



Center for Forensic Behavioral Sciences
 Walter Reed National Military Medical Center
 6000 MacArthur Blvd, Ste 1099, Bethesda, MD 20814

28 March 2013

Memorandum For: BG Mark Martins, Mr. Anthony Mattivi, and CDR Andrea Lockhart, Trial Counsel

SUBJECT: R.M.C. 706 Sanity Board Evaluation of Abd Al Rahim Hussayn Muhammad Al Nashiri, ISN#10015

1. Mr. Nashiri is referred for the purpose of conducting a Sanity Board in accordance with Rules for Military Commission (R.M.C.) 706. The current Board is comprised of one psychiatrist and one psychologist assigned to the Center for Forensic Behavioral Sciences (CFBS) at Walter Reed National Military Medical Center (WRNMMC) and one psychologist assigned to United States Army Recruiting Command (USAREC): Lieutenant Colonel (LTC) David Johnson, M.D., Major (MAJ) [REDACTED] Psy.D., and MAJ [REDACTED] Psy.D., respectively.

2. The Board responds to the following three questions:

a. Is the accused presently suffering from a mental disease or defect?

The Board replies: Yes, the accused is presently suffering from a mental disease.

b. What is the clinical psychiatric diagnosis?

The Board replies: In our opinion, to a reasonable degree of psychological certainty, at the time of the evaluation, Mr. Nashiri qualified for the following diagnoses:

DSM-IV-TR DIAGNOSIS (Current):

| | | |
|-----------|--------------|---|
| Axis I: | 309.81 | Posttraumatic Stress Disorder (PTSD) |
| | 296.32 | Major Depressive Disorder, Recurrent, Moderate, Chronic |
| Axis II: | No diagnosis | Narcissistic, Antisocial, and Histrionic personality features |
| Axis III: | | No diagnosis |
| Axis IV: | | Problems related to interaction with the legal system/crime |
| | | Other psychosocial and environmental problems |
| Axis V: | GAF = 51-60 | (Current) |

c. Does the mental disease or defect render the accused mentally incompetent to understand the nature of the proceedings against him or cooperate intelligently in or conduct his defense?

The Board replies: No, the mental disease does not render the accused mentally incompetent to understand the nature of the proceedings against him or cooperate intelligently in or conduct his defense.

Appellate Exhibit 140J
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Nashiri: ISN#10015

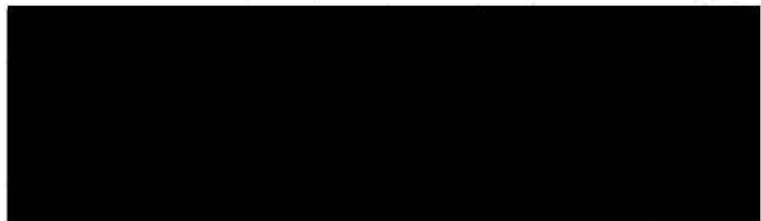
3. Questions regarding this case can be directed to LTC Johnson at the Walter Reed National
Military Medical Center (WRNMMC) Center for Behavioral Sciences (CFBS), [REDACTED]



David Johnson, M.D.
LTC, MC, USA
Forensic Psychiatrist
Program Director,
NCC Forensic Psychiatry Fellowship



[REDACTED] Psy.D.
MAJ, MSC, USA
Forensic Psychology Fellow
Walter Reed National Military Medical Center



[REDACTED] Psy.D.
MAJ, MSC, USA
Forensic Psychologist
USAREC

**MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA**

UNITED STATES OF AMERICA

v.

ABD AL RAHIM HUSSAYN
MUHAMMAD AL NASHIRI

**ORDER PLACING THE R.M.C. 706
SANITY BOARD EVALUATION
UNDER SEAL**

___ April 2013

Upon consideration of the Government's request to maintain UNDER SEAL the R.M.C. 706 Sanity Board Evaluation of Abd Al Rahim Hussayn Muhammad Al Nashiri ("R.M.C. 706 Evaluation"), and pursuant to the Commission's authority under the Military Commissions Act of 2009, 10 U.S.C. § 948a, *et seq.*, the Rules for Military Commissions, the Military Commission Rules of Evidence, and the general supervisory authority of the Commission;

IT IS HEREBY ORDERED that the R.M.C. 706 Evaluation contains sensitive, personal, private information and therefore shall be kept UNDER SEAL.

SO ORDERED:

DATED: _____

James L. Pohl
Colonel, U.S. Army
Military Judge

CERTIFICATE OF SERVICE

I certify that on the 19th day of April 2013, I filed AE 140, R.M.C. 706 Sanity Board Evaluation of Mr. al Nashiri, with the Office of Military Commissions Trial Judiciary and served a copy on counsel of record.

//s//

Anthony W. Mattivi
Trial Counsel
Office of the Chief Prosecutor
of Military Commissions