

MILITARY COMMISSIONS TRIAL JUDICIARY,
GUANTANAMO BAY, CUBA

UNITED STATES OF AMERICA

v.

KHALID SHAIKH MOHAMMAD, WALID
MUHAMMAD SALIH MUBARAK BIN
'ATTASH, RAMZI BIN AL SHIBH, ALI
ABDUL-AZIZ ALI, MUSTAFA AHMED
ADAM AL HAWSAWI

~~(U)~~ AE628RRRRR (AAA)

CORRECTED COPY*

~~(U)~~ Defense Notice of Exhibits

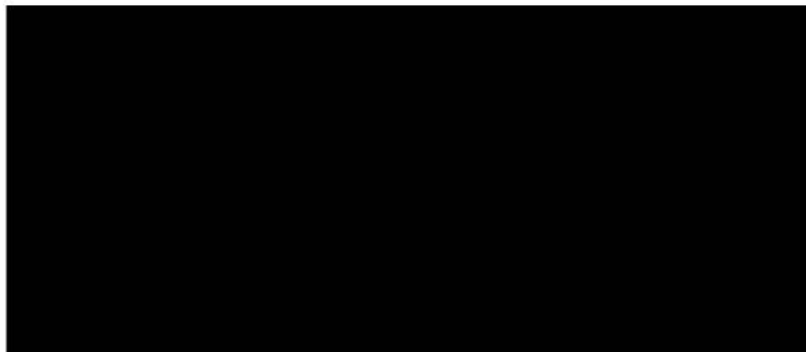
~~(U)~~ 29 January 2020

~~(U)~~ 1. The attached exhibits are submitted in support of the evidentiary hearing in the AE628 series.

~~(U)~~ 2. Attachments:

A. ~~(U)~~ Certificate of Service (U)

B. ~~(U)~~ AAA-RDI-007076 – AAA-RDI-007089 (U)



* Corrected copy is submitted to remove a page that the government inadvertently produced.

~~FOR OFFICIAL USE ONLY ATTACHMENTS~~

~~(U)~~ Very Respectfully,

~~(U)~~ //s//
JAMES G. CONNELL, III
Learned Counsel

~~(U)~~ //s//
STERLING R. THOMAS,
Lt Col, USAF
Defense Counsel

~~(U)~~ //s//
ALKA PRADHAN
Defense Counsel

~~(U)~~ //s//
BENJAMIN R. FARLEY
Defense Counsel

~~(U)~~ //s//
MARK E. ANDREU
Capt, USAF
Defense Counsel

~~(U)~~ *Counsel for Mr. al Baluchi*

~~(U)~~ Attachment A

~~(U)~~ CERTIFICATE OF SERVICE

~~(U)~~ I certify that on the 29th day of January 2020, I electronically filed the foregoing document with the Clerk of the Court and served the foregoing on all counsel of record by email.

~~(U)~~ //s//

JAMES G. CONNELL, III
Learned Counsel

~~(U)~~ **Attachment B**

AAA-RDI-007076

Approved for Release: 2017/12/01 C06630764

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)

(b)(3) NatSecAct

SUBJECT: EYES ONLY - [redacted] ON ABU ZUBAYDAH AS OF 2300 HOURS

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct

TOP: 181850Z JUN 02 (b)(1) 18487
(b)(3) NatSecAct

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct

(b)(3) NatSecAct

SUBJECT: EYES ONLY - [redacted] ON ABU ZUBAYDAH AS OF 2300 HOURS

TIME: 18 JUNE 2002

REF: A. [redacted] 10484 [redacted]
 B. [redacted] 10482 [redacted] (b)(3) NatSecAct
 C. [redacted] 10483
 D. [redacted] 10300

(b)(1)
TEXT: (b)(3) NatSecAct

1. ACTION REQUIRED: -- PLEASE ENSURE THAT SUBSTANTIVE PORTIONS
 OF INFORMATION BELOW ARE SHAPED WITH FBI HQS MARKED ATTENTION

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)

Approved for Release: 2017/12/01 C06630764

AAA-RDI-007077

Approved for Release: 2017/12/01 C06630764

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)

2. OVERALL STATE OF PLAY: AFTERNOON OF 18 JUNE 02.
INTERROGATION TEAM MEMBERS [REDACTED] AND
FBI SA (b)(6) DELIVERED A CAREFULLY SCRIPTED MESSAGE TO ABU
ZUBAYDAH (SUBJECT) AS OUTLINED IN REF H. THE SESSION WAS SHORT AND
DELIBERATE LASTING FROM 1335 - 1350 HOURS.



(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)

Approved for Release: 2017/12/01 C06630764

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(b)(1)
(b)(3) NatSecAct

THE TONE OF THE COMMENTS BY THE INTERROGATORS WAS PROFESSIONAL AND BUSINESSLIKE. THE TONE OF THE SUBJECT'S RESPONSES WERE FRUSTRATED AND AT TIMES WILFULLY ANXIOUS.

SUBJECT SAT ON HIS MAT, PRAYED, AND DRANK WATER DURING THE HOUR OR TWO THAT PRECEDED THE "CRISIS PRECIPITATION" EVENT. AT 15:15, THE "CRISIS PRECIPITATION" EVENT BEGAN AS SIX SECURITY STAFF ENTERED THE SUBJECT'S CELL, HANDCUFFED HIM HIGH ON THE BARS, AND THEN HOODED HIM. THE TEAM IC PSYCHOLOGIST THEN ENTERED THE CELL AND PROCEEDED TO OUTFIT THE SUBJECT'S CLOTHES FROM HIM FOLLOWING THE SAME PROCEDURE USED ON 19 MAY. THE SUBJECT WAS THEN RELEASED FROM THE BARS AND HAD HIS HANDS CUFFED BEHIND HIS BACK. THE IC TEAM PSYCHOLOGIST THEN PULLED THE SUBJECT TOWARD HIM USING A CONTROLLED ATTENTION SWAB (AS ROUTINELY USED IN SERE PROGRAM) AND SIMULTANEOUSLY DELIVERED A MESSAGE CONTAINING THE AGREED UPON THEMES, ESSENTIALLY TELLING THE SUBJECT THAT NO ONE WOULD TOLERATE BEING JERRED AROUND BY HIM ANYMORE WHEN THEY ASK FOR INFORMATION. SUBJECT WAS THEN TURNED BACK AROUND TOWARD THE BARS AND HANDCUFFED IN THE ROUTINE FASHION. THE IC TEAM PSYCHOLOGIST AND ALL BUT TWO OF THE SECURITY STAFF DEPARTED THE CELL. SUBJECT WAS RELEASED FROM HIS HANDCUFFS, UNHOODED, AND LEFT ALONE IN HIS CELL. THE "CRISIS PRECIPITATION" EVENT SCENARIO CONCLUDED AT 16:01. AFTER BEING LEFT ALONE, SUBJECT SLOWLY TURNED FROM THE CELL BARS AND APPEARED SOMEWHAT BEFUDDLED AND UNSETTLED. AFTER STANDING MOTIONLESS FOR SEVERAL SECONDS, HE SLOWLY STEPPED BACKWARDS AND EFFORTLESSLY LOWERED HIMSELF TO A SITTING POSITION. HE PULLED HIS LEGS UP CLOSE TO HIS BODY AND LEANED HIS BACK AGAINST THE WALL. HE SAT THERE LOOKING DEJECTED AND DISTRESSED. OUR ASSESSMENT OF HIS EMOTIONAL RESPONSES IS THAT HE WAS INITIALLY ANXIOUS, BUT THEN BECAME ANGRY WHEN HE REALIZED THAT HE HAD NOT ACTUALLY BEEN HANDED. HIS ATTITUDE AND DEMEANOR SUGGESTS THAT, AFTER HE REALIZED HE WASN'T GOING TO BE HURT, HE WAS INSULTED THAT WE WOULD TREAT HIM THAT WAY AND STARTED TO SULK.

ASSESSING SUBJECT'S RESISTANCE POSTURE:

BASED ON AN ONGOING ASSESSMENT OF THE SUBJECT'S BEHAVIOR PATTERNS, [REDACTED] A DECISION BY THE TEAM WAS MADE TO ASSESS THE SUBJECT'S RESISTANCE POSTURE AND GIVE HIM A FACE SAVING OPPORTUNITY TO PROVIDE THE REQUESTED THREAT INFORMATION.

(b)(1)
(b)(3) NatSecAct

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)

Approved for Release: 2017/12/01 C06630764

Approved for Release: 2017/12/01 C06630764



(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)

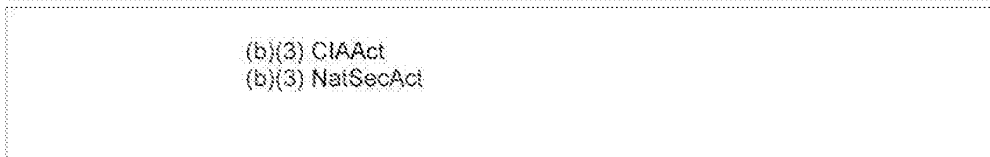
THIS SESSION ENDED WITH THE SUBJECT SAYING, "WHAT I HAVE, I GIVE IT ALL... I HAVE NO MORE." IT IS OUR OPINION THAT THE SUBJECT IS IN PART ATTEMPTING TO DEMONSTRATE TO HIS CAPTORS THAT USING PHYSICAL THREATS AGAINST HIM IS COUNTER-PRODUCTIVE.

AT THIS JUNCTURE, THE ISOLATION PHASE WAS STARTED. NEEDLESS TO SAY WE WILL CAREFULLY MONITOR SUBJECT'S BEHAVIOR AND REACTIONS OVER THE NEXT 24 HOURS.

A. THREAT UPDATE: NO NEW THREAT INFORMATION TO REPORT AS OF THIS WRITING.

B. MEDICAL UPDATE: SUBJECT'S DRESSING WAS CHANGED X.II. THE WOUND IS HEALING WELL AND VITAL SIGNS ARE STABLE. SUBJECT'S CONDITION REMAINS UNCHANGED.

C. MINIMIZE CONDITIONS CONSIDERED.



(b)(3) CIAAct
(b)(3) NatSecAct

Approved for Release: 2017/12/01 C06630764

AAA-RDI-007080

Approved for Release: 2017/12/01 C06630764

END OF MESSAGE

Approved for Release: 2017/12/01 C06630764

AAA-RDI-007081

Approved for Release: 2016/06/10 C06541506

Date: 20020715

TO: ALEC

FROM:

SUBJECT: EYES ONLY - ADDITIONAL OPERATIONAL AND SECURITY CONSIDERATIONS FOR THE NEXT PHASE OF ABU ZUHAYDAH INTERROGATION

..... BODY

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct

(b)(3) NatSecAct

PAGE 001

(b)(3) NatSecAct

FOR: 151006Z JUL 02

10036

~~151003Z JUL 02 STAFF~~

(b)(1)

(b)(3) NatSecAct

(b)(1)

CITE (b)(3) NatSecAct

(b)(1)

(b)(3) NatSecAct

TO: IMMEDIATE ALEC INFO DIRECTOR,

FOR:

(b)(1)

(b)(1)

(b)(3) CIAAct

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(3) NatSecAct

SLDGS:

SUBJECT: EYES ONLY - ADDITIONAL OPERATIONAL AND SECURITY CONSIDERATIONS FOR THE NEXT PHASE OF ABU ZUHAYDAH INTERROGATION

REF:

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

TEXT:

(b)(1)

(b)(3) NatSecAct

(b)(5)

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Approved for Release: 2016/06/10 C06541506

AAA-RDI-007082

Approved for Release: 2016/06/10 C06541506

(b)(1)
(b)(3) NatSecAct
(b)(5)

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AAA-RDI-007083

Approved for Release: 2016/06/10 C06541506

(b)(1)
(b)(3) NatSecAct
(b)(5)

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Approved for Release: 2018/06/10 C06541508

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)

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Approved for Release: 2018/06/10 C06541508

Approved for Release: 2016/06/10 C08541508

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)

IF SUBJECT DEVELOPS A SERIOUS MEDICAL CONDITION WHICH MAY INVOLVE A
HOST OF CONDITIONS INCLUDING A HEART ATTACK OR ANOTHER CATASTROPHIC
TYPE OF CONDITION, ALL EFFORTS WILL BE MADE TO ENSURE THAT PROPER
MEDICAL CARE WILL BE PROVIDED TO SUBJECT. IN THE EVENT SUBJECT DIES
WE NEED TO BE PREPARED TO ACT ACCORDINGLY KEEPING IN MIND THE LIAISON
EQUITIES INVOLVING OUR HOSTS. IF SUBJECT DIES, WE PLAN ON SEEKING
ASSISTANCE FOR THE CREMATION OF SUBJECT.

(b)(1)
(b)(3) NatSecAct
(b)(5)

REGARDLESS WHICH OPTION WE FOLLOW,
HOWEVER, AND ESPECIALLY IN LIGHT OF THE PLANNED PSYCHOLOGICAL
PRESSURE TECHNIQUES TO BE IMPLEMENTED, WE NEED TO GET REASONABLE
ASSURANCES THAT SUBJECT WILL REMAIN IN ISOLATION AND INCOMMUNICADO
FOR THE REMAINDER OF HIS LIFE.

(b)(1)
(b)(3) NatSecAct
(b)(5)

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AAA-RDI-007086

Approved for Release: 2016/06/10 C08541506

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)

END OF MESSAGE

~~SECRET~~

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Source: ACLU

Approved for Release: 2016/06/10 C08541506

Hon. Justin L. Quackenbush

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

SULEIMAN ABDULLAH SALIM,
MOHAMED AHMED BEN SOUD,
OBAIDULLAH (AS PERSONAL
REPRESENTATIVE OF GUL
RAHMAN),

NO. 15-CV-0286 (JLQ)

STIPULATION OF DISMISSAL
WITH PREJUDICE

Plaintiffs,

v.

JAMES ELMER MITCHELL and
JOHN "BRUCE" JESSEN,

Defendants.

The parties, by and through their respective attorneys of record, hereby stipulate and agree pursuant to Fed. R. Civ. P. 41(a)(1)(A)(2) that any and all claims by plaintiffs Suleiman Abdullah Salim, Mohamed Ahmed Ben Soud, and Obaidullah, as the personal representative of the estate of Gul Rahman, against defendants James Elmer Mitchell and John "Bruce" Jessen shall be dismissed with prejudice, pursuant to a Confidential Settlement Agreement entered into between the parties.

DATED: August 17, 2017

DATED: August 17, 2017

GIBBONS PC

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(admitted *pro hac vice*)

By: s/ Christopher W. Tompkins
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WSBA #11686

STIPULATION OF DISMISSAL
WITH PREJUDICE
NO. 15-CV-0286 (JLQ)

- 1 -

Case 2:15-cv-00286-JLQ ECF No. 259 filed 08/17/17 PageID.10029 Page 2 of 2

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25 **Attorneys for Plaintiffs**

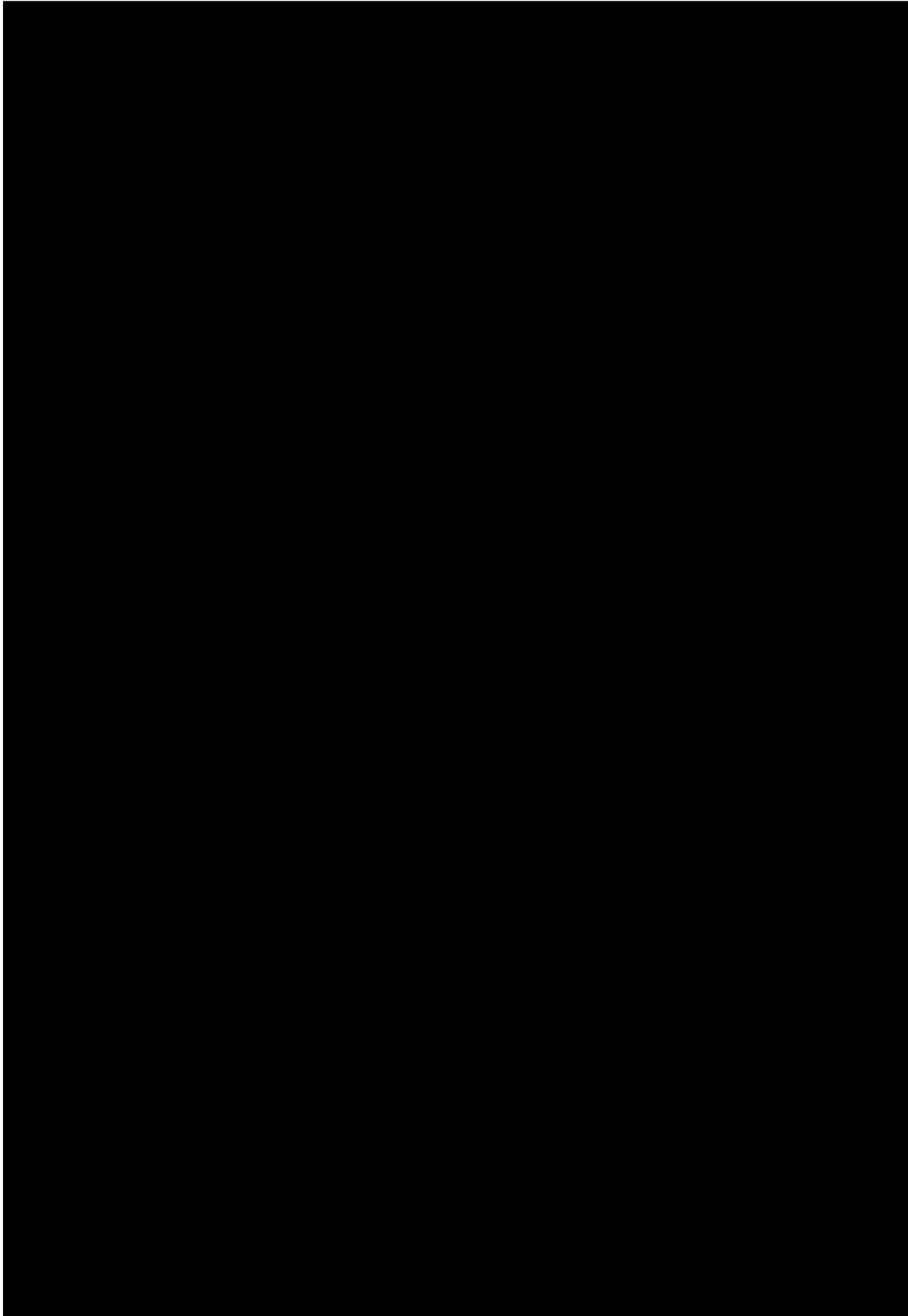
STIPULATION OF DISMISSAL
 WITH PREJUDICE
 NO. 15-CV-0286 (JLQ)

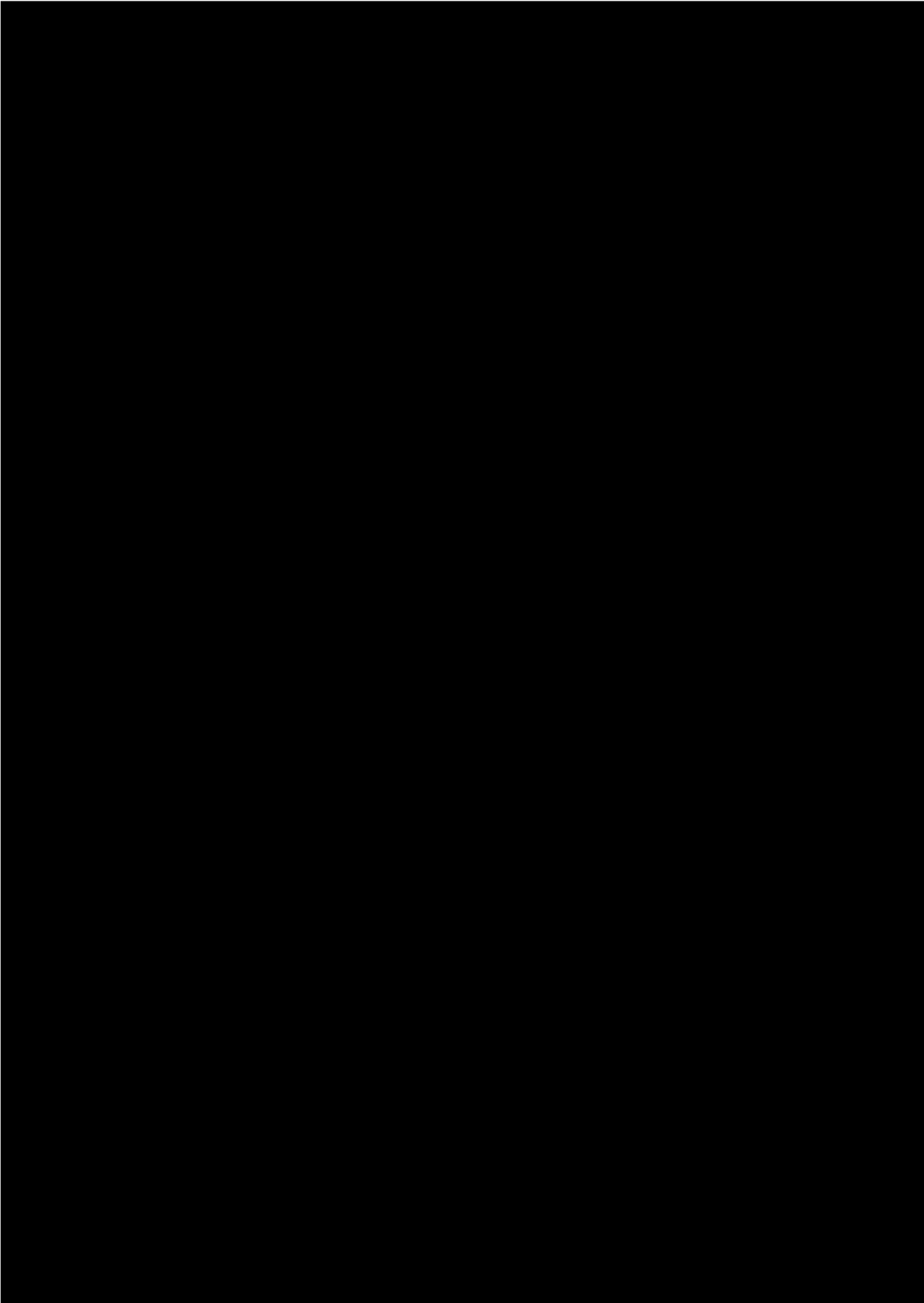
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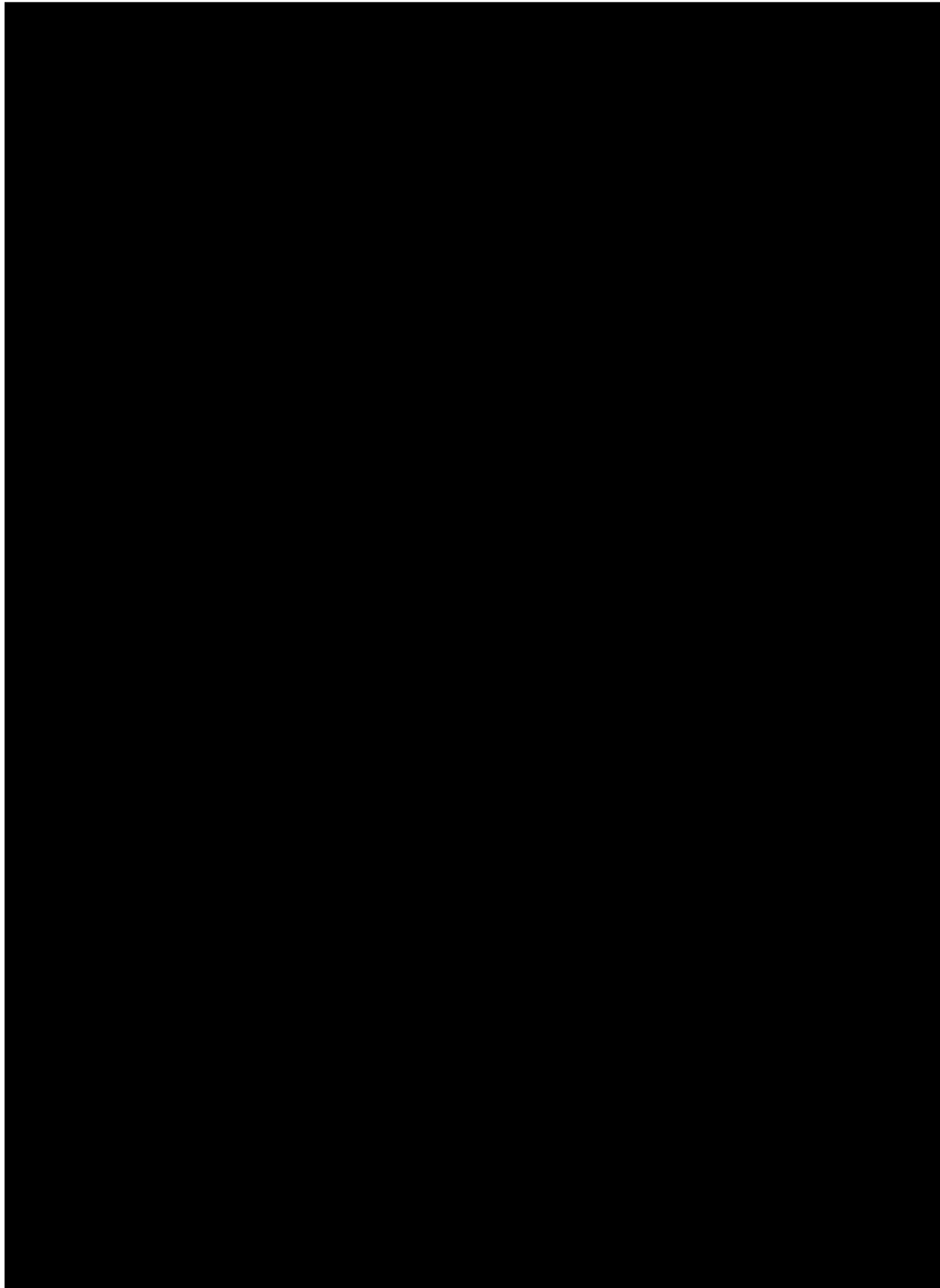
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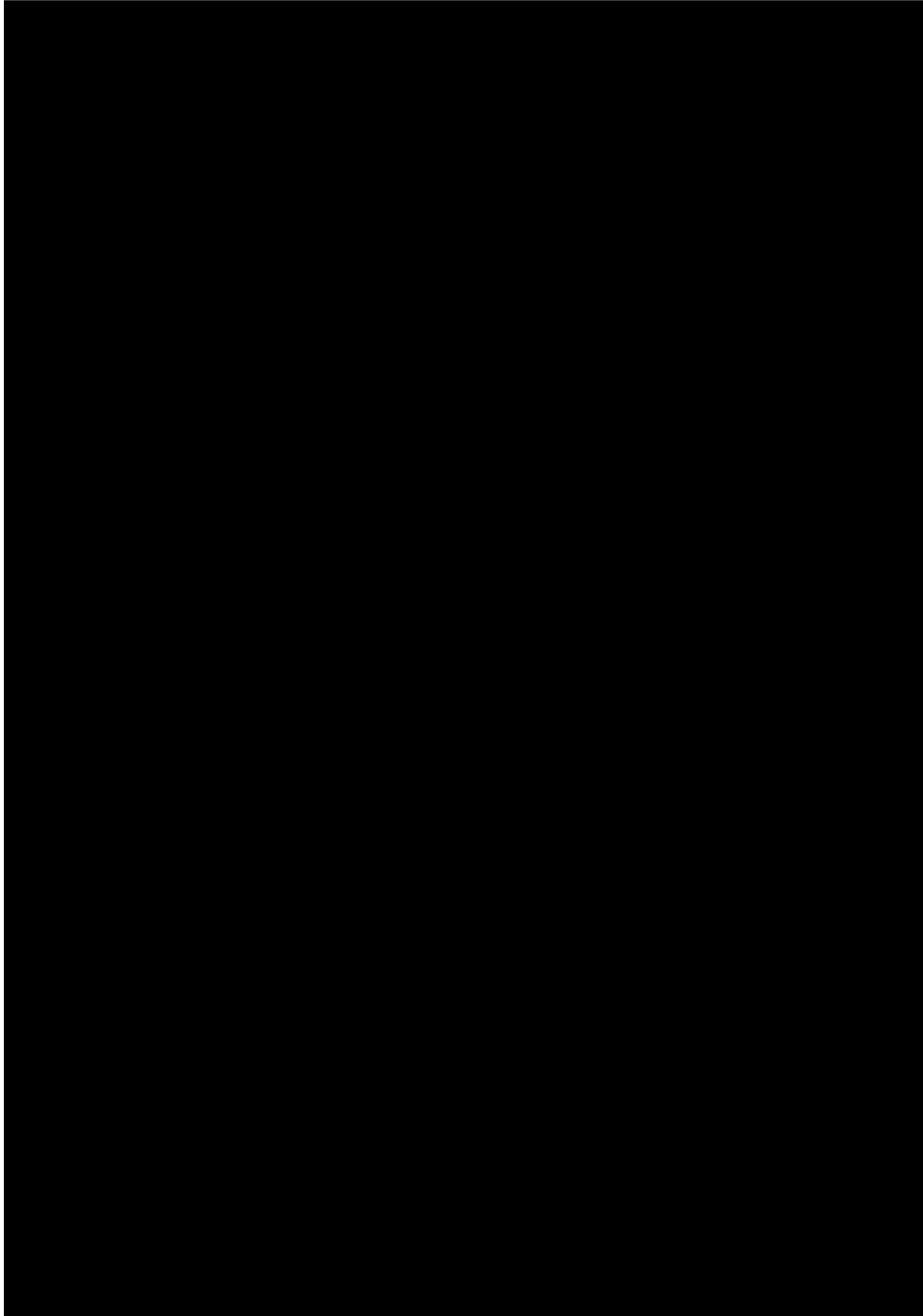


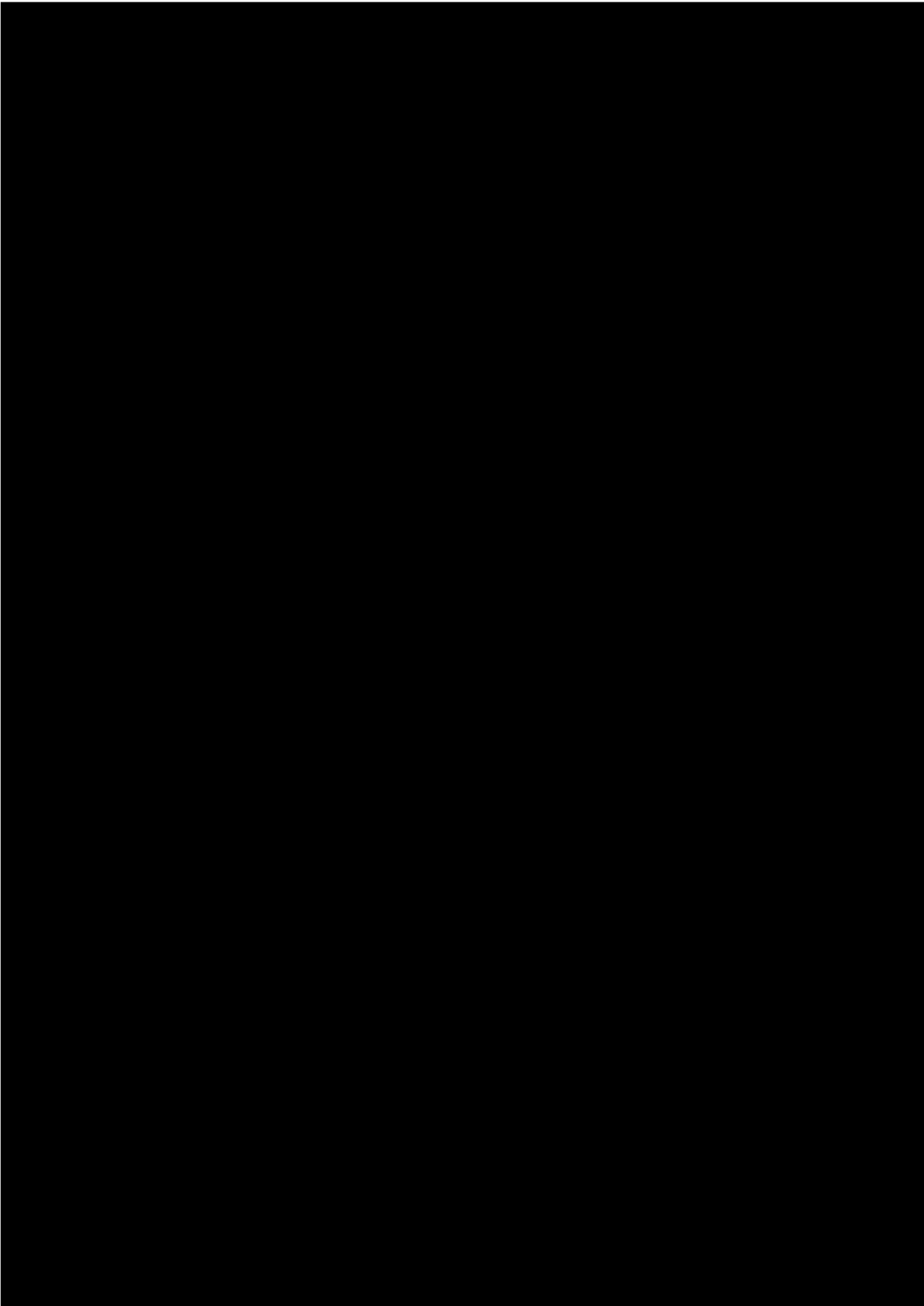
~~(U)~~ Attachment C

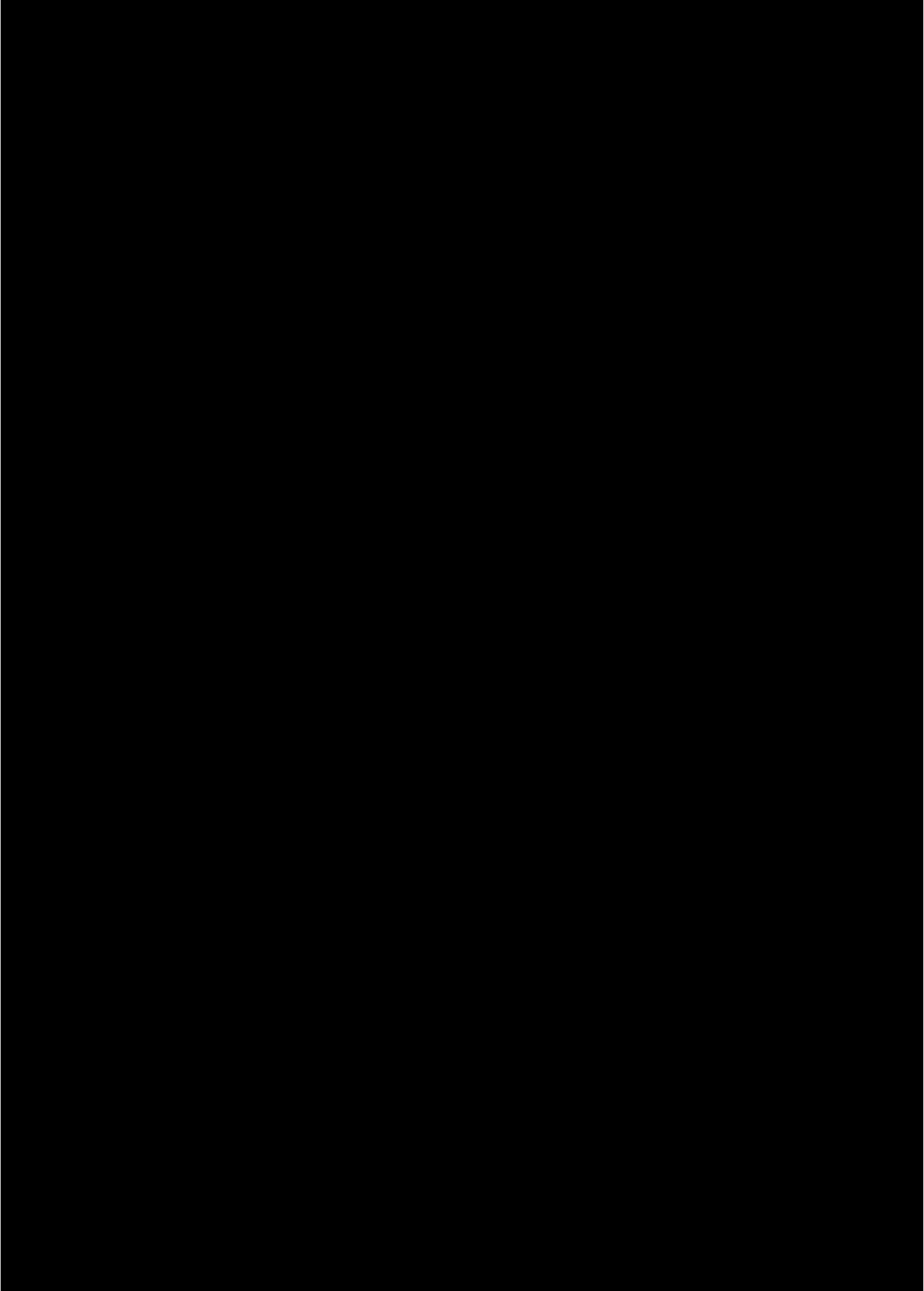


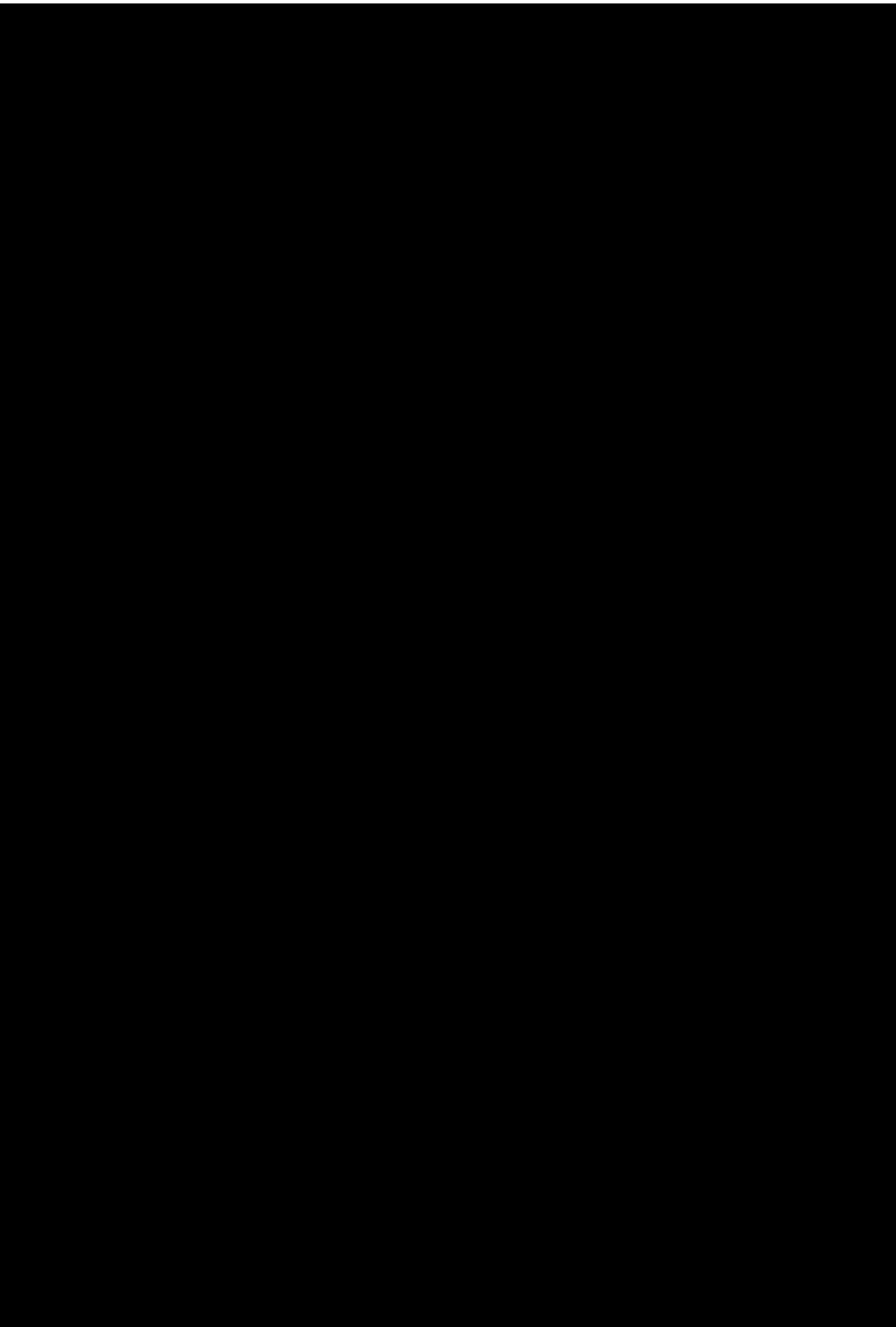


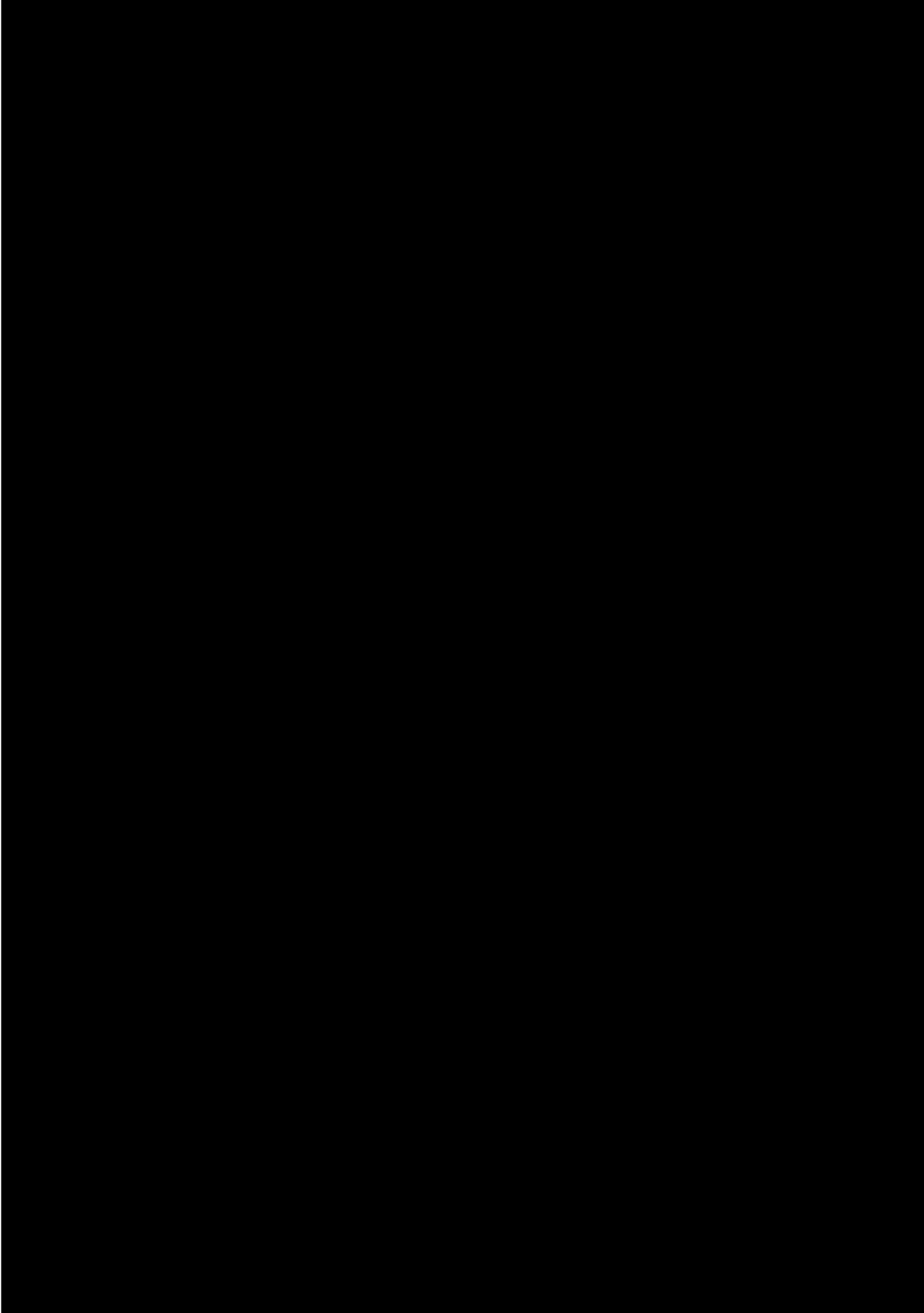


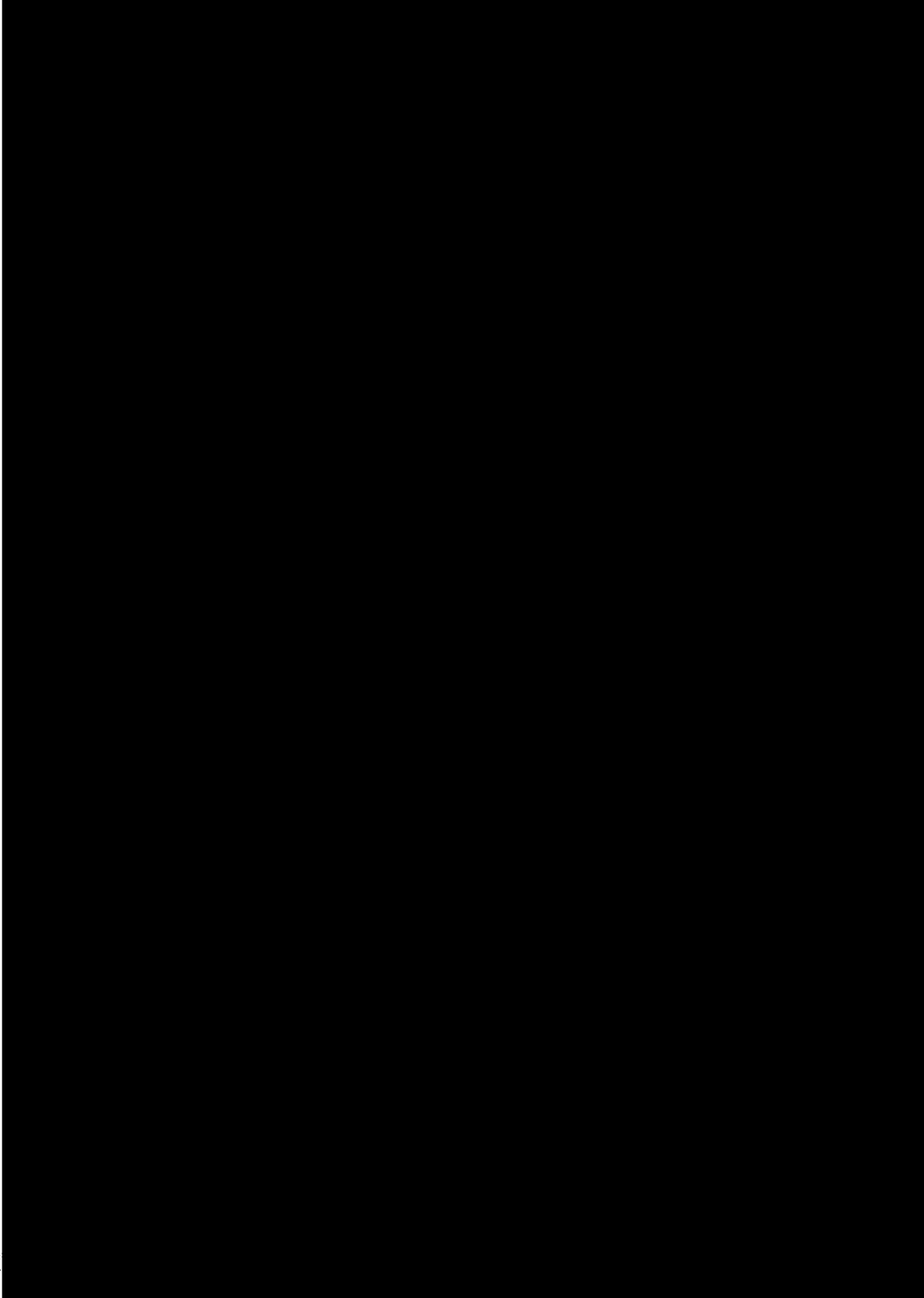


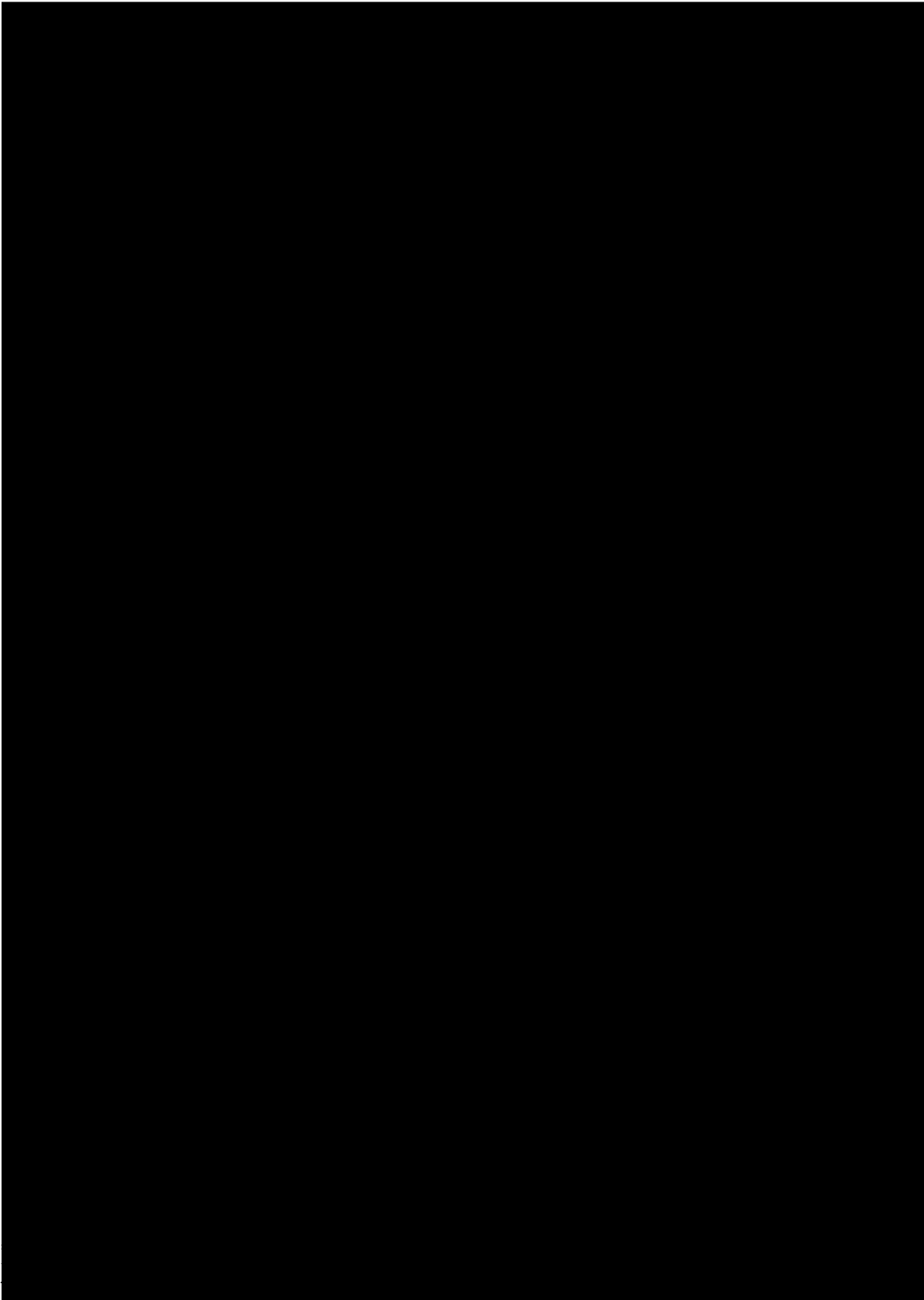


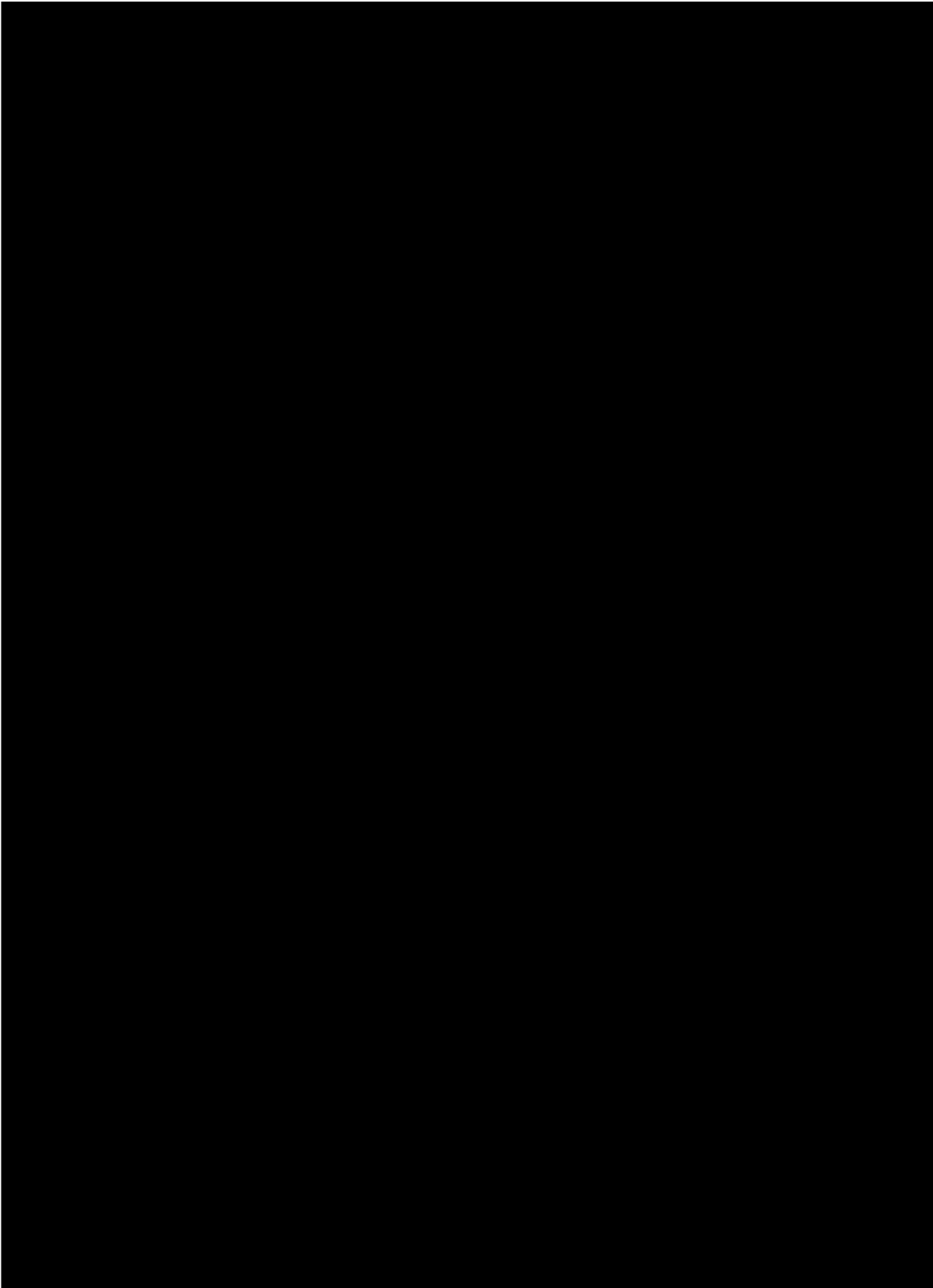


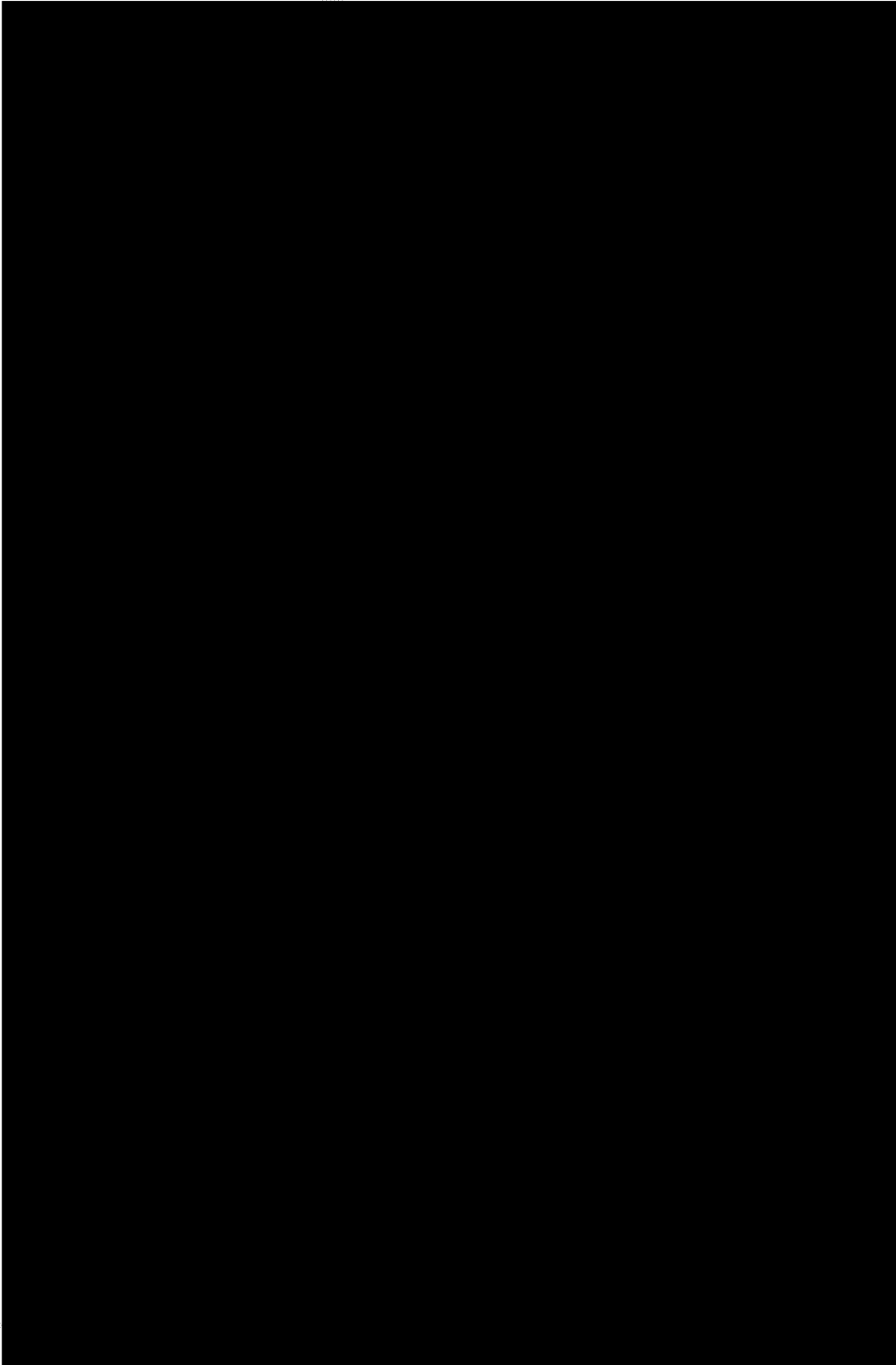


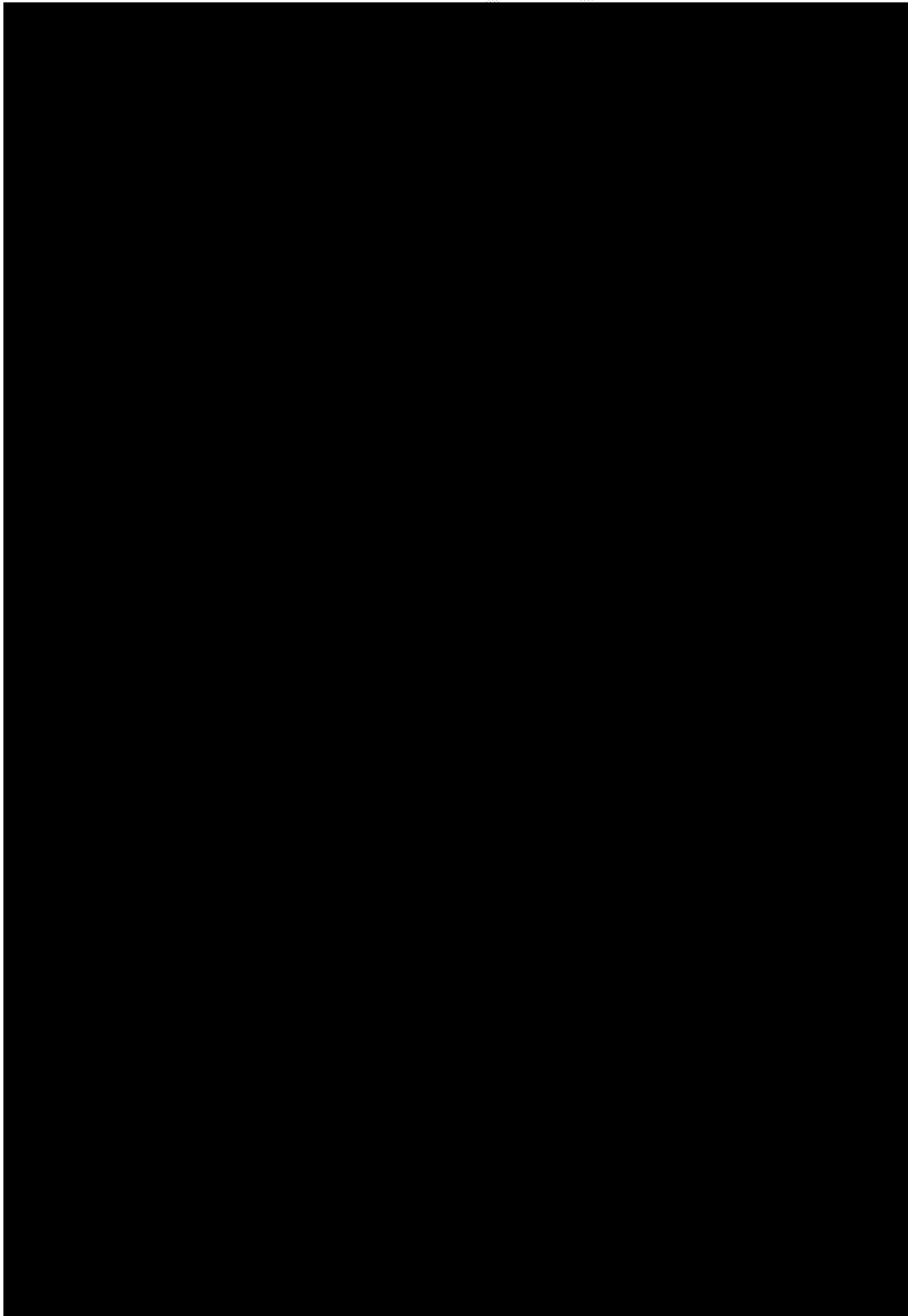


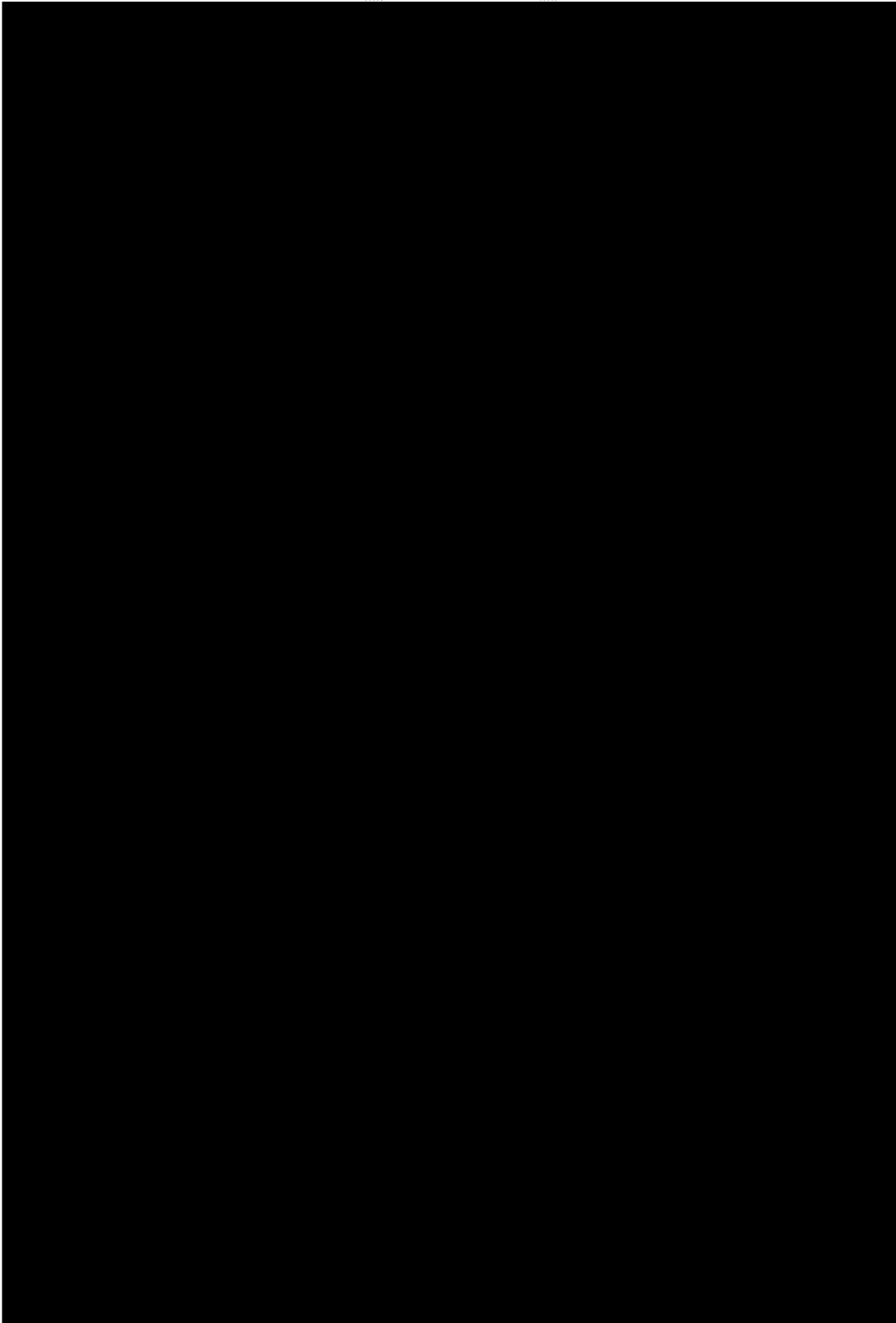


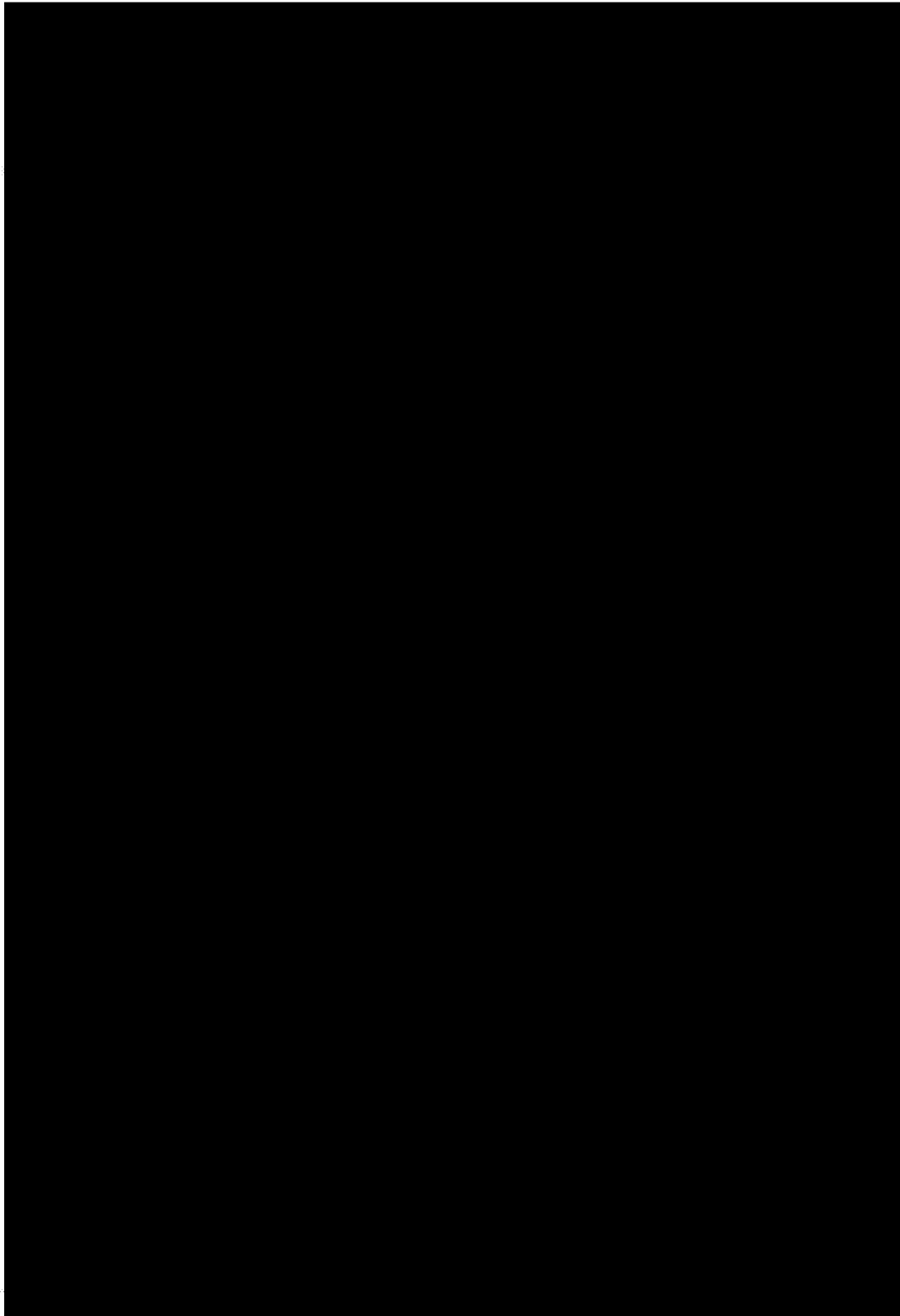


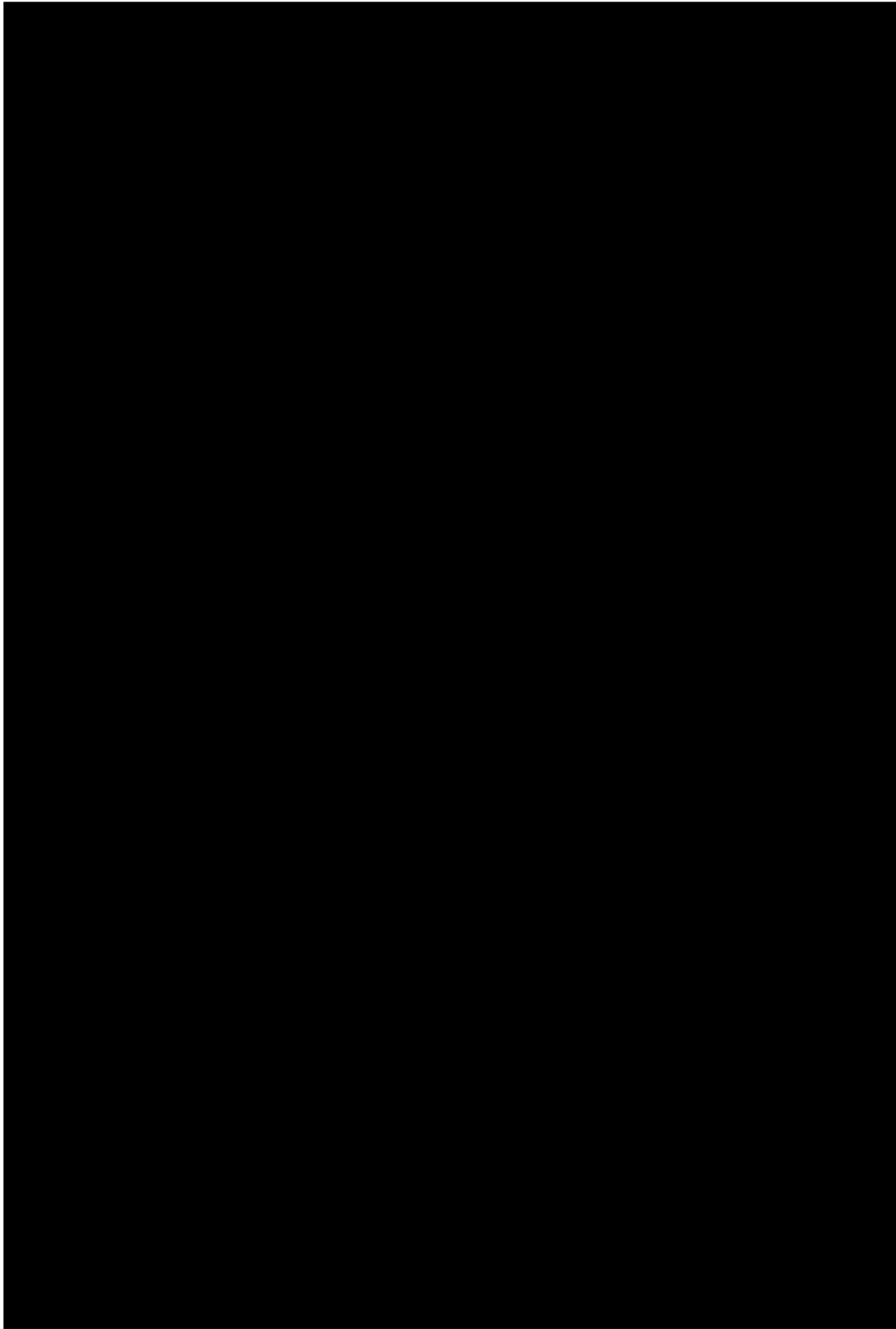


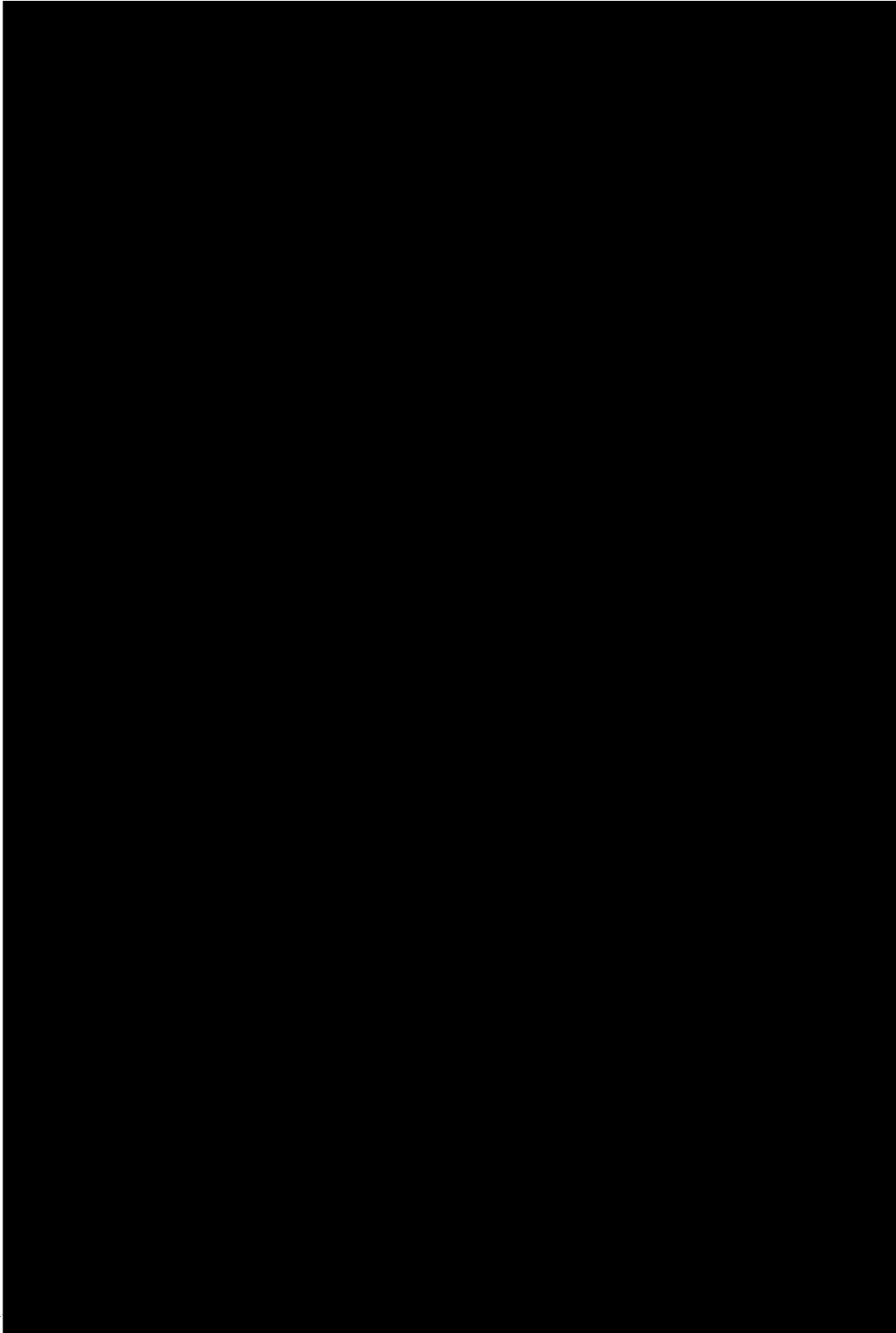


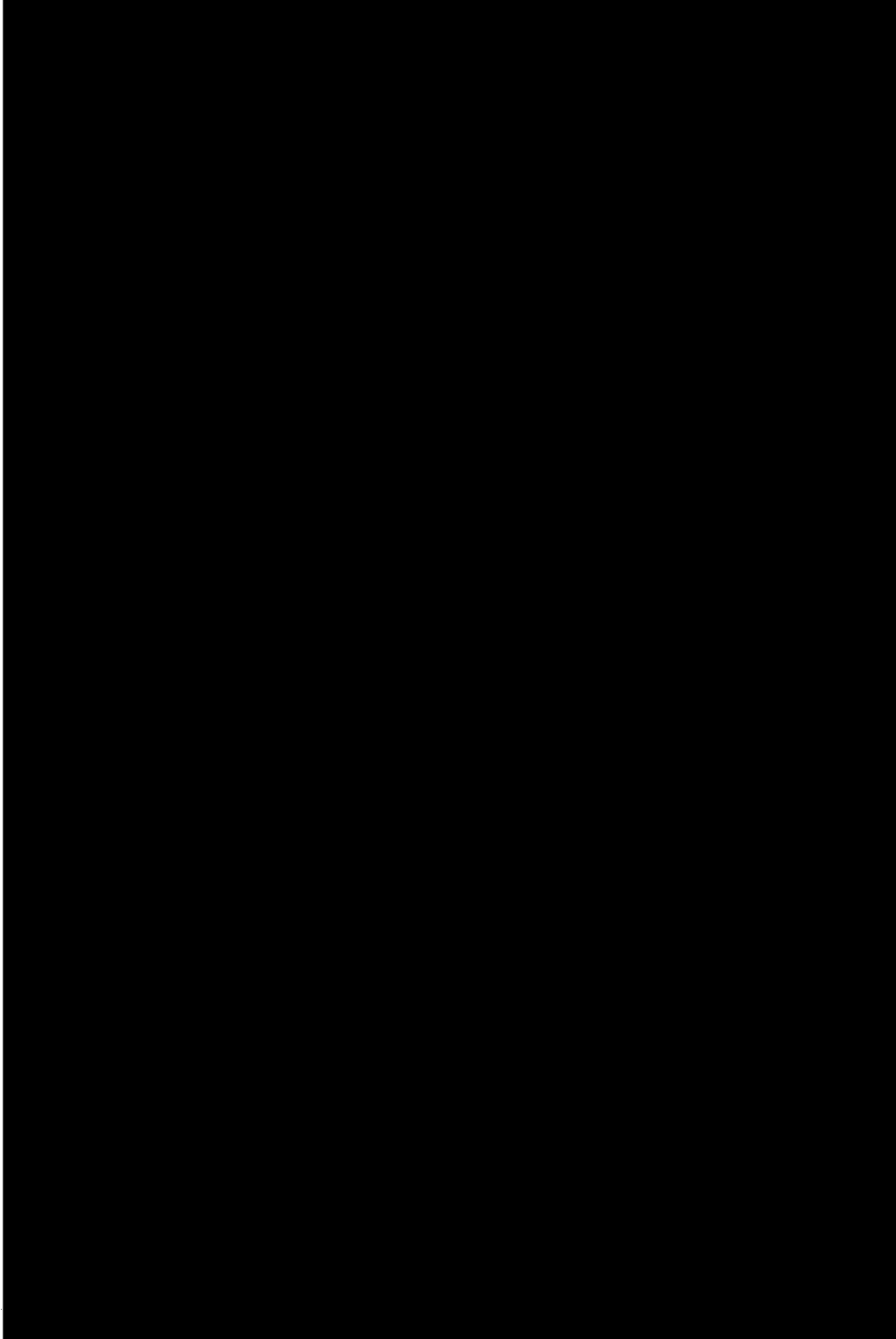


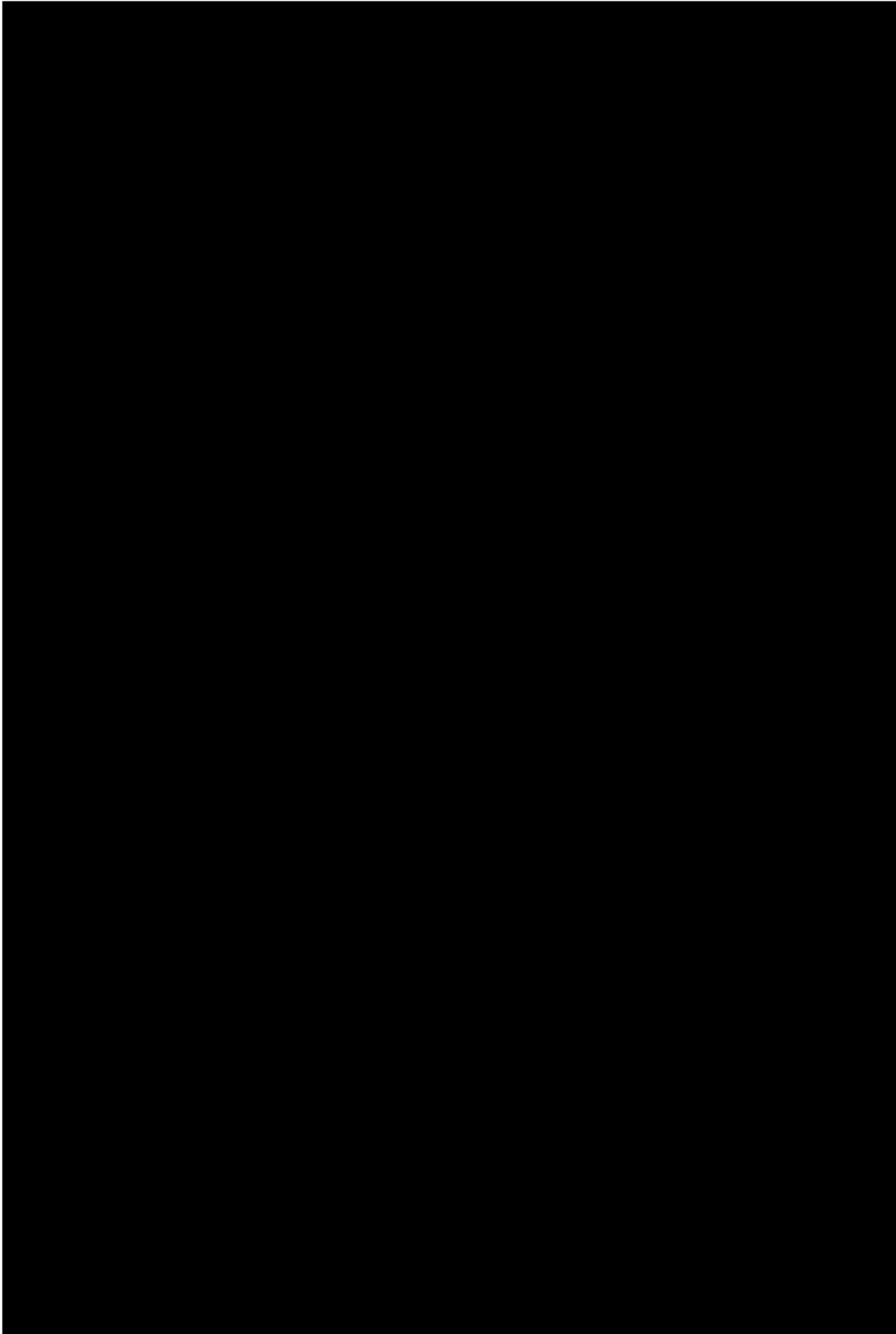


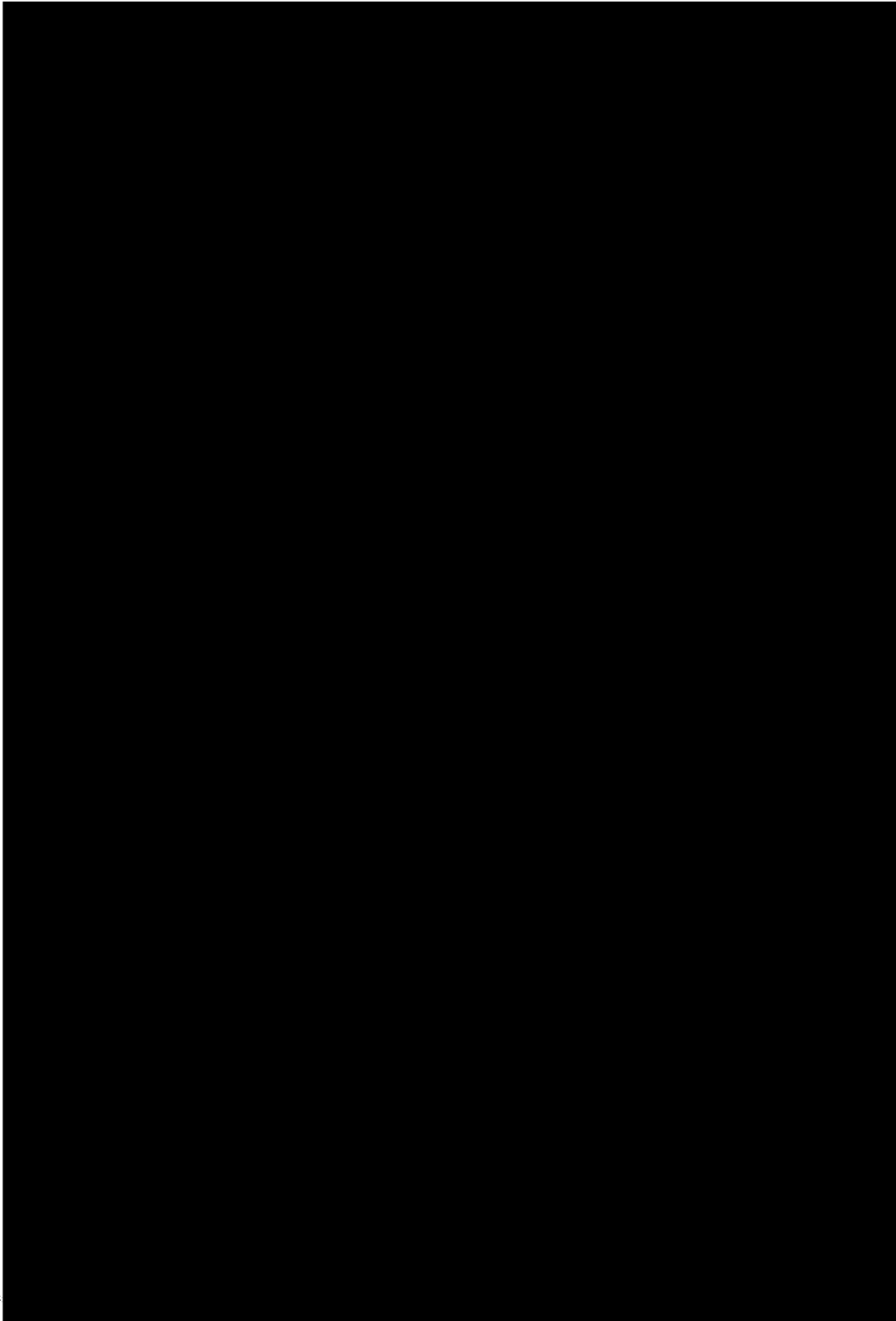


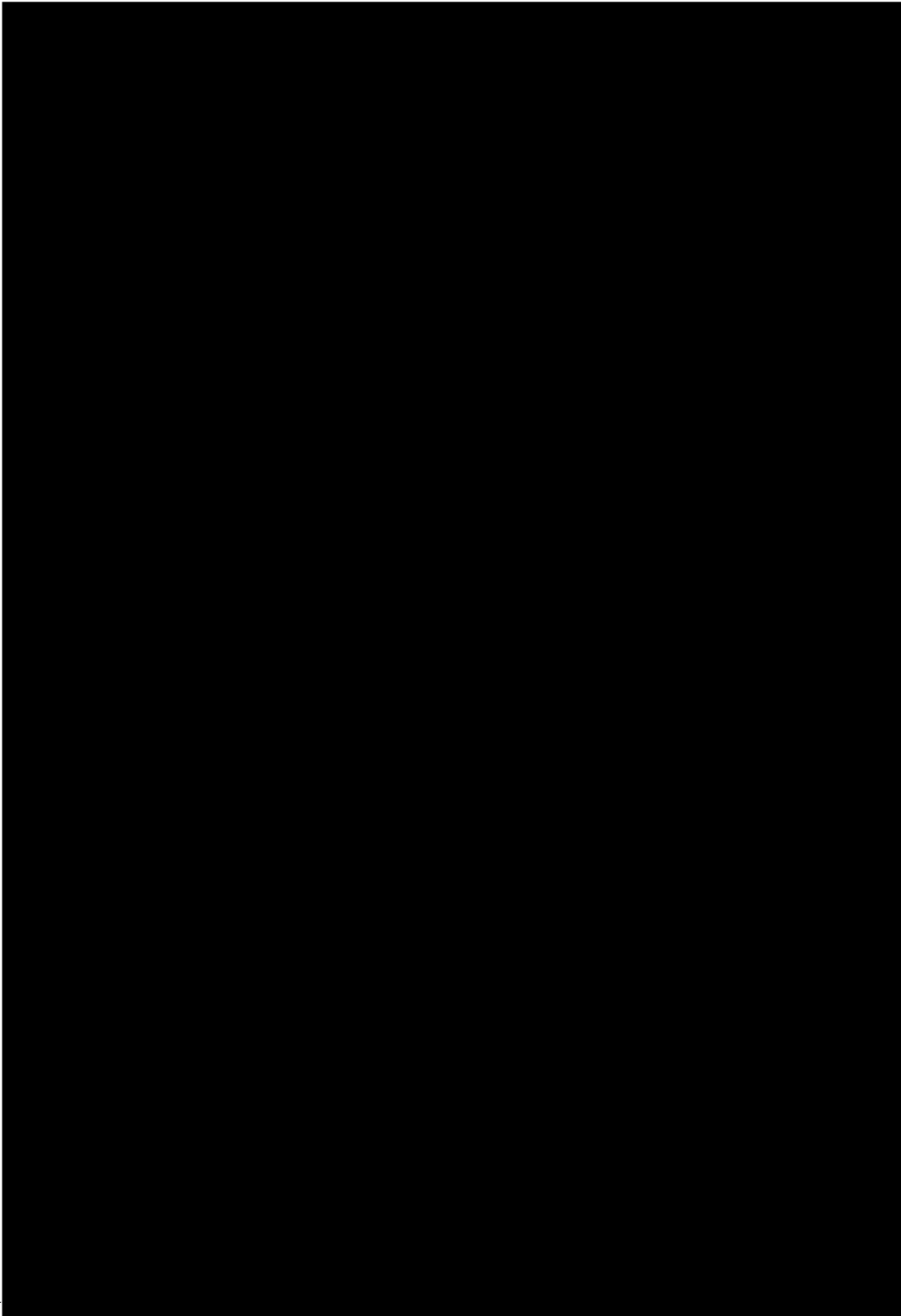


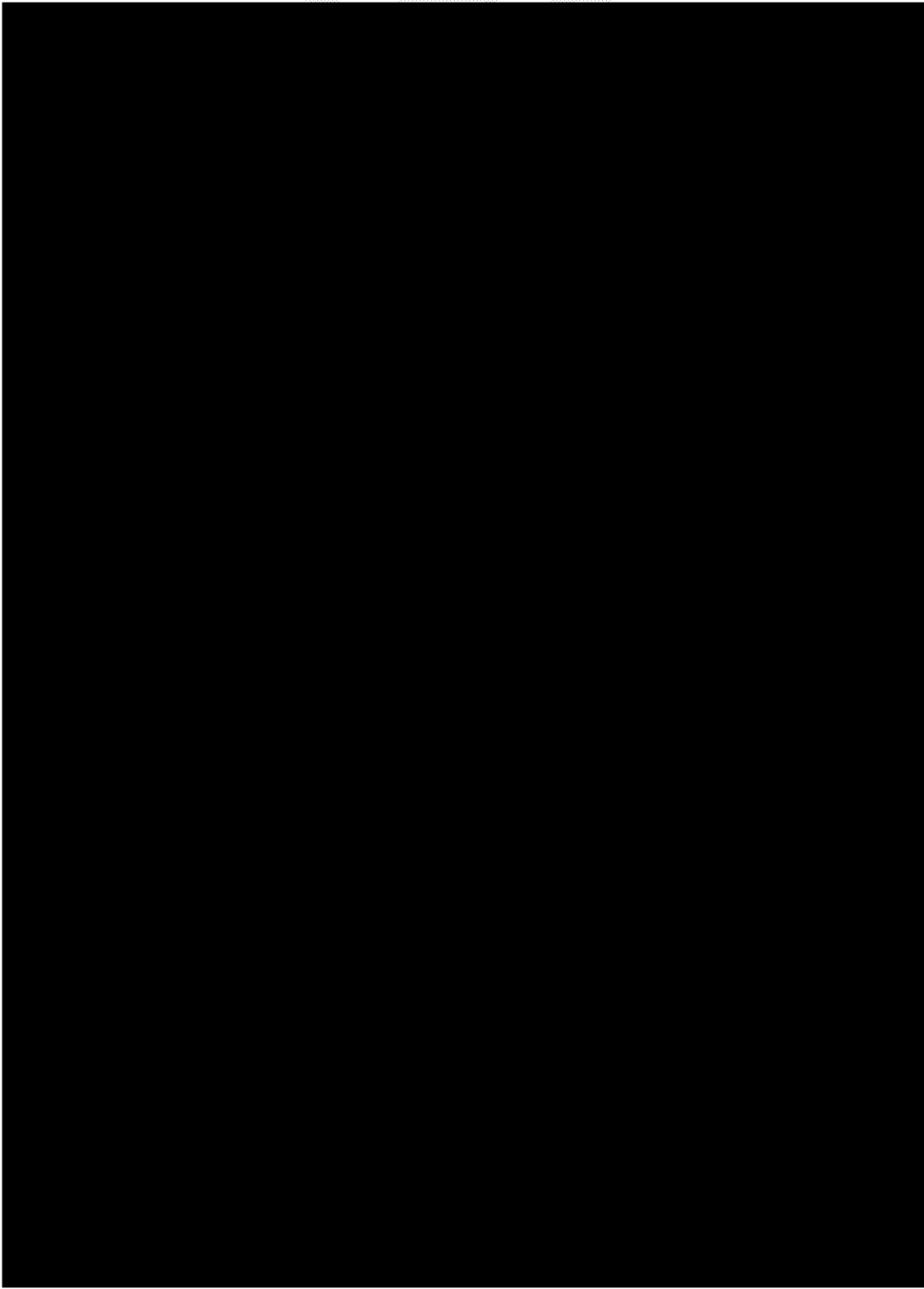


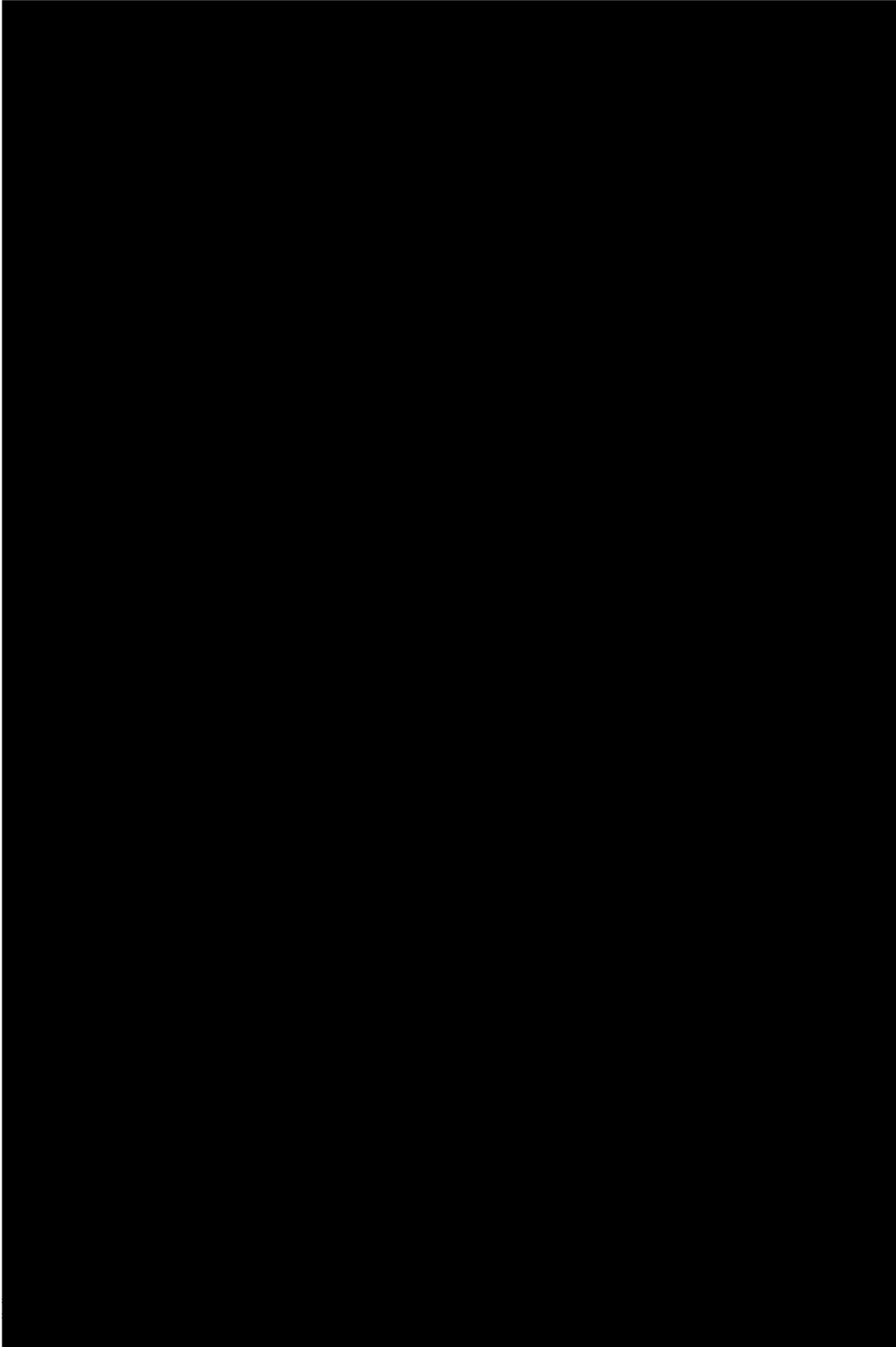


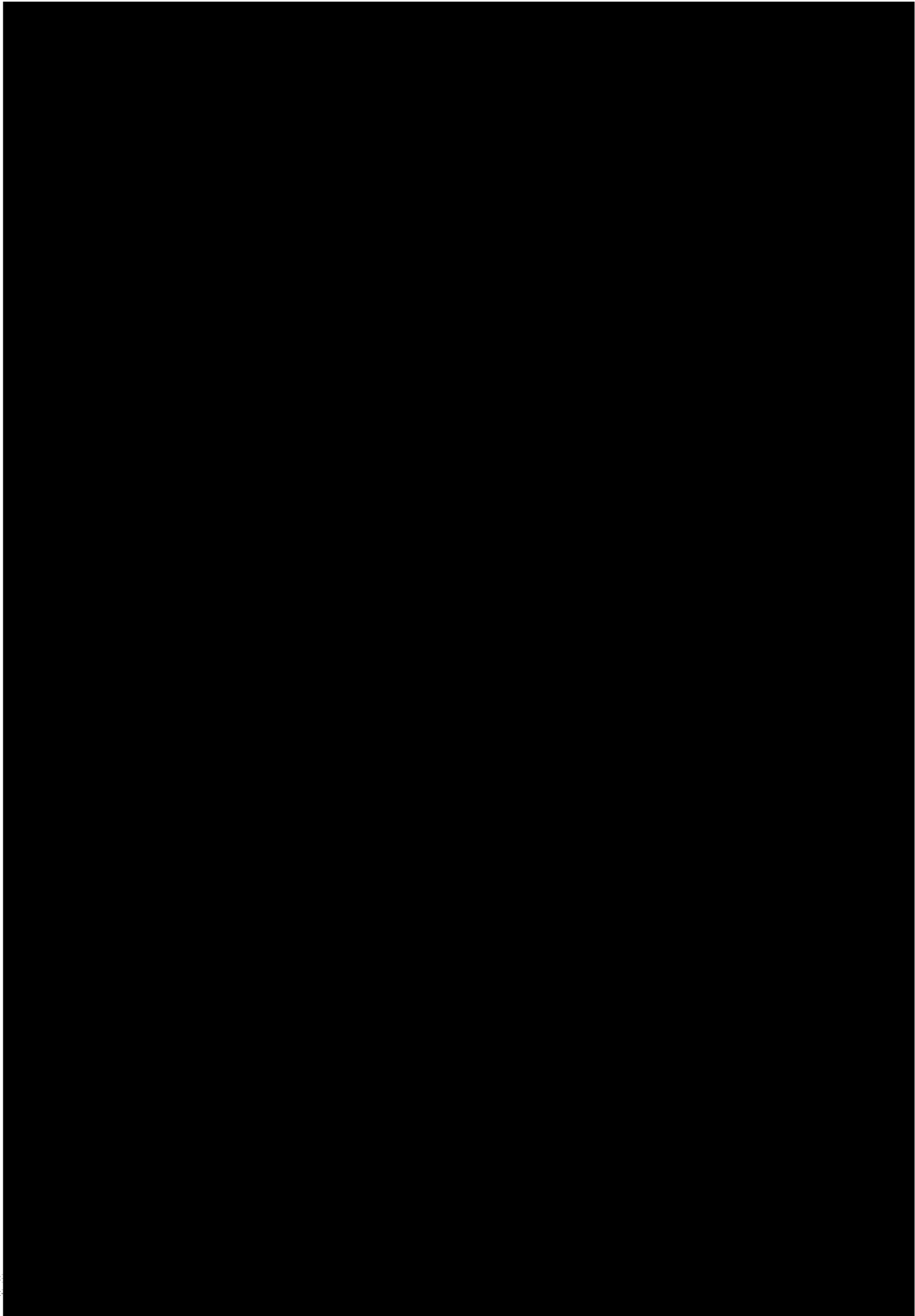


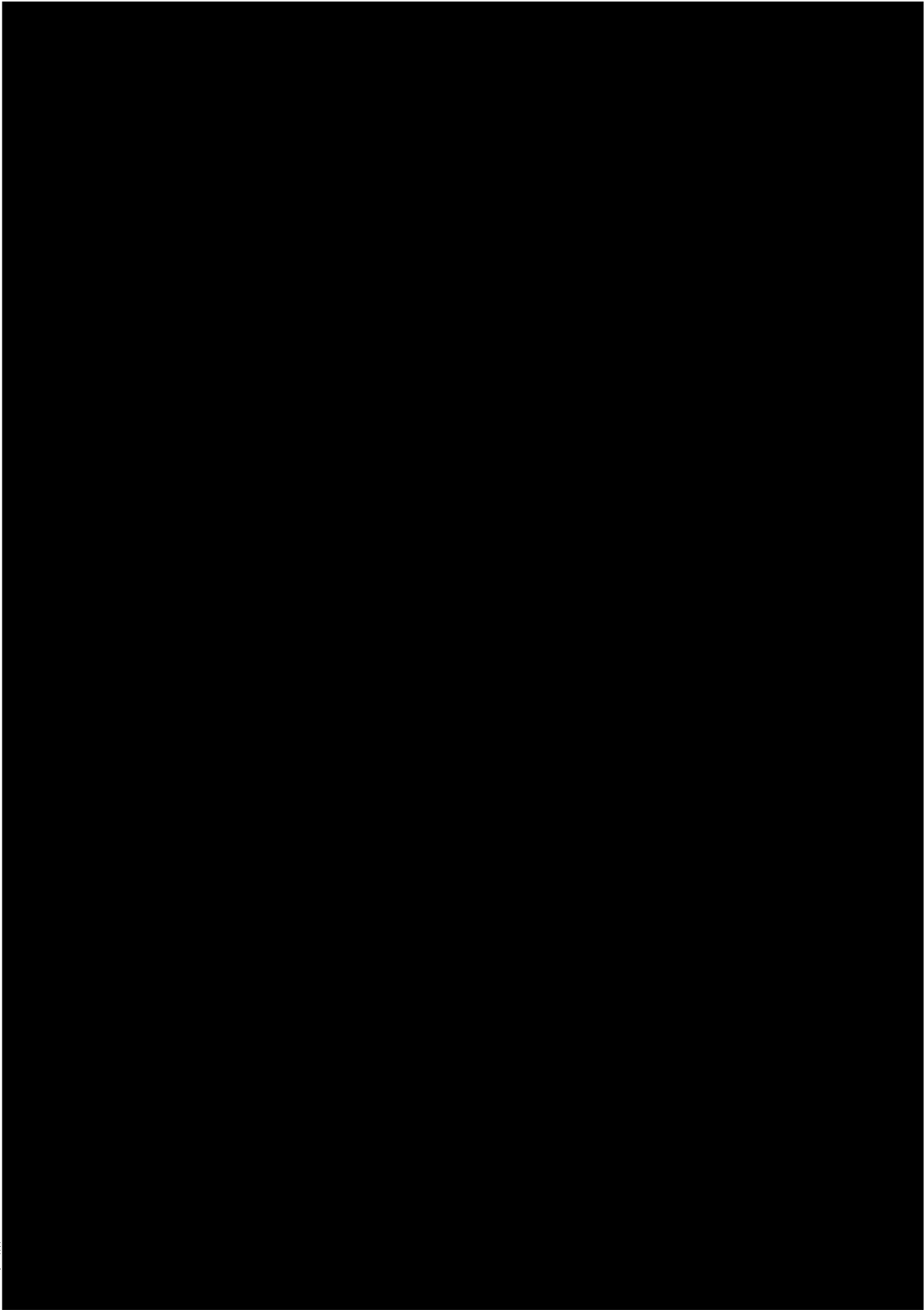


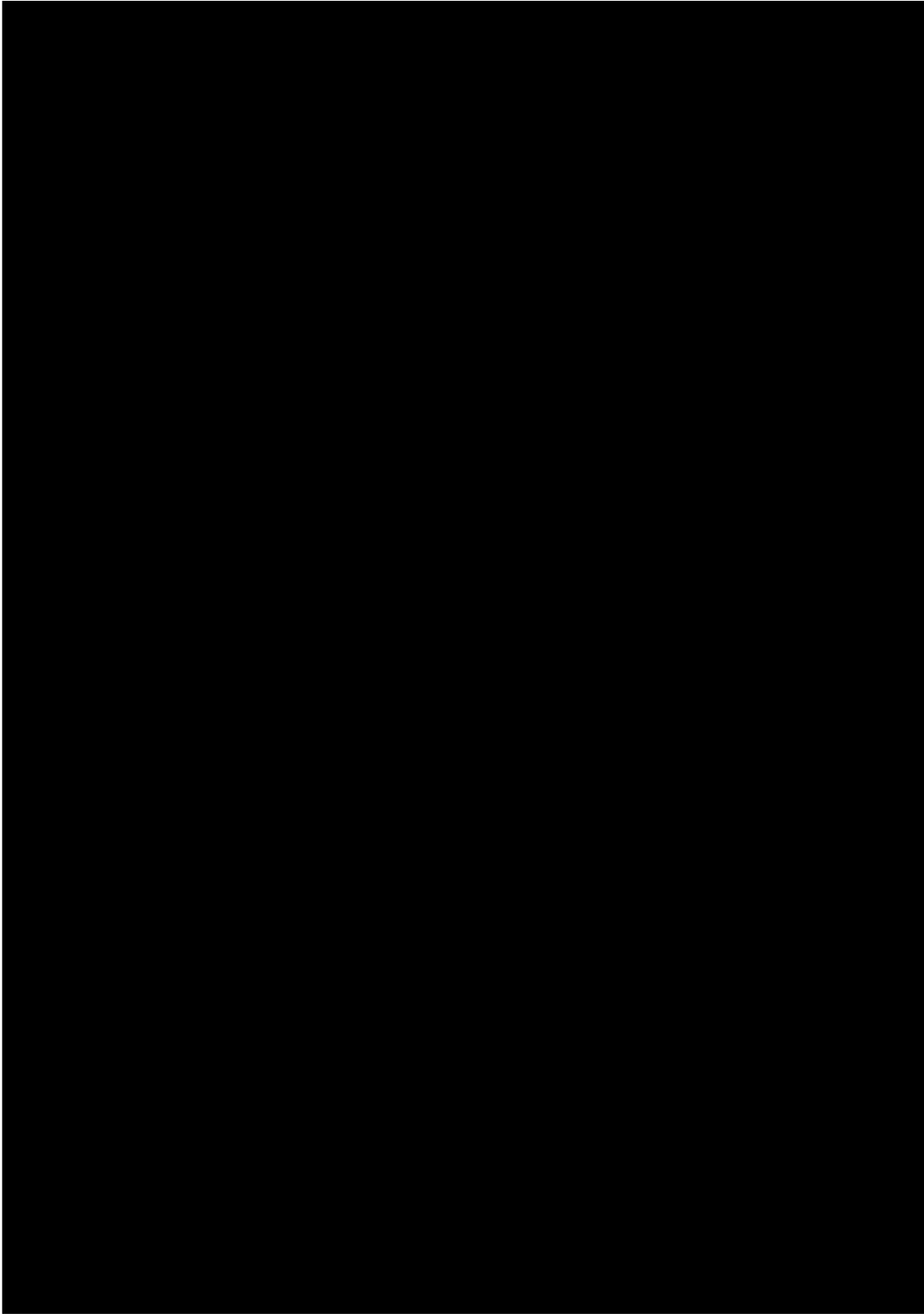


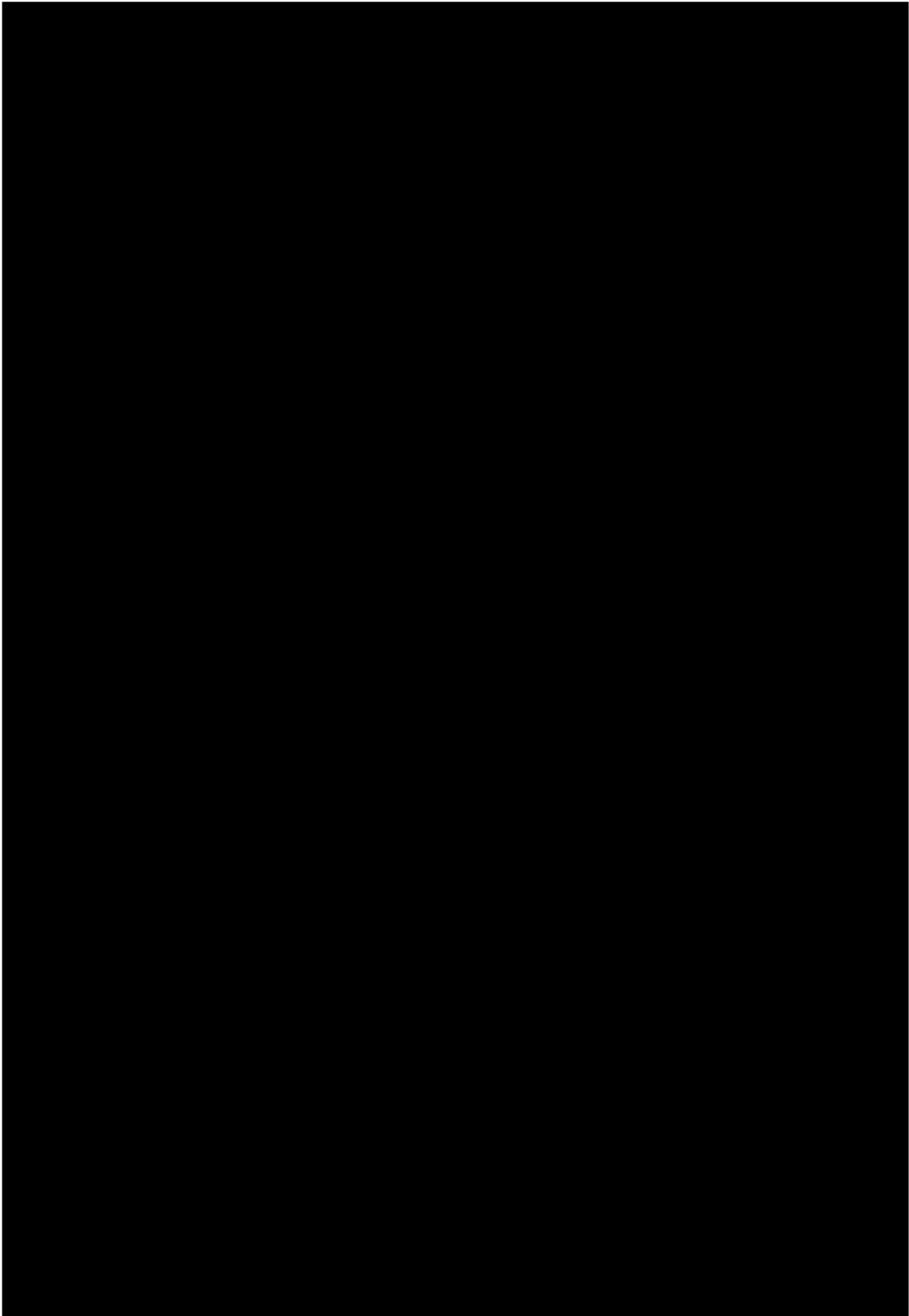


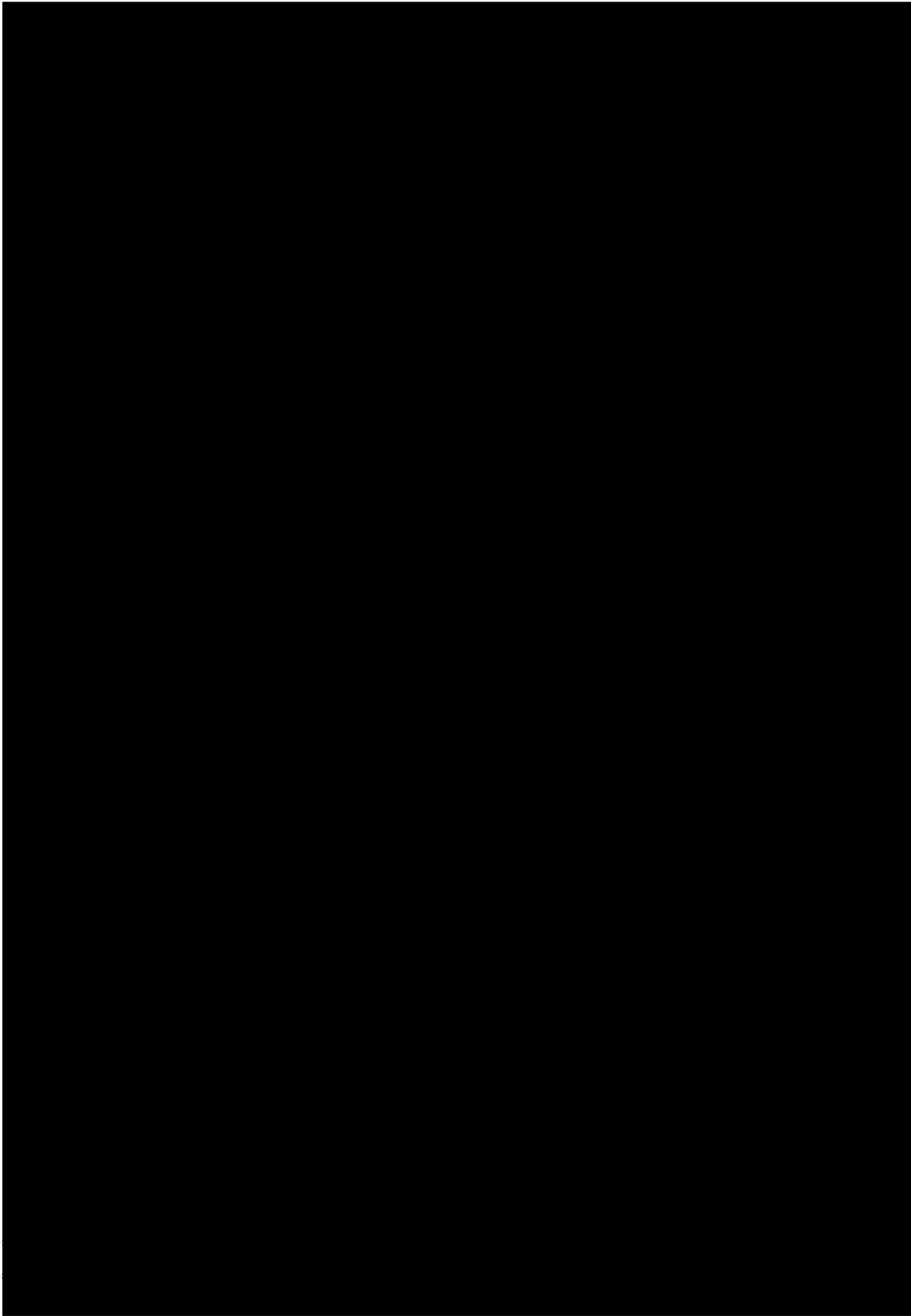


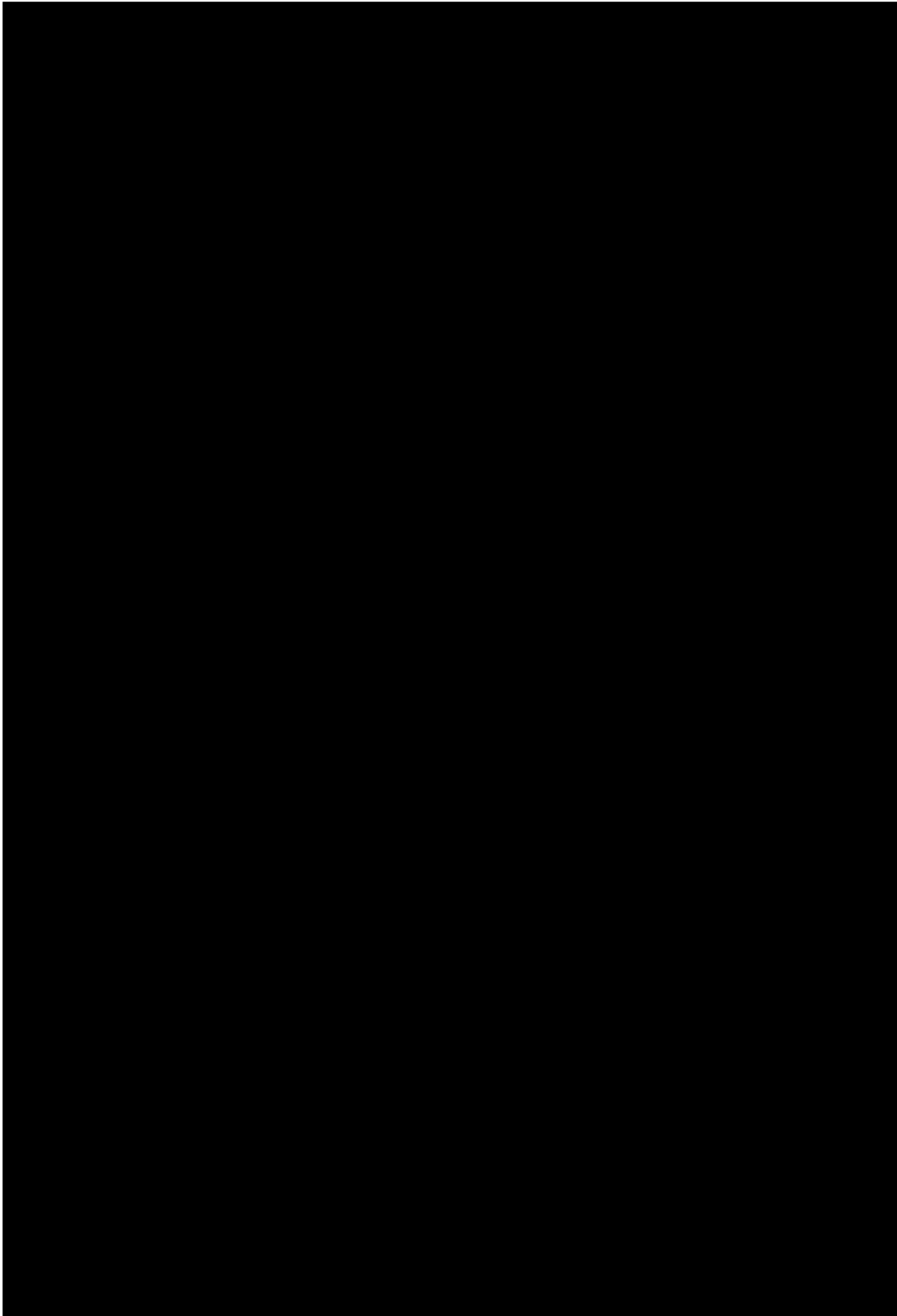


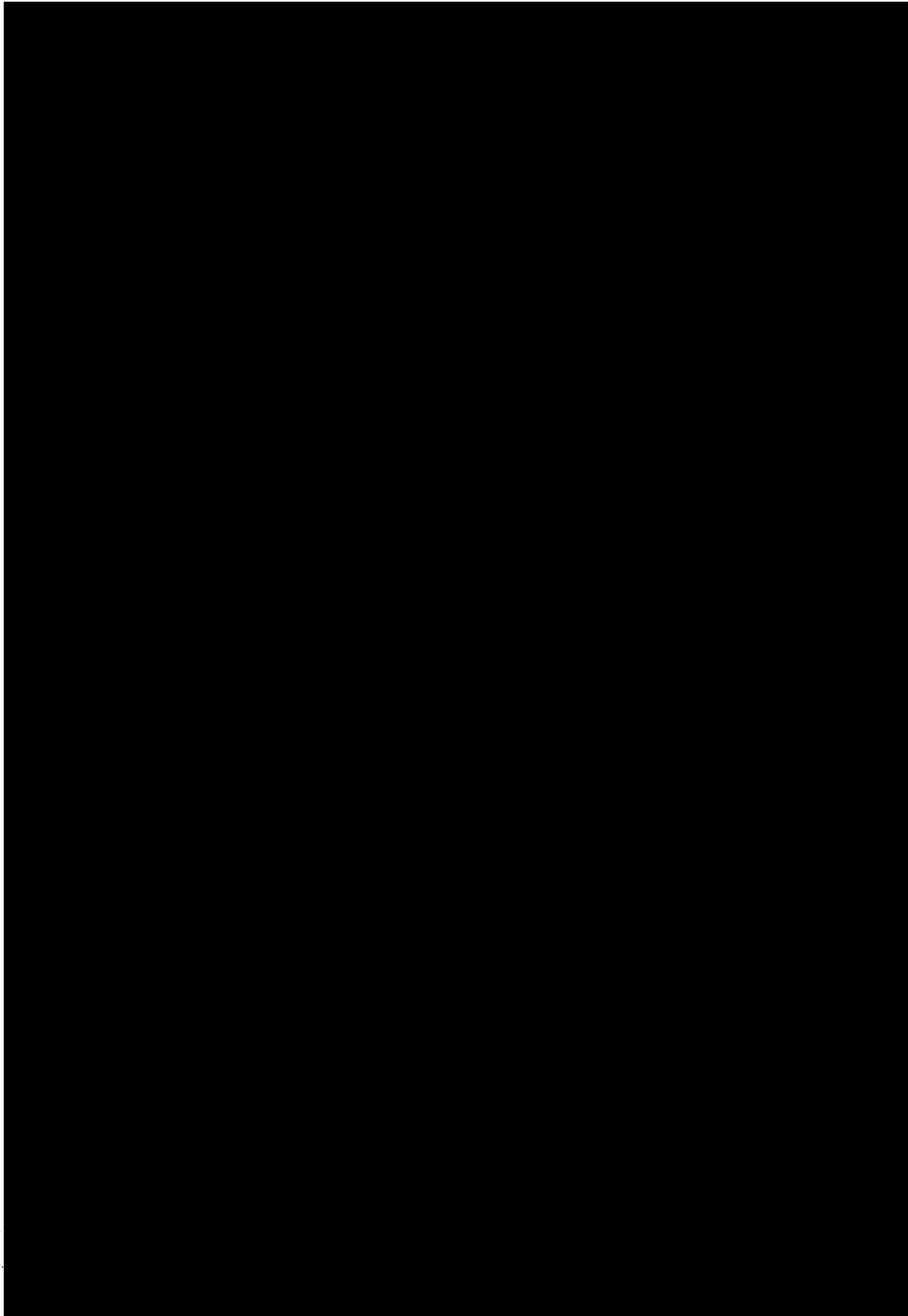


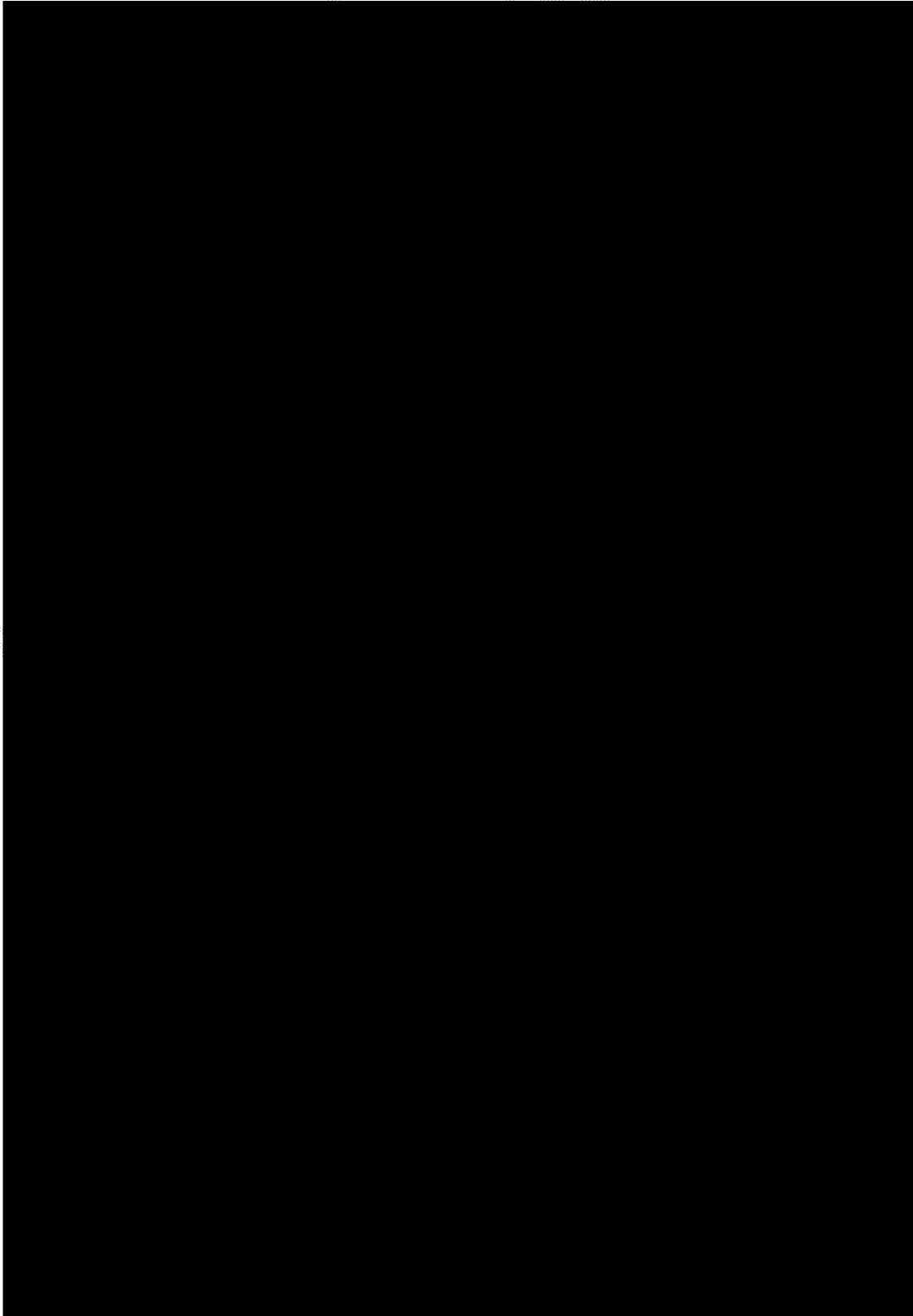


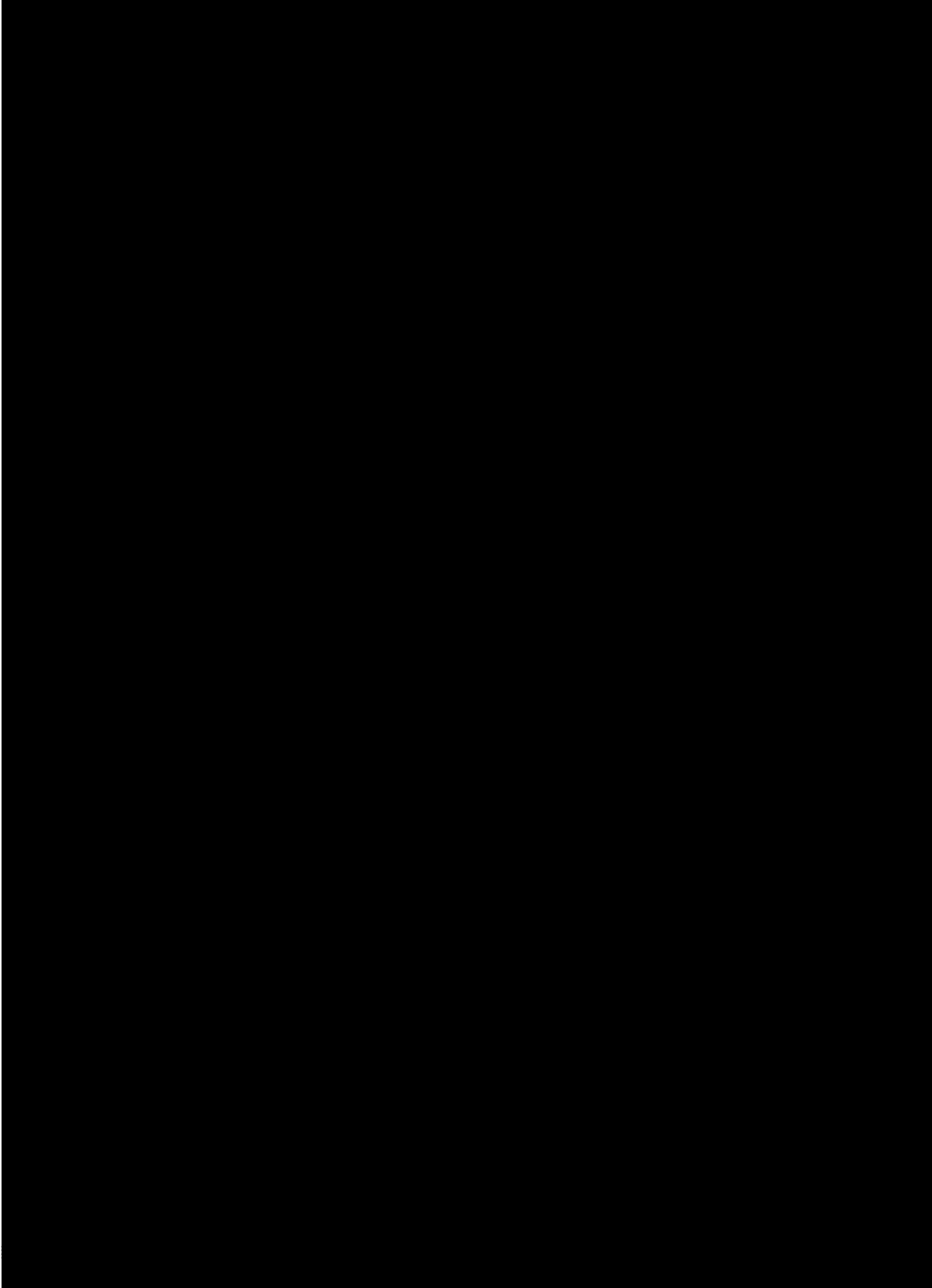


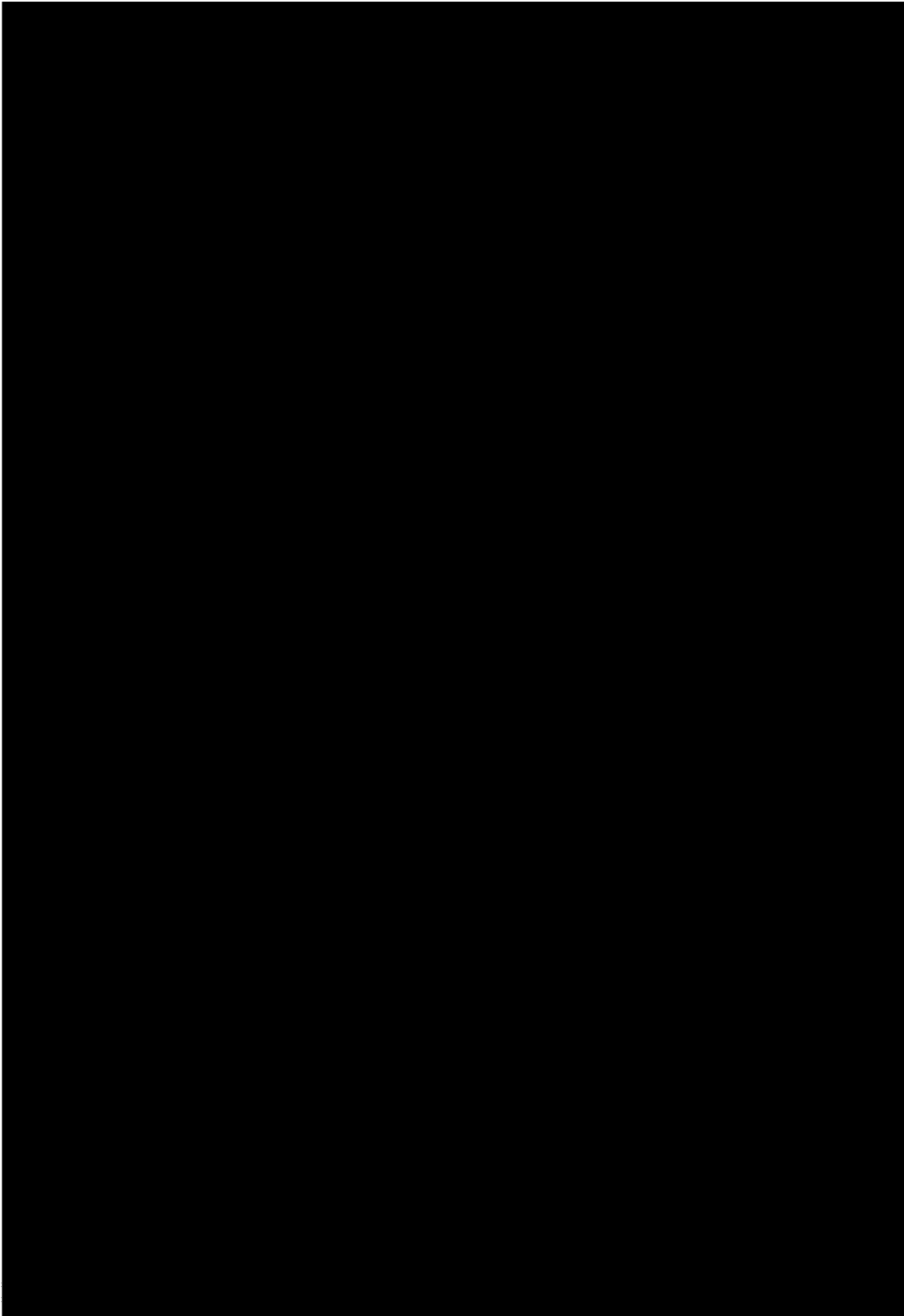




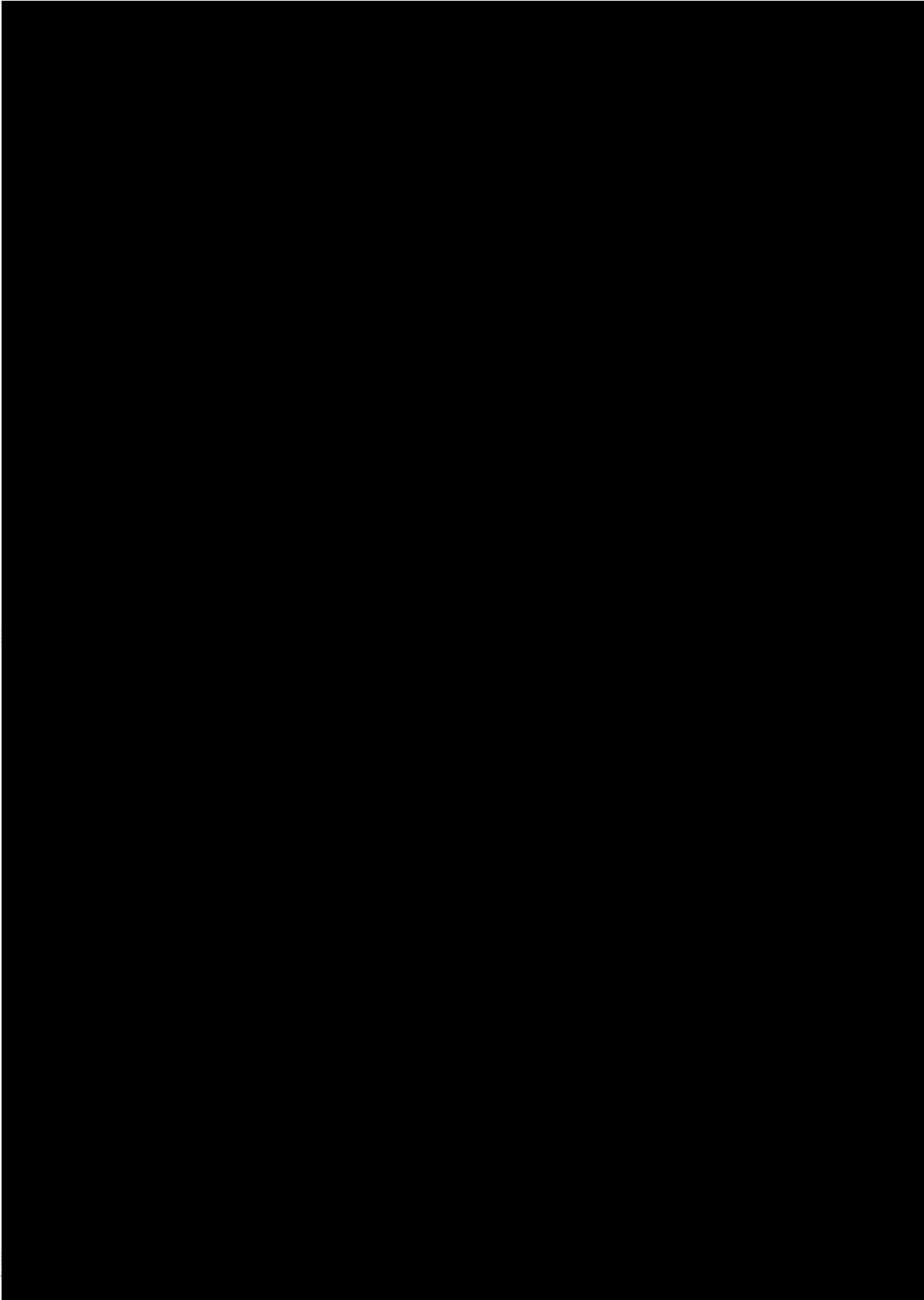


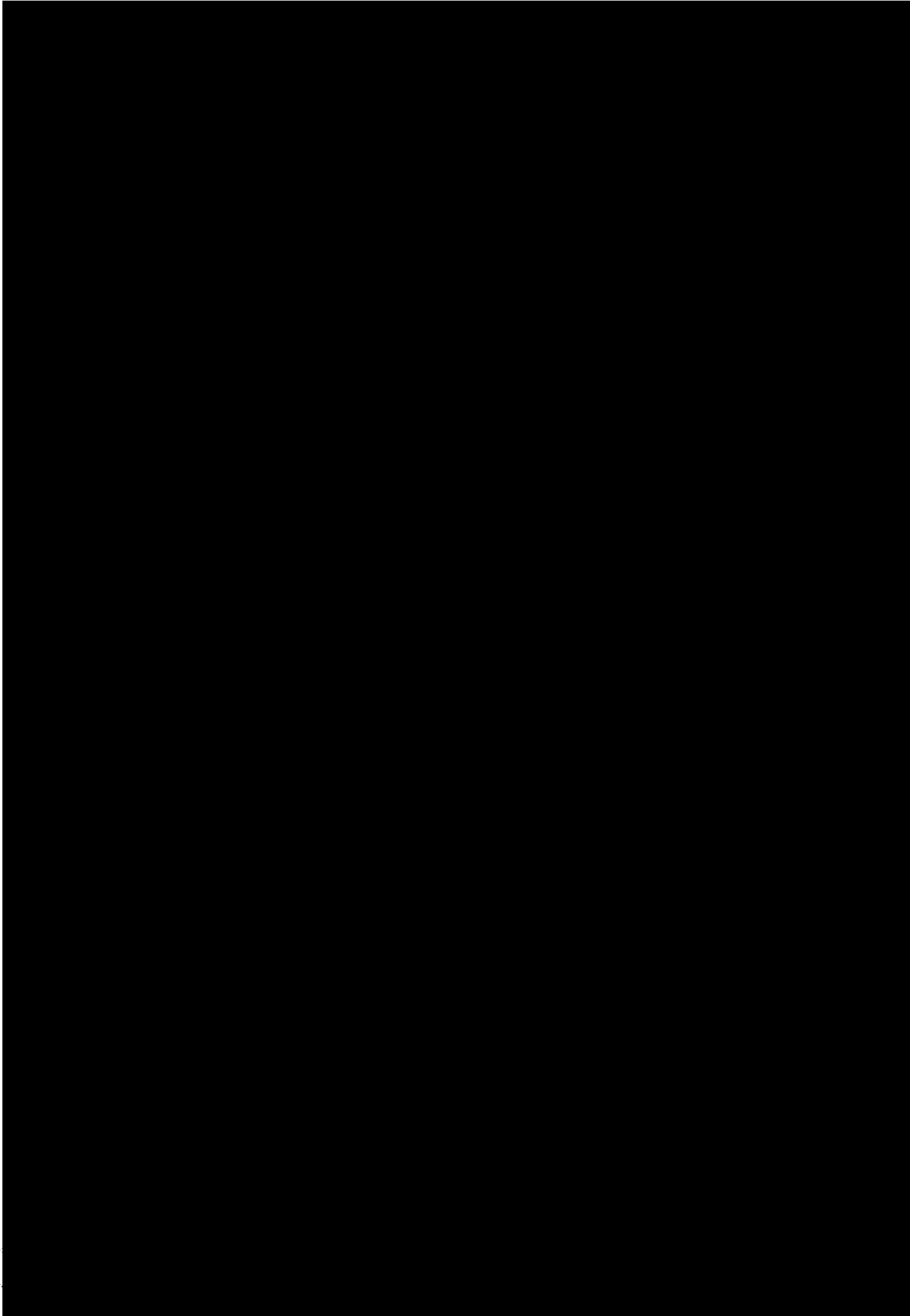




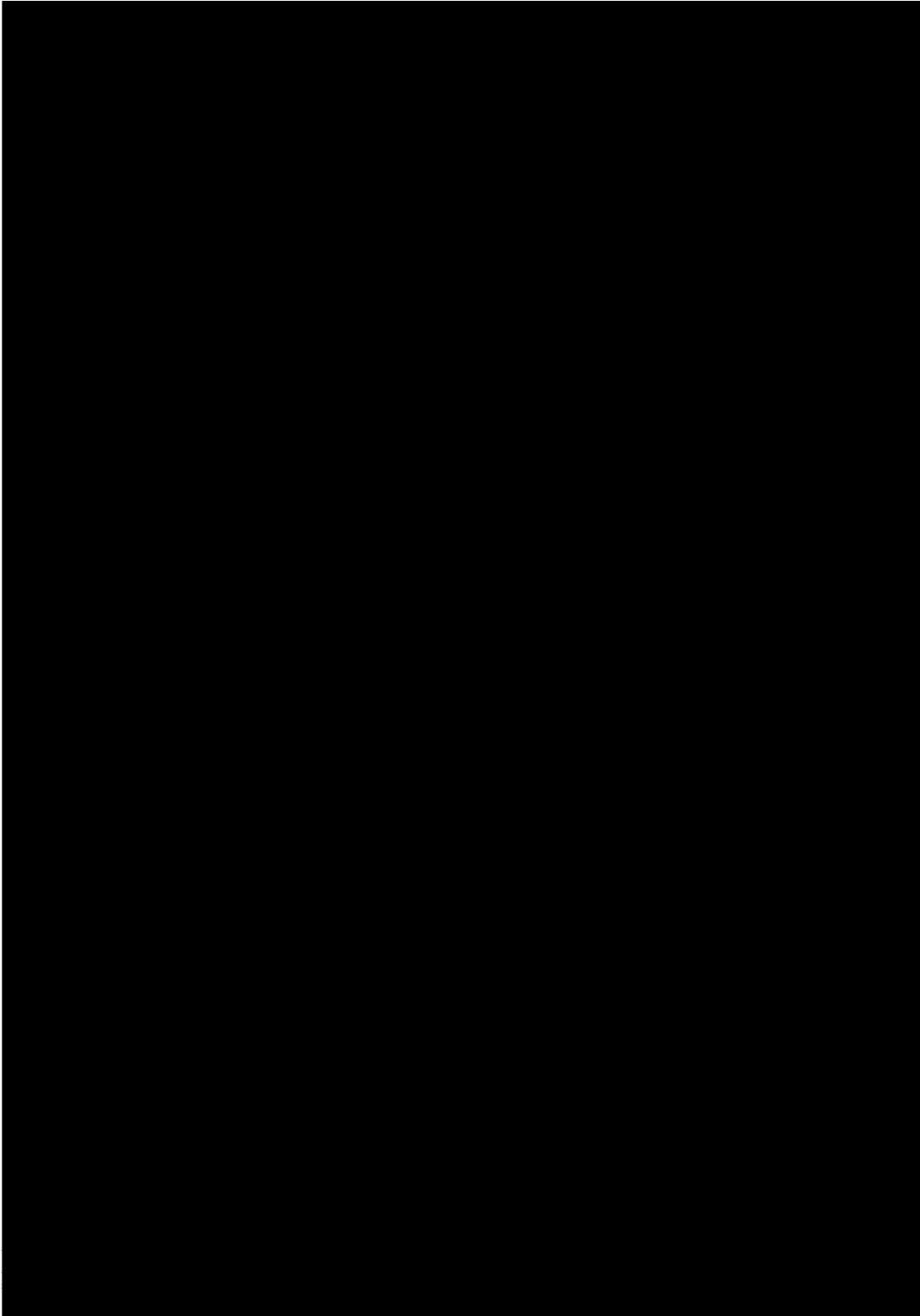


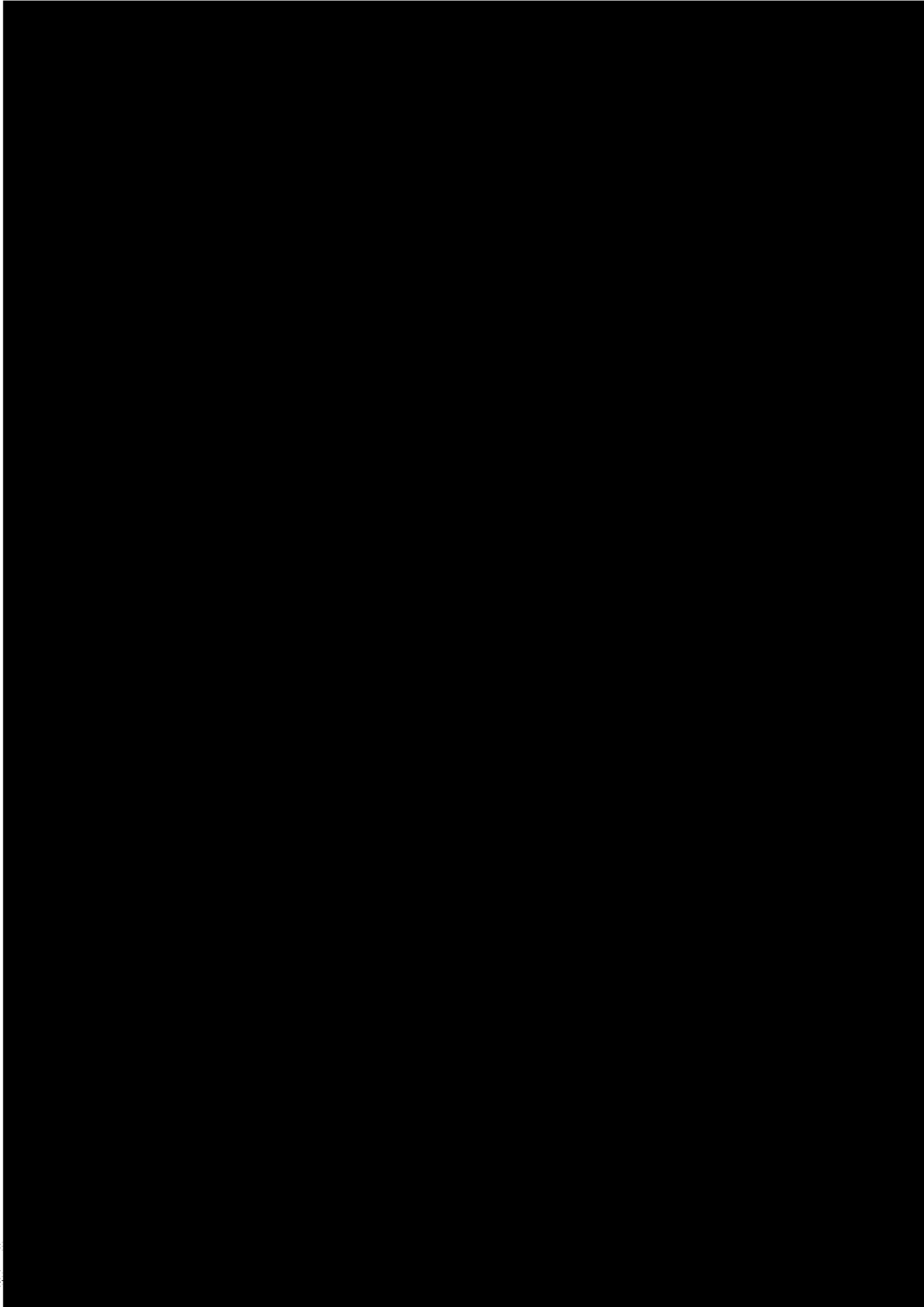
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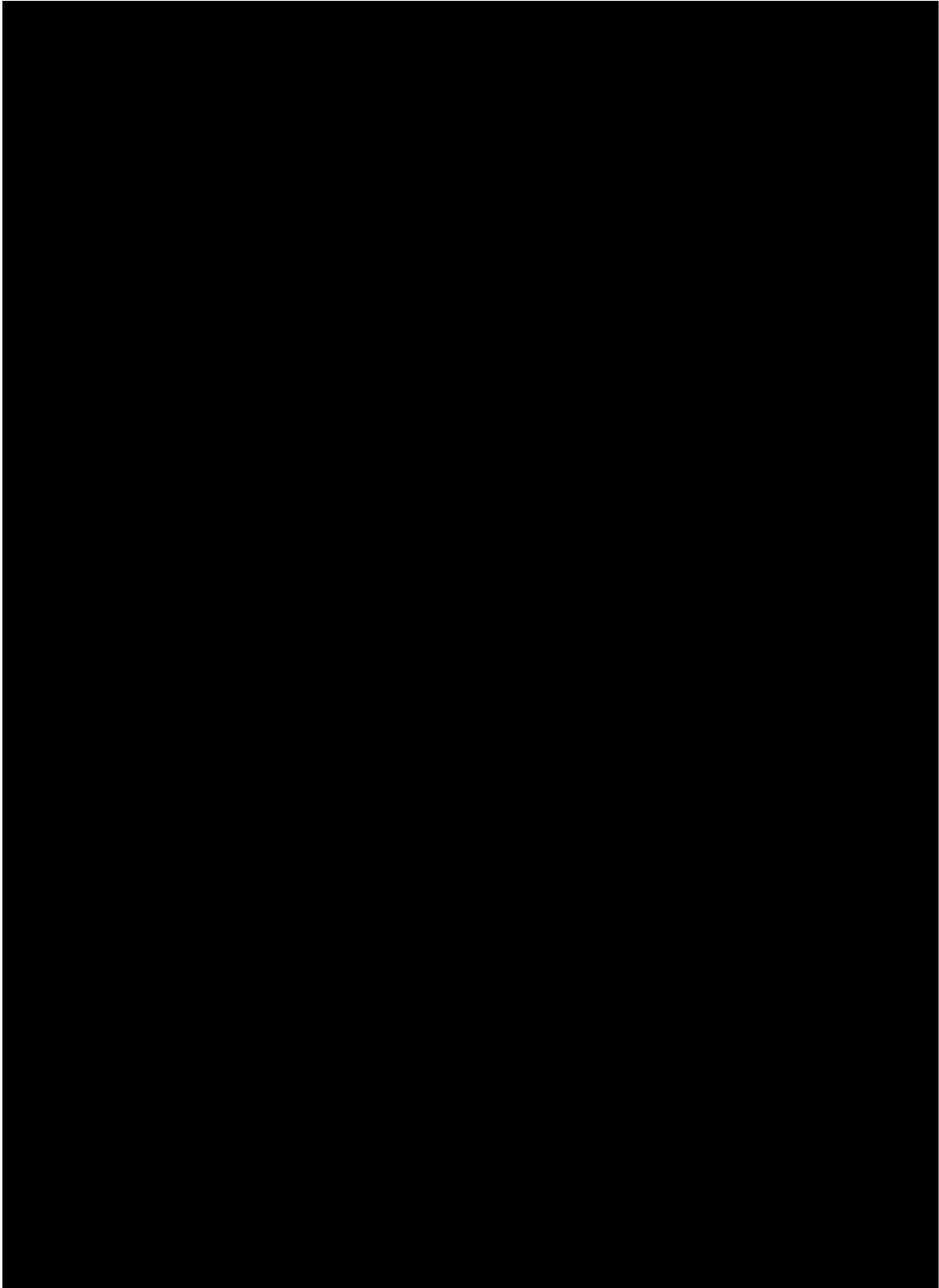


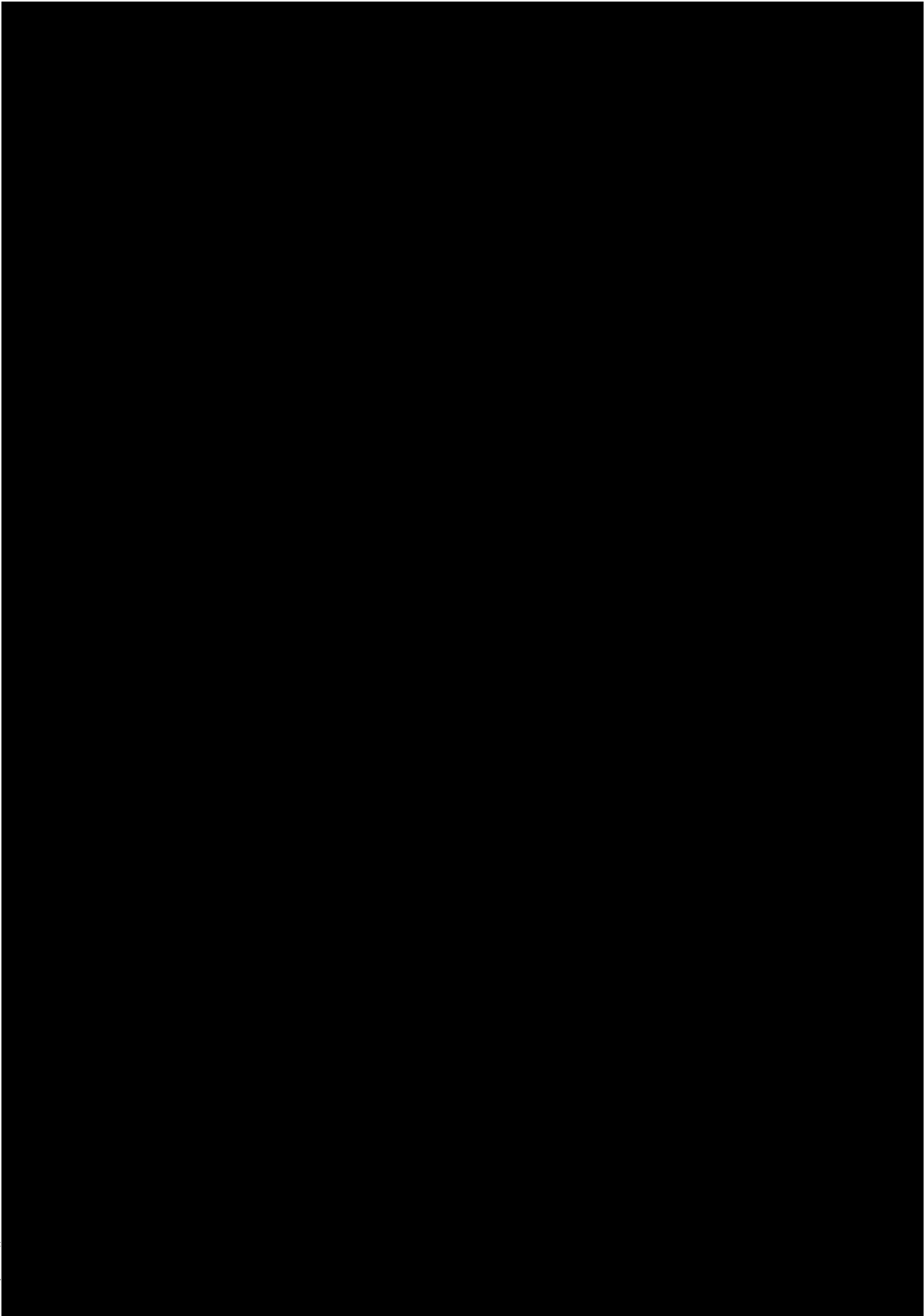


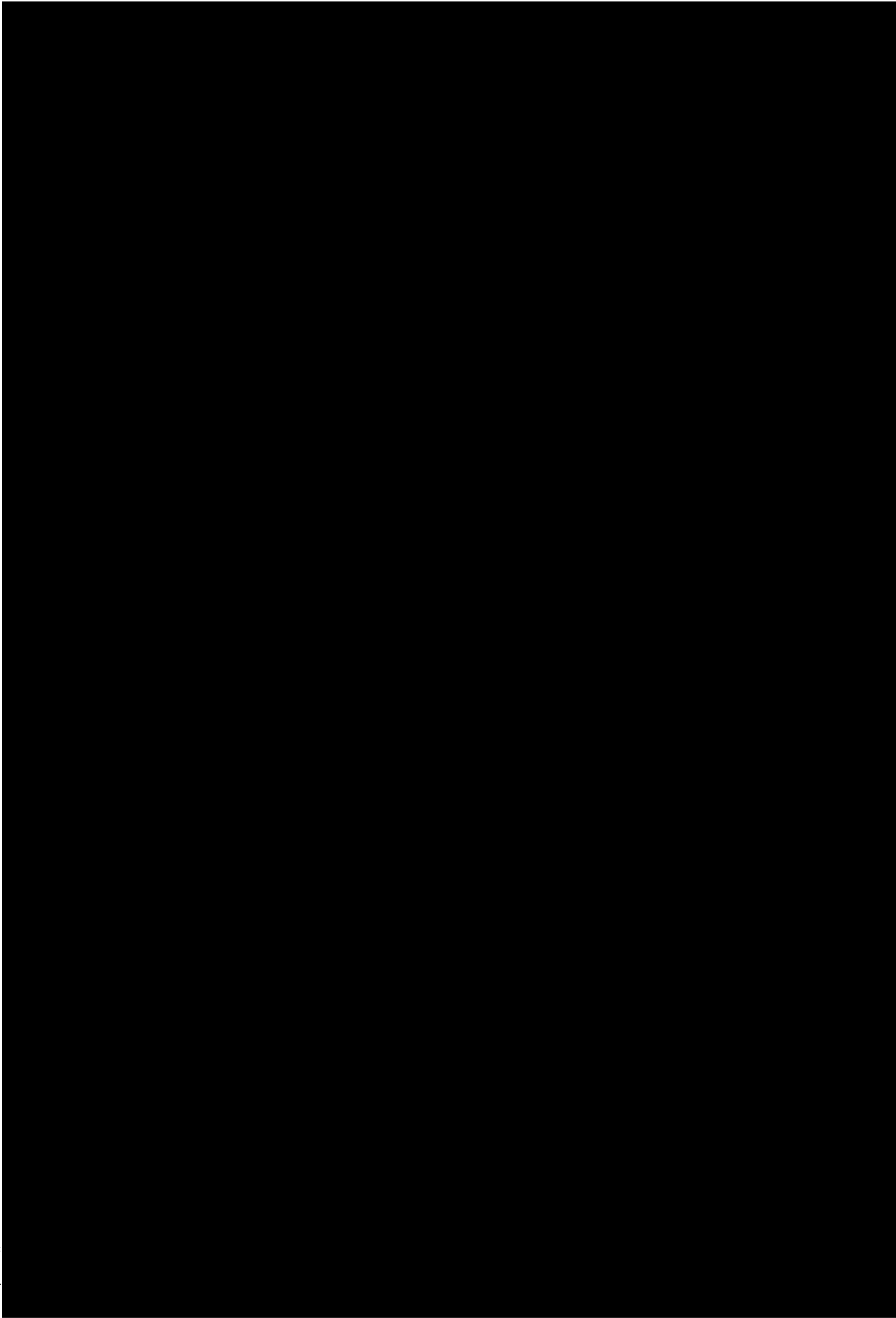
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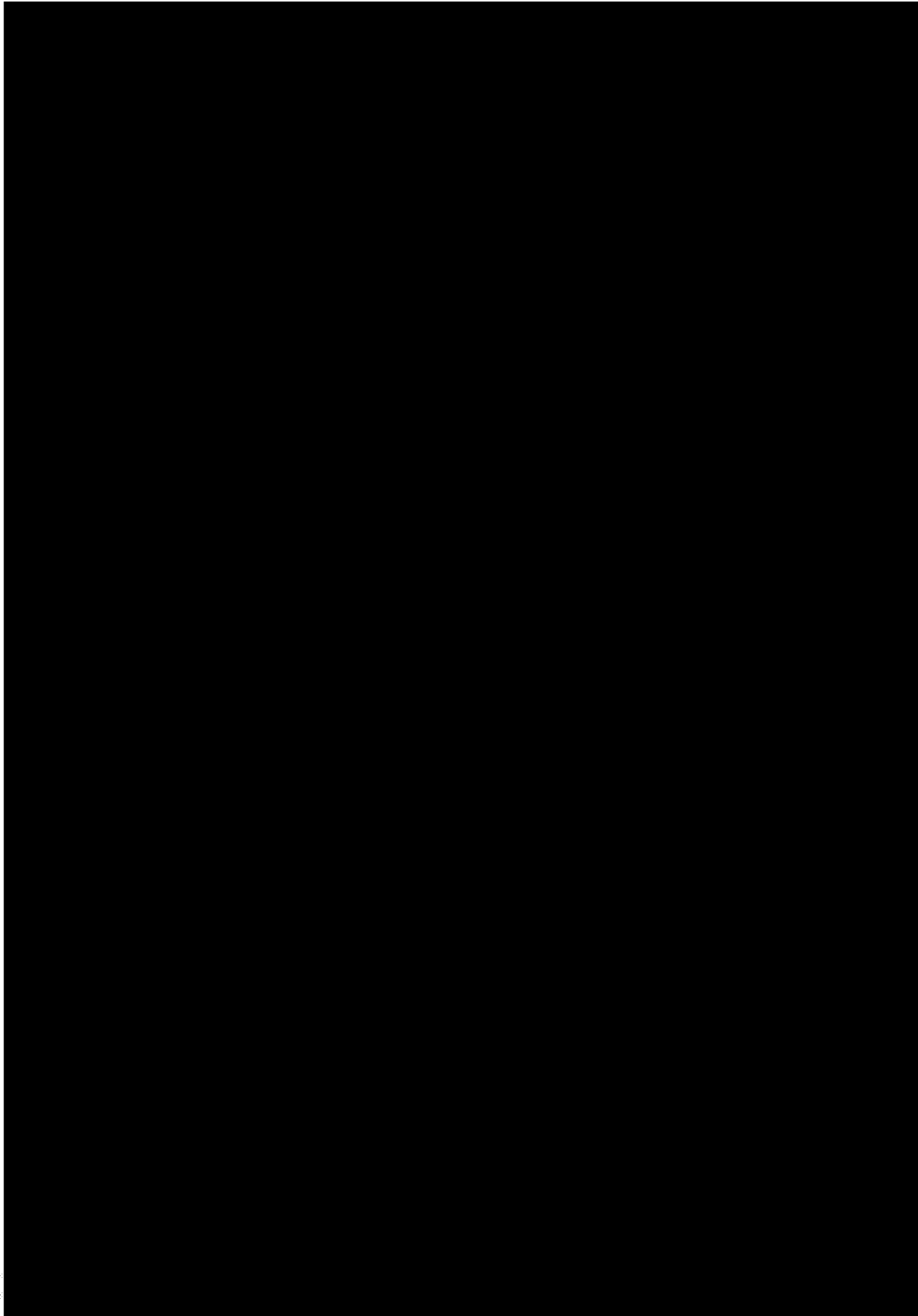


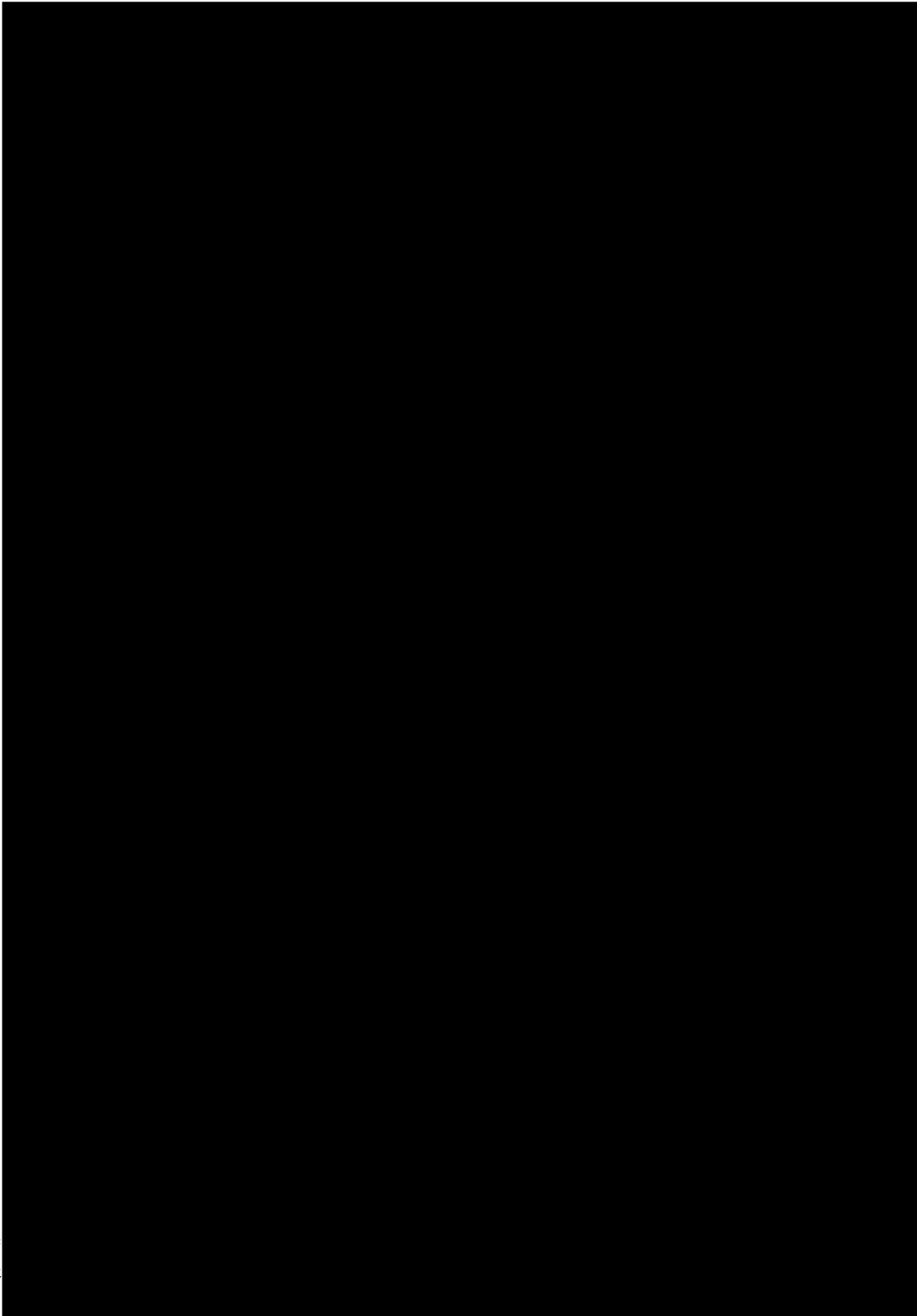


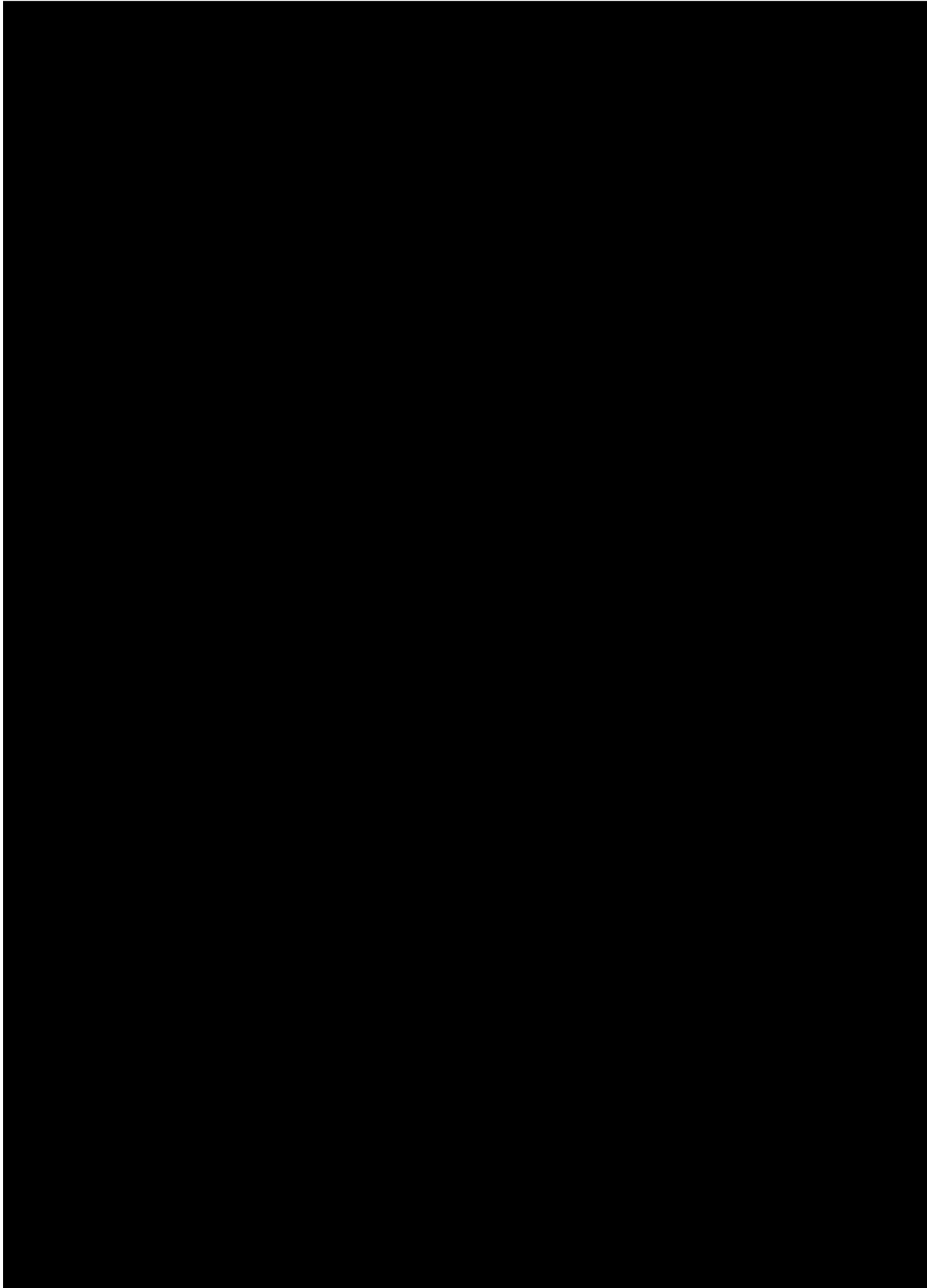


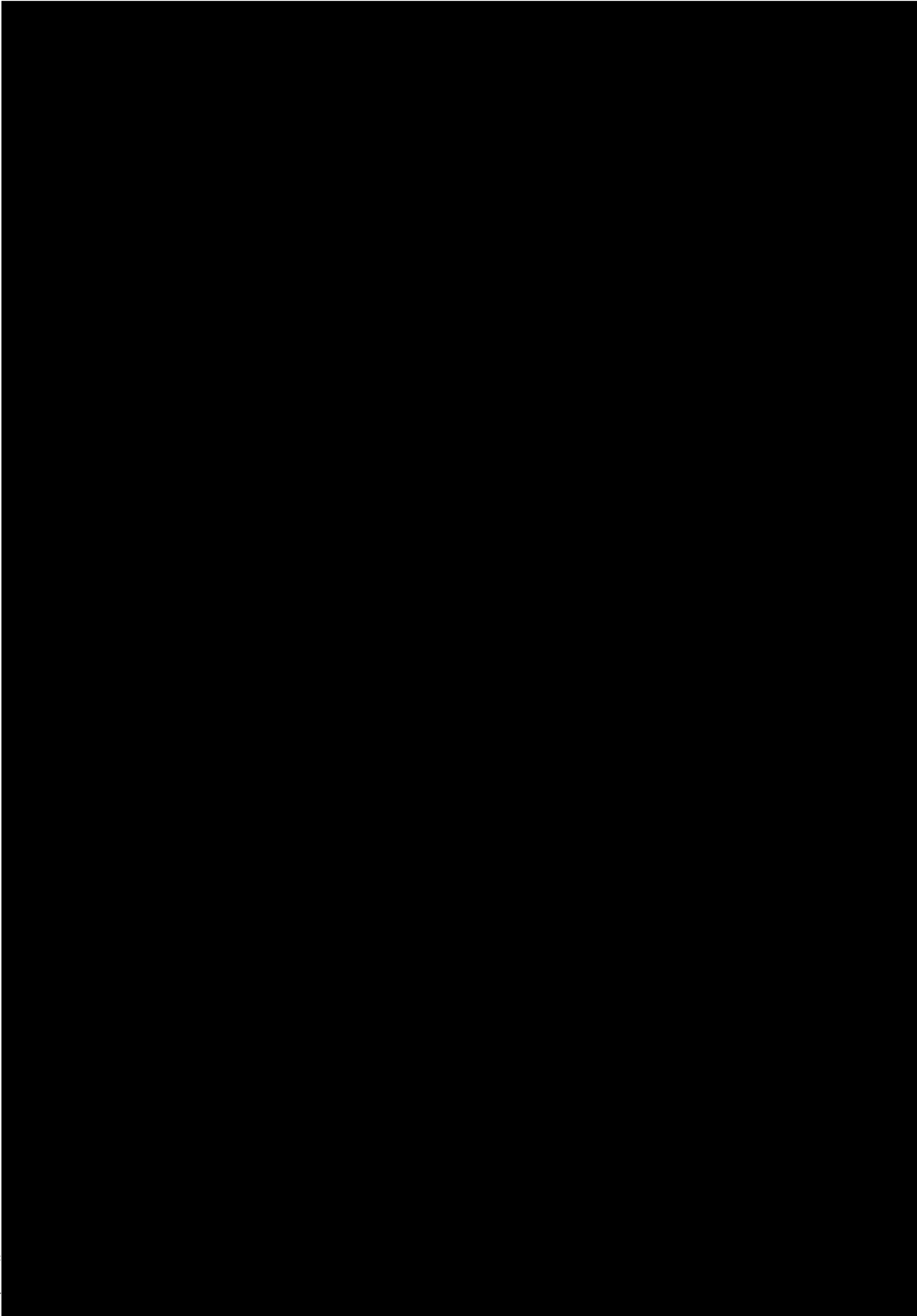


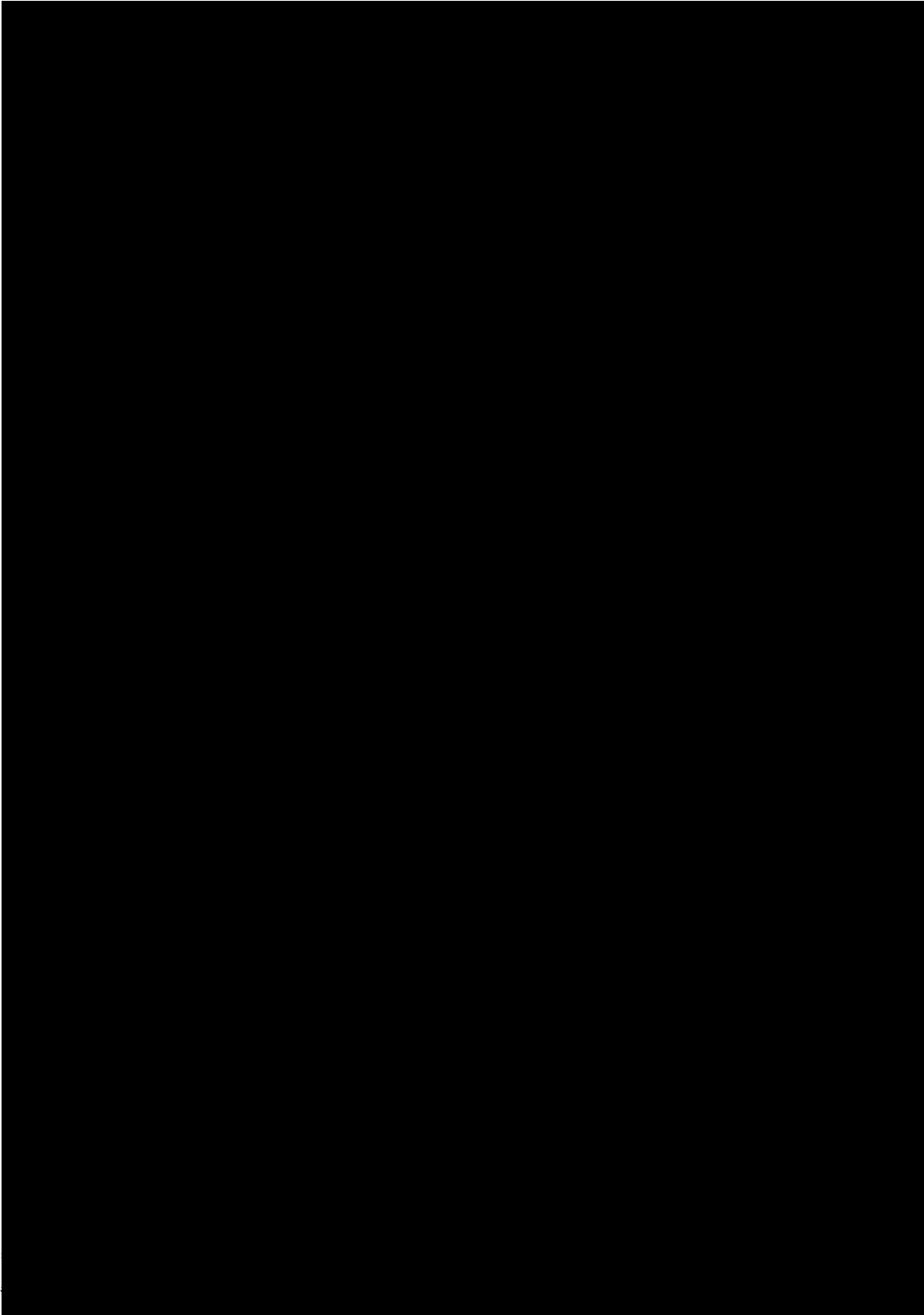


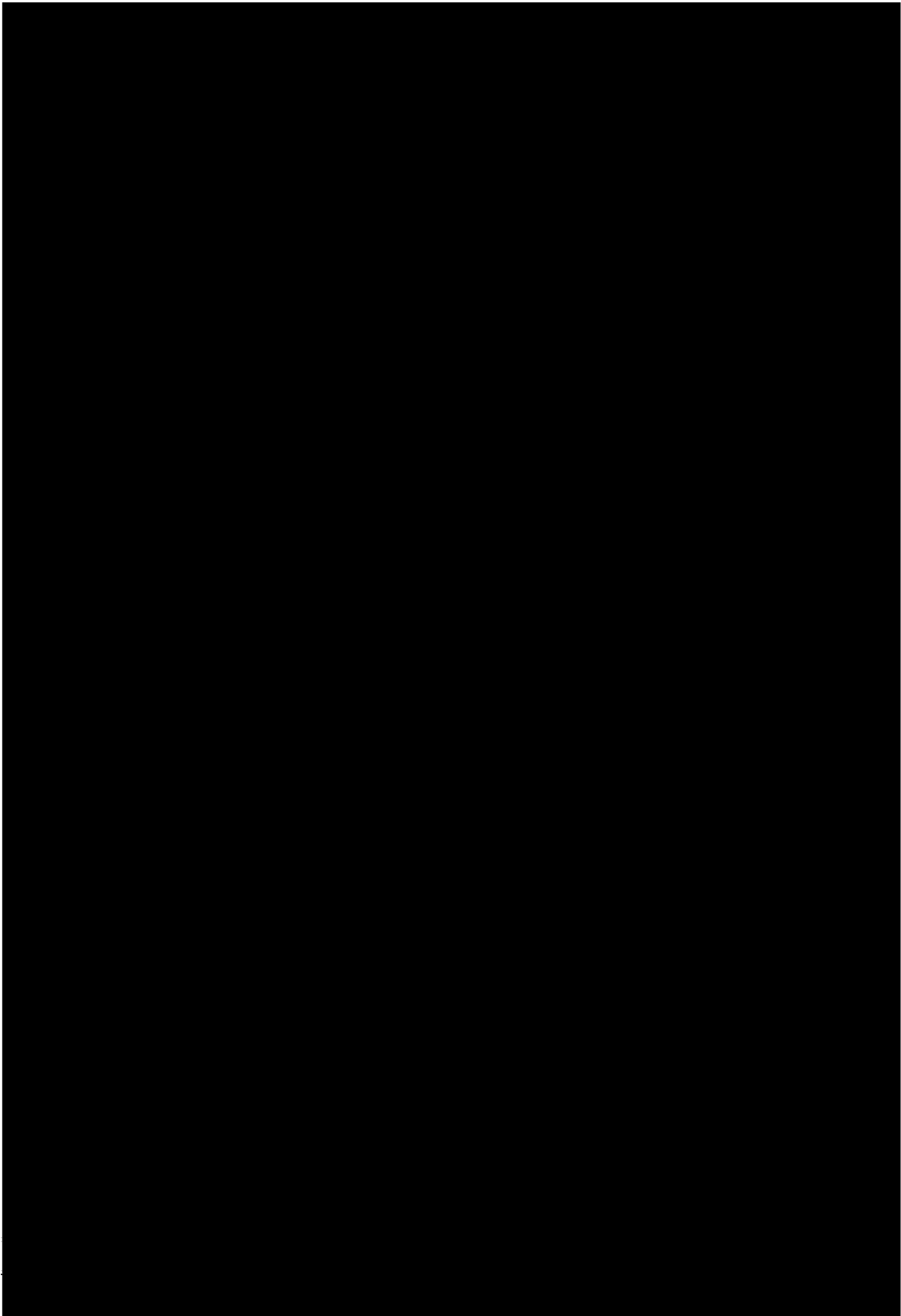


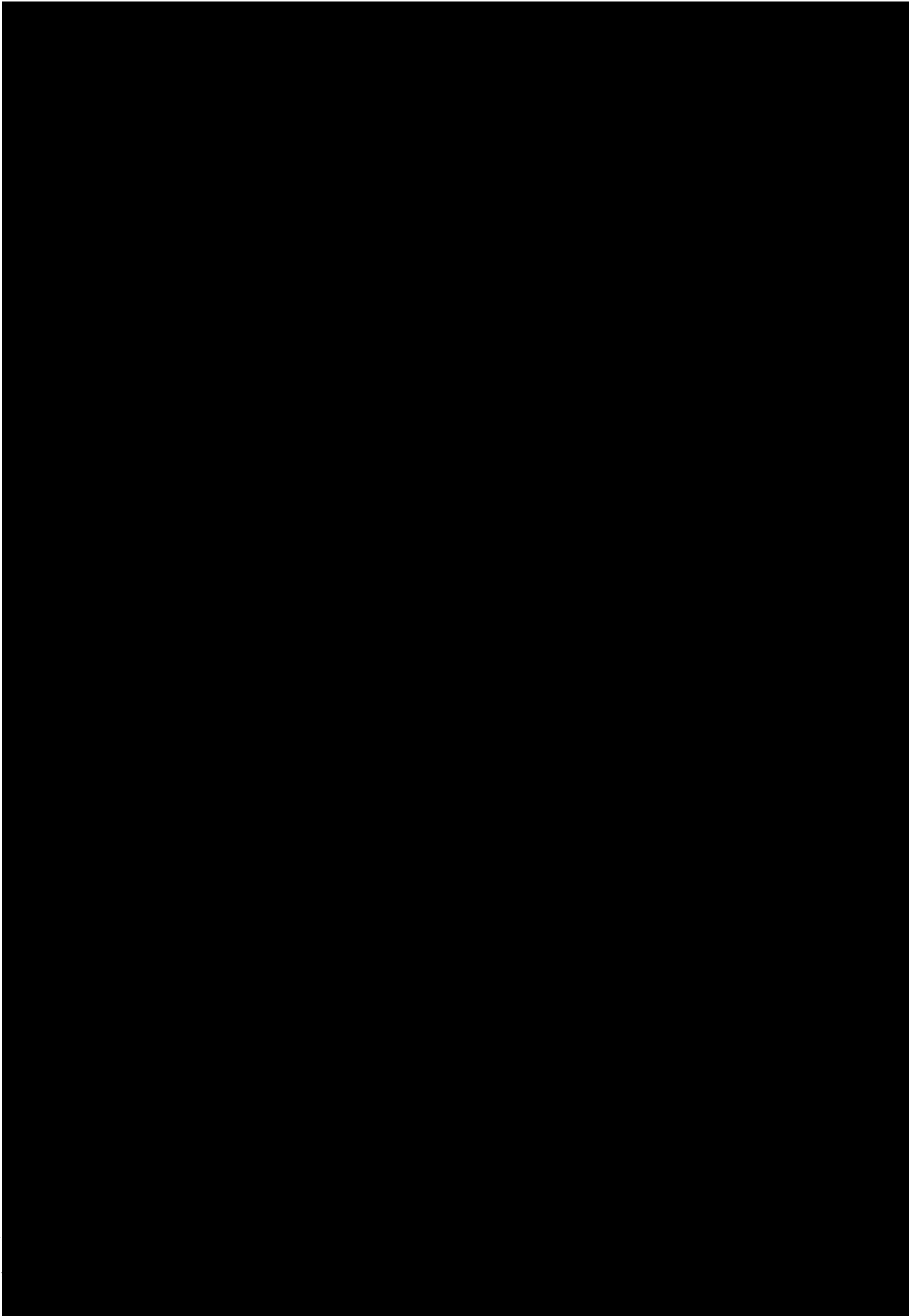


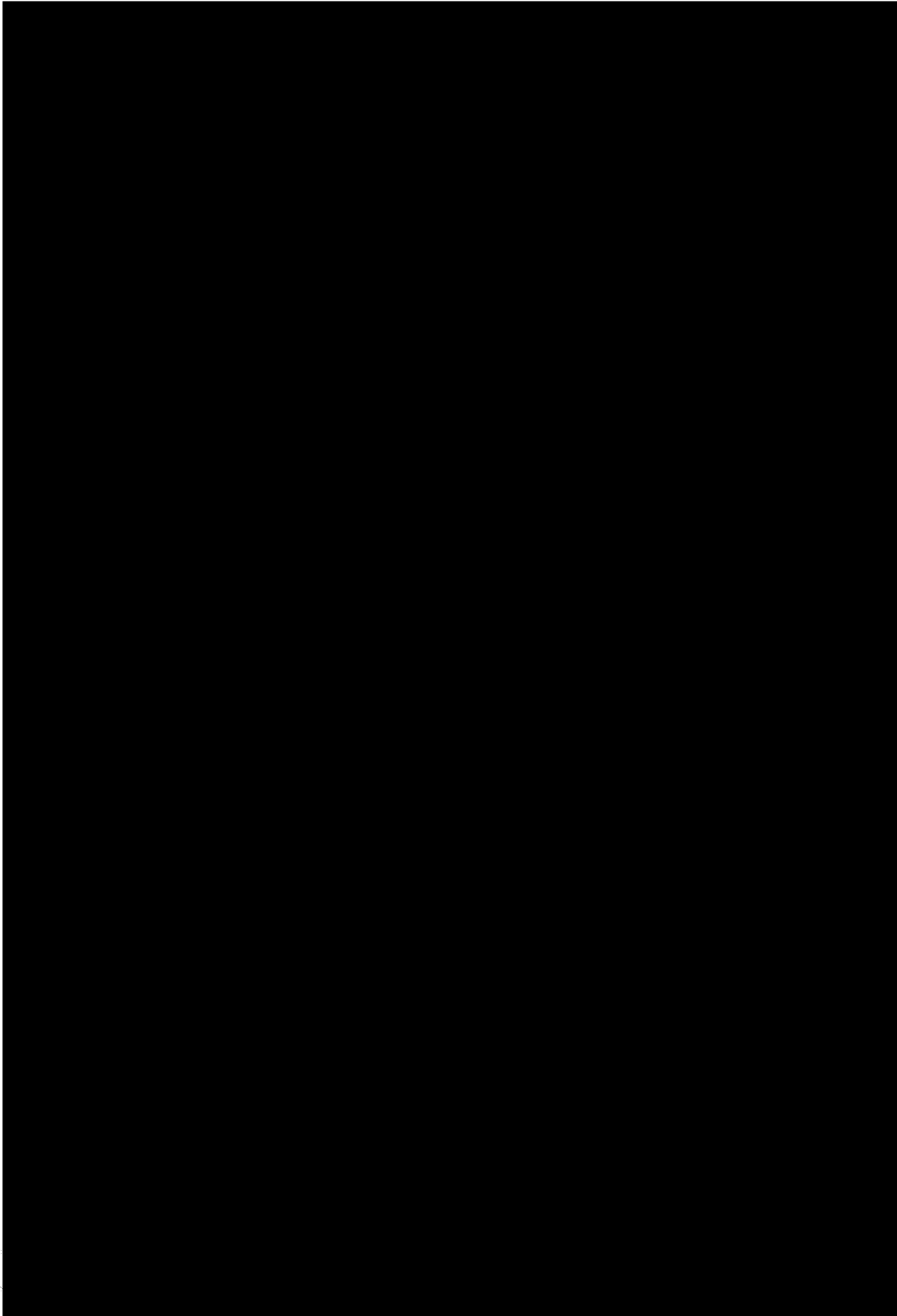


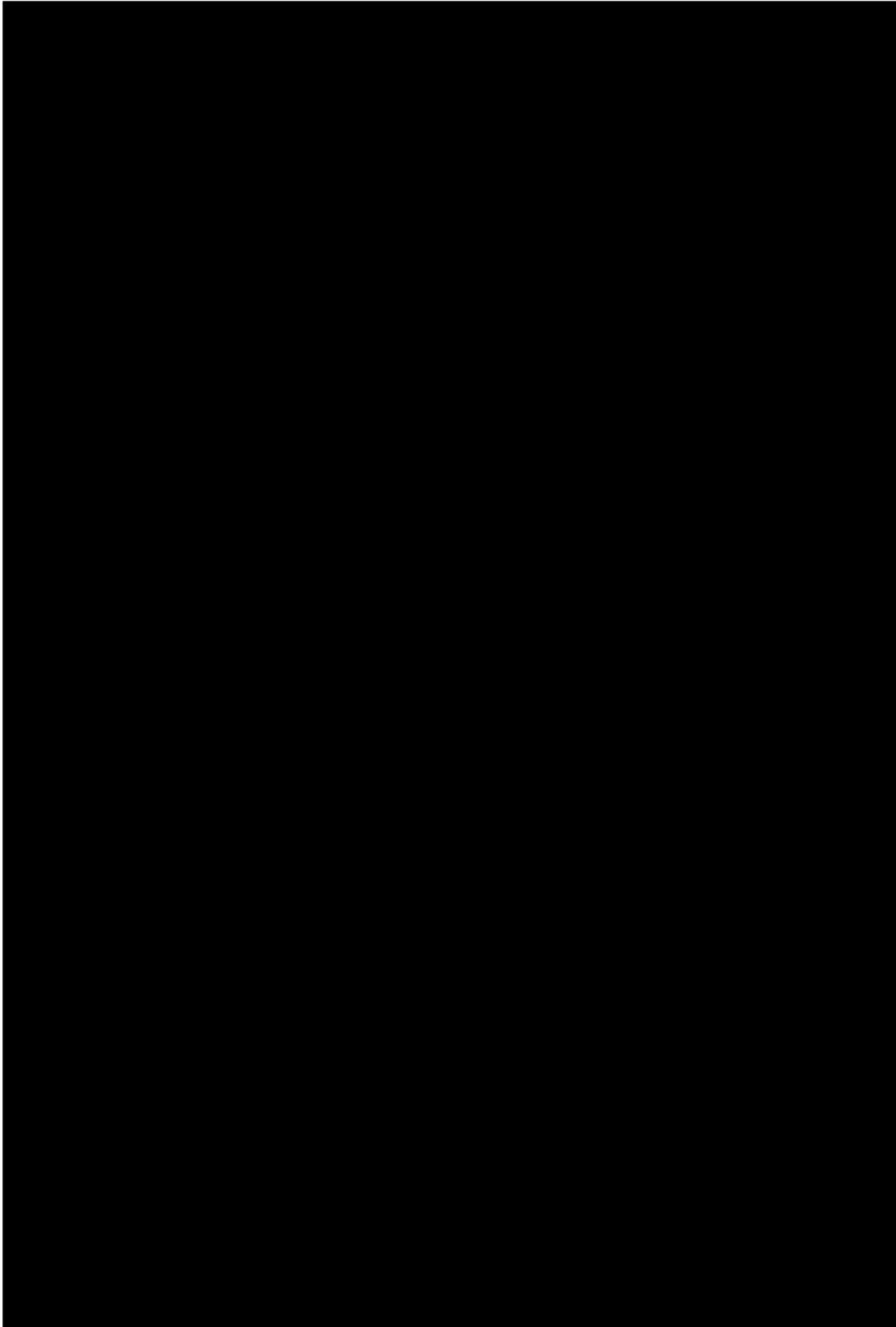


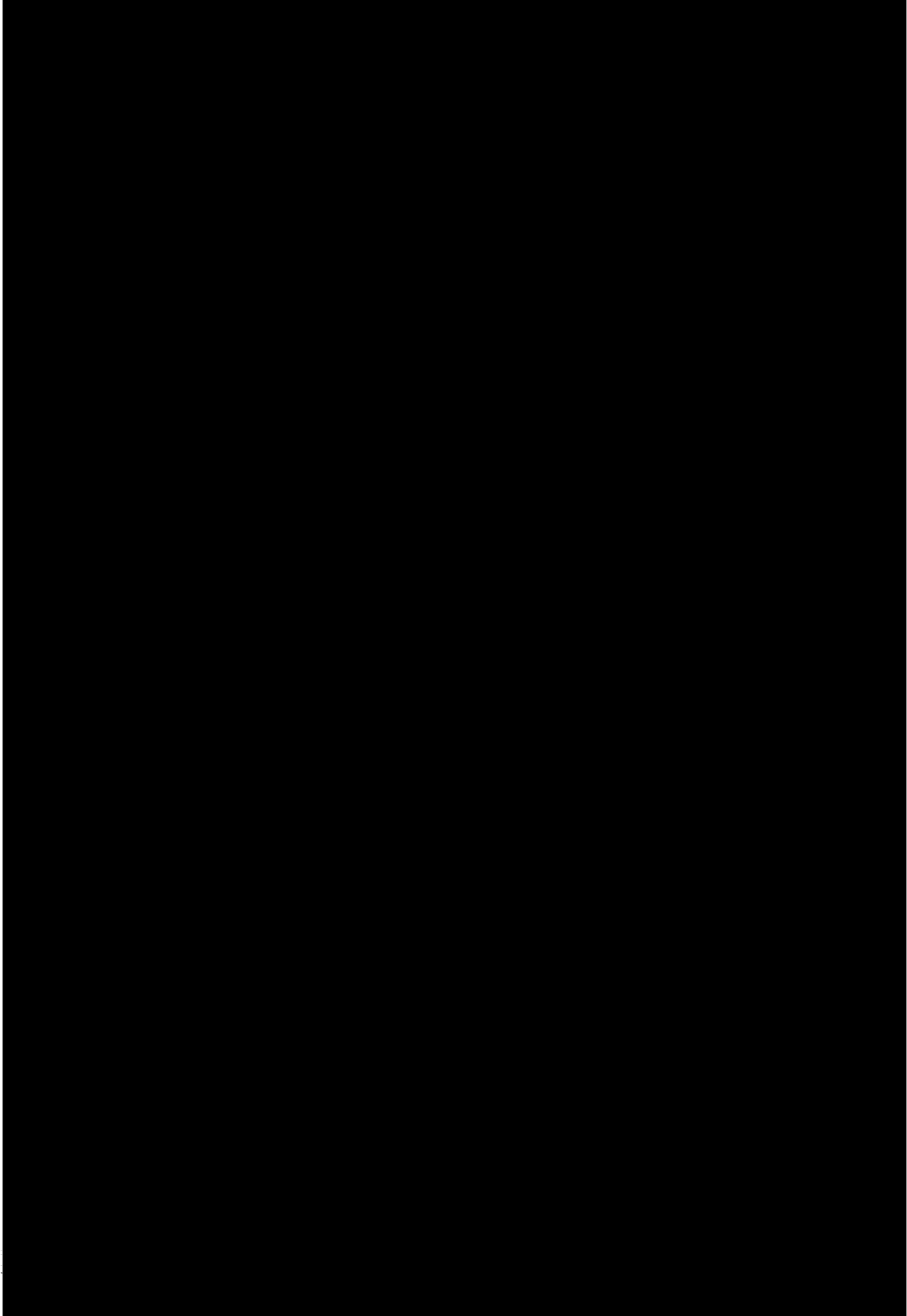


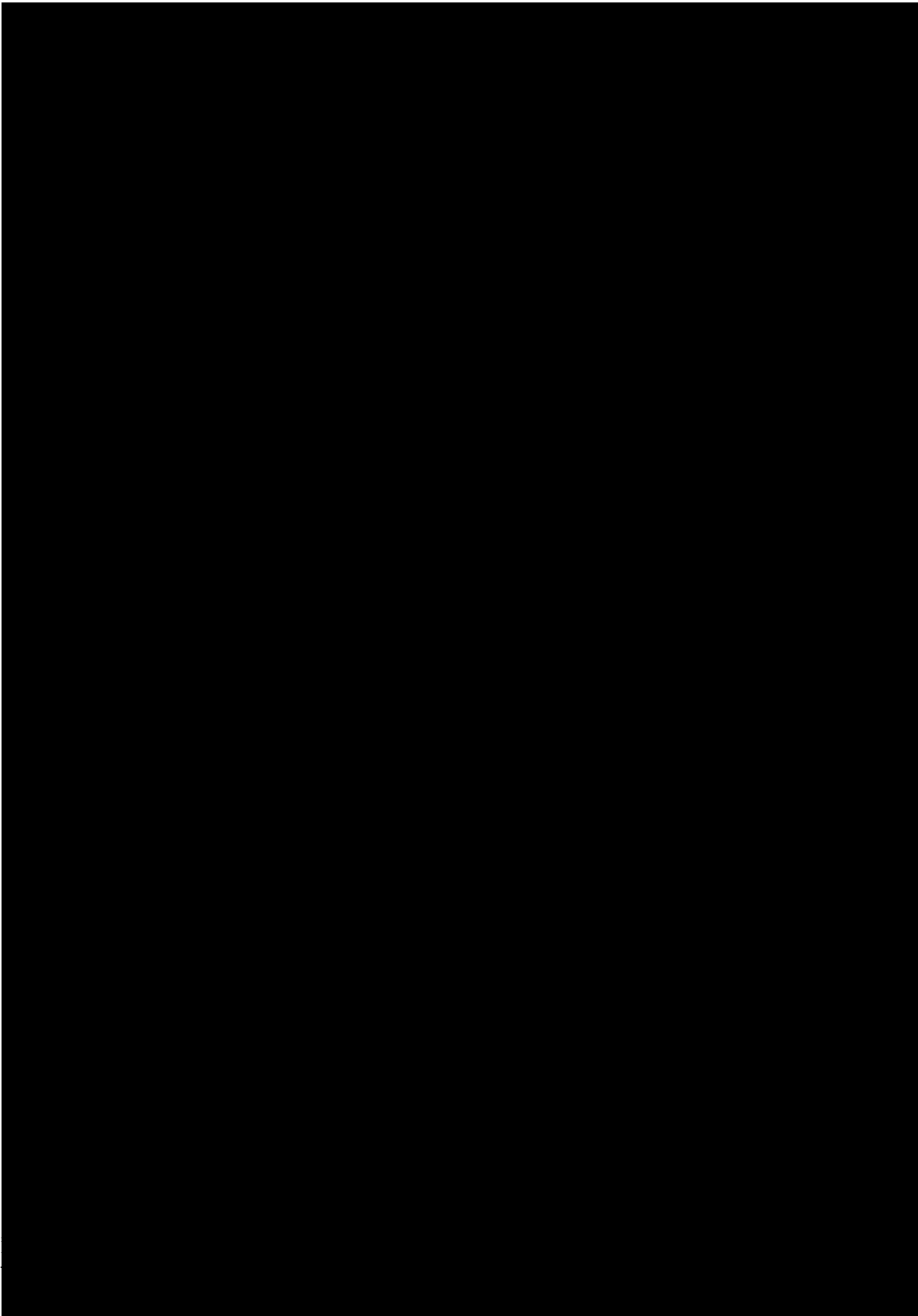


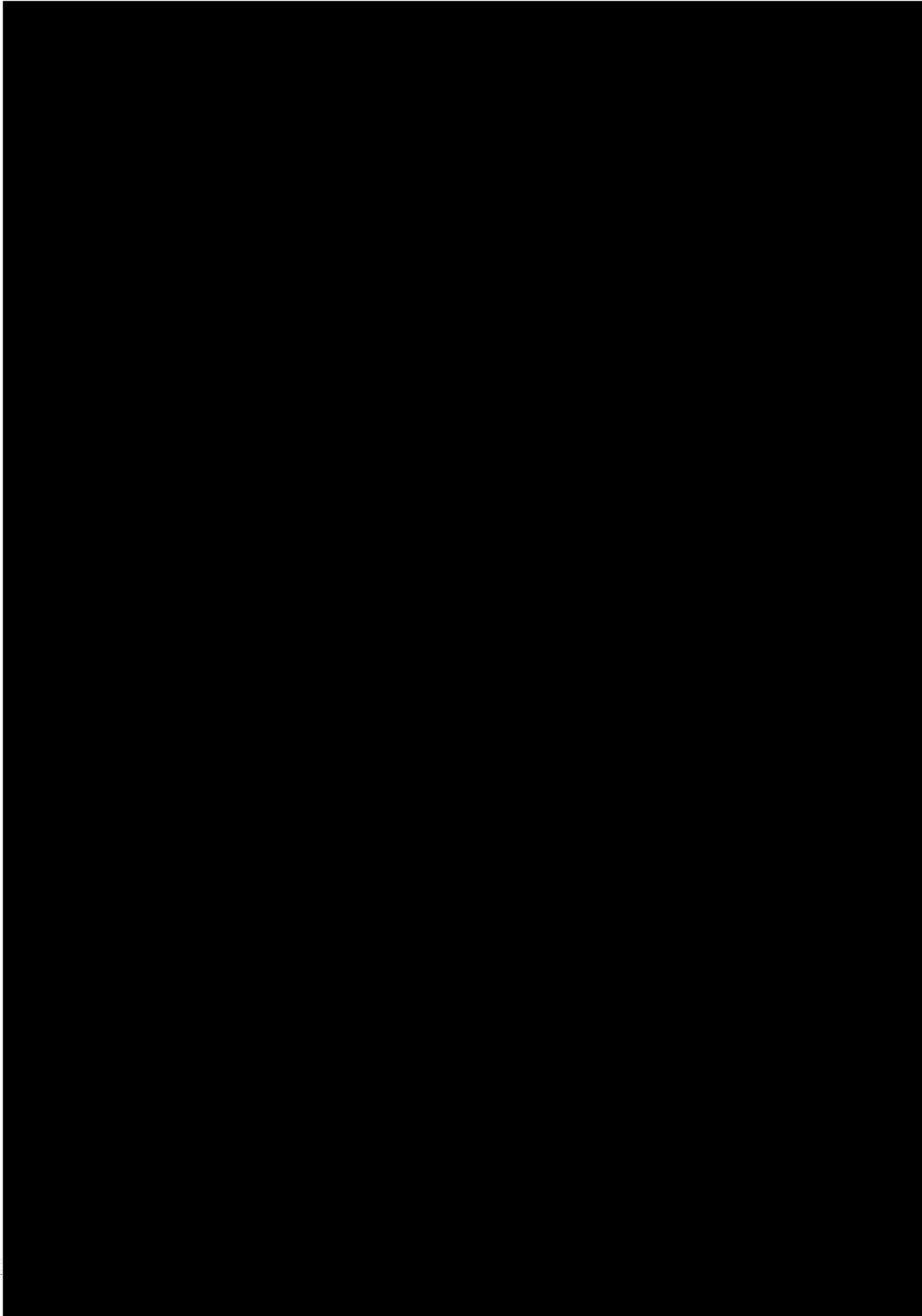


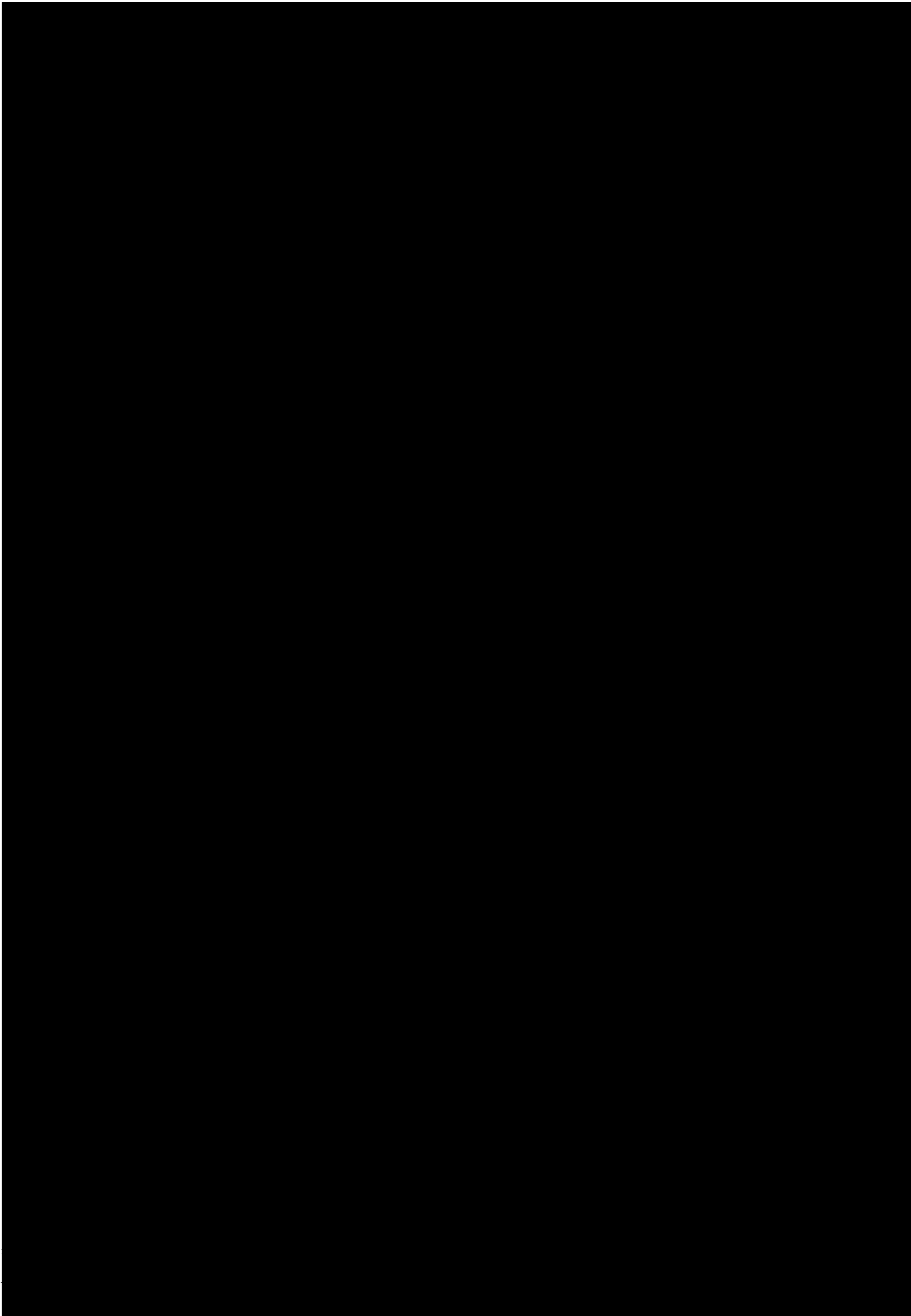


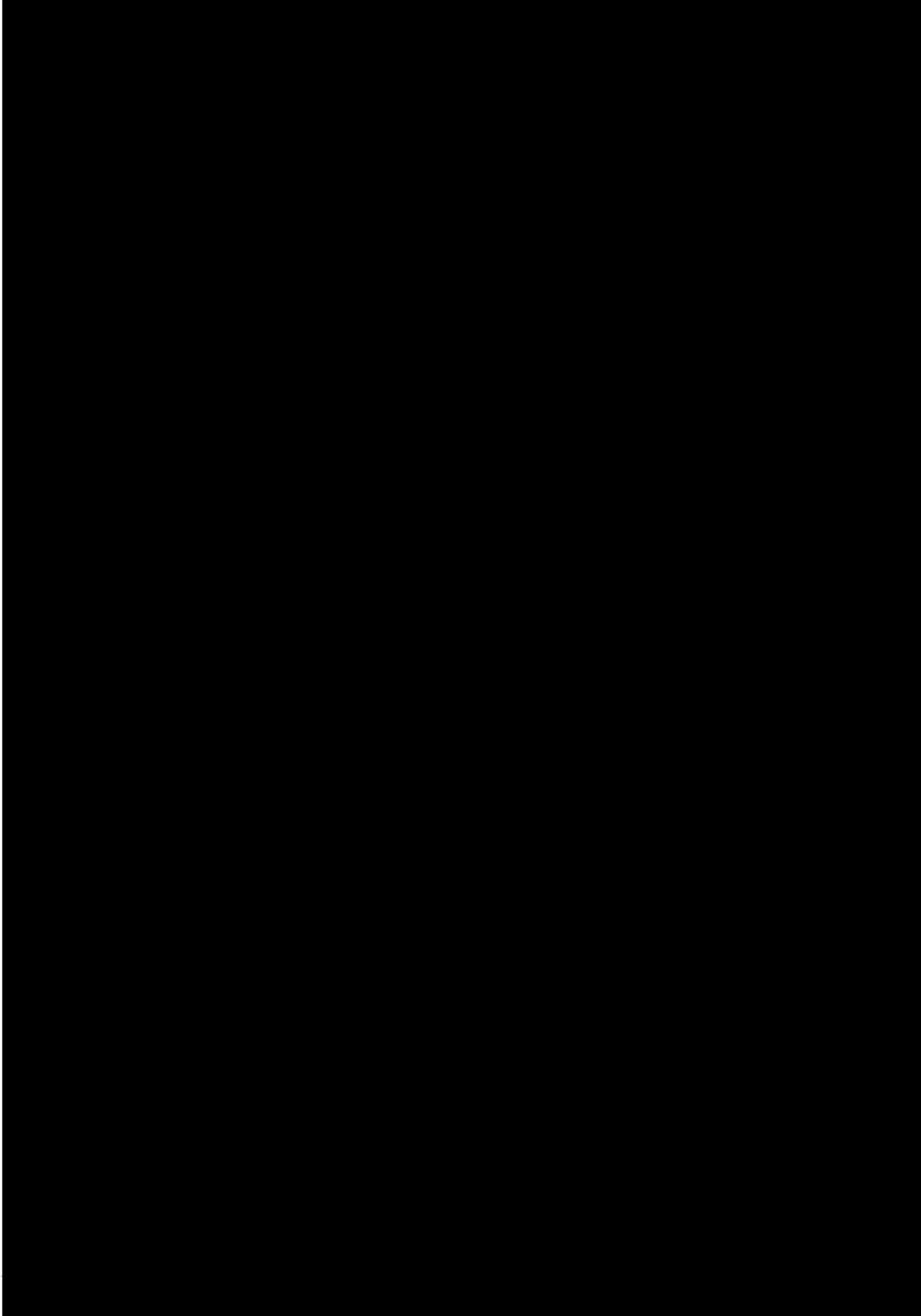


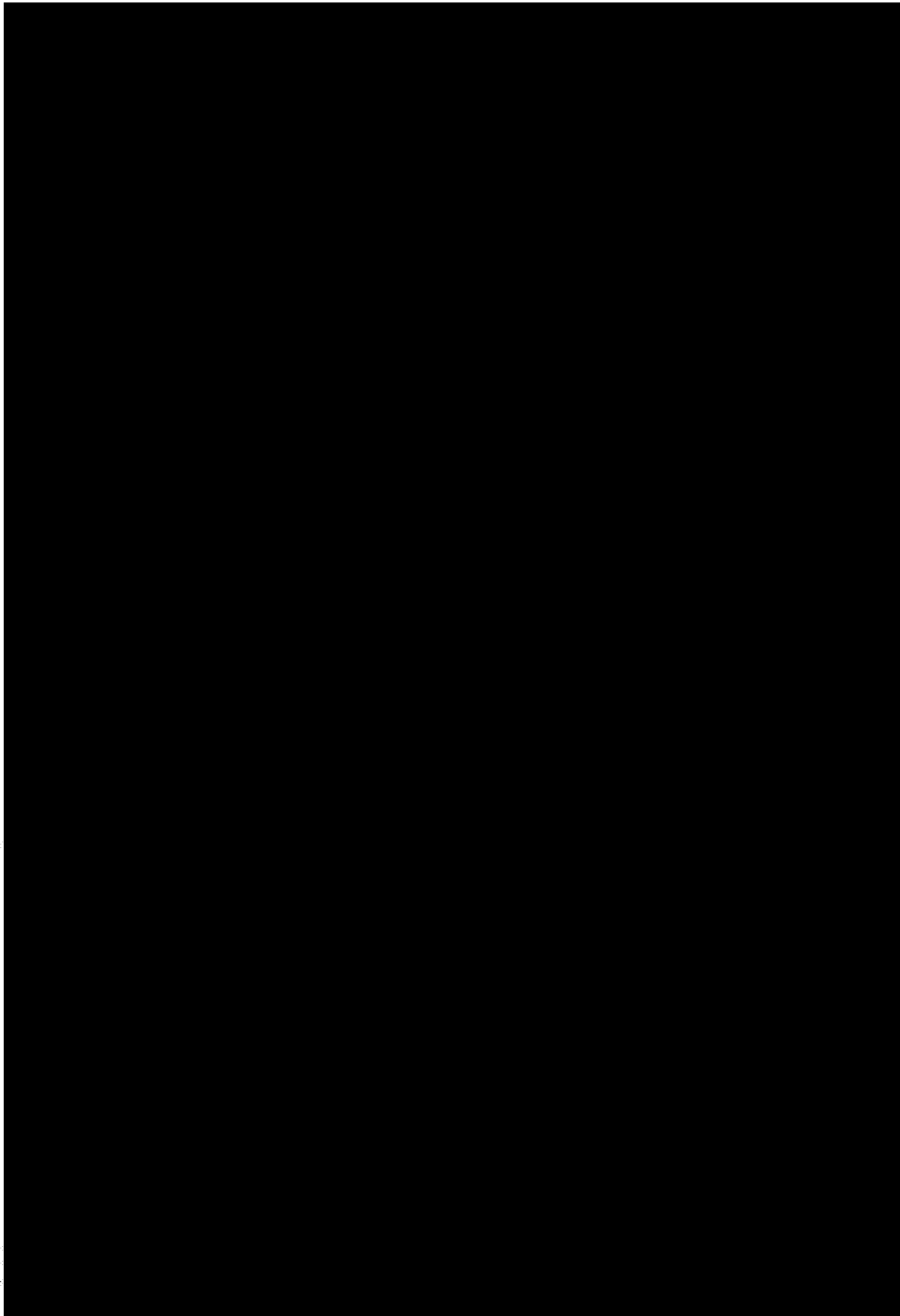


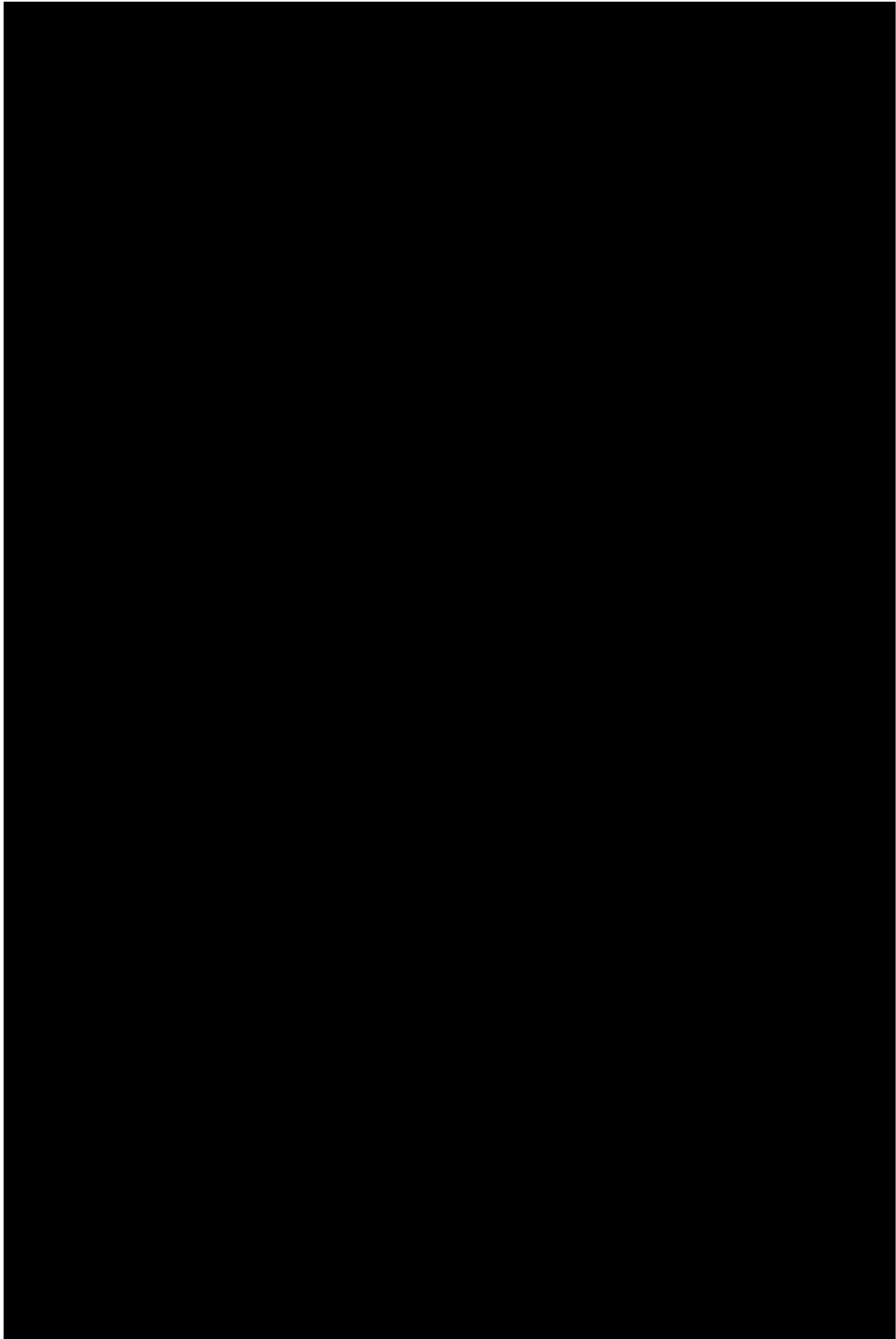


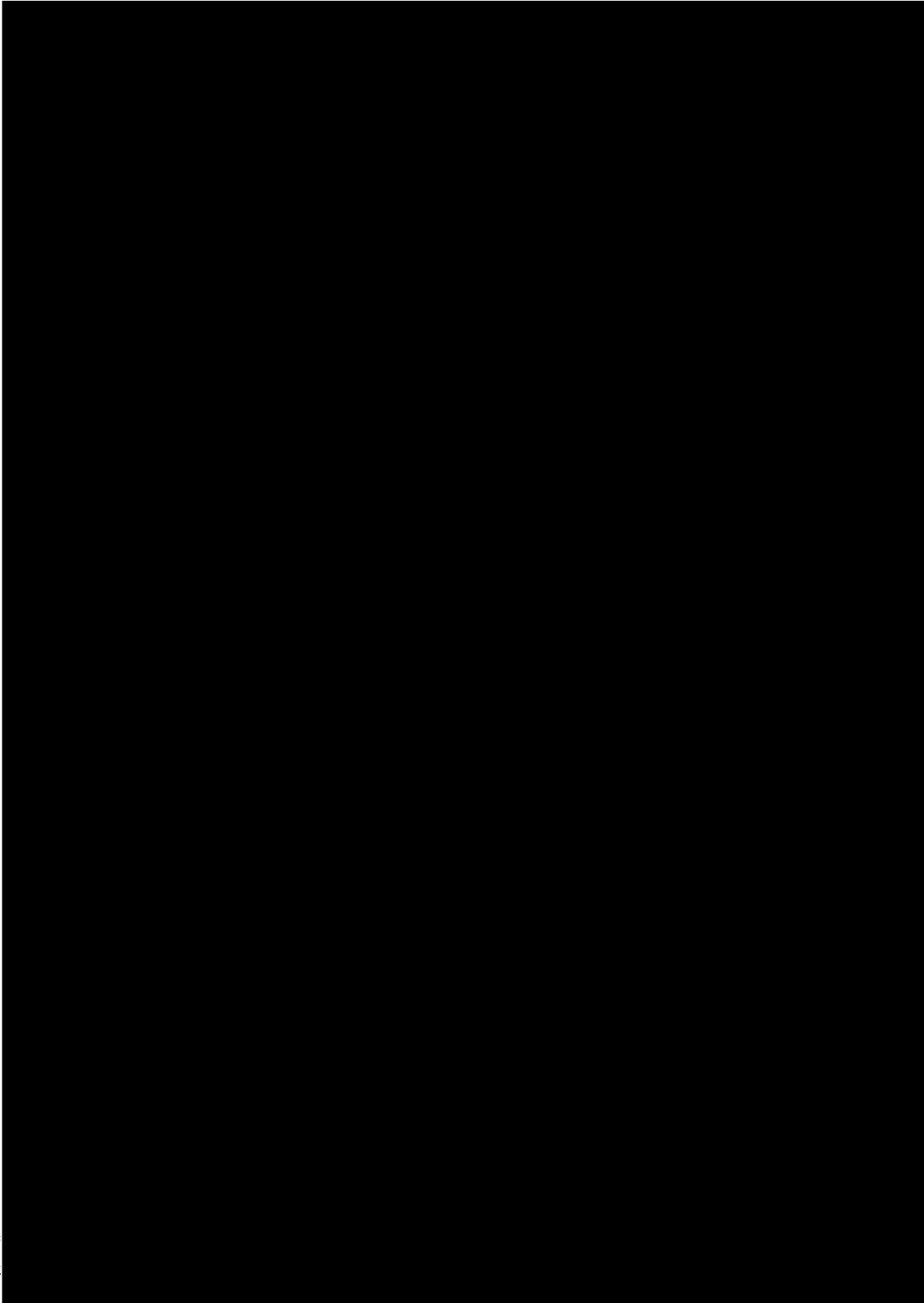




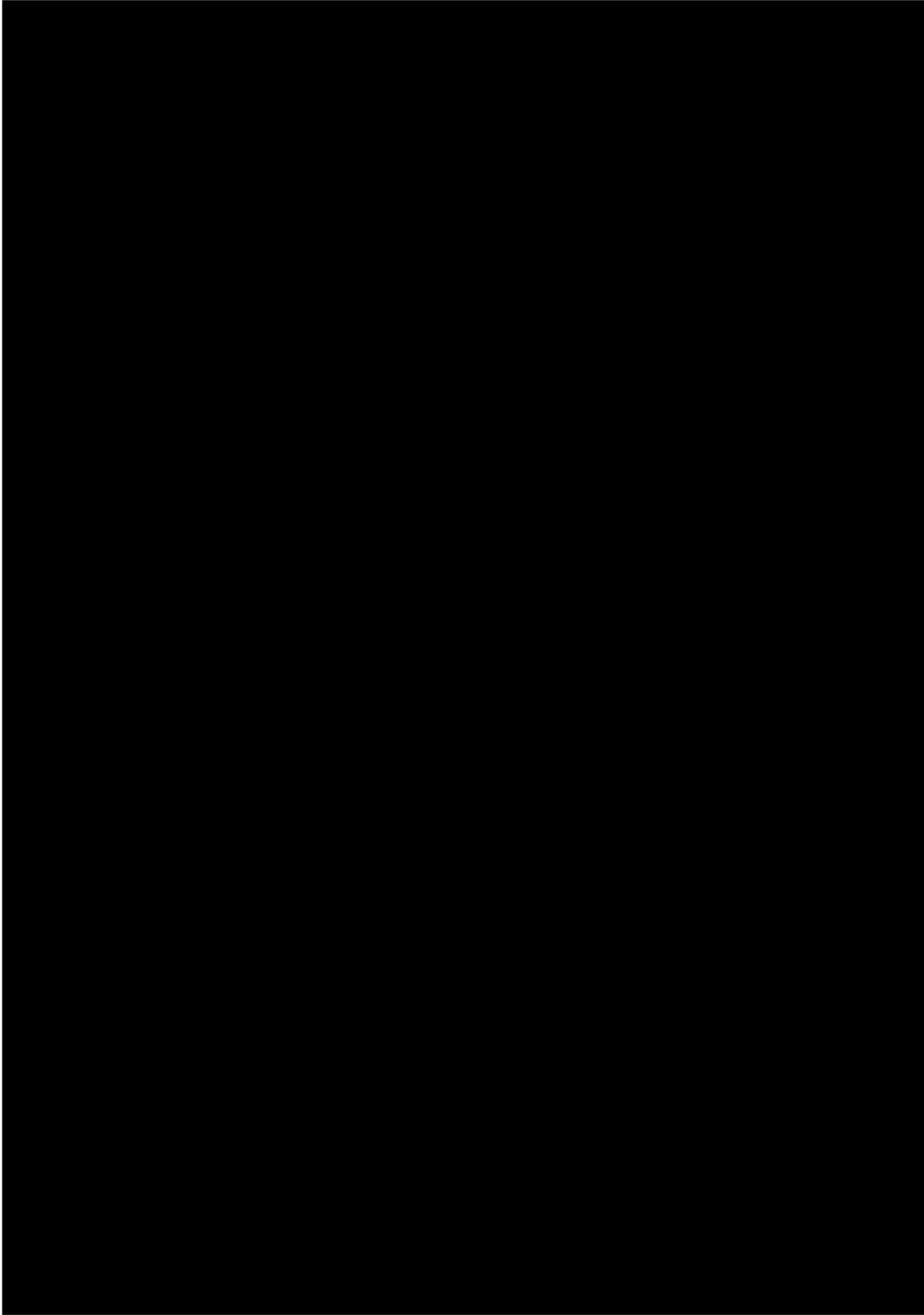


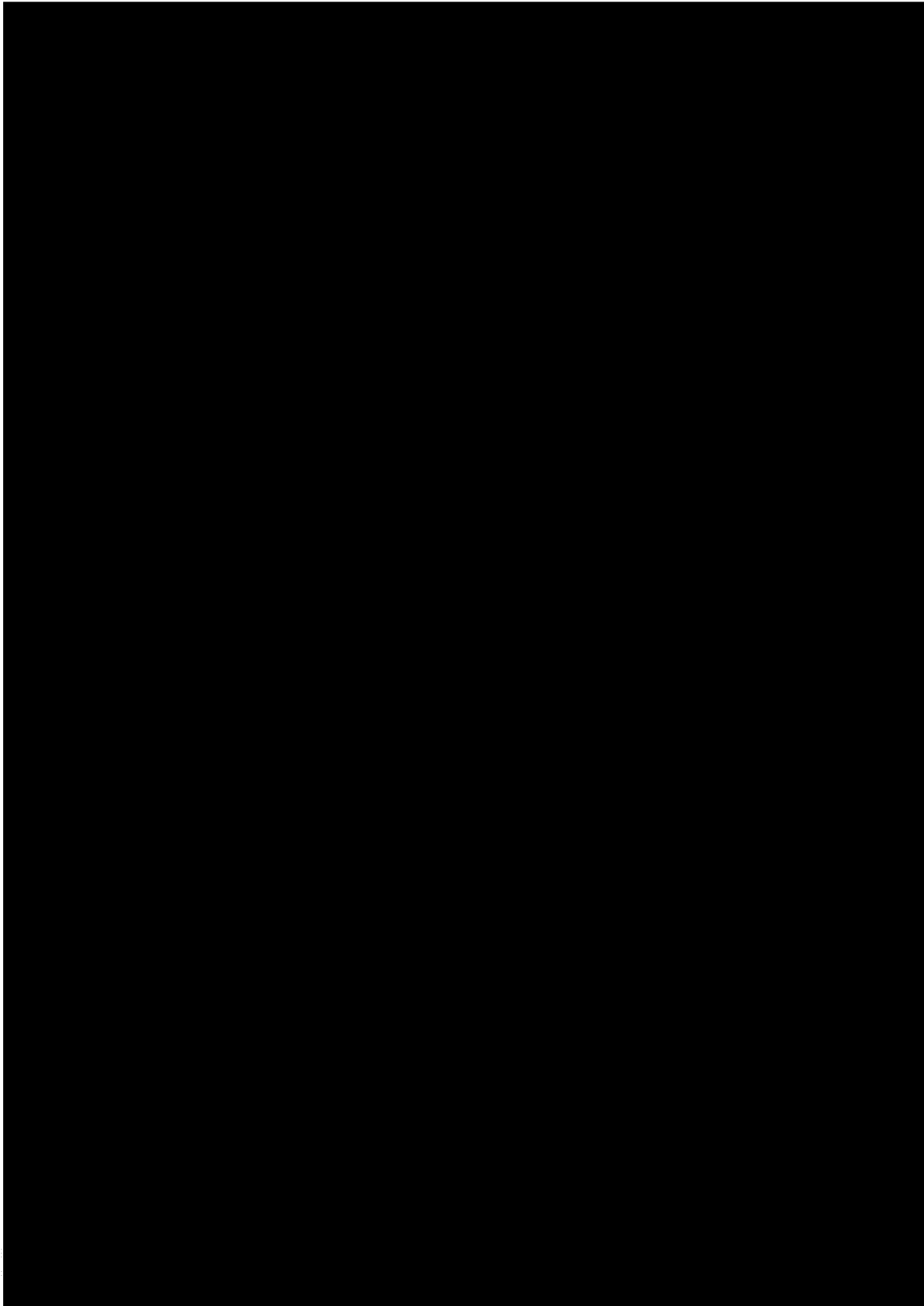


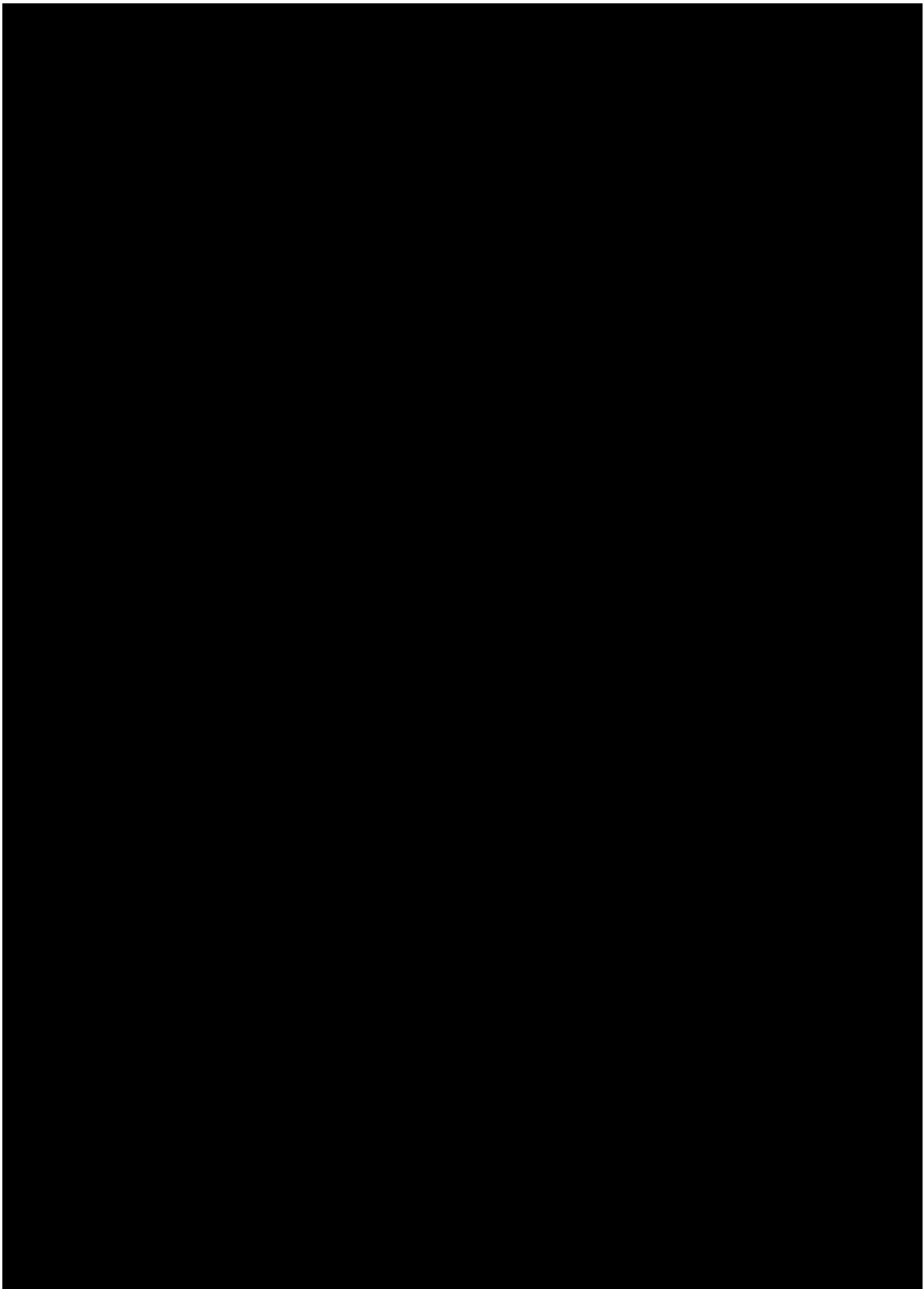


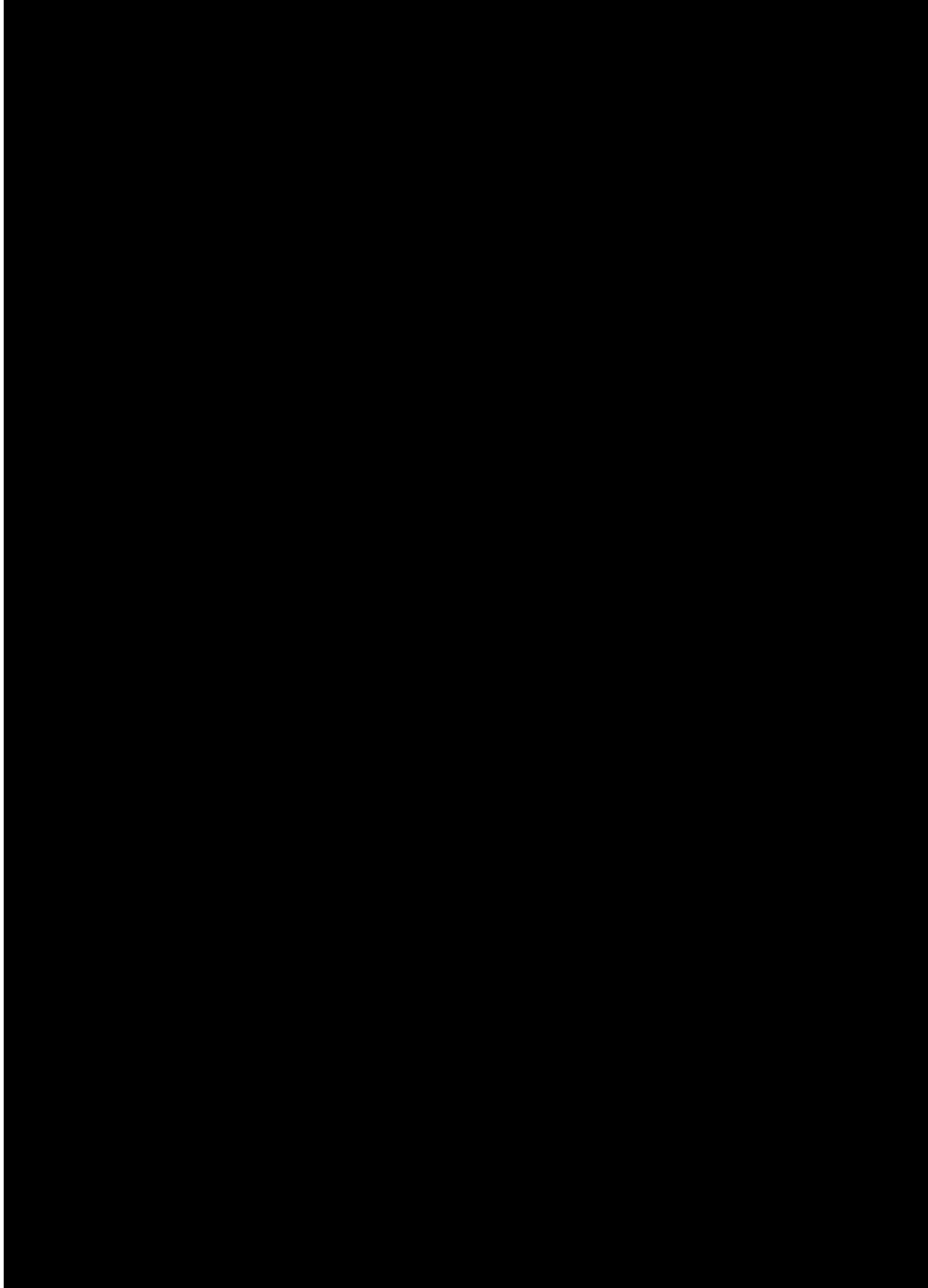


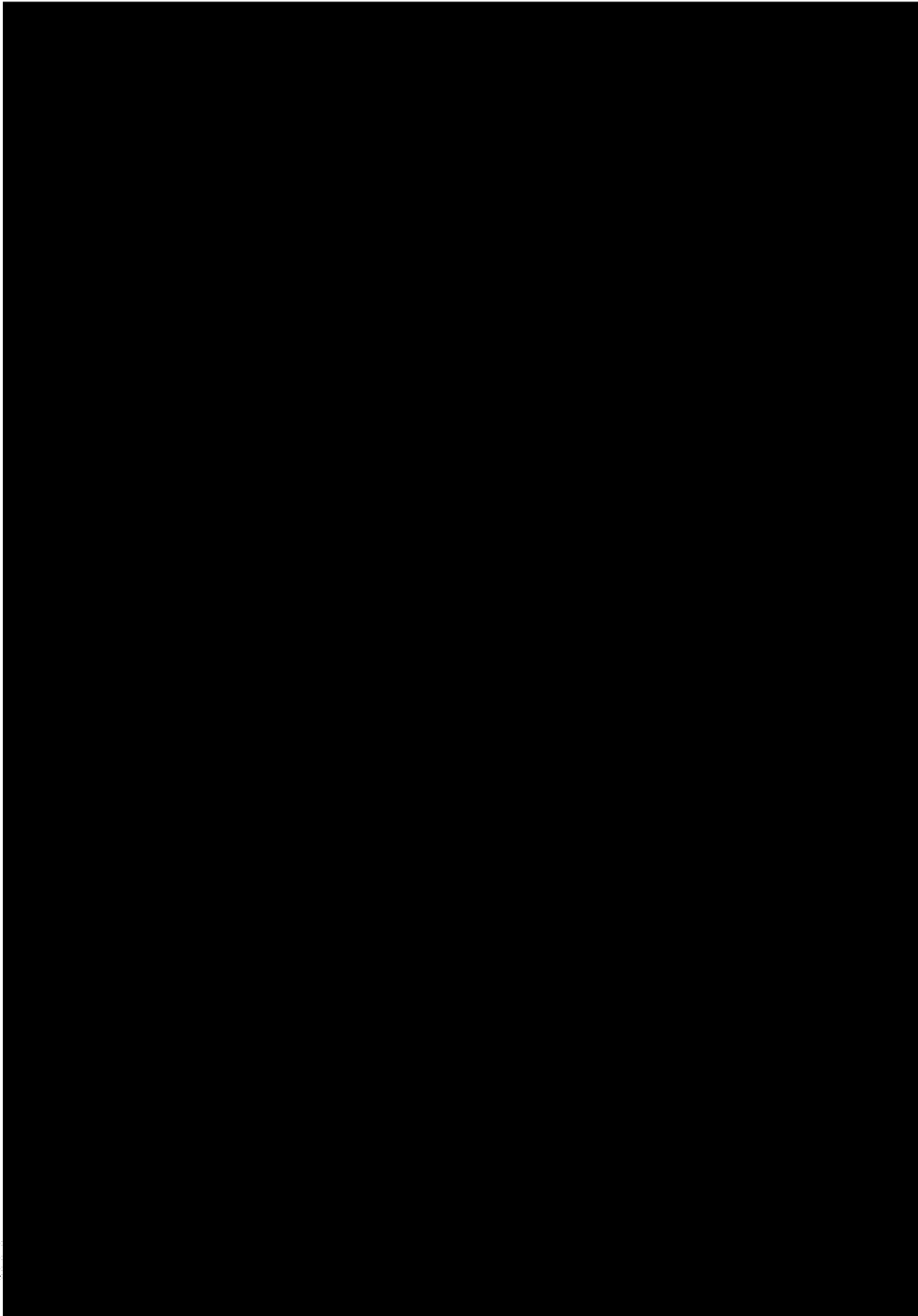
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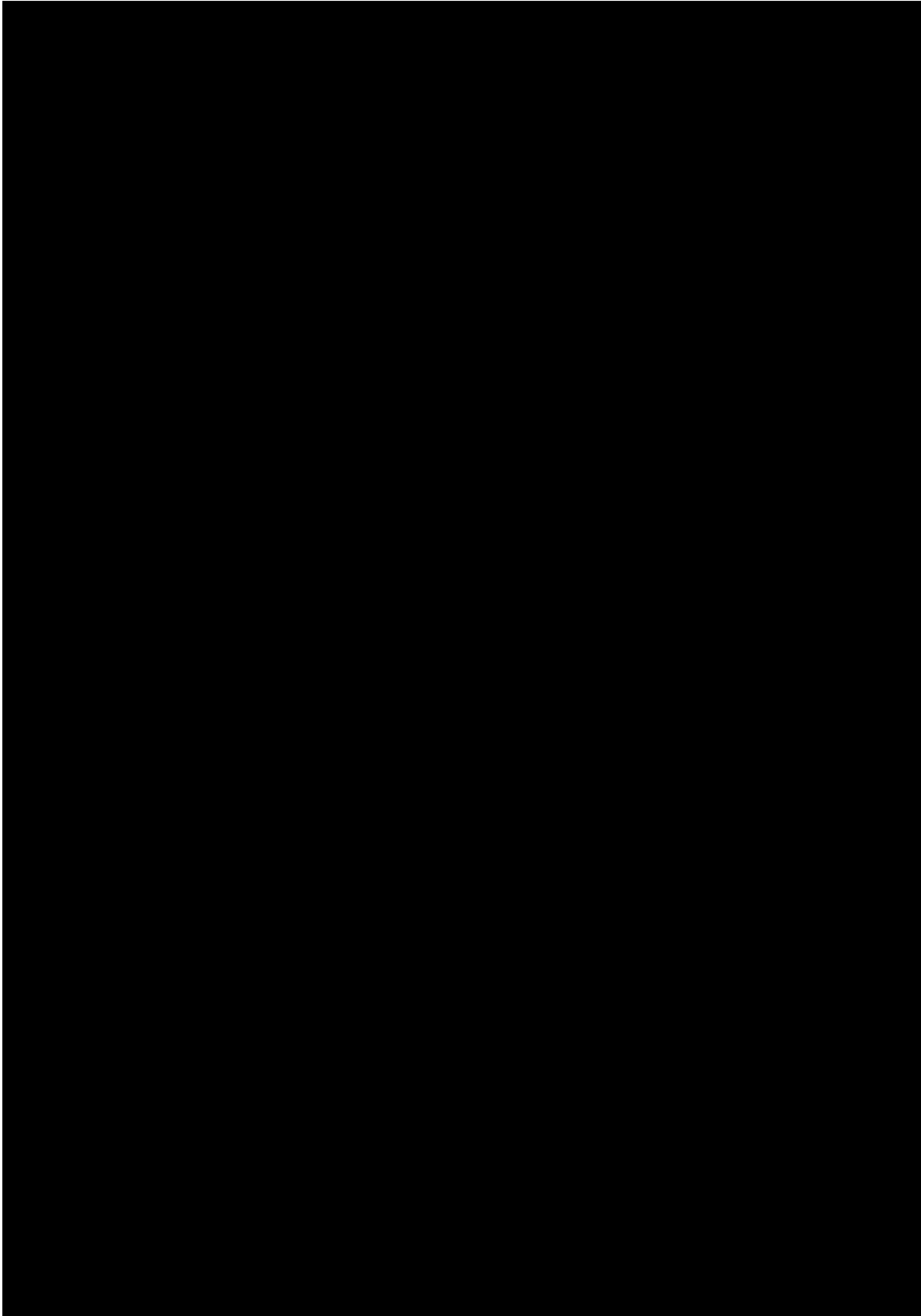


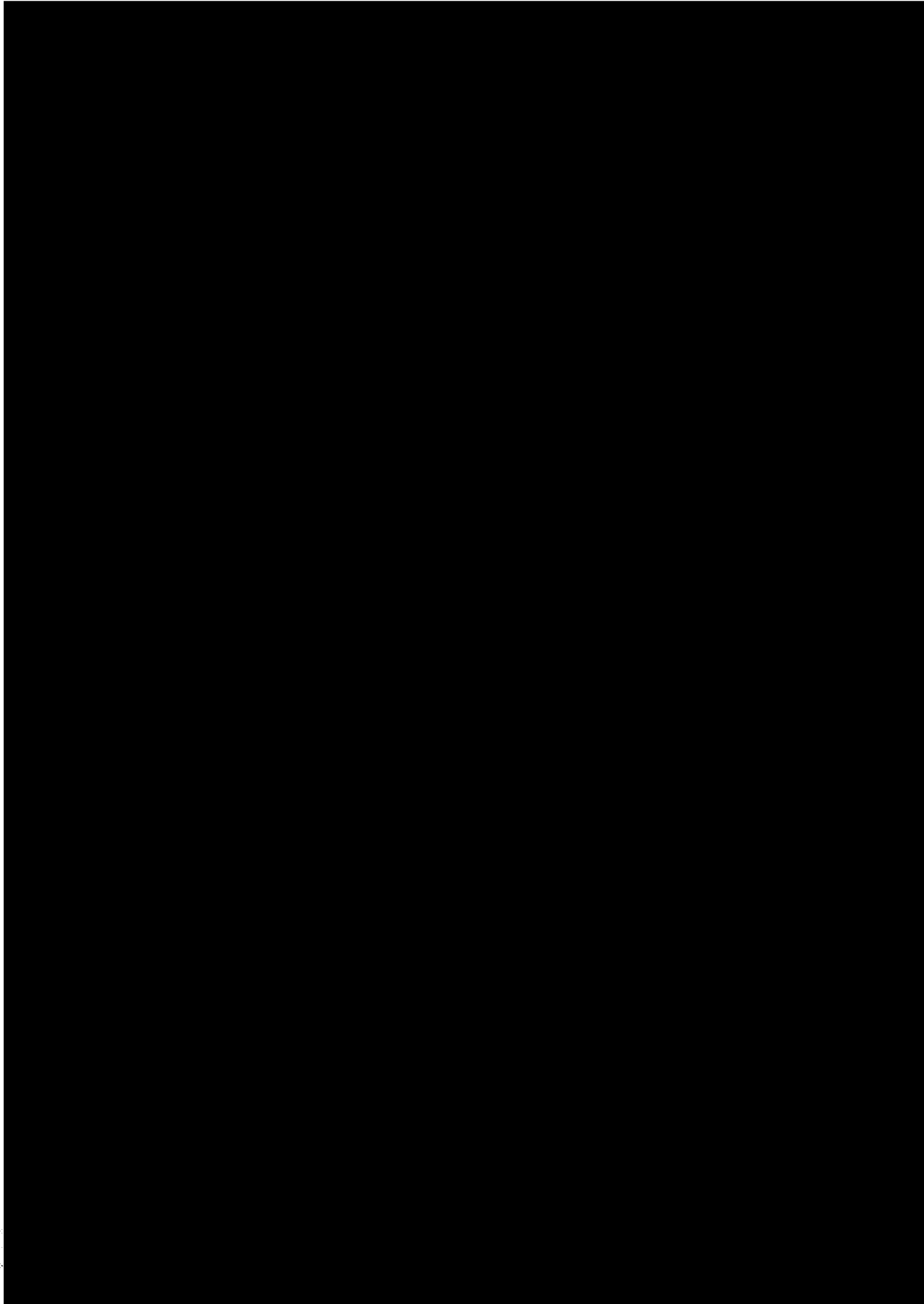


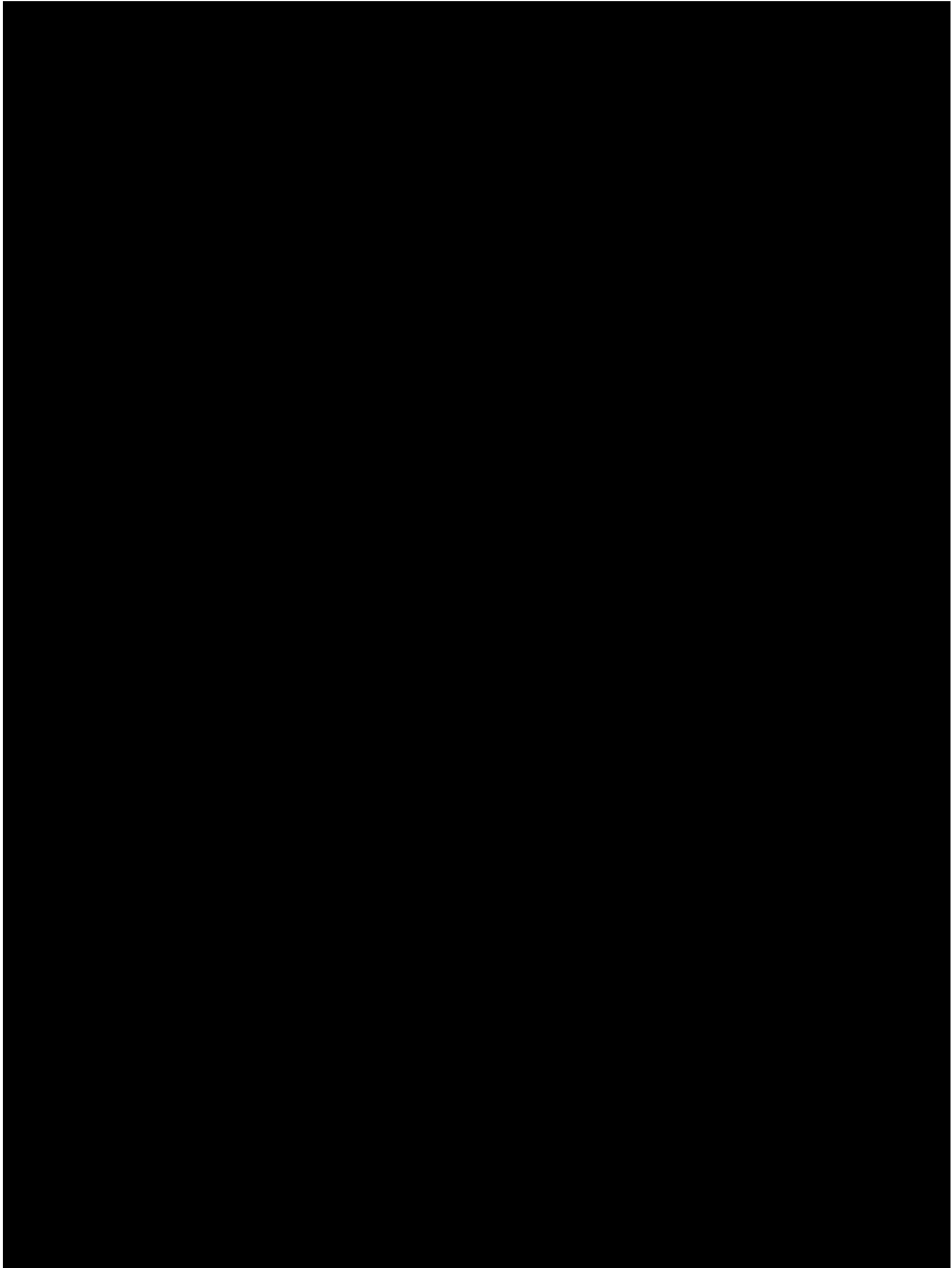


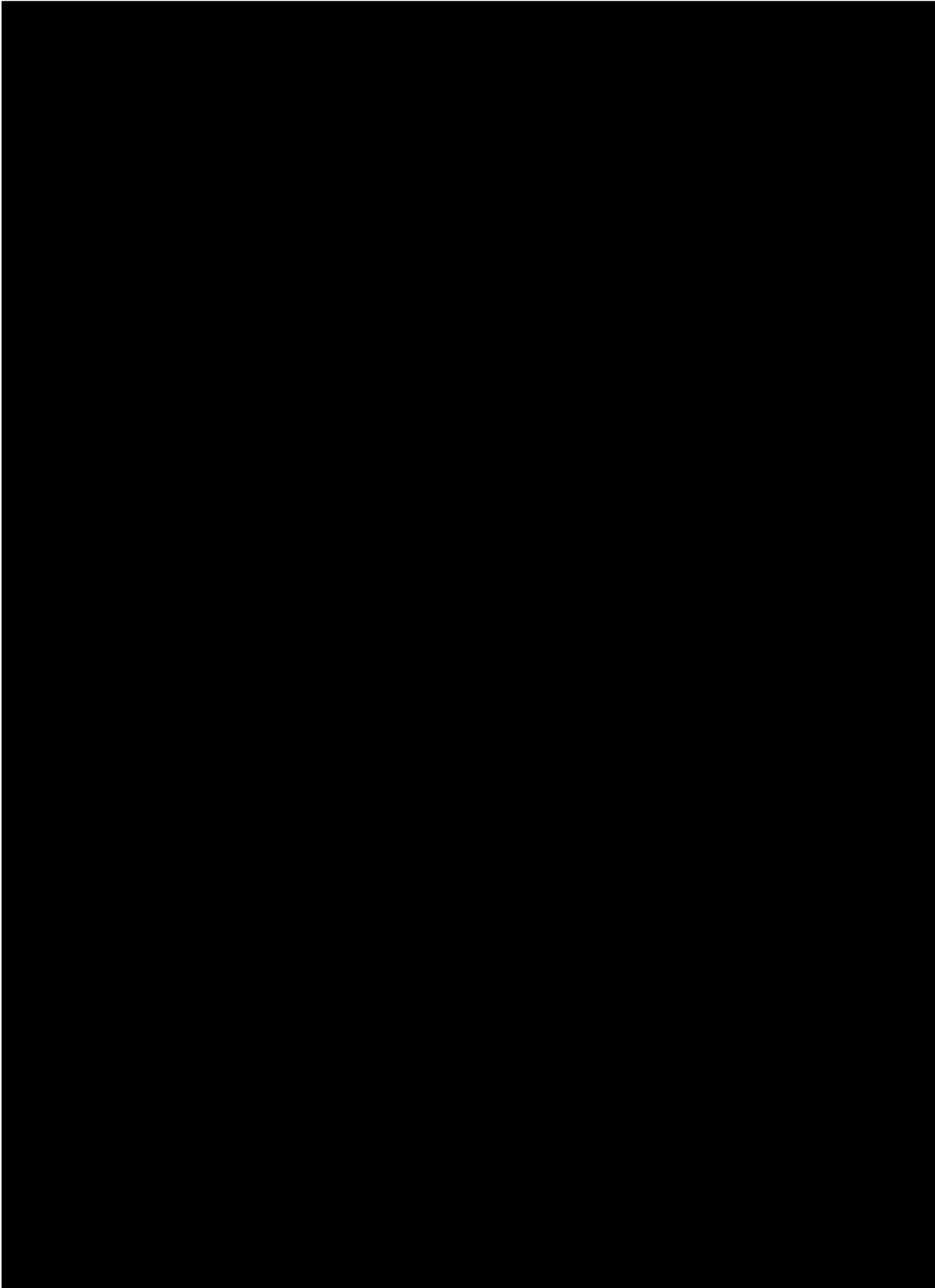


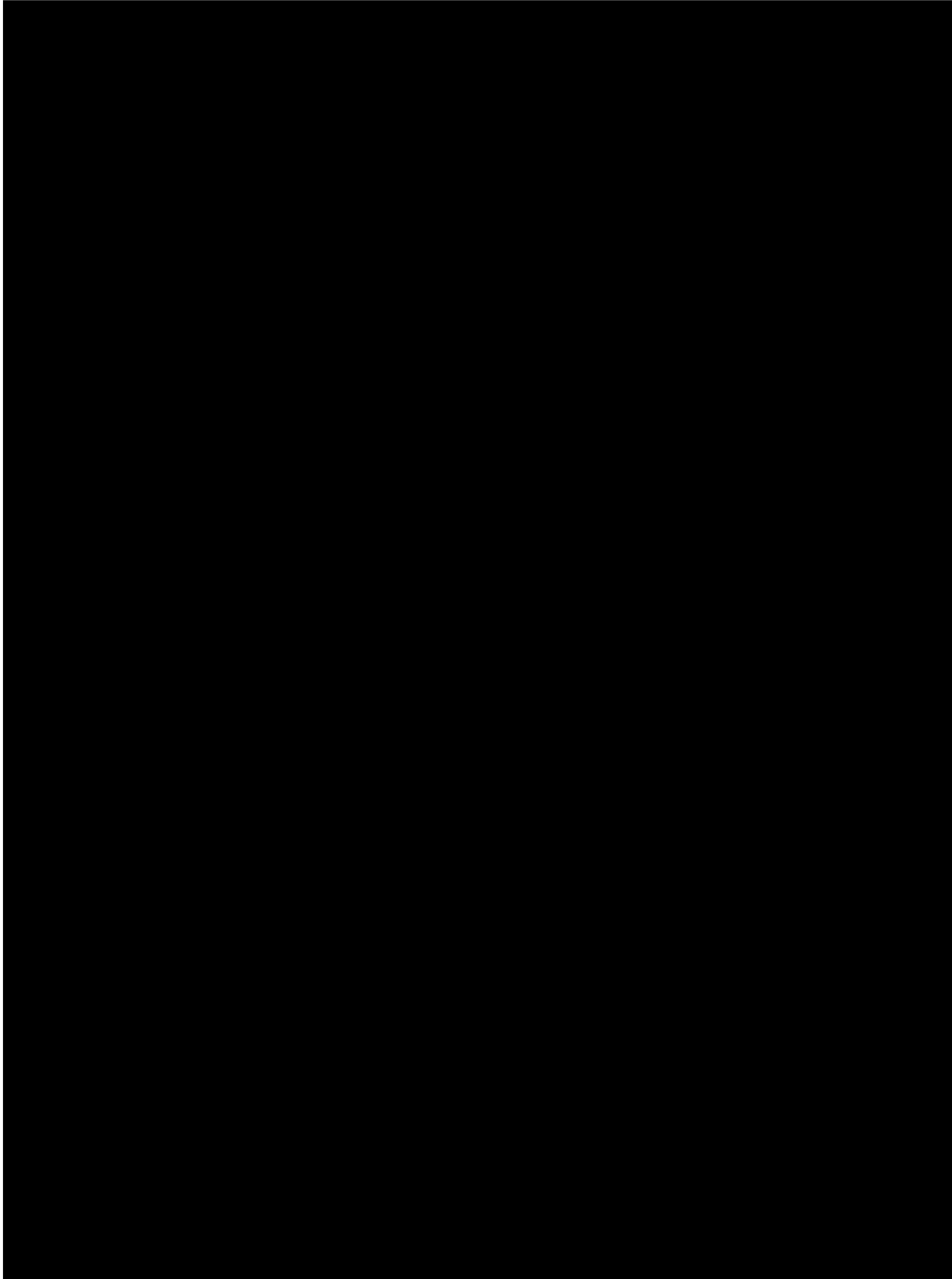




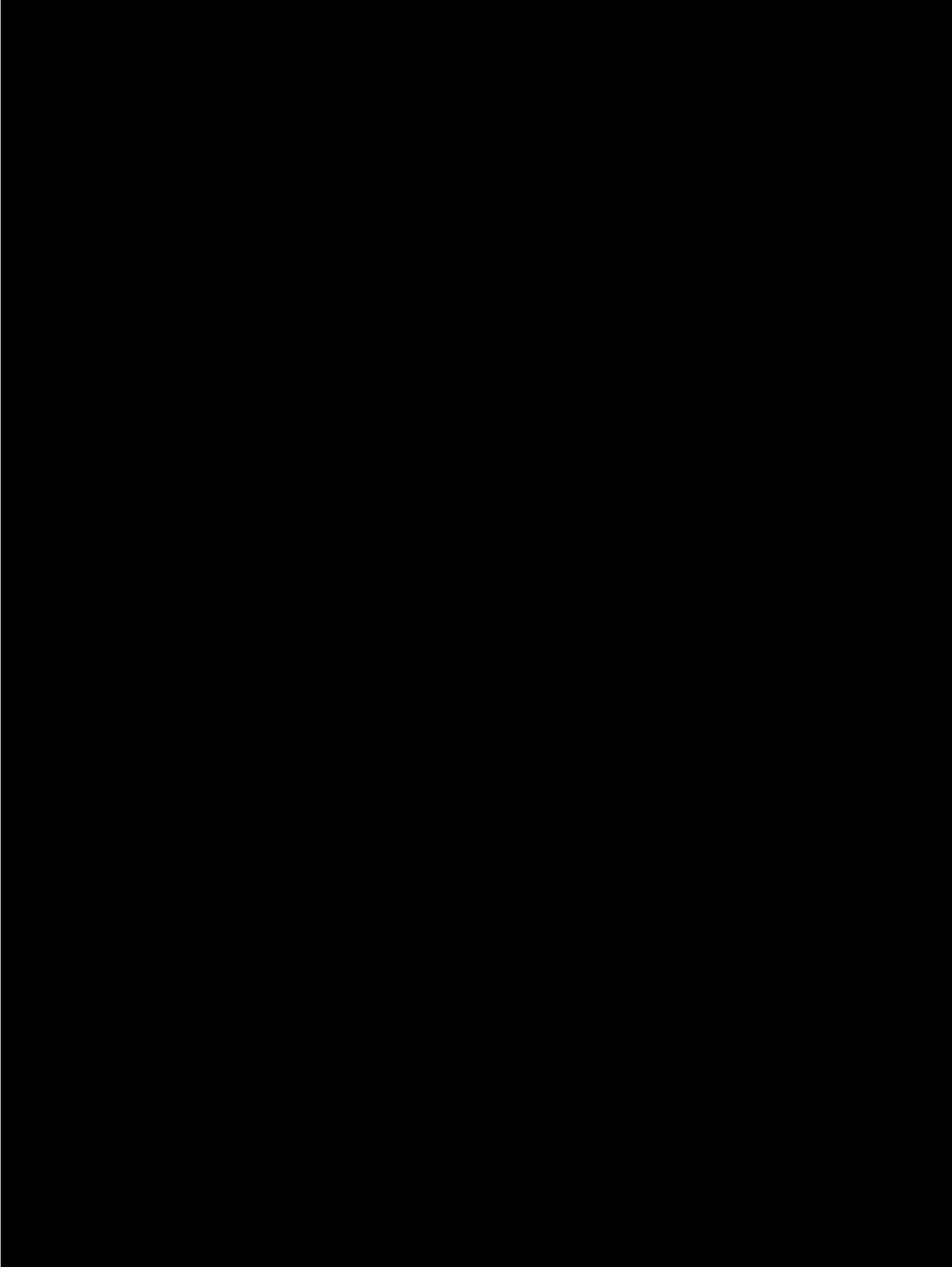


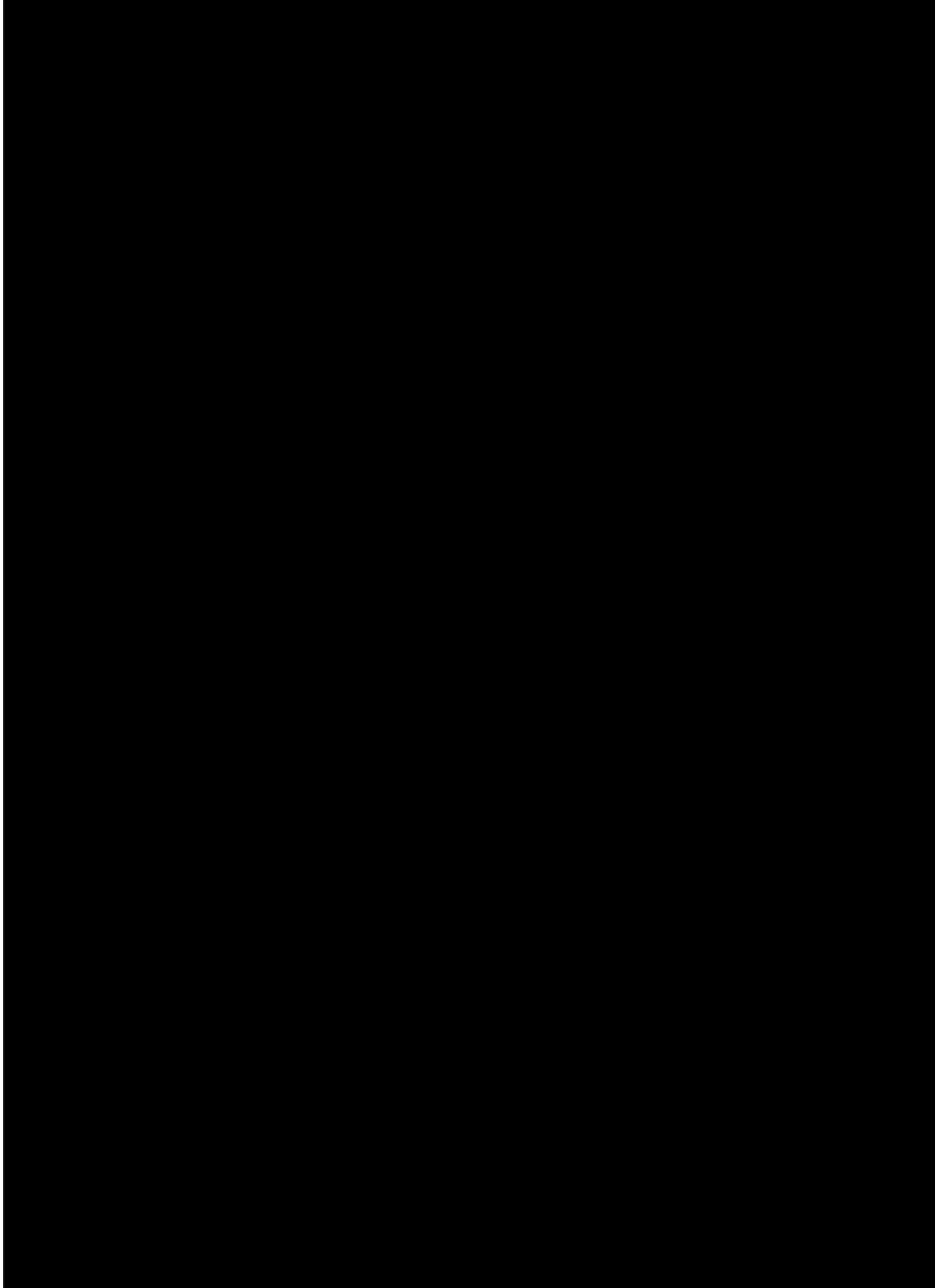


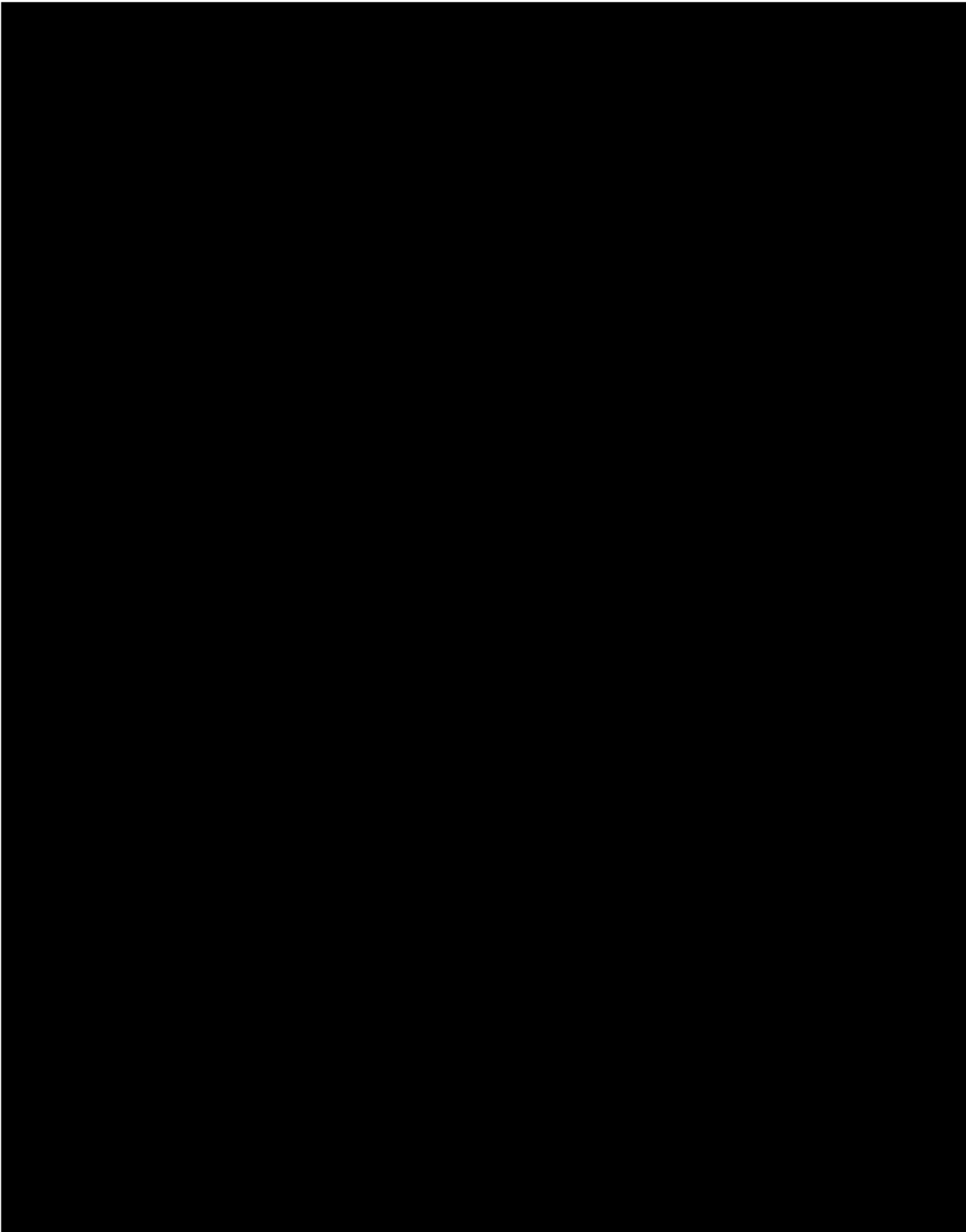




~~(U)~~ Attachment D







~~(U)~~ **Attachment E**

