



TORTURE **IN AMERICA**

**FBI & DOD torture of Ali al-Marri
on the Charleston Naval Brig**

IIICAGE

Witness | Empower | Justice

CAGE is an independent advocacy organisation working to empower communities impacted by the War on Terror policies worldwide. The organisation highlights and campaigns against such policies in hope to achieve a world free from oppression and injustice.



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FOREWORD

Not long after my return from Guantanamo I wrote an autobiography of my life which detailed my experiences in US military custody. I entitled it *Enemy Combatant* - the words used by the Bush administration to describe and designate those imprisoned as part of its “War on Terror”.

According to the US government, an ‘Enemy Combatant’ was “*any person in an armed conflict who could be properly detained under the laws and customs of war*”. The definition was kept deliberately ambiguous. It allowed US officials to dispense with laws ensuring the just treatment of prisoners.

Almost all enemy combatants were detained offshore to ensure they were not granted access to legal rights like habeas corpus in US courts. However, there were exceptions. Three men were imprisoned as enemy combatants directly on US soil. One of them was the subject of this report, **Ali Salah Kehlah al-Marri**.

Much of the treatment faced by al-Marri mirrors my own experiences but are, comparatively speaking, less harsh. However, there were always layers of torture that the US administration applied and those layers are clearly evident in this report. What makes al-Marri’s story both remarkable and compelling, however, is not the level of torture - and here it is important to say that torture at any level is unacceptable - but his resilience and defiance of it.

Following the September 11 attacks US President George W. Bush’s most senior legal advisers crafted language, law and covert operations in which actions that constitute “torture” would simply be redefined. *Enhanced Interrogation Techniques (EIT)* became the euphemistic term for torture, which included hooding, sleep and sensory deprivation, stress positions, white noise and the medieval torture method passed down from the Spanish Inquisition, tortura del agua

(water torture), known as waterboarding, or simulated drowning. *Dryboarding*, which also results in suffocation, was a torture method that featured in the case of Ali al-Marri.

Although apparently developed as a response to the terrorist threat emanating from Al-Qaeda, these techniques were used against Irish Republican prisoners by British forces during the Irish “Troubles”. In 1978, the European Court of Human Rights (ECHR) ruled that although the techniques were “*inhuman and degrading*” and breached the European Convention on Human Rights and hence, were illegal, they did not amount to “torture”.

Views on torture have evolved since this ruling and experts have argued that if such cases were presented to the ECHR today they would rule that these techniques are torture. Nonetheless, the United States directly cited the 1978 ruling as a justification for its own interrogation methods following the 2001 attacks.

In 2002, the now infamous “*Torture Memos*” were carefully drafted by US Deputy Assistant Attorney General John Yoo of the Office of Legal Counsel, the US government’s highest executive authority on legal interpretation and signed by Assistant Attorney General Jay S. Bybee as protection for CIA operatives involved in post-9/11 interrogations. The memos notoriously opined that as long as “*death, organ failure or permanent damage*” didn’t occur, abusive treatment did not constitute torture.

The purpose of the Memos was to circumvent any potential claims against agents from being prosecuted for war crimes. To add impetus to this, US Attorney General Alberto Gonzales - the most senior legal adviser to the government - ensured that all challenges to the use of torture, indefinite detention and military tribunals for civilian suspects were rendered unsuccessful.

Gonzales stated that the Geneva Conventions were “obsolete” in the “new paradigm” of the War on Terror because the enemy the US was facing was amorphous. It was during his tenure that the term “enemy combatant” was used to deny legal rights and due process to terrorism suspects imprisoned in CIA “*black sites*”, Kandahar, Bagram, Guantanamo and in relation to the three individuals detained on US soil.

By the time I was allowed legal counsel near the end of my time in Guantanamo I had read legal arguments made in two of the three cases Both were US citizens. **Yaser Hamdi** was a dual US/ Saudi citizen captured following the surrender of Taliban forces in Afghanistan and a survivor of the massacre at at Qala-i-Jangi where American and Afghan military forces bombed, burned, starved, drowned and electrocuted hundreds of largely unarmed prisoners that had resisted and taken refuge in a prison basement. Those who survived were taken to Guantanamo - except for US national John Walker Lindh.

Following a brief spell at Guantanamo, Hamdi was taken to the US and held as an “illegal enemy combatant” without charge or legal representation. US citizens were not imprisoned in Guantanamo. Some years later, Hamdi was able to access legal counsel and eventually returned home after agreeing to renounce his US nationality in exchange for deportation to Saudi Arabia. **Jose Padilla** was held as an enemy combatant in US military prisons for almost four years after which he transferred to civilian jails following his conviction for terrorism offences. He remains imprisoned to this day.

Ali al-Marri, on the other hand, was a Qatari national legally resident in the US as a student. He was the only non-US citizen held as an enemy combatant on US soil.

In 2009, Ali’s brother Jarallah al-Marri came to the UK as part of CAGE’s *‘Two Sides, One*

Story’ tour. This historic event was the first time former Guantanamo prisoners met with and spoke alongside their former guards. Jarallah had spent over six years imprisoned without charge at Guantanamo and, although most people wanted to hear about his experiences he was more concerned with telling them about his brother - the ‘enemy combatant’ not in Guantanamo but in the United States.

It is widely known that techniques first used in Kandahar, Bagram and Guantanamo were exported to other places. The Guantanamoisation of Abu Ghraib in Iraq under General Geoffrey Miller who had previously commanded Guantanamo is a matter of public record. His use of guards to “soften up” prisoners for military, CIA or FBI interrogators became a template in the use of extreme torture.

I’ve known about tensions between the CIA and FBI. Both wanted to prove how they had best achieved results with prisoners. As evidenced in the US Senate Report on Torture, the former agency were happy to operate clandestinely, carrying out actions outside the law. The FBI on the other hand wanted to give the appearance that they were not associated with war crimes. Their own methods relied upon traditional policing, building rapports, inducements and treating prisoners with dignity. However, when operating in an arena outside the rule of law, where there is no accountability, as is the case with the ‘War on Terror’, the temptation to use torture was evidently too great to resist, including for the FBI.

Any former ‘enemy combatant’ or rudimentary research in the role of the FBI will reveal that they were present during many abuses that occurred in the ‘black sites, Kandahar, Bagram, Guantanamo or, as this report will prove, right in the heart of the America.

In 2002, as a prisoner of US forces in Bagram,

Afghanistan, I was made to face a series of interrogations with both CIA and FBI agents. The CIA threatened to send me to Egypt or Syria if I didn't cooperate. The FBI waved pictures of my wife and children in front of me as I was made to hear the sounds of a woman screaming in the next cell. They made me believe it was my wife. The same FBI agents coerced me into signing a confession in Guantanamo.

Ali was told that he had "no rights" while he slept on a metal bunk, was denied access to the Quran and natural light for six months, forcibly shaved and sleep-deprived, all in a state of solitary confinement. Whilst violating basic prisoners' rights this was standard practice for "enemy combatants" the world over. What reads for the more disturbing part of Ali's treatment is how threats made against his family were real.

According to Ali, the same interrogator threatened to have Ali's family - including his children - brought in front of him and tortured. He further threatened to have Ali's wife raped in front of him. But the threats didn't have the desired effect. Ali's resolve hardened, as did the interrogation techniques.

According to both Ali's accounts and the logs, his mouth was repeatedly taped and stuffed with cotton in an effort to stop him from reciting the Quran. When that failed, a

sock was forced into his mouth and taped over it as Ali stifled and gagged for air. He said he felt as if he was going to die, the same way those who endured waterboarding had felt.

Logs show that the same FBI agent who'd previously made threats to Ali's family had been in and out of the interrogation room. That agent's name was **Ali Soufan**.

Ali Soufan resigned from the FBI in 2005 complaining that the CIA failed to share intelligence that could have prevented the 9/11 attacks. He is since head of the *Soufan Group*, a high profile security and intelligence analysis organisation that provides training to both government and the private sector.

Soufan has positioned himself as an outspoken anti-torture advocate and claims he opposed torture at every point in his career. Soufan has condemned the use of torture in Guantanamo and beyond. He has said:

"People around the world knew what we were doing. The world knows that we tortured... We put people in orange jumpsuits, and now our enemies are putting innocent hostages in orange jumpsuits," in reference to Islamic State (IS) and its execution of western hostages. He laments further:
"This is not how you win hearts and minds in

the Arab and Muslim worlds. This is not how you counter the narrative of authoritarian regimes and terrorists.”

This report, however, records that Soufan was present at Ali’s torture, meaning not only did he condone it but he may have even overseen it.

Moreover, if you scratch the surface and interrogate Soufan’s apparent commitment to justice and the rule of law, it appears he has endorsed and protected the very torturers he claimed to oppose. In an interview with Spiegel magazine in January 2015 he was asked if those who conducted the torture and those who approved this program be tried in court.

Soufan replied: *“I don’t think this chapter can be dealt with through legal action in today’s political environment.”*

But if courts and the law are not the place to deal with war crimes then how should we deal with them?

In 2009, writing for the New York Times on the CIA’s use of torture, Soufan said: *“The debate after the release of these [torture] memos has centered on whether CIA officials should be prosecuted for their role in harsh interrogation techniques. That would be a mistake. Almost all the agency officials*

I worked with on these issues were good people...”

According to Soufan, carrying out torture - a war crime in this context - doesn’t preclude the perpetrator from being a good person. That is an interesting notion but not one, I am sure, he would reciprocate towards his subjects.

This report is a testimony to this resilience and faith of Ali al-Marri. It is also an indictment of not only key individuals within the counter-terrorism sector in the United States, but the American justice system itself, whose much-vaunted values appear to be collapsing.

It is now clear that torture, no matter who appears to oppose it, has become an accepted practice in the US. It is now up to ordinary people like us to highlight this, challenge it and use all the civil means at our disposal to bring it to an end.

Moazzam Begg
CAGE Outreach Director

INTRODUCTION

After 13 years in detention in the US, **Ali Saleh Kahlah al-Marri** returned home to his home country of Qatar. Despite having pled guilty to terrorism, al-Marri was greeted home with a hero's welcome, with dignitaries at the highest level of government attending to him personally. As he settled back into a life of freedom, al-Marri came to know that the offices of **Ali Soufan** - one of his interrogators during the early years of detention and the man that Ali al-Marri accuses of being one of his torturers - were located in his city, Doha.

Despite his guilty plea, Ali al-Marri asserts that his extended conditions of confinement left him with little choice other than to take a plea, in order to have any prospect of returning home to his family. Considering the scaling down of the allegations by the Department of Justice, there is every reason to believe that al-Marri was the unfortunate victim of the excessive approach the US 'justice system' was taking to Muslims in a post 9/11 environment.

Since Ali al-Marri's release in 2014, he has sought help in holding his torturers to account, and **CAGE** has been involved in helping to investigate this case further. By listening to Ali al-Marri's story, conducting our own independent background

investigations, and reviewing 35,000 pages of documentation, we were able to verify the identities and dates of those who were involved in various aspects of his torture.

Although no distinction should ever be made in terms of the jurisdiction in which torture has taken place, it is of note, that Ali al-Marri, **Yaser Hamdi** and **Jose Padilla** were tortured on US soil, not in a CIA black site or at Guantanamo Bay. In terms of those involved, from the Department of Defense, FBI and civilian contractors, this has implications on any role they might have played in abusing al-Marri.

Some will claim that certain individuals mentioned within these pages are prominent anti-torture advocates.

While this may be true to some extent, at CAGE we believe that nothing sends a better message to those who carry out torture, or indeed intend to, than the assertion that: *if you torture, you will be held to account.*

Accountability may not take place in the courtroom, but it can and will still place in the court of public opinion. At the very least, Ali al-Marri deserves to speak his truth, and hold those who harmed him to account.

“They came to me at 8-9 in the morning. They put me in handcuffs, leg irons and belly chains, with earmuffs and blindfold. There must have been 15 – 20 people.”

INITIAL ARREST AND DETENTION

Arriving in the US on 10 September 2001 with his family in order to conduct research into non interest-based banking options for the Qatar National Bank, **Ali Saleh Kahlah al-Marri** was first approached near the end of September 2001, within days of the 9/11 attacks. He had a trunk in his apartment which the FBI came to search after an individual had reported Ali while Ali was attempting to collect his social security number.

The FBI returned to Ali in October 2001, claiming that he had the wrong social security details, and then again in December 2001, with the allegations that he had been in contact with one of the facilitators of the 9/11 plot (an allegation that would again be dropped later). Eventually, on 10 December 2001, he was arrested on the premise that he had been funding al-Qaeda through credit cards, another claim that would not remain.

For a year and a half, Ali was detained without charge or trial at the **New York Metropolitan Correctional Centre** alongside hundreds of other Arab and/or Muslim foreign nationals. Ali described his conditions of confinement at that time:

At that time, the feeling was tense. So we were not pushing back so much. They were not giving us a shower, or giving us anything. No one would answer any of our questions. They would finally start listening after a long time, and I even had to go to court to request that they change our clothes. Even then the government was saying this is a small issue. Finally the court said that if his clothing hasn't been changed in a month, and his bedding hasn't been changed in a month, and his underwear hasn't been changed in a month, then that is a problem. Even the judge was saying that you have to change their clothing."¹

¹ Interview with Ali Saleh Kahlah al-Marri, CAGE, 8 May 2016

During the period of detention at New York, the US government changed the charge from one of *material witness*, to one of *material support for terrorism* due to the alleged credit card activity.

Ali's lawyers were not convinced as to the impartiality of their judge, and so moved for the case to be moved to Peoria. According to Ali, a strange situation emerged where the District Attorney for New York called his legal team to his own offices, and explained that if they moved Ali to Peoria, his safety could not be guaranteed.

Despite the threat by the DA, the legal team chose to still proceed to **Peoria, Illinois**, where Ali al-Marri was immediately placed under the restrictions of *Special Administrative Measures (SAMs)*.

The lawyers would need to sign an agreement that they would have to abide by the rules of SAMs if they wanted to visit their client, but Ali refused to let them do so. He explained that he wanted unrestricted access to his legal counsel.

Soon enough this requirement was dropped, as well as any charges against Ali al-Marri – as **President George W Bush** had declared him an '*Enemy Combatant*' (EC).

I remember when I was taken to Peoria, they moved everyone around my cells, I was in complete isolation even then. I remember they came to me at 8-9 in the morning, and that was not the time for them to come. They put me in handcuffs, leg irons and belly chains, with earmuffs and blindfold. There must have been 15 – 20 people. I knew at that time that I would be declared an enemy combatant. The US Marshals were responsible for moving me and I remember asking the one who was not so rough with me, while he was putting me in the car, "Was I declared an enemy competent [sic]." I remember I made this mistake in my language at the time. He said yes, and all I could respond with was ok. I could see that there was only military, so it became clear what process I was going to be subjected to.

I was taken on a large C30 plane. I was taken from Peoria to South Carolina on the Naval Brig, and I knew at the time that Hamdi was there and that Padilla was there. I was put alone in a cell on my own.²

² Interview with Ali Saleh Kahlah al-Marri, CAGE, 9 May 2016

“What appeared from the Pass Down Logs obtained by CAGE, is that human experimentation was taking place on Yaser Hamdi.”

CHARLESTON NAVAL BRIG PRIOR TO ARRIVAL OF ALI AL-MARRI

In order to understand the conditions into which **Ali al-Marri** was entering, it is necessary to take a look at events at the **Charleston Naval Brig** in South Carolina the year prior to Ali al-Marri's arrival.

It was here that the US had detained the designated 'Enemy Combatants' **Yaser Hamdi** and **Jose Padilla**. In the case of Hamdi in particular, we know something of the conditions of confinement due to emails obtained by the *American Civil Liberties Union (ACLU)*.

That information is supplemented by documents obtained by CAGE of the notes that the guards kept of prison conditions that help to further inform our understanding of prison conditions.

Methods used in **Guantanamo Bay** prison facility were being used here. Hamdi was being detained incommunicado, with even legal mail being refused to him. On 17 April 2002, a law firm sent a letter to NAVCON offering to represent Hamdi, only for JFCOM to make the determination that no action should be taken to respond to such correspondence.³ By 17 June 2002, an unknown official at NAVCON acknowledges they are holding on to 7 pieces of what seems to be legal mail from Hamdi, refusing him access to any legal remedies or recourse.⁴

All the requests that are made by the detainees are judged specifically according to the *standard operating procedure (SOP)* in Guantanamo. There are continual references to denied requests as the request is, "...not IAW JTF-160 SOP for Camp X-Ray."⁵

On 27 September 2002, the Pass Down Log of the Naval Brig records that all those who visit Hamdi should have their names recorded (although this was happening on an irregular basis already).

Key among the names of those visiting Hamdi included:

Jose Ramos
(Lt Col for the DoD)

Russell Lawson
(Unknown individual – role suggests consulting psychologist)

Tom Kelly

Imam Lt Abu Hena Saifulislam
(Hamdi's appointed chaplain)

³ Email, From: [redacted], To: [redacted], WEEKLY UPDATE ON THE CARE OF AMCIT DETAINEE, 20 April 2002 12:31 PM - ACLU, FOIA Documents, 09 October 2008

⁴ Email, From: [redacted], To: [redacted], WEEKLY UPDATE ON THE CARE OF AMCIT DETAINEE, 21 June 2002 5:07 PM - ACLU, FOIA Documents, 09 October 2008

⁵ I Email, From: [redacted], To: [redacted], WEEKLY UPDATE ON THE CARE OF AMCIT DETAINEE, 20 April 2002 12:31 PM - ACLU, FOIA Documents, 09 October 2008

A 2008 Office of the Inspector General Report entitled: *'A Review of the FBI's Involvement in and Observations of Detainee Interrogations in Guantanamo Bay, Afghanistan, and Iraq'*, provided detail on the relationship between the FBI and DoD, providing insights into the way in which these institutions operated with one another through the Military Liaison and Detainee Unit:

*"The [FBI] agents who are sent on these overseas assignments are overseen, for the duration of the assignment, by the Military Liaison and Detainee Unit (MLDU) (initially called the GTMO Task Force). Since its inception, the MLDU has focused largely on logistics and training. It was originally formed as an ad hoc task force within the FBI's CTD in late 2002 or early 2003 "to oversee the newly created FBI mission in Afghanistan." MLDU's duties were been expanded to support agents deployed to Iraq, and it has been responsible for the FBI's operations in GTMO as well. MLDU now has liaison personnel with all of the major military combatant commands - Northern Command, Central Command, and Southern Command. The Unit Chief for MLDU reports to the CTORS Section Chief."*⁶

⁶ Office of the Inspector General, *A Review of the FBI's Involvement in and Observations of Detainee Interrogations in Guantanamo Bay, Afghanistan, and Iraq*, US Department of Justice, May 2008, p.14

As will be evidenced further below, the Naval Brig at Charleston came under the command and control of Guantanamo Bay, and their standard operating procedures and decision-making were taken from them.

It would not be a stretch to acknowledge that the *MLDU's* activities also covered the detainees at the Naval Brig. The MLDU did not operate in a vacuum though: also within their structure was the *Critical Incident Response Group (CIRG)*, formed to manage 'crisis incidents'. Part of the function of CIRG was to provide behavioural science support to the MLDU:

The National Center for the Analysis of Violent Crime (NCAVC) is another branch of the CIRG that has played a significant role in the military zones. The mission of the NCAVC is to combine investigative, operational support functions, research, and training in order to provide assistance to federal, state, local and foreign law enforcement agencies investigating unusual or repetitive violent crimes. The NCAVC is composed of three Behavioral Analysis Units and a Violent Crime Apprehension Program Unit. Agents from Behavioral Analysis Unit number 1 (BAU-1), which focuses on terrorism threats, were sent to GTMO to provide behavioral based investigative and operational support.”⁷

What appeared from the *Pass Down Logs* (PDL) obtained by CAGE, is that guards and officials were employing methods that amount to human experimentation on Yaser Hamdi, as he was being monitored closely for his reaction to specific rounds of interrogation. On 7 October 2002, an unidentified group of interrogators requested the NAVCON staff to monitor the behaviour of Hamdi after an interrogation:

“Interviewers said they had a “heavy” session today. Want us to keep a close watch on E.C. [enemy combatant] and to log any changes or strange behavior.”⁸

The PDL does not make clear which team interviewed Hamdi on 31 October 2002, but after the interview took place between 14:15 – 16:04, a note was left:

“Interviewers want SHH staff to be extra vigilant in their duties. Keep close “eye” on E.C. interview may have “shook him up.”⁹

⁷ Office of the Inspector General, *A Review of the FBI's Involvement in and Observations of Detainee Interrogations in Guantanamo Bay, Afghanistan, and Iraq*, US Department of Justice, May 2008, p.15

⁸ NAVCON Pass Down Log, June 28, 2002 to July 30, 2002 – 07 October 2002 notation

⁹ NAVCON Pass Down Log, June 28, 2002 to July 30, 2002 – 31 October 2002 notation

This incident left Hamdi shaken to the extent that he was recorded as doing the following:

"- EC was crying during 745 prayer

- EC made noises with mouth from 1917 - 1925

*31 Oct 02 - (Nights) (cont) = EC is biting fingers profusely."*¹⁰

From earlier and later entries, it seems very clear that **Ramos** and **Lawson** are mostly responsible for interviews with Hamdi. (Sanford) **Seymour** was also a regular visitor to Hamdi, although it is unclear as to the purpose of his visits beyond listening to the detainee's concerns.

The **'Contractors'** made another appearance in the PDL on 11 March 2003 to interview and take pictures of Hamdi. Such meetings between the contractors, Ramos and Lawson, often left Hamdi shaken:

*"1550 Contractors aboard along with Gunney Warren, and Chief Keen to take pictures. During pictures EC began to start shaking noticeably. After EC took pictures and was secured EC asked for water and stood at back of cell until the relieved his water. EC then sat on cell rocking back and forth He wash and prayed."*¹¹

The PDL presents a view of Yaser Hamdi as being an extremely broken man, as if he was the victim of a successful strategy of coercive control. It is unclear from the log, but on 4 April 2003, pictures were presented to Hamdi. It is not known whether the pictures

were taken by the Contractors or others, but the purpose was to gauge his response:

04 APR 03
★ EC WAS GIVEN PICTURES BY INVESTIGATORS THEY MUST BE TAKEN UP AT TAPS AND OFFERED TO HIM AFTER REVEILLE. GIVE THEM TO HIM ANYTIME HE WANTS (BETWEEN REVEILLE AND TAPS) TAKE NOTICE OF ANY CHANGES IN BEHAVIOR BECAUSE OF THEM.
★ MONDAY MORNINGS JUST AS TODAY, TAKE HIM OUTSIDE AND SHOWER HIM FIRST THING IN THE MORNING SO ITS DONE BEFORE THE INVESTIGATORS ARRIVE (TRY TO GIVE HIM AT LEAST 20 MIN. OUTSIDE)
— EC WAS GIVEN A SMALL CARTON OF MILK DURING HIS VISIT WITH THE INVESTIGATORS.
— WRITE DOWN HOW LONG AND OFTEN HE PRAYS AND HOW LONG AND OFTEN EC LOOKS AT PICTURES FOR THE INVESTIGATORS.
— INTERVIEWERS WILL BE BACK AT 1000.

"EC was given pictures by investigators they must be taken up at taps and offered to him after reveille. Give them to him anytime he wants (between reveille and taps) take notice of any changes in behavior because of them.

...

Write down how long and often he prays and how long and often EC looks at pictures for the investigators.

...

*1906 EC began to pray, then looked over at his pictures, then continued to pray for a moment, then stopped prayer and turned the pictures face down, the continued prayer."*¹²

¹⁰ NAVCON Pass Down Log, June 28, 2002 to July 30, 2002 - 31 October 2002 notation

¹¹ NAVCON Pass Down Log, June 28, 2002 to July 30, 2002 - 11 March 2003 notation

¹² NAVCON Pass Down Log, June 28, 2002 to July 30, 2002 - 4 April 2003 notation

The obsession of Ramos and Lawson with Hamdi's reaction to the pictures is recorded again 3 days later when they gave further instructions to monitor Hamdi's behaviour:

"Per order of Mr Lawson, Mr Ramos & Mr Quinn: EC is to be given the pictures and the letter from his family at Reveille. He is to be given these items until as time as the (EC) decides he does not want to look at them any more. They are only to be taken away at Taps.

- or until he decided he wants them secured. Also, SHU staff is to pay particular attention to the EC. If it looks as though he wants to "ask a question", simply ask him, if he needs something. If it is such that he requests to speak to Mr Lawson, Mr Ramos, or Mr Quinn one of the GYSgts needs to be contacted immediately, EC has been presented with options by the contractors and is in a position to determine his own fate, so to speak - MA Beckett.

- per order of Maj. Foster, EC is to continue to have 3 days of recreation per week, allow him access to pictures when he wants between reveille + taps, and remove the mattress from A-seg side."¹³

The pictures provided to Hamdi were clearly having an impact on his psychology, as the notes from 15 April 2003 recount him trying to break the cycle of depression into which he seemed to be falling:

"0700. EC was given picture and glasses. For duration of the day, he has not looked at them nor attempt to view them.

1707 - EC tapping forehead with palm of hand."¹⁴

Ten days after the interrogators started their experiment with the pictures, they continued with the same strategy. On 14 April 2003, the PDL stated:

000418-
NAFLO3 (NIGHT)
POL REVIEWED BY MAJ LANG
1704 - TAP #210 CHANGED WITH TAP #211
* @ 2110 EC FINISHED LOOKING AT PICTURES, SAT IN HIS RACK AND APPEARED TO BE CRYING.
- ALL TOILETS ON A-1 ARE HAVE BEEN FLUSHED -
15 APR 03 (DAYS)
POL REVIEWED BY MAJ WILLIAMS
0700. EC WAS GIVEN PICTURES AND GLASSES. FOR DURATION OF THE DAY, HE HAS NOT LOOKED AT THEM NOR ATTEMPTED TO VIEW THEM.
1707 - EC TAPPING FORWARD FOREHEAD WITH PALM OF HAND.

"2110 EC finished looking at pictures, sat in his rack an[d] appeared to be crying..."¹⁵

¹³ NAVCON Pass Down Log, June 28, 2002 to July 30, 2002 - 7 April 2003 notation

¹⁴ NAVCON Pass Down Log, June 28, 2002 to July 30, 2002 - 15 April 2003 notation

¹⁵ NAVCON Pass Down Log, June 28, 2002 to July 30, 2002 - 14 April 2003 notation

Charleston Naval Brig Prior to Arrival of Ali al-Marri

What is important about this reference, is the notes of the Commanding Officer (CO) on that week while reporting on Hamdi's behaviour:

*"He continues to be seen by the [redacted] both of which continue to keep me informed of their visits and observations. [redacted] and I continue to monitor the detainees behavior with regard to depression and although still a concern, neither of us have observed the condition this week. I continue to remind the [redacted] to be particularly attentive to his behaviour. The detainee remains in a Maximum Custody status, isolated from the general population and under two guard control (one E-7 and one E-6) at all times. The only time the detainee is permitted out of his cell is during shower and recreation calls (combined 1 hour total each day) and when out of his cell during these times, prescribed restraints are applied, with three Guard Force members present (two guards E-6 and one watch supervisor E-7)."*¹⁶

Whatever the interrogators were doing with Hamdi, the circle of secrecy around it was being kept very close to the interrogators, with strict instructions that none of the staff at the Naval Brig were to disturb their work:

*"From Mr Lawson: Under no circumstances are any personnel other than Mr Lawson, Mr Quinn, Mr Ramos and Mr Perez, allowed in the interview room. Mr Lawson wants us to get with GySgt to consider preventative measures for not allowing unauthorized personnel in interview room."*¹⁷

After 14 months of Hamdi's conditions of isolation, the Commanding Officer sent an email to the supervisors on 4 June 2003, expressing a great deal of consternation over the situation:

"I saw the detainee this morning during routine daily rounds and found him to be in low spirits and somewhat depressed. When I questioned him concerning his mood he indicated he was having problems sleeping again and continues to have the same re-occurring bad dreams as before. He indicated he feels very stressed due to the incarceration and being here now for almost (14) months, with no news pertaining to his future. He wanted me to know that he understands we are doing everything we can here at the facility to make him as comfortable as possible and that he has no complaints with my staff or their treatment of him, but that does not help how he feels and that he is finding it increasingly difficult dealing with the incarceration. I told him I had no new information pertaining to his length of stay, that we continue to push incentive as a means to keep his mind off of the incarceration [redacted]...the staff for issue to him, if requested and recommended that he take it this evening if he continues to have [redacted] He went on to indicate that he feels as if he has been forgotten and that no one is working on getting him freed. I could only tell him this was not the case and that he needs to continue to put his faith in his god and that I and his family would view his giving up at this juncture, as being a failure and the family would view his giving up at this juncture, as being a failure and the last thing that I wanted to have happen was to send him anywhere from here as a "Basket Case", of use to no one, including himself. I continued to point to his family's support and the goals

¹⁶ Email, From: [redacted], To: [redacted], WEEKLY UPDATE ON THE CARE OF AMCIT DETAINEE, 18 April 2003 4:52 AM - ACLU, FOIA Documents, 09 October 2008

¹⁷ NAVCON Pass Down Log, June 28, 2002 to July 30, 2002 - 7 May 2003 notation

he has set for himself, as reasons to continue to be strong despite the circumstances and uncertainty. He indicated he would continue to endure, but he did not leave me with a good impression that he is capable of going much longer. For [redacted] Sir are there any new developments with regard to the detainees fate that can be passed along. I know I can not give him any false hope, but I fear the rubber band is nearing its breaking point here and not totally confident I can keep his head in the game much longer”¹⁸

The activities of the ‘Contractors’ are key in understanding the nature of Hamdi’s incarceration. Lawson, Ramos, **Perez** and **Quinn**, it seems had the purpose of manipulating and controlling Hamdi to the point that he would become compliant to their demands.

The staff at NAVCON could see the impact the long periods of isolation were having on Hamdi and thus attempted to provide a socialised space for him to be able to recover from the longer periods of isolation. This is particularly significant, as we will see below, since the Contractors involved in Ali al-Marri’s interrogation implemented a specific programme to isolate him from any meaningful socialisation, even with the guards.

What Hamdi’s experiences present is a continuity of practice by the Contractors from the treatment of Hamdi and Padilla to that of Ali al-Marri. The abuse carried out against Ali cannot be seen as random, but rather as a systematic programme of harm designed to destroy Ali as part of the Contractors’ strategies of coercive control.

¹⁸ Email, From: [redacted], To: [redacted], CARE OF DETAINEE USCIT [redacted], 03 June 2003 17:55 - ACLU, FOIA Documents, 09 October 2008

“The Enemy Combatant [Ali al-Marri] asked [Technical Director] Mr. [Sanford] Seymour if he had any rights. Mr. Seymour answered ‘no’.”

ARRIVAL OF ALI AL-MARRI AT THE CHARLESTON NAVAL BRIG

23 June 2003 – 11 September 2003

(from 18 months since arrest | 0 months Enemy Combatant)

This report documents a small portion of **Ali Saleh Kahlah al-Marri's** total detention, since our purpose is to highlight specific evidence of torture that occurred under the watch of individuals named in the documentation.

Ali Saleh Kahlah al-Marri was taken to the **Naval Consolidated Base at Charleston** after a determination that he was an Enemy Combatant – although he was not initially informed of this designation. Visitation logs attest to the fact that his visitors included mostly medical personnel and key officials responsible for his detention. This covers the period from the 23 June 2003 until 12 September 2003, when the first interrogation official arrived.

The medical personnel included both physicians and psychologists/psychiatrists based on their logs, which suggest their specific roles. It would seem that medical personnel such as **Lawson** also played a key role in behavioural manipulation and abuse of Ali in order to test his boundaries and break his spirits.

The medical personnel are logged as:

Dr Noble	<i>medical</i>
HM Henning	<i>medical/visit</i>
HM1 Lawrence	<i>medical</i>
HM Harding	<i>medical/visit</i>
SH2 Paraison	<i>medical/haircut</i>
Captain Haas	<i>dental</i>
Lt Wilson	<i>dental</i>
DT3 Green	<i>dental</i>
DN Barber	<i>dental</i>
Cpt Kerrigan	<i>medical exam</i>
HMCS Appleton	<i>medical exam</i>

GRD Lt Cooper	<i>medical¹⁹</i>
Mr Sanford Seymour	<i>visit</i>
Major Foster	<i>visit</i>
Capt Stephanie Swift	<i>visit²⁰</i>

Captain **Stephanie Swift** was the Commanding Officer (CO) of the Charleston Naval Brig and had overall control of all aspects of Ali's detention. **Sanford Seymour** (Technical Director) was the most senior civilian on the base, and answered directly to the CO.

¹⁹ Visitation Log EC#2 23/06/2003 – 29 April 2004, pp.1-4

²⁰ DOJ/CTS U/FOUO SUM 003/4 from 22/10/2003 report

Arrival of Ali al-Marri at the Charleston Naval Brig

Ali's primary concern over the first three days of his detention appears to have been the prayer times, and after requesting them on 24 June, he is logged as having requested them on six different occasions.²¹ Ali is forced to resort to praying at random times in order to keep up with his obligations. In the early hours of 26 June, **MA Beckett** told Ali that he would inform him when morning prayer would be, but it seems clear that Ali did not trust him and chose to pray without being informed by the guards.²²

The following day the prayer continued to present itself as an issue as Ali claimed that he was not being informed of them all:

*"2155 – call to prayer, EC asked CPL Sauro if it was sunset prayer or evening prayer. CPL Sauro informed EC it was the final prayer. EC informed CPL Sauro that no one told him of sunset prayer. CPL Sauro informed EC that we did, and he layed back down in his rack. EC replied "ok"."*²³

Along with the travails of Ali in relation to prayer times, a concern for him was being able to remain ritually pure in order to be able to perform the prayer.

On 5 July 2003, Ali woke due to a wet dream, and was forced to take a shower. He was accommodating by performing his cleansing in a way that would be considered less than ideal, but the fact that he was willing to compromise over something so important is indicative of the circumstances in which he found himself.

The failure of the administration to accommodate his religious needs to be assessed as being something based on ignorance or on an actual attempt to make his life difficult.²⁴

This issue came to a head again two days later when Ali woke again to another wet dream. Ali was denied the right to shower after he "woke up wet" and only provided with a cup of water and a flannel, "EC was given a paper cup to clean with and told only to clean his lower "extremity". EC was argumentative and said he needed to wash his entire body every time he has a wet dream."²⁵

The Technical Director, Seymour showed very little understanding of Ali's religious needs. When requested to be provided with food in order to allow him to fast, he was told that, "we will present you with the food what you do with it is up to you." Ali was also informed that he would not be provided with a copy of the Qur'an, a clear violation of his religious needs and rights.²⁶ Ali's frustration with his situation began to show the following day on 9 July 2003 when he is recorded as having punched the rear wall of his cell while he was pacing and reciting the Qur'an.²⁷

The above information in relation to Seymour's treatment of Ali must be placed within the context of the 15 months that preceded his detention by considering the cases of **Yaser Hamdi** and **Jose Padilla**. By this stage, Seymour should have been very familiar with the cultural needs of Muslim prisoners, especially those who are observant in their faith. It is only on 10 July 2003 that Seymour specifically states that Ali should be provided with a pork substitute

²¹ HU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 25 Jun 03

²² SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 25 Jun 03

²³ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 26 Jun 03

²⁴ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 05 Jul 03

²⁵ HU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 07 Jul 03

²⁶ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 08 Jul 03

²⁷ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 09 Jul 03

meal²⁸, something that should have been well established. On the same day Ali asked Seymour as to his status,

"The EC asked Mr. Seymour if he had any rights, Mr. Seymour answered "no"²⁹

The abuse was not isolated to issues of religion, but also entailed manipulating the environment as to cause severe discomfort. By 13 July 2003, Ali had been in detention for over two weeks and was forced to sleep in a cold cell on a metal rack without access to a mattress. On 13 July 2003, he complained to the medic **HM Lawrence** that his legs and back hurt and went numb. He specifically requested a mattress, but it would be years before he received one on a regular basis.³⁰

The cold air-conditioning in Ali's cell was one of the features of his detention, and even in this early period, he continually requested for the AC to be turned down. He was only ever told by Seymour that it would be checked on.³¹

Still, it seems the denial of Ali's ability to practice his faith was a constant feature. Ritual cleansing is an important part of the lives of Muslims. One of the ways in which Muslims are obliged to keep clean, is to shave or remove their pubic hair. On 17 July 2003, Ali was forced to make a request in order to be able to do this (later he is forced to pluck with his fingers due to the prison administration refusing to meet his needs).³²

In case this denial of his religious rights could be seen as being based in ignorance, the documentation of Ali's incarceration indicates express instructions to manipulate him. Perhaps one of the most telling moments in the Pass Down Logs for Ali, comes on 5

September 2003, before the Contractors arrived to interrogate him. In a notation, Sanford Seymour actively permitted for Ali to be 'played' with:

"...EC#2 can have games played with him as long as they are legal, no messing with food!!"³³

This final quote from the Pass Down Logs before the main period of interrogation for Ali began is truly indicative of the systematic nature of the abuse being carried out by the prison staff. The period of detention suffered by Yaser Hamdi prior to Ali's arrival shows that by then, many of the detention practices of the new 'Enemy Combatant' paradigm could have been ironed out, yet with Ali they treated his conditions of confinement without even the privileges they had afforded to Hamdi.

The refusal to permit Ali a mattress from the start of his time, the general 'playing' with him, and the refusal to permit him to perform his cultural and religious rites, could well have been to destroy his sense of self and his autonomy, and to induce a state of dependence followed by compliance.

²⁸ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 10 Jul 03

²⁹ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 10 Jul 03

³⁰ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 10 Jul 03

³¹ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 15 Jul 03

³² SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 17 Jul 03

³³ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 05 Sep 03

“When the [interrogation] session ended, the guards observed that 052 [Ali al-Marri] was noticeably shaken. 052 was trembling as he was escorted back to his cell. Later that night, 052 prayed for five straight hours.”

DOD AND FBI INTERROGATION

12 September 2003 – 19 October 2003

(21 months since arrest | 3 months Enemy Combatant)

The interrogations with Ali start on 12 Sep 2003 when **Lt Col Ramos** interviewed Ali for the first time for around 30 minutes between 16:42 until 17:19.³⁴ O52 (Ali) was informed by Ramos that he had no rights and was an Enemy Combatant. This information resulted in Ali refusing to cooperate, saying he is innocent.³⁵ Prior to Lt Col Ramos entering, Ali was subjected to a forced shaving, a tactic that would be used regularly before each major round of interrogation.³⁶

The following day, 13 September 2003, saw the arrival of what is assumed to be the ‘Contractors’ including the FBI, who stayed with Ali between 10:30 – 11:30. Those present during the visit included:

Lt. Col. Ramos

Mr Russell Lawson

Mr Zambeck

Ms McGuire

Mr Kosky³⁷

Ali was already familiar with FBI agent **Nicolas Gordon Zambeck**, as he was part of the initial investigation team leading to Ali’s arrest from 11 December 2001.

From the beginning due process was absent. Ali was told by these interrogators that he had no rights and the only way to change his situation was to cooperate.³⁸ After leaving him, the interrogators requested that guards

noted all his emotions. They recorded that Ali was shaking going to and from the interview room. He was sitting on the floor and thinking hard.³⁹ Further, it is noted within the PDL that he was to be given magazines as a “gift” from Lt Col Ramos.⁴⁰

Two days later the same team arrived with the exception of **Kosky**.⁴¹ The PDL barely makes mention of 15 September 2003 within the logs except to note that the tape had been changed. The visitation log records the presence of the Contractors as being less than an hour between 12:46 – 13:43 although it can be assumed that they were not with Ali for that entire period of time due to the time it took to go through the administration’s processes. However the effect of this visit on Ali is notable.

According to a declassified DIA document:

“In a document dated 15 September 2003, the following events were noted: When the session ended on Saturday, the guards observed that O52 was noticeably shaken by what the Interrogator had told him. O52 was trembling as he was escorted back to his cell. Later that night, O52 prayed for five straight hours – a first since his incarceration at this Brig. Sunday, guards noticed he appeared to be more nervous and restless than normal. His frequency of prayers was nearly double his usual amount (five times a day).”⁴²

³⁴ Visitation Log EC#2 23/06/2003 – 29 April 2004, notation 12SEP2003 1642

³⁵ DOJ/CTS U/FOUO SUM 17/1 from 14/09/2003 report

³⁶ SHU General Log Ledger, notation 12SEP2003 0739

³⁷ Visitation Log EC#2 23/06/2003 – 29 April 2004, notation 13SEP2003 1030

³⁸ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 13 Sep 03

³⁹ Chart of Interview Folder, Tab 17 13/09/2003

⁴⁰ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 13 Sep 03

⁴¹ Visitation Log EC#2 23/06/2003 – 29 April 2004, p.4

⁴² Summaries of Interrogation in compliance with Judge Mihm’s order, Unclassified Documents - DOJ/CTS U/FOUO SUM01 - 0001

DOD and FBI Interrogation

The first round of interrogations were relatively benign, with Ali refusing to cooperate, having been frustrated by his conditions of confinement and the refusal to provide him with a Qur'an during that time. However, the PDLs suggest that the withholding of 'privileges' from Ali, might have been a coordinated policy from **Lawson** and Ramos, who seem to have a degree of control over the actions of the SHU authorities.

Ali said of these early periods of his detention:

*"For the first five months they refused to give me a Qur'an, prayer mat, prayer cap and tell me the time of day for prayers. After that five month period, the FBI came and said that they were ready to talk, and wanted to know who KSM was. I replied that I was not interested in talking, that I wanted them to give me all of my religious items, and then after a five month period that made up for the five months I had been denied, I would then speak with them. They refused and said that after another five months I would be singing a different tune. I simply retorted by saying that is up to you, but even then I will force you to make up for ten months of lost time with the Qur'an."*⁴³

⁴³ Statement of Ali Saleh Kahlah al-Marri to Asim Qureshi, 18 February 2015

“It was specifically referenced again that Ali would not be informed
of the start of Ramadan.”

20 October 2003 - 7 December 2003

(22 months since arrest | 4 months Enemy Combatant)

It is interesting to note that the *Segregated Housing Unit (SHU)* visitation logs from this period show that the Contractor teams were interviewing the three 'Enemy Combatants' between them at this time.⁴⁴ The PDLS specifically refer to **Ramos** and **Lawson** interviewing **Yaser Hamdi** on 20 October 2003⁴⁵, however on the same day the visitation logs show that **Zambeck**, **Neer** and **Kosky** were also present in Ali's visitation log.⁴⁶

The following two days, the same team remained at the NAVCON Brig meeting with the detainees. Although the PDLs made no reference to these meetings, the SHU General Log Ledger made it clear that an iteration of the team including Ramos, Lawson, Zambeck, Neer, Kosky and **Quinn** were interviewing Ali.⁴⁷

The post-interrogation period suggests that there was a deliberate pattern on the part of the prison authorities to undermine Ali's religious and cultural values, as well as make his life as difficult as possible. The policies implemented appear to have had the purpose of forcing compliance with the interrogators for their return visit.

On 25 October 2003, a document specifically references that the start of Ramadan would coincide with daylight savings time. It is specifically referenced again that Ali would not be informed of the start of Ramadan, even though EC#1 and EC#3 would be.⁴⁸

Perhaps the most telling reference to the systemic nature of the abuse against Ali is a 27 October 2003 citation that states Ali should not be, "*messed with from this point onwards.*"⁴⁹

The 'messaging' that is referenced within the documentation seems however to be about random acts of abuse against Ali, rather than the coordinated policy to destabilise him. A 28 October 2003 citation makes it clear that during recreation Ali was to be blindfolded with black out goggles, made to wear ear-muffs, and have leg irons during recreation.⁵⁰

⁴⁴ Visitation Log EC#2 23/06/2003 – 29 April 2004, notation 20OCT2003 1520

⁴⁵ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 20 Oct 03

⁴⁶ Visitation Log EC#2 23/06/2003 – 29 April 2004, notation 20OCT2003 1520

⁴⁷ SHU General Log Ledger, notation 21OCT2003 1629 and 22OCT2003 1021

⁴⁸ Chart of Interview Folder, Tab 23 25/10/2003

⁴⁹ Chart of Interview Folder, Tab 23 27/10/2003

⁵⁰ Chart of Interview Folder, Tab 24 28/10/2003

“Ali explained why he prayed when asked: two things, one you don’t need to know and the second: that Allah’s curse should fall, ‘on those who arrested him and are responsible for his detainment’.”

08 December 2003 – 16 December 2003

(24 months since arrest | 6 months Enemy Combatant)

Ali made a series of demands and complaints to the interrogators during this period. Among the complaints was that food was being pilfered.⁵¹ **Lawson** ordered that he specifically wanted Ali to have a haircut and be shaved the following day. He also ordered that the mirror in Ali's room be removed.⁵² Over the course of 8 and 9 December 2003, various arrangements of the following individuals interrogated Ali:

Lt. Col. Ramos

Mr Lawson

Mrs McQ[G]uire
(Later referenced as *Jacqueline Maguire*)

Mr Zambek⁵³

Mr Seymour

Mr Neer

Mr Arias⁵⁴

The intensity of abuse also appeared to increase. An order was given that *"no one is to talk to EC#2 at all!!!"*⁵⁵ It appears that the Contractors were attempting to apply pressure to Ali to coerce him to talk.

Ali did not consume any meals for 3 days. He also did not talk much, to conserve energy for prayers.⁵⁶ The records indicate that an interrogator said he would be force fed if he didn't comply and eat and warned that it would be painful and unpleasant. Ali said that as a Muslim, he can't harm himself due to Islam and he would begin eating next day. Ali prayed and when asked why explained: two things, one you don't need to know and the second: that Allah's curse should fall, *"on those who arrested him and are responsible for his detainment."*

Ali was also asked what it would take to talk: he replied that first he was to be given Qur'an and then 6 months later he would talk. The reason for this is he was denied the Qur'an for 6 months. He said after the period that was returned to him, *"he will only talk about religion, politics and sports"*.

According to Ali, during this series of interrogations, it was the first time that **Ramos** had touched him. During the interrogations, he would be shackled to the floor and Ramos would be leading the interrogations against him.

The timing of certain acts against him was also important in terms of attempting to demoralise him. For example, Ali noticed that while they would shave him regularly, this would occur in particular just before interrogations.

⁵¹ DOJ/CTS U/FOUO SUM 18/5 from 08/12/2003 report

⁵² SSS Pass Down Log, 09 October 2003 – 06 October 2004, re Al-Marri, notation 08 DEC03

⁵³ Visitation Log EC#2 23/06/2003 – 29 April 2004, notation 8 Dec 03

⁵⁴ Visitation Log EC#2 23/06/2003 – 29 April 2004, notation 9 Dec 03

⁵⁵ Chart of Interview Folder, Tab 26 09/12/2003

⁵⁶ Summaries of Interrogation in compliance with Judge Mihm's order, Unclassified Documents - DOJ/CTS U/FOUO SUM04 - 0004

DOD AND FBI

INTERROGATION – ALI SOUFAN

17 December 2003 – 08 January 2004
(24 months since arrest | 6 months Enemy Combatant)

Before examining the role of the FBI in the abuse of Ali al-Marri it is worth visiting formal FBI policy. The FBI policies in relation to interrogations prior to their formal renewed guidance under the conflict situations in May 2004 is based on the FBI's Legal Handbook for Special Agents. The major emphasis of the review is on the 'exceptional' situation they claim to be in abroad. However, despite this, in their view the relevant law applicable at the time of their interrogations abroad and at home was:

“[i]t is the policy of the FBI that no attempt be made to obtain a statement by force, threats, or promises.” The FBI's Manual of Administrative and Operational Procedures (MAOP) describes the importance of FBI agents not engaging in certain activities when conducting investigative activities, including foreign counterintelligence, and specifically states that “[n]o brutality, physical violence, duress or intimidation of individuals by our employees will be countenanced...”⁵⁷

Bearing this in mind, the next period of Ali's detention and interrogation process brought a major shift in the tactics that would be used against him. On 17 December 2003, along with the usual set of Contractors including **Ramos, Lawson, Maguire** and others, most significantly there was also **Ali Soufan**:

17 DEC 03	1053	1025	MR. LAWSON	VISIT	CO
17 DEC 03	1053	1025	MR. RAMOS	VISIT	CO
17 DEC 03	1053	1025	MRS. MAGUIRE	VISIT	CO
17 DEC 03	1053	1025	I. KALDAS	VISIT	CO
17 DEC 03	1053	1025	MR. THOMAS NEER	VISIT	CO
17 DEC 03	1053	1025	MR. A. SOUFAN	VISIT	CO

This particular visit was not one long interrogation, but rather two sets of interrogations. One between occurred 11:16 – 13:04 and the other took place from 14:15 – 16:25.⁵⁸ This group, including Valdez and Zambeck, would be part of the interrogation team over the course of the next four days [five days in total].

The most significant aspect of this period of interrogations, was the change in tactic to provide more comfort to Ali, who had until this point been denied all privileges:

“Ali said the interrogator was not Ramos – it was the Lebanese guy (Arab) who told Ali that his name was “Ali” [Soufan]. This was the second or third time he saw the Lebanese man. Ali said he saw this interrogator every day for two or three weeks. Ali said they went into the rec yard and that is when he knew he was in the south because it was December and there was no snow on the ground. This interrogator brought his food (Arabic food pizza, etc.) and soda. Ali said he was able to figure out the date because there was a Superbowl ad on the soda bottle.

Ali said in the beginning, this interrogator was nice and after a week or so would “throw hints.” This interrogator would stay almost all day with Ali. Ali was not restrained and there was no one in the room with Ali but this Lebanese interrogator. They spoke Arabic and talked about lots of subjects – history, etc. Ali said this Lebanese interrogator told him that he thought Ali was a “small fish” – not a “big fish” like “they” think and the Lebanese interrogator told Ali he should take advantage of that.

⁵⁷ Office of the Inspector General, A Review of the FBI's Involvement in and Observations of Detainee Interrogations in Guantanamo Bay, Afghanistan, and Iraq, US Department of Justice, May 2008, p.vi

⁵⁸ Chart of Interview Folder, Tab 27 17/12/2003

Ali said when they went into the rec yard, the Lebanese interrogator told Ali that there were no microphones there and told Ali that he could talk to him. Ali said he told the Lebanese interrogator that he did not have anything to talk about.”⁵⁹

According to Ali, he saw directly through this tactic of Soufan and Ramos, but he so hungry and deprived of any comforts, that he was willing to play along:

“Ali Soufan talked to me for a week or so, and every single time he would bring food. Once in a while he would give me a hint. Come on man, tell me what I want to hear, I know you are a small fish but they think you are a big fish, so let me help convince them you are a small fish. He kept on telling me that this was the best way for me to get back to my family. I didn’t say anything at all because he was giving me good food, and not just MRE. After a while he said look we have to talk. And I said talk about what. He said, look you know what we have to talk about. I said I already told your buddy Ramos. I didn’t want to push him as I didn’t want to lose the Pepsi and pizza. I said I will tell you what I told your brother, that it is now been 5 or 6 months since I had my items, when I get them back, then after 5 or 6 months return and I will talk to you. Talk about what? I said we can talk about sports, religion, and everything. He said, you took my kindness as weakness, and I just replied no, I know your game. He told the guards to take me, and I said to him as I left, “What, does that mean there is no more pizza tomorrow?” I swear the guards were giggling.”⁶⁰

On 18 December 2003, a reference to Ali receiving his Qur’an the day after Ali Soufan’s first meeting is indicative of Soufan’s role as the “good cop” in trying to form a relationship with Ali. By the time Soufan left, Ali’s non-compliance with him resulted in **Seymour** and Lawson making a determination on 23 December 2003, that Ali should have his Qur’an removed, “As of 2200 EC#2 does not get his Quran, as per Mr Seymour and Mr Lawson.”⁶¹

The purposefulness of this removal, as seen below, was clearly based on the requirement that Ali’s reactions to the Qur’an’s removal be monitored closely.

The chief complaints of Ali remain the same however: that he had not been provided his Qur’an at a level that he considered to be acceptable, and so he continued to refuse to engage with the Contractors. This point is recorded in a notation on 2 January 2004:

“- EC#2 wanted MA’ McKoy to relay a message to his arab friend that came to visit, that in building a friendship. Cont....he has already broken his first promise, that he would receive the Quran with no strings attached, and how could he trust him when he already broke a promise. MA’ McKoy notified MACS Keen and MACS Keen will notify Mr Lawson.”⁶²

000176 * 2 02 JAN 03 (0) CONT.
HE HAS ALREADY BROKEN HIS FIRST PROMISE, THAT HE
WOULD RECEIVE THE QURAN WITH NO STRINGS ATTACHED,
AND HOW COULD HE TRUST HIM WHEN HE ALREADY
BROKE A PROMISE. MA' MCKOY NOTIFIED MACS KEEN
AND MACS KEEN WILL NOTIFY MR LAWSON.

⁵⁹ Ali al-Marri comments on Summary of Interrogation Bates Stamped 0005

⁶⁰ Interview with Ali Saleh Kahliah al-Marri, CAGE, 9 May 2016

⁶¹ SSS Pass Down Log, 09 October 2003 – 06 October 2004, re Al-Marri, notation 23 DEC 03

⁶² SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 02 January 2004

The ‘Arab friend’ referred to in the PDL is Ali Soufan, and this period of detention presents itself as the best period of Ali’s detention, as Soufan attempted to glean Ali’s compliance through a system of inducements after having denied him six months of essential items for his personal and cultural needs.

Rather than any security matter being at stake, it seems clear at this point that withholding of all these items was done purposefully as a form of coercion and was a key part of the interrogation process.

Part of the inducements that were given was that Ali was finally provided access to sunlight, something that had until that point been denied to him. A note by a guard states that 20 December 2003 was the first time that Ali had seen daylight in nearly six months of detention.⁶³

Ali’s message of non-compliance with Soufan was very much based around a return by prison officials to removing items from him, seemingly without reason, including a decision by Seymour to remove Ali’s Qur’an from him. A log confirmed it had been taken away on Christmas Eve.⁶⁴

Although **Harding** visited Ali the day after Christmas, the same day there a note recorded that Lawson called in to ask how Ali was acting without his Qur’an.⁶⁵

Lawson, who was the one seemingly responsible for all of Ali’s interrogations, appeared to be using the Qur’an as a tool to force Ali’s coercion, or at least to test his reactions.

It should be noted here that throughout the period of his six months of detention, Ali has complained of his lack of a mattress.

On 4 January 2004, the medical team finally recommends for the first time that Ali should be provided a full time mattress.⁶⁶

⁶³ DOJ/CTS U/FOUO SUM 005/7 from 20/12/2003 report

⁶⁴ Chart of Interview Folder, Tab 35 23/12/2003

⁶⁵ Chart of Interview Folder, Tab 35 26/12/2003

⁶⁶ Chart of Interview Folder, Tab 102 (unknown) 04/01/2004

“Soufan’s attempts to glean Ali’s compliance through a system of inducements after having denied him six months of essential items ... was a form of coercion [and] part of the interrogation process.”

9 January 2004 – 19 January 2004

(25 months since arrest | 7 months Enemy Combatant)

Over a 10-day period in January, the Contractors were again provided access to the detainees, and many of them were specifically focused on Ali.

These interrogations are significant because they present the beginning of the Contractor's frustration with Ali and their reliance on increasingly more abusive tactics to force compliance.

Tellingly, the first reference on 9 January 2004 in the SSS PDL is an acknowledgement of the location of Ali's Qur'an in the safe, indicative again that his access to it is very much timed according to the presence of the Contractors as an inducement.⁶⁷

It appears that there was a dual policy of showing mercy towards Ali during interrogations, and outside of it to remind him of the precariousness of those 'privileges' he was receiving:

*- Per order of senior chief Keen do not talk I repeat do not talk to EC#2, he will start asking a lot of questions, according with what the interviewers told him, whatever he ask for say noted. Nothing else, not yes or no just noted.*⁶⁸

This practice was implemented immediately as further records showed the guards were given more detailed instructions on how to respond to Ali. One particular note requested Ali to be observed for any strange behaviour. It further stated that if he was asked about

"Sudam" or his capture, he was only to be responded to with the word "noted".⁶⁹

14 JAN 04 0
- PDL REVIEWED BY MASH FELSKI
- #2 RECIEVED NEW SHOWER SHOE, OLD ONE HAD A BROKEN STRAP
- 0853 TAPE CHANGE #187 TO #188
- PER ORDER OF SENIOR CHIEF KEEN DO NOT TALK I REPEAT DO NOT TALK TO EC#2, HE WILL START ASKING A LOT OF QUESTIONS ACCORDING WITH WHAT THE INTERVIEWERS TOLD HIM, WHATEVER HE ASK FOR SAY NOTED. NOTHING ELSE, NOT YES OR NO JUST NOTED

The following day, there were again orders from **Lawson** for Ali's Qur'an to be removed. It is important to note from this log, that a decision was made to remove Ali's Qur'an in advance, showing that it was not being removed as a punitive action for ill behaviour, but rather as part of a process of coercion and regulation of his behaviour. Again, it must be noted that **Major Swift** or **Sanford Seymour** were not making this decision due to operational reasons in the prison, but rather on the advice of the interrogation team:

*"- For this watch and the next watch EC#2 can have Quran. ONLY THE 14th AND 15th WILL EC#2 BE GIVEN HIS QURAN BY ORDER OF MR LAWSON."*⁷⁰

⁶⁷ SSS Pass Down Log, 09 October 2003 – 06 October 2004, re Al-Marri, notation 09JAN04

⁶⁸ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 13 January 2004

⁶⁹ Chart of Interview Folder, Tab 37 14/01/2004

⁷⁰ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 14 January 2004

The use of the Qur'an as a tactic to induce compliance is further evidenced in DIA documentation in relation to a 9-hour interrogation on 15 January 2004:

*"Prior to the start of the 20040115 session, 052 asked the guards if he could have the Quran. As previously planned, the Quran was left in SHU Control, with the instructions that if 052 asked for it, give it to him. Though 052 was surprised he had the Quran, he did not make a big deal of it during the interrogation."*⁷¹

On 17 January 2004, the most significant interrogation during that period took place for Ali, especially as the pressure that was applied was expected to bear fruits the following day.

This session lasted over 5 hours and included, **Ali Soufan, Jose Ramos, Nicolas Zambeck, Jacqueline Maguire and Kalous.**⁷²

17 JAN 04	1427	1946	MR. MAGUIRE	VISIT	CO
17 JAN 04	1427	1946	MR. SOUFAN	VISIT	CO
17 JAN 04	1427	1946	MR. RAMOS	VISIT	CO
17 JAN 04	1427	1946	MR. ZAMBECK	VISIT	CO
17 JAN 04	1427	1946	MR. KALOUS	VISIT	CO

According to the government's own version of this interrogation, what transpired was so significant that the guards were told to leave Ali in the interrogation room for one hour after the end of the interrogation⁷³:

"Towards the end of the session, the Interrogator developed and drove a strategy to shake 052. The Interrogator told 052 that he had a job to do, and if would not cooperate, he would have to have the Saudi and Qatari authorities round up his family. He then proceeded to mention all of 052's siblings and some of their spouses. The Interrogator then said he would be back tomorrow for his answer. We reviewed our plan with the Consultant, who concurred and provided an outstanding suggestion for a reply if 052 refused to cooperate.

*Prior to the start of 20040118 session, the Watch Supervisor informed me that 052 prayed only for a short time last night after we left. He added that since we've been here for this latest phase, 052 has changed his normal routine and is exercising and praying less. Today's session was a confrontation for a decision by 052 based on the Interrogator's demands. The Interrogator asked 052 if he had made a decision regarding cooperation – we he ready to talk, or allow his family in Saudi Arabia and Qatar to suffer the consequences of his refusal. 052 stated he could not cooperate. With that, the Interrogator replied "you have made your decision", and added that 052 will still be treated with respect, but he could not assure the same for his family. As the Interrogator left, 052 immediately began to pray. The Watch Supervisor reported that once 052 was brought to his cell, he again commenced praying."*⁷⁴

⁷¹ Summaries of Interrogation in compliance with Judge Mihm's order, Unclassified Documents - DOJ/CTS U/FOUO SUM06 - 0006

⁷² Visitation Log EC#2 23/06/2003 - 29 April 2004

⁷³ Chart of Interview Folder, Tab 37(2) 15/01/2004

⁷⁴ Summaries of Interrogation in compliance with Judge Mihm's order, Unclassified Documents - DOJ/CTS U/FOUO SUM07 - 0007

According to the OIG report investigating the FBI's involvement with any abuses, threats against family members was considered a prohibited technique, and yet the DIA admitted to this being used as a strategy:

"Four agents told the OIG that they were aware of threats to take action against a detainee's family. According to the Church Report, threatening harm to others was a prohibited technique for military interrogators at GTMO. The Church investigators found one incident of threats made against the family of detainee Slahi (#760). Church Report at 174."⁷⁵

Ali described this period in detail to CAGE:

"The interrogator was Ali Soufan, and he has threatened me that if I do not cooperate, the American government will pressure the Qatari government and the Saudi government to round up my entire family and put them in jail, even up to the point of torturing them, having them removed from their jobs and revoking their citizenship. He even threatened me, by saying that they would pick up my kids and place them in the cell next to me so that you can hear them crying.

Ali Soufan also threatened to bring some gays from the military to molest me and enjoy molesting me. I told him that for this threat, and for him threatening to bring my wife in front of me and being raped in front of me, and to bring my kids next to my cell, that they would not get any cooperation from me. I said that as a Muslim I believe in pre-destiny, and so if this was what was meant to be, then my cooperating with you will not change that fact. If you were going to bring them, then that is their destiny and it is something that cannot be changed. Do whatever you want. I also said that if it is not meant to be, not you, or your dog Bush, will be able to touch them as I believe that Allah is stronger than all of you.

⁷⁵ Office of the Inspector General, A Review of the FBI's Involvement in and Observations of Detainee Interrogations in Guantanamo Bay, Afghanistan, and Iraq, US Department of Justice, May 2008, p.198

The interrogators themselves told me that my family's fship had been taken away, but I did not believe them. I was not in a place to disbelieve or even believe them.

My family are not very powerful in the Middle East, so yes, it could be likely that they could do something like this in order to place pressure on me.

When the threat comes to me, it is something that I can reason with. This is my body or these are my emotions, they are all things that I can deal with. When it is someone else, then this is much more of a problem to deal with. However, I believed that cooperating with them was much more of a sin from a religious point of view, if you cooperate with them willingly without resisting, then this is something that will take you outside of Islam. All of this came down to me believing 110%, that what was meant to happen, will happen. No matter what I do or do not do, it will not change anything."⁷⁶

For Ali, more personally, the threats against his family were very real in his mind, as he had no contact with them, and so due to his treatment until that point, he was sure that they were also being abused.⁷⁷

17 JAN 04 (N)

PDL REVIEWED BY MAP KIMBLE

-INTERVIEW'S SAID TO LEAVE #2 IN INTERVIEW ROOM FOR A HOUR AFTER THEY LEFT.

-INTERVIEW'S WILL BE BACK AT 1000 18 JAN 04

⁷⁶ Interview with Ali Saleh Kahlah al-Marri, CAGE, 27 July 2016

⁷⁷ Letter, From: Andy Savage, To: Ali Al-Marri, RE: Ali Saleh Kahlah Al-Marri, et al. v.

C.T.Hanft, 25 October 2005

“Shaving the beard, it hurt. On one of the last occasions, [I said] the next time you bring the shaver, I will be resisting so that you cut my nose, cut my eyes, cut my face. He didn’t come by again.”

20 January 2004 – 22 February 2004

(25 months since arrest | 7 months Enemy Combatant)

After the threats against Ali's family, it would be another month before the Contractors would return for further rounds of interrogation.

On 20 January 2004, the chief officer, MACS Keen ordered that there was to be, *"No contact or conversations w/EC#2"*⁷⁸

Between that time and 24 February 2004, there was a concerted effort by the prison administration to force compliance. While the Contractors were not visiting, there were regular short visits by medical personnel, **Major Swift** and **Sanford Seymour**.⁷⁹

On 5 February 2004, there is a reference to Ali's cultural/religious needs not being facilitated. The PDL notes that:

*"#2 sat on toilette and started plucking out his pubic + underarm hair."*⁸⁰

It is pertinent to note that as part of the Defense Intelligence Agency's review of Ali's interrogation process up until that point, it was made clear that the decisions being taken against him were largely to coerce compliance:

*"Because Al-Marri had never been interviewed in a controlled environment, it was also necessary to extinguish his expectations of due process and entitlements in order to induce compliance. This was accomplished by removing all privilege items, such as his mattress and copy of the Koran. Brig personnel were told to limit their interaction with Al-Marri. In response to his demands, they were simply to reply "noted". He was allowed no visitors, other than medical staff when needed. Al-Marri's hair and beard were shaved off the day he arrived at the brig. This was due to severe head lice, but it served the purpose of impacting on his self-image. In addition, brig personnel removed the mirror in Al-Marri's cell."*⁸¹

According to Ali's lawyers, this account was not entirely correct:

"Ali said that the doctor told him he had lice, but gave him medication for the lice and that is not why they shaved his head. Ali does not remember exactly when his head was shaved, but it was early on. When he [his] head was shaved, his hair was almost as long as it is now."

*Ali said the timing on this summary is not correct. He said that at the beginning he talked to the guards; that the guards not talking to him and only responding "noted" started later."*⁸²

⁷⁸ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 20 January 2004

⁷⁹ Visitation Log EC#2 23/06/2003– 29 April 2004

⁸⁰ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 5 February 2004

⁸¹ Summaries of Interrogation in compliance with Judge Mihm's order, Unclassified Documents - DOJ/CTS U/FOUO SUM08 - 0008

⁸² Ali al-Marri comments on Summary of Interrogation Bates Stamped 0008

Ali further described this interview to CAGE:

"They tried to really impact on my psychology, as every single time I asked them for anything, they would simply state, "noted". Noted what? Noted means yes, or does it mean no? What does it mean? What are you going to do about it? It got to me for a little while, and I then began to notice this is what they want to do. I stopped showing them my reaction. This is a very key point. I always tried not to make them happy. They would say about me, that whenever they would try and break me with information, they would find me emotionless. I started to ignore them. Every single time they would say anything to me or do anything or request anything, I would simply reply "noted". They would say, you want your food, noted, you want a shower, noted.

With the lice, this could have been the first time I came from New York. The lice was not in my beard, it might have been in my beard, but they did this in order to make my life harder for me. Shaving the beard, it hurts because I felt like I am not resisting enough. On one of the last occasions they threatened me with the shaving, they said let's go and I responded no. They said it is not up to you. I said yes it is, and he said again that no it is not. I said no problem, you are a big guy, bigger than me. The next time you bring the shaver, you will find that I will be resisting in every way that I can, and wriggle, so that you cut my nose, cut my eyes, cut my face, I don't care, but I won't let you shave me with my permission. I'm not going to stand still. He didn't come by again. He said whenever you want a shave, just ask."⁸³

Again, the only meaning that can be inferred from the activities of the prison authorities, is that they were attempting to force compliance by Ali through attacking his treasured cultural values and religious principles.

⁸³ Interview with Ali Saleh Kahliah al-Marri, CAGE, 27 July 2016

“I don’t know how to describe the choking. It was like I was dying. I could not breathe. I could not even cough as my mouth was closed from the socks and the tapes. I felt like I was going to die.”

...

“I can tell that Allah is with me. For the criminal this is a punishment, for the Muslim this is a trial. It is a chance to reduce his sins and raise his rank.”

...

“I said [to one guard]: ‘What, you think I’m going to kill myself? I would not commit suicide out of fear that you would think that you got to me’.”

8 March 2004 – 18 March 2004

(27 months since arrest | 9 months Enemy Combatant)

Between 8 – 14 March, **Ramos, Zambeck** and **Soufan**⁸⁴ acted as the main interrogators with access to Ali. Again, Ali chose not to cooperate with the line of questioning due to the denial of the Qur'an on a regular basis during the time of his detention. This entire period will proved to be the most significant in relation to Ali's detention.

On 9 March 2004, the PDL records:

"EC#2 is not to get his Quran or glasses anymore.

*1630 EC#2 wiped back-side with his hand."*⁸⁵

The denial of Ali to be able to clean himself with water or toilet paper resulted in him going through a process of non-compliance by wiping himself after using the toilet with his hands only, refusing to clean his hands because of the general denial of cleaning products as a form of coercion.

The most significant interrogation of Ali's detention came on 11 March 2004.

11 MAR 04	0822	0824	NMC SHELLE	MEDS	CO
11 MAR 04	1304	1308	MAS SUPT	VISIT	CO
11 MAR 04	1334/1916	1714/2117	MR. SOUFAN	VISIT (INTERVIEW)	CO
11 MAR 04	1334/1916	1714/2117	MR. ZAMBECK	VISIT (INTERVIEW)	CO
11 MAR 04	1334/1916	1714/2117	MR. RAMOS	VISIT (INTERVIEW)	CO

Over the course of two interrogations throughout the day, Ali was subjected to increasingly harsh interrogation techniques, with the interrogators, Ali Soufan, Nicolas Zambeck and Jose Ramos⁸⁶ willing to apply abusive and torturous techniques. According to the Defense Intelligence Agency report of the incident:

*On 11 March 2004, in response to al-Marri's continuous chanting in Arabic, the lead interrogator wrapped duct tape over al-Marri's mouth on three occasions. The tape did not appear to stick well to al-Marri's skin, beard, or hair. The taping proved ineffective in stopping the chanting and al-Marri remained taped, initially for about a minute, then for five minutes, and later fifteen minutes. On the last occasion, cotton or cloth was used with four to five layers of duct tape, but not inserted in his mouth. Al-Marri had no difficulty breathing and did not appear to gag, except for a brief moment at the end when he was removing duct tape from covering his mouth. During this session, other physical contact between the interrogators and al-Marri included patting al-Marri's face with both hands, turning al-Marri's face to look at pictures of his family on the wall, pressing two fingers up under al-Marri's chin, placing hands on his shoulders, rubbing his shoulders and sitting on his lap. The interrogators acted in this manner in an effort to get him to stop chanting and listen to what they were saying. Al-Marri nevertheless continued to chant from the Koran. On several occasions, in response to chanting by al-Marri, the interrogators yelled loudly close to al-Marri's face. On a few occasions, al-Marri smiled as he responded, with comments like, "I don't care", "thank you", or just laughter. During this interrogation session, al-Marri was seated in a chair. His wrists and ankles were shackled."*⁸⁷

⁸⁴ Visitation Log EC#2 23/06/2003 – 29 April 2004

⁸⁵ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 09 March 2004

⁸⁶ Visitation Log EC#2 23/06/2003 – 29 April 2004

⁸⁷ DOJ/CTS U/FOUO SUM 0015/11 from 06/02/2004 report

Ali provided CAGE with a detailed description of this incident, with a different conclusion reached by the DIA document:

"Zambeck came and asked about when I would talk. I said I am not talking. He said fine, then if you will not talk, then you will listen to us. I think their idea was that we will show him what we have, and if he sees how much we have, he will give up and talk to us. I said, no, I will not even listen to you. He said that is not up to you. I said to him again, you know my conditions, I need 5 months with my five items, and then we talk. He said you will listen to us. He sat there and started with Ramos. He started showing me pictures. I can see them, but I could not hear as I was reciting the Qur'an loudly. He raised his voice and I raised my voice louder. Then they said ok, bring the tape. They then put the tape over my mouth horizontally and over my ears. When they started talking, I started humming very loudly. I could not hear them again. That is when they opened the tape and put the sock in my mouth. I closed my mouth and he used his two finger in my jaw and opened my mouth by force, it forced it open and put the socks inside and taped it. I tried to hum again, but I began to choke on my saliva from the socks affecting my breathing. I was choking and they initially claimed that I was just pretending but then they realised that I was not and rushed to take it off. This is the thing, they became frustrated as I was not opening the door for them at all.

I don't know how to describe the choking. It was like I was dying. I could not breathe. I could not even cough as my mouth was closed from the socks and the tapes. During the choking I felt like I was going to die, not that I felt I was near death, but I was panicked into thinking it. If they continued, I would have stopped breathing. It was so intense. I

accepted it. This was a test from Allah and I do not have any psychological problems. I will say this, I will not exaggerate, or say things for the sake of making my case more strong. One of my lawyers was asking me questions about my psychological problems, and after my reply, he said that this isn't really the right answer. I said no, truth is always right. I believe the benefit of telling the truth is much more benefit to me than any obvious advantage of lying. Lying is short lived. That does not excuse them of their responsibility of what they have done. Choking is no fun.

Now I can tell that Allah is with me. As you know there are Muslims in prison in life. So what is the difference? If this is a trial, then we will face the challenge. For the criminal this is a punishment, for the Muslim this is a trial. It is a chance to reduce his sins and raise his rank. As human beings we are weak, but when I see certain signs, I know Allah is with me."⁸⁸

Commenting later on this incident to the media, Ali's lawyer **Andy Savage** said of this event:

"Savage said al-Marri described something akin to torture. "The effect was the same as waterboarding" with al-Marri "believing they were suffocating him, all the while pointing to photos of his children and wife and issuing threats about what they would do to them." Savage said that al-Marri also acknowledged that he was uncooperative and chanting prayers during the interrogations. Videos were taken of the interrogations, but the Defense Department has refused to release them."⁸⁹

Savage managed to have all of the files relating to his case released and sent with Ali al-Marri

⁸⁸ Interview with Ali Saleh Kahliah al-Marri, CAGE, 9 May 2016

⁸⁹ Bartleme T, Do brig interrogations shed led on 3 deaths, The Post and Courier, 6 Nov 2011

to Doha where he is now in possession of them. The files contained a number of the interrogation logs of those who interviewed Ali al-Marri, as well as video footage of their entry and exit from the interrogation room. Among the few names that are recorded in the logs, is that of Ali Soufan, who regularly signed in and out of the interrogation log.

The duct-taping of Ali al-Marri has some startling resemblances to an incident a-year-and-a-half earlier during the interrogations at Guantanamo Bay, Cuba, suggesting a pattern of behaviour that was not limited to specific circumstances, but rather it was a tool used more generally:

“SSAs Lyle and Foy were agents from the FBI’s Behavioral Analysis Unit (BAU) who were deployed to GTMO in September and October 2002.

Lyle told the OIG that one evening while he and Foy were observing a law enforcement interview at Camp Delta, Andrews, the Chief of the the DOD’s Interrogation Control Element at GTMO at the time, came into their observation room and said to them: “Hey come here I want to show you something.” Lyle followed Andrews to another observation room that was “packed” with military personnel, and pointed to one of the interrogation rooms that contained a detainee with duct tape wrapped around his head. Lyle said that two bands of tape went entirely around the detainee’s head, one that covered his eyes and one that covered his mouth. Lyle said that the detainee had a full head of hair and a beard. The detainee was sitting on the floor handcuffed to the I-bolt in the floor. There were two interrogators and two guards in the room with the detainee, and one of the interrogators was yelling at the detainee.

Lyle asked Andrews, “Was he [the detainee] spitting on someone?” Andrews responded, “No, he just wouldn’t stop chanting the Koran.

...

The duct tape incident was addressed in the Schmidt-Furlow Report, which stated that duct tape was wrapped around the detainee’s mouth and head in an effort to quiet the detainee. According to that report, Andrews claimed that he ordered the detainee to be duct taped because the detainee was screaming resistance messages and was potentially provoking a riot. Andrews claimed that at the time there were from seven to ten other detainees in the interrogation facility at the time and he was concerned about losing control of the situation. The Schmidt-Furlow investigators took statements from SSAs Lyle and Foy in which the FBI agents provided essentially the same information that they provided to the OIG. Schmidt-Furlow Exhibit 6. The Schmidt-Furlow Report found that Andrews’s conduct was “unauthorized.””⁹⁰

This incident with Ali al-Marri was followed in the night time by further abuse when Ali was subjected to a regime of sleep deprivation with the excuse of placing him on suicide watch. The torture he was subjected to earlier in the day was continued throughout the night:

“WHEN EC#2 IS SLEEPING HE MUST BE WOKEN EVERY 15 MIN. MAKE SURE HE IS ALIVE. MOVEMENT IS NECESSARY, JUST SKIN IS NOT ACCEPTABLE. IF NECESSARY TURN ON LIGHTS IN CELL.”⁹¹

One of the guards explained to Ali that they would be doing the 15 min check, but he refused to comply with them,

⁹⁰ Office of the Inspector General, A Review of the FBI’s Involvement in and Observations of Detainee Interrogations in Guantanamo Bay, Afghanistan, and Iraq, US Department of Justice, May 2008, p.144

⁹¹ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 11 March 2004

*"T-2 explained that we need to do skin and movement checks every 15 minutes. He said, 'You do what you have to do but I will not wake up every 15 minutes, I will not cooperate.'"*⁹²

11 MAR 04 (D)
 - PDL REVIEWED BY MASH LAMORY.
 - MOVED EC #1 FROM CELL #119 TO CELL #119
 - MOVED EC #2 FROM CELL #103 TO CELL #119
 - MOVED EC #3 FROM CELL #112 TO CELL #104
 * WHEN EC #2 IS SLEEPING. HE MUST BE WOKEN EVERY 15 MIN. MAKE SURE HE IS ALIVE. MOVEMENT IS NECESSARY, JUST SKIN IS NOT ACCEPTABLE. IF NECESSARY TURN ON LIGHTS IN CELL.
 PER ~~THE~~ MACS KEEN.
 - THE CELL EC #2 IS IN MUST HAVE HIS MIRROR REMOVED, HE IS NOT TO BE IN THIS CELL WITH A MIRROR.

After the 15-minute check began, there were still a remaining three days of interrogations from 12 – 14 March 2004, including Ramos, Soufan and Zambeck.

12 MAR 04	0754	0757	HM HENNING	MEDS/REFUSED	CO
12 MAR 04	1517	1624	MR. RAMOS	INTERVIEW	CO
12 MAR 04	1517	1624	MR. SOUFAN	INTERVIEW	CO
12 MAR 04	1517	1624	MR. ZAMBECK	INTERVIEW	CO
13 MAR 04	1148	1734	MR. ZAMBECK	INTERVIEW	CO
13 MAR 04	1916	1949	MR. LAWRENCE	MEDS	CO
14 MAR 04	0916	0917	MR. LAWRENCE	MEDS	CO
14 MAR 04	1237	1308	MR. RAMOS	VISIT	CO
14 MAR 04	1237	1308	MR. ZAMBECK	VISIT	CO
14 MAR 04	1237	1308	MR. SOUFAN	VISIT	CO
14 MAR 04	1950	1954	MR. LAWRENCE	VISIT MEDS	CO

It appears that they continued with their interrogations across the period of sleep deprivation:^{93 94 95}

*"At the end of the session, 052 was left by himself in the interview booth for two hours. During that time, he prayed and looked at his kid's pictures. When departing, he asked the guards if he could say something to the pictures. The guards granted his request and 052 said something in Arabic. When asked what he said, 052 claimed he said 'see you in heaven'. With that statement, 052 is now on modified Suicide Watch – which is being check every 15 minutes, 24/7. If skin is not visible at night, the lights to his cell are turned on."*⁹⁶

⁹² SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 11 March 2004

⁹³ Visitation Log EC#2 23/06/2003 – 29 April 2004

⁹⁴ Visitation Log EC#2 23/06/2003 – 29 April 2004

⁹⁵ Visitation Log EC#2 23/06/2003 – 29 April 2004

⁹⁶ Summaries of Interrogation in compliance with Judge Mihm's order, Unclassified Documents - DOJ/CTS U/FOUO SUM09 - 0009

Speaking of this period, Ali said:

"This is their stupidity; they were using the pictures of my children against me. They would place them on the wall. When I refused to talk to them, they said then you will stay here all of your life. This is something we say, when we are not going to see someone, that I'll see you in the next life, this is very normal. I said that to the pictures of my kids, that I will see you in Jannah [heaven]. That is when I noticed that they were coming to 'check on me' every 15 minutes. For them to check on me, they have to see me moving, that is what they were claiming. I said you can see me moving all the time, because during that time I was still sleeping on the metal or the concrete, so I was not comfortable at all and would be moving back and forth non-stop. I said you can see me moving all the time, I cannot stand still. They said if you are sleeping, we cannot know if you are alive or not, so we have to make a lot of noise so you can move when you hear the noise. I know I was moving between those 15 minutes because of the metal rack, I would be constantly pricked by it due to the holes and so they were just lying as an excuse to deprive me of further sleep.

I had to change my position so my body would take a rest from being numb. I found out this was a suicide watch. One of the guards slipped up and mentioned this. I said, what, you think I'm going to kill myself? If for no other reason,

I would not commit suicide out of fear that you would think that you got to me.

That period of waking me every 15 minutes or so lasted perhaps an entire month. The effect of this, was that I gave them hell...because I was tired and everything was bad. It comes to a point that I really did not care. They would

tell me to move and I would not, I would just continue to lie there. They finally stopped because I refused to play their game. Every time they came to the door I would not move, no matter how much they banged or shook the door. They are ignorant, I can believe that. But this suicide thing is not an excuse. Torture, whether you do it intentionally, knowingly or unknowingly is torture. Killing someone knowingly or unknowingly, the person is still dead. I know what I suffered during this time and it was torture. It was not reasonable to wake me up every 15 minutes, it was too much. They could have known that I was not dead by the way my body was moving through it moving up and down while I was sleeping. There was nothing even I could commit suicide with. All I had was my jumpsuit, boxer shorts and t-shirt, I had no ability to commit suicide. I would suggest it is impossible. While I was on this 'suicide watch' they put me in the cell next to the control centre, so there is about 5m, so even if I did try to commit suicide, they could be with me in 15 - 20 seconds. I believe they used suicide as an excuse to harm me."⁹⁷

The abuse of Ali al-Marri continued for a long time after these specific incidents ended. It would be another decade before his release back to his home country of Qatar. During that time, he was finally able to gain access to his lawyers, but only after the most intense period of interrogation had already ended.

Ali al-Marri had no information to give the intelligence agencies in the US, and they eventually gave up attempting to coerce him into doing so. What was clear, was that they had attempted to torture him into revealing information, and as a result, carried out acts of torture on US soil.

⁹⁷ Interview with Ali Saleh Kahlal al-Marri, CAGE, 27 July 2016

“As Allah and this court are my witness, I forgive all who harmed and caused me pain. I will never do anything to harm the American people.”

PLEA AGREEMENT

On 29 October 2009, Ali al-Marri entered a guilty plea. It is important to note, that his entry of a guilty plea before the court of Judge Mihm came after eight years of incarceration, the vast majority of which took place without any due process of the law.

Al-Marri's coercive detention, and his desire to see his family again led him to admit to things he otherwise never would have. At the time, he accepted that he had provided material support for terrorism, albeit without full knowledge.

In his final plea statement, Ali al-Marri dedicated substantial time to honouring the patience, support and love given to him by his family at home, as well as the family he referred to as his "American family" – the legal team and other supporters who came to his aid in the US despite what seemed like overwhelming odds.

He appealed for mercy from the judge and the court, and pertinently said: "As Allah and this court are my witness, I forgive all who harmed and caused me pain ... I will never do anything to harm the American people."

Considering the gravity of what was being suggested about al-Marri, the eventual sentence by the judge of eight years and four months in a federal prison was relatively small. This was out of recognition of the years of abuse al-Marri had suffered.

Plea agreements, even in the case of innocence in the US are a common occurrence, particularly in coercive environments. Part of Ali al-Marri's ability to escape from the solitary system of punishment that he was being subjected to prior to his release, was through taking the plea agreement.

To understand better what solitary confinement does to a person, it is worth turning to the collection of essays '*Hell is*

a Very Small Place' edited by Jean Casella and James Ridgeway. In one of the essays, Five Mualimm-AK eloquently describes the devastating impact that solitary confinement had on him:

There was nothing to hear except empty, echoing voices from other parts of the prison. I was so lonely that I hallucinated the words coming out of the wind. They sounded like whispers. Sometimes I smelled the paint on the wall, but more often, I just smelled myself, revolted by my own scent. There was no touch. My food was pushed through a slot. Doors were activated by buzzers, even the one that led to a literal cage directly outside of my cell for one hour per day of "recreation."

Even time had no meaning in the SHU. The lights were kept on for twenty-four hours. I often found myself wondering if an event I was recollecting had happened that morning or days before. I talked to myself. After a while, I began to get scared that the guards would come in and kill me and leave me hanging in the cell. Who would know if something happened to me? The space I inhabited was invisible to the outside world, just like I was.

The conditions described above perfectly mirror Ali al-Marri's experience, except in al-Marri's case, he was also tortured systematically by the Department of Defence and FBI to coerce compliance with them. Highlighting the purpose of harsh treatment, Michelle Alexander's writes in '*The New Jim Crow*':

The practice of encouraging defendants to plead guilty to crimes, rather than affording them the benefit of a full trial, has always carried its risks and downsides. Never before in our history, though, have such an extraordinary number of people felt compelled to plead guilty, even if they are innocent...

Plea Agreement

With this backdrop, it is crucial to note that while Ali al-Marri might have taken a plea deal and admitted to being an unknowing part of the 9/11 plot, he now emphatically denies every allegation that he was involved in terrorism, and claims he did so due to the coercion of being in solitary confinement and suffering sustained abuse.

It is important to judge the context of a plea agreement fully, before accepting its validity. However, based on the evidence we have seen and after discussions with his lawyers, CAGE is of the view that Ali al-Marri, in his knowledge, never had any involvement with al-Qaeda.

We present this view and this report testifying to the abuse he suffered, to the United States government, so that they may present their evidence in turn, in the court of public opinion.

SUMMARY OF TORTURE AND ABUSE

Despite euphemisms that have been invented in the US to describe the torture and abuse of prisoners, terms such as *'enhanced interrogation techniques'*, their lowering of standards in their treatment of prisoners has no impact on what international law recognises as the standard of torture.

Although it should not need to be stated, the definition of torture provided in the 1984 **UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, sets the standard by which the international community understands when torturous acts have arisen:

*"For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."*⁹⁸

For the purposes of this report, it would have been impossible to detail the full extent of the programme of torture used against those labelled Enemy Combatants at the Charleston Naval Brig, however below is a summary of the forms of torture that are evidenced throughout the documentation, together with the names of those who appeared to perpetrate them:

⁹⁸ UNCAT, Article 1(1), 1984

⁹⁸ UNCAT, Article 1(1), 1984

Summary of Torture and Abuse

TORTURE ACT	EVIDENCE	POTENTIAL PERPETRATORS
Using photos to intimidate and to regulate the behaviour of Yaser Hamdi to force compliance	<p><i>“Interviewers want SHH staff to be extra vigilant in their duties. Keep close “eye” on E.C. interview may have “shook him up.”⁹⁹</i></p> <p><i>“1550 Contractors aboard along with Gunney Warren, and Chief Keen to take pictures. During pictures EC began to start shaking noticeable. After EC took pictures and was secured EC asked for water and stood at back of cell until the relieved his water. EC then sat on cell rocking back and forth The wash and prayed.”¹⁰⁰</i></p> <p><i>SHU staff is to pay particular attention to the EC. If it looks as though he wants to “ask a question”, simply ask him, if he needs something. If it is such that he requests to speak to Mr Lawson, Mr Ramos, or Mr Quinn one of the GYSgts needs to be contacted immediately, EC has been presented with options by the contractors and is in a position to determine his own fate, so to speak – MA Beckett¹⁰¹</i></p>	Jose Ramos Russell Lawson FNU Quinn
Prolonged solitary confinement and isolation of all detainees	<p><i>Writing of the conditions of Yaser Hamdi’s detention, the Commanding Officer of the Charleston Naval Brig wrote this email to her seniors:</i></p> <p><i>“...He went on to indicate that he feels as if he has been forgotten and that no one is working on getting him freed. I could only tell him this was not the case and that he needs to continue to put his faith in his god and that I and his family would view his giving up at this juncture, as being a failure and the family would view his giving up at this juncture, as being a failure and the last thing that I wanted to have happen was to send him anywhere from here as a “Basket Case”, of use to no one, including himself. I continued to point to his family’s support and the goals he has set for himself, as reasons to continue to be strong despite</i></p> <p><i>the circumstances and uncertainty. He indicated he would continue to endure, but he did not leave me with a good impression that he is capable of going much longer. For [redacted] Sir are there any new developments with regard to the detainees fate that can be passed along. I know I can not give him any false hope, but I fear the rubber band is nearing its breaking point here and not totally confident I can</i></p>	Jose Ramos, Russell Lawson , FNU Quinn FNU Perez Ali Soufan Tom Kelly Thomas Neer Jacqueline McGuire

99 NAVCON Pass Down Log, June 28, 2002 to July 30, 2002 – 31 October 2002 notation

100 NAVCON Pass Down Log, June 28, 2002 to July 30, 2002 – 11 March 2003 notation

101 NAVCON Pass Down Log, June 28, 2002 to July 30, 2002 – 7 April 2003 notation

TORTURE ACT	EVIDENCE	POTENTIAL PERPETRATORS
	<p><i>keep his head in the game much longer. I will continue to monitor his behaviour and get [redacted] and [redacted] onboard, but fear that once this individual decides to go south, there be little if anything, I can do to bring him around.”</i>¹⁰²</p> <p><i>On 9 August 2004, the following record was made, showing that Ali al-Marri’s conditions of confinement were very much impacting his mental health,</i></p> <p><i>“At 1015 EC#2 appeared to be making a head case. EC was actually completely nude and bathing in toilet. Tango 2 notified.”</i>¹⁰³</p> <p><i>Long period of AAM’s isolation were clearly having a deleterious effect on his physical and psychological condition. The conditions of confinement in and of themselves would have been considered torture, yet the prison authorities continued with their programme of abuse.</i></p>	
Abuse of cultural and religious rites	<p><i>AAM was denied the right to shower after he “woke up wet” and only provided with a cup of water and a flannel, “EC was given a paper cup to clean with and told only to clean his lower “extremity”. EC was argumentative and said he needed to wash his entire body every time he has a wet dream.”</i>¹⁰⁴</p> <p><i>When requested to being provided food in order to allow him to fast, he was told that, “we will present you with the food what you do with it is up to you.” AAM was also informed that he would not be provided with a copy of the Qur’an, a clear violation of his cultural needs and rights.¹⁰⁵ AAM’s frustration with his situation began to show the following day on 9 July 2003 when he is recorded as having punched the rear wall of his cell while he was pacing and reciting the Qur’an.</i>¹⁰⁶</p>	Jose Ramos Russell Lawson

¹⁰² mail, From: [redacted], To: [redacted], CARE OF DETAINEE USCIT [redacted], 03 June 2003 17:55 - ACLU, FOIA Documents, 09 October 2008

¹⁰³ SHU Pass Down Log Record, 01 August 2004 – 06 October 2004, notation 09 August 2004

¹⁰⁴ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 07 Jul 03

¹⁰⁵ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 08 Jul 03

¹⁰⁶ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 09 Jul 03

Summary of Torture and Abuse

TORTURE ACT	EVIDENCE	POTENTIAL PERPETRATORS
	<p><i>Throughout his detention, the Qur'an was frequently used as a tool to coerce compliance, interrogators would be gracious in giving it to him, to show he could trust them. The passdown logs show how the Qur'an was given and withheld around the times that the interrogators would arrive at the base:</i></p> <p><i>"- For this watch and the next watch EC#2 can have Quran. ONLY THE 14th AND 15th WILL EC#2 BE GIVEN HIS QURAN BY ORDER OF MR LAWSON."</i> ¹⁰⁷</p> <p><i>The use of the Qur'an as a tactic is further evidenced in DIA documentation in relation to a 9-hour interrogation on 15 January 2004:</i></p> <p><i>"Prior to the start of the 20040115 session, 052 asked the guards if he could have the Quran. As previously planned, the Quran was left in SHU Control, with the instructions that if 052 asked for it, give it to him. Though 052 was surprised he had the Quran, he did not make a big deal of it during the interrogation."</i> ¹⁰⁸</p>	
Denial of due process rights and continued incommunicado detention	<p><i>"The EC asked Mr. Seymour if he had any rights, Mr. Seymour answered "no"."</i> ¹⁰⁹</p>	Sanford Seymour Jose Ramos Russell Lawson
Denial of a mattress to sleep on resulting in chronic back pain	<p><i>By 13 July 2003, AAM had been in detention for over two weeks and was forced to sleep in a cold cell on a metal rack without access to a mattress. On 13 July 2003, he complains to the medic HM Lawrence that his legs and back hurt and go numb. He specifically requested a mattress, but it will be years before he receives one on a regular basis.</i> ¹¹⁰</p>	Russell Lawson Jose Ramos Sanford Seymour
Freezing cell conditions	<p><i>The cold air-conditioning in AAM's cell remains one of the features of his detention, and even in this early period, he continually requests for the AC to be turned down. He is only ever told by Seymour that it will be checked on.</i> ¹¹¹</p> <p><i>The most significant entry, however, appears on 30 May 2004 at 10:05 pm, when AAM requests his blankets and pillows be removed from his room due to his frustrations over the cold cell. Although the Contractors do not appear to be present during this time, the logs confirm that they were directing the</i></p>	Russell Lawson Jose Ramos

¹⁰⁷ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 14 January 2004

¹⁰⁸ Summaries of Interrogation in compliance with Judge Mihm's order, Unclassified Documents - DOJ/CTS U/FOUO SUM06 - 0006

¹⁰⁹ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 10 Jul 03

¹¹⁰ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 10 Jul 03

¹¹¹ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 15 Jul 03

TORTURE ACT	EVIDENCE	POTENTIAL PERPETRATORS
	<p><i>abuse against AAM:</i></p> <p><i>“Lt Col Ramos and his people want to play games moving him in a cold cell.”</i> ¹¹²</p> <p><i>This log presents itself as one of the more clear indications that all of the abuse being carried out against AAM and the games being played with him were part of an orchestrated campaign to coerce AAM into compliance. The following logs highlight the lengths to which the administration was willing to push him to:</i></p> <p><i>“EC NOTICED AFTER SHOVING HIS PILLOW AND BLANKETS OUT OF CELL, THAT WE CLOSED THE COLD AIR VENT ABOVE HE RACK THAT HE WAS COMPLAINING ABOUT.”</i> ¹¹³</p>	
Mocking of detainee	<p><i>5 September 2003, before the Contractors arrive to interrogate Ali al-Marri. In a notation, Sanford Seymour actively permits for AAM to be ‘played’ with:</i></p> <p><i>“...EC#2 can have games played with him as long as they are legal, no messing with food!!”</i> ¹¹⁴</p>	Sanford Seymour
Threats	<p><i>“In a document dated 15 September 2003, the following events were noted: When the session ended on Saturday, the guards observed that 052 was noticeably shaken by what the Interrogator had told him. 052 was trembling as he was escorted back to his cell. Later that night, 052 prayed for five straight hours – a first since his incarceration at this Brig. Sunday, guards noticed he appeared to be more nervous and restless than normal. His frequency of prayers was nearly double his usual amount (five times a day).”</i> ¹¹⁵</p>	Jose Ramos Russell Lawson Nicholas Zambeck Jacqueline Mcguire FNU Kosky ¹¹⁶

¹¹² #3 Electronic Logs, 1c 1133-1565, notation 05/30/04 10:05 pm

¹¹³ #3 Electronic Logs, 1c 1133-1565, notation 05/30/04 10:41 pm

¹¹⁴ SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 05 Sep 03

¹¹⁵ Summaries of Interrogation in compliance with Judge Mihm’s order, Unclassified Documents - DOJ/CTS U/FOUO SUM01 - 0001

Summary of Torture and Abuse

TORTURE ACT	EVIDENCE	POTENTIAL PERPETRATORS
Threats against family members	<p><i>On 17 January 2004, it seems that there was the most significant interrogation during that period for AAM, especially as the pressure that was applied was expected to bear fruits the following day. This session lasted over 5 hours and included, Ali Soufan, Jose Ramos, Nicolas Zambeck, Jacqueline Maguire and Kalous.¹¹⁷ What transpired during this interrogation was so significant, that the guards were told to leave AAM in the interrogation room for one hour after the end of the interrogation.¹¹⁸</i></p> <p><i>“Towards the end of the session, the Interrogator developed and drove a strategy to shake O52. The Interrogator told O52 that he had a job to do, and if would not cooperate, he would have to have the Saudi and Qatari authorities round up his family. He then proceeded to mention all of O52’s siblings and some of their spouses. The Interrogator then said he would be back tomorrow for his answer. We reviewed our plan with the Consultant, who concurred and provided an outstanding suggestion for a reply if O52 refused to cooperate.</i></p> <p><i>Prior to the start of 20040118 session, the Watch Supervisor informed me that O52 prayed only for a short time last night after we left. He added that since we’ve been here for this latest phase, O52 has changed his normal routine and is exercising and praying less. Today’s session was a confrontation for a decision by O52 based on the Interrogator’s demands. The Interrogator asked O52 if he had made a decision regarding cooperation – we he ready to talk, or allow his family in Saudi Arabia and Qatar to suffer the consequences of his refusal. O52 stated he could not cooperate. With that, the Interrogator replied “you have made your decision”, and added that O52 will still be treated with respect, but he could not assure the same for his family. As the Interrogator left, O52 immediately began to pray. The Watch Supervisor reported that once O52 was brought to his cell, he again commenced praying.”¹¹⁹</i></p>	<p>Jose Ramos Ali Soufan I Kaldas Jacqueline Maguire Russell Lawson FNU Kosky Nicholas Zambeck FNU Graham FNU Harding</p>

¹¹⁶ Visitation Log EC#2 23/06/2003 – 29 April 2004, notation 13SEP2003 1030

¹¹⁷ Visitation Log EC#2 23/06/2003 – 29 April 2004

¹¹⁸ Chart of Interview Folder, Tab 37(2) 15/01/2004

TORTURE ACT	EVIDENCE	POTENTIAL PERPETRATORS
	<p><i>"By this time (January 19, 2004), Ali said it had started getting ugly. Ramos was back in the interrogations.</i></p>	
Threats of sexual violence and torture	<p><i>Ali said that the Lebanese guy came back to him (see paragraph one of summary) and came into Ali's cell. The Lebanese guy asked Ali what his answer was and when Ali said he was not going to talk to them, the Lebanese guy told him they were going to "turn it up a notch". The Lebanese guy told Ali that his father was in the hospital with a heart problem. Ali was told that his father had been in prison because of an AK47 found in his home, but one of Ali's siblings had taken their father's in prison and that sibling was a good son- inferring that Ali was not a good son.</i></p>	<p>Jose Ramos Ali Soufan I Kaldas Jacqueline Maguire Russell Lawson FNU Kosky Nicholas Zambeck FNU Graham FNU Harding</p>
	<p><i>Ali said they told him they would rape his wife. The Lebanese guy told Ali that he would be sodomized by the guards. Ali was also told that they were going to bring his wife and children and put them in the cell next to him so he could hear them all crying and he would not be able to help them."¹²⁰</i></p>	
	<p><i>According to the Defence Intelligence Agency's own admission on the interrogations of 6 February 2004, all of the abuse mentioned above was part of a carefully controlled programme by the interrogators to harm Ali al-Marri and force compliance:</i></p>	
Psychological techniques of coercive control used by the interrogators	<p><i>"Because Al-Marri had never been interviewed in a controlled environment, it was also necessary to extinguish his expectations of due process and entitlements in order to induce compliance. This was accomplished by removing all privilege items, such as his mattress and copy of the Koran. Brig personnel were told to limit their interaction with Al-Marri. In response to his demands, they were simply to reply "noted". He was allowed no visitors, other than medical staff when needed. Al-Marri's hair and beard were shaved off the day he arrived at the brig. This was due to severe head lice, but it served the purpose of impacting on his self-image. In addition, brig personnel removed the mirror in Al-Marri's cell."¹²¹</i></p>	

119 Summaries of Interrogation in compliance with Judge Mihm's order, Unclassified Documents - DOJ/CTS U/FOUO SUM07 - 0007

120 Ali al-Marri comments on Summary of Interrogation Bates Stamped 0007

Summary of Torture and Abuse

TORTURE ACT	EVIDENCE	POTENTIAL PERPETRATORS
	<p><i>A policy instituted against all three enemy combatants to trim or shave beards. AAM is ordered to have everything shaved.¹²² This was particularly due to the next set of interrogations with the Contractors about to begin. Of interest, is the PDL acknowledging that EC#3 (Jose Padilla), was not required to have his beard shaved closely like Hamdi and AAM:¹²³</i></p>	
Forced shaving	<p><i>"#3 Trim beard just a little</i></p> <p><i>#2 shave everything</i></p> <p><i>#1 shave down"¹²⁴</i></p> <p><i>Two days later, Paraison cuts AAM's hair between 07:33 to 07:41, just hours before the next set of interrogations with the Contractors is due to begin.¹²⁵</i></p>	FNU Paraison
Incident of dry-boarding	<p><i>As recorded in more detail above in the report, there are two version of this incident. The key is that the DIA acknowledged that the incident did take place, however, their summary of the video that we believe may exist, sounds somewhat far-fetched in its leniency to the interrogators.</i></p>	
Sleep deprivation during period of interrogation	<p><i>"WHEN EC#2 IS SLEEPING HE MUST BE WOKEN EVERY 15 MIN. MAKE SURE HE IS ALIVE. MOVEMENT IS NECESSARY, JUST SKIN IS NOT ACCEPTABLE. IF NECSSARY TURN ON LIGHTS IN CELL."¹²⁶</i></p> <p><i>One of the guards explained to AAM that they would be doing the 15 min check, but he refused to comply with them,</i></p> <p><i>"T-2 explained that we need to do skin and movement checks every 15 minutes. He said, "You do what you have to do but I will not wake up every 15 minutes, I will not cooperate."¹²⁷</i></p> <p><i>After the 15 minute check began, there were still a remaining three days of interrogations from 12 – 14 March 2004, including Ramos, Soufan and Zambeck. It appears that they continued with their interrogations across the period of sleep deprivation.^{128 129 130}</i></p>	<p>Jose Ramos Nicholas Zambeck Ali Soufan Jose Ramos Nicholas Zambeck Ali Soufan</p>

121 Summaries of Interrogation in compliance with Judge Mihm's order, Unclassified Documents - DOJ/CTS U/FOUO SUM08 - 0008

122 Chart of Interview Folder, Tab 45(2) 23/02/2004

123 SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 23 February 2004

124 SSS Pass Down Log, 09 October 2003 – 06 October 2004, re Al-Marri, notation 23FEB04

125 Visitation Log EC#2 23/06/2003 – 29 April 2004, notation 25FEB04

TORTURE IN AMERICA

TORTURE ACT	EVIDENCE	POTENTIAL PERPETRATORS
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126 SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 11 March 2004
127 SHU Pass Down Log Record, 23 June 2003 – 01 August 2004, notation 11 March 2004
128 Visitation Log EC#2 23/06/2003 – 29 April 2004
129 Visitation Log EC#2 23/06/2003 – 29 April 2004
130 Visitation Log EC#2 23/06/2003 – 29 April 2004

PERPETRATORS

The experience of **Ali Saleh Kahlah al-Marri**, by all international standards of law, constituted torture.

As a result, all those involved in his solitary confinement, in the use of behavioural science to harm him, in enforcing isolation, in instigating religious and cultural abuse, in perpetrating physical abuse and in making threats against his family are to be included in any allegations of torture.

Based on the documents, the following key names must be considered for the purposes of further litigation work:

Jose Ramos
Russell Lawson
Ali Soufan
Nicholas Zambeck
Jaqueline McGuire
I Kalous

Throughout this report and through the documents that have been procured, the role of Jose Ramos hangs large over all the interrogations and decisions to cause harm to the detainees.

Ramos was involved from the beginning and led on a number of the interrogations of **Yaser Hamdi** and Ali al-Marri.

In one document not included in this report, it could be alleged that the nature of Ramos' decision making is clearly evidenced when he specifically ordered Ali al-Marri to be moved

into a cell with freezing conditions in order to cause him harm.

The documentation makes no specific mention of the role played by **Russell Lawson**, a man that is frequently referred to as Mr Lawson. He does seem to have the capacity throughout to make decisions affecting the prisoners, including the refusal to provide them access to lawyers, to be kept in solitary confinement, to have their hair cut and to be denigrated to become compliant.

It is important to establish who exactly Russell Lawson is, and his relationship to the DoD or FBI. Regardless, he is clearly in a position that allows him to make important decisions that have a marked effect on prisoners. Thus, he has a great deal of culpability in relation to the torture that Ali suffered.

In his book '*Black Banners*', **Ali Soufan** admits to being in Carolina in 2004, where he was involved in the interrogation of an 'uncooperative detainee'.

This is perhaps one of the only references that Soufan makes to his role there. This in itself is surprising, considering how openly he has spoken of his involvement with high value detainee interrogations.

From the documents and statements of the client, it would seem that Soufan had largely taken over as the lead on interrogations after

the tactics of Ramos had largely failed.

At the very minimum, Soufan's involvement in the incommunicado detention and solitary confinement of Ali al-Marri could constitute torture under international law. However, considering the acceptance of the Defense Intelligence Agency of the role played by the FBI and DoD in the two incidents of January and March 2004, there is clearly some degree of culpability.

With both incidents mentioned in the report above, both Soufan and **Zambeck** play key roles, with Ali al-Marri specifically highlighting them as perpetrators.

At the very least, we know from the DIA documents that the duct-taping took place, that a rag of some sort was used, and that there was some degree of choking. We also know from the visitation logs, supported by the testimony of the client, that the only individuals present in the room that day were Ali Soufan, Nicholas Zambeck and Jose Ramos – some combination of one or all were definitely involved in the torture. The Department of Defense and FBI have not released the video of this incident, but we believe that it may still exist with the courts in the original case.

What incontrovertibly constitutes torture, however, is the series of interrogations that took place on 17 and 18 January 2004, when

Jose Ramos, Nicholas Zambeck, Ali Soufan, **Jacqueline McGuire** and **I Kalous** were directly involved in the threats against Ali al-Marri's family – specifically that his family's citizenship would be deprived.

There is a suggestion that Russell Lawson might have also been involved with this interrogation as his name was initially written into the Visitation Log book, only to then be deleted. International law is clear that threats against family members is completely unlawful and can never be part of interrogation practice – something that the FBI ostensibly accept.

RECOMMENDATIONS

Torture, according to all international law standards, is a crime of universal jurisdiction. If a country permits one of the men or women mentioned in this report to enter into their country, they become duty bound to investigate them and potentially charge them with crimes related to torture.

On behalf of our client Ali Saleh Kahlah al-Marri, we call on the following:

The Government of the United States of America

- To investigate the allegations in this report.
- To charge those who have been involved in wrongdoing.
- To pay reparations to Ali Saleh Kahlah al-Marri for the years of abuse he suffered.

The Government of the United Kingdom

- To investigate and issue arrest warrants for all the perpetrators mentioned in this report.
- To investigate the business interests of Ali Soufan, whose brand and work has been made from the now questionable presentation of being an anti-torture advocate.
- If any professional dealings were made in terms of procuring Ali Soufan's services, they should be reviewed immediately.

The Government of Qatar

- To investigate and issue arrest warrants for all the perpetrators mentioned in this report.
- To investigate the offices of The Soufan Group, based in Doha.
- To investigate all of the contracts that the Qatar government has entered into with Ali Soufan, and if appropriate, to end those contracts.

The International Community

- To investigate and issue arrest warrants for any of those involved in torture who have been mentioned in this report.

IIICAGE

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