 31st.

13 Would you -- would it be accurate to say that that last part  
14 is true, that the SERE training was meant to reduce fear of the  
15 unknowns? Or would that be inaccurate?

16 A. What you just said is accurate, yes.

17 Q. All right. Would you be able to explain physiologically  
18 how SERE training is able -- is -- is -- inculcates or abates fear of  
19 the unknowns?

20 A. Did you say physiologically?

21 Q. Yes.

22 A. I'm not sure I understand what you mean.

23 Q. Could you explain -- sure.

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1           Could you explain, say, in the brain, how SERE training  
2 reduces fear of the unknown?

3           A. Okay. Well, I can't discuss with you the brain chemistry  
4 with a great deal of acumen, but I can talk to you about the  
5 psychological principles related with that.

6           Q. Absolutely.

7           A. So what we know is that if an individual has repeated  
8 opportunities to deal with a difficulty that is either the same or  
9 similar to the one that's anticipated, and through these exposures,  
10 both successful and unsuccessful, they learn improved coping skills.

11           When they're confronted with captivity, for example, they'll  
12 have a more optimistic feeling that they can counter what's happening  
13 and they can cope and deal with what's going on. And if they make a  
14 mistake, they can bounce back and recover.

15           Q. Thank you. Dr. Jessen, what is -- we addressed this a  
16 little bit last time, but I don't think we -- I actually asked you.  
17 What is uncontrollable stress?

18           A. I think that's a -- independently used by variable -- you  
19 know, different people would have different opinions of that. I  
20 don't know of any definition for uncontrolled stress.

21           Q. Okay. Would you say -- would it be accurate to say that  
22 the purpose of SERE training was not to inflict pain?

23           A. Well, that's -- again, these words have to be parsed based

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1 on the situation. Pain can sometimes be accorded to be the same as  
2 discomfort, and certainly SERE training is uncomfortable. So people  
3 experience what some might call pain at some level. We call -- call  
4 it discomfort.

5 But certainly SERE training is designed so that someone is  
6 not hurt physically or emotionally in a way that they can't do their  
7 job or they have some lasting problems.

8 Q. So would it be accurate to say that the purpose of SERE  
9 was to impose stress in a measured way?

10 A. Yeah, that's a good statement.

11 Q. Okay. And you testified a little bit last time about how  
12 the purpose of SERE was to reduce unknowns. What are the unknowns  
13 for SERE subjects going through the training?

14 A. Well, they're manifold, you know. You can't  
15 predict -- you know, the object of -- SERE training has two main  
16 parts, right? It has a component that's specifically talking about  
17 captivity. So I assume that's what we're talking about.

18 You don't know beforehand who might capture you or what they  
19 may do to you when you are captured. And so there are some  
20 generalities that you train for.

21 I don't know if that answered your question or not.

22 Q. It does a little bit. I'd like to just parse that a  
23 little bit.

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1           The subjects in SERE school are military trainees; is that  
2 correct?

3           A. They're all trainees, yeah.

4           Q. They're all trainees.

5           And they undergo SERE training voluntarily; is that correct?

6           A. Yes.

7           Q. One of the knowns in SERE training is that they know they  
8 can't be killed; is that correct?

9           TC [MR. GROHARING]: Objection, Your Honor, leading.

10          MJ [Col McCALL]: Objection sustained.

11          ADC [MS. PRADHAN]: Okay. I'll withdraw the question, sir.

12          Q. If SERE training was done correctly, how long would the  
13 memories of the training and coping techniques taught last?

14          A. To some degree they would last as long as a person was  
15 cognizant; however, memory does fade over time. So the memories  
16 might not be as clear and as acute. But I would guess -- I went  
17 through SERE training when I was relatively young, and I still  
18 remember a lot of it. Probably not all of the particulars, but...

19          Q. Would you say there's a difference in deterioration of  
20 fear-based memories as opposed to the rest of memory?

21          A. As opposed to what?

22          Q. As opposed to the rest of the body of your memory.

23          A. Are you asking do memories associated with fear last

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1 longer than other memories?

2 Q. Yes, sir.

3 A. I don't know the answer to that.

4 Q. Did you ever personally see patients from SERE school who  
5 had psychological problems stemming from their experience in their  
6 trainings?

7 A. I saw students who had difficulty in training. I think  
8 that's close to the same thing. I didn't see -- I --

9 I'm not sure what you're -- what you're asking. Are you  
10 asking if I saw people who were debilitated by the training or ----

11 Q. No, sir. I'm just asking if you saw students who had  
12 psychological problems stemming from their experience in SERE school.  
13 Or if you ----

14 A. I saw ----

15 Q. ---- treated anyone.

16 A. Okay. I saw students who had acute psychological distress  
17 as a result of training. I saw that fairly often, yeah.

18 Q. And how would that distress manifest?

19 A. Well, the most obvious thing is they would call flight  
20 surgeon, which was the kind of get-out-of-jail-free card. And then  
21 depending on what the problem was, if it was physical, the medics  
22 would attend to them.

23 If they were feeling frightened because of -- they were in a

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1 confinement box or if they were feeling bad because they'd given some  
2 information that they didn't want to, those kinds of things, then I,  
3 or the technicians that worked with me, would work with them and give  
4 them ideas about the whole idea of recovery and bouncing back, and  
5 what you do when that happens. And then they would go back in to  
6 training.

7 And the overwhelming majority of students would complete  
8 training with that kind of coaching and help.

9 Q. When you say "get-out-of-jail-free card," what do you mean  
10 by that?

11 A. I mean if you say "flight surgeon," then you're out of the  
12 training scenario immediately. And you can say, "Hey, I need to see  
13 a doctor," or "I want to talk to the psych," or "I don't want to be  
14 here." And then the issue is dealt with, you know, appropriately.

15 So you're -- what it means is you're out of the captivity  
16 scenario. And you're told before you go into training that if  
17 something happens and you want to make that call, you can make that  
18 call.

19 Q. Okay. And is it the subject's decision about whether to  
20 go back into training following their treatment?

21 A. Ultimately, yes.

22 Q. Dr. Jessen, I'd like to turn to a couple of the white  
23 papers that you wrote with Dr. Mitchell. I'd like to start --

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1 ADC [MS. PRADHAN]: This first paper, Your Honor, is in the  
2 record at AE 632W Attachment O at MEA-2C-00001045. It's entitled,  
3 "Using Coercive Pressure in Interrogation of High Value Targets."

4 Q. Are you familiar with this title -- I'm going to put it in  
5 front of you, Dr. Jessen, but are you familiar with that paper,  
6 broadly?

7 A. Yeah, I remember the paper. Yeah, I don't -- certainly I  
8 don't have it memorized.

9 Q. Not a problem.

10 ADC [MS. PRADHAN]: Your Honor, this has previously been  
11 reviewed by the CISO for display to the gallery and to the parties.  
12 May I have use of the document camera?

13 MJ [Col McCALL]: Go ahead. It can be displayed to the  
14 public.

15 ADC [MS. PRADHAN]: Thank you.

16 Q. I'll just show you the front of that first, Dr. Jessen,  
17 just to orient you.

18 A. Okay.

19 Q. And then I'd like to actually turn to the second page,  
20 which is MEA-2C-00001046.

21 A. Am I supposed to be seeing -- oh, I see it now. Okay.

22 Q. Are you able to read those paragraphs, Dr. Jessen?

23 I'd like to call your attention particularly to the second

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1 full paragraph, beginning with "Exploitation strategies." Do you see  
2 that?

3 A. Um-hmm.

4 Q. Perfect.

5 And that paragraph says: Exploitation strategies,  
6 techniques, and methods intended to gather intelligence concerning  
7 what a detainee knows may be aimed at that variety of factors that  
8 are listed above --

9 Which I can move that down so you can see that.

10 And then the second line talks about: Confinement  
11 conditions being manipulated in an attempt to place the detainee at a  
12 cognitive disadvantage without significantly impairing his ability to  
13 recall or process information.

14 My first question is about that sentence, Dr. Jessen.

15 A. Okay.

16 Q. When you wrote that, how did you intend -- how did you and  
17 Dr. Mitchell intend for confinement conditions to be manipulated to  
18 achieve cognitive disadvantage?

19 A. That's a fancy way of saying you can use pressures to make  
20 the individual uncomfortable. So they don't like what's going on,  
21 but you haven't imposed the kind of pressure that would render them  
22 incapable of thinking clearly and responding to questions.

23 Q. And when you say "pressures," are you referring



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1 exclusively to enhanced interrogation techniques or other sorts of  
2 pressures?

3 A. Mainly enhanced interrogation techniques. I'm trying to  
4 think what else would fit in that category.

5 Just the demeanor you have with the detainee signals whether  
6 things are going to be pleasant or not, so that could be a subtle  
7 pressure too. So there are other things that could be included I  
8 guess.

9 Q. When you're referring to confinement conditions, did that  
10 include items or characteristics of the facilities?

11 A. It could, yes.

12 Q. Okay. And do you recall what aspects of the facilities  
13 might be used as pressures?

14 A. You know, the physical aspects of the facility weren't  
15 really designed to be pressures, so I'm not sure how to answer your  
16 question.

17 Q. Sure. I'll represent to you that Dr. Mitchell gave the  
18 example of having a towel in the room after walling as a physical  
19 pressure. Would you agree that that would be a pressure that might  
20 achieve cognitive disadvantage?

21 A. Yes. The towel was used often, and so it's -- it was  
22 connected to a potential unpleasant situation. And so, yeah, that  
23 would be a pressure.

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1 Q. Were there any other items that you can recall that might  
2 have been used similarly in connection with the EITs?

3 A. Well, there were confinement boxes, so I  
4 would -- that -- that certainly could be a signal. The EITs  
5 exclusively were what were considered pressures ----

6 Q. Okay.

7 A. ---- so...

8 Q. And how would you -- how would you explain the phrase used  
9 here of "cognitive disadvantage"? What does that mean?

10 A. That's a fancy way of saying that you're preoccupied with  
11 concerns about, I don't like this situation and I'd like this  
12 situation to change, instead of feeling at ease and in control and  
13 more apt to resist questioning.

14 Q. Okay. I'd like to now call your attention to a paragraph  
15 two paragraphs down, beginning "Whatever other factor" -- or excuse  
16 me, three paragraphs down. Let me move this. Beginning, "In  
17 situations."

18 Do you see that paragraph, sir?

19 A. That starts "Whatever"?

20 Q. No. It starts "In situations where" ----

21 A. "In situations." Okay. Yeah, I see it.

22 Q. All right. Perfect.

23 And the second full sentence there beginning: The intent is

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1 to undermine a detainee's sense of personal efficacy to continue to  
2 resist, induce a temporary state of helplessness, and then offer hope  
3 that by answering questions, some measure of prediction and control  
4 will be returned.

5 My question is when you use the phrase "temporary state of  
6 helplessness," what did you mean by "temporary"? What sort of time  
7 frame were you thinking, Dr. Jessen?

8 A. Pretty immediate. What that sentence intends is these  
9 pressures that you and I have talked about hopefully would cause a  
10 detainee to be motivated to cooperate and give some  
11 information -- that was the goal of the whole program, was to gather  
12 information.

13 So the idea is if the person is uncomfortable and has  
14 apprehension or fear of circumstances that could or are occurring,  
15 that they also know that they can make a choice that will end that  
16 concern, which is cooperation or, you know, talking, giving some  
17 information. That's how I would explain it.

18 Q. Okay. And so in the moment when the detainee is asked the  
19 question, that state of helplessness -- the temporary state of  
20 helplessness would exist in that moment, which would -- if I  
21 understand you correctly, which would motivate them to answer the  
22 question; is that correct?

23 A. Yeah. Yeah, I think so. Helplessness in this case is not

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1 the Martin Seligman classical hopelessness. It has nothing to do  
2 with that.

3           It has to do with: I don't like the situation I'm in. I  
4 don't know how to do anything to stop it, except it -- they've told  
5 me, or I realize that if I cooperate, if I talk in some way, that it  
6 will end. And so if you can find something -- if I can find  
7 something to talk about, that's going to help me and that's what I'll  
8 do. So that's what the temporary helplessness is: What do I do?

9           It's not exclusive and catastrophic helplessness. It's a  
10 feeling that, whoa, you know, I don't know -- I'm not sure what to  
11 do. Oh, yeah, I remember they told me that if I'll cooperate, this  
12 will work. So that's how you guide a person ostensibly to provide  
13 information.

14           Q. Thank you for that explanation.

15           Would that -- would that be the case every time the detainee  
16 was questioned, according to this strategy?

17           A. I'm not sure what you mean, ma'am.

18           Q. Would that psychological state, that temporary state, be  
19 in place every time the detainee was questioned?

20           A. Well, you would hope not. In fact, the whole design was  
21 for that state not to exist at all, for the detainee to realize that  
22 cooperation means that none of this happens and for them to realize  
23 that they control that. That's their choice.

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1           When we have choices, even in difficult situations, it gives  
2 us a sense of control. And that's -- obviates the helplessness. So  
3 the goal was not helplessness, nor to keep someone in a state of  
4 helplessness. It was for them to sense that kind of confusion and "I  
5 don't" -- "I'm not sure what to do. I feel kind of helpless," and  
6 then realize, "Oh, there is something I can do to eliminate that, and  
7 that is to cooperate."

8           Q. And so they -- they had the option of answering questions  
9 each time the questions were answered [**sic**] to them to alleviate  
10 that?

11          A. Yes. And whenever they answered or appeared to be trying  
12 to give information, even the slightest information, those things  
13 would cease.

14          Q. I see. Thank you.

15                 And so when you talk about, in the next phrase, then offer  
16 hope that by answering questions, some measure of prediction control  
17 will be returned, that's what you just described, sir; that the hope  
18 offered is meant to lessen that fear of any unknowns?

19          A. That's right. Sure.

20          Q. The unknowns in this case would have been EITs or anything  
21 else?

22          A. EITs.

23          Q. EITs?

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1           A. Yeah. There's -- you know, when you're in captivity,  
2 there are many unknowns. You don't know how long you'll be there.  
3 You're not sure, often, where you're at. So there are other  
4 unknowns. But what we're talking about in terms of what was  
5 manipulated to try and help build this contract where they would  
6 agree to cooperate were EITs.

7           Q. Okay. You mentioned a couple of unknowns. One of those  
8 unknowns might be whether they saw their families?

9           A. Sure.

10          Q. Whether they'd be killed?

11          A. Well, they were never threatened with death, as far as I  
12 know. And if they had that thought, it wasn't -- it was a  
13 self-generated thought. I suppose you would -- you could think that,  
14 you know. That would be a natural thought, wouldn't it, if you were  
15 in a situation like that, so...

16          Q. Certainly, sir.

17          A. But it wasn't a contrived and -- it wasn't a ploy to  
18 increase their fear.

19          Q. Understood. Just the last sentence in that paragraph,  
20 Dr. Jessen: It is critical that this be done in a manner that does  
21 not violate laws or produce physiological states that adversely  
22 affect detainee brain function.

23                 What would you qualify as adverse effects on brain function

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1 as you state here?

2 A. Well, if -- anything taken to extreme can certainly affect  
3 cognitive functioning. And the EITs were designed to instill fear  
4 and apprehension but not do any kind of permanent damage. Because we  
5 didn't do anything like that, I'm at a little bit of a loss to come  
6 up with ideas. But, you know, if you go to extremes with any kind of  
7 physical pressure, you know, you could eventually cause some kind of  
8 physiological damage or brain damage. But that wasn't our goal, and  
9 I don't really have a catalog of thoughts on that.

10 Q. Sure. I'd like to move you to the next page. I have a  
11 couple more questions stemming from this page. Beginning with that  
12 paragraph in the middle, beginning -- starting with: The techniques  
13 are used. Do you see that, sir?

14 A. Uh-huh.

15 Q. Okay. You know what? Actually, I'm going to start with  
16 the paragraph just below that, beginning: Interrogation in the sense  
17 that we're using it.

18 Do you see that, sir?

19 A. Yes.

20 Q. Okay. The -- that sentence talks about interrogation as  
21 not ask a question, use a technique; get an answer, ask another  
22 question. But, rather, the -- what it says: The structuring  
23 external psychosocial events to create brain states and orchestrate

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1 brain processes within the detainee that activate powerful internal  
2 regulators of both intentional and unintentional thoughts, feelings,  
3 and actions that can then be exploited within the structure of the  
4 interrogator/detainee relationship.

5           So my first question regarding that paragraph is: Could you  
6 explain what you meant by external psychosocial events?

7           A. Wow.

8           Q. We're lawyers, so...

9           A. I'm not sure I can. I think Jim must have written that  
10 paragraph.

11           But I think what he meant is we wanted to use basic  
12 classical conditioning and also social influence with judgment  
13 heuristics to move people towards cooperation where they would give  
14 information. Those heuristics take place in some kind of a synaptic  
15 operation within the brain and propel us to behave in certain ways.  
16 You know, if you ask someone if they want \$5 now or \$10 if they wait  
17 three hours, they're more likely to take the 5. That's a heuristic.

18           And if you put it on -- whoops -- if you put it on a  
19 measurement scale you'd see the majority of people would do that. So  
20 there's an impulse to do that. That impulse comes through your  
21 central nervous system, and I'm pretty sure that's what that means.

22           Q. When you say an impulse, are you talking about, like, an  
23 automatic response?



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1           A. They can be -- heuristics are pretty much automatic  
2 responses. But social influence also include responses that are  
3 developed over time through social contracts, through, you know,  
4 affinities that are made in terms of trade-offs and bargainings and  
5 so forth.

6           Q. Okay. And then going back to that earlier paragraph  
7 beginning "The techniques are used," when you talk about that first  
8 line "inducing an unwilling detainee to actively seek a solution," by  
9 that, given our earlier discussions, do you mean answering  
10 questions or ----

11          A. Yes.

12          Q. ---- or something else?

13          A. Answering questions.

14          Q. Okay.

15          A. Participating in the process of gathering intel that, you  
16 know -- which means answering questions or affirming things or  
17 identifying photographs, so forth.

18          Q. Okay. Thank you.

19          ADC [MS. PRADHAN]: Your Honor, I'd like to -- and,  
20 Dr. Jessen, I'd like to move to a different paper. This is in the  
21 record at AE 628IIIII Attachment M at MEA-2G-00000901.

22          Q. And, again, I'm going to put the first page on the  
23 overhead for you, Dr. Jessen. This is called "Five Things" ----

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1 ADC [MS. PRADHAN]: Excuse me, Your Honor. I apologize. This  
2 has also been reviewed by the CISO and has been approved for display  
3 to the gallery -- to the public and to the parties.

4 MJ [Col McCALL]: All right. We can display it to the public.  
5 Go ahead.

6 ADC [MS. PRADHAN]: Thank you.

7 Q. Dr. Jessen, this one is entitled "Five Things  
8 Interrogators and Debriefers Must Know About Human Memory." Are you  
9 able to see that?

10 A. Yes.

11 Q. Okay. Great.

12 And I'd like to turn you to the second page. That's  
13 2G-00000902. Bottom of that page, beginning "What is remembered and  
14 what actually happened?"

15 A. Uh-huh.

16 Q. And in particular, that very last line in the second  
17 bullet, it says: What we actually remember is a composite of the  
18 stored memory fragments and what the person trying to remember  
19 thinks, feels emotionally, and believes at the time of recall.

20 Do you see that, sir?

21 A. Yeah.

22 Q. Okay. And so when you're talking about what the person  
23 thinks and feels emotionally at the time of recall, what are you

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1 referring to there?

2 A. A lot of people think that memory is like a movie that's  
3 been recorded. And when you have the memory, the movie plays back  
4 and you see exactly what happened.

5 But, unfortunately, that's not how memory works. Memory's  
6 affected by many things. It degrades over time. It's affected by  
7 the emotional state you have when the memory is made. It's affected  
8 by how other people talk about it and how you, then, form your  
9 opinion about what it is.

10 And so there are many things that can affect memory.

11 Q. So someone's emotions when they experience the event may  
12 affect how they recall the memory; is that correct?

13 A. Yeah. They -- yes, they may. They may help them to  
14 remember it more acutely, or it may actually distort what actually  
15 happened in some way. It's somewhat of an ephemeral thing. You have  
16 to be really careful.

17 This paper was written -- because the excellent analysts and  
18 debriefers that we worked with that were questioning the detainees  
19 sometimes became frustrated or impatient when they didn't remember  
20 things they thought they should or when there were contradictions.

21 And not all of them were obfuscations. Obviously some of  
22 them were a result of these things that are talked about in the paper  
23 and we wanted them to have a more realistic understanding when they

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1 debrief detainees, that the information that they got, it wasn't  
2 going to roll forward like a movie script or necessarily be the same  
3 as another detainee who had recalled the same incident.

4 Q. Okay. Did you ever explain to the debriefers and  
5 interrogators that you worked with, the types of feelings or emotions  
6 that might color memory retrieval for the detainees?

7 A. Well, I -- we didn't -- I, personally, didn't do that with  
8 every detainee -- or, I mean, every analyst or debriefer that I met  
9 with. But we wrote this paper in the hopes that they all would at  
10 least have access to that.

11 And there were many times when I was present and I could  
12 coach someone, but I wasn't there all the time. So no doubt many of  
13 them didn't have the same level of comprehension about how that  
14 works.

15 Q. Would an emotion like anger affect memory retrieval?

16 A. Any emotion can affect it, yeah.

17 Q. Okay. Do certain emotions have more affect than others on  
18 memory retrieval?

19 A. That's a very good question. I don't know the data, if  
20 there are specific data on that. But it's an interesting question.

21 ADC [MS. PRADHAN]: Your Honor, I apologize. May I have  
22 permission to grab a Kleenex?

23 MJ [Col McCALL]: Go ahead.

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1 ADC [MS. PRADHAN]: Thank you.

2 **[Pause.]**

3 Q. One of the -- as you may recall, Dr. Jessen, one of the  
4 glorious characteristics of Guantanamo is that it is 137 degrees  
5 outside and 50 degrees here in the courtroom.

6 A. I remember saying to you when that -- you made a  
7 transition, and you said "Now we're going to Guantanamo." And you  
8 meant figuratively. And I said "I wouldn't recommend it," and I've  
9 been here two weeks. Yeah. So I empathize with you.

10 Q. I think I did not disagree with you in that statement,  
11 Dr. Jessen.

12 All right. We're staying on the same paper, just a little  
13 bit later at page 905. And I'm going to move you down just a little  
14 bit to paragraph 4, where you talk about memory biases.

15 Do you see that, sir?

16 A. I see the number 4.

17 Q. Uh-huh. And just two lines below that, there's a sentence  
18 beginning with "powerful memory biases can affect accuracy of  
19 reporting."

20 A. Yep, I see it.

21 Q. Okay. And what did you mean there by "memory biases"? If  
22 you could explain that term.

23 A. Attitudes can affect memory. You know, we tend to, as

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1 human beings, function with a self-confirming bias about things. And  
2 so we -- we hear more things that we agree with than things that  
3 we -- and we identify more with things that we agree with than things  
4 we don't. So that can affect memory.

5 We remember positive things sometimes more than negative  
6 things. That's an example.

7 Q. Would, say, personal health be an example of memory bias?

8 A. It can certainly be a distraction to memory, yeah ----

9 Q. Okay.

10 A. ---- to accurate memory.

11 Q. Could your surroundings affect memory bias?

12 A. Well, yeah. Anything that's -- that you attend to has a  
13 potential to color or affect your memory in some way ----

14 Q. Okay.

15 A. ---- to some degree. It's not, unfortunately, like a  
16 mathematical equation that you can predict accurately every time.

17 But the whole purpose of the paper was to help those  
18 analysts and debriefers understand that their memory is ephemeral and  
19 that is affected by circumstances and mood and all -- many other  
20 things, and for them to use a measure of caution and reserve when  
21 they make judgments about whether the detainees were, quote, telling  
22 the truth or lying or whatever.

23 Q. And memory biases, could they vary by culture?

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1           A. That's another very good question, and I'm not familiar  
2 with research data on that. But I think they probably could because  
3 different cultures put emphasis on different emotional loading. So  
4 that could be a factor.

5           Q. Okay. At the next page, page 906, there's a paragraph  
6 beginning "Studies have also shown." Do you see that?

7           A. Yes.

8           Q. Okay. And I'm just trying to find -- here we go.

9           In the first full paragraph beginning "Memories of similar  
10 emotional tone." It says: Memories of similar emotional tone are  
11 linked such that once activated, memories and information associated  
12 with that emotional tone is -- and information associated, excuse me,  
13 with that emotional tone is easier and quicker to recall and have a  
14 greater impact on reasonable processes.

15           The process also makes information and memories that are  
16 inconsistent with the prevailing emotional tone more difficult to  
17 recall. When forced by questioning to remember details of events  
18 during strong emotional states, we tend to automatically engage in a  
19 kind of re-encoding of events that colors subsequent recollection.

20           So my first question is: Could you explain -- and  
21 I -- I -- you know, and I understand what you've said so far, but  
22 could you explain what you've said there by "strong emotional state"?

23           A. Again, that's an independently defined variable and it can

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1 happen different ways to different people. But if you're really  
2 angry, or you're really frightened, or you're really sad, or you feel  
3 a great deal of compassion, or you feel a great deal of antipathy,  
4 all those things can color the memory that you store.

5 Q. And did you ever observe those strong emotional states  
6 coloring recall of memory in the interrogations you participated in?

7 A. Well, that typically will happen when the memory's made,  
8 not when you're recalling it. Certainly if you're under an intense  
9 emotional state, when you're trying to remember something, that will  
10 have some effect on your recall. But this is talking about when the  
11 memories form.

12 Q. Well, let me just call your attention to the second part  
13 of that sentence that says: We tend to automatically engage in a  
14 kind of re-encoding that colors subsequent recollection with the  
15 emotional tone present when the re-encoding took place.

16 So my question is: During the interrogations or the  
17 debriefings you observed after EITs, did you ever observe those sort  
18 of strong emotional states manifest?

19 A. I think I probably observed a range of emotion. I can't  
20 think of any specific examples, but I'm just generalizing some topics  
21 might be more sensitive, you know, and evoke more emotion than  
22 others. And so when people recall them, you might see more affective  
23 display.



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1 Q. And did you observe occasions when detainees would mix  
2 objective truth with information that may have been incorrect?

3 A. You know, I didn't -- I wasn't an analyst. And the  
4 intel -- the way it works in general is -- the way it should work is  
5 you collect the information in the field, and if you have information  
6 that can help you validate what the individual is saying, then you  
7 can do some countering and say wait a minute, you know, so-and-so  
8 said this or I don't think you're right about that.

9 But the idea is to collect the information, and then it's  
10 sent back to the big vault in Langley and it's analyzed. And that's  
11 where the decisions are made about whether it's accurate, whether  
12 it's useful, whether it's actionable, whether it's truthful, whether  
13 it's not in the largest degree.

14 Does that make sense?

15 Q. Certainly. I have a couple questions based on what you  
16 just described. How quickly would that process take place?

17 A. Sometimes it happened fast. Sometimes it took a long  
18 time. It just depended on how critical it was or -- yeah, it varied.

19 Q. Okay. And by "fast," do you mean a couple of hours? A  
20 couple of days?

21 A. I don't think it ever happened in hours, but sometimes you  
22 get turnaround maybe in a day. That's my -- that's my vague  
23 recollection. I don't -- I don't remember specifics much.

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1 Q. Sure. And when you participated in interrogations or  
2 debriefings, were there ever occasions where you heard information  
3 that you knew not to be correct on the spot?

4 A. Probably. Probably. I'd -- I can't think of any specific  
5 examples.

6 Q. Sure. So let me move you just down the page a little bit,  
7 beginning with that last paragraph: How questions about an event are  
8 worded can profoundly affect immediate and subsequent answers  
9 provided by sources.

10 And you say, you know: Details or events suggested by  
11 interrogators and debriefers can creep into the source's recollection  
12 of events.

13 Were there occasions when you observed this?

14 A. You know, there may have been. And, hopefully, if there  
15 were, I had the opportunity to intervene if I thought someone was  
16 being led. I don't remember specifics.

17 Q. Okay. Would repeating wording or similarities in wording  
18 of questions have an effect on the answers?

19 A. The monotony of hearing the same thing over and over, you  
20 know, can be monotonous. But what this is talking about is, for  
21 example, saying: I know you were at this place at this time, you  
22 know. So I -- and I want to know exactly why you did this.

23 You know, that's leading in a way that -- that

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1 isn't -- won't be as effective as if the person said: Where were you  
2 here and do you remember what you did, and so forth.

3 Q. So a leading question may have an effect on the answer?

4 A. Yeah.

5 Q. Okay. That's something we know a little bit about.

6 A. Many things can, you know. If the debriefer's not well  
7 prepared and the individual -- KSM became frustrated a lot because he  
8 didn't think that people were well prepared. He has kind of a high  
9 bar for information, and he would become frustrated and not be as  
10 willing to participate, for example.

11 If some -- if you come in and you act in a depreciative way  
12 or a demeaning way to a detainee, that's going to affect, you know,  
13 how they think about the situation and what they're willing to say to  
14 you.

15 If they think you're playing a game of gotcha and you're  
16 trying to trick them, that'll have a negative effect. So there are  
17 many things that can get in the way of productive dialogue.

18 Q. Would a question about whether or not -- or a question  
19 assuming that a detainee was lying, would that have an effect on a  
20 potential answer?

21 A. Could you say that again? I ----

22 Q. Sure. If a question -- if an interrogator asked or stated  
23 that a detainee was lying about a certain event, might that have an

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1 effect on an answer?

2 A. Yes, it might have an effect, yeah. It would have a  
3 different effect depending on whether they really were lying or not,  
4 but it would have an effect.

5 Q. Okay. Now, you participated in the RDI program for a  
6 number of years. Five years, roughly?

7 A. Probably.

8 Q. Okay.

9 A. I don't remember.

10 Q. Do you have an idea -- I know this is a long time ago. Do  
11 you have a ballpark of maybe how many interrogations or debriefings  
12 you participated in during that time? Would you say dozens?  
13 Hundreds? Thousands?

14 A. Oh, yeah, easily hundreds. Thousands. You know,  
15 probably -- yeah, thousands. Maybe not thousands. A lot. An awful  
16 lot. Certainly more than 100 or -- a lot.

17 Q. And multiple sessions with the same detainees sometimes?

18 A. Yeah. Yep.

19 Q. During those sessions, would you hear detainees tell the  
20 same stories multiple times?

21 A. Are you talking about content of what's being discussed?

22 Q. Yes.

23 A. Yeah, there was some -- some repetition. But usually when

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1 an analyst or a debriefer goes in there, they have fresh information  
2 they want to talk about. It's -- could be related to something  
3 that's already been discussed, but usually it's -- excuse me -- it's  
4 something novel.

5 Q. Did you ever observe -- and I know you spoke a little bit  
6 about some frustration on the part of the detainees, but did you ever  
7 observe any detainees say: You already asked me this?

8 A. I don't remember specifics, but I'm pretty sure I heard  
9 KSM say that more than once.

10 ADC [MS. PRADHAN]: Okay. Sir, I'm aware that we've been a  
11 little bit more than an hour. I'm happy to push through, but it ----

12 MJ [Col McCALL]: No, that's perfect. Let's go ahead and take  
13 a recess. Let's be back in here at 1125.

14 Commission's in recess.

15 **[The witness withdrew from the RHR.]**

16 **[The R.M.C. 803 session recessed at 1111, 15 July 2024.]**

17 **[The R.M.C. 803 session was called to order at 1128, 15 July 2024.]**

18 MJ [Col McCALL]: The commission is called to order.

19 Parties are again present. All four accused are still  
20 present.

21 If we can get Dr. Jessen back on the witness stand.

22 MJ [Col McCALL]: Lieutenant Xu.

23 DDC [LT XU]: Yes, Your Honor. Just one issue while we're

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1 waiting. One of the motions that Team Mohammad would like to argue,  
2 if possible, this hearing is also AE 930, that's person A and B ----

3 MJ [Col McCALL]: Okay.

4 DDC [LT XU]: ---- the motion to compel.

5 MJ [Col McCALL]: All right.

6 DDC [LT XU]: Thank You.

7 MJ [Col McCALL]: I'm happy to put that on the docket.

8 **[The witness, John Bruce Jessen, resumed the witness stand.]**

9 MJ [Col McCALL]: All right. And, Dr. Jessen, welcome back.  
10 I just remind you you're still under oath.

11 WIT: Okay. Thank you.

12 MJ [Col McCALL]: All right.

13 Go ahead, Ms. Pradhan.

14 ADC [MS. PRADHAN]: Thank you, sir.

15 **DIRECT EXAMINATION CONTINUED**

16 **Questions by the Assistant Defense Counsel [MS. PRADHAN]:**

17 Q. Dr. Jessen, I have a couple more papers I wanted to just  
18 ask you a few questions about.

19 A. Okay.

20 Q. The first one is currently on the document camera.

21 ADC [MS. PRADHAN]: This is in the record at AE 630U  
22 Attachment SSS at MEA-2C-00001056. And this has also been approved  
23 by the CISO for display to the public and the parties, sir.

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1 MJ [Col McCALL]: It can be displayed to the public.

2 ADC [MS. PRADHAN]: Thank you.

3 Q. Dr. Jessen, this paper is entitled "Interrogation and  
4 Coercive Physical Pressures: A Quick Overview." Do you see that?

5 A. Yes.

6 Q. Perfect. And I'm just going to move you to a few pages  
7 in. The first paragraph there saying: When titrated improperly and  
8 administered in an unpredictable relationship, coercive interrogation  
9 techniques may induce a severe sense of hopelessness [**sic**],  
10 conditioned neurosis, or disturbance in brain functioning that can  
11 undermine efforts to attain intelligence.

12 And then the next line: Misapplied interrogation  
13 techniques, especially when a detainee has been acting in good faith,  
14 can have adverse effects on intelligence collection.

15 So my first question, sir, is: What did you mean here by,  
16 in that first line, "an unpredictable relationship"?

17 A. Effective interrogation establishes somewhat of a social  
18 contract between the interrogator and the detainee so that -- at  
19 least this is what I think effective interrogation is -- so that the  
20 detainee can have confidence that allows him to predict what's going  
21 to happen if they do this or that. It gives them a sense of control  
22 and predicability.

23 So we would explain to detainees: These are the -- these

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1 are the rules of the contract or the game. You know, we're here to  
2 get information. We're not -- we're not here -- we're here seeking  
3 confessions or -- and we just want information. And if you cooperate  
4 and give us information, everything is going to go swimmingly. If  
5 you refuse to do that, then we're going to apply pressures to you  
6 and -- because we expect you to cooperate.

7           And then if you stick to that and you do only what you say  
8 you are going to do, that gives the detainee a sense of control and  
9 predicability.

10           But if you come in and you capriciously apply physical  
11 pressures, if something that's allowable one day is not allowed the  
12 next day, if an individual is praised for something one day and  
13 punished for something the next day, that creates a situation where  
14 they don't have that control and -- or sense of control and  
15 predictability.

16           It's detrimental, not just to the effort to get information,  
17 if that's what the effort was about, but in terms of any kind of  
18 relationship established between the interrogator and the detainee.

19           Q. And so if the program was administered properly, the  
20 social contract that you're describing, the understanding of the  
21 detainee, that if they answered questions, EITs would be avoided, was  
22 part of the predictability; is that correct?

23           A. Yes. Yes. That's correct.



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1 Q. Okay. And when you say -- when you use the phrase "severe  
2 sense of hopelessness" here, I know that we talked a little bit in  
3 your previous testimony about your understanding of the phrase  
4 "learned helplessness" according to Dr. Seligman.

5 A. Uh-huh.

6 Q. Would this be coexistent with that?

7 A. This isn't what we were referring to in the paper.

8 Q. Okay.

9 A. However, if -- if -- under, you know, malicious  
10 conditions, this was carried to extremes, then there's a possibility  
11 that that could occur.

12 Q. Okay. And, finally, what did you mean here by  
13 "conditioned neurosis"? Where it says "coercive interrogation  
14 techniques may induce a severe sense of hopelessness, conditioned  
15 neurosis, or disturbance in brain functioning"?

16 A. You know, I had the same question when we were reading it  
17 together just now. Again, I assume what we meant was just what I  
18 explained to you. A lack of control and predictability causes a  
19 disorganized emotional state, anxiety, apprehension, hyper alertness.  
20 And if it persists over long periods of time, it can become a chronic  
21 problem, which would be a conditioned neurosis.

22 But the term "neurosis" isn't even used anymore. It's an  
23 old Freudian term that has gone away. But that's my best guess at

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1 what we meant at the time.

2 Q. Sure. And these are the effects if the -- in the context  
3 of the EITs, if the EITs were applied improperly; is that your  
4 understanding of what you were writing here?

5 A. I'd like to parse that a little bit because ----

6 Q. Of course.

7 A. ---- the EITs were developed specifically to avoid this  
8 kind of thing. All of them were, of course, appropriated from SERE  
9 training. And originally there, and also in the way the CIA  
10 developed their program, they were designed not to cause this state.

11 However, I understand what you're asking me. And what I  
12 would say is that any capricious application of intense stress and  
13 duress over prolonged periods of time where an individual has no  
14 opportunity to escape can cause that kind of problem.

15 Q. Okay. All right. I'm done with that paper.

16 ADC [MS. PRADHAN]: I'd like to move to one more paper that's  
17 in the record at AE 630U Attachment PPP. This has also been approved  
18 for display to the gallery, sir.

19 MJ [Col McCALL]: All right. It can be displayed to the  
20 public.

21 ADC [MS. PRADHAN]: Okay. And this is MEA-PRG-00000081.

22 Q. And I'll show you the first page, Dr. Jessen, again,  
23 called "Principles of Influence Applications for Interrogation." Do

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1 you see that, sir?

2 A. Yes.

3 Q. All right. Great. And I'm going to move you to page  
4 PRG-00000083. And the third paragraph on that page, beginning with,  
5 "The key to influencing someone else," do you see that?

6 A. Nope.

7 Q. All right. And the second page, second part of that  
8 paragraph ----

9 A. Oh, yeah. I see it now.

10 Q. Oh, sorry about that, sir.

11 A. No. I was looking down below. Okay. "The key to  
12 influencing someone." I see it.

13 Q. Okay. Great. The second part of that paragraph states:  
14 Through the systematic creation and manipulation of competing mental  
15 events, perceptions, feelings, motives, thoughts, and emotional  
16 reactions, interrogators can attack a subject's willpower, resolve,  
17 confidence, and decision making with the potential to ultimately  
18 influence subjects to think, act, and feel in ways harmful to their  
19 own interests.

20 And so, again, I want to ask you about a couple of the  
21 phrases there, if I could. The first one is: What did you mean by  
22 the systematic creation of mental events -- of competing mental  
23 events?

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1 A. It's just the application of EITs ----

2 Q. Okay.

3 A. ---- in the interrogation setting.

4 Q. Okay.

5 A. When ----

6 Q. Excuse me, sir. I didn't mean to talk over you.

7 A. No, that's okay. I was ----

8 Q. Okay. What did you mean by "competing mental events"?

9 A. "I don't want to give information but they want me to give  
10 information. I have a secret that I want to keep secret and they're  
11 trying to get it from me," would be an example.

12 Q. Okay. And when you say that there's potential to  
13 influence subjects to act in ways harmful to their own interests,  
14 what did you mean in this context?

15 A. In this context, their interest was to protect information  
16 about operations, protect their colleagues who were still in the  
17 field involved in operations. And our intent was to get that  
18 information. So that's a competing event.

19 And the contract that we were trying to establish entreated  
20 them to do at least some of that or at least start down that road  
21 with the hope that that would increase over time. So that -- that's  
22 a pretty strong competing emotion.

23 Q. Yes. So in this context, manipulating the mental events

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1 to get the detainees to act in ways harmful to their own interests,  
2 would that have been a goal?

3 A. I'm not sure what you mean. Could you restate that?

4 Q. Sure. In the way that you explain this where  
5 interrogators can attack a subject's willpower with the goal to  
6 influence them to act in ways harmful to their own interests, was it  
7 a purpose -- was it one of the purposes of the program to get them to  
8 act in ways harmful to their own interests?

9 A. Okay. Well, we have to be careful -- don't we? -- with  
10 that phrase because it can mean a lot of things.

11 Q. Sure.

12 A. So harmful to their own interests, to me and for the  
13 purposes of this paper and the program, was we wanted information  
14 about operations. They didn't want to give it. So it was harmful to  
15 their own interests, but that was our goal. So it's not a personal  
16 attack. It's not a -- it's ----

17 Q. Sure.

18 A. ---- I mean, it's very circumscribed. But you could take  
19 that sentence and attribute it to a myriad of situations. It's  
20 why -- it's why I said we need to parse it carefully.

21 Q. Thank you for that, sir.

22 And going back to one of your -- something that we talked  
23 about with regards to your previous paper, we talked about

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1 inculcating automatic responses in the detainees. Would this be an  
2 example of an automatic response kicking in to act in ways that might  
3 be harmful to their own interests?

4 A. No, not really. When they start to actually give  
5 information, then you're kind of moving into that operant phase where  
6 they made the decision, okay, maybe I can give this much and that  
7 will make conditions better for me and they'll get off my back. And  
8 so that's a choice. It's not an autonomic response like fear. So  
9 it's not quite the same thing. It's not the same thing.

10 Q. Okay. When you talk about exploitation here to -- earlier  
11 in the paragraph, you say: The key is to exploit the functional  
12 properties of the way our brains and nervous systems work to create  
13 consciousness by selectively manipulating the mix of mental events in  
14 evolutionary competition.

15 I'm going to ask you, sir, to explain what you meant by  
16 "evolutionary competition."

17 A. Good luck. It means what I described before. You know,  
18 when people write papers, they try to sound erudite and they use a  
19 lot of polished words.

20 Q. Certainly.

21 A. And that's just a way professional papers are written.

22 But what that means is what I said earlier. You use the  
23 principles of conditioning and social influence and just plain social

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1 interaction and contract to move someone in the direction you want  
2 them to go when they're resisting going there. That's a much more  
3 probably succinct and simpler way to say that.

4 And in that process, there's a lot of mental manipulation  
5 going on. You know, they're trying to protect information. They're  
6 worried about circumstances, how long am I going to be here? How  
7 long can I last? Can I give this?

8 So that's what those highfaluting words are trying to  
9 reflect is what's going on in someone's head when they're in that  
10 kind of a situation.

11 Q. Would that be what you meant -- when we spoke earlier  
12 about ----

13 ADC [MS. PRADHAN]: And I'm referring now to, Your Honor,  
14 what's in the record at 632W, going back to that paper.

15 Q. ---- we talked about the phrase "activating powerful  
16 internal regulators." We talked about ----

17 A. Yeah, that's what we're talking about.

18 Q. Okay.

19 A. Yeah. I mean, I mentioned heuristics.

20 Q. Yes.

21 A. And I mentioned, you know, just "I want to protect the  
22 brothers. I don't want to compromise, you know, our missions. And  
23 yet I want to take care of myself." That's what that's talking

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1 about.

2 Q. Okay. And you testified that there was an element of that  
3 that implicates survival reflexes or automatic responses?

4 A. I'm sorry. I didn't -- I didn't get that.

5 Q. Sure. I believe when we talked about judgment heuristics,  
6 you said there was an element of that that involves automatic  
7 responses.

8 A. Well, heuristics are pretty automatic.

9 Q. Okay.

10 A. You know. And I gave you an example of one of those,  
11 yeah.

12 Q. Yes, sir.

13 A. Yeah.

14 Q. A few years ago you testified in the context of SERE. And  
15 I'll represent to you that someone who is not trained in resistance,  
16 who is confronted by conditions like death threats, physical  
17 pressures, including torture or sanitary facilities, who experience  
18 unmanageable levels of fear and despair -- excuse me -- experience  
19 unmanageable levels of fear and despair.

20 Do you recall that testimony?

21 A. No, I don't.

22 Q. Okay. Would you like me to show you the transcript  
23 or ----



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1           A. No. I can conceive that I probably said something like  
2 that.

3           Q. Sure.

4           A. I just don't remember saying it.

5           Q. No problem. I just wanted to double-check.

6           ADC [MS. PRADHAN]: And that's in the transcript, sir, at  
7 pages 32326 and 32327.

8           Q. Would another term -- when you talk about unmanageable  
9 fear and despair -- right? -- would another term for that be the sort  
10 of learned helplessness that your program was not meant to include?

11          A. Learned helplessness is the end effect of all of that. So  
12 it's not the same thing. And certainly on a continuum -- and as I  
13 said to you earlier, if a person has no sense of control and  
14 predictability, which is unmanageable for them, it's a matter of  
15 intensity over time that determines whether learned helplessness will  
16 develop.

17          So, no, that's not learned helplessness. That's -- learned  
18 helplessness is the end result of that. So somewhere along that  
19 continuum a person -- and it varies by individual -- could reach that  
20 state.

21          Q. Okay.

22          A. But, no.

23          Q. Would it be accurate to characterize that unmanageable

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1 fear and despair as uncontrolled stress?

2 A. That's another way to say it, yeah.

3 Q. Okay.

4 A. It's probably less benign, but it means the same thing.

5 To me anyway.

6 Q. Okay.

7 A. I actually meant to say more benign, not less benign.

8 Q. Understood. Thank you, sir.

9 Now, you recall we spent some time discussing the death of  
10 Gul Rahman at Location Number 2 last time?

11 A. Uh-huh.

12 Q. Okay. And you testified that you saw a number of  
13 techniques used that were, quote, not authorized in the program that  
14 you were working in. Do you recall that?

15 A. I do.

16 Q. Okay. So is it accurate to -- would it be accurate to say  
17 that you saw the program you were working in and what was happening  
18 at Location Number 2 as two separate programs?

19 A. Yes.

20 Q. Now, you've also spoken before, you testified, regarding  
21 the precautions taking -- taken in selecting SERE instructors. You  
22 said that, quote, you wanted to make sure that they followed the  
23 operational instructions and didn't step out of the lanes, and you

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1 wanted to know them well enough so that if they had personal traumas  
2 or crises or difficulties that you thought might impair their  
3 judgment, you could intervene.

4 Do you recall testifying as to that, sir?

5 A. I don't recall that, but it sounds like something I would  
6 say.

7 Q. Okay.

8 ADC [MS. PRADHAN]: And that's at transcript 33352.

9 Q. Did you also have a stress-monitoring program for SERE  
10 instructors?

11 A. Yes. SERE instructors were evaluated on a regular basis,  
12 and there were people down there all the time watching the training,  
13 just like in the CIA program that I was involved in, neutral  
14 observers to make sure that protocols were followed.

15 Q. Okay. In the RDI program you applied enhanced  
16 interrogation techniques alongside a number of personnel, CIA  
17 personnel, including -- and here I'll refer to a couple of  
18 UFIs -- UFIs including NX2 and NZ7. And if you'd like to take a  
19 moment and refer, I can pause.

20 A. Okay. You said NX2?

21 Q. Uh-huh.

22 **[The witness reviewed the evidence.]**

23 A. Well, I didn't find it the first time through. What was

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1 the other one and I can maybe look at the same?

2 Q. Sure. No problem.

3 A. NX ----

4 Q. NX2 and NZ7, November Zulu 7.

5 A. Okay.

6 MJ [Col McCALL]: Mr. Groharing, do you want to go up and  
7 assist the witness? Just you can point to him in the binder where  
8 it's at.

9 A. Okay. I found NZ7. And what the other -- was the other  
10 one?

11 **[Counsel conferred with the witness.]**

12 A. Okay. Thank you.

13 Q. Do you recall being involved in interrogations with both  
14 of those individuals, sir?

15 A. Oh, boy. Definitely I was involved with NZ7. I was never  
16 involved with the other one.

17 Q. Okay. Did you have interactions with him? With NX2?

18 A. Brief.

19 Q. Okay.

20 A. Very brief.

21 Q. Okay. And I'll have a few more specific questions for you  
22 about those individuals later.

23 But at that time -- at the time that you were in the program

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1 or that you had those interactions, did you observe or do you now  
2 know of any personal issues that might have impaired their judgment?

3 A. I don't know of any personal issues they had that would  
4 impair their judgment, no.

5 Q. Okay.

6 A. I didn't know them at an intimate level, and -- no.

7 Q. Did you observe, at any point, actions by NZ7 or by NX2  
8 that were not in accordance with the program that you were in?

9 A. I observed NX2, in a training situation, demonstrate an  
10 EIT that was not authorized in the program I was in.

11 Q. And what was that EIT?

12 A. I believe it was broomstick behind the knees.

13 ADC [MS. PRADHAN]: May I have the court's indulgence for just  
14 one moment?

15 MJ [Col McCALL]: Sure. Take your time.

16 **[Counsel conferred.]**

17 ADC [MS. PRADHAN]: Thank you, sir.

18 Q. All right. Dr. Jessen, did you ever participate in any  
19 renditions of detainees?

20 A. Sort of. I was never on the front end of a rendition, but  
21 I, at least once, got on the rendition aircraft before it made its  
22 final stop.

23 Q. And did you actually go on the flight or...

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1           A. Yes. But the flight had legs, and I got on the flight at  
2 an intermittent leg, not when the initial rendition was made. Does  
3 that make sense?

4           Q. Yes, it does, sir. I'm sorry. I was actually literally  
5 picturing legs on an airplane for a second and -- I'm with you.

6           All right. Did you have an opportunity to observe the  
7 rendition protocol?

8           A. You know, I'm pretty sure I looked at it at some time.  
9 You're talking about the rendition group's protocol for moving ----

10          Q. Yes.

11          A. ---- moving detainees? I'm pretty sure I looked at parts  
12 of it or some of it at some time, yeah.

13          Q. Okay. Were you aware that it included diapering?

14          A. Yes.

15          Q. Okay. Did you observe the use of flex cuffs?

16          A. Yes.

17          Q. Okay. Did you observe sensory deprivation for the  
18 detainees during the rendition flights?

19          A. Well, yeah, I think they had earplugs and then they  
20 couldn't see. I can't remember if they were taped or hooded. Yeah.

21          Q. Okay. How long was the leg that you were on?

22          A. Just a few hours. Maybe three hours ----

23          Q. Okay.

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1 A. ---- three or four.

2 Q. And if you recall, do you remember how many legs that  
3 flight might have had?

4 A. I don't know.

5 Q. Okay. Do you know if the leg that you were on was one of  
6 the shorter or longer legs?

7 A. No, I don't.

8 Q. Okay. Were detainees able to use the bathroom during  
9 renditions?

10 A. I don't know.

11 Q. Okay.

12 A. It didn't happen on the flight I was on.

13 Q. Okay. In your experience -- I just want to -- now I want  
14 to move to some of the black sites and talk a little bit about your  
15 experience there.

16 In your experience, how did the CIA decide whether or how to  
17 implement EITs on a detainee? What was the process?

18 A. The team at the site would go over all the intel with the  
19 analysts and everybody else. Everyone was -- at the site was  
20 included in these meetings. And then a decision would be made, based  
21 on that information, what the team thought should be used.

22 That became part of a cable request that would go to  
23 headquarters. So the team on the ground would say: This is who it

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1 is. This is what we think we know. This is the range of EITs that  
2 we think might be necessary. And we'd like approval to commence.

3 And then that cable would go to headquarters. And then  
4 whoever reviewed it there reviewed it. And eventually they'd come  
5 back, sometimes with modifications, sometimes with -- almost always  
6 with approval. Not always, but most of the time. So once you had  
7 the approvals, then you could proceed with the interrogations.

8 And then every day -- at the end of every day, a report  
9 would be sent back in terms of what happened, what EITs were used,  
10 and what the optics of the team on the ground were, and with the  
11 expectation that if headquarters wanted things vectored one way or  
12 another, they would let you know.

13 Q. The cable that you described with the request, would that  
14 have to be tailored to a specific detainee?

15 A. Yes.

16 Q. And would have to ----

17 A. Yeah.

18 Q. And would it have to include information about that  
19 detainee?

20 A. Well, "have to," I don't know. It always did where I was  
21 at because that's just the way we did it. There was a cable for  
22 every detainee. It wasn't a group thing. So every detainee was  
23 evaluated individually and recommendations for interrogations



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1 specifically for that person, yeah.

2 Q. And did you participate in those discussions about whether  
3 to request EITs?

4 A. Yes.

5 Q. Okay. Do you recall for which detainees you participated  
6 in those discussions?

7 TC [MR. GROHARING]: Objection, Your Honor, relevance.

8 MJ [Col McCALL]: Response?

9 ADC [MS. PRADHAN]: I'm happy to tailor the question.

10 MJ [Col McCALL]: Okay.

11 ADC [MS. PRADHAN]: Okay.

12 MJ [Col McCALL]: Objection sustained, then. If you want to  
13 rephrase.

14 ADC [MS. PRADHAN]: Sure.

15 Q. Do you recall for which detainees, among the four  
16 defendants here, you may have participated in those discussions?

17 A. I'm sorry. I didn't hear that clearly.

18 Q. Sure. Sorry about that.

19 So there are four defendants here, Dr. Jessen:

20 Mr. Mohammad, Mr. Bin'Attash, Mr. al Baluchi, and Mr. al Hawsawi. Do  
21 you recall participating in the discussions regarding the use of EITs  
22 for any of the four of them?

23 A. You know, we used different names a long time ago. So I

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1 want to make sure I'm talking about -- KSM is mister who now?

2 Q. Mr. Mohammad.

3 A. Mohammad. So I did with Mr. Mohammad.

4 The second individual you mentioned is?

5 Q. Walid Bin'Attash.

6 A. I did not.

7 Q. Okay. Ammar al Baluchi?

8 A. I did not.

9 Q. And Mustafa al Hawsawi?

10 A. I did not.

11 Q. Okay. Are you aware of -- prior to -- you said that  
12 almost always the cables would come back with approval for EITs; is  
13 that correct?

14 A. Yeah, I think so.

15 Q. Okay. At that point, what would happen -- what was the  
16 process for applying EITs to the detainee at that point?

17 A. Then it was up to the discretion mainly of the  
18 interrogators. But at every -- at every site anyone had the option  
19 to intervene and stop things. So a security person, an analyst who  
20 was watching the COB, one of the medical people, anyone had the  
21 latitude to say stop.

22 But the decision to use them mainly fell on the  
23 interrogators. And the principle that was always used was you use

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1 the least intrusive measure and you escalate if necessary. So you  
2 start with what we considered to be the least intrusive thing.

3 Q. Was there ever any sort of an initial screening of the  
4 detainee for any medical issues?

5 A. Yeah. They were screened medically and psychologically  
6 for the -- all the time, yeah.

7 Q. Is that what was called a neutral probe?

8 A. No. A neutral probe is where the interrogators go in and  
9 basically start to establish and explain the contract that they want  
10 to have with the detainee, and say this is what we want. This is  
11 what we're trying -- you know, we don't care about all these other  
12 things like confessions and so forth. We just want information to  
13 stop threats and attacks. And if you cooperate with us, there will  
14 be no problem.

15 And so you would get a sense of how they felt about that.  
16 And that was done in a neutral way with -- you know, without swagger  
17 and without threats, in a more business-type way. That's a neutral  
18 probe.

19 Q. So that would be the sort of establishment of the social  
20 contract that you described earlier?

21 A. That's the start. You lay down -- you start to lay down  
22 the groundwork for what, you know, you would like to happen, and you  
23 give the individual the clear knowledge that it's their choice and

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1 they have that choice and control. You know, they can give the  
2 information or not.

3 Q. And in your experience, if they -- if they chose to talk,  
4 if they were forthcoming, would that obviate the need for EITs?

5 A. Yes.

6 Q. Okay. Do you recall -- or were you aware or do you  
7 remember hearing about Mr. al Baluchi's capture?

8 A. No.

9 Q. Okay. Do you recall where you were in April 2003?

10 A. No.

11 Q. Okay.

12 A. I -- just so I'm certain, are you talking about Ammar?  
13 Correct?

14 Q. Yes, that's correct.

15 A. Okay. Yeah. No, I didn't know.

16 Q. Okay. When did you become aware that he had been -- that  
17 he was in CIA custody?

18 A. I'm sure that I heard that he had been captured and was  
19 being detained. I don't know when, but I must have heard that. But  
20 it would have been the first time that I met him, you know, in his  
21 cell.

22 Q. Okay. Did you -- do you recall ever hearing that, when he  
23 was initially captured in Pakistan, he was described as verbose?

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1 A. No.

2 Q. Okay. Do you have any knowledge about why EITs would have  
3 been imposed on Mr. al Baluchi if he was verbose?

4 A. No.

5 Q. Okay. Now, you described the process of sort of the  
6 discussions at the sites about whether to request permission to use  
7 EITs. Did you ever write any of those cables yourself requesting  
8 permission to use EITs?

9 A. No.

10 Q. Did you see them once they were written?

11 A. Initially, I couldn't look at the cables.

12 Q. Oh.

13 A. But eventually I had the clearance to do that. The cables  
14 are a composite of several people's input. One person usually  
15 finishes it, but, you know, the medical person writes a part  
16 that -- the psychologist writes a part and the interrogator would  
17 write a part. So it's a compilation of several people's efforts.  
18 And then whoever was involved with that, even if they were in a  
19 verbal discussion, their name probably was on the tag line in terms  
20 of the cable.

21 So just because a name -- just because a person's name is on  
22 the cable doesn't mean they had very much to do with the construction  
23 of the cable.

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1 Q. I see. Would you ever be in a position to review cables  
2 for accuracy?

3 A. No. That was -- well, the chief of base would always  
4 review all the cables before they went out. But in terms of other  
5 checks, like punctuation or verbiage or things like that, I didn't  
6 have anything to do with that.

7 I probably at times -- I may have at times looked at the  
8 atmospherics in terms of the assessment of how the person was doing  
9 or what the recommendation was to do next time. And I may have made  
10 some recommendations there.

11 I don't remember any specifics, but, like I said, it's a  
12 composite. But before a cable leaves a base, the chief of base  
13 approves it.

14 Q. Okay.

15 A. That's the final approval.

16 Q. Are you aware, Dr. Jessen, that around 2008, the CIA  
17 Inspector General conducted an investigation into Mr. al Baluchi's  
18 allegations of torture?

19 A. No.

20 Q. Okay. So have you had an opportunity to see that report,  
21 by any chance?

22 A. No, I haven't.

23 Q. Okay. I'd like to just show you a couple of parts from it

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1 and ask you some questions.

2 ADC [MS. PRADHAN]: This is in the record, Your Honor, at AE  
3 628RRRRR Attachment C. And this has been approved for display to the  
4 gallery and to the parties.

5 MJ [Col McCALL]: All right. It can be displayed to the  
6 public.

7 Q. And I have to apologize for the quality of -- of the copy  
8 here, Dr. Jessen. This is the best we have to work with. So let me  
9 know if you can read that.

10 A. Okay.

11 Q. I'd like to call your attention to paragraph 57.

12 A. I have a blank screen.

13 Q. Oh, okay. I'll wait.

14 MJ [Col McCALL]: Let us know when you can see it. It  
15 sometimes takes a minute.

16 WIT: Okay.

17 **[Pause.]**

18 A. Okay. I see it now.

19 Q. Okay. Great. And here this is a description of  
20 the -- of, I think what you've just described in your experience of  
21 the construction of the cables requesting authorizations for EITs,  
22 except this is in the context of Mr. al Baluchi.

23 A. Okay.

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1 Q. And it states, as you see, that lead interrogator NX2 was  
2 in charge of ----

3 A. Okay. I'm with you now.

4 Q. Okay. Sorry. Lead interrogator NX2 was in charge of what  
5 happened during the interrogation. Which officers would be present  
6 and how other officers would participate. That the interrogations  
7 team planned before the -- for the interrogations before conducting  
8 them. Discussed on -- decided on the focus. And documented the  
9 measures they planned to use.

10 Now, it says here that much of the guidance NX2 and the  
11 other certified interrogator QY7 provided was cut and dried, and that  
12 the station had to send a cable to headquarters asking for permission  
13 to use specific EITs with a detainee. But usually the cable was a  
14 standard cut-and-paste effort based on previous requests to use EITs  
15 with other detainees.

16 Do you know what that means when they say "a standard  
17 cut-and-paste effort based on previous requests"?

18 TC [MR. GROHARING]: Objection, speculation.

19 MJ [Col McCALL]: Objection overruled.

20 A. No, I don't know what it means.

21 Q. Okay. Is that -- now, in what you described in your  
22 experience, would the cables that you participated in in the  
23 discussions about to request authorization for EITs, were those



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1 cut-and-paste efforts?

2 A. No.

3 Q. I asked you earlier about your interactions with NX2. Do  
4 you recall?

5 A. Let me make sure I'm thinking of the same person.

6 Q. Sure.

7 A. Yep.

8 Q. Okay. And what were your interactions with him, sir?

9 A. I interacted with him briefly when he was conducting an  
10 interrogation -- interrogator training course. I interacted with him  
11 briefly in the CIA Headquarters building on one occasion, maybe more.  
12 That's it.

13 Q. Okay. So a couple of interactions.

14 What were the nature of those interactions?

15 A. The one during training initially was, "Hello. You're not  
16 welcome to our training, but I can't stop you from being here."

17 The next interaction was, "I don't care what you think.  
18 You're not in charge here," when we told him that that was an  
19 unauthorized technique.

20 The next interaction was a caustic remark in the hallway.

21 And I'm not sure about the last one, but it was probably  
22 similar to the next to the last one.

23 Q. Do you recall why he did not consider you welcome in his

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1 training?

2 A. Yeah. He resented the fact that we weren't blue badge CIA  
3 people, that we'd been brought in and that we were getting a lot of  
4 attention and were part of the program. And he felt that he and his  
5 cadre had the ability and more of a right to do it, was my  
6 impression.

7 Q. When you say ----

8 A. It was kind of a turf war kind of thing.

9 Q. When you say "cadre," what do you mean by that?

10 A. Say again ----

11 Q. I'm sorry.

12 A. ---- please.

13 Q. When you use the word "cadre" of people ----

14 A. Oh.

15 Q. ---- with NX2.

16 A. The people that worked with him.

17 Q. Did those include personnel at the black sites?

18 A. You know, I can only think of two people, but there were a  
19 group of people that he had there at the training and that I think  
20 deployed with him, but I don't know for sure ----

21 Q. If ----

22 A. ---- which were at the black sites at which time, and so  
23 forth.

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1 Q. Okay. If you wouldn't mind consulting the list of unique  
2 functional identifiers, are you able to identify those two people by  
3 UFIs?

4 A. I already identified one.

5 Q. NZ7?

6 A. Yes.

7 Q. Okay.

8 **[The witness reviewed the evidence.]**

9 A. I didn't see it, but let me go through the list again.

10 Q. No problem, sir. Take your time.

11 TC [MR. GROHARING]: Your Honor, would you like me to help?

12 MJ [Col McCALL]: Hold off. We'll give him a second just to  
13 see if he sees the name.

14 A. I can describe him, but I just can't remember his name.

15 **[The witness reviewed the evidence.]**

16 A. You know, I don't see his name but I think it was on here  
17 last time, so I must be skipping it again. Maybe I need some help.

18 MJ [Col McCALL]: Okay. Mr. Groharing, you can approach.

19 Well, actually, why don't you wait right there. And,  
20 Dr. Jessen, you can leave the witness stand.

21 WIT: Okay.

22 MJ [Col McCALL]: And if you want to just tell Mr. Groharing  
23 the name that you're recalling that you think you saw last time in

1 the binder and he can let you know if it's in the binder still.

2 WIT: Okay.

3 **[Counsel conferred with the witness.]**

4 TC [MR. GROHARING]: Your Honor, Dr. Jessen has described a  
5 person. I think I know who that person's name is. He didn't provide  
6 the name to me per se.

7 MJ [Col McCALL]: Okay.

8 TC [MR. GROHARING]: But I can give him that name, but I  
9 didn't want to without the court's permission.

10 MJ [Col McCALL]: Yeah, go ahead.

11 **[Counsel conferred with the witness.]**

12 MJ [Col McCALL]: All right. And Dr. Jessen's back on the  
13 witness stand.

14 Take your time as you look through that binder, Dr. Jessen.

15 WIT: Okay.

16 A. So that individual is MA2.

17 Q. Thank you, sir.

18 A. Uh-huh.

19 Q. So those are the two individuals who you describe as, sort  
20 of, the cadre for NX2?

21 A. Yes. But I use that term generically. I don't -- I don't  
22 know if they were subordinates of him or not, but they seemed to be  
23 around him quite a bit.

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1 Q. Okay. And when you say he -- he seemed to think that he  
2 had more experience than you; is that what you said?

3 A. I don't know if I said that but I think he did think that.  
4 He had had experience prior in his career, interrogating people.

5 Q. Okay. Okay. And you said one of your interactions with  
6 him after the training session was about the technique that you  
7 identified as unauthorized; is that correct?

8 A. And that was during his -- during the training class.

9 Q. Ah, okay. Did you ever observe that technique being  
10 actually used on a detainee?

11 A. No.

12 Q. Are you aware that that technique was used on the -- on  
13 detainees?

14 A. Yes.

15 Q. Okay. I want to show you a paragraph from -- again, this  
16 is the same document, the OIG report. This is page MEA-2C-00000484.

17 ADC [MS. PRADHAN]: And if I may use the document camera, Your  
18 Honor.

19 MJ [Col McCALL]: All right. And, again, this is ----

20 WIT: I can see it.

21 MJ [Col McCALL]: And, again, this is to be published to the  
22 gallery; is that correct?

23 ADC [MS. PRADHAN]: Yes, sir.

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1 MJ [Col McCALL]: That's fine.

2 ADC [MS. PRADHAN]: Thank you, sir.

3 Q. All right. And I'll just direct your attention to  
4 that -- and, again, these are the conclusions -- or some of the  
5 conclusions from the Inspector General of the CIA.

6 So the first part of that paragraph, where it says: Ammar's  
7 assertion that an agency officer, a man, gave him, quote,  
8 psychosomatic attacks, probably relates to interrogator NX2's conduct  
9 toward him and may have some justification.

10 My question is just -- well, actually, referring to the next  
11 line after that where another interrogator says she could see how NX2  
12 might violate the DCI guidelines because he had, quote, an attitude.

13 I guess my first question is: Do you know or did you ever  
14 hear about NX2 inflicting something like psychosomatic attacks on  
15 detainees?

16 A. No.

17 Q. Okay. Did you ever hear about NX2 -- about detainees  
18 having fear responses to NX2?

19 A. I'd have to parse that question.

20 Q. Sure.

21 A. I'm aware of detainee -- a detainee who had a bad  
22 experience with NX2.

23 Q. What do you mean by a bad experience, sir?

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1 A. NX2 used illegal or unauthorized techniques on him.

2 Q. Okay. Do you know what happened following the use of that  
3 technique on the detainee that you're thinking of?

4 A. In terms of what?

5 Q. Were there any repercussions for NX2?

6 A. Yes.

7 Q. Okay. And what were those?

8 A. I believe he was terminated.

9 Q. Okay. Do you know which detainee that was for?

10 A. I do.

11 Q. And can I ask you to -- if you recall who that was?

12 A. I do recall. I'm not sure what you call him now, but we  
13 called him Nashiri.

14 Q. Okay.

15 A. Or Mr. Nashiri.

16 Q. Excuse me.

17 MJ [Col McCALL]: Is this a good point to break, Ms. Pradhan?

18 ADC [MS. PRADHAN]: Sure. We can break now, sir.

19 MJ [Col McCALL]: All right. So we'll go ahead and take a  
20 break for lunch. Let's be back in here at 1345.

21 Dr. Jessen, thank you for your testimony this morning.

22 During that break -- I understand that you have your attorney that's  
23 present there with you. You're free to go to lunch with him, discuss

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1 things with him. Just don't discuss the subject of your testimony.

2 Do you understand that?

3 WIT: Yes.

4 MJ [Col McCALL]: Okay.

5 **[The witness was warned, was excused, and withdrew from the RHR.]**

6 MJ [Col McCALL]: The commission's in recess.

7 **[The R.M.C. 803 session recessed at 1220, 15 July 2024.]**

8 **[The R.M.C. 803 session was called to order at 1352, 15 July 2024.]**

9 MJ [Col McCALL]: The commission is called to order.

10 The parties are present, to include, I believe, all four  
11 accused. I can't see if -- Mr. al Hawsawi looks like he's left.

12 LDC [MR. RUIZ]: He has.

13 MJ [Col McCALL]: Okay. Thank you, Mr. Ruiz.

14 **[The witness, John Bruce Jessen, resumed the witness stand.]**

15 MJ [Col McCALL]: All right. And the witness is on the  
16 witness stand.

17 I just remind you you're still under oath.

18 Go ahead, Ms. Pradhan.

19 ADC [MS. PRADHAN]: Thank you, sir.

20 **DIRECT EXAMINATION CONTINUED**

21 **Questions by the Assistant Defense Counsel [MS. PRADHAN]:**

22 Q. Good afternoon, Dr. Jessen.

23 A. Good afternoon.



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1 Q. Before we broke -- excuse me. One second.

2 **[Counsel conferred.]**

3 Q. Sorry about that. Before we broke you discussed the  
4 two -- your conception of the two different programs: one that you  
5 were in and one that you observed at, say, Location Number 2 and  
6 perhaps in other situations.

7 Do you recall that?

8 A. Yes. I didn't observe them in action. I was aware -- I  
9 became aware later on of their existence, but I didn't -- I was not  
10 there when they were operating.

11 Q. Well, Dr. Jessen, when you arrived at Location Number 2 in  
12 late 2002, would you say that that was part of the program you were  
13 in?

14 A. Let me get the folder and then I can tell you.

15 Q. Of course.

16 A. Just a moment.

17 TC [MR. GROHARING]: Just one moment, Your Honor.

18 MJ [Col McCALL]: That's fine.

19 **[Pause.]**

20 MJ [Col McCALL]: Just while we're waiting on the binder to be  
21 brought to the witness, I understand from my staff that the parties  
22 are working through some issues that are going to require us to break  
23 at approximately 1500? Is that correct?

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1 ADC [MS. PRADHAN]: That's correct, sir.

2 MJ [Col McCALL]: All right. That's fine. And so  
3 we'll -- you know, I'll give you back some time today to be able to  
4 work through those issues, and then, again, we'll accomplish  
5 it -- re-accomplish it later in the week if we need to go later or  
6 into the weekend.

7 All right. It looks like Mr. Groharing has provided the  
8 binder to Dr. Jessen. Do you want to orient him to what he needs to  
9 look for in that?

10 ADC [MS. PRADHAN]: Of course.

11 Q. Dr. Jessen, we were just discussing your arrival in late  
12 2002 at Location Number 2, if you want to take a look at that.

13 A. Okay. I -- yeah, I've identified Location Number 2. And  
14 what was the question again?

15 Q. The question is: When you arrived there in late 2002, was  
16 it your understanding that that was part of the program that you were  
17 in?

18 A. No.

19 Q. Okay. So that was -- that would have been a separate  
20 program, in your understanding?

21 A. Yes, that's one way to put it. I didn't know that they  
22 were doing interrogations. I didn't know that was happening. I  
23 called it a program because I was in one and -- but, yeah.

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1 Q. And you came to understand that interrogations were being  
2 conducted at Location Number 2; is that right?

3 A. That's correct.

4 Q. Using certain physical pressures; is that right?

5 A. Yes.

6 Q. Okay. Now, in your experience in your program, what was  
7 the standard procedure for detainee intake when a detainee would  
8 arrive at the site?

9 A. You mean when they're rendered to a location?

10 Q. Yes, sir.

11 A. Well, they'd be received from the crew, transported to a  
12 black site, examined by the medical personnel. I don't know if they  
13 did a psych eval every time when they first came or not, but -- and  
14 then we would have a neutral probe, as we discussed earlier.

15 Q. And I think you mentioned earlier that the neutral probe  
16 would not include threats; is that correct?

17 A. That's correct. Well, the detainee might perceive that as  
18 a threat, but it was, from our standpoint, stating what the ground  
19 rules were. So we did say if -- you know, if you choose not to  
20 cooperate we're going to do our best to convince you to do that,  
21 so...

22 Q. Would a detainee be fully clothed for the neutral probe?

23 A. I think so. I don't -- I don't remember specifically, but

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1 I think so, yeah.

2 Q. Okay. I'd like to show you a description of the  
3 procedures at Location Number 2 during the period when Mr. al Baluchi  
4 was held there.

5 A. Okay.

6 ADC [MS. PRADHAN]: And this is in the record at AE 628RRRRR  
7 Attachment C at MEA-2C-00000439 to 00000440. And this is approved  
8 for display to all parties and the gallery.

9 MJ [Col McCALL]: It can be displayed to the public.

10 ADC [MS. PRADHAN]: Thank you.

11 Q. So this is referred to, if you see -- excuse me. All  
12 right.

13 So this is referred to in that third line as a standard  
14 routine for all the detainees at Location Number 2, including  
15 Mr. al Baluchi.

16 It states that: The interrogation team would go into a  
17 questioning room and wait for the facility guards to bring the  
18 detainee, who was shackled and naked, into the room. And then while  
19 that was happening, while the detainee was being questioned in the  
20 questioning room, a conditioning room would be prepared.

21 And let me just stop there for a second and ask: Is this  
22 the standard routine that you're familiar with in your program?

23 A. No.

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1 Q. Okay. And how does it differ?

2 A. Well, I don't know what specifically they mean, but  
3 we -- but I don't know what conditioning room means.

4 Q. Okay. And you don't recall whether the detainees, in your  
5 experience, were naked at this point?

6 A. I don't. I know they received a physical exam.

7 Q. Uh-huh.

8 A. And I know -- I can think of a couple of instances when I  
9 know they were clothed, but I don't know if that happened every time.

10 Q. Okay. And then the next line, it says: After the  
11 detainee failed to answer questions to the interrogator's  
12 satisfaction, the guards would take the detainee to the, quote,  
13 conditioning room for enhanced techniques, which including water  
14 dousing.

15 After the detainee experienced the conditioning room, the  
16 guards would return him to a questioning room, and the interrogators  
17 would try to get different or more complete responses to the  
18 questions they had posed prior to the conditioning.

19 Does that portion of the description, Dr. Jessen -- is that  
20 consistent with the routine that you experienced?

21 A. No, it wasn't because ----

22 Q. Any more -- sorry.

23 A. I -- like I said, I don't know what they mean by a

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1 conditioning room, but that isn't what we did. We would have a  
2 neutral probe, and then we'd let the individuals consider what we'd  
3 discussed. And then at sometime later we'd come back and ask, you  
4 know, what their decision was about the neutral probe. And that  
5 would all take place in the same room.

6 Q. And for how long would they -- how long would they be  
7 given to consider whether they were going to speak or not?

8 A. I think that varied. I don't -- I don't know the actual  
9 times, but I'm sure it varied.

10 Q. In your experience, was the room in which EITs were  
11 imposed, was that called a conditioning room?

12 A. No.

13 Q. Okay. Now, earlier we discussed your paper, which -- let  
14 me just orient you -- the paper entitled "Using Coercive Pressure in  
15 Interrogation of High-Value Targets" that we spoke about at the  
16 beginning.

17 A. Uh-huh.

18 Q. And I'm referring to the first page that we talked about,  
19 that's MEA-2C-00001045, where -- and I'm happy to show you the  
20 paragraph, so tell me if you want me to show you the paragraph, but  
21 there was a line that says -- and I quote -- interrogation in the  
22 sense that we are using it in this monograph is not ask a question,  
23 use a technique; get an answer, ask another question; use the

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1 technique, et cetera, but rather the structuring of external  
2 psychosocial events.

3 Do you recall that, sir, from your monograph?

4 A. That sounds right, yeah.

5 Q. Okay.

6 A. I'm not looking at it, but that sounds correct.

7 Q. Okay. But that process of asking a question and then  
8 using the techniques and getting an answer, would it be accurate to  
9 say that that is what is being described in this section of the IG  
10 report?

11 A. I don't know what they intended by that.

12 Q. Well, the description of the guards taking the detainee,  
13 if the detainee failed to answer questions to the interrogator's  
14 satisfaction, being taken to the conditioning room for enhanced  
15 techniques, and then after experiencing the conditioning room being  
16 returned to a questioning room where the interrogators would try to  
17 get different or more complete responses, does that seem to follow  
18 that pattern that you identified in your paper?

19 A. It seems to follow that pattern. I never watched this. I  
20 never saw it occur, so I don't know what happened.

21 Q. Sure. And, again, I'll just represent to you that these  
22 are descriptions from the Inspector General's report of the CIA.

23 Do you know what is meant -- or let me ask -- strike that.

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1           Let me ask you this: What is -- what would your  
2 interpretation be of a detainee answering questions to interrogator's  
3 satisfaction?

4           TC [MR. GROHARING]: Objection, speculation.

5           MJ [Col McCALL]: Objection sustained.

6           Q. What would satisfy you in a detainee's answers to your  
7 questions during interrogations?

8           TC [MR. GROHARING]: Objection, relevance.

9           MJ [Col McCALL]: Objection overruled.

10          A. Well, our goal was to get information. And initially even  
11 the slightest effort to cooperate would be satisfactory.

12          Q. I see. In your experience in the program you were in, if  
13 a second round of questioning didn't get the desired results after  
14 the use of enhanced interrogation techniques, could a detainee then  
15 be taken immediately for further techniques?

16          A. I'm confused by that.

17          Q. Sure.

18          A. Could you restate that for me?

19          Q. Of course. And this is going to the sort of pattern  
20 that's described in this section of being asked questions in a  
21 questioning room, being taken to a conditioning room, and then being  
22 brought back to a questioning room.

23          So if on that second round of questioning, after the initial



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1 use of EITs, if a detainee failed to answer questions satisfactorily,  
2 in your experience, could they be taken immediately back to the use  
3 of EITs?

4 A. I can't answer that because I didn't see it. I don't know  
5 what they intended. I don't know what they did.

6 Q. Okay. So I'd like to move you to a different page in this  
7 document. It's actually just the next page. And that's  
8 MEA-2C-00000440. I'll just move this down for you.

9 Is that clear for you, Dr. Jessen?

10 A. Yeah, I can see it.

11 Q. Okay. Perfect. I'll give you a second because that's  
12 a -- it's kind of a long paragraph. And I'll ----

13 A. Do you want me to read it?

14 Q. Yes, please.

15 A. Okay.

16 Q. Rather than my reading it out and it frustrating the  
17 interpreters.

18 A. Okay. All right.

19 **[Pause.]**

20 A. Okay. I've read it.

21 Q. Okay. In your experience in the RDI program, did you ever  
22 see uncertified interrogators or debriefers question detainees or  
23 apply enhanced interrogation techniques?

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1 A. No.

2 Q. Okay. In your -- in the SERE context, you'd previously  
3 testified that SERE instructors went through six- to eight-month  
4 training courses; is that correct?

5 A. That's correct.

6 Q. Okay. During those training courses, were they practicing  
7 on SERE students?

8 A. No.

9 Q. Okay. Do you know -- having read this description of the  
10 use of -- initial use, at least, of EITs on Mr. al Baluchi, do you  
11 know how it would have been ensured that trainee interrogators apply  
12 an approved level of coercion on detainees?

13 A. No. I have no idea what they did.

14 Q. Okay.

15 A. I mean, I have -- you're giving me information, but I  
16 never witnessed it. I didn't see any protocols, so I can't answer  
17 it.

18 Q. Okay. Would you have -- strike that.

19 In the SERE context, you've previously testified that you  
20 couldn't have any deviation from the techniques as approved. Do you  
21 recall that?

22 A. I don't recall it, but I agree with it.

23 Q. Okay. Does this process described here, of students doing

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1 on-the-job training, does that comport with anything in your  
2 experience either from SERE or from the RDI program that you  
3 experienced?

4 A. I -- do you mean is -- was that part of the program I -- I  
5 was in?

6 Q. Yes.

7 A. No, it was not.

8 Q. Okay. And why not?

9 A. Because it's inappropriate to experiment or train in the  
10 realistic setting. You do that before you step into that setting.  
11 So there are individuals and -- that are part of the training cadre  
12 that can serve as surrogates for detainees or survival students, and  
13 you work out all of the procedures and develop the expertise before  
14 you're actually with students or with detainees.

15 Q. Does that last sentence where X7Q notes that he needed to  
16 do substantial learning on the job and needed to practice  
17 interrogation tactics, to include the EITs, is that consistent with  
18 your understanding from SERE that you couldn't have any deviation  
19 from the techniques as approved?

20 A. Let me see if I can unpack that.

21 Q. Sure.

22 A. In SERE you would not have an instructor learn techniques  
23 or improve skills on a student.

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1 Q. And what are the dangers if you do?

2 A. You're there -- you're there to teach them resilience.  
3 You're there to teach them how to bounce back and -- and to learn how  
4 to compose and recompose themselves. And if you have someone who is  
5 inexperienced and doesn't know how to read all of the cues,  
6 subliminal and physical, then they're not going to do as effective a  
7 job, and the outcome won't be optimal.

8 And you only have one chance with a SERE student. They only  
9 go to survival school once, so you've got to get it right the first  
10 time.

11 Q. Okay. Could there be physical or psychological effects on  
12 the student if the techniques were performed incorrectly?

13 A. That's doubtful in SERE because there's so much oversight.  
14 First of all, it wouldn't happen in SERE. And secondly, if for some  
15 reason that circumstance appeared there -- there's a whole bank of  
16 people that are watching what's going on, and they would stop the  
17 process.

18 Q. In some of your white papers where you discuss the danger  
19 of damage broadly -- if you remember, we use -- I think you used  
20 phrases like "cognitive degradation," things like that -- could those  
21 be results of techniques used improperly?

22 A. I want to make sure I understand what you're asking.  
23 Could you rephrase that for me.

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1 Q. Yes, I can if you just give me one moment. I want to use  
2 your words so that -- just to be ----

3 A. Okay.

4 Q. ---- accurate about this.

5 A. I may not understand them anymore, but I'll give  
6 it -- give it a go.

7 Q. I think you're the best person we have to explain them.

8 All right. So going back to your paper on memory, "Five  
9 Things Interrogators and Debriefers Must Know About Human Memory."

10 A. Uh-huh.

11 ADC [MS. PRADHAN]: And this is -- for the record, this is  
12 page 6 of that paper at -- excuse me, that's 2G-00000901 at  
13 2G-00000906.

14 Q. So in that paper you talked about -- you said, and I  
15 quote -- you and Dr. Mitchell said, and I quote: Memories of similar  
16 emotional tone are linked such that once activated, memories and  
17 information associated with that emotional tone are easier and  
18 quicker to recall. But the process also makes information and  
19 memories that are inconsistent with the prevailing emotional tone  
20 more difficult to recall.

21 And that when forced by questioning to remember details of  
22 events during strong emotional states, we tend to automatically  
23 engage -- automatically engaged any kind of re-encoding of events

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1 that colors subsequent recollection with the emotional tone present,  
2 and the re-encoding takes place.

3           So in this context -- right? -- I'll represent to you that  
4 Mr. al Baluchi felt that he was being tortured at this time during  
5 this training exercise. Would that color -- according to what you've  
6 written in this paper, might that color his recall of memory years  
7 later?

8           A. Well, that's a very complicated question. The simple  
9 answer is yes, but the paper was written not about interrogation and  
10 not about EITs. It was written about four debriefers and analysts  
11 who are in a relatively neutral setting trying to elicit information  
12 from someone.

13           We, in our -- the program that I was involved in, never had  
14 the expectation that we would get substantive information during the  
15 application of EITs. That wasn't the purpose of EITs, to try and get  
16 them to squirt out information.

17           And we didn't really even want it then because you  
18 want -- you want to avoid EITs. You want to avoid that kind of  
19 conditioning if you can, and you want a setting where the person's  
20 memory and current faculties aren't clouded with those kinds of  
21 intense emotions. So it -- two different situations.

22           But the answer to your question in terms of if someone was  
23 being tortured, would that affect their ability to accurately recall

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1 information? Yeah, it probably would.

2 Q. Okay. Thank you, sir.

3 Could you -- did you use the technique of walling on any  
4 detainees?

5 A. Yes.

6 Q. Okay. And could you briefly just -- I know we've -- we're  
7 all familiar with descriptions of walling, but could you describe in  
8 your experience how that technique would be carried out?

9 A. Just like you already know. I think it's been covered  
10 ad nauseam. But if you want me to, I'll step through it again.

11 Q. I would appreciate that. I don't think we've discussed  
12 it.

13 A. Okay. I'm not quite sure the purpose, but there's a  
14 purpose-built wall that flexes so that when a person is pushed into  
15 it firmly and quickly, it gives so that they're not injured.

16 You -- in almost all cases that I was involved in, we used a  
17 towel that was rolled up and duct taped so it would keep its form.  
18 And you put it around the neck of the individual that's going to be  
19 walled so that they don't get whiplash and have any kind of injury  
20 like that.

21 You step close to the individual so that you can have  
22 physical control and not drop or push them in the wrong direction.  
23 You twist your wrists around the towel so that it's firm around their

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1 neck and they have good support so that there is a firm linear line  
2 up their spine and through their neck.

3 And then you pull them, maybe a foot, away from the wall,  
4 and then you push them very quickly and forcefully into the wall.  
5 The wall bounces, makes a loud noise.

6 I can tell you from personal experience, having been walled,  
7 that it's a little disorienting, and it's disruptive and it's  
8 unpleasant. You wouldn't choose for it to be done to you.

9 And I don't recall if there was a number of presses that  
10 could be done. There may have been in protocol. It's been a long  
11 time ago. I don't remember.

12 But it wasn't meant to be done at -- until you were -- the  
13 interrogator was exhausted. The purpose was really to get their  
14 attention to temporarily have them refocus and realize that you're  
15 serious about this business of giving information.

16 I think that's enough.

17 Q. Thank you, sir.

18 A. Yep.

19 Q. I have a couple of -- I have one follow-up question, and  
20 I'd like to show you a description of walling as applied to  
21 Mr. al Baluchi.

22 A. Okay.

23 Q. When you say it -- I know you said you couldn't recall the



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1 number of times, the number of pushes, you said.

2 A. Right.

3 Q. Are you able to give a ballpark of -- would it be a few?  
4 Would it be a dozen? Couple dozen ----

5 A. It would be ----

6 Q. ---- in training?

7 A. It would be a few.

8 Q. It would be a few? Okay.

9 A. In training and in -- in the interrogation hut.

10 Q. Okay. A few? Between five and ten?

11 A. Two, three, four.

12 Q. Two, three, four. Okay.

13 A. Five at the most. I -- that's a guess. I -- I don't  
14 remember for sure, but it wouldn't be 20, 30, 40.

15 Q. Okay. And how long would it take to do those two, three,  
16 four pushes?

17 A. Seconds.

18 Q. Ah, okay. I'd like to direct your attention to a  
19 paragraph that's in the record at -- same document, sir -- at  
20 2C-00000443 to 00000444.

21 All right. And, Dr. Jessen, that begins at the very bottom  
22 under the heading "Walling." Do you see that?

23 A. Yes.

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1 Q. All right. It begins at the bottom of that page, but then  
2 I'll flip the page over whenever you're done reading that section.

3 A. Okay.

4 **[The witness reviewed the evidence.]**

5 A. Okay. You can flip it.

6 Q. Okay. Now, just with regards to those first few lines,  
7 does that -- is that consistent with your understanding of the  
8 walling process as you've just described?

9 A. Yes.

10 Q. Okay. And this is the remainder of the paragraph, so I'll  
11 give you a minute just to review that, and then I have a couple  
12 questions about it.

13 A. Okay.

14 **[The witness reviewed the evidence.]**

15 A. Okay.

16 Q. Okay. So I know you just said that walling wasn't meant  
17 to be done until the interrogators were exhausted. But in this  
18 description, it says that SG1 said the interrogators took turns  
19 because fatigue would set in. How -- how would that fatigue manifest  
20 for interrogators doing walling?

21 A. I have no idea because it never happened where I was at.

22 Q. Okay. Was there a reason that the number of pushes were  
23 limited in the program you were in?

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1 A. Was there a reason they were what?

2 Q. Was there a reason for limiting the number of pushes at a  
3 time?

4 A. I don't remember if there was a limit. I think what I  
5 said was I don't remember if there was a limit.

6 Q. Okay. Okay. So there was no -- there was no clear limit  
7 on how ----

8 A. I don't -- I don't remember.

9 Q. Okay.

10 A. I know -- I know personally and the places where I was at  
11 where I'd seen it done, it was always as I described. You know,  
12 never more than six. Usually one, two, three.

13 Q. Okay. Well, given that you are experienced in walling  
14 from the SERE context, would the description here of interrogators  
15 taking turns because fatigue was setting in and sessions lasting for  
16 no more than two hours at a time, would that raise any concerns for  
17 you?

18 A. Yes.

19 Q. And what concerns would those be?

20 A. It's not consistent with the way it was ever applied at  
21 SERE school or in a program I was in.

22 Q. Okay. In your experience, what are the potential effects  
23 of excessive walling?

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1           A. Here again, that question has variability in it. If it's  
2 done properly, it still probably would give someone a headache and  
3 cause fatigue, and I don't know what other sequelae would be. If  
4 done improperly, you could physically hurt someone, you know.

5           Q. Okay. I'm going to continue with this document but move  
6 to a slightly different topic.

7           A. That's fine.

8           Q. Are you familiar, Dr. Jessen, with the technique of water  
9 dousing?

10          A. I've heard about it. I've never seen it nor done it.

11          Q. Was it a technique approved for the program that you were  
12 in?

13          A. No.

14          Q. Okay. And ----

15          A. Not to my knowledge. It was not any protocol I remember.  
16 So, no, I don't think it was.

17          Q. What is your understanding of what water dousing was?

18          A. My recollection of the description that I heard -- and I  
19 don't remember who I heard it from -- maybe I read it -- is tarpaulin  
20 was put on the ground, the individual was laid on it, and then they  
21 doused them with cold water.

22          Q. Okay. Now, if you recall, in mid-2003, who -- you and  
23 Dr. Mitchell were authorized to carry out waterboarding; is that

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1 correct?

2 A. Yeah. It's correct that he and I were authorized to carry  
3 out waterboarding. I didn't hear the date, so -- and I don't  
4 remember dates real well, but ----

5 Q. Okay.

6 A. ---- but it's correct that at one point in time, only he  
7 and I were authorized to do it.

8 Q. Okay. At a certain point did others become authorized to  
9 conduct waterboarding?

10 A. There were individuals who were trained under Dr. Mitchell  
11 and my's auspices who would have been able to do that, but I don't  
12 know if they ever did.

13 Q. Okay. Do you know ----

14 A. No, wait a minute.

15 Q. Sorry.

16 A. There -- at least one other individual was authorized to  
17 do that. I remember now, yes.

18 Q. Okay. Without saying who that person was, do you know who  
19 that person was?

20 A. I know who they are.

21 Q. Okay. And we can talk about that more in closed session.

22 A. Okay.

23 TC [MR. GROHARING]: Your Honor, I think if they have the UFI,

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1 we can probably talk about it here.

2 ADC [MS. PRADHAN]: Great.

3 TC [MR. GROHARING]: We should.

4 MJ [Col McCALL]: All right.

5 ADC [MS. PRADHAN]: That's fine. I'm -- I'm just going off of  
6 what I believe to be guidelines. But that's fine.

7 Q. Could you identify, by unique functional identifier, the  
8 person who was authorized to conduct waterboarding?

9 A. Yes.

10 Q. I can also just give it to you if -- was it NZ7?

11 A. Say that again.

12 Q. Was it NZ7?

13 A. Yes, it was.

14 Q. Okay. And did NZ7 participate in the waterboarding of  
15 Mr. Mohammad with you and Dr. Mitchell?

16 A. Mr. Mohammad, is that KSM?

17 Q. Yes.

18 A. Yes, he did.

19 Q. Okay. Now, are you familiar about what the guidelines  
20 around the use of water were outside of waterboarding?

21 A. I don't know what you're referring to.

22 Q. Okay.

23 A. I mean, I know there were guidelines to keep detainees

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1 hydrated.

2 Q. Okay.

3 A. But I don't know what you're referring to.

4 Q. Okay. Let me show you a document that's in the record,  
5 same record cite, 628RRRRR Attachment C, at MEA-2C-00000445.

6 ADC [MS. PRADHAN]: And, again, this is approved for display  
7 to the gallery.

8 MJ [Col McCALL]: All right. Again, this can be displayed to  
9 the public.

10 Q. And I really will apologize for this, because I'm going to  
11 direct you to the footnote, which is hard even for me to read. But  
12 tell me if that is legible for you.

13 A. If you can read it, I'd appreciate you reading it.

14 Q. I'm happy to read that to you. It says ----

15 A. Okay.

16 Q. Well, actually, I need my glasses.

17 It says: The DCI guidelines do not mention water dousing as  
18 a technique, But the late 2003 draft OMS guidelines identify water  
19 dousing as one of 12 standard measures. OMS listed it in ascending  
20 degree of intensity as the 11th standard measure. OMS did not  
21 further address water dousing.

22 And the rest of that is illegible, even to me.

23 A. Okay.

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1 Q. Okay. Were you aware that in 2003 water dousing was  
2 identified as one of 12 standard measures?

3 A. No.

4 Q. Okay. So let me show you the next page. And, again,  
5 we're working in the footnotes here, sir, but I'm happy to read  
6 this -- the part that I'd like to call your attention to, which is  
7 about halfway down in the paragraph, there is a box -- and I'll  
8 represent to you that that actually says MA2 in that box, who's one  
9 of the individuals you identified earlier. It says ----

10 A. I did?

11 Q. ---- "MA2 said that agency officers." Do you see that  
12 sentence?

13 A. I can see it, yeah. When you read it, it makes sense.  
14 Otherwise it looks like hieroglyphics.

15 Q. Yeah, it's a little difficult to read. I apologize. It  
16 says, "MA2" ----

17 A. If you can read it that would help. Yeah.

18 Q. Of course.

19 "MA2 said that agency officers perceived water dousing as an  
20 interim procedure or solution to avoid the waterboard."

21 And in what you heard about water dousing at the time, did  
22 you hear about it as an interim procedure as an enhanced  
23 interrogation technique?



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1 A. No.

2 Q. Okay. Now when you used water for waterboarding, were  
3 there guidelines -- there were guidelines around the temperature of  
4 the water to be used; is that right?

5 A. Yes, there -- and the quality of the water, and eventually  
6 that changed from plain water to saline. Yeah, there were  
7 guidelines. I don't remember specifically what they are, but there  
8 were definitely -- I mean, you have it, I'm sure, the protocol.

9 Q. What was the purpose of having guidelines around the  
10 temperature of the water and the type of water and all of those  
11 things?

12 A. Safety.

13 Q. Could you explain that?

14 A. Yeah. The amount of water used and the temperature of the  
15 water were modeled after what the U.S. Navy did in their course with  
16 waterboarding and had done for years. So it was established that, as  
17 unpleasant as it is, it was safe to use.

18 And so those -- as far as I know, I -- you know, I wasn't  
19 involved in the vetting of all these things. It was done by the  
20 agency with DoD agencies and other organizations.

21 But I do know, because I talked to the lieutenant commander  
22 that worked there, that they -- they reached out to them and they got  
23 the protocols. And his impression was that that same protocol is

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1 what we use. And I think that's true, because it -- I had -- I was  
2 waterboarded myself, and that was the same procedure. The detainees  
3 in this program were waterboarded many more times than students are,  
4 but it was the same procedure.

5 Q. Now, a little further in that paragraph, it says according  
6 to -- excuse me -- and I'll just represent to you that this is all  
7 taking place in Location Number 2, which is a site that you have been  
8 to, correct?

9 A. Could you repeat that? All I heard was "2."

10 Q. Of course. I'll represent to you that everything  
11 described here at this point is taking place or has -- was -- it did  
12 take place in Location Number 2 ----

13 A. Okay.

14 Q. ---- which is the site that you visited.

15 A. Okay.

16 Q. Yeah. So the next sentence says -- or a couple sentences  
17 down, it says: According to MA2, he recommended that interrogators  
18 use a poncho on the floor of the interrogation chamber as  
19 insulated -- insulation against the cold floor. MA2 stated that the  
20 water should have come, quote, out of the tap, but he said warm water  
21 would have defeated the purpose of the water dousing.

22 Now, Location Number 2 you've previously testified was  
23 fairly cold. Would that be accurate?

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1 A. It was when I was there.

2 Q. All right. And, in fact, Gul Rahman died of cold  
3 exposure, correct?

4 A. That's correct.

5 Q. And so the -- what MA2 is describing here about regulating  
6 the temperature of the water for water dousing seems to diverge from  
7 your description of the authorizations around the use of water for  
8 waterboarding.

9 Would that be accurate to say?

10 TC [MR. GROHARING]: Objection, relevance.

11 MJ [Col McCALL]: Restate your question.

12 ADC [MS. PRADHAN]: Sure. My question -- the question is:  
13 Would it be accurate to say that this description by MA2 of the  
14 procedures or guidelines around the use of water for water dousing  
15 are different from what Dr. Jessen experienced in the authorizations  
16 for waterboarding.

17 MJ [Col McCALL]: Objection overruled.

18 You can answer that question, Dr. Jessen.

19 A. Yeah, they were two different things, so they were  
20 different.

21 Q. Okay. And then just one more line. It says: According  
22 to MA2, he tried to differentiate water dousing during interrogations  
23 from bathing for hygiene purposes and strongly urged RDG and the

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1 legal officers to separate the two. Nonetheless, MA2 stated that,  
2 quote, lots of gray areas existed.

3 Now, are you aware of gray areas existing around the use of  
4 waterboarding in your experience?

5 A. No.

6 Q. Okay. Are you aware of gray areas existing in the use of  
7 other interrogation techniques in the program you were in?

8 A. No.

9 Q. Okay. Okay. I'm going to switch pages. Move you  
10 to -- this is MEA-2C-00000489. It's the first paragraph ----

11 ADC [MS. PRADHAN]: This is also approved for display.

12 MJ [Col McCALL]: It can be displayed to the public.

13 ADC [MS. PRADHAN]: Thank you.

14 Q. Dr. Jessen, it says there that: In the case of a water  
15 dousing, OIG could not determine precisely what happened to Ammar,  
16 but at a minimum, the water the interrogators used was excessively  
17 cold and some of it had ice in it.

18 In your experience, did the water used for enhanced  
19 interrogation techniques ever have ice in it?

20 TC [MR. GROHARING]: Objection, Your Honor. Again, she's  
21 talking about different techniques. He has no experience with water  
22 dousing. He's already explained that to the commission.

23 MJ [Col McCALL]: Objection overruled.

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1 A. No ice.

2 Q. Okay. You testified previously about the potential -- in  
3 the context of SERE, the potential for abusive drift. Do you recall  
4 that?

5 A. Yes.

6 Q. Okay. Now, in the mention of gray areas here, is that the  
7 type of thing that could lead to drift in your experience?

8 A. Because I don't know what they did, I didn't see them do  
9 that, I can't comment.

10 Q. Okay. Well ----

11 A. I don't know. I can't give you an answer. I don't know  
12 what they did.

13 Q. Well, this is a statement by the Inspector General of the  
14 CIA stating ----

15 A. Yeah.

16 Q. ---- that the water used on Mr. al Baluchi was excessively  
17 cold. Is that the type of gray area that could lead to abusive  
18 drift?

19 TC [MR. GROHARING]: Objection, speculation.

20 MJ [Col McCALL]: Objection overruled.

21 A. Okay. You -- please restate it, because I really don't  
22 understand what you're trying to get at.

23 Q. Of course. And let me see if I can break it down a little

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1 bit.

2 In your previous testimony, Dr. Jessen, we were talking  
3 about the context of SERE.

4 A. Yeah.

5 Q. You talked a little bit about the concept of abusive drift  
6 and how ----

7 A. Right.

8 Q. ---- SERE instructors had to follow the authorizations and  
9 apply the techniques very -- in an exact manner.

10 A. Yeah.

11 Q. And that was the reason -- I'll represent to you you  
12 testified that was part of the reason for the six- to eight-month  
13 training ----

14 A. Uh-huh.

15 Q. ---- and for the stress monitoring you had for the SERE  
16 instructors.

17 A. Yes.

18 Q. Do you recall that?

19 A. Yes. Yeah, I do.

20 Q. And part of the purpose of all of that was to avoid drift.

21 And you said -- I believe you testified that all drift could be  
22 abusive. Do you recall that?

23 A. I said what? All drift?

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1 Q. All drift, deviation from the techniques as prescribed,  
2 could be abusive.

3 A. Could potentially be abusive?

4 Q. Yes.

5 A. Yeah, that's a fair statement, yeah.

6 Q. Okay.

7 A. Could.

8 Q. Okay. And so in this context where it has been  
9 established by the Inspector General of the CIA that several of these  
10 techniques were used on Mr. al Baluchi in an excessive or  
11 unauthorized manner, would that, in your experience of abusive drift,  
12 could that be an example of abusive drift?

13 A. Okay. That was very well put. Thank you.

14 Q. Of course.

15 A. Here's the -- here's the dilemma with that -- not a  
16 dilemma, but a kind of refining of that. Abusive drift is  
17 incremental drift away from a given standard. A standard's been set  
18 and people are drifting away from that standard.

19 I don't know what the standards were in this program. I  
20 don't know if those interrogators had the latitude to use any kind of  
21 the water they wanted or not. So it technically -- I don't know if  
22 it was abusive drift. Maybe they had permission to do that. I don't  
23 know.

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1 Q. Okay. Now, you testified previously about -- or,  
2 actually, just earlier today about the use of a broomstick behind  
3 Mr. al Nashiri's knees. Do you recall that?

4 A. I do recall that. And I must say, that's what I recall it  
5 was that I saw in the training. If I'm inaccurate, I know there's a  
6 thousand records that -- so you can correct me and I won't be  
7 offended, but I'm pretty sure that's what it was.

8 Q. No, sir. I believe there is -- there is previous  
9 testimony about the use of the stick on Mr. al Nashiri.

10 A. Okay. Okay.

11 Q. But I would like to show you -- see if this refreshes your  
12 memory. And this is 2C-00000443.

13 Sorry, one second.

14 **[Pause.]**

15 Q. You know what? I'm going to scratch that, because it's  
16 actually much too hard to read, to be perfectly honest. I will  
17 represent to you that one of the detainees behind whose knees a  
18 broomstick was placed was Mr. al Baluchi by NX2.

19 Do you recall ever hearing about the use of a broomstick on  
20 Mr. al Baluchi?

21 A. No.

22 Q. Okay. Would that ----

23 A. And you're talking about Ammar, correct?



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1 Q. I am talking about Ammar, that's correct.

2 A. Okay. You know, you have to excuse me, because my  
3 recollection of names is different.

4 Q. Of course. That's -- and we can usually guess who you  
5 mean when you say "Ammar."

6 A. Okay. All right.

7 Q. All right. Just checking the time.

8 Now, in your experience, how did you use the technique,  
9 if -- if -- let me ask you this first: Did you ever use or ask for  
10 authorization to use the technique of sleep deprivation?

11 A. Yes.

12 Q. Okay. And what was the guidance, in your recollection,  
13 around the use of sleep deprivation?

14 A. I don't remember the specific protocol. I know there was  
15 one and that it had been vetted by numerous levels of oversight and  
16 that we adhered to it, but I don't remember the specifics.

17 Q. Okay. Do you recall if it required a cable to be sent to  
18 headquarters for permission?

19 A. Any EIT had to be requested through a cable to  
20 headquarters, yes.

21 Q. Okay. And sleep deprivation constituted an EIT?

22 A. Yep.

23 Q. Okay. Was sleep deprivation -- in your experience, was

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1 sleep deprivation separate from a technique like prolonged standing?

2 A. It was probably incorporated into that, so it may have  
3 been called the same thing with a caveat that the individual was  
4 standing.

5 Q. Okay. Would that be the same thing for, say, like, the  
6 use of loud music?

7 A. I know loud music was used. It wasn't one of the  
8 techniques. I think it was used -- well, I don't remember exactly  
9 where it was used. The site we were talking about it was used ----

10 Q. Okay.

11 A. ---- off and on. But I don't think it was listed with the  
12 techniques.

13 Q. Okay. Are there any other ways besides prolonged standing  
14 in which sleep deprivation was implemented in your experience?

15 A. You mean actually implemented?

16 Q. Yes, sir.

17 A. That's a good question.

18 I don't remember specifically. I want to say that -- I want  
19 to say yes, that it didn't always entail being shackled and standing  
20 in the center of a room, but I -- but I don't know positively.

21 Q. Okay. Do you happen to recall or could you give us a  
22 ballpark of the longest period of sleep deprivation that you  
23 participated in?

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1 A. I don't.

2 Q. Okay. Would it -- a day or more than a day?

3 A. I don't -- I don't know.

4 Q. Okay. Would medical assessments be conducted prior to  
5 implementation of sleep deprivation?

6 A. Yeah, prior -- prior to, during, and after. And on  
7 occasions, if the sleep deprivation was discontinued because -- on  
8 medical advice.

9 Q. And what sort of issues would ----

10 A. Edema -- it's almost always edema in the legs.

11 Q. And edema refers to swelling; is that correct?

12 A. Pardon me?

13 Q. Edema is swelling in the legs.

14 A. Yeah, swelling.

15 Q. Okay.

16 A. The accumulation of fluids in the legs.

17 Q. Okay. And was there a certain amount of edema that was  
18 acceptable before ----

19 A. That was a medic's call, not my call. I don't know.

20 Q. Okay. Are you aware of detainees being approved for more  
21 than 72 hours of sleep deprivation?

22 A. I don't remember specific numbers.

23 Q. Okay. Do you recall if sleep deprivation was ever

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1 implemented through -- well, we've -- you've testified that it was  
2 implemented through prolonged standing as one -- as one technique.  
3 But do you recall the guidance around how prolonged standing was to  
4 be implemented?

5 A. No.

6 Q. Okay. Did you ever see detainees with their arms shackled  
7 above their heads?

8 A. Not in the program I worked in. I -- it didn't happen in  
9 the program I worked in, but I did see that one time.

10 Q. And where did you see that occur?

11 A. At the Location 2.

12 Q. Location 2, okay.

13 ADC [MS. PRADHAN]: Court's indulgence.

14 **[Pause.]**

15 Q. When you participated in -- let me ask -- strike that.

16 When would you undertake an interrogation following the  
17 sleep deprivation of a detainee? Would it be during the sleep  
18 deprivation? Or would it be after they'd been given an opportunity  
19 to sleep? Or something else?

20 A. It would be after they've been given an opportunity to  
21 rest, sleep. Otherwise defeats the purpose of accurate information.

22 Q. Is that because sleep deprivation can lead to inaccurate  
23 information?

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1 A. Well, I -- have you ever been sleep deprived?

2 Q. Not to the extent that some people have.

3 A. Well, even not to that extent, you know, when you feel  
4 groggy and your thoughts aren't clear, it's not a good time to have a  
5 productive conversation. And in particular, if -- even following the  
6 protocols that we had, which were safe, it would still be  
7 disorienting, and you wouldn't really be able to carry on a dialogue  
8 effectively.

9 Q. Okay. So in your experience, that would not necessarily  
10 be a good opportunity to get actionable intelligence?

11 A. I agree with that.

12 Q. Okay. So I'd like to show you a document for -- a page  
13 from the same document. Again, this is from the IG report. This is  
14 at MEA-2C-00000436.

15 A. Okay.

16 ADC [MS. PRADHAN]: And this is also approved for display to  
17 the public and the parties.

18 MJ [Col McCALL]: All right. It can be published to the  
19 gallery.

20 Q. And that's paragraph 53. I'll give you an opportunity to  
21 read the paragraph, Dr. Jessen, but my first question for you is  
22 going to be: Do you recognize the UFI of JP2? Is that someone that  
23 you knew?

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1 A. Oh, I'll have to look.

2 **[The witness reviewed the evidence.]**

3 A. It's so disappointing to get to the end of this list and  
4 not have found the person, because obviously they're on here.

5 You said JP2?

6 Q. JP2.

7 MJ [Col McCALL]: Mr. Groharing, if you want to assist and  
8 just point out where that's at. I know you're more familiar with  
9 that document.

10 Q. This is an issue we have fairly often, Dr. Jessen.

11 **[Counsel conferred with the witness.]**

12 A. I don't know that person. Thank you.

13 Q. Sure. Thank you.

14 ADC [MS. PRADHAN]: Thanks to Mr. Groharing for his assistance  
15 on that.

16 Q. So I'd first like to call your attention to paragraph 53  
17 here, and then I want to ask you a question about paragraph 52.

18 So in paragraph 53, it says: That JP2 -- who was a -- one  
19 of the CIA medical personnel -- observed a session with  
20 Mr. al Baluchi and reported that he was, quote, drowsy and nodded off  
21 for a few seconds frequently during the interview, consistent with  
22 three days of sleep deprivation associated with standing.

23 He elaborated that: Mr. al Baluchi, quote, may have been

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1 experiencing some sensory distortion in his cell, but with  
2 questioning, it is more likely that he was dreaming during the brief  
3 moments he dozed off.

4 My first question to you is: Do you know what is meant here  
5 by sensory distortion, what that might have been?

6 A. I don't know what he intended.

7 Q. Okay. Is this description of Mr. al Baluchi, following  
8 three days of sleep deprivation, consistent with what you have  
9 observed the effects of sleep deprivation to have been?

10 A. Well, first of all, I don't -- as I said, I don't remember  
11 what the protocol said in terms of the amount of time.

12 Q. Sure.

13 A. But it's certainly consistent that people would doze off  
14 easily. And I don't know what he means by "sensory distortion." But  
15 is not uncommon when you're in a hypnagogy, hypnopompic state before  
16 and after sleep, to have dreams or, you know, think you saw  
17 something, that -- yeah.

18 Q. Okay. And that occurred -- if you look at that third  
19 line, that occurred during an interview. Do you see that?

20 A. Yeah.

21 Q. Which seems to indicate ----

22 A. While the medic was talking to Ammar.

23 Q. Yes.

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1 A. Okay.

2 Q. Now, in the previous paragraph, it says, that last line:  
3 Cable traffic indicates the interrogators assessed that  
4 Mr. al Baluchi, quote, was clearly fatigued. Right? Again, this  
5 is -- and earlier in that paragraph it said he had been without sleep  
6 at this point for about 82 hours.

7 And that last line, it says: The interrogators noted,  
8 quote, he appears to be answering questions truthfully.

9 Now, given your experience with sleep deprivation, how would  
10 one assess truthfulness after -- following 82 hours of sleep  
11 deprivation?

12 A. Well, you'd have to have a question that had been posed  
13 and you'd have to have verification of what the authentic answer was,  
14 and then if you heard that you could say that was truthful.

15 Q. Now, I'd like to -- I'm just trying to make sure my pages  
16 stay straight.

17 Are you familiar with -- after a detainee went through EITs,  
18 are you familiar with a term of -- with the term "assessment period"?  
19 If a detainee would go through an assessment period after EITs?

20 A. I don't know the context you're using it in. You're  
21 constantly assessing a detainee and hoping that they're going to  
22 cooperate. So I'm -- I am not sure the context of that.

23 Q. Okay. Well, let me show you -- this is the same document,



1 page 00000436 -- 00000437. I'm going to start -- actually it's the  
2 same page you were looking at before, but it's the very bottom of the  
3 page.

4 ADC [MS. PRADHAN]: And, again, this is approved for display,  
5 Your Honor.

6 Q. So starting with -- the beginning of paragraph 54.

7 A. Okay.

8 Q. Okay. And then the next part of the paragraph is on  
9 page 00000437. And I'll let you read that and you can let me know  
10 when you're done with that paragraph, and the paragraph in small font  
11 right underneath it.

12 **[The witness reviewed the evidence.]**

13 A. Okay. I'm done. I haven't read the quote, but I'm done.

14 Q. Okay. Well, so is it accurate to say that that's a  
15 description of the assessment period of Ammar following his EITs?

16 A. I have no idea if that's what they called it. It's  
17 certainly someone's impression and assessment of what happened, yeah.

18 Q. Okay.

19 A. Yeah, I don't know if this term that you're using is some  
20 kind of protocol or procedure that these people used. That's why I'm  
21 shying away from that, because I just don't know.

22 Q. I understand, sir. And, honestly, I'm using the language  
23 that is in the document itself, which is just that ----

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1 A. Sure.

2 Q. ---- where it states: Ammar then went through an, quote,  
3 assessment period.

4 A. Okay.

5 Q. But do these paragraphs appear to describe that assessment  
6 period and what their general assessment of Mr. al Baluchi was during  
7 that time?

8 A. I think they could if that's what they intended.

9 Q. Okay. What I want to actually ask you about is that  
10 paragraph in small font. And I can try to zoom in.

11 And so given what they had observed during the assessment  
12 period, it states, quote, subject is still developing a sense of  
13 learned helplessness, which is contributing to his compliance.

14 Now, my first question for you is: Is the phrase "learned  
15 helplessness" being used correctly here?

16 A. Okay. Allow me to explain. That term was misunderstood  
17 by almost everyone in the Agency after it was mentioned the first  
18 time. And my impression is that these individuals also, whoever  
19 wrote this, don't understand what it is in terms of Seligman's  
20 definition of learned helplessness. My -- because if, in fact,  
21 that's what would have occurred, they wouldn't have got any kind of  
22 useful help from Mr. Ammar.

23 That -- you know, we attempted to explain and educate people

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1 on what that term really meant and, actually, try to get them not to  
2 use it because of this same situation we're in right now where it's  
3 misinterpreted. But I had -- I can only guess, but my guess is that  
4 they used the term incorrectly.

5 Q. Okay. At that time, when you were at the sites working  
6 with CIA personnel on interrogation of detainees, did you -- in those  
7 moments did you encounter the use of that phrase and ever have to  
8 correct CIA personnel?

9 A. Yes, many times.

10 Q. Okay. Now, the last part of that paragraph says that:  
11 Subject, Mr. al Baluchi, would answer the question posed to him and  
12 then continue to discuss peripheral issues that were related. He was  
13 sternly informed he should continue to answer questions in this  
14 manner, expand on his answers, and let the team officers tell him  
15 when he no longer needs to continue on a particular topic.

16 Now, my question for you is: Is this a -- was this an  
17 instruction that was given in the interrogations you participated in,  
18 that they should talk until they were told to stop talking?

19 A. I don't ever recall anyone saying that or seeing it  
20 written down anywhere. There's a lot of nuances associated with what  
21 you just read there that, you know, could be posited in the program I  
22 was in. It would be counterproductive to stop someone if they were  
23 talking even remotely relative to the information that you wanted.

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1           If they tried to obfuscate by talking about something that  
2 was completely unuseful and pull you away from the topic you wanted,  
3 then it would be appropriate to say, hey, you know, you're leading me  
4 down a path that is not productive. Let's get back on the topic.

5           But because -- again, I know I'm -- this is starting to  
6 sound trite, but I don't know what those people did. I don't know  
7 what their protocols were. And their language seems to be  
8 demonstratively different than mine or what we used in the program.

9           Q. Okay. Let me -- let me just ask you this ----

10          MJ [Col McCALL]: Ms. Pradhan, let's go ahead and stop for the  
11 day.

12          ADC [MS. PRADHAN]: Okay.

13          MJ [Col McCALL]: Or if you have a few questions before you  
14 finish ---- yeah, go ahead ----

15          ADC [MS. PRADHAN]: I actually just have one more ----

16          MJ [Col McCALL]: ---- and then we'll wrap up.

17          ADC [MS. PRADHAN]: ---- and I'm cognizant of the time, sir.  
18 I'm sorry.

19          MJ [Col McCALL]: Perfect. No, that's perfect. Go ahead.

20          Q. My -- just my last question on this is: Did you  
21 personally ever tell -- ever ask a detainee to keep talking until you  
22 told them to stop?

23          A. No, I don't believe that I ever did.

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1 ADC [MS. PRADHAN]: Okay. That's all I have for now.

2 MJ [Col McCALL]: All right.

3 All right. Dr. Jessen, thank you for your testimony today.  
4 We're going to go ahead and recess. We have some other matters we  
5 need to deal with outside of your presence. I anticipate we're going  
6 to start back up tomorrow morning at 0900 with your testimony.

7 Again, tonight, please don't discuss the subject matter of  
8 your testimony with anyone, to include your own attorney. But at  
9 this time you can go ahead and leave the RHR.

10 WIT: Okay. Thank you.

11 **[The witness was warned, was excused, and withdrew from the RHR.]**

12 MJ [Col McCALL]: All right. Any housekeeping matters?  
13 Anything we need to stay on the record for?

14 Apparently not.

15 All right. We'll be back in here for open session  
16 continuing with Dr. Jessen tomorrow at 0900.

17 The commission's in recess.

18 **[The R.M.C. 803 session recessed at 1502, 15 July 2024.]**

19 **[END OF PAGE]**

**[The next page is numbered 48085.]**