

TRAVERSE EXHIBIT LIST

1. Photograph of Abdulrahim Abdul Razak Al Ginco
2. Pro Se Petition
3. Amended Pro Se Petition
4. Declaration of Abdul Rahim Al Ginco
5. Declaration of Thorne Anderson
6. Declaration of Michael Ware
7. Declaration of Pierre Lhuillery
8. Declaration of Tim Reid
9. Declaration of Gary D. Solis, J.D., Ph.D.
10. Declaration of Darius Rejali, Ph.D.
11. Declaration of J. David Kinzie, M.D.
12. Declaration of Ayrat Vakhitov
13. Declaration of Jamal Al-Harith
14. Declaration of Abdul Razzak Al Janko
15. Declaration of Abdel Salam Abdul Razzak Jenko
16. Declaration of Adnan Abdelrazak Al Jenko
17. Declaration of Alaa Uddin Abdul Razaq
18. Kathy Gannon, *Arabs in Afghanistan Claim US Link*, Associated Press Online, May 4, 2000

19. Associated Press, *Arab Held in Afghanistan Says he Was U.S. Agent*, May 5, 2000, News A13
20. Anwar Iqbal, *Taliban Acknowledge Arresting Spies*, United Press International, May 7, 2000 at General News
21. *Taliban - US Spy Confessions*, The Pakistan Newswire, July 29, 2000
22. *Confessions of an American/Israeli Intelligence Agent – Confessions of an Arab Spy*, The Islamic Emirate, July 2000
23. Abu Dhabi Coerced Television Statement
24. Aamir Shah, *Taliban Trying U.S. Citizen on Spying Charges*, United Press International, Feb. 4, 2001, at General News
25. Tasgola Karla Bruner, *Taliban Retreat Leads to Prisoners' Release*, The Atlanta Journal Constitution, Dec. 11, 2001
26. Erik Eckholm, *A Nation Challenged: Kandahar; Inmates Left by the Taliban Are Free, But Cannot Leave*, N.Y. Times, Dec. 16, 2001, Sec. 1B, at 6
27. Christopher Torchia, *Fewer Inmates in Kandahar Prison*, Associated Press, Dec. 17, 2001 at International News
28. Pierre Lhuillery, *Five Foreigners in the Prison Hell of the Taliban and al-Qaeda*, Agence France Presse, Jan. 16, 2002, at International News
29. Catherine Philip, *Foreign Prisoners Leave Liberators Bewildered*, The Weekend Australian, Dec. 15, 2001, at 13
30. John Pomfret, *Inside the Taliban's Torture Chambers; Men Held By Militia as Spies Detail Routine Brutality, Large Role of Foreigners*, Wash. Post, Dec. 17, 2001, at A14
31. Barbie Dutter, *The Koran Saved Me, Says Jailed Briton*, The Daily Telegraph, Dec. 14, 2001, at 15
32. Tim Reid, *"Taleban Warrior? No, I'm a Lost Backpacker,"* The Times, Feb. 4, 2002

33. Red Cross e-mail
34. Attorney General Ashcroft, Transcript of News Conference: Terrorist Tapes, Jan. 17, 2002
35. Attorney General Ashcroft, Transcript of News Conference: The Identity of Suspected Terrorists, Jan. 25, 2002
36. Attorney General Ashcroft, News Conference, C-SPAN Terrorist Threat DVD, Jan. 2002
37. Romesh Ratnesar, *TAPE TROVE The Martyrs' Home Movies*, Time, Jan. 28, 2002
38. Arkan Mohammed Ghafil Al Karim CSRT
39. Abdul Hakim Bukhary CSRT
40. Declaration of Stephen R. Sady, Jan. 29, 2007
41. Declaration of Stephen R. Sady, Feb. 2007

CSRT Recorder Exhibits not included in the Factual Return:

42. R-3 Detainee Status Memo 03/22/04
43. R-6b Enemy Combatant Checklist 05/01/02
44. R-7b b(2) 04/19/04
45. R-9 SIR re 11/16/06 interview
46. R-11 IR re 05/07/02 interview
47. R-45 SIR re 05/07/02 interview
48. R-47 SIR re 04/08/05 interview
49. R-62 Detainee Assessment, 06/25/07

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- 50. R-63 SIR re 05/07/02 interview
- 51. R-64 Memo for Record, 04/29/03 [REDACTED]
- 52. R-80 handwritten notes, approx. 02/20/02
- 53. R-81 interrogator handwritten notes, 02/20/02
- 54. R-82 IIR re 01/28/02 interview
- 55. R-83 b(3) notes
- 56. R-85 IIR re 01/30/02 interview [REDACTED]
- 57. R-86 IIR re 05/02/02 interview
- 58. R-90 IIR re 12/10/03 interview
- 59. R-91 handwritten notes
- 60. R-93 IIR re 01/27/02 interview
- 61. R-94 IIR re 02/08/02 interview [REDACTED]
- 62. R-100 b(3) notes
- 63. R-101 b(3) notes
- 64. R-114 SIR re 09/22/05 interview
- 65. R-116 SIR re 07/25/05 interview
- 66. R-120 [REDACTED] [REDACTED]
- 67. R-121 [REDACTED] [REDACTED]
- 68. R-145 Memo for Record, 03/10/04
- 69. R-147 IR re 05/05/02 interview b(1),b(6)

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- 70. R-149 b(3) notes, 03/14/02
- 71. R-172 SIR re 02/13/06 interview b(1),b(6)
- 72. R-174 IIR re 03/20/06 interview b(1),b(6)
- 73. R-178 Basis for Decision, First CSRT
- 74. R-185 ICRC letter, 12/05/04, re Mr. Al Genco
- 75. R-186 b(2) 05/25/02
- 76. R-190 [REDACTED]
- 77. R-193 IIR re 09/29/05 interview

Summary Statements

- 78. Summary of Statements 1
- 79. Summary of Statements 2
- 80. Summary of Statements 3
- 81. Summary of Statements 4
- 82. Summary of Statements 5
- 83. Summary of Statements 6
- 84. Summary of Statements 7
- 85. Summary of Statements 8
- 86. Summary of Statements 9

EXHIBIT 2

FILED

JUN 30 2005

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Leave to file without
Prepayment of Cost **GRANTED**

6/29/2005

ABDULRAHIM ABDUL RAZAK AL GINCO
Camp Delta
Washington, D.C. 20355

Petitioner

v.

Civil Action No.

GEORGE W. BUSH, President
of the United States

DONALD RUMSFELD, Secretary,
United States Department of Defense

JAY HOOD, Army Brigadier General,
Commander, Joint Task Force-GTMO

MICHAEL L. BUMGARNER, Army
Colonel, Commander, Joint Detention
Operations Group-JTF-GTMO

CASE NUMBER 1:05CV01310

JUDGE: Richard J. Leon

DECK TYPE: Habeas Corpus/2255

DATE STAMP: 06/30/2005

PETITION FOR WRIT OF HABEAS CORPUS

1

GUAN-2005-T02681

Writ of Habeas Corpus (written phonetically in Arabic)

To the respected lawyer and to the American court committee

- 1- The enemy combatant status review Board decided that I am an enemy combatant and that decision has no bases to it, because I was jailed at Al-Qa'eda and Taliban's forces for two years before the events of September eleven, and the evidence for that is the International Committee for the International Red Cross and I was accused of being a spy working for the United States of America
- 2- I do not pose any threat to the United States and its allies and the proof is the accusation of Al-Qa'eda and Taliban to me stating that I was an American spy and not only that but also that I cooperated with the interrogators for the past three years up to the present time, and I am requesting from the interrogators to make a statement of that.
- 3- I would like to be present at the meetings and the procedures of the Administrative Board to go over my case and speak for myself
- 4- I would like to meet the assistant military officer.
- 5- I object to the ruling of the committee responsible for reviewing the fighter's position.
- 6- I would like to ask a civil judge to look into the legality of my imprisonment, I am asking you to look at my case using the logic, because I was supposed to be released after three days but we are in the fourth year in the prison.

Detainee: Abdulrahim Abdul razak al ginco

DO NOT WRITE BEYOND HEAVY LINES

المحقق

عبد الرحيم عبد الرزاق

Re-type of DA FORM 2567-E, May 59

EXHIBIT 3

GUAN-2005-T02789

In the name of Allah the merciful compassionate

Honorable respected lawyer, I write you this letter so that I may be reassured that there is someone to defend me in objecting the military tribunal. I do not need to tell you, that I am and was a victim of Al-Qaida and the Taliban in the past. I have spent two years in their prison that so-called SAREEZAH prison in QANDAHAR, AFGHANISTAN. Then the America forces appeared and apprehended me; from prison they brought me to here, hence the ICRC requested from the American forces to release us. The American forces made promises that they were going to release us three days later. However, they've gone back on their promise and since those three days, here we are approaching the fourth year. How can that be? I was informed that it's my right to object in the America courts. Therefore, I would say with all pride that I'm not a threat to the U.S.A or to any of its allies. I was a university student and I'm wholly prepared to cooperate with the American government this is in addition that I was cooperative and I have been for a period of more than three years. Thus, what do the American forces want with me?

End, Peace be upon you

Abd Al Rahim Adul Rassak Janko

2005/5/26

EXHIBIT 4

Steven T. Wax
Federal Public Defender
steve_wax@fd.org
Stephen R. Sady
Chief Deputy Federal Public Defender
steve_sady@fd.org
101 S.W. Main Street, Suite 1700
Portland, Oregon 97204
503-326-2123 Telephone
503-326-5524 Facsimile

Attorneys for Petitioner

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

ABDULRAHIM ABDUL RAZAK AL
GINCO,

Petitioner,

v.

GEORGE W. BUSH, et al.,

Respondents.

CV 05-1310-RJL

DECLARATION OF ABDUL
RAHIM ABDUL RAZAK AL
GINCO

I, Abdul Rahim Abdul Razak Al Gincó, declare:

1. I am a Syrian Kurd born on June 24, 1978, in northwest Syria.
2. My father is a teacher of Islamic education, and I have ten brothers and sisters.

Page 1 DECLARATION OF ABDUL RAHIM ABDUL RAZAK AL GINCO

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3. I lived in Syria attending public school until the age of 13, when my father received an appointment from the government of Ajman to be a teacher of Islamic education and my family moved to the United Arab Emirates.

4. My adult brothers are teachers and businessmen.

5. My family is religious but not extreme, and nothing in my religious upbringing involves hatred for or violence against the United States;

6. In the United Arab Emirates, I continued attending school up to over two years of post-high school education.

7. I attended a post-secondary school and lived with my two brothers, Adnan and Abdul Haleem, in the emirate of Ras Al Khaimah, which is north of Dubai and Ajman, where the rest of my family was living.

8. I was a good student, maintained close contact with my family, and engaged in no serious misbehavior.

9. I had no affiliation or beliefs regarding extreme politics or religion, spending my time on my studies and with school activities.

10. I had friends and associates of all backgrounds, as is not uncommon in the blended society of the United Arab Emirates.

11. A family argument led to my sudden departure from the United Arab Emirates in either December 1999 or January 2000.

12. I borrowed money from outside the family for expenses related to a school trip.

13. When my brother ^{Abdul} Haleem insisted that my strict father be told that I borrowed money outside the family, I ran away from home.

14. The issue was not the relatively small amount of money involved but the honor of my family, which was sullied by the suggestion that my family would not or could not take care of my financial needs.

15. I decided to leave the United Arab Emirates in the aftermath of the quarrel regarding money that I feared would anger my father.

16. My father had control of my passport, as he had for all his sons, so I did not have travel documents.

17. Because I wanted to go to Europe or North America, I contacted several embassies and a United Nations office in Abu Dhabi seeking assistance.

18. After my efforts to produce a way out of the country failed, I heard from a college friend connected to the Afghan embassy that, without a passport, I could be deported to Afghanistan and, as a refugee there, travel to Europe through humanitarian organizations.

19. I followed his suggestions and was eventually deported to Pakistan and, with help from Afghan deportees, arrived at the border with Afghanistan in January 2000, still planning to seek passage to Europe as a refugee.

20. The Afghans with whom I traveled could no longer assist me and suggested I seek help from Afghan government personnel in traveling on to the addresses my friend had given me.

21. When I explained I needed help, the Afghans wanted me to talk through an interpreter, ~~who then did not accept my request and said I should go with them to~~ The interpreter ~~asked~~ asked why I was in Afghanistan. When I told him, he refused to help. He told me to go back where I came from but I had no money and I could not get out of the mountains where I was. My friends had already left and I had ~~a training camp or be left with no money and only thin clothing and light shoes in the~~

snow and cold of the border area. The interpreter told me I could either come with ~~the Afghans~~ or he would leave me. He told the Afghans to take me to a guest house in Kabul.

22. Although I repeatedly told the Afghan government personnel that I did ~~not want to go to the camp~~ to the guest house, they insisted that I go with them ~~first to a~~ the guest house for five days.

After these five days, a truck arrived to take me ~~then~~ to a camp near Kabul.

23. I did not go voluntarily to the guest house or to the camp; I accompanied them because I was afraid that they were going to kill me.

24. While I was at the guest house, I only cleaned weapons upon instructions that I had to perform the task; I did not repair or maintain weapons or receive training.

25. While I was at the training facility, I was treated with suspicion and given low level jobs such as hauling water, cutting wood, and cleaning small arms.

~~Se~~
Seventeen

26. After ~~eighteen~~ days during which the only training I received was on small arms, I attempted to leave the camp, advising the camp leader that I wanted to return home.

~~Se~~ 18th

~~Se~~ day

27. When I stated I wanted to leave, the camp leaders took me into custody and accused me of spying for the United States and Israel.

28. The spy accusation only came after I told them I wanted to leave.

29. First in Kabul, and later in Kandahar, the Taliban, as well as Al Qaeda officials, subjected me to severe torture and threats of death during long and painful and frightening interrogation sessions.

30. The torture inflicted upon me included severe beatings, electric shock, being hung from the ceiling, water torture, striking the bottom of my feet with clubs,

striking my hand with the butt of a gun, and sleep deprivation.

~~Se~~ cigarettes into my legs.

~~Se~~ They also extinguished

31. As a result of the torture and threats starting in January 2000, I falsely confessed to being a spy for the United States and Israel, which was videotaped by my captors.

32. My statements that I was an American and Israeli spy were false and the result of torture and threats of death.

33. Most of the other statements in the videotapes were the false results of torture and threats of death: I did not live the decadent life described, the names of

most individuals were simply made up or from school, and phrases I mouthed were foreign to my own background.

34. After three months of torture, I was transferred to a political prison in Kandahar called Sarpusa after the neighborhood where it was located.

35. I believe the Taliban Islamic Court in Kandahar sentenced me in May 2001, to a 25-year prison sentence on the false accusation of being a spy.

36. The prison where I was confined also housed about 1,200 political prisoners, mostly Afghans from the Northern Alliance.

37. The conditions in the Taliban prison were terrible: one piece of bread to eat all day, overcrowding, filthy living conditions, an abundance of rats and insects, poor medical care, and rampant disease.

38. The International Committee of the Red Cross visited me while I was in the Sarpusa prison.

39. I remained in the prison, after the initial three months of torture, from approximately May 2000 to January 2002.

40. On or about December 18, 2001, the Taliban abandoned the prison in Kandahar due to American bombing, and the new Afghan government took over.

41. Almost all the political prisoners left the prison, eventually leaving behind myself, Jamal Al-Harith from Great Britain, Sadeeq Turkestani, a Uighur from

Saudi Arabia, Abdul Hakeem Al-Bukhary from Saudi Arabia, and Ayrat Vakhitov from Russia.

42. We remained as guests in the juvenile wing of the prison because the new warden warned us that local Afghans might be hostile to us.

43. Between mid-December 2001 and January 24, 2002, I and the others visited offices of the Red Cross and the United Nations, seeking assistance in returning to our home countries.

44. Between mid-December 2001 and January 24, 2002, I and the others spoke to numerous journalists regarding our treatment as prisoners of the Taliban.

45. I stated that I had been tortured and asked the journalists to contact the American military so I could testify regarding the human rights violations committed against me and others, including two prisoners I believed to have been Americans who were killed at the prison.

46. On or about January 22, 2002, Americans visited the prison, advised they were from military intelligence, took photographs of us, and said they wanted information and we would be transferred home in about two weeks.

47. On or about January 24, 2002, the Americans and a heavily armed detachment of American soldiers took me and five others into custody and transported us to the Kandahar air base for what was supposed to be a few days.

48. For the initial time at the Kandahar air base, we were treated relatively well, being kept apart from other prisoners and receiving extra blankets and chocolate.

49. Then suddenly the interrogators began treating me very badly after showing me a Time magazine article claiming I was a terrorist.

50. My bad treatment by the Kandahar air base interrogators, after they confronted me with the magazine article, included striking me on the forehead; threatening to remove my fingernail; sleep deprivation; exposure to very cold temperatures; exercise to exhaustion doing sit-ups, push-ups, and running in chains; stress positions for hours at a time; use of police dogs; and rough treatment to take me to interrogation, although I did not resist or use violence.

51. At the end of April or early May 2002, the American military transferred me to Guantánamo Bay, Cuba, where I remain to this day.

52. I do not hate or intend violence toward the United States or Americans.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 7th day of January, 2009.


Abdul Rahim Abdul Razak Al Ginfo

ISN 489
7 JAN
09

EXHIBIT 5

Steven T. Wax, OSB #85012
Federal Public Defender
steve_wax@fd.org
Stephen R. Sady
Chief Deputy Federal Public Defender
steve_sady@fd.org
Patrick J. Ehlers
Assistant Federal Public Defender
patrick_ehlers@fd.org
101 SW Main Street, Suite 1700
Portland, Oregon 97204
Tel: 503-326-2123
Fax: 503-326-5524

Attorneys for Petitioner

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDUL RAHIM ABDUL RAZAK AL
GINCO,

Petitioner,

v.

GEORGE W. BUSH, et al.,

Respondents.

CV 05-1310-RJL

DECLARATION OF
THORNE ANDERSON

I, Thorne Anderson, declare:

1. I am presently self-employed as a photojournalist. I have been involved in covering international news since approximately 1999. My photographs have been published in a wide variety of magazines and newspapers including Time, Newsweek, Stern, New York Times, Boston Globe, Los Angeles Times, San Francisco Chronicle, London Times, The Guardian, and others. I have a Master's Degree from the University of Missouri-Columbia School of Journalism and am currently taking somewhat of a sabbatical and studying documentary video at Harvard.

2. During January 2002 I was in Afghanistan covering the United States' war against the Taliban government. At that time the Taliban had fled Kandahar and I was covering the situation in that city. I can't remember how I learned about it, but I recall that I heard there were foreigners at the Saraposa prison in Kandahar. I remember that I went to the prison and met with the foreigners at least three or four times. I made photographs on two of those visits to the prison. I remember that I visited the prison with Globe and Mail reporter Mark McKinnon. I remember that I also visited the prison by myself and also with New York Times reporter Craig Smith. It is very common in international journalism circles for reporters to travel together for reasons of safety, organizational advantages, and for the company. A selection of the photographs I made during those visits is attached to this declaration.

3. One of the interesting things about the foreigners in the Kandahar prison was that they wandered freely in a section of the prison that I was told had been the section for political prisoners. Although there were guards at the gate, the foreigners were allowed free entry and exit. I remember seeing several of the following men there who left through the gate to go and buy things from street vendors and then return into the prison compound. I spoke to several guards at the prison who said that the foreign men were free to leave any time that they wanted.

4. I remember when I visited I introduced myself to the foreign men and several of them introduced themselves to me. I quickly concentrated on the British man, Jamal Al Harith. Mr. Al Harith told me in the presence of the other foreigners as a group tale on behalf of all of them, so to speak, that the foreigners in the prison had been imprisoned by the Taliban. Mr. Al Harith said that all of them had been mistreated by the Taliban and a couple of them claimed torture. Mr. Al Harith said that when the Taliban had fled the prison, the Northern Alliance guards had taken over and all of the Afghan people held in the political wing were released. Mr. Al Harith said that the foreigners

were free to go but these men had stayed there for their own safety. The Northern Alliance guards had also expressed fear for the safety of these foreigners because there was a fear they might be mistaken for enemies.

5. I do remember talking to Mr. Al Gingo. Mr. Al Gingo was quite friendly and relaxed with me and with the other foreign men. Mr. Al Gingo gave me a tour of their area of the prison and showed me the exercise equipment. Mr. Al Gingo also demonstrated a pair of shackles that he said the Taliban had forced him to wear while they were in control of the prison.

6. The picture attached to this declaration and marked as 020121060 is a picture of Mr. Al Gingo demonstrating the use of those shackles. Another picture marked number 020120214 attached to this declaration shows Mr. Al Gingo standing with one of the prison guard officials. The pictures marked 020120054 and 020120063 are of the Russian prisoner and his drawing depicting how he was tortured by Al Qaeda and the Taliban respectively. I remember very clearly talking to the prison guards and asking them about the foreign men. It was clear from what the guards said that they seemed very convinced of the veracity of the stories that the men had told about their captivity at the hands of the Taliban. The guards had not been there at the time but they had interviewed other prisoners and also had their own intelligence. It was also clear from the very good relationship between the Northern Alliance guards and the foreigners that the guards thought their stories were true.

7. Mr. Al Harith said that he had been in touch with the British Foreign Service officers in Afghanistan and that they had promised to help him leave the prison. I remember that the foreigners told me they were also making efforts to contact non-governmental organizations to try and get help leaving the prison.

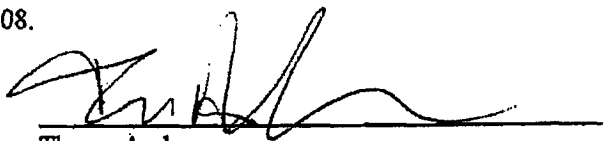
8. On one occasion I visited the prison when there was an American officer or American civilian who was visiting. I remember when the Americans came to the prison I was not allowed to speak with them and they were very secretive. The next day when I went back to the prison I remember being told that Mr. Al Harith had been taken away. I can't remember for certain whether or not I was even allowed back into the facility and don't know whether or not the other foreigners were taken away at the same time. I did not see or hear from the foreign men after they were taken away, although I did hear later that they had been sent to Guantánamo Bay in Cuba.

9. Mr. Al Harith said that he had been in contact with British Foreign Service officers and at least one other journalist and also a non-governmental organization in order to try and get help. Mr. Al Harith said that he and the others had tried several times to get help but nothing had happened.

10. The picture attached to this declaration and marked 020121083 is of the other wing of the prison where the guards housed what they called "common criminals." It was very clear from my visits that the prisoners in this section of the prisons were treated very differently by the Northern Alliance guards, very much as criminals who need to be imprisoned, in contrast to the friendly hospitality the guards displayed toward the group of foreigners.

I hereby swear under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on December 19, 2008.

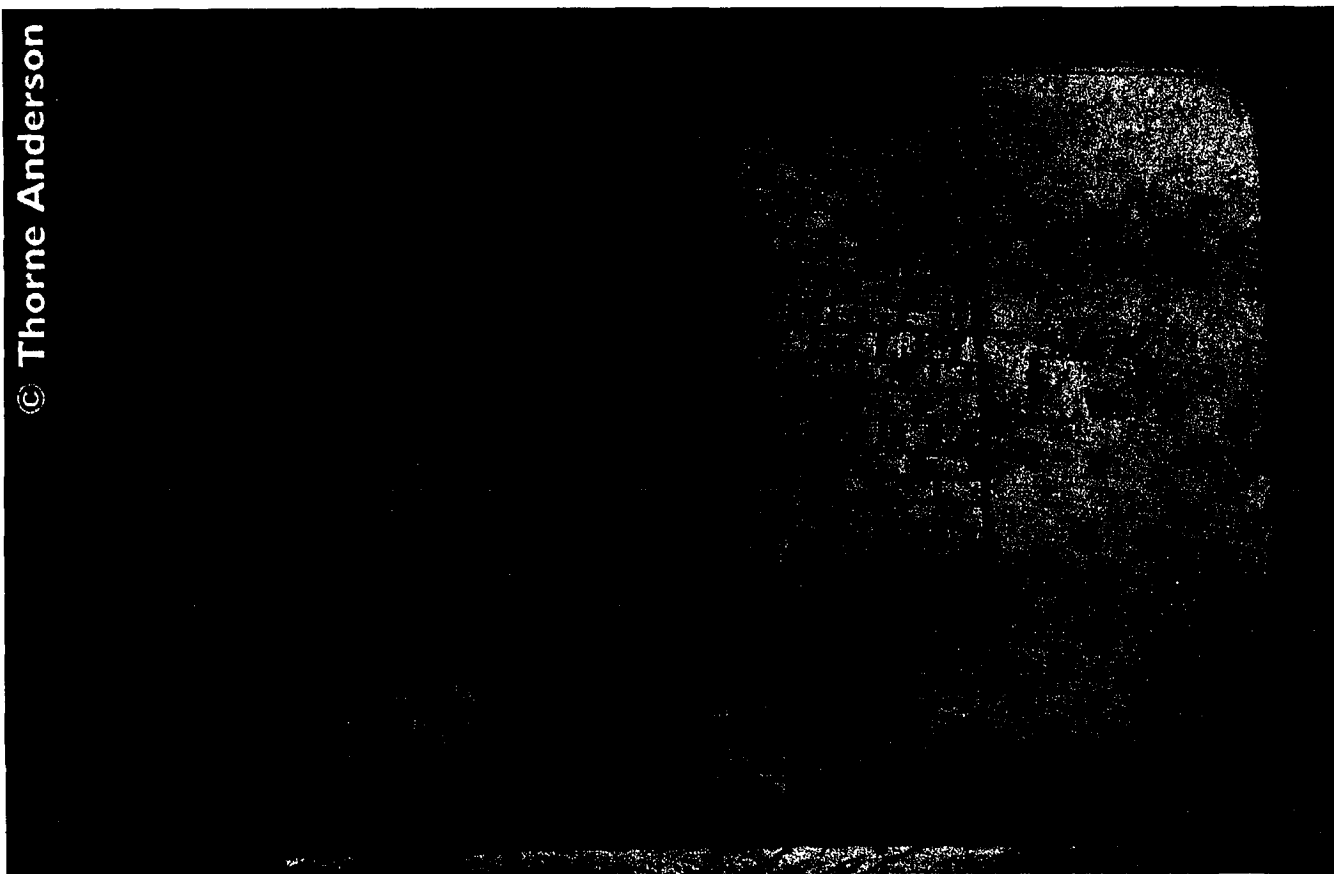

Thorne Anderson

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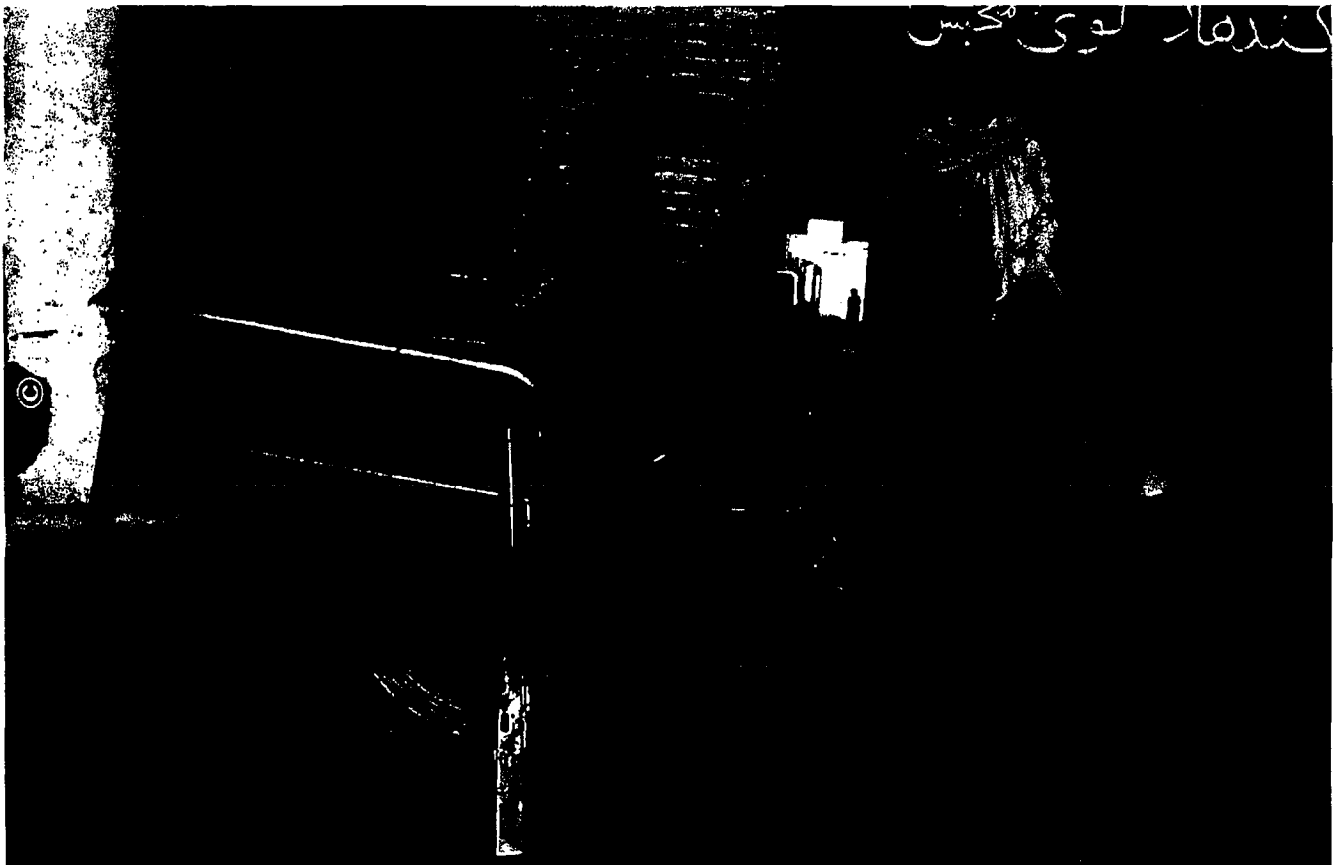


020120063



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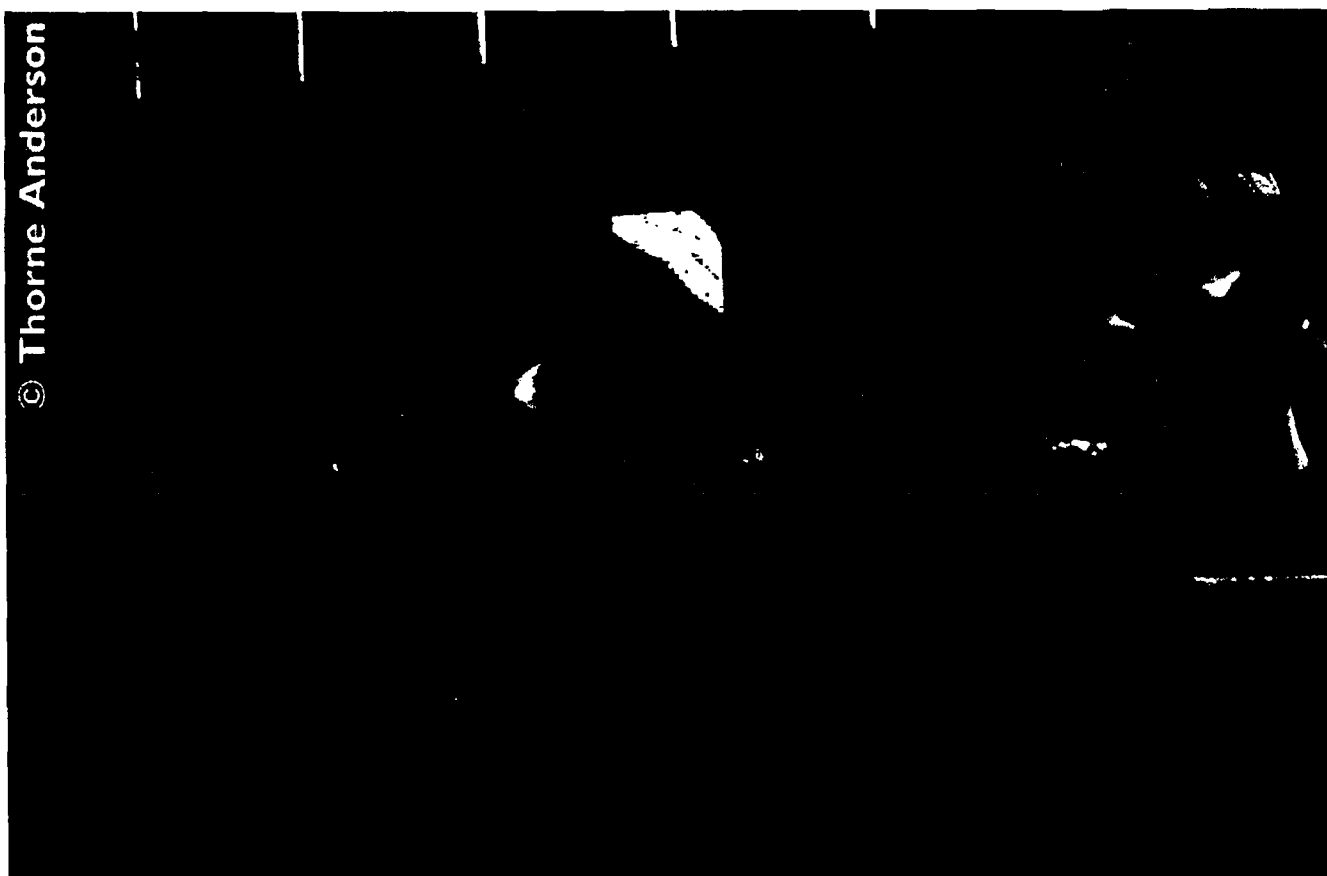
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020121060

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020121083

Attachment One

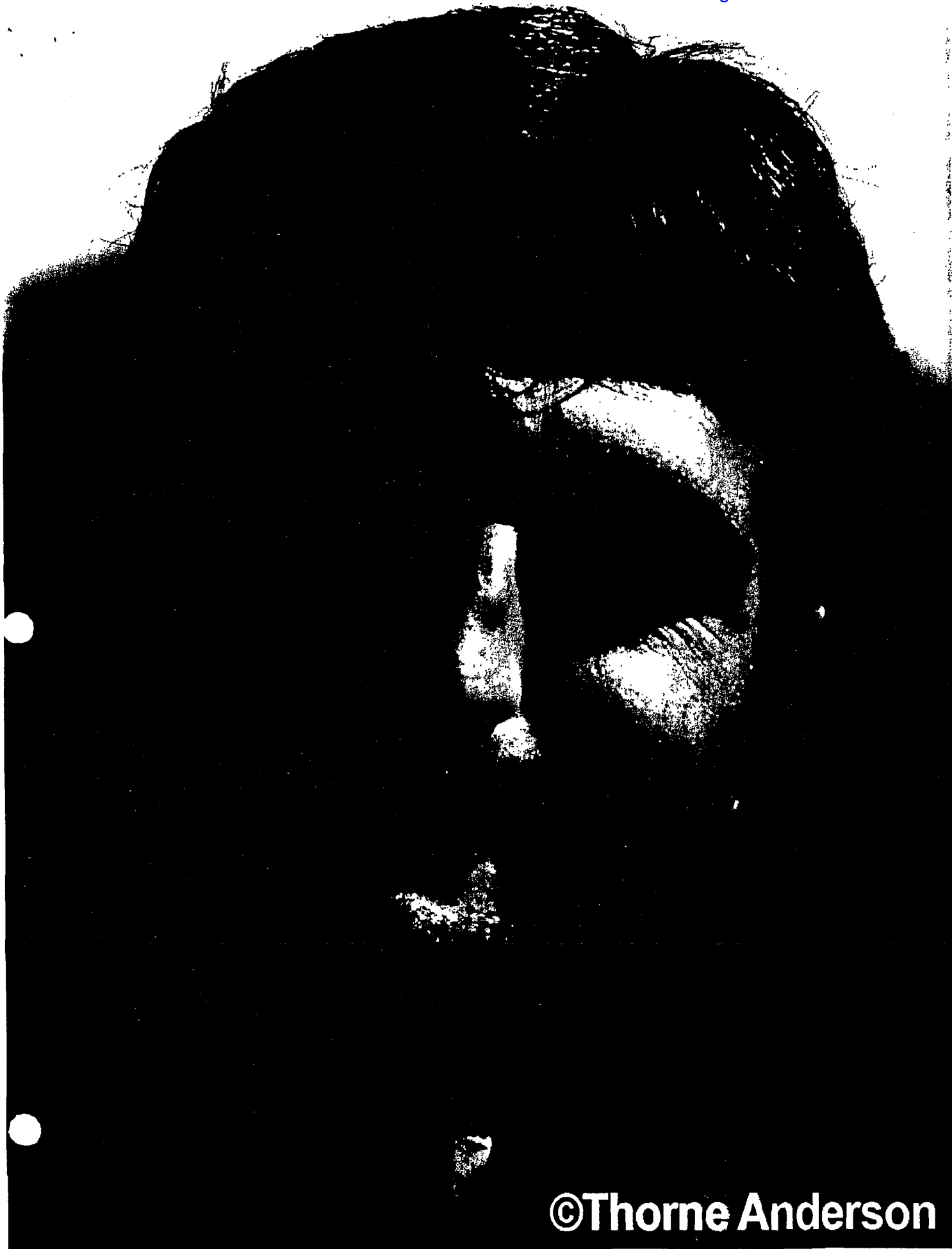


EXHIBIT 6

Steven T. Wax
Federal Public Defender
steve_wax@fd.org
Stephen R. Sady
Chief Deputy Federal Public Defender
steve_sady@fd.org
101 S.W. Main Street, Suite 1700
Portland, Oregon 97204
503-326-2123 Telephone
503-326-5524 Facsimile

Attorneys for Petitioner

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

ABDULRAHIM ABDUL RAZAK AL
GINCO,

Petitioner,

v.

GEORGE W. BUSH, et al.,

Respondents.

CV 05-1310-RJL

DECLARATION OF
MICHAEL WARE

I, Michael Ware, declare:

1. I have been asked to provide this declaration by William Teesdale Esq., of the Federal Public Defender for the District of Oregon, for use in Mr. Abdul Rahim Al Gincos habeas corpus and Detainee Treatment Act cases. An Australian citizen, I am currently CNN's senior correspondent in Baghdad, Iraq; a position I have held since July 2006. I have worked and resided in Iraq since January 2003. Prior to joining CNN, I worked for Time Magazine, including as

the magazine's Baghdad bureau chief for four years and, prior to that, as Kabul bureau chief (in late 2002). For most of my year in Afghanistan, I lived and worked primarily in Kandahar. I joined Time Magazine in 2000, after six years as an investigative journalist with News Ltd, an Australian subsidiary of News Corporation. Prior to becoming a journalist, I was the Associate to the President of the Court of Appeals, Queensland, Australia in 1993, a position roughly equivalent to a clerk for the Chief Justice of a state appeals court. I have attained Bachelor of Law and Bachelor of Arts (Political Science) degrees from the University of Queensland, and I am eligible to seek admission as a Barrister at Law with the High Court of Australia.

2. Throughout the period of time material to this declaration, I worked and resided in Kandahar, Afghanistan, as a Time Magazine correspondent. During this time I had extensive relationships with United States military forces stationed in that city (plus with ISAF command HQ in Kabul), as well as relationships with various U.S. intelligence organizations active in the city. I also had the benefit of long-standing relationships with Kandahar's then-Chief of Police (a battle-proven U.S. ally), the Governor of Kandahar province and his intelligence director, and members of Kandahar's then-fledgling security apparatus. Pertinent to this declaration, I also had significant dealings with the Pakistan Army's Inter Services Intelligence agency (ISI), an organization which had, and continues to have, particularly useful insights in to recently-ousted Taliban regime, foreign Islamist network of al-Qaeda, as well as, at the times material to this declaration, the then-nascent Taliban insurgency and the al-Qaeda elements taking sanctuary and logistical support in Pakistan's border regions. All these relationships have bearing on my understanding of Mr. al-Ginco's predicament.

3. I am a Subject Matter Expert regarding al-Qaeda and its global network, the Afghan Taliban, the wars of Iraq and Afghanistan, and, generally, the

so-called "War on Terror." My work has been and continues to be cited in periodicals addressing intelligence and security issues, in briefing papers, books, studies, and in internal U.S. military and intelligence briefs. I have been asked to consult with the Pentagon, office of the Chairman of the Joint Chiefs, the Department of State (U.S.), West Point Academy, and other U.S. military and intelligence organizations.

4. In December 2001 in Kandahar, I learned from media reports and Kandahar police officers that foreign prisoners who had been imprisoned by the Taliban regime were effectively stranded in Kandahar's main prison facility. I first visited the prison some time in December 2001, and then made multiple return visits throughout December 2001 and January 2002. I located five foreign inmates left over from the Taliban regime, one of whom was Mr. al-Ginco. I interviewed all five men extensively and spent long periods with them. I facilitated contact by them with the ICRC, the United Nations mission in Kandahar, and, for one prisoner, with the British consul in Kabul. Over these weeks I frequently allowed all five men to use my satellite phone to call their families.

5. Conditions in the prison at that time remained as they were under the Taliban – appalling. Food, sanitation, bedding, and water supplies were inadequate. Taliban jailors fled the prison when the Taliban regime fell in December 2001, at which point most of the prisoners, largely from various Northern Alliance or anti-Taliban factions, were freed. The five foreign inmates were also freed at that time, as I confirmed with the new prison authorities, U.S. forces, and Kandahar police. However the men had had their travel documents taken or destroyed by the Taliban and lacked the financial means to return to their homes. They found themselves in a legal limbo; free to leave, but without means to do so. Hence they remained in a small, segregated section of the then-empty prison awaiting clarification of their legal status and travel assistance.

6. Each of the men had various accounts of how they came to be in Afghanistan and how they had been imprisoned by the Taliban. Many exhibited physical and psychological signs of having endured torture, and all exhibited signs of PTSD. Several of them had scars and other indicators of physical abuse. The men claimed they had been brutalized by al-Qaeda interrogators (for it was al-Qaeda which assumed intelligence and counter-intelligence responsibilities for the Taliban regime). Their claims were supported by their new jailors and by Kandahar police.

7. It is my recollection that Mr. al-Ginco had made his way to Afghanistan from the U.A.E. and stated that he was detained by Taliban officials on suspicion of espionage for a U.S. agency. I believe he said he was detained in Jalalabad. Mr. al-Ginco recounted in detail his multiple transfers from, first, Taliban security facilities and then a range of al-Qaeda facilities once the Taliban government gave al-Qaeda jurisdiction. In his statements to me he made it clear in repeated interviews where he was asked to repeat his story over and over to see if inconsistencies arose (they did not) that virtually from the moment of his arrival on Afghan soil he was kept in captivity. He stated consistently that he had not been a fighter for nor affiliated with either the Taliban or al-Qaeda. From his presence in the jail at the time, multiple corroborative statements of former cellmates attesting to his long detention, and from assessments by the security apparatus of the new, U.S.-backed regime in Kandahar, it was my conclusion that there was sufficient evidence to support his account. From my extensive understanding of the nature of the Taliban regime and the conduct of its guest network, al-Qaeda, it was evident Mr. al-Ginco had been deemed an enemy of the Taliban and al-Qaeda, rather than a recruit for either organization. Due to lack of records from the Taliban regime, it was impossible for me to determine what charges or investigations had led to his imprisonment, nor to verify his status in Afghanistan prior to his detention.

8. From my close study of the Taliban and al-Qaeda in Kandahar, including interviews with former regime figures and al-Qaeda members and their allies, I can make some deductions regarding Mr. al-Ginco. The nature and manner of his imprisonment when I found him and the others was entirely consistent with known Taliban and al-Qaeda practices in dealing with suspected enemies of the state. And it was my experience that al-Qaeda members accused of espionage were killed after initial interrogation. Also, having gathered extensive intelligence and witness (or participant) accounts of the withdrawal of the Taliban and the escape of al-Qaeda, if Mr. al-Ginco had been an active member in good standing there was ample opportunity for his escape to have been facilitated. The bottom line is that, regardless of how Mr. al-Ginco came to be in Afghanistan, or his past involvement (if any) with either the Taliban or al-Qaeda, at the time of the fall of the Taliban he was not being treated as an active member of either the Taliban or al-Qaeda. Indeed, quite the opposite.

9. On several occasions in December 2001 and January 2002 I had conversations regarding the plight of Mr. al-Ginco and the others with U.S. military, intelligence, and law enforcement officials - most based at Kandahar's airport, a few others within the residence of the Governor of Kandahar. Indeed, much of my contact with U.S. agencies or forces was at the behest of Mr. Ginko and the others. All were willing, and eager, to provide statements regarding: any details they had on the nature of the operations, structure, and counter-intelligence capabilities of the Taliban regime; any experiences regarding al-Qaeda's practices and interrogation techniques; and, at the relentless persistence of Mr. al-Ginko and the others, for me to open channels of communication with various U.S. government entities. Mr. al-Ginco and the others repeatedly urged me to speak to U.S. authorities to offer the men's desire to co-operate with U.S. forces and return home.

10. The conditions in the prison under which Mr. al-Ginco survived after the fall of the Taliban were abusive and marked by the deprivation of the necessities of life. If Mr. al-Ginco or any of the others found the means to legally depart, I am confident they would have taken the opportunity. On several occasions I personally escorted the men out of the prison and in to the city of Kandahar. I did this to allow them to access ICRC offices and U.N. representatives. It was also to let them enjoy some small comforts. Throughout the weeks I visited them in prison I took food, batteries, and other essentials to help the men.

11. Eventually, in January 2002, I returned to the prison and discovered Mr. al-Ginco and all the other foreign former detainees had been taken away, without notice, by Coalition Forces from an unidentified Task Force. I did not hear anything more about the men until reports of the detention of at least one of them appeared in the British press. The picture attached to this declaration and marked as Attachment 1 is of the young Syrian Kurd and it is taken in the Kandahar Prison. Notwithstanding subsequent discovery or provision of seized Taliban or al-Qaeda materials implicating Mr. al-Ginco, I find it difficult to understand the grounds for his on-going incarceration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 18th day of February, 2009.

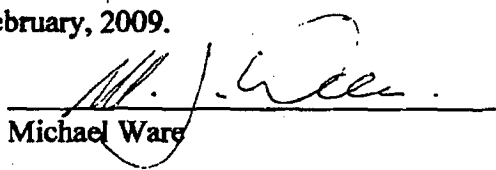

Michael Ware

EXHIBIT 7

Steven T. Wax, OSB #85012
Federal Public Defender
steve_wax@fd.org
Stephen R. Sady
Chief Deputy Federal Public Defender
steve_sady@fd.org
101 SW Main Street, Suite 1700
Portland, Oregon 97204
Tel: 503-326-2123
Fax: 503-326-5524

Attorneys for Petitioner

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDUL RAHIM ABDUL RAZAK AL
GINCO,

Petitioner,

v.

GEORGE W. BUSH, et al.,

Respondents.

CV 05-1310-RJL

DECLARATION OF PIERRE
LHULLERY

I, Pierre Lhuillery, being first duly sworn, hereby depose and say:

1. I have been asked to provide this declaration by the Federal Public Defenders
Office for the District of Oregon for their use in Mr. Al Genco's case.

2. I am a French citizen employed by the Agence France Presse as a reporter, and have been since 1979. In late 2001 and early 2002 I was based in Pakistan and Afghanistan, reporting on the war and including the conflict in the Tora Bora region. In early January 2002 I was sent to Kandahar, Afghanistan, to report on events in that area. I heard from a local stringer about five foreigners who were in the Kandahar prison. The interesting thing about these former prisoners was that they were living in the prison but were free to go because the new Afghan Government of Hamid Karzai did not have any charges against them but they did not have anywhere to go, or the means to leave. I personally spoke to members of the new local Afghan Government, who told me that these former Taliban prisoners were not facing any charges from the new Government and were free to leave at any time.

3. I went to the Kandahar prison twice in mid January, 2002, with Tim Reid, a correspondent from the London Times, to meet with the five men. When I went to the prison I found that the prison chief warden again confirmed that the five foreigners were free to leave at any time and I could visit them freely without any restriction. The same thing occurred when I visited the prison again for a second meeting with the foreigners. During those meetings I took notes of what they told me and later wrote the story "Five Foreigners in the Prison Hell of the Taliban and Al-Qaeda," published January 16, 2002 by the Agence France Presse, which is attached to this declaration as Attachment 1. The information in the article was based upon the stories the individual prisoners told me during my meetings with them. They said that they had been captured in different places by the Taliban, accused of

being spies and then beaten and tortured. Mr. Al-Janko (I used the spelling Ganko in my article) said that he was a 26 year old Kurd, who fled Syria for the United Arab Emirates to avoid military service. Mr. Al-Janko said that later he was deported to Afghanistan where he was arrested as a spy, taken to Kabul and beaten for three months before being sent to the prison in Kandahar. I no longer have a clear recollection of all of the individuals themselves because this happened a long time ago, but I remember that I found their stories credible and consistent with everything I knew at the time.

4. There was visible evidence of mistreatment by the Taliban that the prisoners showed me. I remember that one of them showed me his feet with all of the toe nails ripped off. I recall one had marks on his back that looked like he had been beaten or whipped and also marks on his wrists. Another of them, I think the Russian Tartar prisoner Vahitov, had a scar under his chin which he said was caused by a Taliban threatening to kill him with a knife.

5. During my meeting with the former prisoners I discussed with them that I was going to go to the local U.S. base at Kandahar airport and report from that location. My plan was to try to meet with the top United States military officer in the area for an interview. I knew at the time that the US army was in the process of taking over from the Marine Corps in the running of the US base. When the former prisoners heard that I was going to have that meeting they asked me to talk to the U.S. military about them and ask the Americans for help. I clearly remember having this discussion with them because I only agreed to pass on this request if they were unanimous about it. The foreigners discussed amongst themselves

in front of us. Initially the British prisoner, Jamal Al Harith was reluctant about the plan but they discussed it and made their collective decision that they wanted me to ask the U.S. military commander for help after my interview with him.

6. When I met with the U.S. commander at the Kandahar airport, Colonel Frank Wiercinski, commander of the 3rd Division of the US Army 101st Airborne Division, I conducted my interview and then passed on the request for help from the former prisoners and mentioned that they had been jailed by the Taliban and mistakenly held as spies. I relayed to the Colonel that they requested help to get out of Afghanistan and that they were willing to give testimony regarding crimes committed by the Taliban. The Colonel received the information in a non-committal way but was clearly interested and said that he would look into it.

7. Within one hour of the meeting with the Colonel I was told that FBI officials wanted to talk to me. I was led to an office on the base, where I met two men, maybe three. Only one of the men was doing the talking. Unfortunately I do not remember his name now. The man asked me for details about the information about the former prisoners that I had provided to Colonel Wiercinski, which I provided him. After that no one mentioned the former Taliban prisoners again to me during the period I was at the US base, which I think was two days in total.

8. After meeting with the Colonel I wrote about my interview of him in another article entitled "US Motto in Kandahar: Never Drop Your Guard." That article was written on January 23, 2002, and published by the Agence France Presse. My article names Colonel

Frank Wiercinski as the person I met with and interviewed. I am certain that he was the officer that I requested help for the former Taliban prisoners from.

9. A few weeks after the meeting at the Kandahar air base I received a call from the reporter from the London Times, Tim Reid. The reporter and I discussed various things and then he asked me whether I had heard what had happened to the foreigners in the Kandahar prison. Mr. Reid then told me that they had been sent to Guantanamo Bay prison. I was very surprised because I was quite convinced they were telling the truth and because I believe they would not have asked the Americans for help if they had been Taliban or Al Qaeda. The way Afghanistan was at that time it would have been quite possible for them to leave without asking the local U.S. military commander for help.

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10. At that time in Kandahar there was a local representative of the International Committee of the Red Cross (ICRC), who was Gian-Battista Bacchetta (or Gianni Bacchetta). Mr. Reid and I met Mr. Bacchetta at least twice in Kandahar and we mentioned the case of the foreigners in Kandahar prison. Mr. Bacchetta was well aware of their situation.

11. I have not been contacted about these matters before. I am willing to come and testify in person about my recollection of these events.

Dated and signed this 26 day of July, 2008.

P. Lhuillery
Pierre Lhuillery

ATTACHMENT ONE

Five foreigners in the prison hell of the Taliban and al-Qaeda Agence France Presse -- English January 16, 2002
Wednesday

4 of 8 DOCUMENTS

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Agence France Presse -- English

January 16, 2002 Wednesday

SECTION: International News

LENGTH: 695 words

HEADLINE: Five foreigners in the prison hell of the Taliban and al-Qaeda

BYLINE: PIERRE LHUILLERY

DATELINE: KANDAHAR, Afghanistan, Jan 16

BODY:

Five foreigners still languishing in a Kandahar jail bear the scars of being imprisoned in the Afghanistan of the Taliban. Accused of being spies, they were imprisoned, beaten and tortured.

Now the Taliban have gone, driven out by relentless US bombardments, the five remain in prison, free but without the passports or money to go anywhere, waiting for someone to help them leave the country.

While their stories are difficult to confirm, they appear convincing. The marks of maltreatment are visible, and the new authorities of Kandahar have nothing against them.

A Tatar from Russia, a Kurd from Syria, a Saudi Arabian, a Briton and an Uighur from China. Their origins are as varied as the motives which led them to Afghanistan.

The five were arrested in various parts of the country and taken to a prison in southeastern Kandahar when it was still the stronghold of the Taliban and suspected terror mastermind Osama bin Laden.

Ayrat Vahitov, 24, an activist for the rights of Tatars, said he left Russia in December 1999 after running into trouble with the authorities.

"A KGB colonel came to see me and proposed that I work for them. I refused," he told AFP.

Deprived of a passport, he said he and a Tajik friend decided to sneak to Turkey, passing through Tajikistan, Afghanistan and Iran.

In February 2000 they were stopped by the Taliban in the northern Afghan province of Kunduz and handed over to Arab members of bin Laden's al-Qaeda terrorist network, who transferred them to an underground prison in Kabul.

"For two days I was beaten and kicked in the back until I agreed that I was a KGB agent," Vahitov said. "They killed my friend Iakoub. They beat him so much, saying he was KGB, then they cut his throat in front of me.

"I was locked up there for seven months. Twice a week they would beat me all night. For eight days they hung me from the ceiling by my arms and struck me with electric cables.

"After that they said to me 'you are going to Kandahar. (Taliban supreme leader Mohammad) Omar has sentenced you to death'."

Vahitov said he was held "under terrible conditions" in Kandahar until the American bombardments forced the Taliban to flee.

"Now, I am unable to go Russia and I cannot remain here, I have no passport, no money, nothing. I want to be a political refugee in any country which will accept me."

Abdul-Rahim Abdul-Razak Al-Gango, a 26-year-old Kurd, said he fled Syria for the United Arab Emirates to avoid military service.

Page 7

Five foreigners in the prison hell of the Taliban and al-Qaeda Agence France Presse — English January 16, 2002
Wednesday

When his visa expired, and not wanting to be deported back to Syria, he passed himself off as an Afghan to be sent to Afghanistan.

He was arrested in eastern Jalalabad where he was accused of being a spy and taken to Kabul and beaten for three months before being sent to the prison in Kandahar.

"Now we are free, but where can we go," Al-Gango said, adding he was prepared to return to Syria if he could be given a guarantee he would not be jailed there.

Abdul Hakim Bukhari, 48, a Saudi, said he was in the Pakistan city of Karachi for an eye operation when he crossed the border to buy carpets in Afghanistan where he was arrested in Spin Boldak, near the southeastern border, and accused of being a spy.

"They put me into an underground jail, with no food nor drink at all for three days. Then, for 20 days, they beat me three times every day, two hours each time. And they kept asking me 'Why did you come? Who sent you?'"

Jamal Al-Harith, a 36-year-old British national who converted to Islam, said he was stopped near Kandahar early in October 2001 while travelling by road from Pakistan to Iran.

"I was beaten for three days by the Taliban, but I was lucky enough not to be captured by al-Qaeda."

Sadiq Ahmad Turkestani, 28, an Uighur with residency status in Saudi Arabia where his parents now live, was sentenced to prison for robbery and then expelled to Afghanistan in 1996.

His scenario is the same as his four cellmates: accused, beaten, tortured — he shows his feet where the toe nails have been torn off — and starved in prison.

All five now hope for assistance from humanitarian organisations to help them leave Kandahar and their prison.

LOAD-DATE: January 16, 2002

EXHIBIT 8

Steven T. Wax, OSB #85012
Federal Public Defender
steve_wax@fd.org
Stephen R. Sady
Chief Deputy Federal Public Defender
steve_sady@fd.org
101 SW Main Street, Suite 1700
Portland, Oregon 97204
Tel: 503-326-2123
Fax: 503-326-5524

Attorneys for Petitioner

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDUL RAHIM ABDUL RAZAK AL
GINCO,

Petitioner,

v.

GEORGE W. BUSH, et al.,

Respondents.

CV 05-1310-RJL

DECLARATION OF TIM
REID

I, Tim Reid, being first duly sworn, hereby depose and say:

1. I have been asked to provide this declaration by the Federal Public Defender Office for the District of Oregon for their use in Mr. Al Ginco's case.

2. I am an Australian citizen and British resident, employed by the London Times as a reporter. I have been employed as a journalist since 1992 and worked for the Times for the last nine years. My present assignment is as the Washington correspondent at the Times' office in Washington, D.C. I have reported from Washington for six years. Before working as a reporter I trained and was employed as a lawyer.

3. In January, 2002, I was working in Afghanistan reporting on the United States war against the Taliban. At the beginning of that conflict I was based in London but the events of September 11, 2001, changed my career and by December 2001, I had arrived in Islamabad, Pakistan. In January, 2002, I arrived in Kandahar, Afghanistan, to report on events in that city after the Taliban had been forced to flee. There were a number of other war correspondents in the area at that time, including Pierre Lhuillery, a reporter with the Agence France Presse. Mr. Lhuillery and I shared a room in a guesthouse during our time in Kandahar.

4. In about mid January I heard from a fellow reporter about five former prisoners of the Taliban in the Kandahar jail. These prisoners were an interesting news story because they were the only people left in the whole prison and they were free to leave, according to the new Afghan government, but they had nowhere to go. The former prisoners did not have any identity papers, had reportedly been tortured by the Taliban and were advised by Afghan officials that it was not safe for them to leave the prison

because they might have been mistaken for Al Qaeda and killed, so they stayed in the prison as guests.

5. I initially went to the Kandahar prison twice in mid January 2002, with Mr. Lhuillery, the correspondent from the AFP, to meet with the five men. When I went to the prison I spoke to the prison warden, who told me that the Governor of the prison, Haji Salim Mohammed, had again confirmed that the five foreigners were free to leave at any time. When we visited the former prisoners we did so freely, without having to make any special arrangements. The five were free to move about inside the prison facility.

6. During my meetings with the men I took notes of what they told me and later wrote an article for the London Times about the prisoners, and particularly about the British man, Jamal Al Harith. I have kept all my notes from that period of time and reviewed them in preparation of this declaration in order to ensure that the information I provide is accurate.

7. The former prisoners each had different stories of how they came to be imprisoned by the Taliban. In general each of them had been arrested by the Taliban in different parts of Afghanistan and accused of spying. Each of them said they had been physically mistreated by the Taliban, and regularly beaten.

8. The main focus of my interest was the British man, Mr. Al Harith, whom I talked to extensively and wrote the story "Taliban warrior? No, I'm a lost backpacker," published in The Times on February 4, 2002. Mr. Al Harith claimed he had been

mistakenly arrested by the Taliban while he was on the way to retrace a journey he had made years before to Iran. I personally found his story quite peculiar. I wrote in the Times on February 4, 2002: "His story was certainly suspicious. But I find it hard to believe that he was Al Qaeda, or had ever been to a terrorist training camp."

9. I was able to confirm some of the details of the story that Mr. Al Harith told me, including that the British consulate in Kabul was aware that he had been traveling in Afghanistan. I had contacted the consulate in order to try and help him make arrangements to get home to the United Kingdom. When I spoke to the consulate they told me that they were going to help him by arranging to fly him to Kabul for an interview. I visited Mr. Al Harith twice more in the jail to relay messages between the British consulate and Red Cross officials. Officers of the International Red Cross were next to the jail. The British consulate said the Red Cross had agreed to fly Mr. Al Harith to Kabul.

10. The other four "prisoners" all said they were desperate to be interviewed by the FBI. At the end of that week, three U.S. federal agents did indeed arrive at the jail. All five were taken for interrogation at the U.S. military base at Kandahar airport. From there they were transported to Guantánamo Bay.

11. During my visits to the prison I also met with the other four prisoners, all of whom were foreigners who had been unable to leave when the prison was liberated. They all said they had been tortured and regularly beaten by their Taliban guards.

12. I remember meeting with Mr. Al Gingo, who was quietly spoken, and told me that he was 26. He said that he was a Syrian Kurd and wrote his full name for me in my notebook as Abdul Rahim Abdul Razak Al Gingo. Mr. Al Gingo told me that he had traveled from Syria to Dubai because he did not want to do three years army conscription. He told me that he went to Dubai but had trouble getting residency status. He was afraid to return to Syria. He told me: "friends told me to go to Afghanistan because you are an Arab and it is free." Mr. Al Gingo said that he was told he would not have any problems in Afghanistan. He went to Abu Dhabi and from there to Peshawar in Pakistan and then into Afghanistan. Mr. Al Gingo said that after he arrived in Jalalabad, Afghanistan, he was detained by the Taliban, who accused him of being a spy. The Taliban accused him of working for the Israeli intelligence agency, Mossad, and that he had been sent to kill Osama Bin Laden. He said the Taliban took him to a military camp where he was tortured and beaten. Mr. Al Gingo said that he was captured on December 27, 1999. Mr. Al Gingo said that he arrived at the Kandahar prison on February 22, 2000.

13. During the meetings I attended with Mr. Lhuillery he told the former prisoners that he was going to visit the local U.S. base at Kandahar airport and report from that location. When the former prisoners heard that he was going to visit the base they asked him to approach the commander at the base and ask the Americans for help. They wanted to tell the U.S. military about the things that the Taliban had done to them and try to get assistance in leaving Afghanistan.

14. I remember that the ICRC office was very close to the Kandahar jail. I met with the ICRC representative, Gianni Battista Bacchetta, on January 12, 2002, at his office at 6:00 p.m. At the end of our interview he touched on the subject of the jail by saying that there were five "guests – foreigners who have been released." He said that the ICRC had brought them some food. Mr. Bacchetta listed their nationalities as a Russian, Syrian, British, Syrian Kurd and Saudi. He said they had been in the jail for almost two and a half years. I clearly recall at a different meeting with Mr. Bacchetta that he said that he had offered use of an ICRC telephone to Jamal Al Harith, the British man, so that he could contact the British Embassy in Kabul.

15. I have been shown the photograph attached to this declaration and marked Attachment One. I recognize the man on the left of the photo as Mr. Harith and the man on the right I am reasonably certain is Mr. Al Ginco. I recognize the location that this picture was taken as being the Kandahar jail, Afghanistan, where I met the five men.

11. I have not been contacted about these matters before. I am willing to come and testify in person about my recollection of these events.

Dated and signed this 22 day of October, 2008.



Tim Reid

Attachment One



EXHIBIT 9

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ABDUL RAHIM ABDUL RAZAK AL GINCO

Petitioner,

v.

GEORGE WALKER BUSH, et al.

Respondents.

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) Civil Action No. 05-cv-1310-RJL
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DECLARATION OF GARY D. SOLIS, J.D., Ph.D.

I, Gary D. Solis, hereby declare:

Introduction

1. My name is Gary D. Solis, and I am prepared to testify to the facts and opinions stated herein, if called upon to do so. I have been asked to state my opinion regarding State practice - particularly United States practice - under the law of armed conflict with respect to who is a combatant in armed conflict and to the time period during which an individual may be considered a combatant.
2. This Declaration is a complete statement of opinions that I hold in connection with this case, as well as the bases and reasons for them, including information that I considered in forming my opinions. I am prepared to testify about the knowledge, skill, training, education and experiences that I have acquired which informs my opinions, and the principles and methods I applied in reaching them.
3. I have been provided the unclassified transcript of the 2008 Combatant Status Review Tribunal, the government's unclassified return, and documents from public files regarding Mr. Genco to provide background for an opinion regarding the scope of the enemy combatant designation.
4. I have not received any compensation or benefit of any kind for providing this Declaration.

Background and Experience

5. I am a citizen of the United States. I am an adjunct professor of law at Georgetown University Law Center, and at the United States Military Academy, at West Point, New York. A copy of my *curriculum vitae* is attached as Exhibit A. My qualifications are summarized in this Declaration and are also contained in my *curriculum vitae*, which includes all publications I have authored in the previous ten years.
6. I hold a Juris Doctorate (1971) from the University of California at Davis, where I am a Distinguished Graduate. My LL.M. (1978, criminal law) is from George Washington University law school. My Ph.D. (1992, law of war) is from The London School of Economics & Political Science, where I taught law for three years.
7. For seven years (1996-2001, 2004-2006) I taught at the United States Military Academy, from where I retired as a Professor of Law in 2006. For six of those years I headed West Point's law of war program. Courses I taught included the law of war, advanced law of war, and military law. I continue to teach the USMA Philosophy Department's law of war instruction block. For my teaching I was awarded the Army's Meritorious Civilian Service, Superior Civilian Service, and Outstanding Civilian Service Medals, and was selected West Point's 2006 outstanding instructor.
8. At the Georgetown University Law Center I teach a law of war seminar for LL.M. candidates. I taught a semester-long law of war course at Catholic University's Columbus School of Law. I am on the teaching staff of the International Institute of Humanitarian Law, in San Remo, Italy, where I teach law of war courses, including one for military and diplomatic officers responsible for training their nations' armed forces in the law of armed conflict.
9. I was the 2007-2008 scholar in residence at the Law Library of the Library of Congress, in Washington D.C.
10. I have written two books: *Marines and Military Law in Vietnam*; and, *Son Thang: An American War Crime*, the U.S. Naval Institute's 1997 Book of the Year. I am writing a law school textbook, *The Law of Armed Conflict*, to be published by Cambridge University Press in 2009. An incomplete draft of my textbook is currently in use in the Law Departments of West Point and the U.S. Air Force Academy. I have published war-related book chapters and peer-reviewed articles. A recent piece on targeted killing was selected the *Naval War College Review's* best 2007-2008 article.
11. I lecture on law of war topics at the Army's Judge Advocate General's School, the Marine Corps' Command and Staff College, the U.S. Naval War College, National Defense University, Canadian Forces College, the Royal Military

College of Canada, the Council on Foreign Relations, the Aspen Institute, the Library of Congress, the Smithsonian Institution, the Rand Corporation, and various law schools, universities and institutions, including Harvard University Law School, Columbia University, and the University of Virginia Law School.

12. I have testified as an expert witness in two Marine Corps general courts-martial involving law of war crimes against detainees. In *U.S. v. Sgt. Gary Pittman*, (Camp Pendleton California, 22-25 August 2004), involving charges of dereliction of duty and multiple assaults resulting in the death of an Iraqi prisoner, I provided expert testimony for the government regarding the standard of care due a detainee. In *U.S. v. Cpl. Marshall Magincalda*, (Camp Pendleton California, 31 May 2007), a general court-martial Article 32 investigation involving the homicide of an Iraqi noncombatant, I testified telephonically for the defense regarding the effect extended combat might have on an individual's judgment and the place such effect should have in a subsequent trial. I have also been consulted on other war-related courts-martial and civilian cases.
13. I am an inactive member of the bars of Virginia, Maryland, the District of Columbia, Pennsylvania, and Texas, and the bars of the Court of Appeals for the Armed Forces, and the Supreme Court of the United States. For five years I was an appointed member, and vice-chairman, of the Board of Governors of the Virginia bar's Military Law Section.
14. I am a retired United States Marine Corps lieutenant colonel with twenty-six years active service. My opinion is formed, in part, by my experience in the Vietnam conflict where I was a Marine officer (armor) commanding at first a platoon and, eventually, a company of Marines. We often encountered enemy combatants and occasionally captured armed enemy personnel as they approached or entered or departed villages, their status confirmed by informants, by former VC, by recent wounds, or by their weaponry. I supervised those in my command regarding the capture and detention of enemy personnel.

Opinions

15. I have been asked to assume the following: After five days in an Al Qaeda guest house, Mr. Ginco attended a training camp run by Al Qaeda in Afghanistan for 18 days in January 2000, whether by conscription or voluntarily; he was arrested and tortured by Al Qaeda personnel to falsely confess to being an American and Israeli spy, then imprisoned in a Taliban political prison in Kandahar for about 20 months until American bombing resulted in liberation of the prison; after about a month of freedom, Mr. Ginco, through journalists, contacted the United States military to seek assistance and to offer evidence against Al Qaeda and the Taliban for human rights violations; the American military took him to a military base where he answered questions regarding his experiences and observations; and, due to a purported error, he was later mistaken for being an active terrorist and sent to Guantánamo.

16. At the outset I note that in the law of armed conflict concepts of combatants, "enemy combatants," and prisoners of war, arise only in international armed conflicts - conflicts involving combat between two States. Nevertheless, I accept the government's predicate that it seeks to detain "enemy combatants" under the law of armed conflict, and I tender my opinions based on the concept of "combatant" as it is used in the law of armed conflict applicable in international armed conflicts, including the 1949 Geneva Conventions in their entirety, and 1977 Additional Protocol I thereto.
17. In the law of armed conflict, the definition of "combatant" is found in Additional Protocol I, Article 43.2: "Members of the armed forces of a Party to a conflict (other than medical personnel and chaplains...) are combatants; that is to say, they have the right to participate directly in hostilities." The United States has signed but has not ratified Additional Protocol I, but the Department of State has not objected to this article, as it has several others. The United States has accepted and applied this definition since at least 1988. The International Committee of the Red Cross (ICRC) identifies this definition as being customary international law. Further indicating its customary status, binding all States, Additional Protocol I has been ratified by 168 States, including every ally of the United States, save Israel and Turkey.
18. The import of being a combatant was first clarified for U.S. forces in the 1863 Lieber Code, adopted as Army General Orders 100. Lieber wrote that the "combatant's privilege" is that he or she may kill or wound opposing combatants, and destroy lawful enemy targets or objects, without penalty. Concomitantly, a combatant is a lawful target for opposing combatants, and may be killed or wounded whenever and wherever he/she may be identified. Upon capture in an international armed conflict, a combatant is entitled to treatment as a prisoner of war (POW).
19. In the war on terrorism, the term "enemy combatant" has come into use. The addition of the word "enemy" has no particular significance in the law of armed conflict, other than to specify that the combatant is a member of a group in armed conflict with the United States or its allies, and is a lawful target who may be killed by United States and allied combatants.
20. A civilian, on the other hand, is essentially anyone not a member of the armed forces of a State. Additional Protocol I, Article 50.1 defines "civilian" in the negative as anyone not entitled to POW status upon capture, adding, "In case of doubt whether a person is a civilian, that person shall be considered to be a civilian." Thus, combatants are, in most cases, members of the armed forces of a Party to the conflict. Political prisoners of the enemy would generally be civilians, as would persons volunteering to provide evidence against the enemy. Civilians are not members of any State's armed forces and they may not lawfully be targeted, except in circumstances described in the following paragraph.

21. The law of armed conflict recognizes two instances in which civilians lose their protected status. Additional Protocol I, Article 51.3 provides: "Civilians shall enjoy the protection afforded by this Section [General Protection Against Effects of Hostilities], unless and for such time as they take a direct part in hostilities." Civilians who take a direct part in hostilities in international armed conflict are commonly referred to as "unlawful combatants," although that term is not found in the 1949 Geneva Conventions or 1977 Additional Protocols. The consequence of being an unlawful combatant in an international armed conflict is that the individual loses his/her civilian immunity and becomes a lawful target who may be killed by opposing combatants. If captured, unlawful combatants are not entitled to POW status and they may be tried for their unlawful acts by a military tribunal or a domestic court. The second instance is a *levée en masse*, which does not apply and will not be discussed further.
22. As stated in Additional Protocol I, Article 51.3, a civilian may be treated as a combatant (albeit an unlawful combatant) whenever he/she takes a direct part in hostilities. This position is adopted in the U.S. Army's 1956 Field Manual, FM 27-10, *The Law of Land Warfare*, paras. 80-81, and in the United Kingdom's 2004 *Manual of the Law of Armed Conflict*, para.5.3.2., and all other law of war references with which I am familiar. Absent direct participation in hostilities a civilian is not a combatant, and not a lawful object of either military armed force or detention as a combatant, and he is not subject to prosecution in a military forum.
23. Commentators, military and civilian, have offered numerous descriptions and examples of conduct that constitutes taking "a direct part in hostilities." The United States has indicated agreement with the ICRC definition that "direct participation in hostilities" implies a direct causal relationship between the activity engaged in and the harm done to the enemy at the time and the place where the activity takes place. In my opinion, conduct of a civilian that has a direct harmful effect on the enemy's combat operations constitutes "taking a direct part in hostilities." Conduct having only a tangential effect on an enemy's combat operations does not constitute "taking a direct part in hostilities."
24. For example, firing a weapon at opposing forces clearly *is* taking a direct part in hostilities. A frequently raised example of taking a direct part in hostilities is the civilian who volunteers to drive an ammunition truck to re-supply combatants engaged in armed conflict. While he drives that truck, he loses his civilian immunity and may be targeted, for he clearly *is* taking a direct part in hostilities because his actions have an immediate harmful effect on the enemy's combat operations. Similarly, a civilian contractor clearing enemy landmines during an engagement *is* directly participating in hostilities. However, when a civilian clearly ends his direct participation in hostilities, the law of armed conflict is clear that he no longer may be targeted. His actions no longer have any effect on combat operations. Thus, the civilian contractor clearing mines in an area in

which there is no enemy present at the time and place of his activities would *not* be taking a direct part in hostilities.

25. At the other end of the continuum, a civilian going peacefully about her daily business clearly is *not* directly participating in hostilities. Many forms of support civilians commonly provide their State's armed forces do not constitute direct participation in hostilities. As long as the civilian's support does not have a direct harmful effect on the enemy's combat operations that civilian may not be considered, or be treated as, a combatant. Thus, a woman growing vegetables in a victory garden for later donation to the armed forces is *not* directly participating in hostilities. A civilian budget analyst employed by the U.S. Navy and working in the Pentagon is *not* directly participating in hostilities. Supporting a military cause through financial contributions or public speeches does *not* constitute direct participation in hostilities. An individual considering, planning, or even en route to a combat zone with the intention of becoming a participant in hostilities is not directly participating in hostilities because his considerations, plans and travels do not produce a direct harmful effect on the enemy's combat operations.
26. There are debatable cases. For example, may the civilian volunteer driver of the military ammunition truck be targeted as he first walks toward the truck? In my opinion, he begins his direct participation in hostilities when he unequivocally commits to an action that has a direct harmful effect on enemy combat operations - driving the truck. May a civilian government employee remotely piloting an armed drone over Afghanistan be targeted? In my opinion, the drone's pilot, no matter where located and whether or not he launches a missile, is directly participating in hostilities and may be targeted because his actions have a direct harmful effect on enemy combat operations.
27. In my opinion, senior terrorist leaders and terrorist weapons specialists and fabricators should be considered to continually be taking a direct part in hostilities. (In this limited respect, I take a broader view of "for such time as" than does 1977 Additional Protocol I, Article 51.3.) Osama bin Laden, for example, is continually taking a direct part in hostilities and is always a lawful target, no matter where located, no matter what his activity. Such persons, by virtue of their ongoing special skills or senior leadership positions and involvement in or planning of combat operations, are always combatants, albeit unlawful combatants. Like the uniformed individuals *they* target, they should be considered legitimate targets whenever found. However, individuals whose involvement is unconfirmed, or unrelated to combatant operations, such as financial supporters and vocal advocates of terrorist aims are *not* subject to targeting.
28. Over the past several years, the ICRC and The Hague's Asser Institute have sponsored several meetings of experts to discuss and define what constitutes "direct participation in hostilities." Their report is due in early 2009. But I agree with the International Criminal Tribunal for the former Yugoslavia's *Tadić* Trial

Chamber decision that an exact definition of taking "a direct part in hostilities" is often unnecessary, because in most cases an examination of the facts will indicate the answer.

29. In regard to the temporal applicability of the law of armed conflict to alleged non-State actors, the United States authorizes the seizure of non-State actors pursuant to the September 18, 2001, Authorization for the Use of Military Force against the perpetrators of the 9/11 attacks. The AUMF relates, of course, to the armed conflict between the United States and terrorism. But, if no armed conflict is in progress at the time of the alleged offense, as in this case, the law of war is not applicable and a military tribunal lacks subject matter jurisdiction over acts alleged during such periods of non-conflict, and may not lawfully detain individuals for such events. This is confirmed by Colonel William Winthrop, the nineteenth and early twentieth century's leading interpreter of American military law: "As in the ordinary criminal law one cannot legally be punished for what is not an offense at the time of the sentence, so a military commission cannot, in the absence of a specific statutory authority, legally assume jurisdiction of, or impose a punishment for, an offence committed either before or after the war or other exigency authorizing the exercise of military power." Just as a baseball pitcher cannot strike out a batter before a game starts, a military tribunal cannot have jurisdiction over acts alleged to have occurred before an armed conflict began.
30. Under the law of war, the individual in the hypothetical is not an enemy combatant because he took no part, direct or otherwise, in on-going hostilities – the predicate for either unlawful combatancy or enemy combatancy. I know of no precedent for an individual being detained as an enemy combatant under circumstances approaching those of the hypothetical.
31. The description/definition of an enemy combatant proposed in the CSRT is not in accord with accepted law of armed conflict definitions. It reaches too broadly to be reasonable, and is too vague to comport with law of armed conflict notions. No member of the Armed Forces could be expected to implement the full scope of the Government's definition of enemy combatant. The legal advisor's description would allow the application of enemy combatant status to civilians who have neither committed nor attempted any conflict-related act. I am aware of no customary law of war, no law of war multinational treaty, and no case law that supports such an expansive view. Additionally, under the law of armed conflict the assertions of the CSRT regarding the definition, temporal scope, and relevance of torture at the hands of the enemy are in error.
32. For the foregoing reasons, I believe the description and definition of an enemy combatant used by the CSRT and the government's unclassified return are incorrect and not in accord with the law of armed conflict, the laws and customs of war, or with U.S. military practice. In my opinion, other than members of the armed forces of an enemy State during the time of war, a *levée en masse*, and members of enemy State militias and volunteer groups meeting the preconditions

of Geneva Convention III, Article 4A. (2), individuals may be considered "combatants" only to the extent that they directly participate in hostilities at the time of the hostilities, as "hostilities" is recognized and applied in military and state practice. Under the hypothetical presented, the individual is not an enemy combatant.

33. I have expressed the opinions stated herein in writings, lectures, and law courses in America and Europe, and have passed them to, and continue to pass them to U.S. Military Academy cadets who are dealing with detainees in combat zones world-wide. In my professional view, and to the best of my knowledge, these opinions accurately reflect generally accepted law of armed conflict principles, and are recognized and generally practiced by the United States and its allies.
34. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 21st, 2008.

A handwritten signature in black ink, appearing to read "Gary D. Solis", is written over a horizontal line.

Gary D. Solis, J.D., Ph.D.

EXHIBIT 10

Steven T. Wax, OSB #85012
Federal Public Defender
steve_wax@fd.org
Stephen R. Sady
Chief Deputy Federal Public Defender
steve_sady@fd.org
Patrick J. Ehlers
Assistant Federal Public Defender
patrick_ehlers@fd.org
101 SW Main Street, Suite 1700
Portland, Oregon 97204
Tel: 503-326-2123
Fax: 503-326-5524

Attorneys for Petitioner

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDUL RAHIM ABDUL RAZAK AL
GINCO,

Petitioner,

v.

GEORGE W. BUSH, et al.,

Respondents.

CV 05-1310-RJL

DECLARATION OF
DARIUS REJALI

I, Darius Rejali, declare:

1. I am a professor of Political Science at Reed College in Portland, Oregon, and an internationally recognized expert on government interrogation and torture. I have provided the Federal Public Defender for the District of Oregon with two opinion letters based on unclassified information provided to me about the treatment and interrogation that Mr. Al Genco experienced. Based on the information provided, the letters convey my expert opinion as I would be prepared to

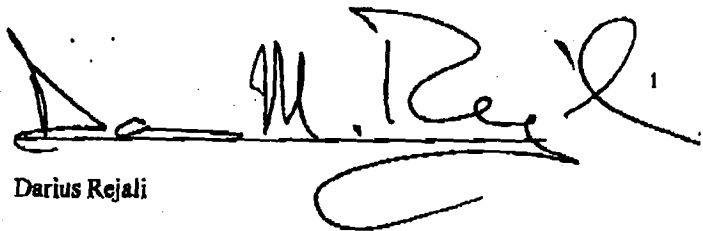
testify in court.

2. My first letter, dated January 23, 2007, addresses Al Qaeda and the Taliban treatment of Mr. Al Gingo in Afghanistan between January 2000 and December 2001. That letter and attachments, including my Curriculum Vitae are attached to this declaration and incorporated by reference as Attachment One.

3. My second letter, dated December 22, 2008, provides my opinion regarding the treatment of Mr. Al Gingo by U.S. forces in Kandahar, Afghanistan between January and May 2002. That letter is attached to this declaration and incorporated by reference as Attachment 2.

I hereby swear under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on December 22, 2008.



Darius Rejali

ATTACHMENT ONE



1 REED COLLEGE

January 23, 2007

POLITICAL SCIENCE
DEPARTMENT

3203 Southeast
Woodstock Boulevard
Portland, Oregon
97202-8199

telephone
503/771-1112
fax
503/771-1116

Stephen R. Sady
Chief Deputy Defender
Federal Public Defender
District of Oregon
101 SW Main Street, Suite 1700
Portland, OR 97204

Dear Mr. Sady,

I am a Professor of Political Science at Reed College. I am an internationally recognized expert on government interrogation and torture. My first book, *Torture and Modernity: Self, State and Society in Modern Iran* (Westview 1994), studies torturers and torture in Iran in 20th century. In 2003, I was named a Carnegie Scholar, one of the top national awards in American scholarship for my work on the study of violence. My forthcoming book, *Torture and Democracy* (Princeton University Press, November 2007) is a history and transmission of torture techniques around the world since the nineteenth century. It completes a twelve-year project started in 1995. The expert reviewers for Princeton University's editorial process describe this 800 page text – part history and social scientific explanation and part sourcebook – “a state-of-the art consideration” of modern torture¹ and that in writing it, “he [Darius Rejali] has read more widely in more disciplines than any analyst of torture whom I know or know of.”²

You have asked me to review Mr. Abdul Rahim Abdul Razak al Ginco's account of his prison experience in Afghanistan and determine whether Abdul Rahim's³ claims that he was tortured during that experience are credible.

In my opinion, Abdul Rahim's claims are credible.⁴ Specifically, I draw attention to the following four points in his testimony.

¹ Anonymous Reviewer B, Princeton University Press expert evaluation, (PUP email to author, January 2, 2006).

² Anonymous Reviewer A, Princeton University Press expert evaluation, (PUP email to author, March 30, 2005).

³ Because there are many spellings of his last name (al Jinko, al Ginco, al Jenko), I refer to Abdul Rahim by his first name for simplicity's sake.

⁴ In forming my opinion, I reviewed materials provided to me by counsel for Abdul Rahim, including notes of interviewed with Abdul Rahim, Motion for Partial Summary Judgment (CV 05-1310-RJL); Statement of Material Facts (CV 05-1310 RJL); Memorandum of Points and Authorities in Support of Motion for

36 *I. Electrotorture.* Abdul Rahim describes being subjected to electrotorture while
 37 in the custody of the Taliban in Kandahar. He states, "while he was blindfolded,
 38 the torturers subjected him to electric shocks. He heard what sounded like a crank
 39 being turned to generate the electric charge. The torturers attached wires to his
 40 little toes and to the lobes of his ears."⁵

41

42 1. Abdul Rahim describes a cranking noise used to give him electroshock,
 43 indicating that the device used on him was a magneto. He correctly describes
 44 where the wires would be attached in the Afghan style of magneto torture.

45

46 2. Electrotorture requires specific machines, and each machine is recognizable.
 47 There are also different national styles of electrotorture, involving different
 48 ways of applying electroshock to the body.

49

50 3. Electrotorture was introduced into Afghanistan in the 1980s, and the standard
 51 device was a hand-crank magneto. A magneto is a simple generator that
 52 produces a high voltage spark. Viewers of old movies may recall seeing
 53 operators spin a handle on a phone before they spoke or crank a handle on the
 54 hood of a car to drive. The faster the handle is turned the stronger the electric
 55 current becomes. This device allows torturers to modulate electric current.
 56 The device also makes a recognizable grinding sound when cranked. No
 57 other electrotorture device makes this sound.

58

59 4. The most common Afghan magneto "looks like an old-fashioned telephone
 60 with wires that are attached to the victim's body and a handle which is turned
 61 or pulled to apply the current."⁶ Reports indicate the Afghans received them
 62 from Soviet and East German manufacturers. One device used in Kandahar
 63 was described as having "a distinctive handle" about "as big as a normal
 64 typewriter."⁷ In terms of style of electrotorture, male Afghan prisoners mainly
 65 describe how the wires were attached to toes and ears. This in contrast to
 66 other countries where torturers prefer sexual organs, nipples, or the tongue.

67

68 5. A drawing by an Afghan political prisoner depicts how magnetos were used
 69 by the Soviet-era Afghan secret police, the Khad. Figure 1 below shows the
 70 hand crank magneto, the size of a typewriter, with wires attached to the toes;
 71 the interrogator's assistant turns the crank to generate electricity. The drawing
 72 appears in the work of Mr. M. Dadfar on torture victims (*The Impaired Mind*,

Partial Summary Judgment (CV 05-1310-RJL); Exhibits in Support of Statement
 of Material Facts (CV 05-1310-RJL).

⁵ Stephen Sady, Letter detailing reported torture received by Abdul Rahim Abdul
 Razak Al Janko (November 13, 2006), 1.

⁶ Amnesty International, *Afghanistan*, ASA 11/04/86 (New York: Amnesty
 International, 1986), 12.

⁷ Shahdarak student, cited in Amnesty, *Afghanistan*, 13.

73 Peshawar, Pakistan, 1988). Mr. Dadfar became Minister of Higher Education
74 in Afghanistan in the post-Taliban Karzai government.
75

76 6. Abdul Rahim could not have learned this method of electrotorture in the
77 United Arab Emirates.⁸ There are two known reports of electrotorture in the
78 United Arab Emirates. One event occurred in 1987 and the other events
79 during the year 2002 or 2003. The first event occurred when Abdul Rahim
80 was 9 years old and before Abdul Rahim's family arrived to the UAE (1991)
81 and the second occurred after Abdul Rahim left for Afghanistan (January
82 2000) and when he was in prison.
83

84 7. Further, electrotorturers in the Persian Gulf region use prods and,
85 occasionally, stun guns. No magnetos are reported. Electrotorturers in the
86 UAE applied electroshocks to the genitals. Had Abdul Rahim picked up his
87 knowledge of electrotorture by hanging around jailhouses, he would have
88 described the wrong devices and techniques for Afghanistan. In fact, the UAE
89 police issued a good conduct report for Abdul Rahim's behavior,⁹ and it is
90 unlikely he was anywhere near a UAE torture chamber.
91

92 8. Abdul Rahim could not have learned about magneto torture in Syria. Syrian
93 electrotorture began in the 1970s, but prisoner reports do not describe the
94 specific device or devices used. Experts still do not know what devices were
95 used in Syrian prisons, so it is even less likely Abdul Rahim would know.
96 What is known is that the Syrians preferred to deliver electroshock to
97 "sensitive parts of the body, particularly the genitals."¹⁰ If Abdul Rahim had
98 picked up his knowledge from accounts of Syrian electrotorture, he would
99 have described the wrong method of attachment for Afghanistan.
100

101 9. Magnetos are, by contemporary standards, an archaic technique for
102 electrotorture, and they are rapidly being displaced worldwide by stun guns
103 and Tasers. They persisted in Afghanistan due to the relative isolation of the
104 Taliban and the almost permanent war conditions for decades. It is not
105 surprising that Taliban and al-Qaeda interrogators used electrotorture
106 techniques developed by the Afghan Khad, the Soviet trained police, in the
107 1980s. The Taliban made use of whatever expertise existed though they
108 generally favored traditional tortures (as in the *falaka* below). Torture
109 techniques show high degrees of continuity despite changes in government.
110 Leaders change, but an experienced torturer is rarely dispensed with. This is
111 one of the main conclusions of *Torture and Modernity*. In periods of war and
112 crisis, there is no incentive for research into innovation in torture;

⁸ This is based on the Reed Torture Technique Dataset, a unique torture techniques dataset of approximately 10,000 observations of specific technique worldwide, classified by nation, since 1973.

⁹ Pet Ex 106 at 4.

¹⁰ Amnesty International, *Syria*, (London: Amnesty International, 1979), 12.

interrogators use existing expertise since the priority is on techniques that are painful and immediately available. Torture changes principally during periods of stability.

II. Beating of the Soles of the Feet (Falaka). Abdul Rahim describes "the torturers beating of the soles of his feet with clubs. His torturers would place his feet between the receiver of an AK-47 and its strap. They would then twist the strap until the rifle held his feet securely, parallel and about three feet off the ground, while he was on his back with his buttocks just off the floor. He would be held that way on his back with his feet exposed, while his torturers beat the bottoms of his feet, which was extremely painful. He described that the bottoms of his feet turned black after each such treatment." He also states, "for nearly a month thereafter, walking would be very painful; even now, he reports that if he stands too long, he feels the sensation of pins and needles around the sides and heel of his feet and needs to get off his feet."¹¹

1. Abdul Rahim describes here the *falaka*, a traditional way of applying pain in Afghanistan. And he correctly describes the short and long term sequelae (physiological consequences) of *falaka* torture.
2. The soles of the feet are not thickly muscled and so caning or whipping them is especially painful. Depending on the weight of the rod and the intensity and frequency of the blows, this practice can yield mildly swollen feet to broken bones that damage a person permanently. There are two traditional variants. In the Chinese style, the prisoner lies on his stomach with his legs bent, the soles of his feet facing upwards. In Russia, where this style is used, it is still called a "Chinese" torture. In the Middle Eastern style, the prisoner lies on his back, his feet bound by the ankles tightly to a pole with a strap. The pole is usually held by two men, with the soles of the feet exposed outward. This process is called the *falaka* or *falaga* (Turkish, Arabic, Farsi), the *falanga* or *phalanga* (Greek), and *karma* or *arma* (Moroccan Arabic). Figures 2 and 3 below depict the *falaka* position in the Middle Eastern style.
3. In the Middle East and North Africa, *falaka* is still a customary practice. Often it is combined with electrotorture. Iraqi torturers under Saddam Hussein, for example, subjected over half their prisoners to electricity (63%) and the *falaka* (75%). The combination appears repeatedly in the 1970s (Syria, Israel, Turkey, Morocco and Iran), in the 1980s (Egypt, Iraq, Libya) and in the 1990s (Lebanon, Tunisia, Yemen, Saudi Arabia and Kuwait after the Gulf War). M. Dadfar reports that both electrotorture and *falaka* were standard tortures for interrogators of the Afghan Khad in the 1980s.

¹¹ Stephen Sady, Letter detailing reported torture received by Abdul Rahim Abdul Razak Al Janko (November 13, 2006), 2.

156 4. In Abdul Rahim's case, the technique applied here was standard. The use of a
 157 rifle receiver and strap instead of a traditional pole (*falak*) is not unusual.
 158 *Falaks* can be constructed out of any straight rod with a strap attached and
 159 torturers typically reach for the most suitable device at hand. *Falaka* torturers
 160 hit upon the rifle method in the 1930s, the first common users being the
 161 Yugoslav police.

162
 163 5. Standard sequelae to *falaka* torture fall into two categories. In the initial acute
 164 phase, the feet swell with extensive discoloration of the soles due to bruising.
 165 This clears in a matter of weeks, but the long term pain persists in the chronic
 166 phase. In this phase, victims experience a deep dull cramping pain in the feet,
 167 which intensifies with weight bearing and muscle activity in the lower legs.
 168 Additionally, they experience a superficial burning, stinging pain in the soles.
 169 These pains are often accompanied with disturbing sensations of prickling and
 170 tingling. Walking is typically impaired, and victims must rest before they can
 171 continue. There is no known cure for these symptoms.

172
 173 6. Abdul Rahim correctly characterizes the standard sequelae. There are various
 174 well-known physical injuries and symptoms also consistent with *falaka* injury,
 175 including microlesions (identified with bone scintigraphy), a thickening of the
 176 *planta facia* muscle (identified with magnetic resonance imaging (MRI)), a
 177 flattening of the heels and changes in proprioception (sense of the body in
 178 space) (identified through examination), and specific symptoms patients
 179 describe in non-directed interviews.¹² Some residual traces of these may exist
 180 in Abdul Rahim's case as well, but that would require qualified medical
 181 professionals.

182
 183 **III. Sleep Deprivation and Videotaped Confession.** Abdul Rahim states that he
 184 confessed to being an American and Israeli spy after being tortured. In the
 185 videotape, Abdul Rahim appears "extremely pale, underweight and under
 186 extreme stress."¹³

187
 188 1. Abdul Rahim's videotaped confession is consistent with coerced confessions
 189 in similar circumstances. In particular, the interrogation approach resembles
 190 that of Chinese interrogators during the Korean War for US aviators. In
 191 February 1952, the Chinese revealed footage of American POWs freely
 192 confessing to use biological warfare in Korea with no apparent signs of torture
 193 that would cause such a confession. To get these confessions, interrogators
 194 subjected the prisoners to relay interrogation and sleep deprivation, in some
 195 cases lasting 85 days. Additionally, prisoners were isolated in cold huts and
 196 water-soaked holes, forced to stand for hours, doused with water in subzero
 197 temperatures, put before firing squads, trussed or suspended with ropes, put

¹² Kirstine Amris and Karen Prip, *Falanga Torture* (Copenhagen, Denmark: International Rehabilitation Council for Torture Victims, 2003).

¹³ Statement of Material Facts (CV 05-1310 RJL) at 36.

198 before bright lights, threatened and beaten. In the end, 38 American aviators
 199 confessed in part or in full to false war crimes.

200

201 2. Similarly, Abdul Rahim states that he confessed after he was subjected to
 202 "loud noises, beatings, including with rifle butts, threats to kill and putting a
 203 gun to his head, starvation, extremes of temperature, untreated sickness, sleep
 204 deprivation and cigarette burns."¹⁴ Additionally, he was subjected to water
 205 torture, suspension by the wrists, *falaka* and electrotorture. Many similar
 206 instances of forced confessions have been documented and studied, the most
 207 famous of which are the Stalinist show trials of the 1930s. In these cases,
 208 prisoners appeared to confess freely and denied being tortured.

209

210 3. Sleep deprivation, in particular, is associated with generating apparently freely
 211 given, false confessions. Researchers have long known that sleep deprivation
 212 generates major cognitive deficiencies similar to alcoholic inebriation,
 213 including heightened suggestibility and errors in judgment. They also know
 214 that repeating statements leads subjects to increase their perception of them
 215 being true. And subjects are more confident when experimenters repeat
 216 affirmative questions (Do you know John?) than non-affirmative questions
 217 (You haven't met, have you?). Under such circumstances, prisoners will
 218 confess to what has been suggested to them and repeat phrases they have
 219 learned. They are easily manipulated and eager to please.

220

221 4. Throughout the interview, Abdul Rahim's interviewer leads Abdul Rahim in
 222 his confession, repeating affirmative questions for Abdul Rahim to confirm.
 223 Examples of such questions are "In the UAE?" "This man Faisal Saud Al
 224 Qasimy, is from the Emirates?" "Did they promise you money?", all of which
 225 are affirmed by Abdul Rahim.¹⁵ There also appears to be a second person in
 226 the room besides the interviewer. Abdul Rahim looks to this man who
 227 prompts him at various points to round off, complete, or add dimensions to his
 228 statement. This is particularly true toward the end of his statement.¹⁶
 229 Additionally, Abdul Rahim used "a number of phrases that are not part of his
 230 normal vocabulary, the vocabulary used at the school we both attended, or the
 231 vocabulary of our religious tradition."¹⁷

232

233 5. Sleep deprivation has physical as well as cognitive effects, rendering other
 234 tortures more excruciating. Experts agree that sleep deprivation is a basic
 235 physiological need state, similar to hunger and thirst and as necessary for
 236 survival. Additionally, sleep deprivation reduces a body's tolerance for
 237 musculoskeletal pain, causing deep aches first in the lower part of the body,

¹⁴ Stephen Sady, Letter detailing reported torture received by Abdul Rahim Abdul Razak Al Janko (November 13, 2006), 1.

¹⁵ Pet. Ex 114 at 22, 23.

¹⁶ Pet. Ex 130.

¹⁷ Pet. Ex, 104 at 6.

238 followed by similar pains in the upper body. Animal tests suggest that REM
 239 sleep deprivation increases sensitivity to mechanical, thermal and noxious
 240 electrical stimuli. Often sleep deprivation is found in combination with other
 241 tortures, particular suspension and positional torture. Abdul Rahim also was
 242 subjected to suspension and electrotorture as part of his torture regimen, and
 243 in a sleep deprived condition, these tortures would have been that much more
 244 painful.

245
 246 *IV. False Elements in Abdul Rahim's Videotaped Confession.* "Abdul Rahim
 247 states that his statement that he was an American and Israeli spy were false."¹⁸
 248

249 1. One might think that confessing falsely is relatively easy to achieve under
 250 torture. Certainly, some prisoners confess to avoid further torture, as well as to
 251 reconcile their actual psychological condition with the story their torturers
 252 wanted to hear. However, entirely fictitious confessions are notoriously hard
 253 to achieve, even with torture. In reality, most coerced confessions have
 254 certain typical characteristics and these characteristics are present in the
 255 manner Abdul Rahim confessed.

256
 257 2. Typically, coerced confessions mix truth with falsity. Torturers are more
 258 successful in forcing false confessions if they get prisoners to weave fictions
 259 into their own life stories than invent new life stories of treachery and
 260 espionage. This was the conclusion of Lawrence Hinkle and Harold Wolff
 261 who studied Soviet and Chinese false confessions. They were hired in 1953
 262 by then CIA Director Allen Dulles, and their study is the definitive
 263 government report on Communist techniques of interrogation.¹⁹ Similarly,
 264 Abdul Rahim confessed to being an American and Israeli spy. But his
 265 confession was not entirely false. Rather it mixed truth with fiction. Abdul
 266 Rahim used real events and people from his past in the UAE to embroider this
 267 confession. As he proceeds to his journey to Afghanistan and leaves behind
 268 the events with which he was familiar, he looks increasingly off camera at a
 269 second person who prompts or approves his statements.

270
 271 3. Moreover often in coerced confessions, prisoners use their confession to
 272 signal that the confession was not freely given. Careful studies of Stalinist
 273 prisoners showed that often prisoners made subtle compromises between
 274 collaboration and resistance in their false confessions. They would pepper
 275 their fantastic confessions with false information their interrogators *could not*
 276 corroborate, including unlikely details, impossible claims, and subtle

¹⁸ Statement of Material Facts (CV 05-1310 RJL) at 34.

¹⁹ Lawrence Hinkle and Harold Wolff, "Communist Interrogation and Indoctrination of 'Enemies of the States'," *A.M.A. Archives of Neurology and Psychiatry* 76 (August 1956): 169. The classified version, *Communist Control Techniques*, (April 2, 1956) is available at the National Security Archives, George Washington University Library.

277 contradictions. "A defendant might consent to admit something he knew to be
 278 at sharp variance with facts that could be easily ascertained by any
 279 questioner."²⁰ In this way, the prisoners suggested that their confessions were
 280 nowhere near as freely given as their public appearance suggested.

281

282 4. Likewise, Abdul Rahim described his own life in implausible terms. He
 283 described the decadent life he led in the UAE, but in fact "Abdul Rahim did
 284 not live the decadent life described"²¹ and the events he described would have
 285 been detectable in his highly supervised family life. Rather than invent names
 286 of fictional characters for his story of espionage, he tended to use names of
 287 schoolmates, people whose lives and movements could be easily ascertained
 288 by any questioner. Abdul Rahim's brothers immediately recognized the
 289 falsity of these claims.²² Abdul Rahim's Afghan interrogators would have
 290 been unable to corroborate whether he was using fictitious names or real
 291 names and events (and so they could not easily determine whether he was in
 292 fact cooperating or not). It would have been less risky for Abdul Rahim to
 293 have invented something entirely fictitious. But the fact that he did not take
 294 the easier road suggests, like that of the Soviet prisoners, that he was resisting
 295 even as he was forced to collaborate.

296

297 Conclusion. I find Abdul Rahim's account of torture at the hands of the Taliban
 298 credible. He correctly describes short and long term sequelae of *falaka* torture on
 299 his own body. He correctly describes unusual details of unique electrocution
 300 devices, details requiring exposure to these techniques in Afghan prisons. His
 301 accounts of torture and the combination of techniques used are consistent with
 302 other independent accounts. His videotaped confession is consistent with studies
 303 of other false confessions extracted under sleep deprivation combined with other
 304 physical tortures.

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Sincerely yours,


 Darius Rejali
 Professor of Political Science
 Reed College

Figure 1: Drawing of Magneto Torture from Afghanistan. From M.A.
 Dadfar, *The Impaired Mind* (Peshawar, Pakistan: Psychiatry Center for
 Afghan Refugees, 1988), facing page 19.

²⁰ Nathan Leites and Elsa Bernaut, *Ritual of Liquidation* (Glencoe, IL: The Free Press, 1954), 305.

²¹ Statement of Material Facts (CV 05-1310 R/L) at 35.

²² Pet. Ex 105 at 8, Pet. Ex 106 at 9.

317 Figure 1: Drawing of Magneto Torture from Afghanistan. From M.A. Dadfar,
318 *The Impaired Mind* (Peshawar, Pakistan: Psychiatry Center for Afghan Refugees,
319 1988), facing page 19.



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Figure 2: Traditional *Falaka* in an Iranian religious school. From Darius Rejali, *Torture and Modernity* (Boulder, CO: Westview Press, 1994), appendix of photographs.



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Figure 3: Painting of Modern *Falaka* torture. From Kirstine Amris and Karen Prip, *Falanga Torture* (Copenhagen, Denmark: International Rehabilitation Council for Torture Victims, 2003), 2.



331

Darius M. Rejali

Address: Department of Political Science Citizenship: USA
Reed College Office: 503-517-7346
Portland, OR 97202-8199 Fax: 503-777-7776 or 503-777-7769
E-mail: Rejali@reed.edu

Academic Appointments

Professor, Political Science, Reed College 2003-present
Associate Professor, 1994-2003; Assistant Professor, 1989-1994
Visiting Lecturer, Alumni College, São Paulo, Brazil, 1995
Visiting Assistant Professor, Union College, 1988-1989
Lecturer (1988), Teaching Assistant (1982-1985), McGill University

Recent Honors

"Scholar of Vision," Carnegie Corporation of New York, (\$100,000) 2003-2005 for
Approaches to Violence

Education

McGill University, Ph.D., Dean's Honor Roll (Political Science), 1987; M.A.
(Political Science (1983); Advisers: Profs. Charles Taylor, James Tully, Sam
Noumoff, Uner Turgay
Swarthmore College, B.A. (Philosophy), 1981

Administrative Offices

Chair (elected position), Political Science, Reed College, 2005, 1996-2001, 1993-
1995
Chair, Competitive Paid Leave Awards Committee, Reed College, 1999-2001
Chair, International and Comparative Policy Studies, Reed College, 2000-2001
Chair (elected position), Division of History and Social Sciences, Reed College,
1996-98
Faculty Representative, Staff Merit Awards, Reed College, 1998
Chair, Ducey Student Summer Internships Committee, 1997-2000
Co-Chair, Hewlett Faculty/Student Grants in International and Policy Studies,
1994-95

Professional Offices

Member, Editorial Board, *Human Rights Review*, 2000-present
External Evaluator for Tenure: York University, Canada (Islamic Studies, 2000);
Sarah Lawrence College, NY (Religion, 1997); University of California, San
Diego (Sociology, 1995)
Co-Chair, Annual Conference, "Iran and the Region," Center for Iranian Research,
1998
Fellow, Aspen Institute, Wye, Maryland July-August 1997
Member, Editorial Board, "Gender and Political Theory," Lynne Rienner, 1994-1997

Grant Evaluator, Fund for the Improvement of Post-Secondary Education, 1994
Fellow, Center for Developing Area Studies, McGill University 1982-1985

Languages: Read, write and speak French, Persian, and Portuguese. Read German, Arabic, and Spanish

Biography: "Darius Rejali," *Contemporary Authors*, edited by Terrie Rooney and Jennifer Gariepy, (Detroit: Gale Research, 1997); Steve Carter, "A Reed Professor's Life's Work; Scholar studies torture, ancient and modern," *The Oregonian* (October 6, 2003)

Publications

Book: *Torture, Technology and Democracy* (forthcoming Princeton University Press, 2006) Is torture compatible with modern democracies and, if so, how? I focus on new techniques designed to leave little evidence of brutality, techniques have an affinity for democracies, rather than dictatorships.

Book: *Approaches to Violence* (Forthcoming Princeton University Press, 2007) I present the main qualitative orientations to the study of violence and examine how these orientations shape the ways researchers fashion answers in the study of particular kinds of violence.

Book: *Torture and Modernity: Self, Society and State in Modern Iran* (Boulder, CO: Westview Press, 1994). Paperback, 1994. Selected for Questia E-Book, 2000; See <http://www.questia.com>. Reviewed by the *Times Literary Supplement*, *Middle East Journal*, *Journal of Contemporary Asia*, *The Historian*, *The American Anthropologist*, and *Contemporary Sociology*. Feature review in the Persian language *Irannameh*, which is the main intellectual journal in the Iranian diaspora; reprinted in two Persian language magazines with circulations of over 20,000 in Europe, North America and Australia. Portions translated into Farsi, Portuguese and Spanish. Reviews are available at the following URL: <http://www.reed.edu/~rejali/>

Article: "Torture Makes the Man," *South Central Review* 24.1 (Spring 2007). [Explores the perception implicit in much torture apology that "democracy makes us weak" and torture is the cure for such weakness.]

Article: "Friend and Enemy, East or West: Political Realism in the work of Usama bin Ladin, Carl Schmitt, Niccolo Machiavelli and Kai Ka'us ibn Iskandar" *Historical Reflections* 3 (2004) (forthcoming) [How does one choose one's friends and identify enemies? A critique of modern realists using classical realist thinkers.]

Article: "Torture as a Civic Marker: Solving a Global Anxiety with a New Political Technology" *Journal of Human Rights* 2:2 (June 2003): 153-171

Article: "Electric Torture: A Global History of a Torture Technology" *Connect: art.politics.theory.practice* (June 2001): 101-109

Article: "Studying a Practice: An Inquiry into Lapidation" *Critique: Journal of Middle Eastern Studies* (Spring 2001): 67-100 [Critical study of legal, cultural and religious explanations of stoning, offering an alternative explanation for its origins and persistence today]

Article: "Ordinary Betrayals: Conceptualizing Refugees Who Have Been Tortured in the Global Village" *Human Rights Review* (July-September 2000): 8-25. [Critical study of ways in which lawyers, psychologists, states and the United Nations conceptualize torture victims]

Chapter in Book: "Whom Do You Trust? What Do You Count On?" in *Nineteen Eight-Four: Orwell and Our Future* (Princeton University Press, 2005), 155-179 [Orwell and How to Resist Torture]

Article and Book Chapter: "After Feminist Analyses of Bosnian Violence" *Peace Review* (September, 1997). Republished in *The Women and War Reader*. Edited by Lois Ann Lorentzen and Jennifer Turpin. New York: New York University Press, 1998. (Paperback 1998) [Critically examines explanations of ethnic rape]

Chapter in Book: "How Not To Talk About Torture: Violence, Theory, and Problems of Explanation" in *Vigilantism and the State in Modern Latin America: Essays in Extralegal Violence*, ed. Martha K. Huggins (New York: Praeger: 1991), 127-144

Short Articles and Entries

"Executions and Executioners," *Encyclopedia Iranica*, Edited by Ehsan Yarshater. Costa Mesa, CA : Mazda Publishers, 2001

"What's My Major?: Some Advice to Generation Xers" *The Future of Oregon: A Public Affairs Quarterly* (April 1997)

"Define Your Terms: Dictionaries, Medievals and Thinking about Concepts" *PS: Political Science and Politics* (September 1995)

"The Birth of Modern Torture," *Social Science Forum 1* (March 1983)

Book Reviews

Ron, James, "Frontiers and Ghettos" *Journal of Palestine Studies* (2005)

Farzin Vahdat, "God and Juggernaut," *Iranian Studies* (2005)

Martha Huggins, Mika Haritos-Fatouros, and Philip Zimbardo, "Violence Workers" *Contemporary Psychology* (2004)

Olivier Razac, "Barbed Wire," 2:3 *Journal of Human Rights* (2003)

Tara Bahrapour, "To See and See Again," 33:3/4 *Iranian Studies* (2000)

Ervand Abrahamian, "Tortured Confessions," 33:1/2 *Iranian Studies* (2000)

Abbas Milani, "Tale of Two Cities," *Iranian Studies* 30:3/4 (1997)

Mehrzad Borujerdi, "Iranian Intellectuals and the West" *Center for Iranian Research Analysis Review* (1997)

Magazine Articles

- "Torture's Dark Allure," "Does Torture Work?" and "On Human Bondage," (*Salon.com*, June 18, 2004 and June 21, 2004)
"The Real Shame of Abu Ghraib" (Viewpoint, *Time.com*, May 20, 2004)
"What's My Major?: Some Advice to Generation Xers," *The Future of Oregon: A Public Affairs Quarterly* (April 1997)

Newspaper Editorials and Interviews

- "Containing Torture: How Torture Begets More Torture," (*Slate.com*, October 27, 2006)
"Nation Doesn't Need an AG who Cleared Path for Torture," (*Seattle Times*, December 17, 2004)
"A Long-Standing Trick of the Torturer's Art" (*Seattle Times*, May 14, 2004)
"Use of Torture in Iraq Damages US Ability to Gather Intelligence" (*The Oregonian*, May 6, 2004)
"Tortured Truth" (*Miami Herald*, February 10, 2002)
"Torturing Can't Be Defended" (*Oregonian*, April 16, 2002)
Interviews in *Newsweek*, *New York Times*, *Baltimore Sun*, *Philadelphia Inquirer*, *Christian Science Monitor*, *Svenska Dagbladet*, and *De Groene Amsterdamer*

Television and Radio Appearances

- Interview, *ABC News*, (November 29, 2005)
Guest, *Radio Open Source*, Boston Public Radio (November 4, 2005)
Guest, *Radio Open Source*, Boston Public Radio (July 27, 2005)
Guest, *Odyssey*, Chicago Public Radio (June 30, 2005)
Guest, *Radio Open Source*, Boston Public Radio (June 23, 2005)
Guest, *In the Money*, CNN (June 2004)
Guest, *Reality Check*, Austrian National Public Radio (June 2004)
Guest, *The News Hour with Aaron Brown*, CNN (May 2004)
Guest, SBS Radio (Australia) in Persian (2003)
Special Consultant, Documentary on the History of Punishment and Torture, COURT TV (USA) and Channel 5 (UK), 2001
Interviews in Local Portland Media: KPTV-UPN (1999, 1998); KGWTV-NBC (2004), KPAM-AM (2006); KXL-FM (2004); KBOO FM (2002, 1999, 1997)

Scholarly Activity

Lectures, Conference Papers, Seminars Since 1988

- On Torture and Democracy* (Forthcoming 2006)
President's Panel on "Torture," American Sociological Association, Montreal, Canada (August 11-14, 2006)

Conference Paper, "Torture for Truth and Memory," Conference on "Codes of Violence in Medial Transformation," Humboldt University, Berlin (forthcoming April 29, 2006)

Working Paper Presentation, "Mapping Torture from NGO Data: Problems, Problems and More Problems," Reed College, Portland (April 6, 2006)

Guest Lecture, "Torture and Democracy," Oregon State University, Corvallis (March 2, 2006)

Guest Lecture, "Torture and Democracy," Webster College, St. Louis (February 17, 2006)

Keynote Lecture, Seminar on "Security and Development: Recent Trends in Social Science," Nexø, Bornholm, Denmark (October 28, 2005).

Panel Participant, "A Question of Torture," New York Public Library and Carnegie Council of Ethics (June 1, 2005)

Keynote Lecture: "Torture and Democracy," Presented at the Workshop on "Studies of Order, Violence and Exclusion," Danish Institute for International Studies, Research Network on Crime and Violence (Tisvilde, Denmark; September 23, 2004)

Conference Paper: "Torture, Democracy and War," Presented at the Workshop on "Techniques of Violence in Civil War," Peace Research Institute of Oslo (PRIO, Oslo, Norway, August 21, 2004)

Guest Lecture: "Torture and Democracy" University of San Diego, April 22, 2004.

Guest Lecture: "Torture, Democracy and the New Discourse on Terror," Presidential Session: Crime and Deviance Section; International Sociological Association, Brisbane, Aus., July 8, 2002

Seminar: "Three Models of Modern Torture," Institute for Central American Development Studies, San Jose, Costa Rica, January 2000

Guest Lecture: "Electric Torture: The Global History of a Torture Technology" presented at "Investigating and Combating Torture: Exploration of a New Human Rights Paradigm," Human Rights Program, University of Chicago, March 1999

Featured Conference Paper: "Electric Torture Technology, Diffusion between 1890-1945" Delivered at the International Sociological Association, 1998 at Montreal, Quebec, Canada. See coverage in Andre Pratt, "Les bourreau, des gens tout à fait normaux." *La Presse* (Wednesday, 29 July 1998), A9 and Marie-Claude Ducas, "Profession: Tortionnaire" *Le Devoir* (Wednesday, 29 July 1998)

On Approaches to Violence (Forthcoming 2007)

Expert in Residence, "Approaches to Violence" and "Speaking Frankly About Torture," ACS Cobham International School, London, England (forthcoming March 13-14, 2006)

Keynote Address, June 26 UN International Day in Support of Victims of Torture, Program for Torture Victims, UCLA, Los Angeles (June 26, 2005)

Guest Lecture: "After Abu Ghraib: Torture and Truth," Presented at the Center for the Rehabilitation of Torture Victims, Copenhagen, Denmark, September 27, 2004

Guest Lecture: "Speak Frankly About Torture" Presented at the Seminar, "Michel Foucault (1926-1984): Other Questions, New Paths," London School of Economics, September 16, 2004

Guest Lecture: "Resistance to Torture," Writers in Danger Program, Lewis and Clark College, 2000, World Affairs Council, Portland, OR, 2001

Guest Lecture: "Ordinary Betrayals: Conceptualizing Refugees Who Have Been Tortured" presented at "Practices of Violence and Postcolonial Modernities: The Case of Islamist and Hindutva Movements," Institute of International Studies, University of California, Berkeley, April 1999

Public Lecture: "Investigating a Violent Past: A Comparative Analysis of Purges, War Crimes Trials, Truth Commissions and Purges," Reed College, 1998

Seminar Paper: "The Global Human Rights Regime and the Rights of Sexual Minorities," Sociology Department, Union College, June 1996

Conference Paper: "Rape as a Political Weapon: The Case of Bosnia." Delivered at the International Sociological Association, Bielefeld, Germany, 1994; Western Political Science Association, Portland, Oregon, 1995

On Torture and Modernity (1994)

Guest Lecture: "*Torture and Modernity: Critical Responses and Future Agendas*," Middle East Center, St. Antony's College, Oxford University June 1999

Colloquium: "*Torture and Modernity*" Department of Political Science, University of Victoria, British Columbia, Canada, 1997

Featured Panel: "Author Meets the Critics: *Torture and Modernity* by Darius Rejali." Critics Panel. 14th Conference of the Center For Iranian Research and Analysis, Birmingham, England, 1996

Guest Lecture: "*Torture and Modernity*," Department of Political Science, University of Edmonton, Alberta, Canada, 1994

Guest Lecture: "*Torture and Modernity*," Department of Sociology, University of California, San Diego, April 1994

On Iranian Politics

Guest Lecture: "The Reformists and the Repressive Cycle in Iran, 1997-2002," Woodrow Wilson Center, May 14, 2002

Guest Lecture: "End of the Rule of Law Movement in Iran?" Middle East Center, University of Washington, May 4, 2002

Guest Lecture: "Iran beyond Tehran: Afghan Refugees and the New Civic Politics" Woodrow Wilson Center (October 18, 2001)

Public Lecture, "Structural Limits to Improved US-Iranian Relations," Iranian Professional Society of Oregon, October 2000

Public Lecture: "The Crisis in Iran," World Affairs Council of Portland, Governor's Hotel, August 1999

Keynote Lecturer: "Iran and the Caspian Basin," Great Decision Series Lectures, World Affairs Council of Oregon, Business School, Portland State University, March 1999

Public Lecture, "Torture and Human Rights in Iran," Portland State University, 1996. See "Northwest Groups Discuss Afghan, Iranian and Turkish Rights Violations" by Elaine Kelly. *Washington Report on Middle East Affairs* (March 1997):63-64

Guest Lecture: "Torture and Religion in Iran," delivered at the Conference on "Religion and Violence: Ideologies and Institutions," Centre for the Study of Religion, University of Toronto, Toronto, Canada, 1996

Conference Paper: "HIV-Testing in Comparative Perspective." Delivered at the Oregon Academy of Sciences, Lewis and Clark, Portland, 1995

Other Presentations (Political Philosophy, Comparative Policy)

Guest Lecture: "Whom Do You Trust? What Do You Count On?" presented at "Orwell and Our Future," University of Chicago Law School, November 1999

Conference Paper: The Fox and the Lion: Machiavelli's Metaphor of Freedom" Canadian Political Science Association, Annual Meeting, 1997 at St. Johns, New Foundland, Canada)

Public Lecture: "Scholastic Vices," Paideia Program, Reed College, 1997

Conference Paper: "Fortune is a Man: Authority and the Subversion of Authority in the Thought of Christine de Pisan," delivered at the American Political Science Association, Atlanta, GA, 1989 and the Renaissance Society, Vancouver, British Columbia, 1991

Conference Paper: "How Not To Talk About Torture: Violence, Theory, and Problems of Explanation." Delivered: International Sociological Association, Madrid, Spain, 1990

Seminar Paper: "Torture, Critical Social Inquiry, and International Relations," delivered at the Yankee Conference of Political Theory, Williams College, Williamstown, MA, 1988

Guest Lecture: "Nietzsche's Critique of Punishment: From Applied Philosophy to Political Analysis" delivered at the University of Calgary, 1988

Expert Testimony and Public Appearances since 1997

Manuscript Reviewer for Oxford University Press (2004), Princeton University Press (2003), Harvard University Press (2002), Harcourt College Publishers (2000), Institute for Policy Studies (1997), University of Texas Press (1996), State University of New York Press (1995), and University of Pennsylvania Press (1995)

Keynote Lecturer and Consultant, Workshop for Refugee Victims of Social Violence and Torture, Lutheran Family Counseling Services, Portland, OR January-February 1999

Invited Discussant, "Lesbian and Gay Rights in a Global Context" at the American Philosophical Association Meetings, Washington DC, Winter 1998.

Chair, Symposium, "The Future of Jerusalem," featuring Keynote Lectures by Yossi Beilin, Labor Party of Israel and Faysal Hussaini, Palestinian Authority Minister for Jerusalem, World Affairs Council and the Oregon Interreligious Committee for Peace in the Middle East, Reed College, September 1998

Consultant, Research Directorate, Immigration and Refugee Board, Canada April-June 1998

Expert Witness and Consultant, "Ms. F.M. Ismail," Immigration and Refugee Board, Canada, March 31, 1998

Manuscript Reviewer, Entry for "Torture," *Encyclopedia of Violence Peace, and Conflict* (Academic Press: 1998), April 1997

Chair and Discussant, "Foucault and Liberalism," Canadian Political Science Association, at St. Johns, New Foundland, Canada 1997

Public Lecture, "Alternatives to Standard Research Paper Assignments," Paideia, Reed College, 1997

Expert Witness and Consultant, "Mr. A.K. Eghbali" Immigration and Refugee Board, Canada, October, 1997

Expert Witness and Consultant, "Mr. Darvishi-Kohan" Immigration and Refugee Board, Canada, December 1996

Panel Discussant, "Love and the Computer: Thoughts on Good Teaching," Western Political Science Association, San Francisco, 1996

Seminar, "HIV Politics" Ministerio Publico (Attorney General's Office) of the State of Sao Paolo, Brazil, October 1995

Public Lecture, "The International Gay and Lesbian Human Rights Commission and the Rights of Sexual Minorities," Grupo Gay du Bahia, Salvador, Brazil, November 1995

Panel Discussant, Crime and Deviance Section, International Sociological Association (1994)

Member of the Following Professional Associations

American Political Science Association, 1986-present

International Sociological Association, 1993-2002

Western Political Science Association, 1995-2001

Center for Iranian Research Analysis, 1995-2001

Oregon Academy of Sciences, 1995-1997

Canadian Political Science Association, 1987-1991; 1996-1998

Courses

Syllabi on major articles, courses, and occasional pieces are available at the following URL:

http://academic.reed.edu/poli_sci/faculty/rejali/rejali/index.html

Chaired or Served on the Following Academic Search Committees

2005 Chair and Member, Tenure Track Searches in Political Science (Political Theory and International Relations)
2001 Member, Tenure Track Search in Religion (Islamic Studies/Humanities)
2001 Member, Tenure Track Search and Visiting Search in Political Science (International and Comparative Politics), 2001
1999 Chair, Tenure Track Search and Visiting Position Search in Political Science (American Politics)
1999 Member, Tenure Track Search in Sociology (Economic Sociology)
1998, Chair, Tenure Track and Visiting Search in Political Science (International and Comparative Politics)
1997 Chair, Visiting Searches in Political Science (Political Theory; American Politics)
1995 Chair, Tenure Track Search in Political Science (International and Comparative Politics)
1993, Member, Visiting Position Search in Political Science (Political Theory)

College Offices (Member of the Following Committees)

Administration Committee (1997-98)
Admissions and Financial Aid Committee (1992-94)
Committee on College Writing (1993-94)
Community Affairs, Subcommittee on Drug Policy (1997-1998)
Computer Policy Committee (1998-2000)
Corbett/Goldhammer Summer Grants in Comparative Policy Studies (1997, 1999, 2002)
Domestic Partnerships Committee (1990)
Faculty Adviser for Multicultural Resource Center, (1995)
Hewlett Faculty/Student Grants in International and Comparative Policy Studies (1993-95)
International and Comparative Policy Studies (1994-2001, 2006-07)
Library Board (2005-2007)
Orientation Committee (1996-97)
Paid Leave Committee (2006-07)

ATTACHMENT TWO

December 21, 2008

1
2
3
4 Stephen R. Sady
5 Chief Deputy Defender
6 Federal Public Defender
7 District of Oregon
8 101 SW Main Street, Suite 1700
9 Portland, OR 97204
10
11

12 Dear Mr. Sady,
13

14 This letter replies to your inquiry of December 12, 2008. You requested my followup
15 opinion regarding the interrogation techniques used against Mr. Ginco by Americans at
16 Kandahar Air Force Base.
17

18 As you say, some of my observations are more fully documented in my book, *Torture*
19 *and Democracy* (Princeton 2008), covering the history, causes, and consequences of
20 modern torture in 880 pages. I refer to the relevant pages of the book in my reply, should
21 you wish to submit them as an exhibit to accompany my report. Since you last consulted
22 me, my book has now been widely reviewed and recognized as the benchmark text on the
23 history of modern torture, particularly as they relate to its effectiveness. As Times
24 Higher Education supplement review states, "*Torture and Democracy* immediately lays
25 claim to be the most compendious and the most rigorous treatment of the subject yet
26 written. Saul Bellow used to say that we are constantly looking for the book it is
27 necessary to read next. On torture, this is it."¹
28

29 To reply to your questions briefly, in my opinion:
30

- 31 1. Mr. Ginco and Vakhitov's accounts are consistent with other accounts of
32 interrogations conducted in this period by United States forces in Afghanistan
33 between January and May 2002. They also describe accurately the correct
34 combination of techniques for the kind of interrogation Mr. Ginco underwent.
- 35 2. These techniques are painful and do qualify as torture, especially in combination
36 with each other, and they have been widely condemned by the field manuals for
37 interrogation in force at the time, international courts, and by the American
38 government in the past.
- 39 3. Statements by Mr. Ginco extracted by these means are unreliable.
- 40 4. Interrogator bias appears significant and serious even in the absence of torture,
41 making any statements deeply unreliable
- 42 5. Mr. Ginco's experiences at Kandahar Air Force Base may have had significant
43 effects on his memory, cognition and character, rendering any future statements
44 also unreliable.

¹ Alex Danchev, "Book of the Week: *Torture and Democracy*" *Times Higher Education Supplement* (January 17, 2008)

45

46 I base my opinion on the following pieces of information: your letter (12/12/08), the
47 declaration of Mr. Vakhitov (9/16/06), and unclassified notes that you shared with me on
48 12/19/08.

49

50 • In your letter, you stated Mr. Ginco claimed that while at Kandahar, he was "struck in
51 the face, threatened, forced to exercise to exhaustion and run in chains, exposed to
52 extreme temperatures, set upon by a police dog (that also sat on his head), and placed in
53 stress position. He also had what sounded like a Leatherman tool placed under his
54 fingernail with the comment 'talk or it comes off.'" Mr. Ginco further characterizes what
55 happened to him by saying "they begin to torture me without leaving a mark." In this
56 context, Mr. Ginco made a series of false statements, relating "to 'the sale of missiles by
57 Iraq to the Taliban and al Qaeda;' information regarding individuals identified as being
58 members of Al Qaeda; information provided regarding Al Qaeda communication
59 equipment; and information regarding an individual identified as the head of Al Qaeda's
60 communication department."

61

62 • In unclassified notes, Mr. Ginco states that they "started to torture me without leaving
63 traces." Specifically, he was forced to run in shackles, tied to a tentpole and intimidated
64 by a dog (which also sat on his head), exposed with inadequate clothing to the snow,
65 forced onto his stomach on the gravel and kicked in the back; hit on the forehead ten to
66 fifteen times, had a tool placed under his fingernails with the threat that it would be
67 removed, exhaustion exercises consisting of pushups and sit ups, deprived of sleep for
68 days at a time, yelled at every 5 minutes for 14 days, forced to stand for a long time. On
69 his departure, he was force-fed. He was also told that he would be taken "to some place
70 even worse" and that they will "rape you where you're going."

71

72 • In his declaration, Mr. Vakhitov describes he saw Mr. Ginco subjected to "sleep
73 deprivation, exercise like push-ups and sit-ups to the point of exhaustion, police dogs set
74 on Abdul Rahim and forcing him to stay in uncomfortable positions for long times, such
75 as kneeling on gravel with his hands on his head for hours at a time." Additionally, he
76 states that when Mr. Ginco was taken to interrogation, "a group of soldiers would jump
77 on him, forcibly immobilize him, and rough him up." And that he came back from
78 interrogation "with red patches on his face and with his clothing ripped."

79

80

81 I (A). Consistent with American practice in Afghanistan. Mr. Ginco and Mr.
82 Vakhitov's accounts are consistent with other accounts of interrogations conducted in this
83 period by United States forces in Afghanistan between January and May 2002. These
84 accounts also describe the following practices in Kandahar: interrogation by sleep
85 deprivation, exposure to extreme temperatures, keeping lights on round the clock, loud
86 noise round the clock, the use of dogs on prisoners, stress positions (forced kneeling or
87 standing), beatings, exhaustion exercises, forced nakedness and other arbitrary and
88 humiliating treatment. At Bagram, they describe a similar regimen with three additions:
89 high cuffing (suspension by the arms from the ceiling), kneeling in the thighs (the
90 common peroneal strike), and being suspended upside down.

1. Laurel Fletcher and Eric Stover's research team have provided most methodologically rigorous and extensive study of patterns of interrogation and detention in Afghanistan during this period. The full results of their study were published in November 2008 under the title *Guantanamo and Its Aftermath* (2008).² The study aims "to identify patterns in the experiences of former detainees and, where possible to compare these data to incidents and trends in the media database and secondary sources."³
2. The methodology of the study is as follows. The researchers gathered three sets of original qualitative and quantitative data and checked them against each other to identify common patterns:
 - a. The first data set consisted of in-depth interviews of 62 former detainees living in nine countries. These followed a detailed protocol, reviewed and approved by UC Berkeley's Committee for the Protection of Human Subjects. The material was transcribed and coded using Atlas.ti, a software program used widely in the social sciences for coding qualitative data. Over 200 codes were developed and tagged, resulting in 2,179 pages of coded data.
 - b. The second data set consisted of in-depth interviews of 50 key informants, including US government officials, representatives of nongovernmental organizations, attorneys representing detainees, and former US military and civilian personnel.
 - c. The third data set involved an analysis of 1,215 coded media reports. The media reports were entered into an Oracle relational database. The database design and coding process used protocols developed for quantitative analysis by the Human Rights Data Analysis Group.⁴ The database was downloaded and analyzed using an R statistical package. Patterns and trends in the interview data on detention and interrogation was compared with the media database and the documents released by the Department of Defense, other US government reports and non-governmental organizations.
3. The conclusions the study draws were based on significant patterns not on the reports of any single individual. The patterns identified by the data are then testable and open to review. Detainees were in separate countries and reportedly not in touch with each other, yet they describe similar incidents and experiences. The interview protocol insisted that respondents describe only incidents they had experienced or directly witnessed. And the pattern showed "a high degree of consistency" when compared with documents released by the Department of Defense, other US government reports, independent organizations, and the media.
4. It should be noted as well that Stover and Fletcher's team were focused on

² Available at <http://hrc.berkeley.edu/pdfs/Gtmo-Aftermath.pdf>.

³ Fletcher and Stover, 15.

⁴ *Core Concepts*, available at http://www.hrdag.org/resources/core_concepts.shtml.

Guantanamo; data on Afghanistan was coded as part of the journey to Guantanamo. The Afghan data is in this respect even more reliable; it wasn't even the focus of the study and gathered inadvertently. The published study does not state the dates at which different detainees were in Kandahar or Bagram. However, the bulk of detainees arrived at Guantanamo between January 2002 and July 2002 (600 of 670 prisoners), having already been processed at Kandahar or Bagram in the winter, spring and early summer of that year.

5. Mr. Gingo and Mr. Vakhitov's statements correspond to statements given by other detainees held in Kandahar.⁵ These detainees describe daily life for detainees in Kandahar as "one of tedious routine punctuated by arbitrary and humiliating treatment." Dogs were used to intimidate detainees, and on occasion bit them. Detainees found it "difficult to sleep" especially in the winter months when the temperatures dropped well below freezing. Soldiers would routinely wake up detainees for strip-searches or play loud rock music. Other detainees report that they were assaulted to and from interrogation: "From your tent to the interrogation tent you could be beaten up," reports one detainee. "Then when you got to your tent, you might be forced to kneel down, and you know, they would hit you with the butt of a gun, or punch you, kick you, or pull your hair." On the way to the interrogation rooms, detainees "were often forced to move in a "run-shuffle" motion, which caused their leg shackles to scrape against their ankles causing them to bleed." Detainees also report that "they were forced to kneel or stand with their arms outstretched at their sides or behind their heads for long periods of time, often for minor violations, such as talking to other detainees." (pp. 19-24) One Kandahar detainee describes having his head stuck in water.

6. Mr. Gingo and Mr. Vakhitov do not describe three characteristic techniques used at Bagram. Although conditions at Bagram were similar, detainees there describe three additional techniques. Detainees describe being chained to ceiling in isolation cells, being suspended upside down, and being subjected to the "common peroneal strike." Army CID's investigation report from Summer 2002 to Spring 2003 identifies the following incidents: "striking shackled detainees, sleep deprivation, stress positions, prolonged hanging by the arms, beatings, use of dogs to terrorize detainees, and sexual abuse. One of the harshest forms of assault was the 'common peroneal strike,' a disabling blow to the side of the leg above the knee," which was implicated in the deaths of two prisoners.⁶

7. The omission of these three characteristic Bagram techniques strengthens the reliability of Mr. Gingo and Mr. Vakhitov's statements about the interrogation and detention at Kandahar. One of the limitations of the Fletcher and Stover study is that the detainees were not randomly selected. It is possible they interviewed only the detainee population most likely to speak with US researchers, and thus most likely to state the worst. Had Mr. Gingo and Mr. Vakhitov set out to state the worst about their detention based on stories they had heard from others, there is

⁵ Fletcher and Stover, 19-24.

⁶ Fletcher and Stover, 23-24.

no reason why they would not have included these Bagram techniques. They had no idea these were documented in Bagram, but not in Kandahar.

8. Mr. Ginco and Mr. Vakhitov's statements also conform to the statements of an American interrogator, Chris Mackey (pseudonym) whose unit served in Kandahar in January and February of 2002 and then moved on to Bagram. Mr. Mackey describes his experiences in his book *The Interrogators*.⁷ This book is a single historical testimonial, and thus less reliable than Fletcher and Stover's data. I mention it because Mr. Mackey served in Kandahar at the same time as Mr. Ginco and Mr. Vakhitov were detained there, and because Mr. Mackey was an interrogator, not a detainee. Mr. Mackey describes how interrogation by sleep deprivation became routine in his unit. He also describes how his unit kept the lights on around the clock in the cells and exposed prisoners to extreme temperatures by dousing them with water. These are classic supplementary techniques for interrogation by sleep deprivation. Mr. Mackey affirms that an interrogator in his unit used stress positions, in particular, forced kneeling.⁸ He states this was not common, but he also states that he was not in the most impartial position.

9. Mr. Mackey thus affirms two important elements of Mr. Ginco and Mr. Vakhitov's accounts. He affirms that interrogation was routinely conducted by sleep deprivation, and that prisoners were deliberately exposed to cold and light to prevent them from sleeping. Nevertheless, Mr. Mackey's description puzzles me because there are faster methods and these techniques are remarkably slow. supplements for sleep deprivation given the urgency of the war at the time. As one interrogator put it, "soldiers are dying, get the information" and in the first few months, interrogators had limited time.⁹ In my opinion, Mr. Mackey's account is incomplete. From the data from Fletcher and Stover, it seems much likely that more than one interrogator used stress positions and other supplements. These would be essential in exhausting detainees faster. This was certainly true at Bagram by the summer of 2002, as even Mr. Mackey concedes, and probably had begun earlier.

I (B). Correct Combination of Techniques. Mr. Ginco and Mr. Vakhitov's statements are not only consistent with historical practice; they also identify the correct combination of physical techniques. Not all physical techniques of interrogation go well with each other, and there are classical patterns and combinations. For example, in my first letter on Taliban torture, I observed that different methods of electrotorture required different supplements (e.g. for example, different ways wires would be attached) and had different characteristics (e.g. specific sounds the different machines made) and that specific

⁷ Chris Mackey and Greg Miller, *The Interrogators* (New York: Little, Brown and Co., 2004).

⁸ Greg Miller, "Bound by Convention," *Stanford Magazine* (November/December 2004): <http://www.stanfordalumni.org/news/magazine/2004/novdec>.

⁹ Fletcher and Stover, 25.

219 tortures had specific sequelae. I noted that Mr. Ginco correctly described these
220 supplements, characteristics and sequelae, even though this was not common knowledge.
221 Likewise, in this case, Mr. Vakhitov and Mr. Ginco correctly describe a certain style of
222 interrogation, what is historically called "sweating" the suspect or "the Conveyor." This
223 method combines stress positions, exhaustion exercises, sleep deprivation and threats to
224 induce confessions of guilt, all of which are present in the statements of Mr. Ginco and
225 Mr. Vakhitov.

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227 1. When interrogating by depriving suspects of sleep, there must always be some
228 method of keeping prisoners awake and exhausted prior to interrogation. The
229 most time consuming procedure is to expose suspects to extreme cold ("black
230 hole") or heat ("the sweat box"), waking prisoners regularly by shouting at them
231 or inspecting them, or keeping the lights on 24/7 and forcing suspects to face it.
232 Often however prisoners fall asleep from exhaustion, ignoring lights and threats.
233 Thus, when pressed for time, interrogators favor more intrusive techniques,
234 combining beating (slapping the face, shaking or kicking the body), forcing the
235 person to stand, sit or kneel in fixed positions (what are sometimes called "stress
236 and duress positions"), and exhausting them faster with repeated exercises (knee
237 bends, push ups, sit ups etc.). These tasks are sometimes performed by guards
238 prior to interrogation, and also by a relay of different interrogators during
239 interrogation (sometimes called 'relay interrogation').
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- 241 2. Once statements are taken and the subject has had some sleep, many times suspects
242 retract their original statements in later hearings, court appearances or
243 interrogations. To avoid this outcome, historically, interrogators tie down the
244 suspect to their original statements using a set of well-known psychological
245 techniques. The most famous of these is the "mutt and jeff" or "good cop, bad
246 cop" routine, a combination of promising rewards and the potential threat of
247 punishment for non-compliance; it achieved special prominence in the hands of
248 the Newark police in the 1920s. Other techniques involve playing prisoners
249 against each other (now called "prisoner's dilemma"). Police would force
250 statements of guilt from weaker, more pliable detainees, and then force the more
251 recalcitrant to comply with additional statements of guilt. In the Soviet Union,
252 these techniques were called the Yezhov method.
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- 254 3. These techniques were not improper or illegal at the time, though eventually the US
255 Supreme Court condemned all these techniques in the Miranda decision (1966),
256 selecting the "hard-soft" routine for particular censure. These were highly
257 problematic techniques because, as we know today, these techniques do not
258 distinguish the innocent from the guilty. Social psychologists know that, in these
259 circumstances, innocent people will also confess freely to crimes they did not
260 commit in court.
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- 262 4. These techniques are profoundly effective in soliciting desired statements of guilt,
263 and they have a distinct history. American police first used them in this

combination between 1910 and 1930.¹⁰ In an era where police behavior was subjected to increased judicial scrutiny, the police favored techniques that left few marks. In the absence of marks, a suspect's claims of torture were less credible, and they would not be easily believed. Additionally, psychological studies show that juries have a marked tendency to believe coerced testimony, even when they know the testimony is coerced, even when they are cautioned against using it, and even when they claim it does not affect their reasoning.¹¹ This is why these techniques first appeared in democratic states. Authoritarian states typically used far more violent and scarring methods to achieve convictions, and they had few incentives to be clean (journalists could be shot; judges threatened). The exceptions were show trials, as in the Stalinist period, where it was important that the accused make his avowal without visible marks of torture to the world press. Then, the Conveyor technique was standard. But generally authoritarian methods were scarring. In democracies, by contrast, police who wished to use physical coercion had to contend with judges, press, lawyers and human rights organizations, and thus they had strong incentives to be cleaner.

5. Although these techniques have spread around the world since the 1920s, they typically appear in the hands of police and militaries with Anglo-Saxon histories and affiliations. They represent what might be called an Anglo-Saxon tradition of interrogation (as opposed to the other main tradition of this sort, the French tradition, which involves combining water and electricity). After Stalin adopted the Conveyor technique, they also appear in Soviet successor states. The French tradition, which is also clean and leaves few marks, tends to appear in European states, particularly along the Mediterranean and Eastern Europe, Latin America, and former French colonies.

II (A). The Techniques Identified Are Painful Techniques. Mr. Genco states that "they begin to torture me without leaving a mark" and, at another point, "they started to torture me without leaving traces." In the previous section, I identified how sweating suspects leaves no marks and this is the reason police and military interrogators often value it because it makes accusations of torture less credible when there is no wound to show for it. To assess the qualification of torture, one must first determine whether these techniques are in fact painful especially when they leave no marks. Six of these techniques are painful techniques. They are not randomly chosen and they have specific histories. These techniques are forced standing, forced kneeling on fixed objects, sleep deprivation, exhaustion exercises, extremes of temperature, and clean beating.

1. *Sleep deprivation.* Mr. Genco states, and Mr. Vakhitov affirms, that he was deprived of sleep for long periods of time. Depriving someone of sleep has well known physical effects, rendering other pains more excruciating. I already outlined these effects to you on Taliban torture in my letter of January 23, 2007

¹⁰ *Torture and Democracy*, 69-78.

¹¹ *Torture and Democracy*, 469.

(lines 233-244), but I repeat them here. Experts agree that sleep deprivation is a basic physiological need state, similar to hunger and thirst and as necessary for survival. Additionally, sleep deprivation reduces a body's tolerance for musculoskeletal pain, causing deep aches first in the lower part of the body, followed by similar pains in the upper body. Animal tests suggest that REM sleep deprivation increases sensitivity to mechanical, thermal and noxious electrical stimuli. Often sleep deprivation is found in combination with other painful techniques that make it difficult for prisoners to sleep, particularly suspension and positional torture (i.e. forced standing or kneeling).¹² (T&D pp. x)

Historically, sleep deprivation was mainly associated with Scottish and English Protestants, especially in witch trials, who in turn brought it with them to the United States for similar purposes. Contrary to stories, professional Catholic Inquisitors did not favor sleep deprivation because it made subjects highly suggestible in interrogation. Sleep deprivation enters into American policing and interrogation in the early twentieth century, where it was commonly used to secure confessions of guilt, as I observed above at Roman Numeral I (B).¹³

2. *Forced Standing and Forced Kneeling on Fixed Objects.* Mr. Ginfo states that he was forced to stand or kneel on fixed objects for long periods of time and Mr. Vakhitov affirms the forced kneeling. Humans are not designed to stand utterly immobile. For example, Harold Wolff and Lawrence Hinkle, two experts hired by the CIA, affirmed that even short periods of being forced to stand immobile can be painful. Swiftly, moving becomes painful, one feels a tremendous pressure on one's hips, soon the ankles and feet swell to twice their size, and large blisters appear within 24 hours.¹⁴ In forced kneeling, it is the knees, not the ankles that swell. The knees swell to the size of a grapefruit and become highly sensitive to external stimuli. George E. Day, a US POW held in North Vietnamese prisons, explains this well: "The sensitive human knee when in contact with rough, bare concrete for a long period of time, generates great pain. The best comparison is that of driving a long nail under the knee cap."¹⁵ One can increase the pain even further by forcing the individual to extend his arms and hold himself upright or by placing something under the knees. The object need not be sharp, even rounded objects like a broom handle can be profoundly painful. As Day says, "If you have any doubts about this, try kneeling on a broomstick with your hands in the air for 15 or 20 minutes."¹⁶

Forced standing is a now banned military field punishment for soldiers in West European armies. It replaced whipping in the 1880s. Soldiers in the British Army referred to it as the "crucifixion," and French legionnaires called it the *silo*. Although armies eventually banned it, the technique soon appeared in police

¹² *Torture and Democracy*, 290-292.

¹³ *Torture and Democracy*, 71.

¹⁴ *Torture and Democracy*, 80.

¹⁵ George E. Day, *Return with Honor* (Champlin Fighter Museum Press, 1989), 141.

¹⁶ Day, 141.

interrogation in the United States. By the 1920s, forced standing was a routine police technique in America. In 1931, the National Commission on Lawless Enforcement of the Law found numerous American police departments using forced standing to coerce confessions. In the 1930s, Joseph Stalin's NKVD used forced standing (dubbed the *stoika*) to coerce seemingly voluntary confessions for show trials. The British used forced standing as early as 1937-1939 on Arab and Jewish prisoners in Mandatory Palestine. The Gestapo routinely used it as a punishment in concentration camps, sometimes creating tiny, narrow cells where prisoners had to stand all night. The practice has an extensive history in Latin America as well where it is called the *planton*. The history of forced standing is documented in Chapters 3 and 15 of my book.¹⁷ Chapter 15 also documents the history of forced kneeling (*seiza*).

Forced kneeling on fixed objects has an even more specific history. While it was known in Europe (French prisons in the 1880s, in Hamburg Gestapo station in 1933-1934), it was most common in the Pacific theater. Japanese military police, the Kempeitai, used forced kneeling on objects in POW camps throughout Asia during World War II. Investigators for the International Military Tribunal of the Far East recorded its use in POW camps in on the Japanese Mainland (at Fukuoko and Omuta), in the Burma-Siam Railroad camps, and in prisons in Singapore, Malaysia, Vietnam, the Philippines, the Andaman and Nicobar Islands, Micronesia, Timor, the Moloccas, the Solomons and the Celebes. As George Day's account suggests, North Vietnamese also used this practice routinely on US POWs. Not surprisingly, post-war reports of this practice come mainly from either countries the Japanese formerly occupied (North Vietnam in the 1960s; Burma/Myanmar in the 1990s), former Japanese allies (Franco's Spain in the 1970s, Salazar's Portuguese colonies in the 1970s) or former victims (US forces in Afghanistan 2002). This is consistent with the hypothesis that most technique transmission follows from imitation, historical memory ("the worst we remember") and backroom apprenticeship. Most technique transmission recorded in post-Taliban Afghanistan is characterized by low-level transmission of soldier to soldier, not from the top down through some universal distributor.¹⁸

3. *Clean Beating*. Mr. Ginco describes being beaten on the body and face, but in ways that appear to have left few marks, and Mr. Vakhitov affirms this pointing to his reddened face and torn clothes. Clean beating involves striking bodies with one's hands in ways that leave few long-term bruises. Bruising only tends to occur where flesh meets bone. Striking fleshy areas will leave few marks. When bruises do appear, police typically hold prisoners until the short-term marks disappear. There are many such techniques, and I document these in *Torture and Democracy*.¹⁹

¹⁷ *Torture and Democracy*, 69-90; 316-333.

¹⁸ *Torture and Democracy*, 433.

¹⁹ *Torture and Democracy*, 334-341.

The open-handed strike or slapping ("the Taps") is a well-known form of clean beating. While the point of contact remained painfully sensitive for months, outward signs are not discernable after a few hours. "Beating a person with the open hand will not leave marks at all on the face," observed an American interrogator who worked in Vietnam, "and you can beat a person almost senseless without leaving any obvious reddening of the skin."²⁰ Again, this form of beating first gained prominence in interrogation in the hands of the American and French police in the 1920s. American police called rhythmic slapping "the Taps." In 1931, the National Commission on Law Observance and Enforcement, a committee of the American Bar Association, listed how the New York police practiced clean beating. They identified slapping first among forms of clean beating in interrogation. Since then, it has become a routine part of interrogation in many countries that torture. In the last decade, the European Committee for the Prevention of Torture, an enforcement body for the European Convention on Torture, has recorded police slapping in several European countries, including Ireland, Spain, France, the Czech Republic, Romania, Slovakia, Ukraine, and Estonia.

4. *Exhaustion exercises.* Mr. Genco states he was forced to run in shackles. He was also forced to do pushups and situps and Mr. Vakhitov affirms this. Exhaustion exercises induce ferocious muscle cramps and physically weaken detainees, making them vulnerable to suggestion. A young Spanish woman forced to do hundreds of deep knee bends observed in the 1970s, "It leaves no marks, but it hurts horribly." Although repeated drilling is not new, what is new is that in the twentieth century exhaustion exercises appeared in torture chambers or prior to interrogation, usually combined with beating. I offer a full list of these procedures and their history in *Torture and Democracy*.²¹
5. *Extremes of Temperature.* Mr. Genco states that he was removed from his tent and exposed with minimal clothing to the winter snows. Historically, police have secured confessions by exposing suspects to extreme heat or cold. The earliest recorded use is during the American Civil War, where military information was gathered by placing detainees in extremely hot sweatboxes. But the cold version existed as well, for example, the notorious Denver "black hole" in the early twentieth century. But chilling can be achieved without coldboxes. During World War I, for example, prisoners at Alcatraz were chained on the windward side of the island eight hours a day. The use of airconditioning units was first reported during the Civil Rights protests in Parchman, the Mississippi state penitentiary in 1961 and it first appeared in the course of interrogation during notorious, and subsequently condemned, British procedures implemented in Aden 1965. Since then, the practice has spread to several other countries (again documented in *Torture and Democracy*).²²

²⁰ *Torture and Democracy*, 337.

²¹ *Torture and Democracy*, 342-346.

²² *Torture and Democracy*, 351-353.

Exposure to intense cold is excruciatingly painful. Scientists have shown this empirically in laboratory experiments reported in 1996.²³ Physiologically, all humans have certain neurons that suppress the effects of intense cold. When scientists used a thermal grill to prevent the excitement of these cold-specific cells, they repeatedly produced intense pain. In non-laboratory circumstances, after extreme exposure, the body begins to suppress coldness, limiting perception of injury. This has an effect not unlike morphine. In extreme cold, human beings become indifferent to frostbite, the loss of limbs (e.g. toes or fingers), and eventually to death.

II (B). The techniques qualify as torture. In my opinion, all these techniques would qualify as torture under the circumstances Mr. Ginco describes. They qualify as torture under US Army Field Manual 34-52 (FM 34-52) that governed interrogation in Afghanistan in 2002. FM 34-52 defines torture as "the infliction of intense pain to body or mind to extract a confession or information, or for sadistic pleasure." FM 34-52 offers specific examples of torture, including some techniques identified by Mr. Ginco and Mr. Vakhitov. It states that torture includes "forcing an individual to stand, sit or kneel in abnormal positions for prolong periods of time" as well as "any form of beatings." One should note that the events Mr. Ginco describes happen before other documents governing the definition of torture were issued by the Administration, including the Bybee memo (the so-called "torture memo") produced by the Office of Legal Counsel, and the "Counter-Resistance Techniques" memorandum written by the Department of Defense which sanctioned coercive interrogation exclusively for the Central Intelligence Agency (CIA) and Guantanamo interrogators, respectively. There were no other memos authorizing other US forces to use coercive interrogation at the time; and when these memos do emerge in mid-2003, they were aimed primarily for interrogation in Guantanamo and Iraq, not Afghanistan.

At the time of Mr. Ginco's detention then, the use of any of these techniques in Afghanistan would have qualified as torture under FM 34-52, a document which was designed as well to conform to US domestic law. Additionally, the techniques Mr. Ginco describes would also qualify as torture under international law. They meet the basic four indices of torture: they are painful physical practices, applied by public officials, to a detained, helpless individual, for public purposes (information, confession or intimidation). They qualify as such under the United Nations Declaration against Torture which states, "Torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed, or intimidating him or other persons." They are routinely characterized as torture by annual audits of international organizations that monitor compliance with UN conventions against torture.

Moreover, international and domestic courts have specifically condemned the six techniques I identified above. To be specific:

²³ *Torture and Democracy*, 448.

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1. In *Ashcraft v. Tennessee* (1944), the US Supreme Court struck down confessions secured by depriving the subject of sleep through relay interrogations under bright lights. In 1941, police interrogated Ashcraft for 36 hours continuously until he confessed to murdering his wife. The Supreme Court did not simply toss out Ashcraft's confession as unacceptable in any democratic society; it linked sweating directly to the practices of "certain foreign nations dedicated to an opposite policy," namely, "physical or mental torture."²⁴
 2. Ashcraft was not an isolated event, but built on a decade of legal reform initiated by the National Commission of Law Observance and Enforcement, a committee of the American Bar Association subsequently known as the Wickersham Commission. The Wickersham Commission identified numerous cases in which false confessions were appealed and overturned because the techniques involved included sleep deprivation, forced standing or kneeling, exhaustion exercises, exposure to extreme cold or heat, and beating. These cases are indexed Appendices IV and V in its long *Report on Lawlessness in Law Enforcement*, issued in 1931.
 3. Historically, the American and British government and its soldiers did not hesitate calling these techniques torture when they were performed on prisoners of war. This is especially true of forced kneeling on fixed objects. George Day, who was held as a prisoner in North Vietnam for years, no doubt speaks for many others who said, "Kneeling was probably the most painful and insidious long-term torture that could be applied."²⁵ Forced kneeling also figured prominently in the trials of Japanese leaders and camp commanders after World War II. In the transcripts of the International Military Tribunal of the Far East, affidavits repeatedly identify forced kneeling as part of a list of tortures, tortures that formed the basis for the charges of war crimes and ill treatment of prisoners of war.
 4. Similarly British anger about the open-handed strike or slapping was so intense after the war that Prime Minister Tojo had to make a special appeal for it not to be included as a war crime. To this end, he extended a formal apology when interrogated by the allies. "It is doubtful," wrote Lord Russell, "whether, had the prisoners known of it, the apologia for this practice which was given by Prime Minister Tojo when interrogated by the Allies in March 1945, would have lessened the pain or the humiliation of the victims."²⁶
 5. The Committee for the Prevention of Torture, the enforcement body for the European Convention against Torture, also records slapping as a violation of the European Convention against Torture.
 6. In its decision (September 6, 1999), the High Court of Israel also condemned using

²⁴ *Ashcraft v. Tennessee*, 322 U.S. 143 (1944), 155.

²⁵ Day, 141.

²⁶ Lord Russell, *The Knights of Bushido* (London: Cassell, 1958), 160.

sleep deprivation, shaking, stress and duress techniques, a regimen colloquially called the *shabeh*, to pressure suspects in interrogation. As Nigel Rodley, the UN's Special Rapporteur on Torture concluded in 1997: "Each of these measures on its own may not provoke severe pain or suffering. Together--and they are frequently used in combination--they may be expected to induce precisely such pain or suffering, especially if applied on a protracted basis, of say, several hours. In fact, they are sometimes apparently applied for days or even weeks on end. Under those circumstances, they can only be described as torture."²⁷

III. Effects on detainee reliability. In assessing the reliability of statements gathered through interrogation, it does not matter whether the techniques are called torture, not-torture, ill treatment, or enhanced interrogation. What matters is what techniques are used and what their cognitive effects are.

1. The general theory behind coercive interrogation is that interrogators gain information by exhausting suspects (sweating, positional tortures, sleep deprivation, exhaustion exercises) or by applying traumatic pain (e.g., electrotorture). Uncooperative individuals may not give up, but they do make mistakes in judgment, accidentally revealing information. During World War II, for example, an Allied radioman gave what he remembered as the discarded security code under torture; it turned out to be the correct one.
2. The difficulty with this theory is that it works both ways. Lapses in memory and judgment occur among cooperative as well as uncooperative prisoners in these kinds of interrogations. Lawrence Hinkle, a neurologist who, along with Harold Wolf, advised the CIA, puts it bluntly: "Any circumstance that impairs the function of the brain potentially affects the ability to give information, as well as the ability to withhold it." In coerced interrogation, as the unedited CIA *Human Resources Exploitation Manual* explains, "the subject's ability to recall and communicate information accurately is as impaired as his will to resist." In fact, cooperative prisoners make two kinds of errors in relating information. They express high confidence in mistaken information and they suffer peculiar lapses in memory remembering recent events. While prisoners *want* to cooperate, these problems are not in their control. I have documented both of these problems in detail in "How Well Do Cooperative Prisoners Remember?"²⁸
3. Mr. Ginco reports that he was deprived of sleep for days during interrogation, and Mr. Vakhitov affirms this. I have already addressed the cognitive effects of sleep deprivation in my first letter regarding Taliban torture, when Mr. Ginco was also reportedly subjected to sleep deprivation (lines 210-233). As I said then, statements gathered by this means of interrogation by the Taliban are unreliable, and if American interrogators used the same techniques, they are equally unreliable.

²⁷ *Torture and Democracy*, 354-355.

²⁸ *Torture and Democracy*, 466-469.

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4. Scientists have studied sleep deprivation's effects on cognition mainly in terms of job performance, for example, by nurses who work night shifts or truckers who drive long distances. There is a second criminological and psychological literature that examines sleep deprivation in terms of interrogation. Both literatures point to similar cognitive deficiencies. Sleep deprivation leads to heightened suggestibility and errors in judgment. Repeating statements leads subjects to increase their perception of them being true, a phenomenon dubbed the illusion of knowing. The reason for this effect appears to be that, when deprived of sleep, subjects lose track of where they get their information, what is technically called the loss of source monitoring. Under such circumstances, they take the questions they are asked, particularly if they are affirmative ("Do you know John?") as true. Subjects cannot correct for this loss of source monitoring; once they have lost their source, they judge instead by familiarity with the idea. They can even develop vivid memories of these events under repeated questioning. Subjects are easily manipulated and eager to please.
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5. Some interrogators may believe sleep deprivation is effective after a certain number of hours (I have heard 14 or 16 hours) but not after. There is no scientifically based, experimental data that show that this is true. This is a folkloric belief of interrogator culture but has no basis in science.
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6. Mr. Gingo has been reportedly subjected to repeated, long term-sleep deprivation in different circumstances of detention, Taliban and American. Sleep deprivation studies cannot reproduce this condition without violating terms of human subjects rules that govern such studies. However, there is archival literature on prisoners in similar conditions. After the government of Salazar was overthrown in the 1970s, scholars analyzed the files of the Portuguese secret service, PIDE. PIDE favored sleep deprivation combined with stress and duress techniques such as forced standing or forced kneeling on objects. Archival studies showed that 90% of PIDE's prisoners developed the following symptoms within two or three days: nervous breakdowns, hallucinations, extreme anxiety and disorientation in time and space.²⁹
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7. Mr. Gingo reportedly received blows to the head. Depending on how extensive this damage was, repeated striking of the head can result to damage to the parts of the brain that govern memory. This typically yields memory lapses. I cover traumatic memory loss in "How Well Do Cooperative Prisoners Remember."
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8. Any statements offered by Mr. Gingo will be prone to error given the circumstances and means of interrogation. Nevertheless, it is likely that Mr. Gingo offered his statements with a high degree of confidence. Under repeated questioning, subjects in sleep deprivation studies display higher confidence but not greater accuracy. Psychological studies also show that third parties (juries for example) tend to rely on highly confident witnesses rather than unconfident

²⁹ *Torture and Democracy*, 374.

cooperative witnesses. It is likely interrogators found Mr. Ginco highly believable, thus reinforcing any cognitive lapses and misjudgments on Mr. Ginco's part.

IV (A). Potential Sources of Interrogator Bias. Under these circumstances, a great deal depends on an interrogators' ability to select suspects for interrogation and to be able to distinguish true truths from true lies. I have discussed the latter issue in the section of my book entitled, "How Well Do Interrogators Spot the Truth?"³⁰ Potential sources of interrogator error are the ordinary inability to tell truth from lies, an overconfidence effect generated from formal training, a dependence on a folklore of beliefs about deception, and the ordinary tendency to believe false statements delivered with high confidence. These are problems inherent in interrogation, but they can be aggravated by poor methods of selection for those to be interrogated and ordinary weaknesses of individual interrogators (for example, if their judgment was compromised because they were tired). I summarize this information below.

1. Detecting deception is a difficult task and repeated psychological experiments over forty years have shown that people are terrible at it. The ordinary person's accuracy rate (the percentage of correct answers) is about 57%. This is a low score since 50% would be flipping a coin. Psychologists have been especially interested in professional lie catchers. Police accuracy rates also fall between 45% and 60% in lab experiments. Nor did this accuracy rate improve in real criminal investigation settings. Police accuracy did not exceed chance levels (57% accuracy on average when compared to 54% for untrained observers).
2. Most modern interrogation is based on Fred Inbau and John Reid's *Criminal Interrogation and Confessions*. Reid Associates claims an extraordinary accuracy rate for this training of 85%. Twenty years of experimentation has failed to replicate this result. Training produces small, inconsistent improvements in performance when compared to control conditions, and police with on the job experience do slightly better than chance, though sometimes not. Indeed police appear to draw from a folklore of false beliefs about deception (i.e. shifty eyes, sweaty palms). Most disturbingly, those who depended heavily on the Inbau and Reid method did worse but had greater confidence in their mistakes.
3. There are exceptions to the rule. The US Secret Service, for example, has a higher accuracy rate than most police officers (64%). This is likely because this agency is especially familiar with the dangers of assumptions framing one's interrogation of a suspect. In an assassination attempt on a political figure, the Secret Service cannot afford to make assumptions about the case; the suspect could be innocent, a lone gunman or a complex international plot (as I explain below in the discussion of the Secret Service's Exceptional Case Study Project). But psychological studies suggest the opposite is true of most interrogators, namely, that formal training in deception "lead investigators to make prejudgments of guilt, with high confidence, that are frequently in error."

³⁰ *Torture and Democracy*, 463-466.

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4. Another important source for modern military interrogation is the Scharff method. Hanns Scharff was the Luftwaffe's master interrogator and he was responsible for interrogating captured US fighter pilots of the USAAF Eighth and Ninth Air Forces. His method consisted of building careful files on each of the pilots and the squadrons, including local details about their hometown life and squadrons. This he supplemented with careful analysis of pocket litter and transcripts of radio communications, piecing together a mosaic of the two squadrons. When a captured pilot was brought in, he would not only give them their name but also details from their hometown, such as sports results. In this manner, he communicated to the pilot that he already knew everything anyway. Once the official interview ended, Scharff would befriend the captured pilots and show respect to rank. In this way, he induced them to reveal military secrets through conversation rather than coercion, completing his mosaic.
 5. In itself, the Scharff method is a valuable procedure, and the mosaic theory does work when one knows one is getting all the pieces from the *same* puzzle box. Scharff did not have to confront this problem, as he was studying and interrogating men from known military units. The problems arise in mosaic theory when all the pieces don't come from the same box, that is, when the units are unknown. Selection is the critical element. If half the pieces come from the one box and half the pieces from another, whatever puzzles are "solved" are in error and bias enters into the picture as the interrogator then tries to "fill in" the missing pieces.
 6. The selection problem is compounded if interrogators resort to coercive techniques. The problem of torture does not lie with prisoner who has information. It lies with the prisoner with *no information*. Such a person is also likely to lie, to say *anything*, often convincingly. The torture of the informed may generate no more lies than normal noncoercive interrogation, but the torture of the ignorant and innocent overwhelms investigators with misleading information. It is critical to pull these prisoners out of the system before interrogations begin.
 7. Selection error is inevitable in counterinsurgency war.³¹ Counterinsurgency war works against fuzzy backgrounds, where one cannot easily tell friend from enemy, civilian from fighter. Soldiers, moreover, are not policemen, and they cannot be expected to behave as policemen do, carefully investigating backgrounds and clues. Especially problematic is the well-established tendency of people to inform on others to settle private feuds and old scores, what soldiers in Iraq now call "Jerry Springer moments." This information is verifiable, but malicious. In civil war contexts, it is almost routine behavior. Quantitative and qualitative studies of conflicts in Greece and Northern Ireland show that foreign armies killed innocents while leaving local fighters unharmed.³² Local informants

³¹ *Torture and Democracy*, 469-474, 482-483, 497-498, 529-532.

³² *Torture and Democracy*, 460-461.

reason correctly that outsiders are unlikely to have independent means of verifying this information

8. These rates of error are especially high when interrogators use physical coercion, call it what you will. In cases where there is real statistical data, in which armies tried their best to select for the guilty and then used torture to gain information, the best case scenario was that they had to select 8000 to 20,000 or more suspects, coerce most of them, and under these conditions, they tortured 20 to 78 innocents for each guilty fighter they got. These are best-case scenarios, and it is likely the error rates were considerably higher.³³
9. These real world results are also predictable using Bayesian analysis, the customary statistical method in the social sciences for determining the rate of false positives. This formula draws the probability of false positives ("mistakes") from the prevalence of the key trait X in a given population, the probability that that trait X is correctly detected, and the probability that the lack of trait X is correctly detected.³⁴ If, for example, 99% of 30,000 Al Qaeda had a single identifiable trait but only 1% of the population of Iraq (17 million people) had this trait, and all these traits were identified 100% of the time and the lack of the trait was identified 100% of the time, the final prison population would consist of 197000, only 1 of 7 of which would be an actual Al Qaeda member. These are ideal conditions. If investigators then interrogate them using standard means like the Scharff or Reid and Inbau methods, we know the accuracy rates of normal police interrogation do not exceed chance levels, and so the rate of false positives will increase. Bayesian analysis thus predicts an exceedingly high number of false positives when applied to counterinsurgency conditions, which real world results confirm
10. This problem is also well known to the US Secret Service as a result of the Secret Service Exceptional Case Study Project. This was a state of the art, well funded, study conducted in 1999 and not repeated since 9/11 probably out of security concerns.³⁵ This study dealt with an identical problem as in counterinsurgency war, namely, to identify potentially dangerous individuals in a population of civilians, and so prevent violent actions. The purpose of ECSP was to gather and analyze information so that Secret Service agents and other law enforcement professionals could use it to prevent attacks on public officials and figures. To this end, researchers had access to all the files of those who had tried to assassinate public figures since 1945, and they sought to code these to find some predictable identifiable trait that would allow agents to pre-select potential assassins. Despite extensive and rigorous coding of 700 traits, the ECSP's most salient prediction

³³ *Torture and Democracy*, 469-474, 482-483, 497-498

³⁴ Sam Savage and Howard Wainer, "Until Proven Guilty: False Positives and the War on Terror," *Chance* 21:1 (2008): 55-58.

³⁵ Robert A. Fein and Bryan Vossekuil, "Assassination in the United States: An Operational Study of Recent Assassins, Attackers and Near-Lethal Approachers," *Journal of Forensic Science* 44:2 (1999): 321-333.

739 was that it was most likely that the assassin would be male as they had been 86%
 740 of the time in the past. Other traits were even worse in predicting who might be an
 741 assassin and were generally weak predictors. This state of the art study concluded
 742 in other words, there were no easily identifiable traits that distinguish assassins
 743 from the ordinary populations. Given the exceedingly high likelihood of false
 744 positives, it is not surprising that the Secret Service is especially cautious in
 745 interrogation and it has better accuracy rates than ordinary interrogators.
 746

- 747 11. The number of false positives increases further if interrogators turn to coercive
 748 interrogation, as innocents finger other innocents, leading to an explosion of the
 749 prison population. Data from British interrogations in Northern Ireland, in which
 750 coercion was used, showed a rapid decay of accuracy. In the course of six months
 751 in 1970, the Royal Ulster Constabulary arrested ever more suspects but fewer
 752 individuals *it believed* were IRA members. While the number of arrests increased
 753 fivefold, the RUC's accuracy decreased from 66% in August to 6.7% in January
 754 by its own judgment. This means that large numbers of innocents (false positives)
 755 were swept up as the coercive interrogations increased; the high accuracy rate in
 756 August is because arrests were made mainly based on more routine police
 757 methods such as surveillance.³⁶
 758

- 759 12. When selection of detainees for interrogation is seriously compromised, mosaic
 760 theory will produce a hall of mirrors. When interrogators have no external means
 761 of verifying or dismissing information, if they cannot easily tell friend from
 762 enemy, when they must depend entirely on locals who mislead them, and if they
 763 add to this coercive interrogation of the prisoner and others who in turn accuse
 764 him, they produce in effect a hall of mirrors. It would be as if one bought six
 765 puzzle sets, then mixed them all together and tried to finish "the big puzzle."
 766 Mosaic patterns that emerge from this would be deeply unreliable.
 767

768 **IV (B). Interrogator Bias in Kandahar.** The material I have read persuades me that all
 769 of these potential sources of error were present in Kandahar at the time Mr. Ginco was
 770 being interrogated. Mr. Ginco's interrogations were compromised at the start and his
 771 subsequent statements are also unreliable.
 772

- 773 1. Fletcher and Stover's study includes the following facts about interrogation at
 774 Kandahar. Interrogators were asked to perform "intelligence triage." As one
 775 interrogator put it, "soldiers are dying, get the information." Interrogators had
 776 limited time to conduct screening in the first few months in Afghanistan, and the
 777 conditions, in the word of a Navy psychologist, were "pure chaos." Since
 778 interrogators could not easily distinguish friend from enemy, caution dictated
 779 treating suspects as enemies. The danger would be to release a dangerous or
 780 valuable detainee. As conditions for transfer to Guantanamo were broad,
 781 interrogators signed off on transfer of detainees even if they thought they might
 782 be innocent.³⁷

³⁶ *Torture and Democracy*, 472.

³⁷ Fletcher and Stover, 25-26.

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2. Selectors at Kandahar had strong incentives, in other words, to keep innocents *in* the system rather than weed them out, the opposite of what mosaic theory requires if it is to work.

3. Chris Mackey also describes interrogation in Kandahar in this period.³⁸ Mackey documents Jerry Springer moments, that is, moments when prisoners accurately identified private rivals and unrelated associates, for example loan sharks and forgers in Pakistan, but who were in fact not Al Qaeda or Taliban. Mackey describes how his interrogators relied heavily on techniques psychological research has consistently shown to be unreliable. Mackey endorses the usual folklore on what deceptive behavior looks like. He just *knew* some prisoners were terrorists before they even spoke, as apparently did other interrogators.³⁹ He also believed sleep deprivation produced accurate results, praising how his unit gained accurate information using this technique. Although Mackey repeatedly describes how interrogators got "good stuff" from interrogation, his evidence is unpersuasive. In particular, praises his unit for discovering an imminent cyanide attack in Europe. This is a major verifiable error, and what Mackey's unit discovered was old news that had happened months before, but it was entirely unaware of this.

4. Mackey's account is especially important in that he inadvertently describes how the judgment of interrogators was also compromised. Mackey states that interrogators believed that sleep deprivation was a useful interrogational technique. Nevertheless, they knew that they could not use relay interrogations inducing sleep deprivation under Geneva convention rules. The solution was for interrogators to stay awake as long as prisoners, a technically defensible method because the interrogator was as deprived of sleep as the prisoner. This technique was eventually dubbed 'monsterring' and some interrogators could go on without sleep for 30 hours.

5. But the physiological and psychological processes that govern sleep deprivation do not distinguish between interrogator and prisoner, American, Taliban, or innocent. All the technique of monsterring does is compromise the judgment of the interrogator along with that of the prisoner. The interrogator will also become suggestible and he is also likely to develop the illusion of knowing. Both interrogator and prisoner will make high confidence statements, even as their accuracy diminishes.

6. In this context, Mr. Ginco made a series of false statements, relating to "the sale of missiles by Iraq to the Taliban and al Qaeda;" information regarding individuals identified as being members of Al Qaeda; information provided regarding Al Qaeda communication equipment; and information regarding an individual identified as the head of Al Qaeda's communication department." The first

³⁸ *Torture and Democracy*, 511-512.

³⁹ See Fletcher and Stover, 26.

statement is clearly false. In March 2008, the Pentagon released a study reviewing more than 600,000 Iraqi documents that were captured after the 2003. The Pentagon announced it had found no evidence that Saddam Hussein's regime had any operational links with Osama bin Ladin's Al Qaeda network. In the other cases, I gather Mr. Ginco identified individuals falsely as being members of Al Qaeda.

7. It is not surprising that Mr. Ginco's avowals would be false. First, interrogators appear to have approached his interrogation with pre-set assumptions about his guilt based on a Time Magazine article. They were unaware that Mr. Ginco's videotaped confession as Al Qaeda was coerced under torture and they had no independent means of verifying this. Caution required that they treat Mr. Ginco as enemy rather than friend. They assumed then that Mr. Ginco had further knowledge of Al Qaeda operations.

8. In addition to these preset assumptions, interrogators likely brought another framework to Mr. Ginco's interrogation. It appears that other interrogators at the time in Afghanistan were also intent on establishing a link between Al Qaeda and Iraq, and that there was generally a pre-understanding of what interrogators would find when interrogating Al Qaeda members. In fact, Mr. Ginco's false statement dovetails with a similar case from this period.⁴⁰ Yusuf Sheikh Al Libi was captured in Afghanistan in late 2001. Jack Cloonan, an FBI counterterrorism expert, interrogated Mr. al-Libi because of his detailed knowledge of Al Qaeda training camps and staff in Afghanistan. According to Cloonan, CIA agents then removed Mr. Al Libi and they began interrogating him about things that he could have no knowledge of given his position in the organization. Eventually Mr. Al Libi stated "that Iraq had provided chemical and biological weapons training to the terrorist organization [al-Qaeda]." Mr. Al-Libi now has retracted his false confession, stating that it was extracted coercively. And as I said above, the Pentagon made establishing such a connection between Al Qaeda and Iraq a priority after 2003, conducting a five-year study. It is hard to believe that such a framework was not also on the minds of Mr. Ginco's interrogators.

9. When interrogators approach a suspect with pre-set assumptions, they are also likely to make false positives. As I said, the Secret Service's higher accuracy rates in detecting deception follow from their unwillingness to make assumptions about suspects. Since investigators interrogated Mr. Ginco by depriving him of sleep, he no doubt offered answers with high confidence but no great accuracy. These would be believable to interrogators under the circumstances, especially if they were similarly deprived of sleep.

10. It is also not surprising that Mr. Ginco would incorrectly identify people as Al Qaeda when in fact they prove to be known, but unrelated associates. As I indicated, in my first letter of January 2007, Mr. Ginco followed the same procedure in his confession to the Taliban, identifying high school friends as

⁴⁰ *Torture and Democracy*, 504-505.

American and Israeli spies. This is, as I have said, typical behavior in circumstances like this. If one has no information to give, one typically fingers believable names of known associates or potential private rivals (the "Jerry Springer moments").

11. The claim that Mr. Gingo's claims constitute "lies" must be balanced against the fact that interrogators were predisposed to hear those lies twice over. More disturbingly, there is a good possibility that interrogators cultivated the false information using specific coercive methods, especially sleep deprivation, as well as a folklore of beliefs about deception.

12. I conclude then that there were significant sources of interrogator bias. This, along with Mr. Gingo's disposition for false confession, means that by the time Mr. Gingo arrived in Guantanamo, his file had been compromised. It consisted of pieces from several different puzzles, and any effort to piece a mosaic out of this, any perceived pattern, would be in the eyes of the beholder.

V. (A) Possible Behavioral Sequelae. While it is difficult to predict how individuals will behave after experiences such as Mr. Gingo's, three types of social scientific literature may clarify his subsequent behavior.

1. *Learned Helplessness.* The first literature is the literature on learned helplessness. Learned helplessness is a condition where an animal or human has learned to behave helplessly in particular situations, even if it is capable of altering them. This is the reverse of operant conditioning, which predicts agents will always respond to stimuli to improve their situation, particularly if they are rewarded for it. The psychologist Martin Seligman at Cornell documented learned helplessness in controlled experiments on dogs using electrical shocks.⁴¹ After training dogs to push a lever to escape electroshock, he then put some dogs in conditions where the electroshocks appeared random and inescapable to the dogs. He then repeated the original experiment where dogs could escape by pressing a lever, but this time the dogs failed to press the lever and avoid the shock as operant conditioning predicts. Rather they lay down and took the electroshock repeatedly. They had learned to be helpless.

Since the 1960s, learned helplessness has been repeatedly affirmed in human and animal experimental studies. However, not all animals or human beings react in the same manner to adverse circumstances, and a great deal depends on what factors an individual attributes to the cause of his circumstances. Learned helplessness is likely if an individual sees negative events as permanent, personal and pervasive. If an individual believes that his conditions will not change, that he arrived at this consequence because of his own voluntary behavior, and that everything he has done has failed ("I can't do anything correctly"), then it is likely he will suffer from learned helplessness and depression. Other sequelae include neglect of diet, exercise or medical treatment as well as passivity,

⁴¹ Martin Seligman, *Learned Helplessness* (W. H. Freeman, 1975).

917 uncontrollability, and poor problem solving skills – all stemming from the belief
918 that individuals cannot change their own conditions.

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920 Learned Helplessness is especially likely to follow from long-term interrogations
921 that involve coercion. Even the CIA's *Kubark* interrogation manual highlights the
922 likelihood of this phenomenon. Coercive interrogation, it states, requires "has
923 three important elements: debility, dependency and dread" but "if the debility-
924 dependency-dread state is unduly prolonged, however, the arrestee may sink into
925 a defensive apathy from which it is hard to arouse him."⁴²
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- 927 2. *Sweating and False Confession*. The second literature is the literature on the
928 history of sweating and false confessions, which I cover.⁴³ As I stated at I (B),
929 normally people subjected to interrogation by sweating are likely to retract their
930 confessions once they are safe in normal conditions, for example, a courtroom.
931 This was an intractable problem for police who desired individuals to hold to their
932 confessions once they had been made. To achieve this end, they made threats of
933 harm or turned other prisoners on each other. The standard procedure was to use
934 powerful psychological techniques to hold individuals to their statements, in
935 particular threats of further harm if the individual wavered from his confessions.
936

- 937 3. *Social Exchange Theory*. Social exchange theory predicts behavior from
938 conditions of dependency between human beings. Most human relations involve
939 dependency and so power. A has power over B because B depends on A (if B had
940 alternatives, A would have less power). Likewise, A depends on B, despite being
941 in a more powerful situation, because if B does not comply, A will not get what it
942 wants. This may have a high cost for B. For example, employees (B) depend on
943 employers (A) for a wage especially if they have no alternatives, but employers
944 also depend on employees which becomes apparent when employees go on strike.
945

946 In repeated experimental work conducted over a decade at the University of
947 Arizona, Prof. Linda Molm examined what would happen in these exchanges
948 when A and B had different relations of structured dependency and different
949 strategic capabilities of rewarding or coercing each other.⁴⁴ One phenomenon
950 Molm repeatedly identifies is that in these conditions B typically rewards A in
951 order to get A's attention and in hopes of rewards from A in return. B does not try
952 to coerce A because B fears worse treatment from A. As long as B has the power
953 to reward A, it does. B only resorts to coercing A for rewards when it has nothing
954 with which to reward A and has, in effect, nothing to lose. A in turn does not need
955 to exercise coercion on B since A's advantaged position leads B to reward it in
956 any case, and minor rewards solicit more compliant behavior. A may not even be
957 aware that it is soliciting this rewarding behavior from B.

⁴² *KUBARK Counterintelligence Interrogation* (Langley, VA: Central Intelligence Agency (CIA), July 1963), IX.B at Para 4. Available at the National Security Archives, <http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB122/>.

⁴³ *Torture and Democracy*, 69-78.

⁴⁴ Linda Molm *Coercive Power in Social Exchange*, (Cambridge, 1997).

Ordinary people are familiar with this phenomenon from many circumstances of daily life. For example, Bob is in love with Jane, though Jane does not know it and she has other prospects. To get her attention Bob performs favors for her, and even does her homework for her in hopes of getting her attention. Jane appreciates Bob, and small gestures of kindness are sufficient to keep Bob doing all these things that Jane takes for granted. Jane is largely unaware why Bob is behaving as he does. What is important is that Molm shows the underlying causal mechanisms for this behavior follow from the situation of A and B, and not from any particular characteristics of Jane and Bob.

All this yields what Molm calls the paradox of coercion, where violence is not the weapon of the strong, but the weak, but the weak use it ineffectually and sporadically. Bob, in this instance, may only accuse Jane of ingratitude when he becomes exasperated, and even a kind word from Jane may be able to put him in line again. Molm extends this analysis to cases of wives and children caught in abuse situations. In these cases too, the weak choose to reward those in power repeatedly (despite it not being in their best interest to do so), and only resort to coercion ineffectually and sporadically.

It can also be extended to interrogation. Some counterintelligence interrogation are classic forms of dependency in which the goal of interrogation, whether coercive or not, is to induce dependency on the part of the subject. The CIA *Kubark* handbook states this quite frankly: "fundamental hypothesis of this handbook that these techniques, which can succeed even with highly resistant sources, are in essence methods of inducing regression of the personality to whatever earlier and weaker level is required for the dissolution of resistance and the inculcation of dependence."⁴⁵ This goal does not change in later CIA manuals.

V (B.) Implications for Mr. Ginco's behavior after Afghanistan. The three literatures potentially bear on Mr. Ginco's subsequent behavior in Afghanistan in the following ways. Whether these conform to Mr. Ginco's behavior since then, I cannot say.

1. As I recall Mr. Ginco left the United Arab Emirates for Afghanistan voluntarily, seeking to escape his tyrannical father. Subsequently, Mr. Ginco was tortured twice, first at the hands of the Taliban and then in Kandahar. First, he avowed to be an American and Israeli spy, and then he avowed to be a member of Al Qaeda. In effect, anything he did made interrogation, long-term detention and torture inescapable. Since he was subjected to long-term conditions of dread, debility and dependency, he would easily have slipped into defensive apathy. If he regards his conditions as permanent ("it won't change"), personal ("it's my fault"), and pervasive ("nothing I do seems to make a difference"), it is likely he is going to have all the classic sequelae of learned helplessness, including depression, neglect of diet, exercise or medical treatment, passivity, uncontrollability, and poor problem solving skills.

⁴⁵ *Kubark*, XII.A at Para 13.

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P. 4

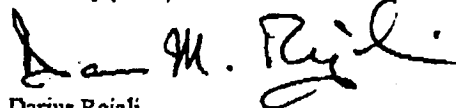
1003
1004 2. Mr. Ginco states that he was threatened with violence particularly as he was leaving
1005 Afghanistan for Guantanamo. This is consistent with similar statements gathered
1006 in Fletcher and Stover's analysis of other prisoners. Whether the guards or
1007 interrogators intended to or not, it is likely Mr. Ginco would continue to be
1008 affected by the prior torture, as the literature on sweating suggests. We also do
1009 not know the long-term effects of the illusion of knowing, and it may be that Mr.
1010 Ginco has memories that he invented while he was deprived of sleep.

1011
1012 3. Some counterintelligence interrogation is a classic form of dependency, as I stated
1013 above. As this is so, one could predict Mr. Ginco would repeatedly reward his
1014 interrogators with information in hopes of some attention to his condition. If they
1015 are in a structurally advantaged position, interrogators may not even be aware that
1016 they are soliciting this behavior from Mr. Ginco. Even if they don't reward Mr.
1017 Ginco strategically, it seems likely Mr. Ginco would still reward his interrogators.
1018 Given the predisposing conditions of learned helplessness and psychological
1019 fears, it is also likely that Mr. Ginco would continue to reward interrogators with
1020 additional false information out of passivity and poor problem solving skills.
1021 Frankly, it is difficult to say because the situation seems overdetermined.

1022
1023 Conclusion. Mr. Ginco and Vakhitov's accounts are consistent with other accounts of
1024 interrogations conducted in this period by United States forces in Afghanistan between
1025 January and May 2002. They also describe accurately the correct combination of
1026 techniques for the kind of interrogation Mr. Ginco underwent. These techniques are
1027 painful and do qualify as torture, especially in combination with each other, and they
1028 have been widely condemned by domestic and international courts as well as by the
1029 American government in the past. Statements by Mr. Ginco extracted by these means are
1030 unreliable. Interrogator bias appears significant and serious, making any statements
1031 deeply unreliable. Mr. Ginco's experiences at Kandahar Air Force Base may have had
1032 significant effects on his memory, cognition and behavior, rendering any future
1033 statements also unreliable.

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Sincerely yours,



Darius Rajali
Professor of Political Science
Reed College

EXHIBIT 11

DEC. 20. 2008 4:28PM

FEDERAL PUBLIC DEF. 503 326 5524

NO. 5131 P. 2

Steven T. Wax, OSB #85012
Federal Public Defender
steve_wax@fd.org
Stephen R. Sady
Chief Deputy Federal Public Defender
steve_sady@fd.org
Patrick J. Ehlers
Assistant Federal Public Defender
patrick_ehlers@fd.org
101 SW Main Street, Suite 1700
Portland, Oregon 97204
Tel: 503-326-2123
Fax: 503-326-5524

Attorneys for Petitioner

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDUL RAHIM ABDUL RAZAK AL
GINCO,

Petitioner,

v.

GEORGE W. BUSH, et al.,

Respondents.

CV 05-1310-RJL

DECLARATION OF
J. DAVID KINZIE, M.D.

I, J. David Kinzie, M.D., do declare under penalty of perjury:

1. I have been asked to provide this declaration by the Federal Public Defender for the District of Oregon for use in Mr. Abdul Rahim Al Gincos habeas corpus and Detainee Treatment Act cases. I am a professor of psychiatry at Oregon Health and Science University and have treated torture and trauma victims from multiple countries for over 29 years. I have treated over 1,000

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patients during that time. While I currently treat patients from Cambodia, Somalia and Bosnia, the symptoms torture victims have, no matter what country they originate from, are very similar. The treatment is complicated and prolonged and requires a high level of expertise in this field. Additionally, I have served as a medical physician in Vietnam during the war years, and am personally familiar with war-field trauma. My complete Curriculum Vitae is attached to this declaration (Attachment A).

2. The Federal Public Defender provided me with Mr. Al Ginco's unclassified descriptions of mistreatment he suffered while in the hands of the Taliban. Mr. Al Ginco generally described blindfolding, loud noises, beatings, including with rifle butts, threats to kill and putting a gun to his head, starvation, extremes of temperature, untreated sickness, sleep deprivation, and cigarette burns among his sufferings. For the first three months of his confinement, Abdul Rahim was held by himself and suffered the most intense torments. For about six months thereafter he was kept in a cell with two other individuals. After that, he was released into the general population of political prisoners.

Abdul Rahim provided detailed accounts of several tortures:

- While he was blindfolded, the torturers subjected him to electric shocks. He heard what sounded like a crank being turned to generate the electric charge. The torturers attached wires to his little toes and to the lobes of his ears. He described the pain as being excruciating and that he had difficulty with his thinking afterwards.
- Abdul Rahim also described being repeatedly placed at the edge of drowning by being dunked in a bucket of icy water. On one occasion, while his hands were tied behind his back, a torturer grabbed him by the back of his long hair and submerged

DEC. 20. 2008 4:29PM

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NO. 5131 P. 4

his head until he felt he was drowning in an oil drum filled with filthy water. He described his throat as straining painfully for air and having the sensation that his hands were trying to open his throat even though he knew they were tied behind him. He thinks he fainted because he remembers seeing red and that it seemed as if ghosts were walking around. He awoke on the ground. He was then dragged by his hair to a new location for interrogation. He recalls there being water in his system and having diarrhea.

- Abdul Rahim was hung from the ceiling for long times by his wrists, sometimes with his feet just touching the ground. The torturers treated him as if he were a punching bag for martial arts, punching and kicking him. He also described being beaten from his lower back downwards with a wire that had a ball or knot at the end with filaments extending from the insulation. The wire beatings caused welts that became infected. Being hung for long periods caused spasms then complete numbness or lack of sensation on his sides and under his arms, and pain in his shoulders. The guards would hit him in the shoulders with their rifle butts to wake him up.
- Abdul Rahim described the torturers beating of the soles of his feet with clubs. His torturers would place his feet between the receiver of an AK-47 and its strap. They would then twist the strap until the rifle held his feet securely, parallel and about three feet off the ground, while he was on his back with his buttocks just off the floor. He would be held that way, on his back with his feet exposed, while his torturers beat on the bottoms of his feet, which was extremely painful. He described that the bottoms of his feet turned black after each such treatment, which would

DEC. 20. 2008 4:29PM

FEDERAL PUBLIC DEF. 503 326 5524

NO. 5131 P. 5

follow having been hung from the ceiling and beaten. For nearly a month thereafter, walking would be very painful; even now, he reports that if he stands too long, he feels the sensation of pins and needles around the sides and heel of his feet and needs to get off his feet.

Throughout his confinement, he suffered great deprivations. He was limited to one piece of bread during a 24-hour period during much of the time, as a consequence of which he lost a lot of weight. His jailors did not provide medical treatment, although on one occasion the Red Cross assisted him, providing treatment for an infection from one of the beatings. The conditions in the prison were extremely crowded and unsanitary. During the first three months, his torturers required him to clean filthy toilet areas without protection. During the time of his custody in the prison, over 100 of the other prisoners died of various sicknesses and from the deprivations of prison.

Abdul Rahim reports that he has had the same nightmares since his torture by the Taliban that include the torturers involved in his mistreatment. He also reports a great fear and vulnerability to being tortured anew. He has a history of self-injury including cutting, head bashing, and attempted hanging.

I also reviewed the exhibits he filed with a summary judgment motion which included declarations from his family describing his childhood, and the circumstances of his incarceration by and release from the Taliban prison and eventual capture by the Americans, and the unclassified CSRT transcripts where some of the medications he was taking while in Guantanamo were listed. At the Kandahar Air Base, Abdul Rahim appears to have been interrogated using tactics such as sleep deprivation, assault, stress positions, forced exercise to exhaustion, and use of dogs, as confirmed by Ayrat Vakhitov. While I have not had the opportunity to interview and evaluate Mr.

DEC. 20. 2008 4:29PM

FEDERAL PUBLIC DEF. 503 326 5524

NO. 5131 P. 6

Al Ginco personally, the similarities seen in torture victims permit me to form an opinion which may be helpful in understanding Mr. Al Ginco's present situation.

3. It appears from the information I have been able to review that he was, in fact, tortured by the Taliban and by American interrogators in Afghanistan. In reviewing information about Mr. Abdul Rahim Al Ginco, I particularly noticed that he was subjected to severe torture and abusive imprisonment under the Taliban for two years, that resulted in a false confession of being an American and Israeli spy. After that he was ill treated in the prisons in Afghanistan and now is in Guantánamo. In my experience, persons subjected to torture will make false statements to stop the torture. Almost anyone would give a confession that torturers want after severe torture, deprivation, and solitary confinement. The purpose of these techniques is to break people down physically and psychologically so that they will say whatever is required to stop the torture.

4. Torture can lead to the recognized syndrome of post-traumatic stress, as can many other conditions. However, conditions of torture more often, and almost universally, lead to Post-Traumatic Stress Disorder (PTSD), unlike other kinds of traumas, such as natural disasters, which are much less likely to lead to a prevalence of PTSD in the population. Post-Traumatic Stress Disorder has to have a specific traumatic event, which is present in Mr. Al Ginco's case. There are four major symptom groups:

a) *Re-experiencing* – The most common way is through nightmares. However, distressing thoughts in the daytime and acting or feeling like the traumatic events are occurring are also common.

b) *Avoidance behavior* – This includes numbing. More commonly it includes trying to avoid thoughts or feeling about the trauma or avoiding activities, places or people that arouse recollections of the trauma. There may be a disinterest in activities.

DEC. 20. 2008 4:29PM

FEDERAL PUBLIC DEF. 503 326 5524

NO. 5131 P. 7

c) *Increased arousal* – Sleep disturbance and anger are the most common. Difficulty concentrating, hypervigilance and exaggerated startle response are also all very common, in my experience.

d) *Impairment in major areas of functioning* – The syndrome is very commonly, perhaps 80% of the time, associated with Major Depression, and that is characterized by low mood, low energy, poor appetite, disturbed sleep, lack of an ability to experience pleasure, and sometimes hopelessness and suicidal ideation.

6. It can be difficult to determine without a formal psychiatric interview, but I am quite certain that Mr. Al Ginco does qualify for a diagnosis of Posttraumatic Stress Disorder and Major Depressive Disorder rather than Borderline Personality Disorder. The latter condition belongs to the category of personality disorders and is a rather inflexible, fixed life patterned, usually starting in adolescence. When the personality traits are inflexible and maladaptive they can constitute a personality disorder. It is not appropriate to diagnose a personality disorder when there is a major psychiatric disorder, such as depression or PTSD already diagnosed (i.e. for a diagnosis of Borderline Personality Disorder, the behavior pattern is not accounted for by another mental disorder and clearly can be traced back to adolescence). The major criteria for Borderline Personality Disorder are primarily subjective: efforts to avoid abandonment, unstable and intense interpersonal relationships, identity disturbances, impulsivity, recurrent suicide behavior, chronic feeling of emptiness. I am including the diagnosis criteria for PTSD and Borderline Personality Disorder as an attachment to his Declaration (Attachment B).

7. By reviewing Mr. Al Ginco's historical information it seems that he had an upbringing with concerns and relationships within the normal range, given family life, friends and an active academic life. There did not appear to be evidence of any personality disorder prior to his

DEC. 20. 2008 4:29PM

FEDERAL PUBLIC DEF. 503 326 5524

NO. 5131 P. 8

original imprisonment and torture. He could not have been diagnosed with a personality disorder without an enduring pattern of behavior, and ignoring his major traumas and other diagnoses which are most likely present. The diagnosis also appears to be inappropriate given psychotropic medications prescribed at Guantanamo because personality disorders cannot be treated with medication except for brief emergency crisis intervention. The danger of a mis-diagnosis of a personality disorder is that, with such a diagnosis, his custodians could try to change his behavior and personality by resort to all kinds of operant conditioning approaches, which would be the exact opposite of the appropriate treatment for PTSD. The environment for PTSD victims should be supportive, understanding, and tolerant for effective treatment.

8. The current situation also deserves some comment. It is quite likely that there is no "post" in PTSD for Mr. Al Gingo, (*i.e.*, the stress and trauma is ongoing, existing in his current confinement and having rather traumatic experiences). PTSD causes many biological changes, such as heart-rate, respiration, blood pressure, and endocrine changes such as cortisol and norepinephrine. These are not subject to any kind of operant conditioning. These are normal physiological reactions to extreme stress. It is more accurate to say that he currently has post-Post Traumatic Stress Disorder and a syndrome that is called Acute Stress Disorder. This disorder, in addition to PTSD, may involve an inability to experience pleasure, difficulty concentrating, feeling detached from the body, experiencing the world as unreal, and having difficulty remembering specific details of traumatic events, such as what happens with dissociative amnesia.

9. All of this is to say that behavior modification or environmental manipulations cannot control his symptoms or behavior. These are not under voluntary control, no more than environmental factors can change the course of diabetes or cancer. This ongoing stress and the

DEC. 20. 2008 4:29PM

FEDERAL PUBLIC DEF. 503 326 5524

NO. 5131 P. 9

unpredictable conditions of his daily life, with no end in sight for his incarceration, greatly increases the biological and psychological reactions (i.e., his PTSD and depression), which will undoubtedly get worse. Behavior modification itself is psychologically painful and, with passing time, makes recovery more difficult. Obviously, the risk of suicide in this condition is quite high.

10. The symptoms of people who have undergone torture are quite similar no matter what culture they come from. These symptoms usually result, almost universally, in PTSD and severe Depression. The PTSD consists of recurrent intrusive thoughts of the events, and recurrent nightmares, often waking up at night screaming. They also include avoidance behavior, where the person tries to avoid the thoughts and not be reminded of them. Additionally, there is the hyper-arousal symptom, which includes very poor sleep, poor concentration, irritability, and startle reaction. The major depression symptoms include poor sleep, poor appetite, low energy, hopelessness, poor concentration, and a feeling of life not being worthwhile. Suicide thoughts and behavior occur frequently, even in patients who are Muslim, where it is prohibited by their religion. Some patients, particularly under severe deprivation or solitary confinement, also will have psychotic symptoms with hallucinations and delusions. The situation is often so desperate for people that suicide seems to be a way out of their internal turmoil.

11. To provide treatment for these individuals is difficult and requires a whole new setting in which safety, continuity and human contact are emphasized. In the present situation, not all of that is possible, but clearly it is important to avoid unpredictable punishment (as this duplicates the ongoing thoughts of torture, of which the consequences are unpredictable and often unending). Specifically, behavior modification or operant conditioning type is contraindicated because contingency behavior programs cannot modify what is internally represented in these patients'

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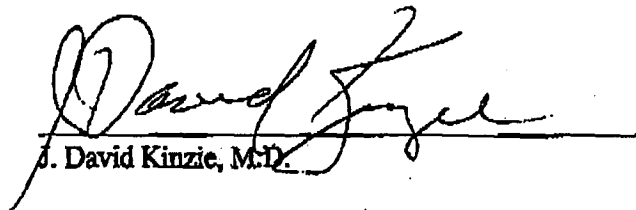
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NO. 5131 P. 10

minds. At the same time, it is important that there be continuity and predictability to the everyday life. I think it is very helpful to have a safe environment which is predictable and provides continuity of care with the same people being involved in the treatment.

12. To the extent possible, it is necessary to have a supportive environment and empathetic relationships by care givers who recognize the trauma he has undergone. There are also effective medicines for some of these symptoms and it would be useful to have a psychiatric evaluation so that the syndrome could be fully identified and appropriate treatment given by someone familiar with the syndrome and its treatment.

Dated and signed this 29 day of December, 2008.


J. David Kinzie, M.D.

DEC. 19. 2008 4:47PM FEDERAL PUBLIC DEF. 503 326 5524

NO. 5129 P. 9

12/18/2008 15:09 IF .YCH + 55233265524

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232

VITAE

J. DAVID KINZIE, M.D.

PRESENT POSITION

Professor of Psychiatry
 Past Director, PTSD Clinic
 Past Director, Torture Treatment Center of Oregon
 Past Director, Child Traumatic Stress Clinic
 Psychiatrist, Intercultural Psychiatric Program
 Department of Psychiatry
 Oregon Health Sciences University

OFFICE ADDRESS

Department of Psychiatry, UHN #0
 Oregon Health Sciences University
 3181 SW Sam Jackson Park Road
 Portland, Oregon 97239

OFFICE PHONE

(503) 494-8144

HOME ADDRESS

6111 NW Saltzman Rd
 Portland, Oregon 97210

HOME PHONE

(503) 241-2535

DATE OF BIRTH

September 6, 1937

PLACE OF BIRTH

Wabash, Indiana

CITIZEN

U.S.

LICENSE

Currently licensed to practice in Oregon and Washington
 (limited)

EDUCATION

1955-1959

B.A. magna cum laude, mathematics major, LaVerna
 College, LaVerna, California

1959-1963

M.D., University of Washington School of Medicine,
 Seattle, Washington

1963-1964

Rotating internship, Alameda County Hospital, Oakland,
 California

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Vinae: J. David Kinzie, M.D. - Page 2

1966-1969

Residency in general psychiatry, University of Washington
Integrated Program, Seattle, Washington

1969-1970

Fellow in transcultural psychiatry, Honolulu, Hawaii,
University of Hawaii Integrated Program**RESEARCH EXPERIENCE**

1960-1961

Summer research trainee, Department of Psychiatry,
University of Washington School of Medicine. Subject:
Attitudes of Racial Prejudice

1963

Senior Thesis: Studies of the Therapeutic Community:
European and American Contrasts. Department of
Psychiatry, University of Washington, School of Medicine

1969

Research: Epidemiology of Psychiatric Disorders Among
Northwest Coast Indians and Mental Health Consultation to
Northwest Coast Indians

1969-1970

Research at the Queen's Medical Center, Honolulu, Hawaii. . .

1970-1971

Research at University of Malaya, Faculty of Medicine
(with Professor Tan and Dr. Teoh, members of the
department)

1971-1976

Research on transcultural aspects of psychiatric treatment in
Hawaii; community psychiatric practice in Hawaii

1976-present

Department of Psychiatry, Oregon Health Sciences
UniversityApproaches to the Indochinese Patient, Clinical and
Treatment

Research on Aspects of PTSD of Refugees

Evaluation of Department of Psychiatry Quality Assurance

Evaluation Techniques of PTSD

Evaluation of Surgical Trauma Patients

DEC. 19. 2008 4:47PM

FEDERAL PUBLIC DEF. 503 326 5524

NO. 5129 P. 11

12/19/2008 15:08 I SYCH + 55033265524

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Vital: J. David Kinzie, M.D. - Page 3

Multiple studies on PTSD and Refugees

WORK EXPERIENCE

Summer 1962	Extern at Oregon State Hospital, Salem, Oregon
July 1964 - March 1965	General medical physician with CARE/MEDICO: Provincial Hospital, Quang Ngai, Vietnam
March 1965 - July 1966	Department of Aborigine Hospital, Gombak, Malaysia
1970-1971	Instructor in Psychiatry, University of Washington: Assigned to Faculty of Medicine, University of Malaya. Responsibilities included: teaching medical students, supervising medical officers (residents) on inpatient unit, directing outpatient clinical responsibilities, consultant to Gombak Aborigine Hospital
1971 - 1974	Assistant Professor of Psychiatry University of Hawaii School of Medicine
1974 - 1976	Associate Professor of Psychiatry Coordinator of Psychiatric Clerkship University of Hawaii School of Medicine
1976 - July 1980	Associate Professor of Psychiatry Oregon Health Sciences University Director of Residency Training Acting Director of Consultation-Liaison Service, 1976- 1977
July 1980 - Present	Professor of Psychiatry
July 1980 - December 1997	Director of Clinical Services
July 1980 - July 1994	Director of Indochinese Psychiatric Program Oregon Health Sciences University Currently Psychiatrist in IPP treating Cambodian patients
1978 - 1986	Medical Director of Ward 5A, Acute Psychiatric Inpatient Unit

DEC. 19. 2008 4:47PM

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NO. 5129 P. 12

12/18/2005 15:09 IF .YCH + 55033265524

NO. 5129 P. 12

Vital: J. David Kinzie, M.D. - Page 4

Oregon Health Sciences University
 Consultant to Vancouver Veterans Administration
 Psychiatry Services

May 1981 - 1986

Director of Clinical Services
 Consultant, Study of Depression in Old Age
 Department of Psychology, University of Oregon, Eugene

1987 - 1988

Acting Director, Adult Psychiatry Outpatient Clinic
 Oregon Health Sciences University

July 1994 - December 1997

Vice Chairman, Department of Psychiatry
 Oregon Health Sciences University

July 1998 - 1999

Acting CMO, Eastern Oregon Psychiatric Center

PAST PROFESSIONAL ACTIVITIES

Director of Clinical Services, Department of Psychiatry, Oregon Health Sciences University
 Vice Chairman, Department of Psychiatry, Oregon Health Sciences University
 Attending Staff, Queen's Medical Center and St. Francis Hospital, Honolulu, Hawaii
 Member, Professional Activities Review Committee, Queen's Medical Center, Honolulu, Hawaii
 Hawaii Psychiatric Association

OTHER ACTIVITIES

Book Reviewer, American Journal of Psychotherapy, Community Mental Health
 Advisory Board and Consultant, Indochinese Health Care Projects
 Sailing - Member, Rose City Yacht Club
 Board of Directors, Chinese Social Service Center, 1983 to present

AWARDS AND HONORS

Elected President of Associated Students, LaVerne College, 1958
 Thesis Certificate in Psychiatry, University of Washington, 1963
 Sol. Ginsberg Fellow, Group of Advancement of Psychiatry, 1967-1968
 (Research Committee)
 Award for Meritorious Service, Mental Health Association of Oregon, 1983
 Co-winner, APA Gold Achievement Award for the Indochinese Psychiatry, 1986
 Teaching Award for Outstanding Service, Oregon Health Sciences University, Department of
 Psychiatry Residency Training Program, 1988
 Certificate of Special Appreciation: Mental Health and Developmental Disability Services
 Division, State of Oregon, May 1990
 American Psychiatric Association, Nancy C.A. Roeske, M.D. Certificate of Recognition for
 Excellence in Medical Student Education, 1992

DEC. 19. 2008 4:47PM FEDERAL PUBLIC DEF. 503 326 5524

NO. 5129 P. 13

12/18/2008 15:09 IF JCH + 95033265524

NO. 389 P. 26

Vinae, J. David Kinzie, M.D. - Page 5

ORGANIZATIONS AND PROFESSIONAL ACTIVITIES

General Member, American Psychiatric Association, 1970
 Fellow, American Psychiatric Association, 1977
 Life Fellow, American Psychiatric Association, 2002
 Member, Association for Advancement of Psychotherapy
 Fellow, American Association of Social Psychiatry
 Member, Oregon Psychiatric Association
 Member, Executive Council, American Association of Directors of Psychiatric Residency Training Programs, 1979 - 1981
 Member, Steering Committee, Society for Study of Psychiatry and Culture
 Fellowship committee, Oregon Psychiatric Association, 1981 to present, chairman, 1982-85
 Fellow, American Association of Social Psychiatry, Member, Physicians for Social Responsibility
 Member, Medical Board, University Hospital 1982 - 1985
 Member, Medical Record Committee, 1982 - 1986
 Executive Committee, Department of Psychiatry, 1981 to 1997
 Member, American Psychiatric Association, Task Force on Psychiatric Aspects of Violence, 1997
 Member, National Institute of Mental Health, Task Force on Torture and Extreme Trauma, 1997
 Elected Member, Steering Committee, Transcultural Section, World Psychiatric Association, 2003-2008
 Fellow American College of Psychiatry, 2004

CERTIFICATION

Diplomate, American Boards of Psychiatry and Neurology, April 1973
 Examiner, American Board of Psychiatry and Neurology, 1983 - 1986
 Associate Examiner, American Board of Psychiatry and Neurology, 1987 to present

PUBLICATIONS

1. Kinzie, J.D.: Malaysia Aborigine Medical Program, Letter to the Editor. *Journal of American Medical Association*, 197:163-164, 1966.
2. Kinzie, J.D., Tyas, J., and Kinzie, K.: A Comparative Health Survey Among Various Malayan Aborigine Tribes. *Medical Journal of Malaya*, December, 1966.
3. Kinzie, J.D. and Kinzie, K.: The Jahai Negritos: A Glimpse of a Culture in Transition. *Federation Museums Journal*, States of Malaya, Kuala Lumpur, 11, 1966.
4. Kinzie, J.D., Shore, J.H., and Parison, E.M.: Anatomy of Psychiatric Consultation to Rural Indians. *Community Mental Health Journal*, Aug;3(3):196-207, 1972.

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Vina: J. David Kinzie, M.D. - Page 6

5. Kinzie, J.D., Ryals, J., Cottingham, F., and McDermott, J.F.: Cross-Cultural Study of Depressive Symptoms in Hawaii. *The International Journal of Social Psychiatry*, Spring;19(1):19-24, 1973.
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8. Kinzie, J.D., Sushama, P.C., and Lee, M.: Cross-Cultural Family Therapy - A Malaysian Experience. *Family Process*, 11:59-67, 1972.
9. Kinzie, J.D.: Cross-Cultural Psychotherapy: the Malaysian experience: An Open System Model. *American Journal of Psychotherapy*, Apr;26(2):220-231, 1972.
10. Kinzie, J.D. and Simons, R.C.: Outpatient Treatment of Psychotic Patients with a Long-Acting Phenothiazine: Fluphenazine Decanoate. *The Medical Journal of Malaya*, Dec;26(2):129-132, 1971.
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12. Shore, J.H., Kinzie, J.D., Hampson, J.L., and Pattison, B.M.: Psychiatric Epidemiology of an Indian Village. *Psychiatry*, Feb;36(1):70-81, 1973.
13. Kinzie, J.D. and Bolton, J.M.: Psychiatry with the Aborigines of West Malaysia. *The American Journal of Psychiatry*, Jul;130(7):769-773, 1973.
14. Yutjan, M. and Kinzie, J.D.: Consultation with the Filipino Boarding Home: An After-Care Facility in Hawaii. *The International Journal of Social Psychiatry*, Summer;21(2):130-136, 1975.
15. Young, B.B. and Kinzie, J.D.: Psychiatric Consultation to a Filipino Community in Hawaii. *The American Journal of Psychiatry*, May;131(5):563-566, 1974.
16. Kinzie, J.D., Teoh, J.L. and Tan, E.S.: Community Psychiatry in Malaysia. *The American Journal of Psychiatry*, May;131:573-577, 1974.
17. Markoff, R.A., Kinzie, J.D., Botticelli, M.G., and Bolian, G.C.: A Simplified Guide to the Rational Use of Psychotropic Drugs. *Hawaii Medical Journal*, Jun;33(6): 201-206, 1974.

DEC. 19. 2008 4:47PM

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12/18/2006 15:09 IF NCH + 95033265524

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23. Kinzie, J.D. and Jorgensen, R.A.: Modes of Experience and Psychiatric Education. *American Journal of Psychotherapy*, Apr;30(2):276-288, 1976.
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26. Shore, J.H., Kinzie, J.D., and Bloom, J.D.: Required Educational Objectives in Community Psychiatry. *The American Journal of Psychiatry*, Feb;136(2):193-195, 1979.
27. Kinzie, J.D.: Lessons from Cross-Cultural Psychotherapy. *American Journal of Psychotherapy*, Oct;32(4):510-520, 1978.
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31. Kinzie, J.D.: Evaluation and Psychotherapy of Indochinese Refugee Patients. *American Journal of Psychotherapy*, Apr;35(2):251-261, 1981.
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Vitar: J. David Kinzie, M.D. - Page 9

41. Kinzie, J.D.: Cultural Aspects of Psychiatric Treatment with Indochinese Refugees. *American Journal of Social Psychiatry*, 5(1):47-53, 1985.
42. Kinzie, J.D.: Overview of Clinical Issues in the Treatment of Southeast Asian Refugees. In *Southeast Asian Mental Health-Treatment, Prevention, Services, Training and Research*. Tom Choken Owan, [Ed.]. Washington, DC: National Institute of Mental Health, p. 113-139, 1985.
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44. Bloom, J.D., Kinzie, J.D., and Manson, S.M.: Halfway Around the World to Prison, Vietnamese in Oregon's Criminal Justice System. *Medicine and Law*, 4(6):563-572, 1985.
45. Faulkner, L.R., Kinzie, J.D., Angell, R., U'Ren, R., and Shora, J.H.: A Comprehensive Psychiatric Formulation Model. *Journal of Psychiatric Education*, 9(3):189-203, 1985.
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47. Sack, W.H., Angell, R.H., Kinzie, J.D., and Rath, B.: The Psychiatric Effects of Massive Trauma on Cambodian Children II. The Family, the Home, and the School. *Journal of American Academy of Child and Adolescent Psychiatry*, 25(3):377-383, 1986.
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Reviewer: I have peer reviewed articles for the Journal of Nervous and Mental Disease, Journal of American Medical Association, Journal of Cross-Cultural Psychology, Journal of Traumatic Stress, Human Organization, Culture, Psychiatry and Medicine, American Indian and Alaska Native Mental Health Research, Disease and Ethnicity, Pediatrics.

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19. J.D. Kinzie: Special presentation: Trauma Across the Ages: Follow-up Studies of Cambodian Children and their Families, Department of Child Psychiatry, McGill University, Montreal, April, 1993.
20. J.D. Kinzie: The History of Cross-Cultural Psychiatric Services, presented at annual meeting of the Society for the Study of Culture and Society, Monterey, Calif., October, 1994.
21. J.D. Kinzie: The History of and Current Perspectives of PTSD on Victims of Massive Trauma, presented as Rounds, Department of Psychological Medicine, University of

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Attachment B

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Anxiety Disorders

309.81 Posttraumatic Stress Disorder

467

in several weeks, or of threats to safety are reliving the play (e.g., a child enacts car crashes) and diminished interest in usual activities should be carefully noted. In children, the phrase "it will be too long"—that is, before they exhibit various

Posttraumatic Stress Disorders. Information on prevalence in other life-threatening traumatic situations between one-third and one-half of military combat veterans and genocide victims.

Acute Stress Disorder. Symptoms may be a person's reaction (see p. 469) in the immediate aftermath of the event and the relative severity of symptoms may vary. Symptoms occurring within 4 weeks of the traumatic event and persisting for more than 1 month may occur in Posttraumatic Stress Disorder. The course of the disorder may vary from mild to severe, depending on the traumatic event, the person's previous experiences, and the developmental level of the individual with the disorder.

of Posttraumatic Stress Disorder. The relative severity of the disorder has

been related to an increased vulnerability to developing Posttraumatic Stress Disorder.

Differential Diagnosis

In Posttraumatic Stress Disorder, the stressor must be of an extreme (i.e., life-threatening) nature. In contrast, in Adjustment Disorder, the stressor can be of any severity. The diagnosis of Adjustment Disorder is appropriate both for situations in which the response to an extreme stressor does not meet the criteria for Posttraumatic Stress Disorder (or another specific mental disorder) and for situations in which the symptom pattern of Posttraumatic Stress Disorder occurs in response to a stressor that is not extreme (e.g., spouse leaving, being fired).

Not all psychopathology that occurs in individuals exposed to an extreme stressor should necessarily be attributed to Posttraumatic Stress Disorder. Symptoms of avoidance, numbing, and increased arousal that are present before exposure to the stressor do not meet criteria for the diagnosis of Posttraumatic Stress Disorder and require consideration of other diagnoses (e.g., a Mood Disorder or another Anxiety Disorder). Moreover, if the symptom response pattern to the extreme stressor meets criteria for another mental disorder (e.g., Brief Psychotic Disorder, Conversion Disorder, Major Depressive Disorder), these diagnoses should be given instead of, or in addition to, Posttraumatic Stress Disorder.

Acute Stress Disorder is distinguished from Posttraumatic Stress Disorder because the symptom pattern in Acute Stress Disorder must occur within 4 weeks of the traumatic event and resolve within that 4-week period. If the symptoms persist for more than 1 month and meet criteria for Posttraumatic Stress Disorder, the diagnosis is changed from Acute Stress Disorder to Posttraumatic Stress Disorder.

In Obsessive-Compulsive Disorder, there are recurrent intrusive thoughts, but these are experienced as inappropriate and are not related to an experienced traumatic event. Flashbacks in Posttraumatic Stress Disorder must be distinguished from illusions, hallucinations, and other perceptual disturbances that may occur in Schizophrenia, other Psychotic Disorders, Mood Disorder With Psychotic Features, a delirium, Substance-Induced Disorders, and Psychotic Disorders Due to a General Medical Condition.

Malingering should be ruled out in those situations in which financial remuneration, benefit eligibility, and forensic determinations play a role.

Diagnostic criteria for 309.81 Posttraumatic Stress Disorder

- A. The person has been exposed to a traumatic event in which both of the following were present:
- (1) the person experienced, witnessed, or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of self or others
 - (2) the person's response involved intense fear, helplessness, or horror. **Note:** In children, this may be expressed instead by disorganized or agitated behavior

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NO. 5129 P. 32

468

Anxiety Disorders

Diagnostic criteria for 309.81 Posttraumatic Stress Disorder (*continued*)

B. The traumatic event is persistently reexperienced in one (or more) of the following ways:

- (1) recurrent and intrusive distressing recollections of the event, including images, thoughts, or perceptions. *Note:* In young children, repetitive play may occur in which themes or aspects of the trauma are expressed.
- (2) recurrent distressing dreams of the event. *Note:* In children, there may be frightening dreams without recognizable content.
- (3) acting or feeling as if the traumatic event were recurring (includes a sense of reliving the experience, illusions, hallucinations, and dissociative flashback episodes, including those that occur on awakening or when intoxicated). *Note:* In young children, trauma-specific reenactment may occur.
- (4) intense psychological distress at exposure to internal or external cues that symbolize or resemble an aspect of the traumatic event
- (5) physiological reactivity on exposure to internal or external cues that symbolize or resemble an aspect of the traumatic event

C. Persistent avoidance of stimuli associated with the trauma and numbing of general responsiveness (not present before the trauma), as indicated by three (or more) of the following:

- (1) efforts to avoid thoughts, feelings, or conversations associated with the trauma
- (2) efforts to avoid activities, places, or people that arouse recollections of the trauma
- (3) inability to recall an important aspect of the trauma
- (4) markedly diminished interest or participation in significant activities
- (5) feeling of detachment or estrangement from others
- (6) restricted range of affect (e.g., unable to have loving feelings)
- (7) sense of a foreshortened future (e.g., does not expect to have a career, marriage, children, or a normal life span)

D. Persistent symptoms of increased arousal (not present before the trauma), as indicated by two (or more) of the following:

- (1) difficulty falling or staying asleep
- (2) irritability or outbursts of anger
- (3) difficulty concentrating
- (4) hypervigilance
- (5) exaggerated startle response

E. Duration of the disturbance (symptoms in Criteria B, C, and D) is more than 1 month.

F. The disturbance causes clinically significant distress or impairment in social, occupational, or other important areas of functioning.

Specify if:

Acute: If duration of symptoms is less than 3 months

Chronic: If duration of symptoms is 3 months or more

Specify if:

With Delayed Onset: If onset of symptoms is at least 6 months after the stressor

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710

Personality Disorders

301.50

order. Although Antisocial Personality Disorder and Borderline Personality Disorder are both characterized by manipulative behavior, individuals with Antisocial Personality Disorder are manipulative to gain profit, power, or some other material gratification, whereas the goal in Borderline Personality Disorder is directed more toward gaining the concern of caretakers. Both Dependent Personality Disorder and Borderline Personality Disorder are characterized by fear of abandonment; however, the individual with Borderline Personality Disorder reacts to abandonment with feelings of emotional emptiness, rage, and demands, whereas the individual with Dependent Personality Disorder reacts with increasing appeasement and submissiveness and urgently seeks a replacement relationship to provide caregiving and support. Borderline Personality Disorder can further be distinguished from Dependent Personality Disorder by the typical pattern of unstable and intense relationships.

Borderline Personality Disorder must be distinguished from Personality Change Due to a General Medical Condition, in which the traits emerge due to the direct effects of a general medical condition on the central nervous system. It must also be distinguished from symptoms that may develop in association with chronic substance use (e.g., Cocaine-Related Disorder Not Otherwise Specified).

Borderline Personality Disorder should be distinguished from Identity Problem (see p. 741), which is reserved for identity concerns related to a developmental phase (e.g., adolescence) and does not qualify as a mental disorder.

Diagnostic criteria for

301.83 Borderline Personality Disorder

A pervasive pattern of instability of interpersonal relationships, self-image, and affects, and marked impulsivity beginning by early adulthood and present in a variety of contexts, as indicated by five (or more) of the following:

- (1) frantic efforts to avoid real or imagined abandonment. *Note:* Do not include suicidal or self-mutilating behavior covered in Criterion 5.
- (2) a pattern of unstable and intense interpersonal relationships characterized by alternating between extremes of idealization and devaluation
- (3) identity disturbance: markedly and persistently unstable self-image or sense of self
- (4) impulsivity in at least two areas that are potentially self-damaging (e.g., spending, sex, substance abuse, reckless driving, binge eating). *Note:* Do not include suicidal or self-mutilating behavior covered in Criterion 5.
- (5) recurrent suicidal behavior, gestures, or threats, or self-mutilating behavior
- (6) affective instability due to a marked reactivity of mood (e.g., intense episodic dysphoria, irritability, or anxiety usually lasting a few hours and only rarely more than a few days)
- (7) chronic feelings of emptiness
- (8) inappropriate, intense anger or difficulty controlling anger (e.g., frequent displays of temper, constant anger, recurrent physical fights)
- (9) transient, stress-related paranoid ideation or severe dissociative symptoms

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EXHIBIT 12

Steven T. Wax, OSB #85012
Federal Public Defender
steve_wax@fd.org
Stephen R. Sady
Chief Deputy Federal Public Defender
steve_sady@fd.org
Patrick J. Ehlers
Assistant Federal Public Defender
patrick_ehlers@fd.org
101 SW Main Street, Suite 1700
Portland, Oregon 97204
Tel: 503-326-2123
Fax: 503-326-5524

Attorneys for Petitioner

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDULRAHIM ABDUL RAZAK AL
GINCO,

Petitioner,

v.

GEORGE W. BUSH, et al.,

Respondents.

CV 05-1310-RJL

DECLARATION OF AYRAT
VAKHITOV

I, Ayrat Vakhitov, swear and affirm, as indicated below, that the following statement is true and correct, given of my own free will, voluntary, and not the product of any coercion or duress:

1. I am a Russian citizen born in Tartarstan on March 27, 1977. After graduating high school, I engaged in religious studies and became an imam in my home town. I know Abdul Rahim Abdul Razak Al Genco, ISN 489, from having been in prison with him in Kandahar, Afghanistan, when we were both prisoners of the Taliban, and at the Kandahar Air Base and Guantanamo, Cuba, when we were prisoners of the United States. I was freed from Guantanamo on February 28, 2004.

2. My imprisonment began in September 2000 when, through no intention of my own, I was taken to Afghanistan. Once there, I was accused of being a Russian spy by the Taliban. When I was first arrested and for seven months thereafter, I underwent interrogations by my captors in Kabul. They used coercive methods, including torture such as beatings, sleep deprivation, injections, being hung from the ceiling for long times, racking me on a device that painfully stretched my body, and hitting with clubs the soles of my feet, which were already swollen from being hung vertically for such long times.

3. At the end of June or beginning of July 2001, I was transferred to the military prison called Kuli-Urdu in Kandahar. On October 5, 2001, I was transferred to the political prison in Kandahar called Sarpusa. There were two units of about 700 political prisoners, many of them Afghans from the Northern Alliance. The conditions in the prison were terrible. We received only a piece of bread to eat all day and the water, when we got it, was not good. The prison was very crowded and filthy; there were an abundance of rats and insects. Many prisoners became very ill with diarrhea, and many prisoners died.

4. I heard from other prisoners that Abdul Rahim had been in prison for more than a year before my arrival, accused of being a spy for the United States. Although I had seen him before when Saadiq Turkestani pointed him out, Abdul Rahim was transferred into my area in November 2001. We met in the prison yard when Abdul Rahim introduced himself to me. Abdul Rahim was friendly, but I suspected that he had been tortured because he seemed a bit strange and disturbed.

5. As we became better acquainted, Abdul Rahim told me that he was a Syrian of Kurdish descent who had been living in the United Arab Emirates before coming to Afghanistan. Abdul Rahim told me his father was a strict and loving man who was a teacher in a university. He stated that he had been treated for a nervous disorder as a child. As we spent more time together,

we became friends, and Abdul Rahim told me about his childhood experiences and coming to Afghanistan. Although I do not remember the details, Abdul Rahim communicated me he had wanted to show his independence from his father, that he wanted to see the world even as far as Canada, and that he had visited embassies trying to get travel documents. Abdul Rahim never indicated he came for bad reasons and never expressed any sympathy or desire to fight anyone.

6. While we were still in Taliban custody, Abdul Rahim told me that he had falsely confessed to being a spy as the result of torture. Because we were both falsely accused of being spies and had suffered torture, we confided to one another the treatment we received. I do not remember all the torture he described, but it included frequent beatings, being hung from the ceiling, water torture, electric shock, striking the bottom of his feet, striking his hand with the butt of a gun, and sleep deprivation. Abdul Rahim told me that the torture was more intense and frequent at the beginning of his incarceration.

7. Abdul Rahim told me that the torture was conducted or supervised by Al Qaida officials. Abdul Rahim stated that Mohammed Atef was involved and also said that he was tortured by Sayf Al-Adl and Abu Hamza. Abdul Rahim stated that Sayf Al-Adl and Abu Hamza arranged for him to be interviewed by Abu Dhabi television.

8. While we were in Taliban custody, we received visits from the Red Cross. The Red Cross provided us with blankets and some medical care and food. A Swiss Red Cross worker named Roland gave Abdul Rahim and me and the rest of the political prisoners Red Cross identification cards stating that we were prisoners of war.

9. On December 18, 2001, the Taliban abandoned the prison after American bombing, and the new Afghan government took over. Almost all the prisoners left the prison. Aside from about four Iranians who left later, five of us from other countries remained: Abdul Rahim from Syria; Jamal Al-Harith from Great Britain; Sadeeq Turkestani, a Uighur from Saudi Arabia; Abdul

Hakeem Al-Bukhary from Saudi Arabia, and myself. The new prison officials allowed us to stay in the juvenile part of the prison. We did not leave because we were warned that local Afghans might be hostile to foreigners or might sell us to the United States for a \$5,000.00 bounty.

10. During the time between the Taliban departing and January 24, 2002, the former foreign prisoners were able to move about in Kandahar. We visited the International Committee for the Red Cross and the United Nations office requesting assistance in leaving Afghanistan. We also spoke to members of the media from the United States, France, and other countries. We told journalists how we had been mistreated during our imprisonment, and both Abdul Rahim and I offered to provide testimony about the use of torture against us by the former regime. A journalist from Time magazine named Mike from Australia visited with us several times. Mike took us to his hotel once, gave us food, and allowed us to use his satellite phone to call our families. I remember Abdul Rahim using Mike's phone to call home. We were told by Red Cross and United Nations officials that we would be transferred to a securer place than the prison grounds, then sent home or to a different country for asylum.

11. On about January 22, 2002, two Americans, one in uniform and the other in civilian clothes, who identified themselves as Raymond and Steve, visited us at the prison, saying they were from military intelligence. Raymond and Steve took photographs of us and, through a Farsi interpreter, told us that we would be transferred to a safer place, then transferred home in about two weeks.

12. On January 23, 2002, I heard from Afghan guards that we were being sold to the Americans. We did not know whether to flee or to wait; we waited. The following day, about 20 to 25 heavily armed American soldiers stormed the prison, pointing their guns at us and taking us prisoner. We were unarmed and surrendered without resistance. Steve and Raymond were among

A.V.
H.Z.

the Americans who took us into custody, then transferred us the detention center at the Kandahar air base.

13. The Kandahar air base was a large detention center holding about 500 prisoners in tents. At first we were treated fairly well: we were kept apart from other prisoners; we received extra blankets; and the guards gave us chocolate.

14. About a month after our arrival at the Kandahar air base, things became much worse. Our chief interrogator was a woman who called herself Erin, who worked with another interrogator who had an Irish flag tattooed on his arm. The military police were from an airborne unit; the soldiers said they had previously been deployed in Kosovo. We were transferred to a large hangar divided with wire into separate areas. Without warning, the interrogators began treating Abdul Rahim and me very badly. The first day we spent together in the same area, and I saw Abdul Rahim brought back from interrogation with red patches on his face and with his clothing ripped. Abdul Rahim was very intimidated and told me that he had been shown an article in a magazine and that statements he had made on Abu Dhabi television were being twisted into meaning he was a terrorist.

15. From that time, Abdul Rahim received very bad treatment. From my area, I saw and heard interrogations of Abdul Rahim using sleep deprivation, exercise like push-ups and sit-ups to the point of exhaustion, police dogs set on Abdul Rahim, and forcing him to stay in uncomfortable positions for long times, such as kneeling on gravel with his hands on his head for hours at a time. I suffered the same treatment. The mistreatment was not only painful but humiliating because it was in front of other prisoners. Although Abdul Rahim never resisted or used violence, when Abdul Rahim was taken to interrogation, a group of soldiers would jump on him, forcibly immobilize him, and rough him up. Abdul Rahim sometimes came back from interrogation with his clothing ripped. Abdul Rahim was treated worse than other prisoners, and the interrogators used their

A. V.

treatment of Abdul Rahim to try to make me confess to being a Russian spy. The interrogator with the Irish flag tattoo said words to the effect: See how we're treating your friend Abdul Rahim; we can do the same to you.

16. I could not hear what was said during Abdul Rahim's interrogations, but he told me they wanted him to admit he was a terrorist involved in bombings. Abdul Rahim told me that he had told the interrogators everything they wanted him to say, just as he had done when the Taliban tortured him and then had him interviewed on videotape for Abu Dhabi television admitting he was an American spy. Abdul Rahim told me that he told the interrogators what they wanted to hear to make the torture stop.

17. At about the end of April or early May 2002, Abdul Rahim was taken away from the hangar. I heard from guards that he was being taken to Guantanamo. I remained in detention in Kandahar until June 14, 2002, when I too was taken to Guantanamo.

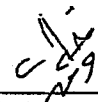
18. The next time I saw Abdul Rahim about eighteen months later, he looked terrible and appeared to have lost his mind. Some of the other detainees in Guantanamo believed he was an American spy, so they would threaten and abuse him. The Americans would punish him by placing him next to detainees who would be very mean to him. Abdul Rahim would hurt himself and then be set upon by the URF team, which was a special group of corrections officers who would force prisoners into submission with great force, then put them into solitary confinement. Because his mental condition was so bad from his repeated mistreatment, Abdul Rahim was one of the first prisoners placed on a newly-created psychiatric ward.

19. I was finally released from Guantanamo on February 28, 2004, after two years of wrongful imprisonment. When I last saw Abdul Rahim, he was in grave condition. From our time together in the Sarpusa prison, I believe Abdul Rahim is a kind, sensitive, and generous person. I am very concerned for his well-being while he remains in Guantanamo. I am relieved to hear from

A.V.

his attorneys that he is in better condition than when I last saw him, but believe justice would be served by his immediate release. From all the information I know, Abdul Rahim was never a combatant against the United States or its allies and poses no danger to anyone. I hope he can be restored to his family as soon as possible.

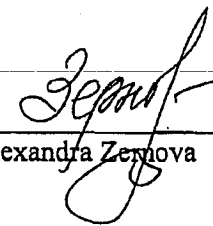
I swear by Allah that what I say in my declaration of seven initialed pages, given on this 6th day of September, 2006, is true.



Ayrat Vakhitov

CERTIFICATE OF TRANSLATION

I, Alexandra Zernova, certify that I am a translator who is fluent in Russian, French, and English and that I have completely and accurately translated the foregoing declaration consisting of seven initialed pages, from English to Russian by reading the document to Ayrat Vakhitov in Russian and that he has sworn on the Muslim oath to the truth of this document in Dubai, United Arab Emirates, on the date stated.



Alexandra Zernova

EXHIBIT 13

Steven T. Wax, OSB #85012
Federal Public Defender
steve_wax@fd.org
Stephen R. Sady
Chief Deputy Federal Public Defender
steve_sady@fd.org
Patrick J. Ehlers
Assistant Federal Public Defender
patrick_ehlers@fd.org
101 SW Main Street, Suite 1700
Portland, Oregon 97204
Tel: 503-326-2123
Fax: 503-326-5524

Attorneys for Petitioner

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FOR THE DISTRICT OF COLUMBIA

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GINCO,

Petitioner,

v.

GEORGE W. BUSH, et al.,

Respondents.

CV 05-1310-RJL

DECLARATION OF JAMAL AL-
HARITH

I, Jamal Al-Harith, swear and affirm, as indicated below, that the following statement is true and correct, given of my own free will, voluntary, and not the product of any coercion or duress:

1. I am a citizen of Great Britain and am 39 years old. In 2001 I was traveling in Pakistan and was riding in a truck that was stopped. I do not know who the people were who stopped the truck, but I was taken into custody by them and taken to Kandahar after they saw my

JAH

passport. I was then held in a cell by myself for 3 days, and then was taken to a political prison in the same city. Although no one said they were Taliban, that is who they obviously were. After about three months in the political prison, near the end of December, just before the end of Ramadan, we were released when the Taliban fell.

2. I met Abdul Rahim al Ginco in the political prison during those months. He had been there longer than me. Others told me he had been there a couple of years before I was brought there. He was kept in a different division of the prison until close to the very end, so I did not meet him until then. He spoke English and told me that the Taliban had accused him of being an American spy. He told me that he had been injected with a drug by the Taliban and made to make a statement for television. He said that he been beaten for a period of months. The beatings had included beating the bottoms of his feet. He also said the beatings included hanging him from the ceiling by his wrists with his arms tied, and then beating him over his body. The beatings included hitting him with a rifle butt and with a metal bar that was used to hold his leg chains.

3. After the Taliban fell and we were released, we were told that we could go, but several of us decided to stay for several reasons. First, we thought it would be easier to get home from Afghanistan by going to the embassies in Kabul. Second, we were being taken care of by the Red Cross, who we thought could help us get home easier. By the end there were only five of us still left waiting to go home. Abdul Rahim al Ginco was one of them. During that time we were also visited by journalists who allowed us to use their cell phones to call home. There was a journalist from Australia named Mike whose phone I used. I also used phones belonging to other journalists. I recall being visited and helped by a journalist from the New York Times and the Times in London. Journalists from the Times in London and other publications also helped

us get in touch with our embassies to arrange for transport home. The journalists also bought us things like antiseptic cream.

4. I had arranged to fly to Kabul from the American air base in Kandahar. Two days before I was scheduled to fly, I was taken into custody by American Special Forces. All five of us were taken at this time, including Abdul Rahim al Ginco. They handed us over to regular American soldiers at the Kandahar airbase. Those soldiers cut our clothes and shoes off with knives and made us run naked and hooded, with our hands tied behind our backs. They also punched us while cutting our clothes off.

5. We were then held in isolation at the American base at the airport in Kandahar for a week. After that week we were then put in a concentration camp at the airport. While in isolation we were made to sit down all the time and were not allowed to stand up. We were interrogated at night and they made us run to and from the interrogations with our hands chained behind us, with chains on our feet and hoods over our heads. I could see the others being taken to and from interrogation just like I was.

6. After two weeks in the the concentration camp, I was taken to Guantanamo. Abdul Rahim al Ginco was not brought with me – we all were taken to Cuba separately. Ayrat Vakhitov also remained in Kandahar after me.

7. I arrived at Guantanamo in January or February 2002, I am not sure which. We were beaten by the Marines in the land/sea vehicle that we were transported in from the plane to Camp X-Ray. Although I do not know exact dates, the next time I saw Abdul Rahim al Ginco was a few months after we were taken from Camp X-Ray to Camp Delta. After I had been in Camp Delta for a few months I was put into isolation for refusing to wear my wristband. Abdul Rahim al Ginco was already in isolation there, which was the first I knew that he was at

Guantanamo. I do not know how long he had been there already. He saw me as I was being brought in and he shouted to me.

8. My isolation cell ended up being across the passageway from al Gingo's. The doors to those cells contain three slots – one at leg level for the guards to put on leg chains without having to open the door, another in the middle for food to be passed through and for the guards to put on the body chains, and the other at eye level that is clear plastic underneath the metal slot door. Normally the slots are kept closed but his top slot was kept open. I heard the guards say this was because he was on suicide watch and because of self-injurious behavior.

9. Abdul Rahim al Gingo seemed to be in despair and unstable. He called out to the guards many times that he was going to cut himself. The guards also came by every ten minutes or so to check on him. Several times I heard the doctor being called for. He told me that he had been in isolation for awhile because he was having trouble with the people in the blocks because they thought he was a spy for the Americans. I also know that he was being given medication because I could hear the doctor and the guards talking about it. Abdul Rahim could shout through the open slit to me and he told me that he was in despair because the other detainees thought he was a spy for the Americans but the Americans kept questioning him as an enemy.

10. This first time that I saw him in isolation was three days when I was returned to my block. Later, maybe six or seven months, I was put back in isolation for refusing to take an injection. I do not know what the injection was for but it was being given to everyone. When I refused, they brought in the URF team, hogtied me, beat me, pulled my trousers down and gave me the injection, then put me back in isolation for a month.

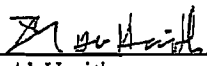
11. I next encountered Abdul Rahim al Gingo ^{JAH} ~~was~~ when I was moved to the block next to Delta block. Delta block was where people were kept who were mentally unstable. It was

well known that the people in Delta block were the ones suffering mental problems and that there were cameras in the cells so the people could be watched. The recreation area for my block was next to the recreation area for Delta block, and he called to me through the screen. I could not see him through the screen but he seemed better, more clam, than he had been in isolation. I know from people who have been in Delta block that there are regular doctors there and better access to medications. We spoke through the screen for about 10 or fifteen minutes. We also spoke through the fence a few others times during this period.

12. I do not remember any further contact with Abdul Rahim al Gincio while I was at Guantanamo. I was released in March 2004.

13. About a year ago I attended a meeting in London at which some of the former Guantanamo detainees were invited. I saw Ayrat Vakhitov there and we spoke about what had happened to us. He told me that, after I had been taken to Guantanamo from the Kandahar airbase, the treatment by the Americans had gotten worse. He did not provide details.

I swear by Allah that what I say in my declaration of 5 initialed pages, given on this 28th day of September, 2006, is true.



Jamal Al-Harith

EXHIBIT 14

Steven T. Wax, OSB #85012
Federal Public Defender
steve_wax@fd.org
Stephen R. Sady
Chief Deputy Federal Public Defender
steve_sady@fd.org
Patrick J. Ehlers
Assistant Federal Public Defender
patrick_ehlers@fd.org
101 SW Main Street, Suite 1700
Portland, Oregon 97204
Tel: 503-326-2123
Fax: 503-326-5524

Attorneys for Petitioner

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDULRAHIM ABDUL RAZAK AL GINCO,	CV 05-1310-RJL
Petitioner,	DECLARATION OF ABDUL RAZAK MUSTAFA AL JANKO
v.	
GEORGE W. BUSH, et al.,	
Respondents.	

I, Abdul Razak Mustafa Al Janko, swear and affirm, as indicated below, that the following statement is true and correct, given of my own free will, voluntary, and not the product of any coercion or duress: being first duly sworn, hereby depose and say:

1. I am the father of Abdul Rahim Abdul Razak Al Ginco, who is the fourth male child of my eleven children. Our names have different spellings in English but are the same in Arabic. I am a citizen of Syria and am presently in the United Arab Emirates. I traveled to the

Page 1 DECLARATION OF ABDUL RAZAK MUSTAFA AL JANKO



United Arab Emirates at the request of the attorneys representing my son, Abdul Rahim, to provide this statement on his behalf.

2. I grew up in a small village in a rural area where my father was a preacher, or imam, of Islam. I attended school through the university level in Damascus and, after graduation, became a teacher of Islamic education. After teaching in Syria for fourteen years, I received an appointment from the government in Ajman to be a teacher of Islamic education and taught there for thirteen years. I brought my family with me to live in the United Arab Emirates.

3. Abdul Rahim is the fourth son in my family. His mother fell while carrying wood while she was pregnant with Abdul Rahim, and as a young boy, he had medical issues related to seizures that became apparent when he was in elementary school. The attached copies of prescriptions from two doctors are from records my family kept and show the type of anti-seizure medications he took as a child for more than three years. In addition to these prescriptions, I also took Abdul Rahim for medical treatment a number of times in Damascus. Abdul Rahim moved with the family from Syria to the United Arab Emirates around the time he was in the ninth grade.

4. Abdul Rahim attended public school and, after retaking his last year of high school, attended the college in Ras El Khaimah. Abdul Rahim lived in a residence with his brothers Adnan and Abdul Haleem who were also attending school there. Abdul Rahim completed two years of his post-high school studies.

5. Our family is very close and we keep a close eye on each another. We are religious but not extreme and do not hate Americans or believe in violence and hate violence against innocent civilians. I am very keen on watching the behavior of my sons. I have never had reports of any of my sons not behaving well. For me, seeing my son doing something like



A large, stylized handwritten signature in black ink.

smoking would have been like seeing my son committing a serious sin. Abdul Rahim was not someone who lived a bad life as a young man. He was shy and did not engage in extreme religious or political discussions. Abdul Rahim socialized with people of all backgrounds and showed a kind heart to persons of all the communities in the United Arab Emirate, which includes a blend of different religious sects such as Hindus, Christians, Muslims, non-Muslims, and the like. Abdul Rahim dealt with all as his brothers. His only international travel was in Syria and the United Arab Emirates and a ten-day trip to Mecca with a youth group when he was about seventeen for Hajj.

6. In early 2000, I learned from my sons that there had been a dispute between Abdul Rahim and his brother, Abdul Haleem, regarding money. I heard from Abdul Haleem that Abdul Rahim had been involved in a school trip, then extravagantly borrowed approximately 400 to 500 dirhams, which he could have obtained from his family, from someone outside the family without telling any family member. Abdul Haleem told me at that time that he thought it was his obligation in the family to tell me about this conduct. Abdul Haleem called me again later that night to say that, after he had refused when Abdul Rahim begged him not to tell me about the borrowing, Abdul Rahim left and did not come back.

7. As the head of the family, I keep in my control the Syrian passports for all of my sons. After Abdul Rahim disappeared, I took Abdul Rahim's passport to the police in Ajman and gave it to them when I made a police report asking for assistance in finding Abdul Rahim. The document attached is a copy of the police report generated when I asked for him to be located, which is dated February 6, 2000. I requested and received a copy of the report at the time I reported Abdul Rahim missing and have kept the copy in my records since that time.



8. Several months after Abdul Rahim disappeared, I was told that there was going to be a television interview with Abdul Rahim on Abu Dhabi television. Shortly thereafter, I watched the interview on television. I felt like I had been hit by a bolt of lightning. I was shocked and angry and surprised to be hearing disgraceful things that brought shame to the family. I still cannot see the recording of the program without being very upset. I knew the things he was saying could not be true about immoral and illegal conduct, but I believed he should not even say such things. I felt so strongly about this that I announced that I disowned Abdul Rahim.

9. I heard from family members that Abdul Rahim called on a telephone from Kandahar, Afghanistan, after the fall of the Taliban. At a later time, I received two phone calls from Abdul Rahim on a land line. The conversations were brief. But, when I spoke with Abdul Rahim, I criticized him for saying scandalous things on the television. He told me words to the effect: Father, I cannot explain all of this now but there is much to tell and I will tell you the truth of this matter when I meet you. Although I was still upset about the things Abdul Rahim had said on television, I was glad to hear that he was not any longer a prisoner of the Taliban. Shortly after speaking with him, I remember hearing in the media that Abdul Rahim and some other young people in Kandahar had been arrested by the Americans. The Red Cross later confirmed the news.

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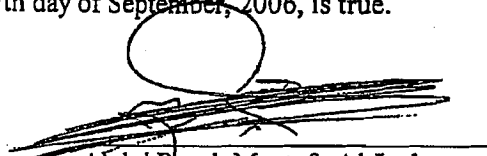
///

Page 4 DECLARATION OF ABDUL RAZAK MUSTAFA AL JANKO



10. The imprisonment of Abdul Rahim is a heavy sadness for me and my family. I do not believe Abdul Rahim would ever hurt Americans or their allies. I am very concerned about Abdul Rahim's well-being and want him to be free and safe. He is forgiven for the pain he brought his family for leaving. I hope the authorities will have mercy on my son and let him be free.

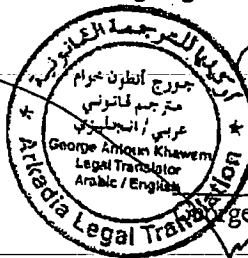
I swear by Allah that what I say in my declaration, consisting of five initialed pages and three page attachment, given on this 7th day of September, 2006, is true.



Abdul Razak Mustafa Al Janko

CERTIFICATE OF TRANSLATION

I, George Antuone Khawam, certify that I am a translator of Arabic and English licenced by the Ministry of Justice, Technical Affairs, of the United Arab Emirates, as reflected in the attached credentials for Arcadia Legal Translation, P.O. Box 16286, Dubai, United Arab Emirates, and that I have completely and accurately translated the foregoing document from English to Arabic by reading the document to Abdul Razak Mustafa Al Janko and that he has sworn on the Muslim oath to the truth of the foregoing declaration in Dubai, United Arab Emirates, on the date stated.



George Antuone Khawam

Tel. : 452149



الأخصائي بأمرأه الأطفال والررض
خريج جامعة ومستشفيات بون - ألمانيا الغربية
عضو جمعية تحيط الذئب في ألمانيا الغربية

هاتف: ۴۵۲۱۴۹

عبارت حسن جیلو

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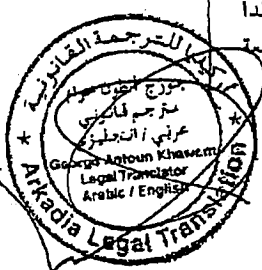
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D. ANAS H. SABAH

MA, MD (Cambridge), FRCP

Neurologist

22, Baghild Str., Damascus (Syria)

42 95 96

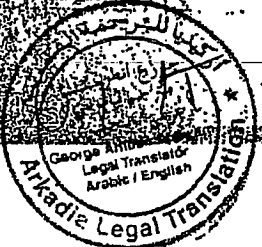
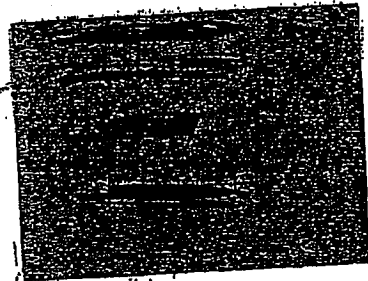
الدكتور
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أخصائي أمراض الجهاز العصبي

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٢٢ شارع بغداد - دمشق (سورية)

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غودج برقیہ

رقم المتسلسل	النداء	عدد الكلمات	تعليمات الإرسال	ذمت مكتب المخابرة
			بالفاكس على	
درجات الأسبقية			الوقت	فرع الاتصالات شرطة عجمان (صادر) مكتب المخابرة عجمان
للتفويض	للعلم	التأويخ		
عاجل		٢٠٠٠ / ٢ / ٦ م		
من : مدير عام شرطة عجمان				
إلى : مدير عام الأمن الجنائي / وزارة الداخلية				
للعلم : مدير إدارة الجنسية والإقامة دبي				
رقم المنشية				
١٠١١ / ٢٢ / ٢				

يحمل جواز سفر رقم 2867412 صادر في دبي بتاريخ 6/7/1997م

المذكور أعلاه متغيب عن منزله من تاريخ ٢٨ / ١ / ٢٠٠٠ م ، يرجى أمركم لمن يلزم للبحث والتحري وحين العثور إعلامنا (مرفق صورته الشمسية لسهولة التعرف عليه)
يرجى العلم .

واقبلوا الاحترام...

ع / العميد طيار
مدير عام شرطة عمان
العقيد / علي ماجد المطروشي



نسخة : الديوان - السجلات - المباحث
.. الملف - ضم م ...

الوقت	التاريخ	الإسم		الإسم	
		الأسم	النوع	الأسم	النوع
١٥١٠	٢٠٠٧/٩	أحمد	أحمد	أحمد	أحمد

United Arab Emirates
Ministry of Interior
Ajman Police

دولة الإمارات العربية المتحدة
وزارة الداخلية
شرطة عجمان

DRIVING LICENSE رخصة قيادة

No: 24165

Name: Abdul Razak Mohamed Al-Janko

Nationality: Syria

Profession: Teacher

Issue Date: 10/08/1993

Expiry Date: 15/08/2013

Blood Group: O -ve Age: 1949

هذه نسخة طبق الأصل من رخصة قيادة
الخاصة بـ أرفقنا مع الاستدانة المرفقة في هذا اليوم
الموافق ١٩/٩/٢٠٠٧
عبد رزاق محمد الجانكو

Spect	ملاحظة طبية
Vehicle Permitted to Drive	اصناف المركبات المسموح بقيادتها
Motorcycle	دراجة نارية
Handicapped	قائمة معاقين
Car	مركبة خفيفة
Heavy goods vehicle	مركبة ثقيلة
Light Bus	حافلة خفيفة
Heavy Bus	حافلة ثقيلة
Light mechanical Plant	جهاز ميكانيكي خفيف
Heavy mechanical Plant	جهاز ميكانيكي ثقيل

7237

38132



Arcadia Legal Translation

Al Durrah Tower, Suite 53
Sheikh Zayed Road
P.O. Box : 16286
DUBAI - U.A.E.
TEL : 00971 4 3318272
FAX : 00971 4 3318268
MOB : 050-4947310
E-mail : ali@emirates.net.ae



أركيديا للترجمة القانونية

برج الدرة، مكتب رقم ٥٣
شارع الشيخ زايد
ص.ب. ١٦٢٨٦
دبي - الإمارات العربية المتحدة
هاتف : ٠٠٩٧١-٤-٣٣١٨٢٧٢
فاكس : ٠٠٩٧١-٤-٣٣١٨٢٦٨
متحرك : ٥٠-٤٩٤٧٣١٠
البريد الإلكتروني : ali@emirates.net.ae

**United Arab Emirates
Ministry of Justice
Technical Affairs**

Legal Translator's Identity Card



Name : George Anotune Khawam Nationality: Syrian

Record No. : 115 Date: 6-5-1996

Licensed Languages: Arabic- English & Vice Versa

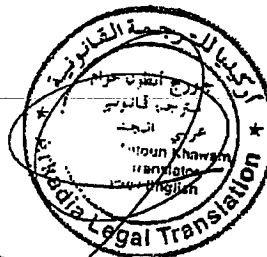
Place of Work: Arcadia Legal Translation

Address : PO Box 16286 Tel.: 3318272 Fax: 3318268

Valid from 10-9-2005 till 9-9-2006

The translator shall do the assigned job by himself.

Acting Undersecretary for Technical Affairs
(Signed & Sealed)



Arcadia
Legal Translation

دولة الامارات العربية المتحدة
وزارة العدل
الشؤون الفنية

بطاقة ليد مرجع للتوثيق

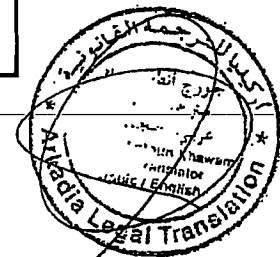
الاسم : جورج انتوان خوام الجنسية : سوري
رقم القيد : ١١٥ تاريخه : ١٩٩٦/٥/٦
اللغة المرخص بها : عربي - انجليزي وبالعكس



جهة العمل : ... اوكيديا... للمترجمة... القانونية دبي
العنوان : ص ب ... ٦٢٨٨... ت : ٠٤/٢٢١٨٢٧٢
صالحة اعتباراً من : ٢٠٠٥/٩/١٠ الى : ٢٠٠٦/٩/٩
يقوم المترجم بنفس الترجمة التي يعهد اليه بها .

موكيل وزارة العدل المساعد
للشؤون الفنية

وزارة العدل



Arcadia Legal Translation

Al Durrah Tower, Suite 53
Sheikh Zayed Road
P.O. Box : 16286
DUBAI - U.A.E.
TEL : 00971 4 3318272
FAX : 00971 4 3318268
MOB : 050-4947310
E-mail : alt@emirates.net.ae



أركيديا للترجمة القانونية

برج الدرة ، مكتب رقم ٥٣
شارع الشيخ زايد
ص. ب. ١٦٢٨٦
دبي - الإمارات العربية المتحدة
هاتف : ٠٠٩٧١-٤-٣٣١٨٢٧٢
فاكس : ٠٠٩٧١-٤-٣٣١٨٢٦٨
متحرك : ٠٥٠-٤٩٤٧٣١٠
البريد الإلكتروني : alt@emirates.net.ae

**United Arab Emirates
Government of Dubai
Department of Economic Development**

Professional License



License No. 523793

Commercial Serial No.

Owner(s) : George Antoune Khawam

Nationality : Syrian

Personal Serial No.: 130673

Company's Name :

Nationality :

Trade Name : Arcadia Legal Translation

Legal Status : Individual Establishment

Kind of Activity : Legal Translation

Service Agent : Abdul Rahman Ahmed Yousef Al Shaer

Address : Property of Merza Al Sayegh, Al Durrah Tower,
Sheikh Zayed Road

Tel.: 3318272

Fax: 3318268

PO Box: 16286

Remarks:

Date of Issue: 23-1-2001

Date of Expiry: 22-1-2007

Voucher No.: 675807 23-2-2004

Department of Economic Development
(Signed)

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Arcadia
Legal Translation

GOVERNMENT OF DUBAI
DEPARTMENT OF ECONOMIC DEVELOPMENT



سوق دبي
حكومة دبي
دائرة التنمية الاقتصادية

رخصة مهنية

Professional License

رقم السجل التجاري:

مسلسل الشخص

130673

الجنسية

سوريا

رقم الرخصة: 523793

صاحب / أصحاب الترخيص

جورج انطون خوام



ARCADIA LEGAL TRANSLATION

اسم الشركة:

الجنسية:

الاسم التجاري:

اركيديا للترجمة القانونية

الشكل القانوني: مؤسسة فردية

نوع النشاط:

الترجمة القانونية

الجنسية: الامارات

عبدالرحمن احمد يوسف الشاعر

وكيل خدمات

العنوان:

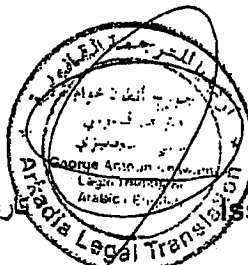
محل ملك ميرزا حسين الصايغ (مخرج الفرقة) شارع الشيخ زايد

ص. ب. 119968

فاكس: 3318268

الهاتف: 3318272

ملاحظات:



Expiry Date: 2007/01/22 تاريخ الانتهاء:

Issue Date: 2001/01/23 تاريخ الاصدار:

رقم الإيصال: 2006/02/08 - 968953

دائرة التنمية الاقتصادية

2006/02/08 - 968953

EXHIBIT 15

Steven T. Wax, OSB #85012
Federal Public Defender
steve_wax@fd.org
Stephen R. Sady
Chief Deputy Federal Public Defender
steve_sady@fd.org
Patrick J. Ehlers
Assistant Federal Public Defender
patrick_ehlers@fd.org
101 SW Main Street, Suite 1700
Portland, Oregon 97204
Tel: 503-326-2123
Fax: 503-326-5524

Attorneys for Petitioner

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDULRAHIM ABDUL RAZAK AL
GINCO,

Petitioner,

v.

GEORGE W. BUSH, et al.,

Respondents.

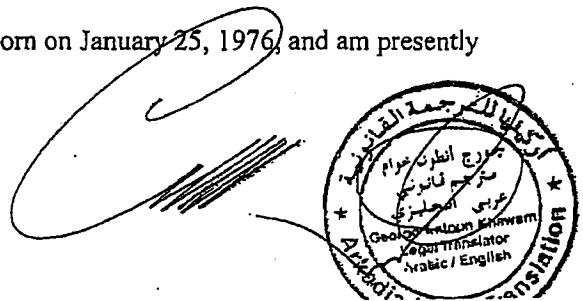
CV 05-1310-RJL

DECLARATION OF ABDEL SALAM
ABDUL RAZZAK JENKO

I, Abdel Salam Abdul Razzak Jenko, swear and affirm, as indicated below, that the following statement is true and correct, is given voluntarily of my own free will, and is not the product of any coercion or duress:

1. I am the brother of Abdul Rahim Abdul Razak Al Gincio; he is the fourth son and I am the second son of Abdul Razzak Al Gincio. While our names are spelled differently in English, they are spelled the same in Arabic. I was born on January 25, 1976, and am presently

Page 1 Declaration of Abdel Salam Jenko



30 years old. I am a citizen of Syria and have been living in the United Arab Emirates for the past fifteen years. I am married and the father of three children.

2. After finishing my education through high school, I began working eleven years ago for the international trading companies ARZ Clearing & Forwarding (L.L.C.) and ARZ Import & Export (L.L.C.). I am now a manager of the company, overseeing international trading in diverse products such as coconut powder, tea, tires, marble, and many other items.

3. All of my brothers and sisters have always maintained a close connection to our family. Abdul Rahim was no exception to this. Because of our close family relationship, I am well aware of the personality of my brother Abdul Rahim. He was always a very shy person growing up. I can best describe him as a simple and good-hearted person.

4. I never heard of Abdul Rahim having anything to do with hateful or extreme opinions regarding religion and politics. Also, because of the way our family was, I am certain I would have been told of any immoral or illegal misconduct by Abdul Rahim. In fact, when I was asked about Abdul Rahim's conduct by Abdul Rahim's lawyers, I was able to produce the attached good conduct report from local authorities. This report was originally obtained at the time Abdul Rahim began his post-high school studies at Ras El Khaimah. Additionally, had Abdul Rahim been involved in any improper conduct while living in the United Arab Emirates, he would not have been able to remain in the country because he is an expatriate of Syria. Misconduct of any serious kind would have meant deportation to Syria, and he would not have been able to obtain a good conduct report. Our father reminded us of this issue often and encouraged us to conduct ourselves in an appropriate and legal manner. We all abided by the encouragement of our father with regard to our conduct and behavior.



5. In late 1999 or early 2000, Abdul Rahim was living with my brothers, Adnan and Abdul Haleem, while they all attended school in Ras El Khaimah. During this same time, I learned there had been a dispute involving Abdul Rahim and our brother Abdul Haleem. It was my understanding that Abdul Rahim borrowed about 400 dirhams from someone without telling Abdul Haleem or any of our other family members. When Abdul Haleem realized that Abdul Rahim had borrowed money from a person outside of our family, he told Abdul Rahim that he would have to tell our father. Abdul Rahim left home when Abdul Haleem insisted he had to tell our father about the misbehavior of borrowing money from someone outside the family without speaking first to his older brother.

6. Our father is a very important and respected figure in the family. He is our teacher and advisor. The view in our family is, first there is God, then there is our father. Even now, although I am an adult, the approval of my father is very important to me and his disapproval is to be avoided at all costs. Although the amount of money involved was relatively small, the shame and concern regarding our father's reaction to Abdul Rahim being indebted to someone outside of our family and not asking for assistance from family members would be substantial.

7. The first time that I heard of the problem with Abdul Rahim borrowing the dirhams was when the family began contacting all Abdul Rahim's friends and associates trying to figure out where he was. Because our father keeps all our passports, I did not think Abdul Rahim could leave the United Arab Emirates. And even if he had his passport, I did not think it would occur to Abdul Rahim to leave the United Arab Emirates because of his naivete and simplicity.



8. As the head of our family, my father kept control of all our passports. After Abdul Rahim's disappearance, our father turned Abdul Rahim's passport in to the Ajman police at the same time he made a missing person report with the Ajman police. At the request of Abdul Rahim's lawyers, I requested that the Ajman police provide me with a copy of Abdul Rahim's passport. I contacted the Ajman police on September 6, 2006, and requested that they fax me a copy of Abdul Rahim's passport. They did not do so, but the following day, which is today, I went personally to the Ajman police department, saw the original of the passport, and received from the police the copy of the passport that is attached to this declaration, with my initials, in the complete and accurate form in which I received it.

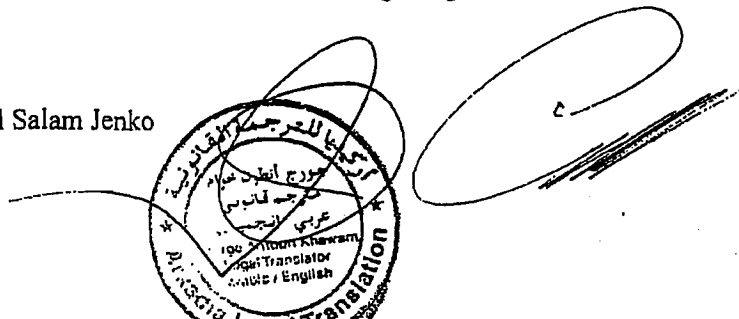
9. Several months after Abdul Rahim's disappearance, I read an article in the newspaper Al Sharq Al Awsat that contained a transcript of an interview with Abdul Rahim, and, on the same day, the television broadcasted advertisements stating the interview was going to be televised the next day. Having had no contact with him for months, and then learning about this television interview, was a great surprise to me and my family. The following day, my family watched in shock as Abdul Rahim was interviewed on Abu Dhabi television. I did not believe the words he said were true: his statements about bad behavior, such as having lived his twenty-two years in vice, were false because he lived under close supervision of his family and had not been doing such things; and the spy claims could not be true because no one would make a simple and inexperienced person like Abdul Rahim involved espionage; and the names he gave of people involved in spying, I was told by my family, were just schoolmates. In looking at the broadcast, it appeared to me, because I know Abdul Rahim very well, that he was under great stress. In my opinion, he looked fearful. In contrast to his appearance before he left, Abdul Rahim was much paler, and he had lost a lot of weight. Even though Abdul Rahim's statements



during the interview were obviously untrue, the scandal was great and our family suffered as a result. In fact, many of our extended family members cut their ties with us because of what Abdul Rahim said during that broadcast.

10. My family received no direct or indirect contact with Abdul Rahim while he was in the Taliban prison except for one letter. Sometime after the television interview, I received a telephone call from an Urdu speaker who stated he was a doctor who had visited Abdul Rahim while Abdul Rahim was in the Taliban prison. I speak Urdu, and the person told me that Abdul Rahim had requested that the caller send us a letter from Abdul Rahim. I gave the Urdu-speaker my fax number and a short time later received a letter in Abdul Rahim's writing. The letter expressed concerns regarding his health and the terrible conditions in his prison. We cannot now locate the letter.

11. A short time after the United States entered Afghanistan, I heard from family members that Abdul Rahim had called by telephone from Kandahar, Afghanistan. I heard that Adnan and my mother received the first call from Abdul Rahim. I myself received a single telephone call from Abdul Rahim on my mobile phone while I was at work. I know the call was from a satellite telephone because the number shown was code 0088216, which I knew from my experience in using a satellite telephone, means the call originated from a satellite telephone. When I realized it was Abdul Rahim, I confronted him about the pain he caused our family by saying disgraceful things on television during his interview. Abdul Rahim said that he could not explain in detail but that armed men threatened him from behind the curtain near where he sat during the interview. During my phone call with him, Abdul Rahim said he was attempting to obtain assistance from the Red Cross and the United Nations in getting home.



12. I first heard that Abdul Rahim was in Guantanamo Bay from a letter he sent to us through the Red Cross, which was mostly blacked out. I do not believe that my brother Abdul Rahim should be in Guantanamo because he is not a danger to anyone. From everything I know about my brother, I do not believe this simple person would ever volunteer to be a spy or that he would ever volunteer to be a terrorist. I am very worried that he was tortured and mistreated to say disgraceful things that are simply not true. I and my family are very concerned about Abdul Rahim's well-being and want him to be free and safe. We love him very much and miss him.

13. I have previously provided requested information regarding Abdul Rahim to the authorities for our home country of Syria as well as the United Arab Emirates. Our family has done nothing wrong. We very much want Abdul Rahim to be free as soon as possible.

I swear by Allah that what I say in my declaration, consisting of six initialed pages and ten pages of attachments, given on this 7th day of September, 2006, is true.

Abdel Salam Abdul Razzak Jenko

CERTIFICATE OF TRANSLATION

I, George Antoune Khawam, certify that I am a translator of Arabic and English licenced by the Ministry of Justice, Technical Affairs, of the United Arab Emirates, as reflected in the attached credentials for Arcadia Legal Translation, P.O. Box 16286, Dubai, United Arab Emirates, and that I have completely and accurately translated the foregoing document from English to Arabic by reading the document to Abdel Salam Jenko and that he has sworn on the Muslim oath to the truth of the foregoing declaration in Dubai, United Arab Emirates, on the date stated.

George Antoune Khawam

George Antoun Khawam
Legal Translator
Arabic / English



03-09-2006 16:19 FROM:

TO: 042661537

P:01



دولة الإمارات العربية المتحدة

وزارة الداخلية

الإدارة العامة لشرطة عجمان

إدارة البحث الجنائي

الرقم: ١٢١٧/٦/٢

التاريخ: ١٤١٨/٣/٩ هـ

الموافق: ١٤١٧/٧/١٤ م

شهادة حسن السيرة والسلوك

الاسم: عبدالرحيم عبدالرزاق الجنكوي الجنسية: سوري المولد: طالب
 رقم الجواز: ٢٨٦٧٤١٢ الصادر من: دبي بتاريخ: ١٩٩٧/٦/٥
 رقم الإقامة: ١٠٦٣٣٧٦٥ تاريخ اصدار: ١٩٩٧/٦/٢٦ تاريخ انتهاء: ١٩٩٨/٦/٢٥
 بالكشف عن المبين اسمه أعلاه تبين عدم وجود أية قيود إجرامية بحقه
 وأنه غير مطلوب للشرطة والأمن العام حتى تاريخه،

وبناء على طلبه أعطيت له هذه الشهادة

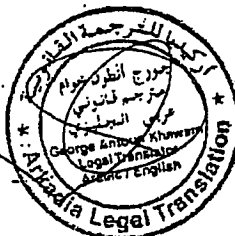
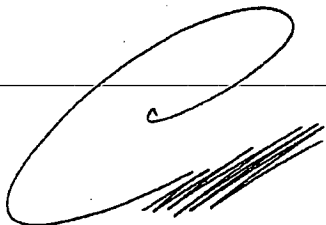


ملاحظة

صلاحية هذه الشهادة ثلاثة

أشهر من تاريخ اصدارها.

ر ح



للتفصيل يرجى مراجعة إدارة البحث الجنائي
 ١٤١٨/٣/٩ هـ

2007412

صاحب الجواز



اسم الأب عبد الرحمن اسماعيل عيسى

تاريخ ومكان الولادة ١٩٧٨ عاينة وسيدون

مكان الإقامة الحالية الكويت

رقم ومكان قيد الدخول ٤٨ ابو صبرون

الجنسية الكويتية

الطول ١ اللون م

العيان الشمس

Signature _____

وزارة الداخلية
MINISTRE DE L'INTERIEUR
ادارة الجوازات

DEPARTEMENT DE L'IMMIGRATION DES PASSEPORTS

جواز سفر

Les fractions de la République ont été reconnues et traitées en conséquence par le Gouvernement libanais ainsi que les autorités compétentes sont priées de délivrer le passeport et de lui accorder l'assistance et protection dont il aura besoin.

Le Directeur de l'Immigration et l'Emigration ou le Consul Général.

سيرة ذاتية ١٧١٩٩٧١٦١٥

Fait à Dubai le 5 du mois de 6 1997

وتاريخ من تاريخ ٦-٦-٩٧

١٩٩٨

١٩٩٨

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3 2007-12 2 01-17-000

الصورة الشمية
PHOTOGRAPHIE

القائمة المستوفاة

TITULAIRE DU PASSEPORT

No. d'enregistrement _____

Prénom(s) et Nom _____

Prénom du Père _____ de la Mère _____

Date et lieu de naissance _____

Lieu de séjour actuel _____

N. et lieu du registre civil _____

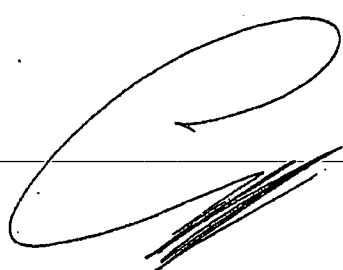
Profession _____

Taille _____ Teint _____

Yeux _____ Cheveux _____

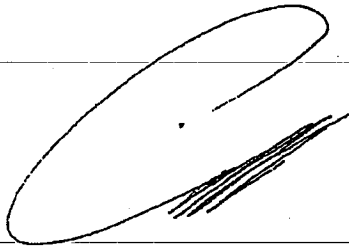
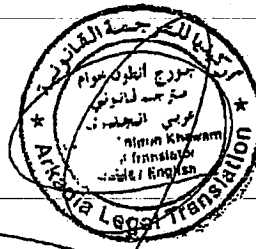
No. du passeport
R.S 2 867 412 88

رقم الجواز
٢٨٦٧٤١٢ ج.س
٨٨





9 2807412 البلدان التي يحق لحامله السفر إليها PAYS POUR LESQUELS CE PASSEPORT EST VALABLE البلدان العربية ما عدا العراق منح هذه الجواز استناداً بهيوان سفر خاصة رقم ٩٤٨٤٩١ تاريخ ٩١/١٠/٩٤ المصدر في الحكومة ديوبلي ١٩٩٧/٦/٥ رئيس البعثة 	8 1147803 تنبيه هام على كل عربي سوري مقيم في البلاد الأجنبية لمدة تتجاوز الثلاثة أشهر أن يتقدم إلى القنصلية العربية السورية في محل إقامته لتسجيل نفسه وعائلته. الناشر القنصلي
--	---

13

20674 12

١٣

DEUXIEME RENOUELEMENT

التجديد الثاني

No. _____ رقم

_____ جدد هذا الجواز في

Passeport renouvelé à _____

_____ تاريخ

le _____

_____ وينتهي العمل به في

Il expire le _____

Le Directeur du Département de
l'Emigration et des Passeports
ou le Consul Généralمدير إدارة الهجرة والجوازات
أو القنصل العام

القيمة المستوفاة

12

0147880

١٢

PREMIER RENOUELEMENT

التجديد الأول

No. 274-98 ٩٨١٧٤ رقم

_____ جدد هذا الجواز في

Passeport renouvelé à Dubai

_____ تاريخ

le 11-3-1998

_____ وينتهي العمل به في

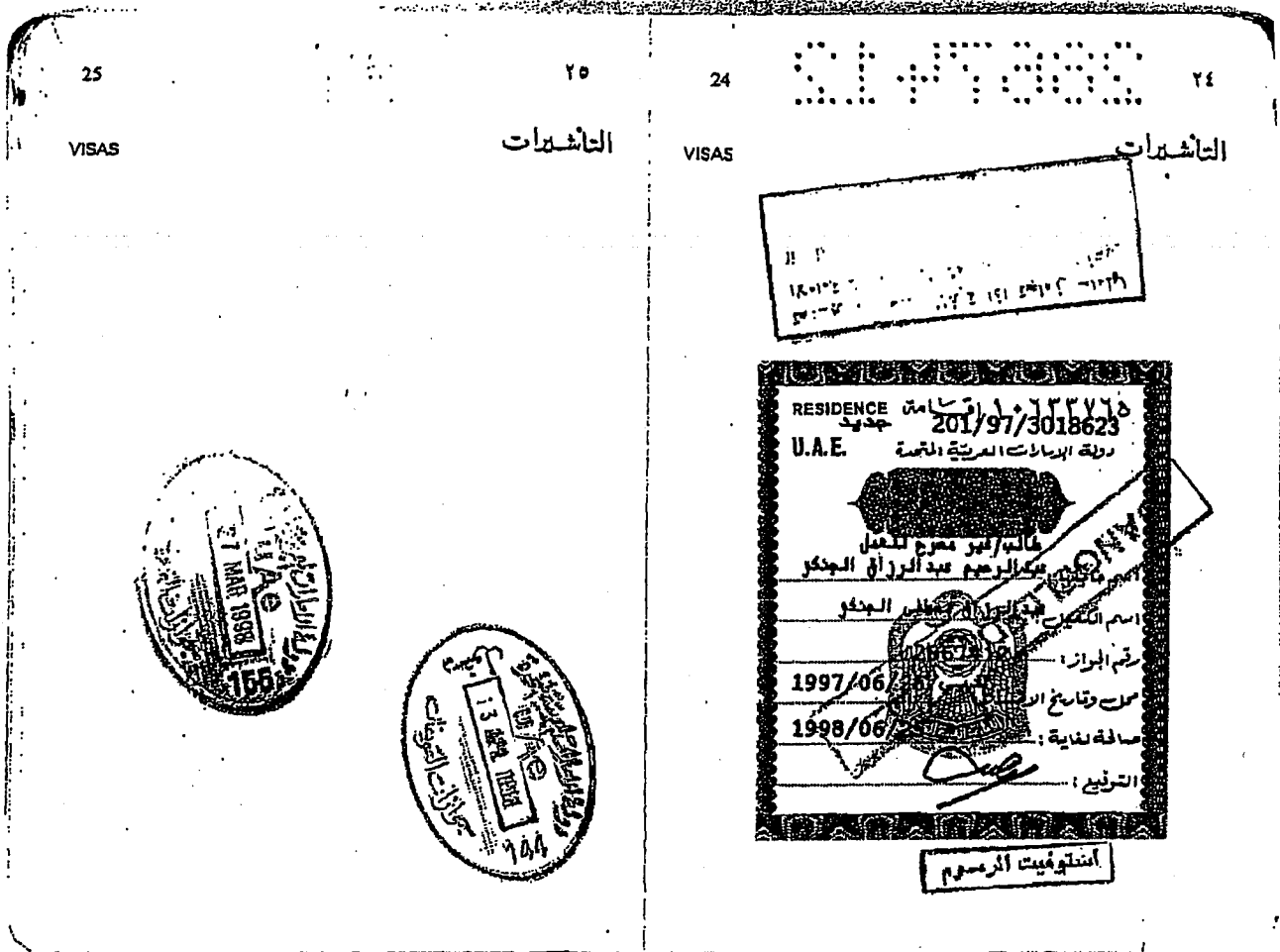
Il expire le 8-6-1999

Le Directeur du Département de
l'Emigration et des Passeports
ou le Consul Généralمدير إدارة الهجرة والجوازات
أو القنصل العام

محمّد بن راشد آل مكتوم

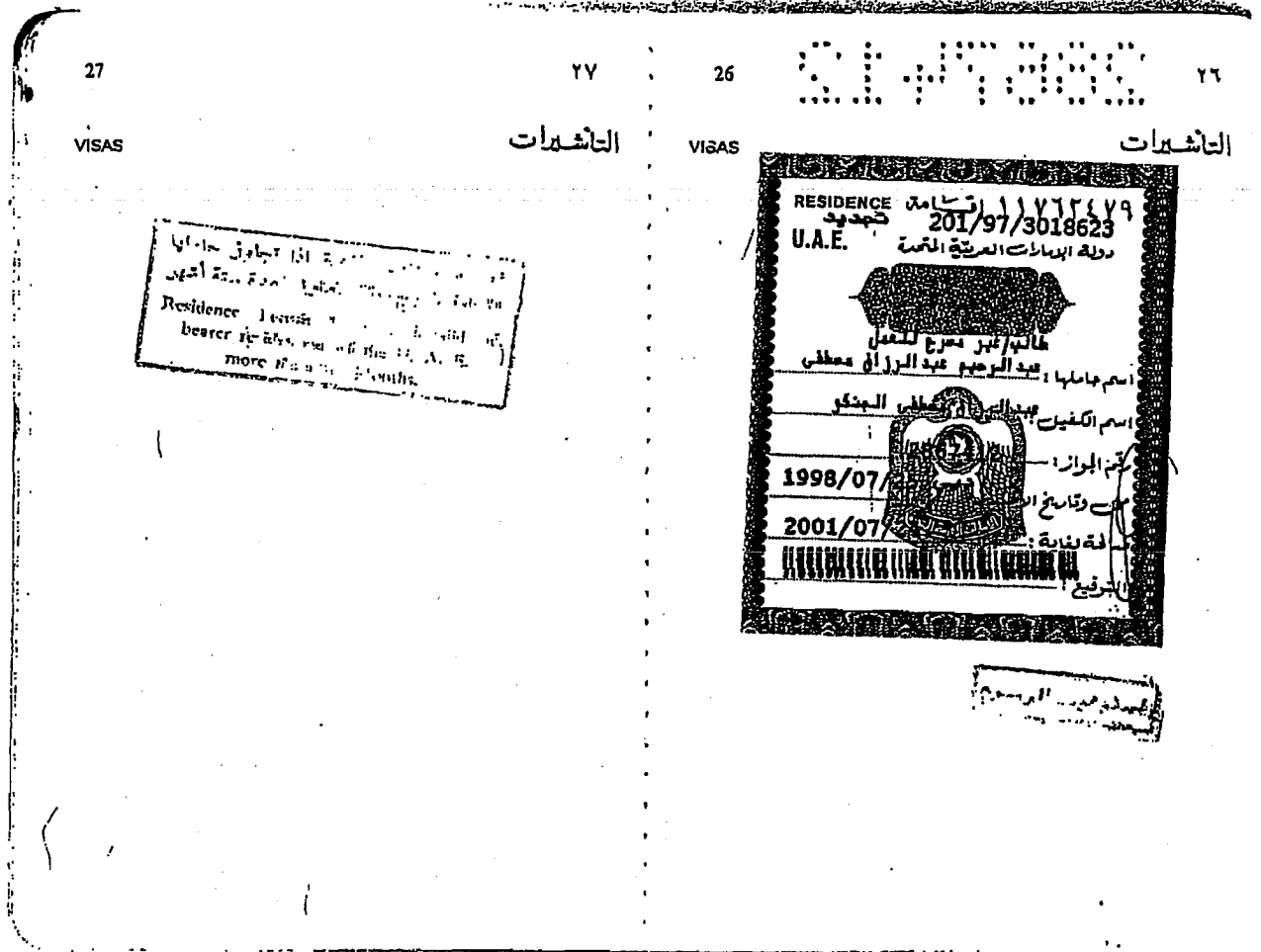
القيمة المستوفاة





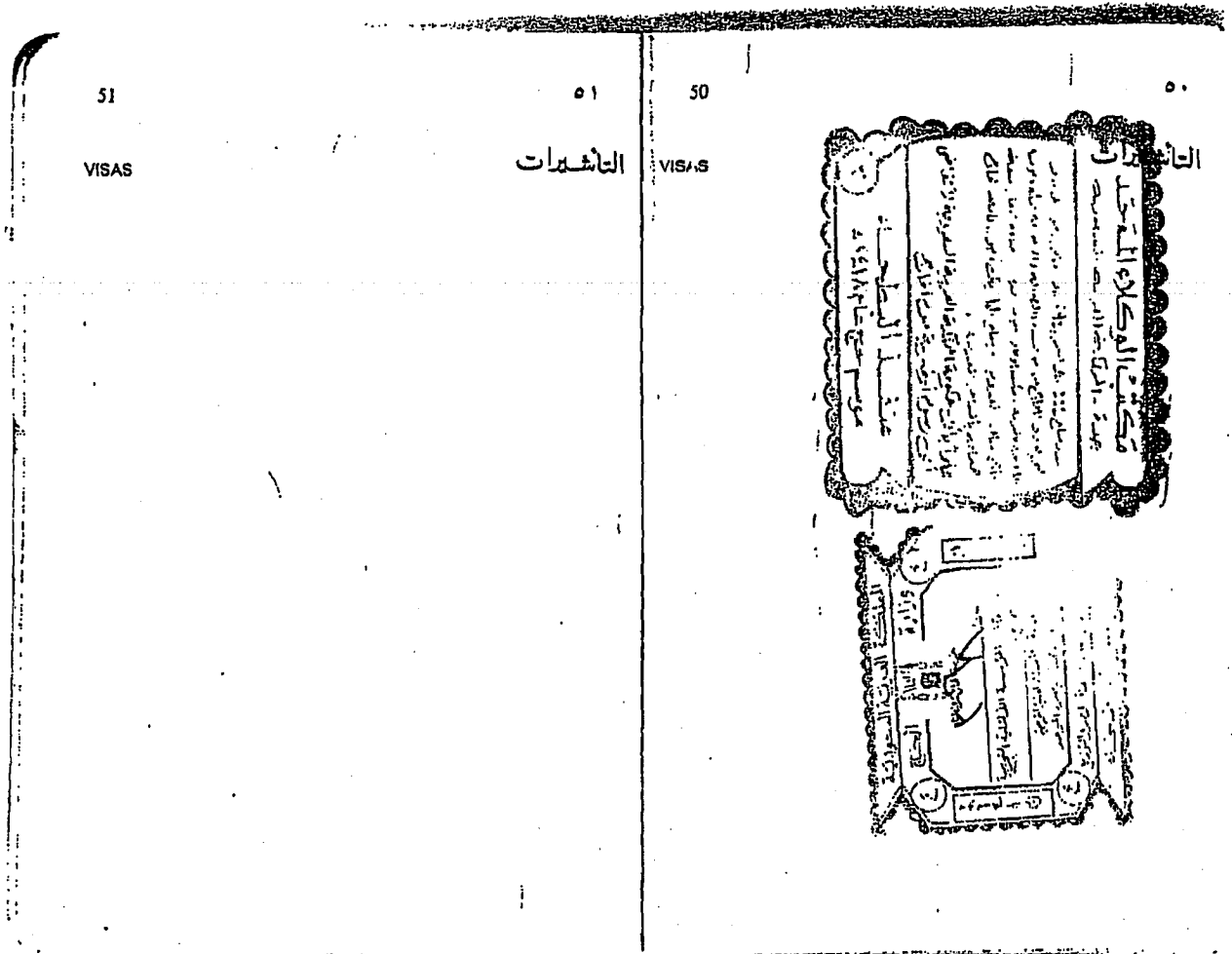
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VISAS

1799

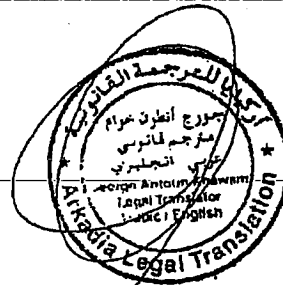
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ملاحظة هامة

يبد هذا الجواز وثيقة ذات أهمية خاصة فيجب التحاذ
الخطوة للحيلولة دون وقوع في حيازة أي شخص من ليس له حق في
حمله وإذا فقد أو تلف يجب المادرة فوراً إلى الإبلاغ الجهة التي
أصدرت أو الإبلاغ أقرب سلطة قضائية أو التي بدت أخرى ترعى
مصالح الرعايا العرب السوريين في الخارج ولا تصد وجوازات
سفر جديدة في مثل هذه الأحوال إلا بعد بحث وتحقيق كاملين.

Ce passeport contient 52 pages

يشتمل هذا الجواز على ٥٢ صفحة





هذه نسخة طبق الاصل من رخصة القيادة
الخاصة بي ارفقها مع المستند طبقاً في
صنا اليوم الموافق ١٤ / ٨ / ٢٠٠٩

عبد السلام عبد البررانه محمد





Arcadia Legal Translation

Al Durrah Tower, Suite 53
Sheikh Zayed Road
P.O. Box : 16286
DUBAI - U.A.E.
TEL : 00971 4 3318272
FAX : 00971 4 3318268
MOB. : 050-4947310
E-mail : alt@emirates.net.ae



أركيديا للترجمة القانونية

برج الدرة ، مكتب رقم ٥٣
شارع الشيخ زايد
ص.ب. ١٦٢٨٦
دبي - الإمارات العربية المتحدة
هاتف : ٠٠٩٧١-٤-٣٣١٨٢٧٢
فاكس : ٠٠٩٧١-٤-٣٣١٨٢٦٨
متحرك : ٠٥٠-٤٩٤٧٣١٠
البريد الإلكتروني : alt@emirates.net.ae

**United Arab Emirates
Government of Dubai
Department of Economic Development**



Professional License

License No. 523793

Commercial Serial No.

Owner(s) : George Antoune Khawam

Nationality : Syrian

Personal Serial No.: 130673

Company's Name :

Nationality :

Trade Name : Arcadia Legal Translation

Legal Status : Individual Establishment

Kind of Activity : Legal Translation

Service Agent : Abdul Rahman Ahmed Yousef Al Shaer

Address : Property of Merza Al Sayegh, Al Durrah Tower,
Sheikh Zayed Road

Tel.: 3318272

Fax: 3318268

PO Box: 16286

Remarks:

Date of Issue: 23-1-2001

Date of Expiry: 22-1-2007

Voucher No.: 675807 23-2-2004

Department of Economic Development
(Signed)

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Arcadia
Legal Translation

UNITED ARAB EMIRATES
GOVERNMENT OF DUBAI
DEPARTMENT OF ECONOMIC DEVELOPMENT



دولة الإمارات العربية المتحدة
حكومة دبي
دائرة التنمية الاقتصادية

رخصة مهنية

Professional License

رقم السجل التجاري:

مسلسل الشخص
130673

الجنسية
سوريا

رقم الرخصة: 523793

صاحب / أصحاب الترخيص
جورج انطون خوام



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اسم الشركة:

الجنسية:

الاسم التجاري:

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الشكل القانوني: مؤسسة فردية

نوع النشاط:

الترجمة القانونية

الجنسية: الامارات

عبدالرحمن احمد يوسف الشاعر

وكيل خدمات

العنوان:

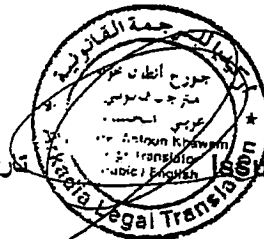
محل ملك ميرزا حفيظ الضاي (برج البردة) - شارع الشيخ زايد

ص. ب.: 119968

فاكس: 3318268

الهاتف: 3318272

ملاحظات:



Expiry Date: 2007/01/22 تاريخ الانتهاء:

Issue Date: 2001/01/23 تاريخ الإصدار:

رقم الإيصال: 2006/02/08 - 968953

ملاحظة: الترجمة القانونية

2006/02/08 - 968953



Arcadia Legal Translation
Al Durrah Tower, Suite 53
Sheikh Zayed Road
P.O. Box : 16286
DUBAI - U.A.E.
TEL : 00971 4 3318272
FAX : 00971 4 3318268
MOB. : 050-4947310
E-mail : alt@emirates.net.ae



أركيديا للترجمة القانونية
برج الدرّة، مكتب رقم ٥٣
شارع الشيخ زايد
ص.ب. ١٦٢٨٦
دبي - الإمارات العربية المتحدة
هاتف : ٠٠٩٧١-٤-٣٣١٨٢٧٢
فاكس : ٠٠٩٧١-٤-٣٣١٨٢٦٨
متحرك : ٠٥٠-٤٩٤٧٣١٠
alt@emirates.net.ae البريد الإلكتروني

**United Arab Emirates
Ministry of Justice
Technical Affairs**

Legal Translator's Identity Card

Name : George Anotune Khawam Nationality: Syrian

Record No. : 115 Date: 6-5-1996

Licensed Languages: Arabic- English & Vice Versa



Place of Work: Arcadia Legal Translation

Address : PO Box 16286 Tel.: 3318272 Fax: 3318268

Valid from 10-9-2005 till 9-9-2006

The translator shall do the assigned job by himself.

Acting Undersecretary for Technical Affairs
(Signed & Sealed)



Arcadia
Legal Translation

دولة الامارات العربية المتحدة
وزارة العدل
الشؤون الفنية

بطاقة قيد موزم كاتوني

الاسم : جورج أنطوان خوام .. الجنسية : سوري
رقم القيد : ١١٥ تاريخه : ١٩٩٦/٥/٦ م
عربي - انكليزي وبالعكس
اللغة المرخص بها :



جهة العمل : ... اركيديا ... للترجمة القانونية دبي
العنوان : ص ب ... ١٢٨٦ ... ت : ٤/٣٣.٨٢٢٢٢
صالحة اعتباراً من : ٢٠٠٥/٩/١٠ م الى : ٢٠٠٦/٩/٩ م
يقوم الموزم بنفس الدرجة التي يعهد اليه بها .

موزم وكيل وزارة العدل المساعد للشؤون الفنية



EXHIBIT 16

Steven T. Wax, OSB #85012
Federal Public Defender
steve_wax@fd.org
Stephen R. Sady
Chief Deputy Federal Public Defender
steve_sady@fd.org
Patrick J. Ehlers
Assistant Federal Public Defender
patrick_ehlers@fd.org
101 SW Main Street, Suite 1700
Portland, Oregon 97204
Tel: 503-326-2123
Fax: 503-326-5524

Attorneys for Petitioner

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDULRAHIM ABDUL RAZAK AL GINCO, v. GEORGE W. BUSH, et al., Petitioner, Respondents.	CV 05-1310-RJL DECLARATION OF ADNAN ABDELRAZAK ALJENKO
---	--

I, Adnan AbdelRazak AlJenko, swear and affirm, as indicated below, that the following statement is true and correct, given of my own free will, voluntary, and not the product of any coercion or duress:

1. I am the brother of Abdul Rahim Abdul Razak Al Gincio; he is the fourth son and I am the fifth son of Abdul Razzak Al Gincio. While our names are spelled differently in English they are spelled the same in Arabic. I was born on January 1, 1980, and am presently 26 years



old. I am a citizen of Syria and have been living in the United Arab Emirates since 1992. I am married and the father of one child.

2. Since leaving post-high school studies at Ras El Khaimah, I have worked as both an export supervisor and a truck driver. I am presently employed with ARZ Clearing & Forwarding (L.L.C.) and ARZ Import & Export (L.L.C.). I work there with my brother Abdel Salam. I am involved with the export of products such as coconut powder, tea, tires, and marble.

3. We have always been a close family and when we were growing up we stayed in contact with each other on a daily basis. I attended secondary school as well as post-high school studies at Ras El Khaimah. While I was attending school in Ras El Khaimah, I was joined by my brothers Abdul Rahim and Abdul Haleem who arrived there for their post-high school studies. We all lived together in a residence in Ras El Khaimah. Even though my brothers and I were not living with our family in Ras Al Khaimah, our daily contact with our father and other family members remained the same. We stayed very busy with our studies and, if we had spare time, would play football. On weekends we would return home and spend time with our family.

4. I never heard of Abdul Rahim having anything to do with hateful or extreme opinions regarding religion and politics. I was undoubtedly the brother in our family who was closest to Abdul Rahim. Not only were we brothers, we were good friends. And our family is very close. I am certain I would have known of any immoral or illegal misconduct by Abdul Rahim. Because of our close relationship, we spent the most time with each other. I never heard of any bad conduct, at all, by my brother. In fact, prior to our acceptance to post-high school studies, we had to submit a report of good conduct issued by local authorities, as a requirement. Neither I, nor any of my brothers, could have attended school in Ras El Khaimah without a good conduct report.



5. In late 1999 and early 2000, Abdul Rahim was living with me and my brother, Abdul Haleem, while attending school in Ras El Khaimah, I was present when Abdul Haleem and Abdul Rahim had a discussion during which Abdul Rahim admitted borrowing about 400 dirhams from Khaled Al Hajiri without telling Abdul Haleem or anyone else in the family. Abdul Rahim said he needed the money for cover the expenses of a school trip. He pleaded with Abdul Haleem not to tell our father, but Abdul Haleem, as the oldest brother of the three of us, was obligated to tell our father. Abdul Haleem would have been viewed by our family as failing to meet his responsibility if he did not inform our father of Abdul Rahim's misconduct. In fact, if our father found out from another person about Abdul Rahim's conduct then Abdul Haleem would have been in serious trouble with our father. Although the amount of money was not great, Abdul Rahim should not have borrowed money outside the family without first speaking with family members about it. This matter of not informing family members is an issue taken very seriously within our family and is something that Abdul Rahim would have to answer for with our father. Our father takes great interest in the behavior of his sons and demands it is beyond reproach.

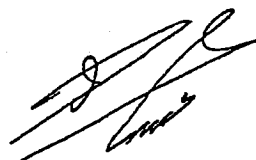
6. On the day of the dispute over this issue between Abdul Haleem and Abdul Rahim, we three brothers left the apartment for 7:00 p.m. prayers and that is where I last saw Abdul Rahim. He did not return to the apartment with us. At first, we thought he had stopped to speak with a friend. Abdul Haleem called and told our father about what Abdul Rahim had done. About three hours after prayers, we became worried about Abdul Rahim's whereabouts, and Abdul Haleem called our father again and told him that Abdul Rahim was missing. It was very odd for Abdul Rahim to be missing, without any explanation, for such a long period of time.



7. My family and I attempted to locate Abdul Rahim, including the filing of a missing person report with the Ajman police. Because our father keeps all the sons' passports, I knew Abdul Rahim did not have his with him. We were very worried about Abdul Rahim's disappearance.

8. Several months after Abdul Rahim's disappearance, my family heard through the newspapers that Abdul Rahim was going to be on a television interview the next day. I was shocked when I saw the interview on Abu Dhabi television. Abdul Rahim had lost a lot of weight. He was pale. Although Abdul Rahim had been gone for only a short time he looked very different from the way he was before he left. During the television interview, he looked very stressed and in a very poor condition. The way he spoke during the broadcast seemed absurd because he said things about past conduct I know could not be true because we spent all of our time together. The claims about being a spy are contrary to what I believe Abdul Rahim would ever do, both because he is a shy and nervous person, and because our religious beliefs are against the deception needed to be a spy. During the interview, Abdul Rahim said things about jihad he had never said in his lifetime. The names he gave of people involved in spying were just schoolmates past and present. Even though the statements were obviously untrue, the scandal was great, and our family suffered in reputation.

9. My family received no direct or indirect contact from Abdul Rahim while he was in the Taliban prison, except one letter. Sometime after the television interview, my brother Abdul Salam received a faxed letter in Abdul Rahim's handwriting. I read the letter, which expressed concerns regarding his health and the terrible conditions in his prison. We have not been able to locate the letter.



10. The first time we heard directly from Abdul Rahim after the television interview was broadcasted was when he called our family on a mobile phone from Kandahar, Afghanistan, after the fall of the Taliban. My mother and I both were on the telephone with Abdul Rahim at the same time. I was on one extension and my mother was on the other telephone. My mother began by asking Abdul Rahim why he had said those terrible things in the television interview. I heard Abdul Rahim respond that he had been threatened and that there had been men armed with guns behind the curtain. The television broadcast of Abdul Rahim showed him sitting in front of a curtain while being interviewed. The conversation was very short because he said he was borrowing a satellite phone from a media person. We received several other calls, but I was not on those calls. I heard Abdul Rahim was trying to figure out how to come home.

11. We were all glad to hear of Abdul Rahim's efforts to return and wished for his quick arrival home. When the Americans arrived in Afghanistan, and the Taliban fell, leading to the release from prison of Abdul Rahim, I was very happy. I thought the arrival of the Americans would be a good development for Abdul Rahim. I could not believe it when Abdul Rahim was taken by the Americans to Guantanamo.

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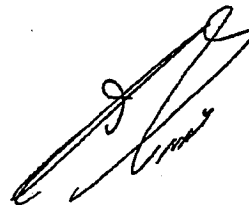
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12. We first heard that Abdul Rahim was in Guantanamo Bay in a letter we received from him through the Red Cross. The letter had a United States postmark and came about four or five months after the phone call when I spoke with Abdul Rahim. I do not believe that Abdul Rahim is a danger to anyone. There is nothing from what I know of my brother that makes me think he would ever be a terrorist or spy. He has a kind heart, and I hope he can be restored to our family as soon as possible.

I swear by Allah that what I say in this declaration consisting of six initialed pages given on this 6th day of September, 2006, is true and correct.


Adnan AbdelRazak AlJenko

CERTIFICATE OF TRANSLATION

I, George Antuone Khawam, certify that I am a translator of Arabic and English licensed by the Ministry of Justice, Technical Affairs, of the United Arab Emirates , as reflected in the attached credentials for Arcadia Legal Translation, P.O. Box 16286, Dubai, United Arab Emirates, and that I have completely and accurately translated the foregoing document from English to Arabic by reading the document to Adnan AbdelRazak AlJenko and that he has sworn on the Muslim oath to the truth of this document in Dubai, United Arab Emirates, on the date stated.


George Antuone Khawam
Legal Translator

	الاسم: عدنان عبدالرزاق الجنكو
	Name: ADNAN ABDELRAZAK ALJENKO
	المهنة: مشرف شحن
	رقم البطاقة: 27413572
	الرقم الشخصي: 00401018186707
المنشأة: الارز للشحن والتخليص (ش.ذ.م.م)	
Est. ARZ CLEARING & FORWARDING (L.L.C)	



تاريخ الإنتهاء:
2007/9/28

هذه نسخة طبق الأصل عن بطاقة عمل
التي هي في أرفقكم بتاريخ ٦/٩/٢٠٠٧

عدنان عبدالرزاق الجنكو



Arcadia Legal Translation

Al Durrah Tower, Suite 53
Sheikh Zayed Road
P.O. Box : 16286
DUBAI - U.A.E.
TEL : 00971 4 3318272
FAX : 00971 4 3318268
MOB.: 050-4947310
E-mail : alt@emirates.net.ae



آركيديا للترجمة القانونية

برج الدرة، مكتب رقم ٥٣
شارع الشيخ زايد
ص.ب. ١٦٢٨٦
دبي - الإمارات العربية المتحدة
هاتف: ٠٠٩٧١-٤-٣٣١٨٢٧٢
فاكس: ٠٠٩٧١-٤-٣٣١٨٢٦٨
متحرك: ٠٥٠-٤٩٤٧٣١٠
البريد الإلكتروني: alt@emirates.net.ae

**United Arab Emirates
Government of Dubai
Department of Economic Development**

Professional License



License No. 523793 Commercial Serial No.

Owner(s) : George Antoune Khawam

Nationality : Syrian

Personal Serial No.: 130673

Company's Name :

Nationality :

Trade Name : Arcadia Legal Translation

Legal Status : Individual Establishment

Kind of Activity : Legal Translation

Service Agent : Abdul Rahman Ahmed Yousef Al Shaer

Address : Property of Merza Al Sayegh, Al Durrah Tower,
Sheikh Zayed Road

Tel.: 3318272

Fax: 3318268

PO Box: 16286

Remarks:

Date of Issue: 23-1-2001

Date of Expiry: 22-1-2007

Voucher No.: 675807 23-2-2004

Department of Economic Development
(Signed)

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مسلسل الشخص

130673

الجنسية

سوريا

رقم الرخصة: 523793

صاحب / أصحاب الترخيص

جورج أنطون خوام

اسم الشركة:

الجنسية:

الاسم التجاري:

اركيديا للترجمة القانونية

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الشكل القانوني: مؤسسة فردية

نوع النشاط:

الترجمة القانونية

الجنسية: الامارات

عبدالرحمن احمد يوسف الشاعر

وكيل خدمات

العنوان:

مبنى مركز حسين الصافي (برج الدرة) - شارع الشيخ زايد

ص.ب.: 119968

فاكس: 3318268

الهاتف: 3318272

ملاحظات:

Expiry Date: تاريخ الانتهاء: 2007/01/22

Issue Date: تاريخ الاصدار: 2001/01/23

رقم الإيصال: 2006/02/08 - 968953

دائرة التنمية الاقتصادية



Arcadia Legal Translation

Al Durrat Tower, Suite 53
Sheikh Zayed Road
P.O. Box : 16286
DUBAI - U.A.E.
TEL : 00971 4 3318272
FAX : 00971 4 3318268
MOB. : 050-4947310
E-mail : alt@emirates.net.ae



أركيديا للترجمة القانونية

برج الدرّة ، مكتب رقم ٥٣
شارع الشيخ زايد
ص.ب. ١٦٢٨٦
دبي - الإمارات العربية المتحدة
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فاكس : ٠٠٩٧١-٤-٣٣١٨٢٦٨
محمّل : ٠٥٠-٤٩٤٧٣١٠
البريد الإلكتروني : alt@emirates.net.ae

**United Arab Emirates
Ministry of Justice
Technical Affairs**

Legal Translator's Identity Card

Name : George Anotune Khawam Nationality: Syrian

Record No. : 115 Date: 6-5-1996

Licensed Languages: Arabic- English & Vice Versa

Place of Work: Arcadia Legal Translation

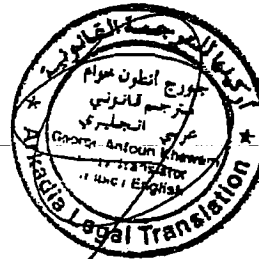
Address : PO Box 16286 Tel.: 3318272 Fax: 3318268

Valid from 10-9-2005 till 9-9-2006

The translator shall do the assigned job by himself.

Acting Undersecretary for Technical Affairs

(Signed & Sealed)



Arcadia
Legal Translation

دولة الامارات العربية المتحدة
وزارة العدل
الشؤون الفنية

بطاقة قيد مترجم قانوني
سوري

الاسم: جورج انتوان خوام الجنسية: سورية
رقم القيد: ١١٥ تاريخه: ١٩٩٦/٥/٦
اللغة المرخص بها: عربي - انجليزي وبالعكس



جهة العمل: ... اركيديا... للترجمة القانونية دبي
العنوان: ص ب ١٢٨٦... ت: ٠٤٢٢٨٢٧٢...
صالحة اعتباراً من: ٢٠٠٥/٩/١٠ الى: ٢٠٠٦/٩/٩
يقوم المترجم بنفسه بالترجمة التي يعهد اليه بها.

مترجم
وزارة العدل
الشؤون الفنية

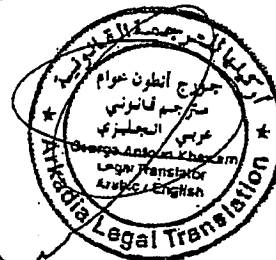


EXHIBIT 17

Steven T. Wax, OSB #85012
Federal Public Defender
steve_wax@fd.org
Stephen R. Sady
Chief Deputy Federal Public Defender
steve_sady@fd.org
Patrick J. Ehlers
Assistant Federal Public Defender
patrick_ehlers@fd.org
101 SW Main Street, Suite 1700
Portland, Oregon 97204
Tel: 503-326-2123
Fax: 503-326-5524

Attorneys for Petitioner

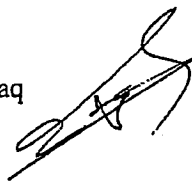
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDULRAHIM ABDUL RAZAK AL GINCO,	CV 05-1310-RJL
Petitioner,	DECLARATION OF ALAA UDDIN ABDUL RAZAQ
v.	
GEORGE W. BUSH, et al.,	
Respondents.	

I, Alaa Uddin Abdul Razaq swear and affirm, as indicated below, that the following statement is true and correct. It is give of my own free will, voluntary, and is not the product of any coercion or duress:

1. I am the brother of Abdul Rahim Abdul Razak Al Ginco; he is the fourth son and I am the first son of Abdul Razzak Al Ginco. While our names are spelled differently in English, they are spelled the same in Arabic. I was born on March 8, 1974, and am presently 32 years

Page 1 Declaration of Alaa Uddin Abdul Razaq



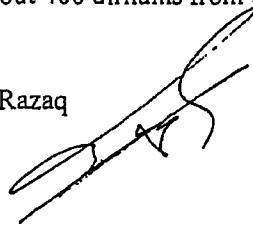
old. I am a citizen of Syria and have been living in the United Arab Emirates since I was eighteen years old. I finished my studies in 1997 and began working as a teacher. I am married and the father of three children.

2. I attended school through the university level in Ras El Khaimah in Islamic law. Additionally, I have completed post-graduate study in Islamic law and hold a masters level degree. The thesis for my master's degree focused on commercial transactions under Islamic judicial law. I have been a teacher in Sharjah and Dubai, two of the emirates within the United Arab Emirates, for a total of four years at both the middle and high school levels. I am currently employed by the ministry of education as a teacher in the public school of Umm Quien.

3. As the oldest brother, I am very aware of Abdul Rahim's behavior and personality before he left the family. Abdul Rahim comes from a decent and respectable family and behaved himself accordingly. Abdul Rahim grew up as a sensitive and kind boy who received medical treatment for a problem related to nervous seizures.

4. I never heard of Abdul Rahim having involvement with politics or extreme religion. If Abdul Rahim had been involved in any improper conduct while living in the United Arab Emirates, he would not have been able to remain in the country because he is an expatriate of Syria. Misconduct on his part would have resulted in deportation. Additionally, misconduct of any kind, would have rendered him ineligible to attend school. Up until the time of his disappearance, he was attending school in Ras El Khaimah.

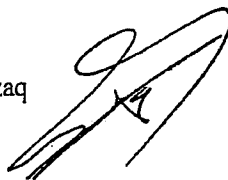
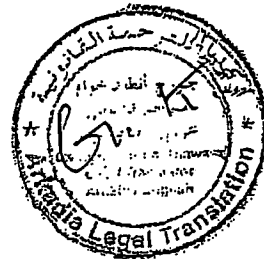
5. In late 1999 and early 2000, Abdul Rahim was living with our brothers, Adnan and Abdul Haleem, while they all attended school in Ras El Khaimah. I did not have first hand involvement with receiving calls or hearing the dispute, but I heard on the day that Abdul Rahim disappeared that Abdul Rahim borrowed about 400 dirhams from someone without telling Abdul



Haleem or any of our other family members. Our father is extremely strict about family honor. Borrowing money from a person outside of our family, without speaking with other family, is a matter that Abdul Rahim would be required to answer for to our father. As the eldest brother, I know my father would have been displeased with Abdul Rahim about this and that he would have expected Abdul Haleem to report this conduct to him. When Abdul Haleem said he was going to tell our father, Abdul Rahim left home and could not be found.

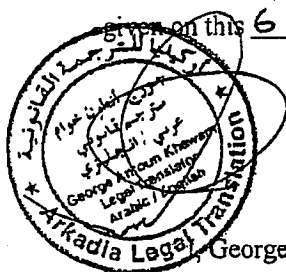
6. I did not hear from Abdul Rahim until several months later when, after hearing that Abdul Rahim was going to be on a television interview, I saw the television broadcast of his interview on Abu Dhabi television. When I saw the broadcast, I immediately questioned whether Abdul Rahim had been mistreated by others who wanted him to say the things mentioned in the broadcast. Abdul Rahim appeared very different than he had been before he left the U.A.E.; he was very pale, he had lost a lot of weight, and he sounded very stressed. I was also struck by the change in his use of expressions during the broadcast. Abdul Rahim used a number of phrases that are not part of his normal vocabulary, the vocabulary used at the school we both attended, or the vocabulary of our religious tradition. The inconsistency between the simple Abdul Rahim I know, and the person he was portraying in the interview, in combination with his physical appearance during the interview, led me to believe he was being unduly influenced to speak that way.

7. I heard from family members that Abdul Rahim had been freed from the Taliban prison after the collapse of the Taliban but had no direct contact with him. I heard he had been taken into custody by the Americans when other family members told me they had received a letter from Abdul Rahim.

8. From my knowledge of my brother throughout our lives, I believe Abdul Rahim is a kind person who would not pose a danger to the United States and its allies. For all the time I have known my brother, he has been extremely timid. He is not the kind of person who could even slay a chicken. Abdul Rahim never expressed to my knowledge anything about violence or hatred toward anyone and never expressed any interest in violent action of any kind. Knowing my brother, as I do, I believe the statements he made during his television interview were not his own. Even though the statements he made during the broadcast were hurtful to our family, he is our brother and our father's son. He will always be welcome in our family circle. We love and miss him and are worried that he is still suffering in prison. We miss him much and hope for his quick release and return to freedom.

I swear by Allah that what I say in my declaration, consisting of four initialed pages,



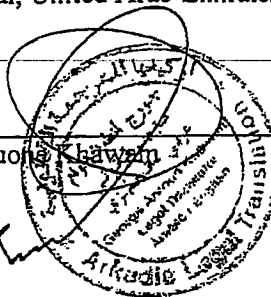
signed on this 6 day of September, 2006, is true and correct.

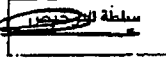
Alaa Uddin Abdul Razaq

CERTIFICATE OF TRANSLATION

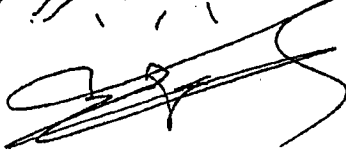
George Antuone Khawam, certify that I am a translator of Arabic and English licenced by the Ministry of Justice, Technical Affairs, of the United Arab Emirates, as reflected in the attached credentials for Arcadia Legal Translation, P.O. Box 16286, Dubai, United Arab Emirates, and that I have completely and accurately translated the foregoing document from English to Arabic by reading the document to Alaa Uddin Abdul Razaq and that he has sworn on the Muslim oath to the truth of the foregoing declaration in Dubai, United Arab Emirates, on the date stated.

George Antuone Khawam



United Arab Emirates Ministry of Interior Ajman Police		 دولة الامارات العربية المتحدة وزارة الداخلية شرطة عجمان	
DRIVING LICENSE رخصة قيادة			
 	No.: 51690	الرقم: ٥١٦٩٠	
	الاسم: علاء الدين عبد الرزاق الجنكو		
	Name: Alan Uddin AbdulRazaq		
	Nationality: Syria	الجنسية: سوريا	
	Profession: Teacher	المهنة: مدرس	
	Issue Date: 10/07/2001	تاريخ الإصدار: ٢٠٠١/٠٧/١٠	
Expiry Date: 09/07/2011	تاريخ الانتهاء: ٢٠١١/٠٧/٠٩		
Blood Group: A +ve	Age: 1974	العمر:	

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علاء الدين عبد الرزاق الجنكو




Arcadia Legal Translation

Al Durrah Tower, Suite 53
Sheikh Zayed Road
P.O. Box : 16286
DUBAI - U.A.E.
TEL : 00971 4 3318272
FAX : 00971 4 3318268
MOB. : 050-4947310
E-mail : alt@emirates.net.ae



أركيديا للترجمة القانونية

برج الدرة، مكتب رقم ٥٣
شارع الشيخ زايد
ص.ب. ١٦٢٨٦
دبي - الإمارات العربية المتحدة
هاتف : ٠٠٩٧١-٤-٣٣١٨٢٧٢
فاكس : ٠٠٩٧١-٤-٣٣١٨٢٦٨
متحرك : ٠٥٠-٤٩٤٧٣١٠
البريد الإلكتروني : alt@emirates.net.ae

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Professional License



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Commercial Serial No.

Owner(s) : George Antoune Khawam

Nationality : Syrian

Personal Serial No.: 130673

Company's Name :

Nationality :

Trade Name : Arcadia Legal Translation

Legal Status : Individual Establishment

Kind of Activity : Legal Translation

Service Agent : Abdul Rahman Ahmed Yousef Al Shaer

Address : Property of Merza Al Sayegh, Al Durrah Tower,
Sheikh Zayed Road

Tel.: 3318272

Fax: 3318268

PO Box: 16286

Remarks:

Date of Issue: 23-1-2001

Date of Expiry: 22-1-2007

Voucher No.: 675807 23-2-2004

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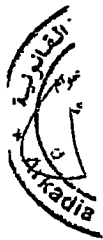
رقم السجل التجاري:

مسلسل الشخص
130673

الجنسية
سوريا

رقم الرخصة: 523793

صاحب / أصحاب الترخيص
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الترجمة القانونية

الجنسية: الامارات

عبدالرحمن احمد يوسف الشاعر

وكيل خدمات

العنوان:

محل تلك ميرزا حسين الضايغ (تجوز الترجمة) شارع الشيخ زايد

ص.ب.: 119968

فاكس: 3318268

الهاتف: 3318272

ملاحظات:



تاريخ الانتهاء: 2007/01/22

تاريخ الاصدار: 2001/01/23

رقم الإيصال: 968953 - 2006/02/08

ملاحظة: الترجمة القانونية

2006/02/08

Arcadia Legal Translation

Al Durrah Tower, Suite 53
Sheikh Zayed Road
P.O. Box : 16286
DUBAI - U.A.E.
TEL : 00971 4 3318272
FAX : 00971 4 3318268
MOB.: 050-4947310
E-mail : alt@emirates.net.ae



أركيديا للترجمة القانونية

برج الدرة، مكتب رقم ٥٣
شارع الشيخ زايد
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دبي - الإمارات العربية المتحدة
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متحرك: ٠٥٠-٤٩٤٧٣١٠
البريد الإلكتروني: alt@emirates.net.ae

**United Arab Emirates
Ministry of Justice
Technical Affairs**

Legal Translator's Identity Card

Name : George Anotune Khawam Nationality: Syrian

Record No. : 115 Date: 6-5-1996

Licensed Languages: Arabic- English & Vice Versa

Place of Work: Arcadia Legal Translation

Address : PO Box 16286 Tel.: 3318272 Fax: 3318268

Valid from 10-9-2005 till 9-9-2006

The translator shall do the assigned job by himself.

Acting Undersecretary for Technical Affairs
(Signed & Sealed)



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الشؤون الفنية

بطاقة قيد مرجع قانوني

الاسم: جورج انتوان خوام الجنسية: سوري
رقم القيد: ١١٥ تاريخ: ١٩٩٦/٥/٦
اللغة المرخص بها: عربي - انجليزي وبالعكس

جهة العمل : ... اوكيديا... للترجمة... القانونية دبي
العنوان : ص ب ... ٦٢٨٦... ت : ... ٤/٢٢٢.٨٢٧.٢
صاحبة اعتباراً من : ٢٠٠٥/٩/١٠ الى : ٢٠٠٦/٩/٩
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الشؤون الفنية

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EXHIBIT 18

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Associated Press Online

May 4, 2000; Thursday

SECTION: International news

LENGTH: 758 words

HEADLINE: Arabs in Afghanistan Claim US Link

BYLINE: KATHY GANNON

DATELINE: ISLAMABAD, Pakistan

BODY:

An Arab arrested in Afghanistan says the United States recruited him to try to find alleged terrorist Osama bin Laden, and his Taliban captors say he and another prisoner "were spying for America and Israel."

A television reporter interviewed the two prisoners at a secret location in southern Afghanistan. The Associated Press viewed the taped interview Wednesday in Islamabad.

"We have arrested two Arabs, a Syrian and an Iraqi, who were spying for America and Israel," Taliban Foreign Minister Wakil Ahmed Muttawakil told the AP on Wednesday. "We found six documents on them that shows they were spying."

Muttawakil refused, however, to confirm or deny the statement of one prisoner that the Taliban were also holding an American as an alleged spy.

On camera, the Syrian says, "I was told by the Taliban that they have arrested an American."

In Washington, State Department officials said they were aware of rumors that an American had been arrested but had been unable to confirm the reports independently. The U.S. Embassy in Islamabad and the consulate in Peshawar are investigating, the officials said.

The reporter and his cameraman, interviewed by the AP upon their return to Islamabad this week, work for United Arab Emirates Television, Abu Dhabi Channel, in the UAE's capital.

They interviewed the Taliban's two acknowledged prisoners the night of April 25. The Syrian, Abdul Rahim Janko, 22, fidgeted in his chair as he answered questions.

"During my interrogation, I told them how I was recruited, what they wanted me to do and

who I was to contact with my information," he said.

Janko said he'd been lured to a party in Abu Dhabi where he was filmed drinking and having sex. He said two men who claimed to work at the U.S. Embassy in Abu Dhabi threatened to show the film to Janko's deeply conservative father if Janko refused to go to Afghanistan.

"I committed every sin," Janko told the reporter, Jamal Ismail, who is Palestinian.

On camera, his voice broke, tears welled in his eyes and his face turned crimson as he pleaded for his life: "I deserve to die, I know that. I have committed sins for all of my 22 years, but if the Taliban let me live, I want to spend the next 22 years fighting for jihad (holy war) to make up for my sins."

Ismail told the AP that Janko was arrested early last month. Under interrogation, he gave up information that led to the arrest two days later of the American and the Iraqi, identified only as Arkan, 24.

All three were reportedly apprehended in Kabul, the Afghan capital, and transferred to Taliban headquarters in southern Kandahar.

Ismail said he and the cameraman were driven by turbaned Taliban to a secret location in Kandahar on April 25, but the darkness and the vehicle's tinted windows limited their ability to see their surroundings.

Once there, the Taliban refused to allow the TV crew to see the American or to speak at length with Arkan, saying they were being questioned.

Arkan appeared sullen and unkempt on camera. He had shoulder-length hair and wore a beige shalwar kameez, the traditional Afghan pajama-like outfit of baggy pants and long shirt.

"Do you want my real name or my jihad name?" Ismail said the Iraqi asked him. "My real name is Arkan and my jihad name is Islam."

Arkan said he had come to Afghanistan 18 months ago; Janko said he arrived in December.

Janko told the reporter he'd been given \$1,350, with the promise of more, and sent to Afghanistan to collect information on bin Laden's network and the number of Arabs training in Afghanistan. He was to document the Arabs' countries of origin, where they lived and their relationship with the Taliban and bin Laden, as well as bin Laden's relationship with the Taliban.

The United States wants the Taliban to surrender bin Laden for trial in the 1998 bombings of two U.S. embassies in Africa that killed 224 people. It has offered a \$5 million reward for information leading to his arrest.

The Taliban have refused to turn him over, saying Afghan tradition forbids handing over guests to enemies.

Janko said he was also told to determine how many Afghans and Arabs were going to Russia's breakaway republic of Chechnya to fight alongside rebels there.

He said he was caught because he asked too many questions.

"I was asking so many questions. What's your jihad name? What's your real name? Have you met the sheik (bin Laden)? Where are the training camps?" he said. "Especially for a newcomer, they will be very suspicious."

LOAD-DATE: May 4, 2000

EXHIBIT 19

Copyright 2000 St. Louis Post-Dispatch, Inc.
St. Louis Post-Dispatch (Missouri)

May 5, 2000, Friday, THREE STAR EDITION

SECTION: NEWS, Pg. A13

LENGTH: 242 words

HEADLINE: ARAB HELD IN AFGHANISTAN SAYS HE WAS U.S. AGENT

BYLINE: The Associated Press

DATeline: ISLAMABAD, PAKISTAN

BODY:

An Arab arrested in Afghanistan says the United States recruited him to try to find alleged terrorist Osama bin Laden, and his Taliban captors say he and another prisoner "were spying for America and Israel."

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"During my interrogation, I told them how I was recruited, what they wanted me to do and who I was to contact with my information," he said.

LOAD-DATE: May 5, 2000

EXHIBIT 20

Copyright 2000 U.P.I.
United Press International

May 7, 2000, Sunday

SECTION: GENERAL NEWS

LENGTH: 696 words

HEADLINE: Taliban acknowledge arresting spies

BYLINE: By ANWAR IQBAL

DATELINE: ISLAMABAD, May 7

BODY:

The ruling Taliban militia of Afghanistan, which had earlier denied arresting any spy, said Sunday it had arrested two Arabs for allegedly spying for the United States and Israel.

"We are holding two Arabs and they have admitted to spying for the United States and Israel," Taliban Information Minister Qudratullah Jamal said in Kabul, Afghanistan.

He said the two Arabs were collecting information about Saudi dissident Osama bin Laden and other foreign guests in Afghanistan.

Meanwhile, a Pakistani news agency, NNI, reported Sunday that Pakistani security officials have arrested a German national while trying to cross into Afghanistan.

The report says that S. Max David was arrested Saturday while trying to cross into Afghanistan from the Torkham border. Pakistani authorities also claimed to have recovered a satellite phone and other communication equipment from him, the NNI said.

The Afghan information minister identified the two Arabs as **Abdur Rahim**, a Syrian, and **Arkan**, an Iraqi. They are both of Kurdish origin and were arrested by the Taliban security officials in Kabul last month. They were later shifted to the Taliban headquarters in the southwestern Afghan city of Kandahar.

"The United States and Israel had asked them to closely monitor the situation in Afghanistan and report back to them," Jamal said.

A recent U.S. State Department report identifies Afghanistan and Pakistan as "havens for terrorists" and urges the two countries to take immediate action against the terrorists operating from their territory.

Both countries have rejected the U.S. charge as baseless. They blamed the United States

and other Western powers for bringing militants from all over the world to fight the Russian occupation forces in Afghanistan from 1979 to 1989. Although the Russians left in 1989, most militant groups stayed in Afghanistan.

However, the dispute between the United States and the Taliban regime revolves around Osama bin Laden, a Saudi dissident who has been hiding in Afghanistan for the last four years. The Taliban have rejected a U.S. demand for expelling bin Laden. Washington wants to try him: U.S. officials have said he masterminded the bombing of two U.S. embassies in East Africa in August 1998, killing 268 people.

Taliban authorities say that since President Bill Clinton's visit to Pakistan and India in March, the United States has increased its efforts to catch bin Laden. They claim that U.S. security agencies have sent several agents to Afghanistan to trace the terrorism suspect.

Declaring him a public enemy number one, the United States has announced a reward of \$5 million for bin Laden's arrest.

Taliban officials say that they arrested the two Arabs in the process of collecting information about bin Laden and other foreigners supporting the Taliban regime.

The Arabs were particularly interested in Muslim militant groups that received military training in Afghanistan and later went to fight in places like Chechnya and Kashmir, Taliban officials said.

The pair enrolled in Kabul's Abu Hanifa seminary pretending they had come to Afghanistan for Koranic studies, Jamal, the information minister, said. He said last week the Taliban authorities allowed a select group of foreign journalists to interview Abdul Rahim in Kandahar.

"Rahim claims was hired by Israeli intelligence agents working undercover in the U.S. Embassy in the United Arab Emirates where he was studying in the Sharia faculty of Ras Al-Khaima University," said Jamal Ismail, a journalist who interviewed him last week.

Rahim told him that the Israeli agents allegedly forced him to work for them by taking his film while being sodomized.

A Pakistani newspaper, The News, quoted Rahim as saying that he contacted Arkan in Kabul and, through him, one U.S. citizen identified only as Richard, working for a western aid group in Kabul.

The Taliban information minister, however, denied earlier reports that the militia had also arrested Richard. He said the two Arabs told their Taliban interrogators that Richard was working in an agency in Kabul. But he said was not sure whether Richard was still in the area or had escaped.

LOAD-DATE: May 8, 2000

EXHIBIT 21

Copyright 2000 Pakistan Press International
The Pakistan Newswire

July 29, 2000 Saturday

SECTION: Nationwide International News

LENGTH: 391 words

HEADLINE: Taliban - US spy confessions

DATELINE: Islamabad July 29

BODY:

An Arab spy, arrested by Taliban, has confessed that he was working for Israel and the United States to gather information about Saudi dissident Osama bin Laden and other Arabs in Afghanistan.

The 22-year old Syrian, Abdul Rahim Abdul Razaaq Jankoo was quoted by a newly launched magazine of the Taliban as saying that he was recruited by some Arabs and an American national.

The monthly, "The Islamic Emirate," which Taliban have launched for effectively responding international criticism of the militia, published the full interrogation of the arrested spy in the form of an interview. Abdul Rahim said he had been a student of Islamic Law in the Ra'as-ul-Kheemah University of the United Arab Emirates when his two university mates, Najib Abdul Wahid al-Dhimary and Faisal Saud al-Qasimy blackmailed him into working for an Israeli agent, working in the US embassy in UAE.

According to him, the agent, Shamoyel Anty, along with a Lebanese national Abdullah Shukry al-Hijaar and head of the recruits, in the US embassy in UAE, Hajoob Haseeb trapped the young spy after getting him sexually assaulted by Najib and Faisal and threatening him to expose him before his father, through a video film, if he did not comply with their order.

Abdul Rahim said that after his recruitment, he came to Jalalabad via Pakistan with the help of an Afghan, whom he had befriended while he was in a UAE jail for not possessing passport.

In Jalalabad, he said, he was handed over to a Taliban official, Mulla Abdul Salam Rocketi, who sent him to a guest house in Kabul.

He said in Kabul he was to be received by another US agent, a Kurdish Iraqi, whose real name was Arkaan but changed as al-Harky and then as Islam. Islam sent him to a seminary for being enrolled but he was suspected when he insisted that he wanted to go to Pakistan for a telephone call to his family and also for making marriage.

He said that in fact he had to go to Pakistan to report to a lady, Florence, working in the American embassy in Islamabad.

The spy said that he had been promised a MasterCard worth \$50,000, on completion of his mission.

Abdul Rahim said that the American-Israeli agent in UAE had already sent 22 spies to Afghanistan, before him, out of whom four were arrested by Taliban while there is no information about the whereabouts of the rest of them.

LOAD-DATE: July 5, 2001

EXHIBIT 22

1st Issue

July 2000 CE — Rabi-ul-Sani 1421 H

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Amir of Muntazir

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EDITOR'S NOTE



The Islamic Emirate

A Monthly Islamic Magazine

Published by the Information
Center of the Islamic Emirate
of Afghanistan, Kandahar
Tel: 0093-03-210360
0092-081-837825

Mail Order Costs

Price Per Issue:

Afghanistan.....	20,000 Afghanis
Pakistan.....	25 Rs
America, Europe, and Africa.....	\$4.00 US
United Arab Emirates.....	10 Dirhams
Saudi Arabia and all other Arab states.....	10 Riyals or its equivalent

Yearly Subscription Rate:

Afghanistan.....	240,000 Afghanis
Pakistan.....	275 Rs
America, Europe, and Africa.....	\$48.00 US
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New York:	Tel: 718-389-0457 Fax: 718-661-7771
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A Response at Last

Muslim insurgency, political Islam, Jihad, terrorism, extremism: these topics dominate today's political landscape and receive unrivaled media attention. Unfortunately, one often finds that discussions of such issues are full of misleading information biased towards the enemies of Islam. In addition, the news that is provided to the world is usually distorted or patently false.

It is usually the case that those who speak the least are those whose say matters the most. That is especially true when we talk about the Taliban and the Islamic Emirate of Afghanistan.

It has been the general policy of the IEA to keep a low media profile and concentrate on working hard toward its goals, rather than spend a lot of time responding to media inaccuracies. While we believe that this policy had some good aspects, we also realize that it is the right of the Muslim Ummah to have access to the truth. As a result of our reluctance to speak out, the allegations of the enemies of Allah have gone largely unchallenged. Until now...

We hold the belief that our responsibility to Allah and the Muslim nation is to put the facts straight. With that in mind, we have produced this magazine, which will, in shaa' Allah, be our link with the rest of the world, and especially, with our beloved Islamic Ummah.

And as we begin this endeavor, we hope that our readers will appreciate what we have done and make an effort to assist us in the production of future issues. Contributions, suggestions and comments all help us to better serve our readership and the cause of Islam. ■

In This Edition:

EDITOR'S NOTE: <i>A Response At Last</i>	2
OPINION: <i>Afghanistan's Real Problem</i>	3
NATIONAL: <i>News From Afghanistan</i>	6
WORLD: <i>International News In Brief</i>	9
INTERVIEW: <i>Amir-ul-Mumineen</i>	12
HISTORY: <i>Taliban and the Islamic Emirate</i>	16
INTERVIEW: <i>Confessions Of An Arab Spy</i>	21
ANALYSIS: <i>Terrorism, Or Jihad?</i>	29
COMMENT: <i>UN Security Council Threats</i>	31

INTERVIEW

Confessions Of An Arab Spy

The Islamic Emirate of Afghanistan, as a result of its implementation of a model Islamic system, is now recognized by the infidel nations as a clear and present danger to their continued global domination. Unable to decide how to confront this threat, they have tried a number of tactics, such as applying direct and indirect political pressure, making ugly threats and dire promises, and striking Afghanistan with cruise missiles. But all their efforts have only increased the Emirate in faith and resolve.

The latest dirty method to be used against the Islamic Emirate and those who reside on her soil, from the Mujahideen and other immigrants, is that of espionage. What means could be more criminal than the filthy game of cloak and dagger? The story that follows exposes just how far these lowly individuals will go to achieve their goals.

And now, to the interview with one of these spies, who was recruited by the American and Israeli intelligence agencies to gather information on the Mujahideen of Afghanistan.

Q: What is your name, how old are you and what is your country of origin?

A: My name is Abdul Rahim Abdul Razaq Jankoo, I'm 22 years old and I'm from Syria.

Q: From where in Syria?

A: From the city of Al-Qamashily in Al-Haskah province.

Q: Where did you get your education?

A: I took my primary, secondary and some of my high school education in Syria, and then completed my high school and began my higher education in the city of Ajman in the United Arab Emirates, after which I continued my studies in the city of Ra'as-ul-Kheemah (also in the United Arab Emirates).

Q: Did you complete your university?

A: No, I studied for two and a half years only.

Q: In which faculty were you?

A: I was in the Islamic law faculty for a year, and then I finished in the Arabic language faculty.

Q: When did you come to Afghanistan?

A: I entered Afghanistan on 9-2-2000 (February 9th, 2000).

Q: Had you ever visited Afghanistan before that date?

A: No, I had never visited it, not once.

Q: How did you come to Afghanistan? Did you have a visa and if so, how did you procure it? How did you enter Afghanistan?

A: My entering Afghanistan was by prior arrangement.

Q: Who arranged it?

A: A man from the American embassy, who, as I heard it, was working for the Israeli intelligence agency.

Q: What was his name?

A: His name was Shamoyel Anty.

Q: And this was in which American embassy?

A: In Abu Dhabi, United Arab Emirates.

Q: When were you recruited?

A: Before I came to Afghanistan by about 15 days, or maybe a little less than a month.

Q: How did they recruit you?

A: I had committed some crimes prior to the recruitment, such as illicit sex,

homosexual acts and drinking, and some other things.

Q: In the UAE?

A: In the UAE, in the emirate of Ra'as-ul-Kheemah, my brother.

Q: You had not committed any crime in Syria?

A: No, no. When I entered the university in the Emirates, that was not an issue. That all began before I was recruited by about 7 months. The beginning of the recruitment business was while I was in the university. I had an evil acquaintance whose name was Najib Abdul Wahid Al-Dhimary. He was from the Yemen. So, this man told me about a computer game called Play Station.

Q: What's it called?

A: It's called Play Station. It affected me strongly, as it might affect any young man. This game was new and getting very popular. So I went to Najib's place, and he had with him a CD laser disc full of pornographic pictures of naked woman. I was a religious man before, and by Allah, I didn't have a perverse nature, but when I saw those pictures, my sexual desires. After that, Najib told me to come back the next day or the day after that, as he had something else prepared for us. So after I left, the effect that the disc had on me persisted. When I returned to Najib's house, he had brought

a television and VCR, with which we watched sex films. Obscenity, naked women, etc. At this time, there was with us another man, whom I had seen briefly in the university and became acquainted with at Najib's house. His name was Faisal Saud Al-Qasimy.

Q: This man, Faisal Saud Al-Qasimy, is from the Emirates?

A: Yes. So while we were watching these films, which were full of very obscene, dirty things, Faisal suggested that we imitate the homosexual acts we were seeing on the screen. Then he pulled from his pocket more than five thousand dirhams and showed it to me. I had never seen so much money in my life! My lusts were uncontrollable in front of the videos and the money, and so I fell into their trap. And that was my mistake, and I ask Allah that he not hold me accountable for it... After that incident, Faisal began to dislike me and our relationship continued like that for approximately seven months, until he recruited me. And when I made excuses and complained of fatigue and the like, he would get angry with me...

Q: Why did you not try to return to Syria?

A: To Syria? Syria is a problem. I'm wanted for military service there, and I can't possibly enter the Syrian army. It's dishonorable.

Q: After that, how exactly was your recruitment carried out?

A: Faisal Saud Al-Qasimy came to my house one day in the last 10 days of Ramadan, after having promised not to come near me for the duration of the month. He knocked on the door; I asked him what he wanted. He said, "I want you with me in an important matter." So he took me to the Ibn Majid Hotel in Ra'as-ul-Kheemah. I was taken to a room on the top floor. When we entered, I saw a man, heavy-set, with long blonde hair. He was Abdullah Shukry Al-Hijaar, a Lebanese Christian with American citizenship. He began by encouraging me to help them in an important mission, and spoke with me about Osama bin Laden, mentioning their desire to capture him. He told me, "We don't want you to bring us Osama bin Laden himself, we want you to go to Afghanistan for a different purpose. We want you to get information on the path by which the Arabs travel to Chechnya. We also want information on how they train and where they live." Then he said to me, "If you can, we also want you to provide us with details of the nature of bin Laden's relationship with the Taliban and vice versa. We trust that you will make an effort for us." I protested and said that I could not do what they were asking me to do. But the jerk refused to hear it.

Q: How did they recruit you precisely, and what did they want you to do?

A: When I went to the hotel that day, which was a Wednesday, Al-Hijaar mentioned some secondary matters, but the primary issue became evident later. He told me to come again with Faisal Saturday. So we went to them on Saturday morning. Faisal delivered me to them and left. I then went with Al-Hijaar, Shamoyel Anty, and the other people that were with him, to the American Embassy in Abu Dhabi.

Q: Who were the others that were with him?

A: Three girls at his side, and in the same bus four guards and the driver. The bus belonged to the American embassy.

Q: The women and the guards: were they Arabs or foreigners?

A: The bodyguards were dressed in black and obscured by glass, so I don't know who they were.

Q: And the girls?

A: They were Arabs. They spoke Arabic and English fluently.

Q: Even though you didn't know them, you went with them, why?

A: I have mentioned before that when Abdullah Shukry Al-Hijaar requested me to work with them, I was

unwilling. When I refused, he used a mobile phone to call Faisal, who came with some videotapes. He threatened me with the recordings, saying, "We have you on tape, and your father is waiting in the lobby. If you don't cooperate with us, we'll expose you." For that reason, I went. And I went weakly and under coercion, and I didn't sell myself.

Q: Did they promise you money?

A: Afterwards, when I went to the Embassy in Abu Dhabi, the official in charge of recruits, Hajoob Haseeb told me, "If you complete your mission, it's your right on us that we take you to a place unknown to anyone, not even our American president. You'll find a paradise on Earth where you will live in a beautiful house, embraced by women, surrounded by delights, and provided with riches."

Q: They did not promise you a specific amount of money?

A: They said, "When you return to Pakistan and deliver the information, you'll be given a MasterCard which begins at a limit of \$50,000 and runs until you finish your mission." Meaning this mission, I think. This was how it was put to me by Shamoyel Anty, the third man who was present with Hajoob Haseeb.

Q: Did they train you at all?

A: No, they didn't give us any training, and I'm being truthful with you. If they had trained me, I would tell you. I stayed with them for approximately one month before I came here. They were very busy during that period, and not because of their integrity. No, by Allah. Rather, we were busy in acts of impiety and debauchery. Guests and other people were constantly coming and going and occupying our time.

Q: When did you arrive in Peshawar?

A: On the 9th of February, 2000. Before approximately two months, or three, because now I don't know the time nor the date.

Q: And how did you enter Afghanistan?

A: There were some Afghan brothers with me when I was imprisoned in the UAE [for not having a passport]. I got to know one of them well. When I approached the brother, I told him I want to go to Jihad. He said, "No problem. We'll help you, in shaa'Allah. No one goes astray in Afghanistan. He who seeks the goodness, he won't get lost, in shaa'Allah." I was then supplied with Afghan identity papers. That was in the Emirates. I then went with him from the Emirates to Peshawar, and from there, we traveled to Torkham on the Afghan/Pakistan border, and from Torkham, we went to

Jalalabad. The brother paid for the bus fare and meals, then he turned me over to the brothers from the Taliban there.

Q: In Jalalabad?

A: Yes, to their leader, Mullah Abdul Salaam Raakity. May Allah reward them all. By Allah, he gave me his clothes to wear, this suit. Then one of the Arab brothers was called to translate, because they didn't understand me. The Arab's name was Abu-l-Laith Al-Qasimy. He wrote a letter for the director of the guesthouse in Kabul, and gave it to me and told me to go. So I came to Kabul, to complete some of my duties.

Q: What was the mission in Kabul?

A: They had said to me, "When you reach Kabul, you'll get to know our agents and full-time operatives in Afghanistan."

Q: And did you become acquainted with them?

A: They told me before that they are presently in Kabul, and they gave me as much as is known of their descriptions. And they told me, "Don't look for them, they'll call you." And they said, "If you arrive, go with the Mujahideen - meaning the Arabs - and our operative will recognize you, then you'll get to know him." I was told to ask a lot of general questions, like "What's your name?" and "What's your family name?"

and "Which country are you from?" Persistent questions such as these. Then, as I was told, their agent would come and accost me for asking such questions. They described him, and mentioned to me that his original name was Arkaan, then Al-Harky, then Islam.

Q: Is he Arab or non-Arab?

A: He is an Arab, but his origins are Iraqi Kurd. So I went to the guesthouse and sat with the Arab brothers the first day, which was a Saturday. I sat and asked questions all day long, and no one rebuked me or said anything. But the questions were general and very natural, so there was no cause for confrontation in the first place. So Islam came at Maghrib and talked, and when I began to ask questions, he came to me and said, "What is with you? You ask too many questions - do you want the people to doubt you? What is your intention? What do you want?" Even some of the brothers were surprised and said that there was no call for such a reaction, that there was no problem. Then I knew that he was the agent that I was supposed to contact. I made certain by comparing his appearance to the description I had with me. The only thing that was a problem for me was his long hair. But I recognized him and knew that he was the one.

Q: How did you confirm that?

A: We were in the upstairs prayer room when he questioned me. Afterwards, he and I descended to the room that is below the entry door. He then turned to me and said, "The American soldier fights in honor." That was the code which had been agreed upon.

Q: A secret password, I think?

A: Not a secret password, but a code unlike the ordinary simple code...so then Islam said, "Avoid silliness and frivolity while you're with the people, and don't let on that you're educated and speak English. Don't do anything without my orders, and don't begin any assignment without my orders."

Q: Were there others with you?

A: No. I told him that I wanted to meet Richard Beckett.

Q: Who is Richard Beckett?

A: Another man who, as I said during the investigation, was named along with Islam as a permanent intelligence presence in Afghanistan. He has American citizenship. I was given a description of his physical features.

Q: What was his work?

A: He was working as a computer repairman at the communications center in Kabul...so I told Islam that I wanted to meet Beckett. He said, "Wait until I set a time. Maybe tomorrow morning or

around noontime, I will try to introduce you to him." We then parted ways. The next day, when I saw Islam, he brought up some side issues. I asked him if we were going. He said, "We won't go now. If there is a call for it, we'll go. As for the other things, we're agreed that they'll remain between me and you."

Q: After you met Islam, did he charge you with "any responsibilities?"

A: He told me to go to Imam Abu Hanifa school, where there are some Arab brothers. He said, "Request permission to go, but calmly and unhurriedly, and don't make demands, except if I tell you to." The brothers informed me that the program of the Arabs was that they would go to the Madrasah on Wednesday or Thursday. The director of the school, Professor Sa'ady, arrived. Islam told me to request from Sa'ady permission to enter, raising his voice as he did. When that happened, I knew that he wanted me to demand entry. Sa'ady told me that the program was to begin soon, and the students must leave that Thursday. So we went. I spent three weeks in the school.

Q: You came to know some of the individuals there?

A: I knew the brothers in general.

Q: Did you write anything?

A: Letters.

Q: Specifically?

A: I wrote two letters.

Q: To who?

A: I wrote two letters to Islam and gave them to the driver of the Madrasah.

Q: What was in them?

A: General information.

Q: The information that you provided - might it be harmful to any particular individual?

A: Yes, harmful. Harmful to all those in the Madrasah and to the Arab brothers as a whole.

Q: Would it harm the Afghan government?

A: As far as the issue of harm to the government is concerned, I don't think that the letters contained anything that could really do damage. Unless you looked at it from the viewpoint of general security for the nation.

Q: Besides these two letters, did you send anything else to Islam or anyone else?

A: I took a walk outside the borders of the Madrasah, in order to survey the setting and place. That was the only thing I did. I didn't do anything except that. So in the end, the truth became apparent to the director of the Madrasah.

Q: How?

A: I asked to be allowed to go to Pakistan, because the

Americans and Israelis were requesting that I do so.

Q: Why did they want you to leave?

A: They wanted me to finish my mission in Kabul in a period of 45 days exactly, after which I was to go to Pakistan to receive new orders.

Q: How were you exposed?

A: I requested the director to allow me to go to Pakistan so that I could call my family. He told me that there is a telephone in Kabul. I said to him that I want to get married. He responded by saying that those who come to Afghanistan don't think of getting married. He said, "And also, you told us in the beginning that you didn't want to marry." So he put two and two together and I was exposed.

Q: What was the defining factor in your being found out?

A: By Allah, I was exposed when I asked to leave. I knew that to leave the Madrasah before the end of the study course was forbidden, and I still requested to go to Pakistan. That was a very strange thing to do. Secondly, I asked to go to Pakistan to use the telephone, and there's a telephone here. And thirdly, I said I wanted to get married, after having told them the opposite. In the end Sa'ady told me to wait. So I waited a

day or two. Then he told me to wait until the evening. After Maghrib, he told me, "The issue is finished, you stay here." The following morning, he told me, "Come, we're going to Kabul." So I went to Kabul, thinking that I would be leaving, that I was done. But when we reached Kabul, I was handed over to the investigators.

Q: In Kabul?

A: Yes, and there they began to interrogate me.

Q: Did you ever suspect that you were under surveillance before you were arrested?

A: Never. Not at all.

Q: During the investigation, what was said? And did you confess?

A: By Allah, I confessed. I admitted my true mission. I confessed to everything, everything that I had done or had happened to me.

Q: Did you commit any other crimes while you were in Afghanistan, besides passing information?

A: It happened, it happened, by Allah. And Allah knows that I was forced, compelled. There occurred between Islam and I some homosexual acts.

Q: Anything else?

A: Nothing else, and I say that truthfully. If it had happened, I would mention it.

Q: Those elements that sent you: is it possible that they might send other spies?

A: Yes.

Q: Using the same method or a different one?

A: I say to you, regarding the mission with which Shamoyel Anty entrusted me, that I did not inform you of what he said to me: that from December 1998, twenty-one agents were sent to Afghanistan, but that nothing is known of any of them, except two, who went to Pakistan only and from there tried to escape to Europe. But they were captured and returned to the UAE. As for the others, it is 1000% certain that they have not reached the Emirates, because their families and relatives are under total surveillance day and night.

Q: Is it possible that they might use other means, and if so, what?

A: Shamoyel Anty told me that they will send some personnel. He also mentioned that there is a man present in Afghanistan whom he knows well. His name is Ahrnad Basim, a Palestinian who is short, wears thick glasses, and trembles slightly. He also wanted me to gather information on three others: Abdul Rahman Al-Aly, Mowafaq Al-Nazaar and Naziya Abdul Mawla.

Q: From where are they?

A: Abdul Rahman Al-Aly and Mowafaq Al-Nazaar are

Palestinians, and Naziya Abdul Mawla is Syrian.

Q: Are they spies as well?

A: They said to me, "These people preceded you. We want information about them, complete information. Are they in custody or even present in Afghanistan?"

Q: And you asked about them when you came?

A: I did not ask about them specifically, but I did inquire about spies in general. The brothers informed me that there was one Palestinian arrested, but I was not able to learn his physical description or other identifying characteristics. If I had known, perhaps I could have confirmed him as being one of those three.

Q: You didn't ask about his name?

A: It was said to me that he was known as Abu Al-Mubtasim. I don't know his real name, so it's possible that he's one of the two Palestinians.

Q: Were you told of individuals outside the UAE, or outside Afghanistan to which to turn when you wanted to travel?

A: It was said to me that when you finish your mission, you don't have to do anything except go to the American embassy in Pakistan and talk to a woman there.

Q: What is her name?

A: Florence.

Q: In the American embassy in Islamabad?

A: Yes. She was described to me as a fat woman who wears glasses. She specializes in espionage and speaks seven languages, including Arabic.

Q: How has the Taliban treated you after your arrest?

A: Treatment, by Allah, representative of an Islamic State. Like the era of the righteous Caliphs of Islam.

Q: Have you been beaten or tortured in any way?

A: You want the truth...some of the brothers in some of the place threatened me with various things if I didn't confess. These threats scared me into talking, because I'm not a brave person. As for beatings or anything like that, no one has beaten or tortured me.

Q: What are your feelings and thoughts after your arrest?

A: In the beginning, I was hoping that they might send me back to my family. But now, I have been born again. The praise is for Allah, Who guided me to this, and I would not have been guided if He had not guided me. I'm ashamed, ashamed of what I have done to the brothers here. And I can't face them. How can I face my brothers after what I've done? So I ask them in the name of Allah, if it's possible that they can send me

to Kashmir or the Philippines or any other country, so that I can make Jihad. I'm 22 years old now, and I've spent those 22 years in disobedience to Allah. So I say to my brothers: in the same way that Allah made Faisal Al-Qasimy a factor in my recruitment for spying, I ask Allah that he make the brothers a factor in my being recruited for Jihad in the path of Allah.

Q: If you saw Faisal Al-Qasimy or Shamoyel Anty or any of the others, what would you say or do to them?

A: By Allah, I would devour them and drink their blood.

Q: Do you feel guilty for what you have done?

A: Very guilty. Extremely guilty.

Q: And what advice do you have for your friends who have done what you have done, or those who might be recruited in the future?

A: My advice to them is to warn them strongly...believe me, the rope of falsehood is short. But, and Allah is witness to what I say, I was recruited under duress, and except for that, I wouldn't have done what I did. And after coming here and seeing how the brothers acted during the investigation, as well as seeing the behavior of the Taliban, I'm convinced that they are from the Companions of Rasoolullah (upon who be peace).

Q: You said that you are not a brave man and that you are afraid.

A: Yes, I am an extreme coward.

Q: You said that Faisal Al-Qasimy has the videotapes of you and is blackmailing you with them.

A: Yes, he threatened me.

Q: So if you were freed, and went to Kashmir or elsewhere, and those who recruited you found out your whereabouts and came to you with the tapes, is it not possible that you might bow to their demands once more and work for them against the Muslims somewhere else?

A: After having seen the true Jihad and the true Mujahideen, I swear by Allah that nothing could be more important to me than Jihad. I used to memorize the Qur'an, but forgot it after I was recruited. But, by Allah, here in the prison, where I have been for about a month, I have remembered verses without referring to the text. After that, how can I go back to what I was doing before? I ask Allah that he accept my sacrifice, and I announce to you and I call to witness the entire creation that I have sold myself to Allah.

Q: Do you remember the day of your arrest?

A: Yes.

Q: Do you remember the exact date?

A: No, I don't recall the date.

Q: How many days passed between your entering Afghanistan and your arrest?

A: Approximately 25 days or close to that.

Q: You entered on the 9th of February and were arrested after about 25 days?

A: Yes. Yes.

Q: Those people with whom you were associated, like Islam and Richard Beckett: have you heard anything about them after your arrest?

A: I heard that Richard Beckett was arrested and is in custody of the Taliban. As for Islam, they brought him in during the interrogation. I confronted him with what happened between he and I. This was in front of the investigators. Islam denied everything, but it doesn't matter to me if he did. I had also denied the truth, but believe me, there's no benefit in denial. And by Allah, I say that as advice to anyone who is captured. I know that there are 17 or 18 operatives present in Afghanistan, other than me, and that they will report what I have said to the Americans.

Q: How do you know that there are 17 or 18 other spies in Afghanistan?

A: I was told that before me, 21 spies had been sent. I was the 22nd. 4 of us were

captured, so that leaves 17 or 18. I had argued the issue with the brother that was interrogating me, but after what he said to me, nothing matters to me. By Allah, I have not slept for about five or six days. He said, "If you fear for the honor and welfare of your mother and family, why don't you fear for the sisters and mothers of the Mujahideen, for their honor and welfare? Do you like that they be humiliated and raped and their dignity violated?" By Allah, this injured me. I still don't want to return to my family, but I ask Allah that he protect them, and that I become a martyr so that I might intercede for them. By Allah, I was ungrateful and disobedient to my father. And I used to hit and oppress my sisters and younger brothers.

Q: Why did you study Islamic Law?

A: Unwillingly and under compulsion. My father forced me to study the Shari'ah. My father is a good man. I don't purify anyone before Allah, but I consider him to be from the righteous believers. It was his desire that his sons study the religious sciences and his daughters learn engineering and like. But I disobeyed him and left.

Q: Have you appeared in court yet?

A: No, I have not.

Q: If a death sentence is sought in your case, what will be your stand?

A: No harm, that's all. Allah willing, I wish to meet the Lord of the worlds.

Q: But is a death sentence appropriate?

A: Yes. But I do have one desire. I still don't want this worldly life. By Allah, I don't want it, and I wish for the meeting with my Lord, but I have one request, which I have made of my Lord and I'm hoping that he will fulfill it. I asked my Lord that he make my hair and beard gray, and that my body be made decrepit in Jihad in the path of Allah. By Allah, I asked my Lord that he give me another 22 years of life for Jihad in the path of Allah [here his eyes began to fill with tears and his voice trembled with emotion], because I disobeyed my Lord for 22 years, so I want to make Jihad for 22 years.

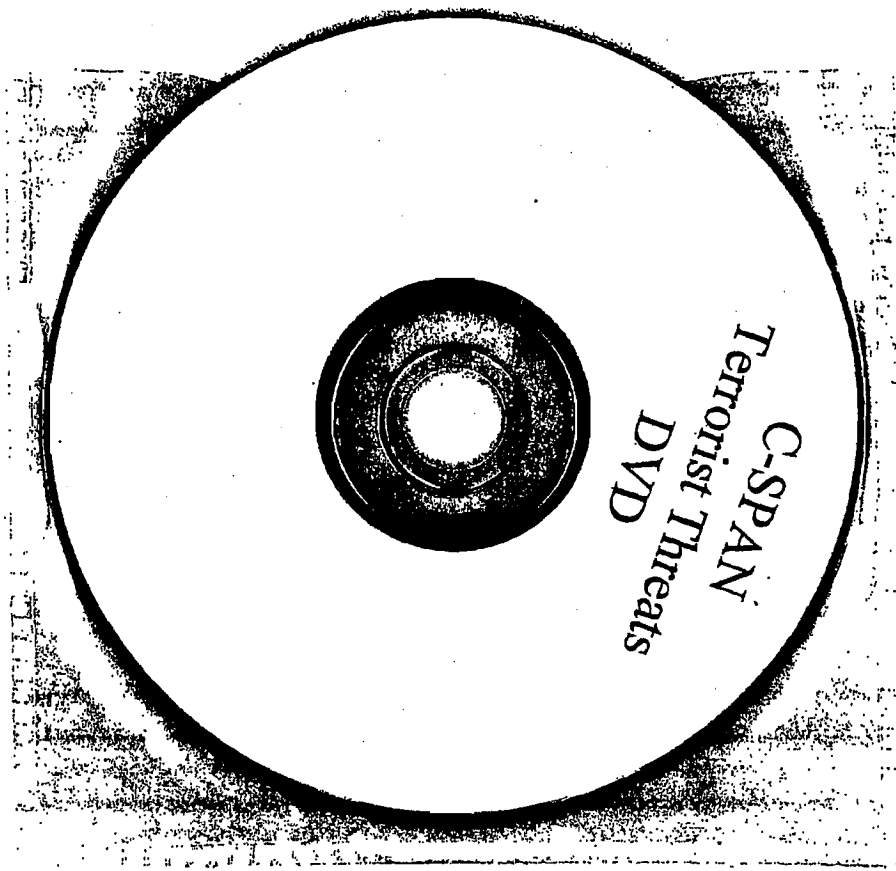
Q: Do you have anything else to add?

A: I have a request to make of Amir-ul-Mumineen. I ask him in the name of Allah to recruit me as a Mujahid in the path of Allah. That's all I have to say.

Q: There's nothing else?

A: To Allah we belong and to him we return [he said this as his eyes were full of tears, his voice was trembling, and his head bowed].

EXHIBIT 23



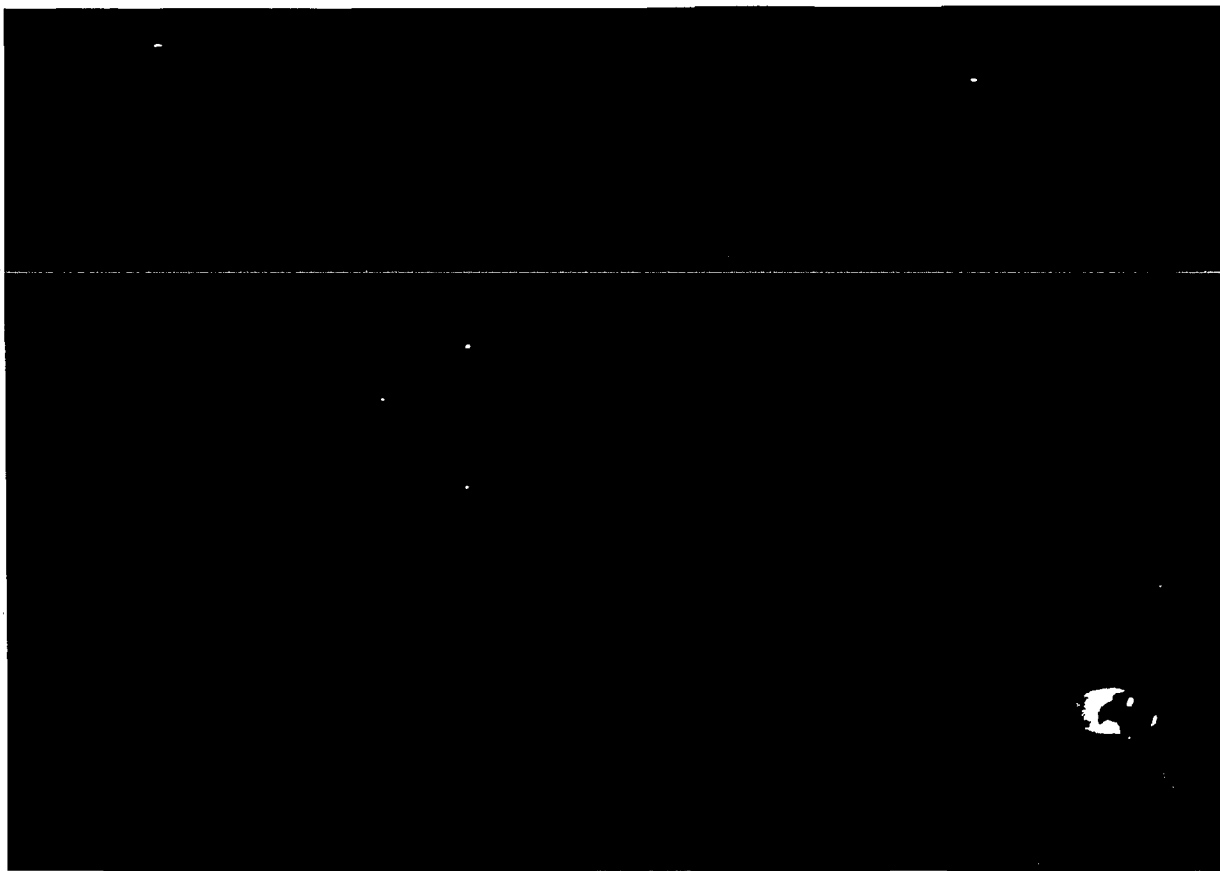


EXHIBIT 24

Copyright 2001 U.P.I.
United Press International

February 4, 2001, Sunday

SECTION: GENERAL NEWS

LENGTH: 410 words

HEADLINE: Taliban trying U.S. citizen on spying charges

BYLINE: By AAMIR SHAH

DATELINE: ISLAMABAD, Pakistan, Feb. 4

BODY:

Taliban authorities are trying a U.S. national for allegedly spying on Osama bin Laden and other Arabs living in Afghanistan, Afghan sources said.

Richard Picket, an computer expert, who was working with a Kabul-based aid agency, was arrested last year after a detained alleged Kurdish spy, Abdur Rahim Janko, disclosed that they had links with him.

Afghan Foreign Minister Wakil Ahmed Mutawakil says that Picket is now being tried in an Islamic court in Kabul.

His trial follows that of bin Laden and his accomplices in a U.S. court. The Saudi dissident has been indicted for master-minding the twin-bomb attack that killed more than 220 people in U.S. embassies in East Africa in August 1998.

Janko was arrested along with another Arkan alias Islam in the Afghan capital in last February.

In a recent interview to the Middle East Broadcasting (MBC) center in Islamabad, the Taliban foreign minister claimed that the ruling Afghan militia had collected "enough evidence against Packet" and had sent "his case to an Islamic court for trial."

Western diplomatic sources said the U.S. embassy in Islamabad was still trying to determine who Picket was and why was he arrested by the Taliban officials, who control more than 90 percent of Afghanistan.

They said that the U.S. embassy had contacted Taliban authorities through Pakistani officials as they did not have direct contact with the militia. Although never cordial, a US-sponsored UN sanctions that became operative last month have further strained Washington's relations with the Taliban rulers who are particularly upset over a unilateral arms ban that denies weapons to them but allows their opponents to receive military hardware and training.

The ban has recently encouraged the opposition Northern Alliance to launch fresh offensives against the Taliban positions, including a major attack Saturday that led to heavy aerial bombing of rebel positions by the Taliban air force.

Taliban security agencies claimed capturing two Kurdish civilians in Kabul last year who later told the Arabic news service of Abu Dhabi television in Kandahar that they were recruited for spying on Osama and other Arabs in an Arabian Gulf country by Israeli agents. They said they were also asked to probe how Afghan fighters went to Chechnya to fight the Russian forces.

They said Picket was their contact in Kabul. So far the Taliban authorities have not allowed journalists to meet Picket.

LOAD-DATE: February 5, 2001

EXHIBIT 25

Copyright 2001 The Atlanta Constitution
The Atlanta Journal-Constitution

December 11, 2001 Tuesday, Home Edition

SECTION: News; Pg. 3A

LENGTH: 436 words

HEADLINE: Taliban retreat leads to prisoners' release

BYLINE: TASGOLA KARLA BRUNER

SOURCE: AJC

BODY:

Kandahar, Afghanistan --- Sadiq Turkistani of Saudi Arabia was imprisoned almost four years for trying to kill Osama bin Laden. Jamal al-Harith of England spent two months in jail on spying charges. Abdul Sabar of Afghanistan served 15 months on what he says were trumped-up robbery charges.

Under the Taliban's justice system, these men were languishing in Kandahar's Sargassa Jail with no hope for release.

But now that the Taliban has left their southern stronghold, those who were enemies are friends.

On Monday, the men were released along with 1,500 other inmates by the incoming Pashtun-led government of Hamid Karzai and reinstated Kandahar governor Gul Agha. Many of the men had been imprisoned for fighting the Taliban during the civil war. Some of them were caught up in politics and the harsh application of Taliban law. The Taliban abandoned Kandahar on Friday, ending the last remnant of the movement's rule in Afghanistan.

When the tearful prisoners were released, they emerged with dazed looks. Some yelled, "God is great!"

Abdul Sabar took out a crumpled photo of his two babies in the capital, Kabul, and cried.

"I haven't seen my family. They don't know where I am. I don't know how they are. They probably think I'm dead," he said, wiping tears with his shawl.

He said he was a land mine-removal worker for the United Nations when thieves took some money he was transporting for the organization. When he went to report the robbery 15 months ago, the Taliban accused him of taking the money.

Saeed Kabir said he was fighting with the Northern Alliance against the Taliban when he

was captured two years ago. He came out of prison with his fist in the air.

"They destroyed our country! They destroyed our Islam!" he shouted. "They don't care about anyone. They put everyone in jail whether they fought against them or not."

The prisoners said they lived on a ration of two pieces of bread a day, but more recently that had been reduced to one piece. They slept on the floor and were often beaten, they said.

Jamal al-Harith of Manchester, England, said he was arrested two months ago and accused of spying. He was in Quetta, Pakistan, when the U.S. bombing began Oct. 7. He tried to cross Afghanistan to reach Iran when the Taliban arrested him.

He said he was kept in a dark room for two weeks and wasn't allowed to do anything but use the toilet. The Taliban took his passport, documents and money.

"We don't have anything. We have no money. There's not even a bus system to take a bus out of here," he said. "The Taliban brought me here and forgot about me."

LOAD-DATE: December 11, 2001

EXHIBIT 26

The New York Times

Late Edition

New York: Today, mostly sunny, high 45. Tonight, increasing clouds, low 35. Tomorrow, rain arriving, high 42. Yesterday, high 63, low 42. Weather map and details are on Page A53.

NEW YORK, SUNDAY, DECEMBER 16, 2001

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TORA BORA ATTACK ADVANCES SLOWLY IN TOUGH FIGHTING

SEEKING ELUSIVE QUARRY

U.S. Forces Intercepted Radio
Communications Thought
to Be From bin Laden

By MICHAEL R. GORDON

TORA BORA, Afghanistan, Dec. 15 — Even as American forces and their Afghan allies close in on Al Qaeda fighters in the mountains here, the forbidding terrain and the stubbornness of some of the foreign followers of Osama bin Laden are making the struggle for Tora Bora the most complex battle of the war. Unlike the earlier string of victories, the goal is not to capture a city. It is to capture or kill up to 1,000 hardened fighters in one of the country's most rugged regions. Ultimately, it is also to apprehend or kill one of the most elusive of quarry, Mr. bin Laden and his top Al Qaeda lieutenants.

American forces have heard what they believe was Mr. bin Laden giving orders over short-range radio in the Tora Bora area in the last week, a government official said today in Washington, speaking in a condensation of

publish a letter from the Taliban's spiritual leader, Mullah Muhammad Omar. But it was allowed to resume, on the writers' terms: the letter was never published, and they were promised freedom from government interference.

To produce a first issue, the agency collected money from its 300 members, and leveraged more from doctors, engineers and the

Ahmadzadeh, because the Taliban did not allow any depictions of human figures. But it did publish satire. This week, Mr. Stamat read a sample of his work, in this case, mocking the tendency of Iranian radio, which can be heard here, to completely contradict itself without missing a beat.

"First broadcast: Mullah Omar is dead."

KANDAHAR

Inmates Left by the Taliban Are Free, but Cannot Leave

By ERIC ECKHOLM

KANDAHAR, Afghanistan, Dec. 15 — Five Afghan men who were imprisoned by the Taliban on political charges are in an anxious limbo here, with officials insisting they stay in the city prison for their own protection until some outside agency agrees to spirit them out of the country.

The men's histories are murky — they refuse to discuss how long they have been in prison or why, and some are vague about their personalities. Still, the newly imprisoned prisoners insist on the theory that if they were political prisoners, they were not supporters of the ousted Taliban.

But the officials say they are afraid to let the men leave on their own, and the men are afraid to walk out. This is because they could easily be caught, based on their faces and language, with the thousands of outsiders who came to aid the Taliban or to train with Osama bin Laden's Al Qaeda. Many Afghans hate the foreign fighters, blaming them for sparking radicalism and bringing disaster on their country.

"We want to release these men, but for their security we are requiring them to stay here as guests," said Hajjullah Muhammad, the new warden of the Kandahar Central Prison, where the five were moved this week from the now-empty prison

for political crimes. "We brought them here to save them," Mr. Muhammad said. "If the prison courtyard where they are living — if they walk into the bazaar, the people will think they are from Al Qaeda and will kill them."

The men, in front groups, are bitter and depressed. They blame their new captors for failing to at least "teach" them how to behave when international agencies — and of which have not yet returned to Kandahar since the fighting ended — will come to their aid.

"We won't talk and we don't want your help," snarled one man, who described himself as Syrian. "We just need the Red Cross or the United Nations to come take us out of here. Otherwise, I'm going to kill myself, and then another one of us will kill himself every day after that."

The group includes a man of Arab descent who says he is British, a tall blond man who says he is Russian, the man who calls himself Syrian but is suspected of being Russian or Chechen, a man who says he is from the United Arab Emirates and a man with East Asian features who said with a grin that did not inspire confidence, that he is Saudi Arabian.

All the men speak Arabic, and some also speak English. It is not clear why they are so unwilling to divulge their backgrounds.

When anti-Taliban militias occupied Kandahar last weekend they

The sign outside his walled office advertises sewing classes.

Professor Rahyab has three daughters — one a budding short story writer, the second an aspiring journalist, the third a confident 12-year-old — which he said might have subconsciously motivated him to teach women in secret.

He said he believed in the power of literature, even in a society

voice:

I was discarded everywhere, the poetic whisper in my soul died.

Do not search for the meaning of joy in me, all the joy in my heart died.

If you are looking for stars in my eyes, that is a tale that does not exist.



A man who says he is a British citizen was one of five foreign men jailed by the Taliban. The men are waiting for safe passage out of the country.

discovered more than 1,500 prisoners in the notorious prison for "political crimes." They quickly released all the Afghans inside, but 23 foreign prisoners remained, further thought.

On Wednesday, 17 foreigners — all Pakistanis or Iranians who could blend in and make their way home, were let go. The remaining five, whose foreign languages, and in some cases appearances, left them vulnerable to lynching, were transferred to this wing of the prison.

Officials found no records when they entered the prison, said Mr. Muhammad, and he did not know why these five men had been jailed. "We just received them as an internee," he said. "We're convinced that they are not murderers and we just want to release them."

In their agitation, some of the men

jumped from hostility to laughter, raising doubts about the seriousness of their suicide threat. One, the man who said he was a British citizen, sat in his room reading the Koran without looking up at visitors.

"We've asked for help a hundred times and nobody has come," said the man, who claimed to be Saudi Arabian.

The warden said he hoped that the International Committee for the Red Cross could repatriate the men to their homelands.

But the Red Cross offices closed for the weekend on Friday and the senior local official was in Pakistan for the end of Ramadan. A guard at the office here said that the director, who had evacuated the city during recent fighting, was expected to return within the next few days.

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EXHIBIT 27

Copyright 2001 Associated Press
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Associated Press Online

December 17, 2001 Monday

SECTION: INTERNATIONAL NEWS

LENGTH: 671 words

HEADLINE: Fewer Inmates in Kandahar Prison

BYLINE: CHRISTOPHER TORCHIA; Associated Press Writer

DATELINE: KANDAHAR, Afghanistan

BODY:

For years, thousands of political prisoners and common criminals languished behind the high walls and barbed wire of Kandahar Central Jail.

Soon after the Taliban fled their last stronghold 10 days ago, their tribal foes threw open the gates, and 2,500 inmates walked free. Many belonged to the anti-Taliban northern alliance and had been brought from Kabul, Herat and other cities all over Afghanistan. Others were petty thieves.

Now there are twice as many guards as the 60 inmates left behind, and the captors have a relaxed approach to their job. On Sunday, some gathered around a large bamboo pipe with a ceramic base to inhale huge clouds of hashish smoke, an activity banned by the Taliban.

The new warden is anti-Taliban activist Saleh Jan, a former fighter against the Soviets who spent three months in the prison during the Islamic militia's rule.

He was appointed by Gul Agha, the former governor of Kandahar province, who got his old job back after taking up arms against the Taliban and advancing with the help of U.S. bombing.

In a guard tower overlooking two armored personnel carriers at the prison entrance, Jan said he had not taken charge of any new inmates since the Taliban fled the city.

"Institutions haven't been set up. The justice system isn't working yet. They're still appointing officials," he said. He sat on a carpet surrounded by robed prison staff. A pile of rocket-propelled grenades was stacked in one corner.

Most of the remaining inmates are convicted murderers who have been forgiven by the their victims' families, which once was enough to gain clemency, Jan said.

But they are still serving five- or 10-year sentences imposed by the Taliban. Perhaps Afghanistan's new government will free them, he said.

In one of the eight cellblocks sit five mysterious prisoners - a British Muslim, two Saudis, a Syrian Kurd and a Russian. The Briton was silent, but the others vigorously denied any links to the al-Qaida network of Osama bin Laden, chief suspect in the Sept. 11 terrorist attacks.

Thousands of Arabs and Muslims from other parts of the world fought alongside the Taliban in what they called a jihad, or holy war. But many were killed in U.S. bombing or captured by Afghan forces opposed to the Taliban.

Inmate Abdul Hakim, a Saudi national, said he was on a carpet-buying trip to the Afghan town of Spinboldak, on the border with Pakistan, when unidentified assailants mugged and tortured him, accused him of plotting to kill bin Laden and brought him to the Kandahar jail four months ago.

"Osama is the great Satan, the new Hitler of this time," Hakim said in English in his cellblock courtyard. "I don't have anything to do with that stupid guy."

Another Saudi said he fled his country after being jailed there for theft and ended up in Afghanistan, where the Taliban jailed him at least four years ago on charges of spying.

Indifferent to dozens of flies buzzing around a nearby plate of oranges and pomegranates, Abdul Rahim of Syria said he had been in Taliban custody for two years on charges of spying for Israel and the United States.

"The Afghans don't trust us," he said.

A blue-eyed Russian prisoner, Irat Wahitov, told a convoluted story about fleeing persecution in Russia and trying to travel to Turkey through Afghanistan. He was picked up by the Taliban, he said, and accused of being a KGB spy.

Jan, the warden, confirmed that the foreign prisoners had been jailed under the Taliban but said he had been unable to determine whether their stories were true. Red Cross staff have visited the inmates to take their names and other details.

"They're no longer prisoners. They're our guests," Jan said. "If the Red Cross comes to pick them up, we'll hand them over."

In a measure of lax jail regulations, several reporters were allowed to enter the cellblock and sit alone with the foreign prisoners. But the visitors had to wait an hour to get in; the official with the cellblock keys was running an errand in the bazaar.

LOAD-DATE: December 17, 2001

EXHIBIT 28

Copyright 2002 Agence France Presse
Agence France Presse -- English

January 16, 2002 Wednesday

SECTION: International News

LENGTH: 695 words

HEADLINE: Five foreigners in the prison hell of the Taliban and al-Qaeda

BYLINE: PIERRE LHULLERY

DATELINE: KANDAHAR, Afghanistan, Jan 16

BODY:

Five foreigners still languishing in a Kandahar jail bear the scars of being imprisoned in the Afghanistan of the Taliban. Accused of being spies, they were imprisoned, beaten and tortured.

Now the Taliban have gone, driven out by relentless US bombardments, the five remain in prison, free but without the passports or money to go anywhere, waiting for someone to help them leave the country.

While their stories are difficult to confirm, they appear convincing. The marks of maltreatment are visible, and the new authorities of Kandahar have nothing against them.

A Tatar from Russia, a Kurd from Syria, a Saudi Arabian, a Briton and an Uighur from China. Their origins are as varied as the motives which led them to Afghanistan.

The five were arrested in various parts of the country and taken to a prison in southeastern Kandahar when it was still the stronghold of the Taliban and suspected terror mastermind Osama bin Laden.

Ayrat Vahitov, 24, an activist for the rights of Tatars, said he left Russia in December 1999 after running into trouble with the authorities.

"A KGB colonel came to see me and proposed that I work for them. I refused," he told AFP.

Deprived of a passport, he said he and a Tajik friend decided to sneak to Turkey, passing through Tajikistan, Afghanistan and Iran.

In February 2000 they were stopped by the Taliban in the northern Afghan province of Kunduz and handed over to Arab members of bin Laden's al-Qaeda terrorist network, who transferred them to an underground prison in Kabul.

"For two days I was beaten and kicked in the back until I agreed that I was a KGB agent," Vahitov said. "They killed my friend Iakoub. They beat him so much, saying he was KGB, then they cut his throat in front of me."

"I was locked up there for seven months. Twice a week they would beat me all night. For eight days they hung me from the ceiling by my arms and struck me with electric cables."

"After that they said to me 'you are going to Kandahar. (Taliban supreme leader Mohammad) Omar has sentenced you to death'."

Vahitov said he was held "under terrible conditions" in Kandahar until the American bombardments forced the Taliban to flee.

"Now, I am unable to go Russia and I cannot remain here, I have no passport, no money, nothing. I want to be a political refugee in any country which will accept me."

Abdul-Rahim Abdul-Razak Al-Gango, a 26-year-old Kurd, said he fled Syria for the United Arab Emirates to avoid military service.

When his visa expired, and not wanting to be deported back to Syria, he passed himself off as an Afghan to be sent to Afghanistan.

He was arrested in eastern Jalalabad where he was accused of being a spy and taken to Kabul and beaten for three months before being sent to the prison in Kandahar.

"Now we are free, but where can we go," Al-Gango said, adding he was prepared to return to Syria if he could be given a guarantee he would not be jailed there.

Abdul Hakim Bukhari, 48, a Saudi, said he was in the Pakistan city of Karachi for an eye operation when he crossed the border to buy carpets in Afghanistan where he was arrested in Spin Boldak, near the southeastern border, and accused of being a spy.

"They put me into an underground jail, with no food nor drink at all for three days. Then, for 20 days, they beat me three times every day, two hours each time. And they kept asking me 'Why did you come? Who sent you?'"

Jamal Al-Harith, a 36-year-old British national who converted to Islam, said he was stopped near Kandahar early in October 2001 while travelling by road from Pakistan to Iran.

"I was beaten for three days by the Taliban, but I was lucky enough not to be captured by al-Qaeda."

Sadiq Ahmad Turkestani, 28, an Uighur with residency status in Saudi Arabia where his parents now live, was sentenced to prison for robbery and then expelled to Afghanistan in 1996.

His scenario is the same as his four cellmates: accused, beaten, tortured -- he shows his feet where the toe nails have been torn off -- and starved in prison.

All five now hope for assistance from humanitarian organisations to help them leave Kandahar and their prison.

LOAD-DATE: January 16, 2002

EXHIBIT 29

Copyright 2001 Nationwide News Pty Limited
The Weekend Australian

December 15, 2001, Saturday

SECTION: WORLD; Pg. 13

LENGTH: 654 words

HEADLINE: Foreign prisoners leave liberators bewildered

SOURCE: The Times

BODY:
Catherine Philp

* Kandahar

AS the rusty prison gates were flung open, the prisoners trooped out, blinking in the sunlight. Nearly 2000 men, all of them jailed for their opposition to the Taliban regime. As they dispersed into the courtyard, a small group lingered nervously behind, unsure where to go. Their liberators stared in astonishment. "These are not Afghans," one whispered. "What are they doing here?"

When Kandahar's new rulers came to free the political prisoners they never expected to find foreigners in their midst. The Taliban was known for its foreign volunteers but little was ever heard of foreigners working for the opposition. Now, before the authorities can work out what to do with them, they must first solve the mystery of where they came from and what they were doing in Afghanistan.

The prisoners themselves are not helping much. "I am from Saudi Arabia," one beaming man with distinctly Oriental features announced. He then embarked on a Byzantine tale of how he ended up in Kandahar jail, beginning with a carpet-shopping trip just over the Pakistan border and ending with capture and torture by the Taliban.

Another, speaking faltering English, said he was a Syrian Kurd. "And he is from Manchester," he added, pointing to a slender black man trying to tune his radio to the BBC World Service. The man sat in silence, ignoring all questions. "His name is Jamal Udin, he is my friend," said the Kurd. "But he doesn't speak. He was mentally tortured by the Taliban."

None of the prisoners will admit to fighting for the Northern Alliance. All say they were captured and accused of spying by the Taliban and tortured to try and make them confess.

Irat, 24, said he had fled his native Tartastan two years after fleeing persecution in Russia because of his support for the Chechen rebels. He claimed to be making his way to Turkey when he was caught by the Taliban in Kunduz.

"They tied me up by my hands for eight days to try and make me confess," he said. "I was beaten up and lost a lot of blood."

The prison authorities are perplexed. "They are telling everyone different stories," Haji Salim Mohammed, the new governor, said with a deep sigh. "All we know is that they must have been political prisoners because we found them with the others who were jailed by the Taliban."

Red Cross workers are trying to piece together the prisoners' stories so they can contact their embassies and arrange for them to be taken home. "We set all the Northern Alliance prisoners free but we cannot free these people for security reasons until we know where they are going," Mr Mohammed said. "People hate the foreigners who fought for the Taliban and they may think these are the same people."

Despite the governor's pleas, six Iranian prisoners left under their own steam. "They said they had been here long enough and it was time to go home. I cannot blame them," he said. "I was a prisoner here myself under the Taliban. I know what they have suffered."

With the jail all but empty, the five remaining foreigners are enjoying their new accommodation in concrete rooms arranged round a courtyard, a liberal regime compared with the medieval brick dungeons in which they were kept by the Taliban.

"I don't want to go back to Russia because they will put me in jail again," Irat said. "I want to go to Turkey and ask for asylum."

The 1800 Afghan political prisoners just released are already on their way home. Mr Mohammed also ordered the release of 300 children under the age of 15 jailed by the Taliban.

The youngest, aged 10, was sentenced to three years for smoking hashish. Adults jailed for so-called Taliban offences, ranging from shaving to watching television, were also ordered to be freed. But those who committed crimes such as murder and theft, remained in jail.

"They are guilty so they must stay," Mr Mohammed said. "But there will be no executions."

EXHIBIT 30

The Washington Post

December 17, 2001 Monday
Final Edition

SECTION: A SECTION; Pg. A14

LENGTH: 1461 words

HEADLINE: Inside the Taliban's Torture Chambers;
Men Held by Militia as Spies Detail Routine Brutality, Large Role of Foreigners

BYLINE: John Pomfret, Washington Post Foreign Service

DATELINE: KANDAHAR, Afghanistan

BODY:

Abdullah was a handsome young man, simple in dress with a strong jaw he had barely started to shave. His only character flaw, his friends and family remember, was that he had little respect for authority.

The Taliban arrested the 23-year-old on Nov. 28, a week before the militia abandoned Kandahar, and accused him of being a spy for the United States. Taliban fighters and their foreign supporters interrogated him and beat him to death. That evening, they hanged his corpse from a large metal tripod and put the structure in Kandahar's main crossing, Martyr's Square. It stayed there for almost a day.

Abdullah's crime, according to a Kandahar radio report at the time, was that he was found with a satellite phone. That phone, authorities said, indicated that he was working as a spotter for U.S. warplanes seeking targets in what was then the Taliban's spiritual stronghold.

Abdullah was the last man known to be executed by a movement that is now in tatters. A look into the circumstances surrounding his death -- and into the imprisonment and treatment of other alleged spies -- illustrates the extent to which foreigners controlled the Taliban security services and the use of gruesome torture as an everyday practice.

Abdullah was hanged as a warning to the extensive network of Afghans who were working in Kandahar to unseat the Taliban authorities. Trained in Pakistan to use satellite phones, team members working alone took enormous risks and provided crucial help in a war that forced the Taliban from power.

But family members and other people here say Abdullah was in fact innocent of the espionage charges. By their account, his main crimes were insulting Arab members of the al Qaeda network in Kandahar and being from a family known to oppose the Taliban.

The brutality with which Abdullah was executed backfired on the Taliban, only helping to strengthen the resolve of target spotters, people here say. "When we heard about his death, it just made us more committed to getting rid of this government because this boy wasn't doing anything," said Abdul Ali, who worked as a spotter. "I said it was really time to finish this cruelty. I decided to work harder."

Ali, who was recently appointed manager of the radio and TV operations in Kandahar, said he was trained to use a satellite phone at the house in Quetta, Pakistan, of Hamid Karzai, the head of the interim Afghan government that will take power on Saturday. Women smuggled satellite phones into Kandahar under their burqas, the flowing head-to-toe veils that the Taliban forced them to wear.

Ali said that under rules laid down by his trainers, whom he described as Americans, he was not to call from the same place twice. He was asked to casually assess bomb damage after he called in a strike. And he was not told the identities of the other spotters, so that he could not hand over useful intelligence if captured.

But "I did find out about Abdullah," he said. "I am sure that he was not involved."

Abdullah's problems began, according to friends and family, when he and his uncle and father, former commanders in the fight against the Soviet occupation, moved into a Kandahar neighborhood called Haji Arab. It was inhabited by the Taliban and the mostly Arab force that controlled the country's security services.

"Abdullah would say things against the Arabs, that they were foreigners in Afghanistan, that they were hurting the country, that they should leave," said Amir Rabbani, a neighbor and friend. "The Arabs would listen and stare at him. They were not happy."

Several days before he was arrested, Abdullah got into a fight with an Arab gunman who threatened to kill him, said a family member who spoke on condition of anonymity because of fears of retribution.

"Abdullah walked by an Arab house where the U.S. had bombed and killed Arab fighters," the relative said. "He said out loud that he was happy. The Arab almost killed him there."

On Nov. 28, Taliban fighters and Arabs came to Abdullah's house, the relative said. Sources close to the Taliban said they beat him to death that night. Later the relative saw Abdullah's corpse hanging in Martyr's Square.

Former Taliban security officials said Abdullah was interrogated by, among others, Sayf al-Adl, an Egyptian member of the al Qaeda network who is wanted in Egypt on terrorism-related charges. Al-Adl's name also surfaced in interviews with four foreigners who had been incarcerated in Kandahar's prison during the Taliban's reign.

The men -- a Russian, a Syrian, a Saudi and a Saudi-born stateless man -- said al-Adl and

Muhammad Atef, a close aide of bin Laden's killed in U.S. bombings in November, had interrogated them and authorized their torture.

The Russian, Arat Nasemovich Bakhitov, 24, said he had been suspended from a ceiling by his wrists for eight days during interrogation.

He was sentenced as a spy in February 2000 after he was found traveling on a fake Tajik passport. Bakhitov said he had fled Russia because, at the time, he had been active in a campaign to gain more rights for his native Tatarstan, a semiautonomous region with a majority Muslim population.

He said that before the Taliban officials took him to Kandahar, they held him in solitary confinement in Kabul for months. His only clothing was a shalwar kameez, the knee-length tunic and pantaloons worn by men in these parts. "I did not see the sun for a half a year," he said. "I ate only bread and washed my face with ice."

In Kabul and in Kandahar, he said, Taliban fighters and their foreign supporters, most of them Arab, would come to his room to torture him. They would gather his arms around his folded knees, tie them together and then run a stake through the hole created by the crook of his elbow and the back of his knees.

"They would lift me up in the air and just beat me," he said. "I knew if I admitted I was a spy they would kill me."

"What I wanted to do most at that time was die," he said. "Nothing else. Now it's over and I thank God. But I can't believe I am alive."

After the Taliban fell, Bakhitov and other foreigners accused of espionage were released. They are still living in a fly-infested compound at the Kandahar Central Jail because they have no place to go.

He recently called his mother and spoke with her for the first time since his arrest.

"The first thing she asked was whether I was fasting," he said, referring to the holy month of Ramadan during which Muslims traditionally fast during daylight hours. "We haven't talked in years and she asks me if I am fasting. I love her but she's crazy."

One of his cellmates, Sadiq Ahmed Turkestani, the Saudi-born stateless man, said he also was interrogated by al-Adl in Khost, a city in Paktia province where the al Qaeda network operated several training camps and where many of the families of foreign fighters lived.

Turkestani, whose family was originally from Xinjiang, China, said he traveled to Khost in early 1997 with an Iraqi friend because they wanted to smuggle electronics equipment. The Taliban arrested them there and accused them of spying. The Iraqi, he said, was killed when an Arab hit him below the ear with a rifle butt.

"The Taliban took me and handed me over to the Arabs," he said. "They took me to a

camp. The Arabs said, 'If you tell us the truth, we will help you.' Their first question was, 'What's your rank? What's your real name? And what about weapons training?' "

"I said, 'I don't know what you're talking about,' so they brought a funnel and put it tightly over my neck and began to fill it up with very cold water, like I was going to drown," he said.

Beatings continued for almost a year, he said, and al-Adl was present on numerous occasions. In 1998, Turkestani was transferred to the Kandahar jail. Beating continued there, he said.

The jail has five wings. Three of them were dedicated to political prisoners, an indication of the repressive nature of Taliban rule. Prisoners starved to death, Turkestani said, especially those in the political wings.

Salay Mohammed, the new warden of the Kandahar Central Jail, confirmed that the Taliban and their foreign backers tortured people regularly. He has direct knowledge -- he was a prisoner of the Taliban for 25 days.

He said the old warden, Wali Jan, had, like many other senior Taliban officials, disappeared when the militia gave up the city.

Mohammed was instrumental in the recent release of 1,800 political prisoners from the jail. "It was one of the happiest days of my life to see those men leave the jail with their smiling faces," he said.

"We were happy, too," said Bakhitov, the Russian. "Everybody was doing their tradition dances. Me? I don't know those dances so I did hip-hop and -- how you say? -- break dance?"

LOAD-DATE: December 17, 2001

EXHIBIT 31

Copyright 2001 Telegraph Group Limited
THE DAILY TELEGRAPH(LONDON)

December 14, 2001, Friday

SECTION: Pg. 15

LENGTH: 653 words

HEADLINE: The Koran saved me, says jailed Briton

BYLINE: By BARBIE DUTTER

BODY:

IN a dingy prison cell in the southern Afghan city of Kandahar, a British man squats on a filthy prayer mat, rocking back and forth as he reads intently from his Koran.

The 33-year-old web designer from Manchester, who calls himself Jamal Udeen, languished for two months in Taliban captivity after the lorry in which he was travelling was commandeered at gunpoint near the Pakistan-Afghanistan border.

Now, officially a free man after being released by the nation's new leadership, he has been transferred to the jail's "guest house" - a padlocked compound where delinquent children were once incarcerated - while the British authorities in Kabul arrange for his return home.

A Muslim convert of eight years, he is of apparent African extraction and speaks with a northern accent. He arrived in Pakistan in late September, shortly before America launched its bombing campaign. He travelled to the frontier town of Quetta - "just following my Footprint to Pakistan guidebook" - but was warned by local Pathans to leave the area as impending air strikes would make any Briton a target for hatred.

He says he paid 4,000 rupees, around pounds 47, to a lorry driver for the trip through Iran to Turkey, a journey he made in reverse five years earlier when he spent a month in Pakistan with an Islamic organisation.

"I had always wanted to go back, because I was treated very kindly in the villages," he said. "But when they told me I should leave, I decided to head for Turkey."

Less than two days into the journey, the lorry was seized by five men, three of them armed. "I don't know if they were Taliban or just rebels, but they ordered me out of the truck and into their jeep. They said I had tried to enter Afghanistan illegally.

"They took all my stuff - my rucksack, passport, money, everything. When they saw my British passport, they accused me of being a spy. They said my clockwork radio was a tool to call down bombs from American planes.

"We drove for two days until we reached this place. I was put in jail without a trial, and beaten for three days. But that's normal here. From what I hear, I got off lucky - the guy two cells down from me died from a beating."

For much of his confinement, he shared a 12ft by 15ft cell with 27 other inmates. Prison food came in the shape of naan bread and water.

"The Koran was what saved me," he said, "I used it as a bit of a trick, to get the guards off my back. When anyone came to my room, I would pick up the Koran and begin reading it. They are all Muslims, so they respected that."

Jamal Udeen, who admitted that he once harboured "good thoughts" about the Taliban, said he felt immense relief over the regime's downfall. "There was a rumour that they would kill all the foreigners before leaving. But I am still alive, and that's all that matters."

He said he knew nothing of al-Qa'eda other than what he had read in newspapers or on the internet, but was prepared for suspicion - and official scrutiny - over his motivation for travelling in the region. "That doesn't bother me. As long as I can get out of here and to the British embassy, I don't have any problems. I haven't committed any crime."

Jamal Udeen and five other foreign prisoners, from Russia, Turkmenistan, Syria, Iran and Saudi Arabia, remain in the prison compound while the International Committee of the Red Cross alerts the respective embassies to their predicament.

Ayrat Vahitov, a Russian also accused of spying, has been in prison for two years, half of it in solitary confinement. His arms are heavily scarred from being strung up by chains from the ceiling for three days.

The new administration has already freed 1,600 prisoners of the Taliban, and others are due for release within days. Mahmood, 25, a bicycle thief, hopes he will be one of them. He has spent six months in captivity after being punished by having his left leg cut off in the Kandahar stadium.

LOAD-DATE: December 14, 2001

EXHIBIT 32

<http://www.thetimes.co.uk/article/0,,2002050002-2002057170,00.html>

"Taleban warrior? No, I'm a lost backpacker"

February 04, 2002

The Times

Tim Reid meets a mystery Briton

I HAVE met Jamal Udeen four times in the past fortnight. Although his story that he was a British traveller caught in the wrong place at the wrong time is highly suspicious, I have never been able to quite fathom him.

As seen yesterday, neither can the FBI, which has been interrogating him for 11 days at the US military base at Kandahar airport.

A source within the base, from where al-Qaeda and Taleban suspects are being flown to Camp X-Ray at Cuba's Guantanamo Bay, said yesterday that he is being held separately from the 300 other detainees because the FBI cannot work out if he is al-Qaeda, Taleban, misguided foot-soldier or simply a stray British tourist.

His tale is one of the more bizarre stories to emerge from the wreckage of post-Taleban Kandahar in early December. A few days after Mullah Omar and the Taleban fled the city, 2,500 prisoners of the Taleban were set free from the city's jail. Five, however, remained: Jamal Udeen - the name on his British passport is in fact Jamal al-Harith - plus a Russian from Tartarstan, two Saudi Arabians and a Syrian Kurd.

Being non-Afghans, with no money and no passports, they were unable to go anywhere. So this bizarre group stayed living in the otherwise empty jail as "guests" of the new Kandahar government.

When I arrived in Kandahar in early January, they were still there, nearly six weeks after they had been officially released. Jamal kept himself aloof from the other four, sleeping alone in his own cell, and refusing at first to talk to me. After I bought him some antiseptic cream and a cheap shortwave radio, he changed completely.

Speaking in a broad Mancunian accent, he stopped reading his Arabic copy of the Koran - he said that he had been teaching himself Arabic for more than a year - and was happy to talk.

He was desperate to return home, he said. He said that he was a website designer, that his date of birth was November 20, 1966, and that he had been travelling in northern Pakistan in September, retracing a journey he made to Iran in 1993. He paid 4,000 rupees (£66) to a lorry driver who agreed to take him to Iran and Turkey. After a day and a half, he says, they were stopped by three Taleban soldiers. When they saw his British passport, "it all turned to hell".

He was stripped of everything, beaten for three days, and eventually put in Kandahar jail in October with 250 other "political" prisoners.

He agreed that he had converted to Islam in 1992, changing his birth name, and thinking the Taleban were "pretty good news" when he first arrived in the region. "But first-hand experience is different," he said.

I told him that his story and his reasons for being in Afghanistan in September were extremely fishy, and few at home would believe him. He said: "If I came here to fight, I wouldn't have been thrown in prison. I travel all the time. That's all I was doing." He said that his sister had contacted the Foreign Office in London on December 14 to alert it to his plight, a fact confirmed by the British Embassy in Kabul when I telephoned it after my first meeting with him. The embassy said that it had his name and was working towards his release. He seemed pleased with that.

The International Red Cross office next to the jail had also offered him the use of its satellite telephone so that he could ring Kabul, and home. When I returned four days later, he was still sitting in his cell, reading Arabic, and had not telephoned. At times he seemed happy where he was.

His story was certainly suspicious. But I find it hard to believe that he was al-Qaeda, or had ever been to a terrorist training camp. Twelve days ago I was told that he was about to be flown to Kabul for a consulate interview.

What was extraordinary was that after nearly three months, not one of these men had received one visit from any official, American, British or Afghan. Meanwhile, the other four "prisoners" were desperate to be interviewed by the FBI. After repeated requests, passed on by journalists, they got their wish 12 days ago, when three federal agents arrived at the jail. Now all five face being sent to Cuba.

"The bizarre thing is," the US source said, "they are now extremely cheerful. They think this is a good thing. We are not sure what to make of them."

EXHIBIT 33



Vincent Cassard
<vcassard.gva@icrc.org>

08/22/2006 03:02 AM

To Steve Sady <Steve_Sady@fd.org>

cc

Subject Our Ref - OP_PROT_GLOB/GVA06E190 : abdul rahim abdul
razzak al janko(Your ref:Steve Sady <Steve_Sady
17.07.2006 21:17:38)

Dear Mr. Sady,

Thank you for your message regarding Mr. Al Janko.

The ICRC is following closely the situation of persons held in Guantanamo and in particular, regularly meets with Mr. Al Janko. The ICRC is well aware of his situation and past detention in Afghanistan. Over the last 12 months, the ICRC conducted 8 visits to Guantanamo Bay: ICRC delegates held conversations in private (without the presence of a guard) with detainees who wished to and also facilitated contacts between detainees and their family through the exchange of Red Cross Messages.

In December 2001, most persons formerly detained by the Taliban authorities in Kandahar were released and the ICRC provided them with a financial assistance to return to their home.

In accordance with its working modalities and procedures, the ICRC exclusively reports to the detaining authorities. These reports remain confidential. This applies to all information collected by ICRC delegates in the course of detention visits, including details on the situation of individuals.

In view of the above, we are confident that you will understand that we are not in a position to provide you with details on the situation of Mr. Al Janko, even though Mr. Al Janko signed a "release of information".

We copied this message to Mr. Ahmed Rashid who contacted us on your behalf.

Sincerely yours,

Vincent Cassard
Central Tracing Agency and Protection Division
International Committee of the Red Cross

EXHIBIT 34

#01-17-02: Attorney General Ashcroft Transcript News Conference with FBI Director M... Page 1 of 6



**Attorney General Ashcroft Transcript
News Conference with FBI Director Mueller Regarding Terrorist Tapes
Thursday, January 17, 2002
DOJ Conference Center**

ATTY GEN. ASHCROFT: Thank you for coming this afternoon.

Since September 11th, it has been the effort of this administration to have an integrated effort of combining resources, not only military, not only intelligence, not only investigational, but resources with foreign governments and resources involving the citizens of this great country and citizens around the world to be able to make progress to curtail the threat of terrorism not only to America, but to other nations.

It is an integrated effort. It's an effort that involves civil authorities, military authorities, intelligence resources, law enforcement, cooperation of foreign governments. And it is an effort to be seamless so that we don't have opportunities to miss those things which need to be discovered, and that a resource or an opportunity developed in one part of the operation is capitalized on in another part of the operation. Analysis is as important as law enforcement, is as important as information gathering, and, obviously, these things work hand in glove with those who fight on the actual battle lines in the field.

In one respect, the best friend of freedom is information because information allows freedom-loving people to become the best line of self-defense. And it is in that respect that the coordination and cooperation that exists in our country while at war is very important in helping us do what we can to curtail the risk of additional terrorist activity that would injure Americans or other freedom-loving citizens around the world.

I am grateful that the president has sought to lead us with this kind of integrated effort. And today we are capitalizing on that kind of integrated effort and calling upon the public, both in the United States of America and worldwide, to assist in the effort to identify, locate and incapacitate terrorists or those who are suspected of planning additional attacks against innocent civilians.

Recently, five videotapes were recovered from the rubble of Mohammed Atef's house in Afghanistan.

Now, we suspect Atef directed terrorist operations for al Qaeda as one of Osama bin Laden's chief primary operational lieutenants. Atef was indicted for the bombings of the U.S. embassies in Nairobi and Dar es Salaam, and these videotapes from his house we believe could be of great value. They depict, the videotapes depict young men delivering what appear to be martyrdom messages from suicide terrorists. Analysis of the audio portion of these tapes conducted thus far suggests based on statements made on the tapes that the men may be trained and prepared to commit future suicide terrorist acts. Our investigation so far has

#01-17-02: Attorney General Ashcroft Transcript News Conference with FBI Director M... Page 2 of 6

tentatively identified four of the five individuals depicted in the still shots that are posted in the pictures on the right. The four identified men are believed to be Ramzi Binalshibh, Abd Al-Rahim, Muhammad Sa'id Ali Hasan, and Khalid Ibn Muhammad Al-Juhani. No identification has been made of the fifth individual, and that individual is depicted on the poster as an unknown individual.

Now, forensic analysis of the tapes continues in order to help us derive additional information. But because the statements on the tapes suggest future terrorist acts, specifically suicide attacks, we are asking for the public's assistance in further identifying and locating the individuals on the tapes so that additional investigation can be made.

Now, Ramsi Binalshibh is a name that you've heard before. Binalshibh, a Yemeni, was an associate of the September 11th suicide hijacker Mohamed Atta. In the indictment handed down in December against Zacarias Moussaoui, who is currently awaiting trial for conspiring with Osama bin Laden in the September 11th attacks, Binalshibh was named along with Atta and the 18 other hijackers as an unindicted co-conspirator.

The indictment describes Binalshibh as a member of the Hamburg, Germany al Qaeda cell, the member who made several unsuccessful attempts to obtain a visa to enter the United States prior to the September 11th attacks. After Binalshibh was refused entry into the United States, refused a visa, he is alleged to have acted as a financier and facilitator of terrorism, transferring funds to Moussaoui and other terrorists from his position in Germany. Binalshibh is currently a fugitive, and I believe he has been named by the German government on a warrant seeking his arrest there.

And I want to thank German Minister of the Interior, Otto Schily, for his help investigating and pursuing Binalshibh and other suspected terrorists who operated in Germany. We will share these tapes with Minister Schily and other German authorities because of their interest in him expressed in their warrant for his arrest.

Little is known to law enforcement at this point about the other individuals featured on the videotapes. Investigators are extremely interested in identifying and locating these individuals as soon as possible. Photographs and descriptive data have been disseminated to law enforcement and intelligence agencies worldwide. Investigators note that these men could be anywhere in the world.

We have declassified excerpts of these videotapes, and today we are releasing the excerpts of these tapes worldwide. From what we can ascertain about the tapes at this time, they do not reveal any information about specific planned acts or targets or time frames for any potential planned or other terrorist acts.

The tapes we are releasing today are another example of the potentially critical role that the public can play. We certainly know that the public has played a very important role to date, but this is another opportunity for the public around the world to join the campaign against terrorism. Throughout the war on terrorism, our military and intelligence officials have made a concerted effort to share appropriate information with the public in order to enlist their assistance. We've asked citizens to be vigilant, to be alert to any possible threat.

#01-17-02: Attorney General Ashcroft Transcript News Conference with FBI Director M... Page 3 of 6

The success of this strategy was made clear by yesterday's indictment of Richard Reid, who may very well have succeeded in destroying American Airlines Flight Number 63, as the indictment charges, had it not been for the courage and attentiveness of the citizen passengers and crew.

Once again today we put our trust in the public to exercise vigilance and common sense in the face of the terrorist threat. Anyone who believes that he or she knows the identity or the whereabouts of any of these men is encouraged, is urged to contact the nearest FBI office or the FBI's website, www.ifccfbi.gov -- that's www.ifcc.gov. -- pardon me -- www.ifccfbi.gov -- or to contact the U.S. embassy or consulate in a foreign setting if they don't have an opportunity to contact the FBI.

The FBI has prepared a compilation of excerpts from the videotapes, and on these videotapes you will see Muhammad Sa'id Ali Hasan, Abd Al-Rahim, Khalid Ibn Muhammad Al-Juhani. And these tapes will run for about a minute and a half, and they are the product of the items that were confiscated and made available to authorities as a result of activities of our troops in the theater of conflict.

Please roll the tapes now.

(Videotape shown.)

ATTY. GEN. ASHCROFT: This is Abd Al-Rahim.

(Video tape shown.)

ATTY. GEN. ASHCROFT: This is Khalid Ibn Muhammad Al-Juhani.

(Video tape shown.)

ATTY. GEN. ASHCROFT: The poster which we have here identifies, or at least shows, five al Qaeda members, including the three that you've just seen on the videotape. Obviously, in addition, it includes Ramzi Binalshibh and the unknown individual, the three on the videotape who were in sequence. I think the first one we saw on the videotape was in the center of the top row. Second one on the videotape was Al-Rahim, who's on the far side of the poster. And the last being Khalid Ibn Muhammad Al-Juhani here on this side of the top row.

Director Mueller will have a few comments, and then he and I will be happy to take your questions.

Bob.

DIR. MUELLER: Thank you, General. Thank you, General, and good afternoon everyone.

The photographs and video you just saw are from a trove of valuable information being recovered in Afghanistan. That we are displaying them here at the Justice Department reflects the seamless effort against terrorism that extends from the troops on the ground to the FBI and the CIA analysts here who are charged with putting these pieces together.

#01-17-02: Attorney General Ashcroft Transcript News Conference with FBI Director M... Page 4 of 6

This is a unique situation. Overseas, the military action continues, but it continues in ways that directly support what we are doing here, what we and the CIA are fully engaged in, which is the identification of the terrorists and in preventing future attacks. We are working side by side and we are working together with shared intelligence and a complete exchange of information.

We in the FBI are grateful to those who are risking their lives to bring us this valuable information, and we are grateful to a public, in this case a global public, willing to remain alert and to help in the fight against terrorism. Every piece of information is potentially valuable. We hope that no one hesitates to surface anything that could be of interest to us.

The principle is simple: An informed and alert public works, and that is why today we are showing you both the videotapes on the one hand and the photographs of the individuals we're looking for on the other.

Thank you.

Q Director Mueller, I'm curious if you have any sense of when the tapes were made; whether they were made after 9/11, and if you can characterize what the three men say in these videotapes?

MR. MUELLER: Yeah, we are still doing the forensic analysis of the tapes and the translations of the tape. And I would not want to speculate until that's continued, as to the date that they were -- or the date that the tapes were made.

Q And a follow-up. Do you have any evidence at this point whether any of these five men have ever entered the United States?

MR. MUELLER: We do not. We know that -- we are looking at all of the indices, and as soon as they were identified, we began looking for each of these individuals. As the attorney general has pointed out, Binalshibh tried to enter the country three times over the last year, and is believed to have been part of the group of hijackers who were responsible for the attack on September 19th (sic) but could not make it into the country.

Q General Ashcroft, are there rewards connected to the photos and identifying or information leading to the apprehension --

ATTY GEN. ASHCROFT: At this time, we have not -- we have not developed the reward system. We are inviting people to assist us in this respect and hope that they'll come forward.

Yes, sir?

Q General, could it be that any of these men were killed in the bombing? And also, are there warrants out on the others besides Binalshibh?

ATTY GEN. ASHCROFT: It could well be. We don't know of the whereabouts of these individuals, and we're not able to say that they're in one location or another or whether they're dead or alive. We do believe that the German authorities have a warrant out for Binalshibh. I

#01-17-02: Attorney General Ashcroft Transcript News Conference with FBI Director M... Page 5 of 6

don't know of warrants out for the other individuals at this time.

And obviously, with the one individual, we don't even have a clear identity at this time, but hope to have it.

Yes, ma'am?

Q You've repeatedly said you don't know the whereabouts of these suspects. Do you think it unnecessarily scares the public into possibly believing one of these people could be in their neighborhood, or any Middle Eastern or Arab-descent person could be possibly accused? I mean, is it --

ATTY GEN. ASHCROFT: One of the valuable things about being able to present a photograph and then to be able to substantiate the photograph with the video footage is that it takes this out of the category of generalized identification and gets us to the category of specific identification. And if we were just to say there were five potential suicide martyrs that had gone out, and to describe them -- even just to say their names or to try and give characteristics I think might have some of the difficulties which you've mentioned. But I think the American people are accustomed to being a part of this investigation and this effort and they realize that they can be a constructive part. And we've provided this basis for specific identification.

And I make one other point before -- I think you're going to be next, because you were the one shouting first, so -- not shouting, but whatever -- and that is that, frankly, the still photographs are not always as clear as seeing an individual on footage. And so often we're accustomed to "Wanted" posters that give you a static view of individuals. This happens to be a superior sort of basis for people to make identification. And we're just asking that if people think they know of the whereabouts of these individuals, that they would call the local FBI agent, the local FBI office, contact the FBI at the website, or, overseas, go to the American consulate or to the embassy.

Yes, sir?

Q Now that you're examining the contents of these videotapes, contents of the computers that were recovered in Kabul -- I believe there were some arrests today in London of a number of people -- do you feel like you're getting to a point of reaching any sort of critical mass in learning about al Qaeda? Can you elaborate on where you are at this point in trying to determine how al Qaeda's been operating and its attempts on future -- (off mike)?

ATTY GEN. ASHCROFT: We do believe that progress is being made. And we think the integration of this effort with the sensitivity of our armed forces and people overseas, the cooperation of our members of the coalition, the integrated network of providing information that shares information rather than compartmentalizes information, all of these are very helpful, but we have a long way to go.

And we are sharing information and declassifying information when appropriate, so that we can enlist the entire world of freedom-loving people in that respect. We're further down the road than we have been before, but this is no time for us to take our foot off the accelerator. We need to keep pursuing with a great deal of intensity here.

#01-17-02: Attorney General Ashcroft Transcript News Conference with FBI Director M... Page 6 of 6

Q One follow-up. Do you believe that there were -- that attacks were imminent? And is that why you're releasing these --

ATTY GEN. ASHCROFT: We believe that these could be -- and likely appear to be -- sort of martyrdom messages from suicide terrorists. And whether or not the attack would be imminent or not is something we can't determine. But we know that the right time to release these is in advance of any attack, if there is to be an attack, not subsequent to an attack, and to try and enlist the people of the -- of this great nation and the people around the world to help curtail the attack.

Yes, ma'am?

Q Yes. How long is the full portion of the videotape? And also, when do you plan to release the sound on it?

ATTY GEN. ASHCROFT: You know, I don't know how long the full portion is, and I wouldn't indicate to you that we will release the sound on it. It may be that we will, and it may be we won't. We will pursue and make a judgment on that based in the national interest and the interest of this investigation. And so we need to complete the analysis of the tape and to complete all the specific and detailed translation of the tape.

I know that the portions we released today we felt were safe for release, and we didn't believe they contained any surreptitious messages or coded signals that would be designed to alert parts of the terrorist network.

Sir?

STAFF: Last question.

Q Are there other potential martyrs on those five videotapes, other than these five people here?

ATTY GEN. ASHCROFT: I don't believe there are, sir.

Thank you all very much.

END.

EXHIBIT 35

#01-25-02: Attorney General Ashcroft Transcript News Conference - Identity of Suspecte... Page 1 of 4



Attorney General Transcript
News Conference - Identity of Suspected Terrorist
Friday, January 25, 2002
DOJ Conference Center

ATTY GEN. ASHCROFT: Good afternoon. Last Thursday, or a week ago yesterday, along with FBI Director Mueller, the Department of Justice released photographs and video of five suspected terrorists. Our initial analysis of the video indicated that the videotapes depicted young men delivering what appeared to be martyrdom messages from suicide terrorists.

As of last week, we had identified four of the individuals: Ramzi Binalshibh, Abd Al-Rahim, Muhammad Sa'id Ali Hasan, and Khalid Ibn Muhammad Al-Juhani. At that time, the identity of the fifth suspected terrorist remained unknown.

Over the last week, we've received hundreds of leads from conscientious citizens across the nation and around the world. With these leads and further analysis of evidence recovered from the rubble of Muhammad Atef's house in Afghanistan, we have gained additional information about the fifth suspected terrorist. The name of the fifth terrorist is Al Rauf bin al Habib bin Yousef al-Jiddi. Al- Jiddi, who is a Canadian citizen, was born in Tunisia and is 36 years of age. He has black hair; is approximately 5 feet 10 inches tall and may weigh approximately 220 pounds.

We identified al-Jiddi through discovery of a suicide letter found in the ruins of the Atef residence by the U.S. military personnel in Afghanistan.

The letter, which is still being fully analyzed, was recently translated. In addition, the Canadian government assisted us by identifying Al-Jiddi. We have also identified an associate who may be traveling with Al-Jiddi. His name is Faker Boussora. He is 37 years of age, is approximately five feet, eight inches and weighs approximately 160 to 170 pounds, has a round face and prominent ears.

We believe Boussora may also be involved in a martyrdom mission. Boussora is also a Canadian citizen, born in Tunisia. The FBI has alerted law enforcement authorities across the United States and is also working closely with the Royal Canadian Mounted Police. Both individuals should be considered extremely dangerous. Additionally, the FBI has provided law enforcement with the same pictures that you see to my left.

The photograph in the upper left is the picture you saw last week of Al-Jiddi, taken from the video. Below that picture is a photograph retouched by the FBI to show how Al-Jiddi may look with a Westernized appearance. The picture in the upper right was found with the 1999 suicide letter in the ruins of Atef's house in Afghanistan. Finally, the picture in the lower-right corner is of Faker Boussora, Al-Jiddi's associate.

#01-25-02: Attorney General Ashcroft Transcript News Conference - Identity of Suspect... Page 2 of 4

Today I am also disclosing FBI-retouched photographs of the other four individuals seen on the videos recovered from Atef's residence in Afghanistan.

Again, these retouched photos show how these individuals may look with a Westernized appearance. We hope that by providing these photos to the media that citizens will be able to help law enforcement identify and apprehend these terrorists.

In particular, I would like to thank the Canadian government for providing significant assistance in the identification of Al-Jiddi. Today's announcement demonstrates the extraordinarily close and cooperative relationship that has been built between the United States and Canadian law enforcement.

Today's announcement is another example of the integrated effort we are pursuing to protect all people of all nations from cowardly acts of terrorism. It is a seamless effort that involves civil authorities, military authorities, intelligence resources, intelligence analysis, law enforcement, and the cooperation from foreign governments. As we discover more information, we will continue to share it with the international community to assist our efforts against terrorism.

Again, I want to advise the public to exercise vigilance and common sense in the face of the terrorism threat.

Anyone who believes that he or she knows the identity or whereabouts of al Al-Jiddi, Boussora, or the four other suspected terrorists -- anyone who knows or has information about them is urged to contact the nearest FBI office or visit the FBI's website, www.ifccfbi.gov, or contact the U.S. embassy or consulate in a foreign setting, if individuals are unable to contact the FBI.

I am grateful for the cooperation of both citizens and governments in helping us develop these tools of investigation.

I'd be pleased to answer your inquiries at this time. Yes?

Q Where did you obtain the picture of Boussora?

ATTY GEN. ASHCROFT: I'm prepared to provide the picture and grateful that we have these resources. I'm not prepared to identify further.

Q The Canadian government helped you. Did they tell you any way that these two were linked? Can you tell us anything about that?

ATTY GEN. ASHCROFT: I've provided the information that I'm able to provide you on that.

Yes, sir?

Q Do you have any information that you've developed since you originally put these out, that these people are still alive or that they may be in the United States?

ATTY GEN. ASHCROFT: We do not know the whereabouts of these individuals.

#01-25-02: Attorney General Ashcroft Transcript News Conference - Identity of Suspecte... Page 3 of 4

As a result, we are publicizing their photographs worldwide. It's my understanding that we have the cooperation not only of international news agencies in doing this -- and I released these photos with Larry King last Monday night and indicated at that time we would provide these additional enhanced images.

And we are expecting people like "America's Ten Most Wanted" and other shows of that nature to also publicize them.

Yes?

Q Have you gotten any more information that they may have tried to enter the United States?

ATTY GEN. ASHCROFT: We are not in possession of information giving us a location of these people.

Q When was the last time that Al-Jiddi was known to have been in Canada? And are you concerned that the suspects may have reached closer to the U.S. border?

ATTY GEN. ASHCROFT: I really -- I really don't know the answer to that question. We will try to find out as much as we can about the whereabouts of these individuals as the investigation progresses.

Yes, sir?

Q You said you received hundreds of tips from people who have seen these people. Could you give us an idea of whether these are associates of them, who have known them, how these people knew these suspects?

ATTY GEN. ASHCROFT: We have -- in terms of -- I can't catalogue all the tips that we received, but we received information that helped us make these identifications. And to say more, I can't.

Q Did the latest suicide letter give any indication of a planned attack? Do you have any further information that these men posed an imminent danger?

ATTY GEN. ASHCROFT: Well, we think that individuals who make suicide videos and write suicide letters are dangerous individuals. They're individuals who have expressed their intention to hurt other people and to extinguish themselves in the process. And that's a way of signalling the intensity of their intent.

Q Was this letter -- the suicide letter written by Al-Jiddi or his associate here? Is he the author of the suicide --

ATTY GEN. ASHCROFT: It's my understanding that he is the author of the letter and that the photograph on the upper right of the poster on the left was a photograph accompanying the letter when found.

Thank you very much.

Q Was Faker linked to a suicide note as well? Was there a suicide note by Faker?

#01-25-02: Attorney General Ashcroft Transcript News Conference - Identity of Suspect... Page 4 of 4

ATTY GEN. ASHCROFT: We believe that he may be an associate of this other individual, but we do not have information about a suicide letter from him.

STAFF: We'll have -- do you all have all the pictures?

END.

EXHIBIT 36

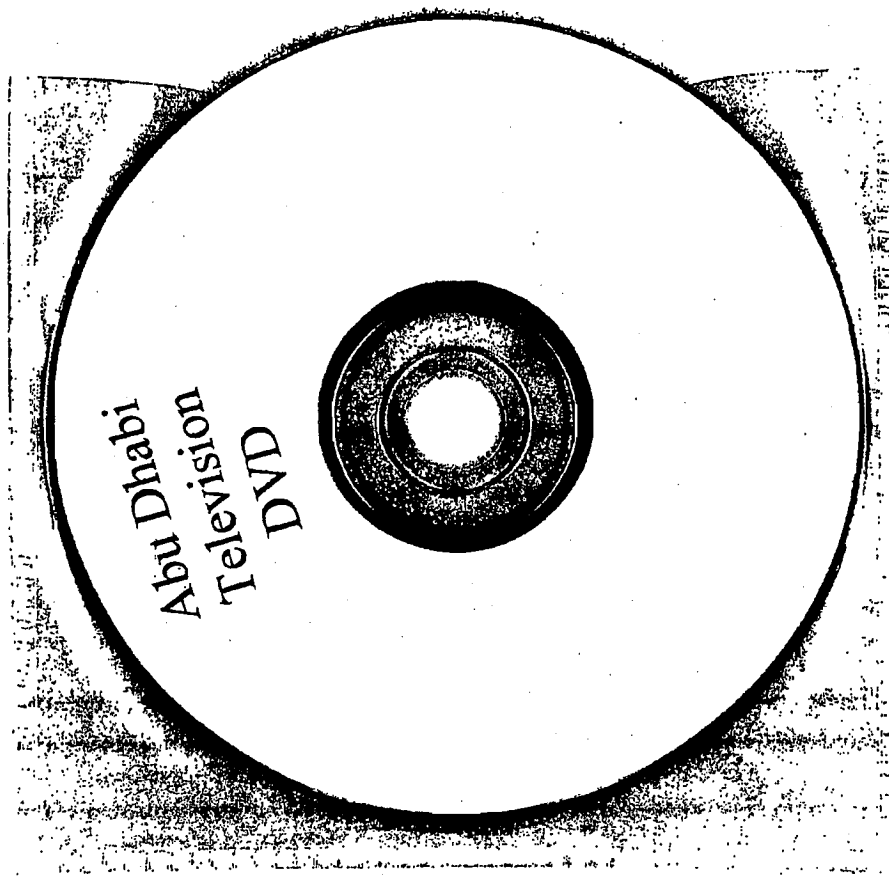


EXHIBIT 37

Could an... happen to me? ...service... ripping me off?
Can I trust my HMO?
Can I count on my broker?

So many
choices,
and no one
to trust.
In today's
world...

YOU'RE
YOUR
DADV

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JANUARY 28, 2002 VOL. 159 NO. 4

24

COVER: BUSINESS

By the Sign of the Crooked E Once, Sherron Watkins' only link to fame was second cousin Lyle Lovett. Now, with her memo on Enron's dizzying accounting schemes, she's the most famous whistleblower in America. A look at the miasma 16

You're on Your Own Yikes! As the Enron case reminds us, choice now means personal responsibility for everything from retirement funds to health care to phone service. A survival guide 24

SEQUEL

CRIME: Guerrillas in the Mist
The Symbionese Liberation
Army goes to court after 26
years 4

NATION

CAMP'S RAY: What POWs?
The legal standing of
American POWs in
Iraq and Afghanistan
..... 10

WINTER OLYMPICS: Feud of the
female bobsledders 61

WORLD

TERRORISM: Mindanao, Here
We Come But is the southern
Philippines the place to hunt
al-Qaeda? Or just the least
complicated second front after
Afghanistan? 36

SOCIETY

DIVORCE: For Better or for
Worse? Two academics battle
over the impact on children 40

MEDICINE

TRANSPLANTS: Too Dear a Gift
Should donors get transplants
..... 41

TIME IN DEPTH

ANDREA YATES: The Secrets
and Demons of a Houston
Housewife She adored her five
children but lost all of them on a
murderous June morning. Was
it madness or an attempt to
escape from a life she no longer
wanted? Could her tragedy have
been averted? 42

THE ARTS

MUSIC: Why Linkin Park is
America's best-selling band. 52

PUBLISHING: Talk goes silent 54

TELEVISION: That '80s Show... 56

BOOKS: Two riveting accounts
of the nation's racist past 57

SPORT

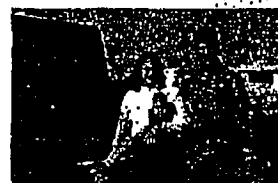
WINTER OLYMPICS: Feud of the
female bobsledders 61

PEOPLE

THE ROYALS: Aniston, Armani
and how Harry was potted 63

LETTERS**NOTEBOOK****MILESTONES**

America's Most Wanted 34



The mind of America 32



Harry's potted 63

N A T I O N

CAMP X-RAY

When is a war prisoner not a POW? When the U.S. brings Afghan detainees to Guantánamo Bay

By MICHAEL ELLIOTT

IT'S NOT GOING TO BE A COUNTRY CLUB," said Defense Secretary Donald Rumsfeld last week, describing the new military detention camp at Guantánamo Bay, Cuba, and nobody ever expected it would be. The 110 al-Qaeda and Taliban prisoners admitted to "Gitmo" by the end of last week are, said Rumsfeld, "the hardest of the hard core," men who had killed "dozens and dozens of people." But though it may lack tennis courts and a putting green, the amenities are better than you'd find in a cave at Tora Bora. True, prisoners are now confined to 6-ft. by 8-ft. chain-link enclosures with concrete floors and tin roofs (Rumsfeld thinks it's "pejorative" to call them cages). But relief will come: in three months, the Pentagon hopes to replace the facility with something more permanent.

In the meantime, the prisoners at Camp X-Ray—as the place has been called since the early 1990s when it housed Haitian refugees—have been given thin green mats and blankets on which to sleep and pray, and are allowed to shower and exercise. They are provided with a medical exam upon admission, and their diet (is someone making a point about diversity here?) ranges from

bagels and cream cheese to rice and beans—all eaten with plastic utensils—after which the prisoners may clean their teeth with specially shortened brushes. (The caution makes sense: in 2000 Mamdouh Salim, an al-Qaeda operative awaiting trial in New York City for his part in the 1995 embassy bombings, used a comb to stab a prison guard through the eye.)

So far, humanitarian groups have been muted in their criticism of the conditions at Guantánamo. Last week a delegation from the International Committee of the Red Cross arrived to inspect the camp and offer private recommendations on its operation. But in the European press, the prisoners' lot has become a public issue of contention among those who demand that U.S. conduct be above suspicion. Three detainees are said to have claimed to be British citizens. Politicians and commentators in London are now clamoring that all held in Gitmo must be guaranteed treatment in accordance with international law. The *Daily Telegraph*, a paper usually so conservative that it makes Pat Buchanan look vegetarian, warned Washington of the need to draw a "distinction between civilized society and the apocalyptic savagery of those who would destroy it."

At the heart of the matter is a question

VOL

159

ISS

4

JA

28

2002

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N A T I O N

of legality. The Pentagon has resisted calling the detainees prisoners of war, preferring the terms unlawful combatants or battlefield detainees. It's easy to see why. Under the Geneva Convention, those holding true POWs are bound to release them at the end of hostilities; but that is the last thing the U.S. wants to do with men who may be al-Qaeda operatives. Moreover, by convention (though the law seems to be murky here) POWs don't need to tell their captors anything other than their name, rank, serial number and birthday. But for Washington, the whole point of the detention is to conduct interrogations and thus head off new acts of terrorism.

The Geneva Convention does contemplate that some irregular forces captured in battle need not be considered POWs. That may well apply to members of al-Qaeda, a free-floating band of terrorists. But not all of

those at Gitmo are al-Qaeda men. Some—the Pentagon won't say how many—were members of the Taliban and presumably thought they were part of the Afghan army. Are they POWs? Washington says no, because the Taliban had no clear chain of command and was not a legitimate government. That may be so; unfortunately, as Amnesty International has pointed out, under the Geneva Convention the Pentagon has no business making such a determination. Those who fall into the enemy's hands are entitled to POW status until a "competent tribunal" has determined their status. In the case of those in Cuba, that hasn't happened.

More curious still is the matter of the prisoners' ultimate fate. Rumsfeld has laid out four options: a military trial, a trial in U.S. criminal courts, return to their home countries for prosecution, or continued detention "while additional intelligence is gathered."

The last seems a distinct possibility: the Pentagon plans to build 2,000 cells at Camp X-Ray. "This will be a big deal down there for at least two years, guaranteed," says Army Lieut. General B.B. Bell, who commands Fort Hood, Texas, the base from which military police have been deployed to Cuba. But it's hard to find a justification for such detention in the Geneva Convention or anywhere else. Leaving the prisoners "indefinitely beyond the reach of any legal regime," said the *Economist* last week, "would put America—pre-eminently a nation of laws—itsself outside the law."

Until the Pentagon sorts out the legal issues, criticism from Europe is likely to grow. Still, things could be worse. The prisoners may be in Cuba, but nobody has yet forced them to listen to Fidel Castro's long-winded speeches. Now that really would be cruel.

—With reporting by Mark Thompson/Washington

T A P E T R O V E

The Martyrs' Home Movies

The tape lasts just over two minutes, like a trailer for an upcoming horror flick.

Three Arab men appear in separate shots: one has wide eyes and a gasp-inducing left hand; another appears to read from a text, never looking up at the camera; the third buries his head between his knees, then comes up to a Kolesnikov and smiles. The silent footage, released by the Justice Department last Thursday, was spliced together from five tapes recovered by allied forces in the rubble of the home of Mohammed Atta, al-Qaeda's operations mastermind who was killed by a U.S. air strike in November. They were no ordinary home movies. The five men who appear on them are members of al-Qaeda, and U.S. authorities say they were recording messages of martyrdom—a move commonly made by people about to stage a suicide terrorist attack.

The release of the tape, which came a week after the broadcast of a so-called Qaeda video detailing a bombing plot in Singapore, was a chilling reminder of the terror network's destructive aims and the effectiveness of its operatives. Attorney General John Ashcroft

said the U.S. has launched an international manhunt for the five and asked the public to help "identify, locate and incapacitate" them. A senior U.S. official told *TIME* that the tapes were first viewed by CIA specialists, who passed them along to the FBI. Officials at both agencies were so convinced the tapes showed evidence of a possibly imminent suicide attack that they rushed them into the public eye before completing their usual analysis and translation of the footage. "It seemed like a good idea to get their faces widely shown," says one official. "If we sat on the tapes and those guys did something bad, you could legitimately criticize us for failing to do everything possible."

At least one face is familiar to U.S. investigators: Ramzi Binalshibh, a 29-year-old Yemeni who appears wearing a red kufiyeh, was named as an unindicted co-conspirator of Zacarias Moussawi, the French operative arrested in August and indicted Dec. 11 for planning terrorist attacks. U.S. officials believe that Binalshibh is a hard-core suicide martyr who wanted to be the 20th hijacker. A member of the Hamburg cell led by Mohammed Atta, he



unsuccessfully tried to obtain a visa to enter the U.S. to take flying lessons on four occasions in 2000. He also wired thousands of dollars to the hijackers; last August he sent \$14,000 to Moussawi. On Sept. 5, he fled Germany and has been at large since. In January 2000, Binalshibh met in Malaysia with several al-Qaeda operatives—including two future hijackers and two men who would be implicated for planning the attack on the U.S.S. Cole. The CIA obtained a videotape of the meeting shortly after it took place. But Binalshibh was not identified until sometime after Sept. 11.

The four others on the tapes—Muhammad Sa'id Al Hasan, Khalid bin Muhammad Al-Jahani, Abd Al-Rahim and one as yet unidentified—had not

previously appeared on America's most wanted list. Administration officials don't believe the tapes contain coded messages to al-Qaeda sleeper cells. Analysts say the tapes were created strictly for internal consumption or for the men's families. The men spoke of accepting their fate as martyrs, joining the war against infidels and becoming one with Allah, but they did not discuss specific targets or timing.

That won't ease growing anxieties among U.S. authorities about the threat of another attack. Says an official: "The assumption is that they are trained terrorists willing to die for their cause." What no one knows is whether they're about to try. —By Kenneth Anderson, Reported by Elaine Thompson/Washington

EXHIBIT 40

Steven T. Wax, OSB #85012
Federal Public Defender
steve_wax@fd.org
Stephen R. Sady
Chief Deputy Federal Public Defender
steve_sady@fd.org
Patrick J. Ehlers
Assistant Federal Public Defender
patrick_ehlers@fd.org
101 SW Main Street, Suite 1700
Portland, Oregon 97204
Tel: 503-326-2123
Fax: 503-326-5524

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CLEARED FOR PUBLIC FILING**

Attorneys for Petitioner

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**ABDUL RAHIM ABDUL RAZAK AL
GINCO,**

Petitioner,

v.

GEORGE W. BUSH, et al.,

Respondents.

CV 05-1310-RJL

**DECLARATION OF STEPHEN R.
SADY IN SUPPORT OF
EMERGENCY MOTION FOR
HEARING REGARDING STAY**

I, Stephen R. Sady, being first duly sworn, hereby depose and say:

1. I am one of the attorneys assigned to represent Abdul Rahim Abdul Razak Al Gincó,
who is presently detained at the United States Naval Base at Guantánamo Bay, Cuba;

2. This Court assigned the Federal Public Defender for the District of Oregon to represent Abdul Rahim on April 11, 2006, and I entered a notice of appearance to act on his behalf on that date (Docket Sheet 11);

3. I am the Chief Deputy Federal Public Defender for the District of Oregon and have been employed by the Federal Public Defender's Office since April 1, 1981, during the course of which I have represented thousands of indigent defendants and habeas petitioners, including criminally charged aliens and aliens in indefinite detention by immigration authorities, in trial level, appellate, and habeas corpus proceedings:

4. From the outset of my representation of Abdul Rahim, I have been concerned regarding his psychological state because:

- a. Contemporaneous press accounts indicated that, for the almost two years prior to his imprisonment by Americans, he had been tortured and imprisoned by the Taliban;
- b. From his Combatant Status Review Tribunal transcript (Docket Sheet 37, Exhibit 107), he referred to his torture by the Taliban, he stated he spent much time in the "psych block," and his personal representative, "who happens to be a nurse," advised that Abdul Rahim was taking medications including Depakote, Zoloft, and Zyprexa, which were prescribed as treatment for a number of serious psychological maladies including Post-Traumatic Stress Disorder (Exhibit 107 at 7); and

- c. From over ten years of representing aliens indefinitely detained by immigration authorities, I am aware that time spent in indefinite custody is particularly stressful.

5. I have met with Abdul Rahim in May, September, and December 2006, during which Abdul Rahim confirmed the torture to which he was subjected by the Taliban, as reflected in the letters to Dr. J. David Kinzie and Professor Darius Rejali, which are based on cleared notes, attached to the Emergency Motion for Hearing Regarding Stay (Motion) as Exhibits Exhibit D and G.

6. During the meetings, Abdul Rahim related that he is still being given psychotropic medications; he also provided information that, from my years of experience regarding forensic psychological issues, lead me to the lay opinion that, from his experience as a torture victim, Abdul Rahim suffers from Post-Traumatic Stress Disorder;

7. In the previous briefing before this Court, I have presented the reasons that the stay order should be lifted for consideration of the summary judgment motion because continued detention constitutes irreparable harm (Docket Sheet 35 and 40);

8. This declaration is to provide support for our request for a hearing and ruling on the stay forthwith based on the additional irreparable harm to Abdul Rahim given his psychological vulnerability and Post-Traumatic Stress Disorder from torture by the Taliban;

9. I believe that during the almost two years before coming into American custody in January 2002, Abdul Rahim was subjected to extreme and brutal torture by the Taliban based on the following:

- a. The exhibits submitted in support of the Motion for Summary Judgment establish that he falsely confessed to the Taliban that he was an American

spy, which would only occur as the result of coercion and which is documented from as early as May 2000 (Docket Sheet 37);

- b. Abdul Rahim has consistently and credibly recounted to me the torture he endured as is set out in the letters to Dr. Kinzie and Professor Rejali, attached to the Motion as Exhibits D and G;
- c. Professor Rejali, an internationally recognized expert in the sociology and politics of torture, has submitted an expert opinion that the descriptions of torture Abdul Rahim has provided me are credible and consistent with practices Abdul Rahim would have no way of knowing prior to his capture by the Taliban, as reflected in the documents attached to the Motion as Exhibits E and F;
- d. The statements of former detainees Ayrat Vakhitov and Jamal Al-Harith both reflect Abdul Rahim's mental illness from apparent torture during captivity and corroborate that Abdul Rahim has been kept on a psychiatric wing of Guantánamo since shortly after his arrival (Docket Sheet 37, Exhibit 102, paragraph 18; Docket Sheet 39, Exhibit 131, paragraphs 9 and 11).
- e. The Combatant Status Review Tribunal proceedings, submitted as Docket Sheet 37, Exhibit 107, reflect that Abdul Rahim was attended by a nurse who recited a number of psychotropic medications that have been prescribed for persons suffering from mental illness, including Post-Traumatic Stress Disorder.

10. During my most recent visit with Abdul Rahim, the notes of which were cleared on January 8, 2007, I became very concerned because his psychological condition seemed to be deteriorating substantially based on the following:

- a. On the morning of December 11, 2006, when I was scheduled to meet with Abdul Rahim, I was initially advised that he did not want to see me, even though he previously had written that he was eager for a visit;
- b. After I wrote him a note letting him know it was me who was visiting, Abdul Rahim wrote a letter stating that he wanted to meet with me;
- c. As a result of Abdul Rahim's letter, I was told that a visit would occur but would take some time to set up;
- d. After meeting with another client that morning but also being available in the camp in case Abdul Rahim was brought over, I was advised at about noon by members of the legal and medical staff that the meeting could not be set up until the afternoon and that Abdul Rahim would be in restraints, wearing a green smock intended to prevent self-injury, and that he had an abrasion on the side of his forehead from self-injury;
- e. From responses to my inquiries, it appeared that the medical staff did not consider Abdul Rahim to have been a Taliban torture victim, which led me to contact opposing counsel and obtain permission to provide information to the medical staff;
- f. When I attempted to meet with Abdul Rahim in the afternoon, I was told that he would not be able to meet with me because he was not medically approved

for a visit and that he had hit his head again and opened a gash on his forehead, as reflected in the memo attached to the Motion as Exhibit A;

- g. My requests to speak with Abdul-Rahim by telephone or to see him at the hospital or otherwise communicate with him were denied;
- h. Throughout December 12, 2006, I discussed with the legal representatives of the Joint Task Force my request to meet or to speak with Abdul Rahim, scheduled around other visits with detainees; I also was able to exchange letters with Abdul Rahim in which he continued to state that he wanted to meet with me;
- i. With the much-appreciated assistance of opposing counsel and Joint Task Force counsel, I was allowed to meet with Abdul Rahim for approximately 3.5 hours on December 13, 2006;
- j. During that time, Abdul Rahim was in restraints and without clothing other than a green smock and, although he was initially abashed to meet in such a state, we eventually were able to communicate effectively and in a manner that calmed him substantially;
- k. From our meeting, I believe Abdul Rahim is suffering intense psychological pain from his continued incarceration under the prevailing conditions at Guantanamo and that he is at serious risk for further physical injury.
- l. Abdul Rahim told me, "I want to see a judge and ask them to tell me what I have done against the United States, and I will tell them my story, word by

word, and prove to them that I am not only innocent but also a victim of the war against terrorists."

11. Upon my return to the United States, I read the article in the New York Times (attached to the Motion as Exhibit H) in which the commander at Guantánamo stated that privileges were being taken away and that all prisoners were being treated as terrorists because "there are no medium security terrorists," which confirmed my concerns that Abdul Rahim's psychological vulnerability was being exacerbated by punitive measures and behavior modification approaches to his custody;

12. I also consulted with Dr. Kinzie, who is a internationally recognized expert in the treatment of torture victims (his qualifications are set out in Motion Exhibit C), and received the letter attached to the Motion as Exhibit B, opining that Abdul Rahim suffers from Post-Traumatic Stress Disorder and that the type of operant conditioning used to enforce discipline and obtain compliance, and irrationally punitive measures, were especially dangerous for Abdul Rahim;

13. On December 20, 2006, I provided the medical personnel at Guantanamo Bay with a summary letter, supported by evidentiary exhibits, regarding Abdul Rahim's torture by the Taliban as well as Dr. Kinzie's letter regarding treatment of torture victims in the hopes that this knowledge would ameliorate Abdul Rahim's treatment;

14. On January 9, 2007, I received my cleared notes from the Privilege Team regarding my December visit;

15. On January 23, 2007, I received the attached letter from Professor Rejali, whose expert qualifications are set forth in Motion Exhibit F, opining that, based on his expertise in the

techniques and sociology of torture, Abdul Rahim's accounts of Taliban torture are credible (Motion Exhibit E).

16. I believe the Court should hear and rule on the stay motion forthwith because Abdul Rahim has endured and will continue to suffer imminent irreparable harm from the absence of a ruling that would either lead to the stay being lifted, which I believe should result in a favorable ruling on the merits, or a denial of the stay, which would permit Abdul Rahim to seek expedited review in the Court of Appeals for the District of Columbia, raising issues that are distinct from those encompassed in the cases currently pending in that court;

19. I have conferred with Respondent's counsel, Andrew Warden, and he states that the Respondents oppose this motion.

Dated and signed this 29th day of January, 2007.



Stephen R. Sady
Chief Deputy Federal Public Defender

SUBSCRIBED AND SWORN to before me this 29th day of January, 2007.



Notary Public for Oregon
My Commission expires: 3.22.09

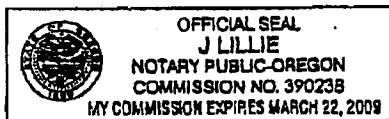


EXHIBIT 41

Steven T. Wax, OSB #85012

Federal Public Defender

steve_wax@fd.org

Stephen R. Sady

Chief Deputy Federal Public Defender

steve_sady@fd.org

Patrick J. Ehlers

Assistant Federal Public Defender

patrick_ehlers@fd.org

101 SW Main Street, Suite 1700

Portland, Oregon 97204

Tel: 503-326-2123

Fax: 503-326-5524

PREVIOUSLY FILED WITH CSO AND
CLEARED FOR PUBLIC FILING

Attorneys for Petitioner

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDUL RAHIM ABDUL RAZAK AL
GINCO,

Petitioner,

v.

GEORGE W. BUSH, et al.,

Respondents.

CV 05-1310-RJL

SECOND DECLARATION OF
STEPHEN R. SADY IN SUPPORT OF
EMERGENCY MOTION FOR
HEARING REGARDING STAY

I, Stephen R. Sady, hereby depose and declare:

1. This declaration is to supplement my declaration of January 29, 2007, regarding additional information received since that time that corroborates the imminent and irreparable harm

that my client, Abdul Rahim Abdul Razak Al Gingo, is experiencing during the time his case is being stayed without consideration of his claims. On February 2, 2007, I received the translation of a letter from Abdul Rahim, dated January 1, 2007, stating that he has lost hope, is suicidal, and fractured a neck vertebrae during a suicide attempt, which resulted in loss of control of some bodily functions and severe pain.

2. As set out in the first declaration, Abdul Rahim was in psychological distress and had suffered a self-inflicted gash on his forehead when I saw him on December 13, 2006. He responded positively to my visit and stated at that time that he would refrain from self-injury. I was very concerned because medical personnel were apparently either unaware or unbelieving that Abdul Rahim was a Taliban torture victim and political prisoner for almost two years before his American custody began.

3. With the permission and assistance of opposing counsel, on December 20, 2006, I provided to Guantanamo medical personnel evidence documenting the torture Abdul Rahim suffered as well as a letter from an internationally recognized psychiatric expert, Dr. J. Mark Kinzie, who specializes in the treatment of torture victims. Because I was concerned for Abdul Rahim's health and well-being, and because my relationship with Abdul Rahim appeared to be helpful to mitigating his distress, I requested that I be informed of any problems and offered to be available on short notice as follows:

I would also request that I be notified any time there is difficulty regarding Abdul Rahim, especially regarding self-injury. I believe the period of time I spent with Abdul Rahim last Wednesday considerably calmed what was a fraught situation. I would be glad to be available by telephone or for emergency trips as needed to address urgent situations that may arise.

The packet of information included the documents filed at Docket Sheet 37 and Dr. Kinzie's letter and resume attached to Docket Sheet 50.

4. On January 19, 2007, I received an email notice from the Privilege Team, posted at 2:16 p.m., stating that I had a letter from Abdul Rahim and asking whether I wanted it to be cleared. I responded that day at 2:32 p.m., requesting that the letter be cleared and faxed to me. After not receiving a response, I emailed the Privilege Team on January 25, 2007, at 6:02 p.m., inquiring regarding the status of the letter.

5. On January 29, 2007, I finalized the documents related to the emergency motion for a hearing regarding the stay, which were given to Federal Express for filing the first thing the next morning. Later on January 30, 2007, I received a telephone call from the Privilege Team in which I was informed that Abdul Rahim spoke of killing himself in the letter. On the basis of my December visit, I advised that I believed the Joint Task Force was aware that Abdul Rahim was suicidal, that the time from mailing probably negated imminence, and that I had just sent material to the Court regarding our concerns for Abdul Rahim.

6. I received a fax from the Privilege Team dated January 30, 2007, posted at 18:04, with four pages of writing in Arabic. The following day, my investigator faxed those pages to an Arabic interpreter. On February 1, 2007, I received the identical four pages with a fifth page that included a short blacked out portion, which I also forwarded to the Arabic interpreter.

7. On February 2, 2007, at about noon, I received the translation of a letter from Abdul Rahim. In the letter, Abdul Rahim stated in part:

I would like to inform you that I am determined to continue my death attempts till the last breath of my miserable life. I lost hope. I also would like you to know that I

made a serious attempt to hang myself, and my attempt succeeded to a certain degree, and one bone of my vertebral column was broken; . . .

He also stated:

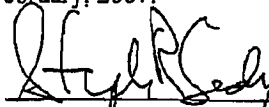
Let it be known to you that I am crying while writing this letter because of hopelessness and distress. I don't know what to do. You and my family members are free and I am imprisoned and captive moving from one prison to another. I ask you to forgive me about whatever I do, but I have no other way to express my hopelessness.

Abdul Rahim also asserted that military personnel at Guantanamo have disseminated false information about him that is endangering him. At the bottom of the letter, the date "January 1, 2007" appears.

8. Shortly thereafter, I called first to DOJ counsel Andrew Warden, then, in his absence, to Terry Henry. Mr. Henry advised that the Respondents had no obligation to advise me regarding my client's condition and that a request for a telephone call with Abdul Rahim could be forwarded to Guantanamo Bay. Pursuant to Mr. Henry's suggestion, I sent an email to Mr. Henry on February 2, 2007, at 3:23 p.m. with two attached letters, one to Mr. Henry confirming our conversation (Exhibit A to this Declaration) and the other directed to the Commander of the Naval Base, Rear Admiral Harry B. Harris, Jr., requesting an immediate telephone call with Abdul Rahim (Exhibit B to this Declaration). I had not received a response by the end of the business day today.

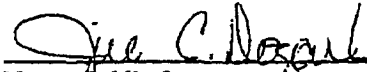
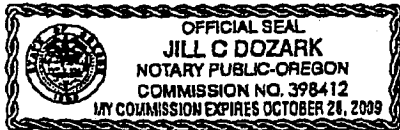
9. I believe the foregoing strongly reinforces the facts set forth in my Declaration of January 29, 2007, establishing that Abdul Rahim is experiencing serious and irreparable harm from the continued stay and that a hearing on this matter should be set as soon as practical.

Dated and signed this 5th day of February, 2007.



Stephen R. Sady
Chief Deputy Federal Public Defender

SUBSCRIBED AND SWORN to before me this 5th day of February, 2007.



Notary Public for Oregon

My Commission expires: 10/28/2009

EXHIBIT A

**FEDERAL PUBLIC DEFENDER
DISTRICT OF OREGON**

STEVEN T. WAX
Federal Public Defender
STEPHEN R. SADY
Chief Deputy Defender
Steven Jacobson
Bryan E. Lessley
Nancy Bergeson
Christopher J. Schatz
Ellen C. Pitcher
Craig Weinerman
Mark Bennett Weintraub
Gerald M. Needham
Thomas J. Hester
Ruben L. Iniguez
Anthony D. Bornstein
Donnal S. Nixon

101 SW Main Street, Suite 1700
Portland OR 97204
503-326-2123 / Fax 503-326-5524

Branch Offices:

161 W. 7th, Suite 510
Eugene, OR 97401
541-485-8937
Fax 541-485-8975

16 Newtown Street
Medford, OR 97501
541-776-3630
Fax 541-776-3624

Lisa Hay
Tonia L. Moro
Susan Russell
Patrick Ehlers
Francesca Freccero
C. Renée Manes
Amy Baggio
Matthew M. Rubenstein
Caroline Davidson
Neil Brown
Lynn Deffebach
Kristina Hellman
Michelle Sweet
Eugene Office
Medford Office
Research/Writing Attorney

February 2, 2007

Terry Henry
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave., N.W. Room 7144
Washington, D.C. 20044

Re: *Abdulrahim Abdul Razak Al Gingo v. George W. Bush, et al.*
CV 05-1310 RJL

Dear Mr. Henry:

This is to confirm our conversation of February 2, 2007, in which I advised you that I had just received the translation of a letter, dated January 1, 2007, in which Abdul Rahim advised us that he had a broken bone in his neck from a suicide attempt, and I requested a telephone conference with our client as soon as possible.

We had received no previous notice regarding this incident. I also advised you that on December 20, 2006, I provided Mr. Warden and JTF Captain John Eskelson with a letter regarding my concerns based on self-injury episodes during my time in Guantanamo between December 11 and 13, 2006. In the letter to Captain Eskelson of December 20, 2006, we provided material showing that Abdul Rahim is a Taliban torture victim who is suffering post-traumatic stress disorder and needs special consideration and treatment. I also stated:

I would also request that I be notified any time there is difficulty regarding Abdul Rahim, especially regarding self-injury. I believe the period of time I spent with Abdul Rahim last Wednesday considerably calmed what was a fraught situation. I would be glad to be available by telephone or for emergency trips as needed to address urgent situations that may arise.

February 2, 2007
Page 2

In response, you advised me that the respondents were under no obligation to accede to my request for notification.

I also stated that I wanted to know the current status of Abdul Rahim and to talk with him by telephone at the soonest opportunity. You stated that you would forward my request by email to Guantanamo Bay. I am attaching to this letter a separate letter directed to the authorities on Guantanamo requesting the telephone conference.

Thank you for your attention to this matter.

Yours truly,



Stephen R. Sady
Chief Deputy Federal Public Defender

SRS/jcd
Attachment

EXHIBIT B

**FEDERAL PUBLIC DEFENDER
DISTRICT OF OREGON**

**101 SW Main Street, Suite 1700
Portland OR 97204
503-326-2123 / Fax 503-326-5524**

STEVEN T. WAX
Federal Public Defender
STEPHEN R. SADY
Chief Deputy Defender
Steven Jacobson
Bryan E. Lessley ▲
Nancy Bergeson
Christopher J. Schatz
Ellen C. Pitcher
Craig Weinerman ▲
Mark Bennett Weintraub ▲
Gerald M. Needham
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Ruben L. Iñiguez
Anthony D. Bornstein
Donnal S. Nixon▲

Branch Offices:

151 W. 7th, Suite 510
Eugene, OR 97401
541-465-6937
Fax 541-465-6975

15 Newtown Street
Medford, OR 97501
541-776-3630
Fax 541-776-3624

Lisa Hay
Tonia L. Moro▲
Susan Russell
Patrick Ehlers
Francesca Freccero
C. Renée Manes
Amy Baggio
Matthew M. Rubenstein
Caroline Davidson
Nell Brown
Lynn Deffebach▲
Kristina Heilman▲
Michelle Sweet▲
▲ Eugene Office
+ Medford Office
* Research/Writing Attorney

February 2, 2007

Rear Adm. Harry B. Harris, Jr.
Joint Task Force - Guantanamo Bay
c/o Terry Henry
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave., N.W. Room 7144
Washington, D.C. 20044

Re: Abdulrahim Abdul Razak Al Gincio
ISN 489

Dear Admiral Harris:

This letter is to request that a telephone conversation be arranged between me and Abdul Rahim as soon as possible. This request is based on the letter dated January 1, 2007, that I received January 31, 2007, which was translated today, stating that Abdul Rahim has suffered an injury to his neck vertebra during a suicide attempt. Pursuant to Section VIII of the Protective Order, I believe this circumstance easily meets the "special circumstances" standard for the arrangement of immediate contact with counsel.

To provide you some context, during my visit to Guantanamo between December 11 and 13, 2006, Abdul Rahim was in serious psychological distress and had suffered self-injury, including a gash in his forehead. During my time there, I learned that the medical staff was apparently unaware that Abdul Rahim was a torture victim and political prisoner of the Taliban for the two years before coming into American custody. On December 20, 2007, I sent Captain Jon Eskelson of the legal department for the Joint Task Force a packet providing evidence corroborating Abdul Rahim's testimony about having been a torture victim. In my letter, I expressed our concern regarding his health and safety and stated:

February 2, 2007
Page 2

I would also request that I be notified any time there is difficulty regarding Abdul Rahim, especially regarding self-injury. I believe the period of time I spent with Abdul Rahim last Wednesday considerably calmed what was a fraught situation. I would be glad to be available by telephone or for emergency trips as needed to address urgent situations that may arise.

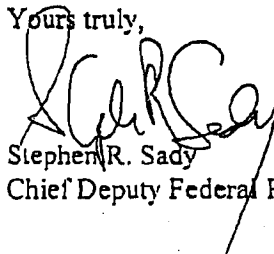
Both the practical assistance of contact with his lawyers and the humanitarian need for us to communicate would warrant the requested telephone conference.

In addition, we need to consult with Abdul Rahim regarding pending legal matters. On January 29, 2007, we submitted to Judge Leon a motion, supported by my declaration, requesting an emergency hearing on Abdul Rahim's case based on our concerns for his health and safety. On January 30, 2007, after the motion had been sent my Federal Express to the court security office, we received notification that a letter, upon which we requested clearance on January 19, 2007, had not yet been cleared, but included information regarding Abdul Rahim's having self-destructive thoughts. We received a fax of the document on January 31, 2007, which we gave to an Arabic translator. On February 2, 2007, we received the translation which, for the first time, notified us that Abdul Rahim was not only contemplating suicide but had engaged in a self-destructive act that had resulted in serious physical injury. We need to confer with Abdul Rahim immediately regarding potential legal steps and consequences regarding his pending motions and potential filings.

For the foregoing reasons, please arrange for a telephone conference with me forthwith. I can be reached at work at (503) 326-2123; at home at (503) 235-3941; my cell at (503) 490-2398. If you have any questions, please contact me immediately.

Thank you for your attention to this matter.

Yours truly,


Stephen R. Sady
Chief Deputy Federal Public Defender

SRS/jcd

EXHIBIT 50

b2

b2

MEMORANDUM FOR RECORD

SUBJECT: b2 ISN: b2 00249 b2 ABD RAHIM ABDUL RASSAK
((JANKO)) IS A 23-YR-OLD b1

b1

b1 b2 b5

1. b2 SUMMARY INTERROGATION REPORT. b1 b5

b1 b5

b2

b2

b2 b3

b2

b2 b3

b2

b2

b1 b2

b1 b2

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b1 b2

b1 b2

b1 b2 b5

b1 b2

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b1 b2

2. b2 NEW INFORMATION OBTAINED.

b2

Recorder Exhibit R-63
DMO Exhibit XX Page 1 of 8
Page 1 of 8

000685

UNCLASSIFIED//FOR PUBLIC RELEASE

b2

b1

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b1 b6

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b1 b5

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b1 b6

b2

Recorder Exhibit R-63
Page 2 of 8

000686

UNCLASSIFIED//FOR PUBLIC RELEASE

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b2

Recorder Exhibit R-63
Page 3 of 8

000687

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b2

b1 b6

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b1

b1 b2 b6

b1 b6

b1

b2

Recorder Exhibit R-63
Page 4 of 8

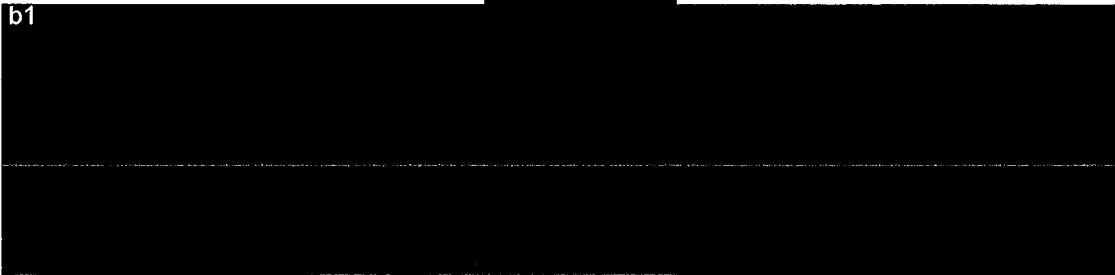
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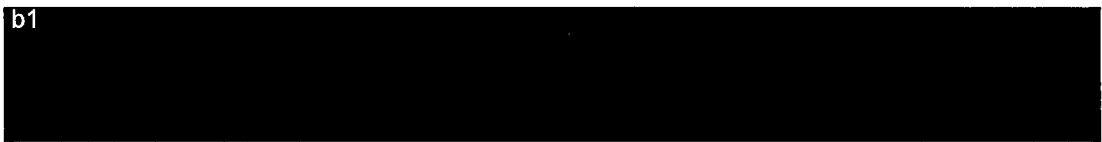
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b1



b1



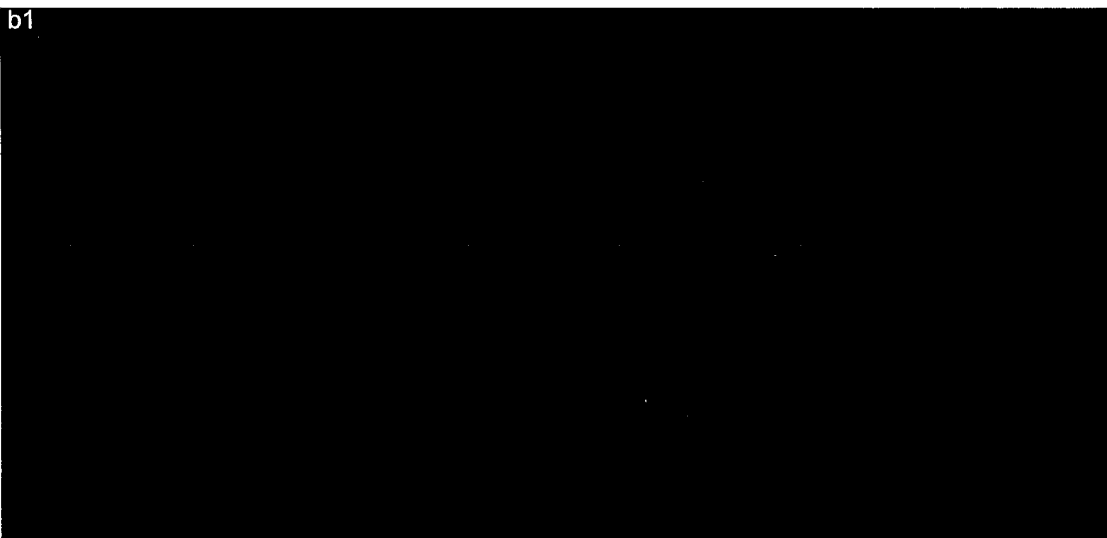
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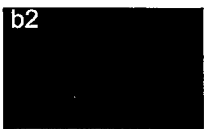
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b1



b2



Recorder Exhibit R-63
Page 5 of 8

000689

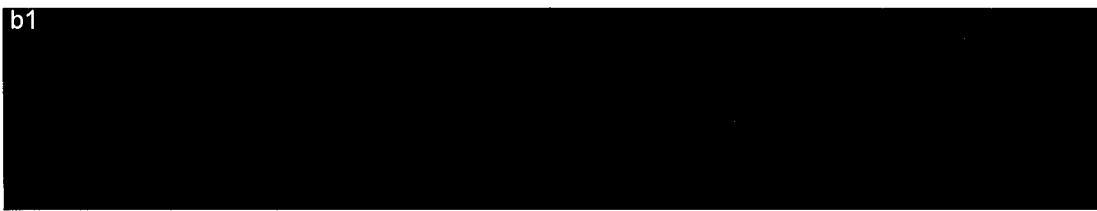
b2



b1



b1



b1



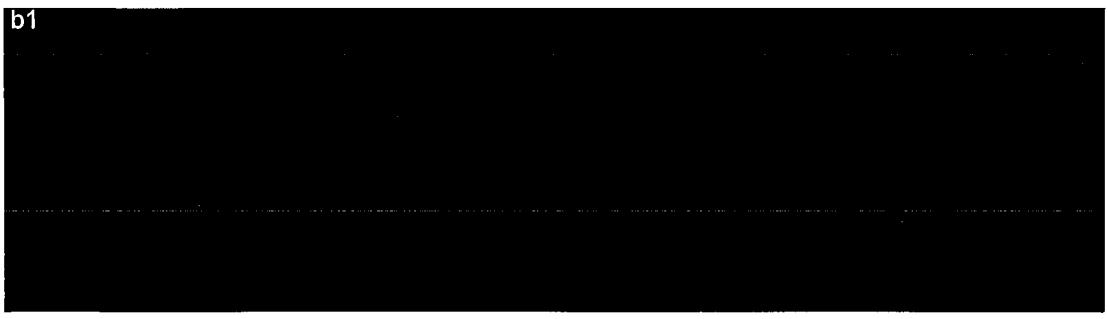
b1



b1



b1



b2



Recorder Exhibit R-63
Page 6 of 8

000690

UNCLASSIFIED//FOR PUBLIC RELEASE

b2

b1

b1

b1

b1

b1 b2

b1

3. b2 PREVIOUS INFORMATION VERIFIED. b1 b2 b5
b1 b2 b5

b2

Recorder Exhibit R-63
Page 7 of 8

000691

UNCLASSIFIED//FOR PUBLIC RELEASE

b2

4. b2 ADDITIONAL AREAS OF KNOWLEDGEABILITY. b1 b5

5. b2 COLLECTOR COMMENTS.

b1 b2

b1 b2

b1 b2 b5

b1 b2 b5

b1 b2 b5

6. b2 POC THIS MEMORANDUM b2, b3

b2

Recorder Exhibit R-63
DMO Exhibit XX Page 8 of 8
Page 8 of 8

000692

EXHIBIT 51

b2

b2

MEMORANDUM FOR RECORD

SUBJECT: b2 b2 00489 b2 / ABD AL RAHIM ABDUL RAZA ((JANKO)) b2
b2 b1

b1

b1, b2, b5

b1, b2

1. b2 SUMMARY: b3 b2
b1

A. b2 APPROACH USED: b1, b2, b5
b1, b2, b5

2. b2 EFFECTIVENESS OF APPROACH/LEVEL OF COOPERATION:

b2 b1, b2 b1, b2, b5
b1, b2, b5

b2 b1, b2 b1, b2
b1, b2, b6

b1, b2, b6 b1
b1

b2 RECOMMENDED APPROACH FOR NEXT MEETING: b1, b2, b5
b1, b2, b5

A. b2 b2 b1

Recorder Exhibit R-64
Page 1 of 3

b2

000693

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b2

B. b2 b2 b1

C. b2 b2

1. b2 b2, b5

b1, b2

2. b2 b1, b2
b1, b2

b1

3. b1, b2

3. b2 SUMMARY OF NEW/CONTRADICTORY INFORMATION OBTAINED:

b2 b2

b2 b2

b2 b2

Recorder Exhibit R-64
Page 2 of 3

b2

000694

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b2

b2 b1, b2, b5
b1, b2, b5

b2 POC THIS MEMORANDUM IS b2, b3
GITMO b2

JTF

Recorder Exhibit R-64
Page 3 of 3

b2

000695

EXHIBIT 52

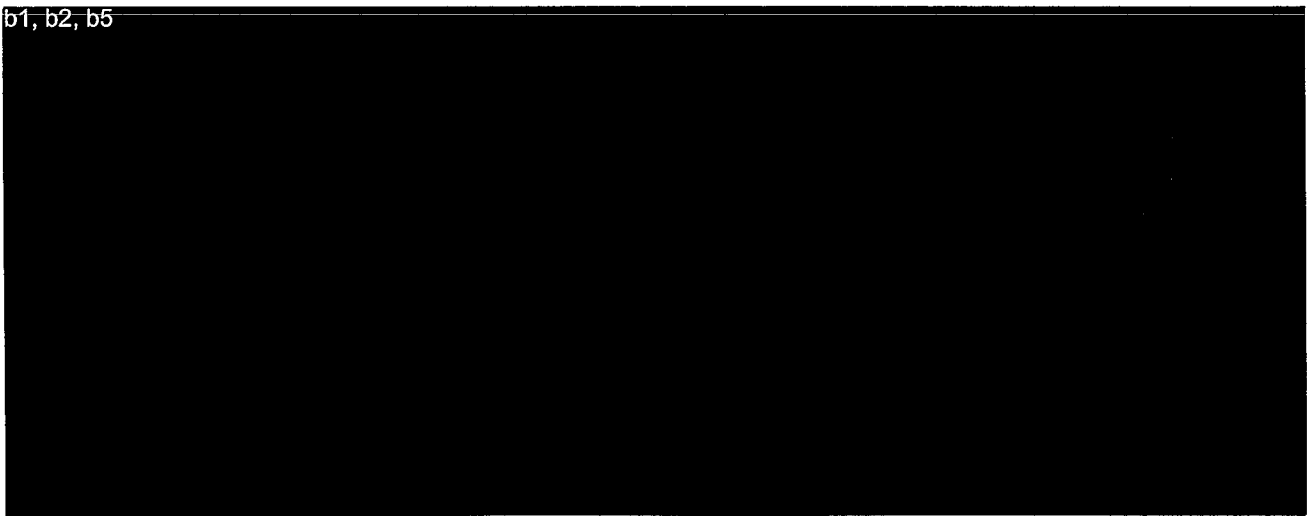
b2



b1



b1, b2, b5



b1, b2

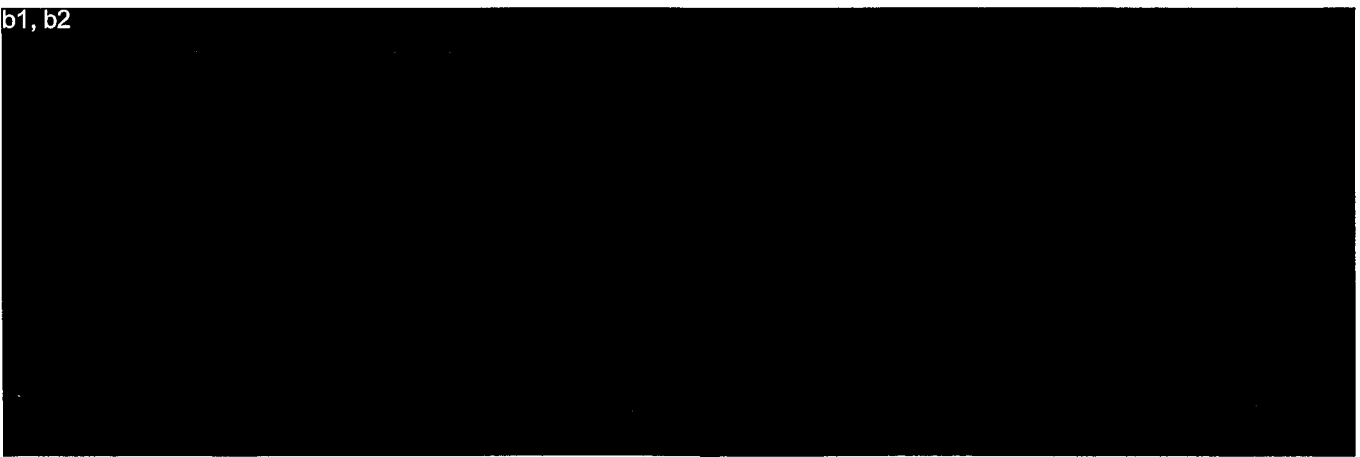


EXHIBIT 53

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b2

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b1

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b1, b2

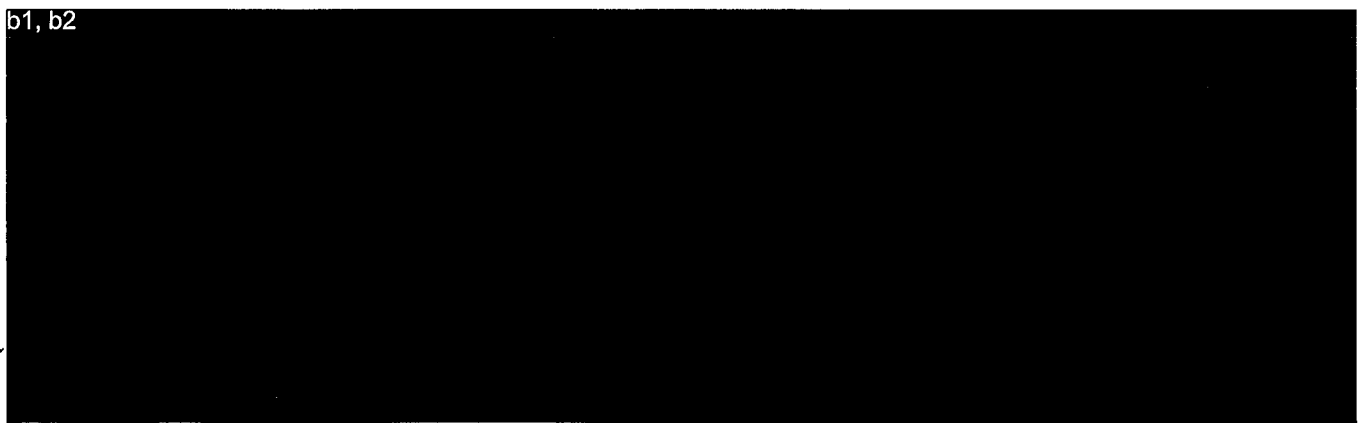
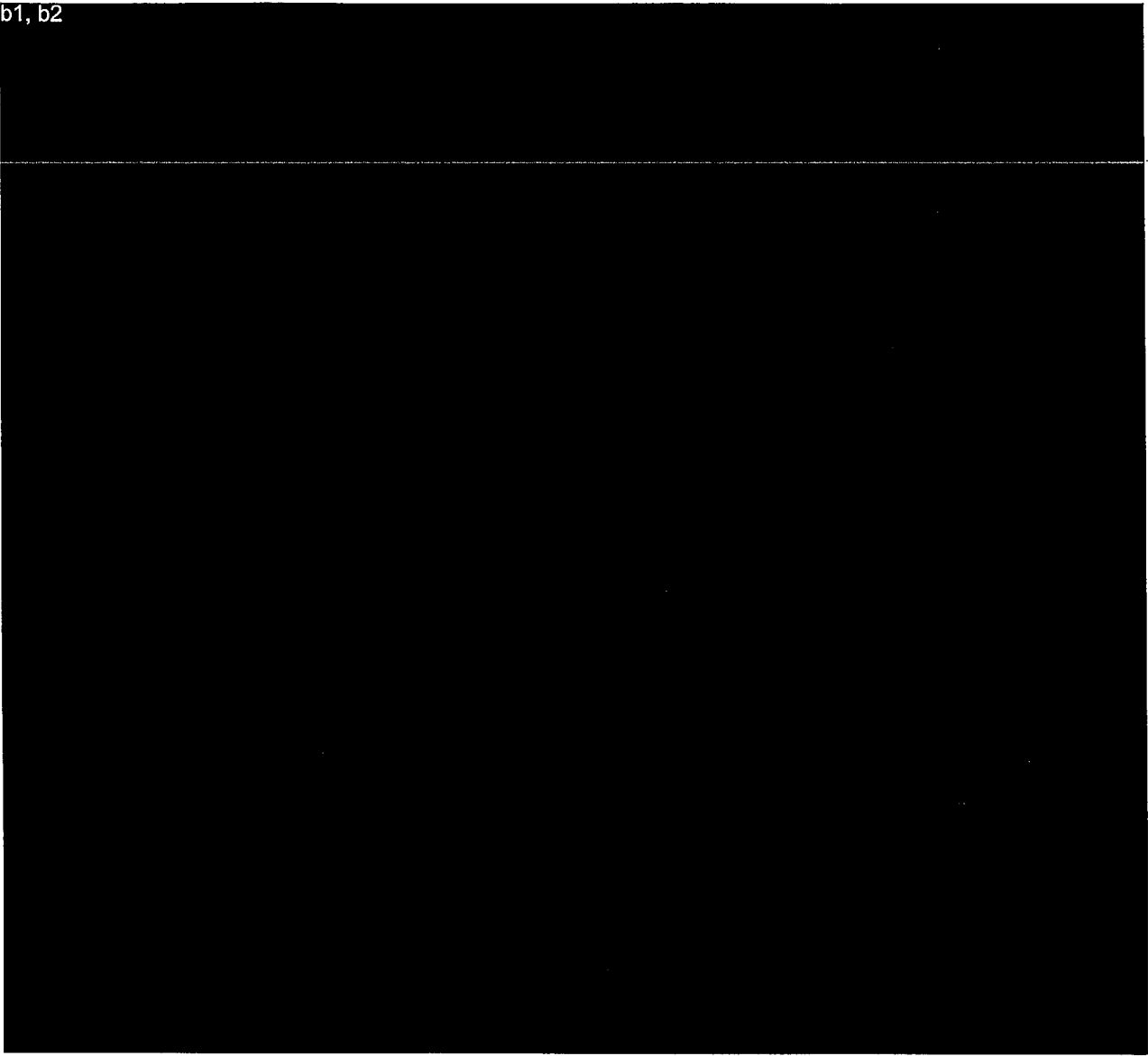
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EXHIBIT 55

b2



b1, b2



b2



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Recorder Exhibit R-83
Page 1 of 1

000820

DECLASSIFIED FOR PUBLIC RELEASE
By AE on 06 April 2009

EXHIBIT 56

DECLASSIFIED FOR PUBLIC RELEASE
By AE on 06 April 2009

110120Z FEB 02

SUBJ: [REDACTED] AF; PK (U)
CITE: [REDACTED]
SERIAL: [REDACTED]
PASS: [REDACTED]
COUNTRY: [REDACTED] AFGHANISTAN (AF); UNITED STATES (US); PAKISTAN (PK).

SUBJ: [REDACTED] FOLLOW-UP ON
SARPUZA PRISON [REDACTED]
WARNING: [REDACTED] THIS IS AN INFORMATION REPORT, NOT FINALLY EVALUATED
INTELLIGENCE. [REDACTED]

DEPARTMENT OF DEFENSE

DOI: [REDACTED]
REQS: [REDACTED]
SOURCE: [REDACTED] //

SUMMARY: [REDACTED] FOLLOW-UP ON THE SARPUZA PRISON [REDACTED]
[REDACTED]

TEXT: 1. [REDACTED]
[REDACTED]

2. [REDACTED]
[REDACTED]

3. [REDACTED]
[REDACTED]

4. [REDACTED]
[REDACTED]

COMMENTS: (FIELD COMMENTS) -- 1. [REDACTED]

2. [REDACTED]
[REDACTED]

3. [REDACTED]
[REDACTED]

4. [REDACTED]
[REDACTED]

ACQ: [REDACTED] KANDAHAR, AF [REDACTED]
DISSEM: [REDACTED]
WARNING: [REDACTED]
[REDACTED]
[REDACTED]

EXHIBIT 57

UNCLASSIFIED//FOR PUBLIC RELEASE

b2

b2

b2

COUNTRY: b2 AFGHANISTAN (AF).

b2

SUBJ: b2 b2 b2 ISN b2 000489 b2 b1
b1 b2

b2

DEPARTMENT OF DEFENSE

b2

b2

SOURCE: b2 // ISN b2 000489 b2 b2

b2

b1

b1

b1, b2, b5

b1, b2, b5

SUMMARY: b2 b1, b2, b6

b1, b2, b6

b1, b2, b6

b1, b2, b5, b6

b1, b2, b5, b6

TEXT: 1. b2 b1, b5 b1, b2, b6

b1, b2, b6

b1, b2, b6

b1, b2, b6

b1, b2, b6

b1, b2, b6

b1, b2, b6

2. b2 b1, b2, b6

b1, b2, b6

b1, b2

b1, b2

b1, b2

b1, b2

3. b2 b1

b1

b1 b1, b6

b1, b6

b2 b1, b6

b1, b6

b1, b2, b6

4. b2 b1, b6

b1, b6

b1, b2, b6

Recorder Exhibit R-86

Page 1 of 2

b2

UNCLASSIFIED//FOR PUBLIC RELEASE

000825

b2

b1, b2, b6

COMMENTS:

b2

b2

b2

b2

b2

b2

b2

b2

b2

b2

b2

b2

b2

b2

b2

Recorder Exhibit R-86

Page 2 of 2

000826

EXHIBIT 58

UNCLASSIFIED//FOR PUBLIC RELEASE

b2

SERIAL: b2

COUNTRY: b2 AFGHANISTAN (AF).

b2

SUBJECT: b2
b1

b2

b1

b2

b2

DEPARTMENT OF DEFENSE

b2

b2

SOURCE: b2 //ISN b2 000489 b2 b1, b2
b1, b2

b1

b1, b2, b5

SUMMARY: b2 b1
b1

TEXT: 1. b2 b1
b1

2. b2 b1
b1
b1

b1, b6
b1

3. b2 b1
b1

COMMENTS: 1. b2 b1, b2, b5
b1, b2, b5 b2

2. b2 b1, b2, b6
b1, b2, b6

3. b2 b2
b2

Recorder Exhibit R-90

Page 1 of 2

b2

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000833

UNCLASSIFIED//FOR PUBLIC RELEASE

b2

b2

b2

Recorder Exhibit R-90
Page 2 of 2

b2

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000834

EXHIBIT 59

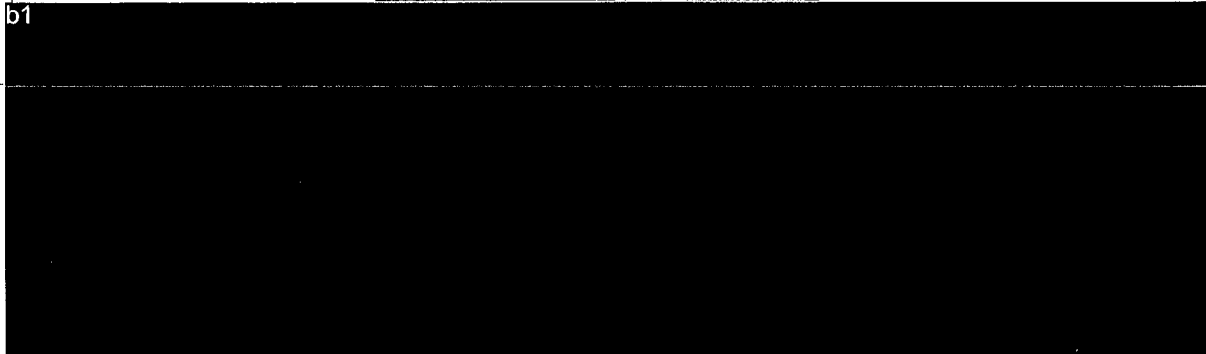
b3



b2



b1



Recorder Exhibit R-91
Page 1 of 1

b2



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By AE on 06 April 2009

EXHIBIT 61

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By AE on 06 April 2009

[REDACTED]

[REDACTED]

[REDACTED]

P 141004Z FEB 02

[REDACTED]

PAGE 02

[REDACTED]

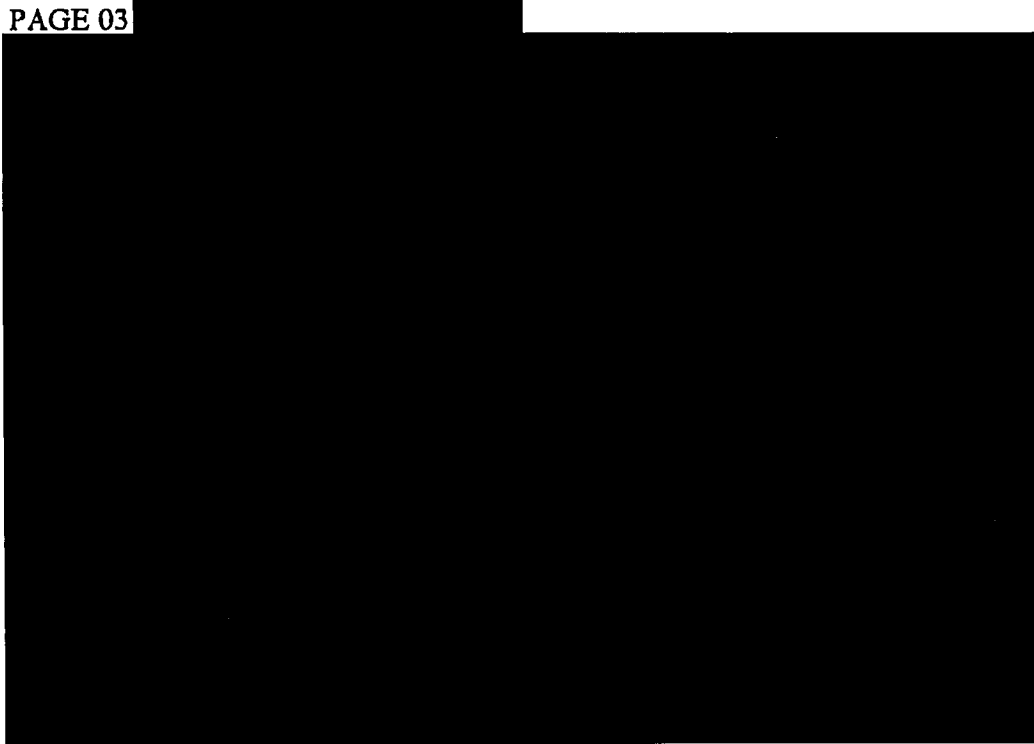
Recorder Exhibit R-94
Page 1 of 6

[REDACTED]

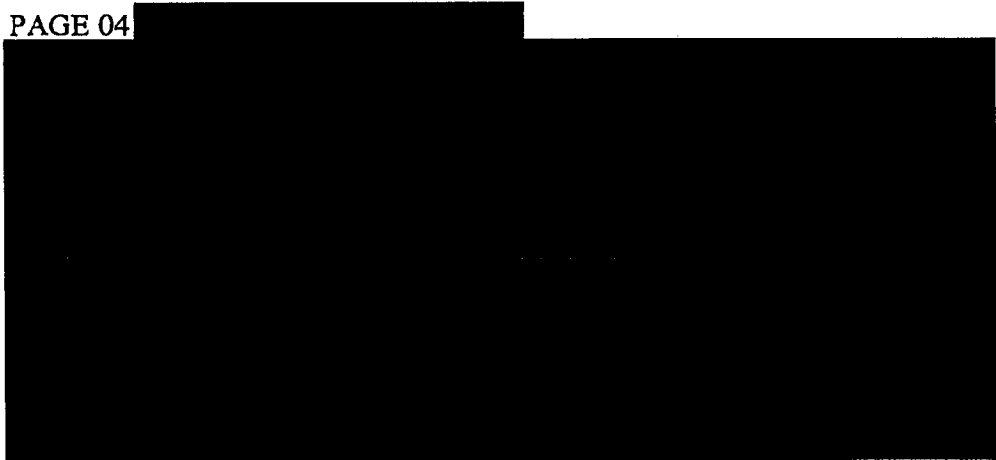
000849

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By AE on 06 April 2009

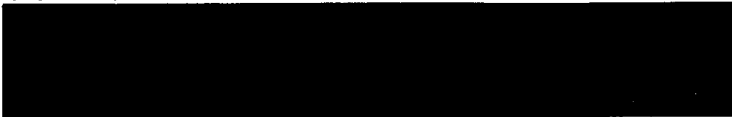
PAGE 03



PAGE 04



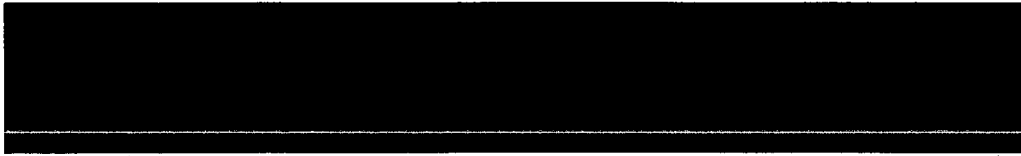
P 140025Z FEB 02



Recorder Exhibit R-94
Page 2 of 6

000850

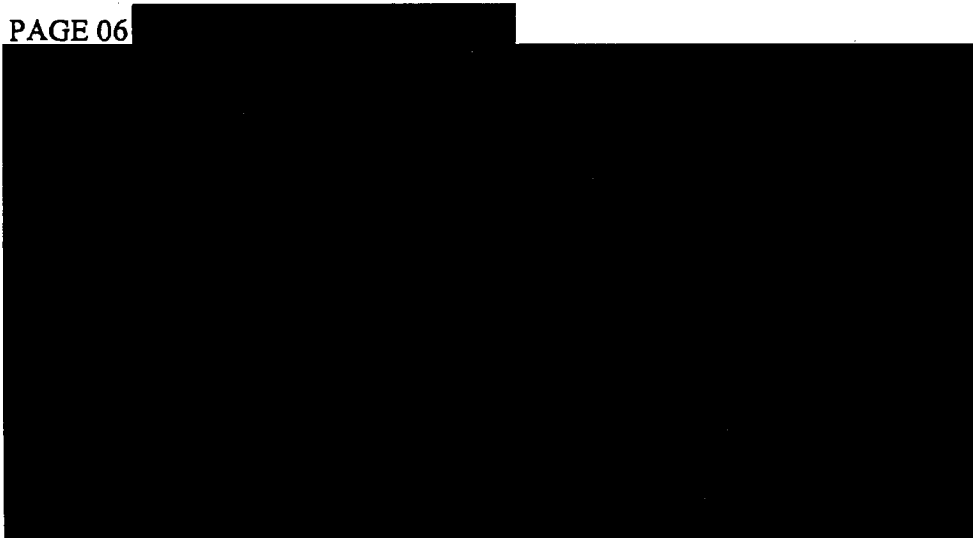
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By AE on 06 April 2009



PAGE 05



PAGE 06



Recorder Exhibit R-94
Page 3 of 6

000851



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[REDACTED]

PAGE 07 [REDACTED]

[REDACTED]

SUBJ [REDACTED]

PAGE 4 [REDACTED]

CITE: [REDACTED]

SERIAL: [REDACTED]

PAGE 08 [REDACTED]

COUNTRY [REDACTED] AFGHANISTAN (AF).

PASS: [REDACTED]

[REDACTED]

SUBJ: [REDACTED] FOLLOW-UP TO
POSSIBLE AMERICANS HELD AT TALIBAN'S SARPUZA PRISON IN
KANDAHAR, AF

[REDACTED]

Recorder Exhibit R-94
Page 4 of 6

000852

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[REDACTED]

WARNING: [REDACTED] THIS IS AN INFORMATION REPORT, NOT FINALLY
EVALUATED
INTELLIGENCE. [REDACTED]

DEPARTMENT OF DEFENSE
PAGE 5 [REDACTED]

DOI: [REDACTED]

PAGE 09 [REDACTED]

SOURCE: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

SUMMARY [REDACTED] FOLLOW-UP TO U.S. PERSONS HELD AT SARPUZA PRISON
[REDACTED]

TEXT: 1. [REDACTED] CORRECT SPELING FOR PRISON IS
SARPUZA VICE SARPOOZA.)

2. [REDACTED]
[REDACTED]

PAGE 6

3. [REDACTED]
[REDACTED]

PAGE 10 [REDACTED]
[REDACTED]

4. [REDACTED]
[REDACTED]

Recorder Exhibit R-94
Page 5 of 6

000853

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[REDACTED]

5. [REDACTED]

6. [REDACTED]

7. [REDACTED]

COMMENTS: (FIELD COMMENTS)-- 1. [REDACTED]

2. [REDACTED]

3. [REDACTED]

4. [REDACTED]

PAGE 7 [REDACTED]

PAGE 11 [REDACTED]

ACQ [REDACTED] KANDAHAR, AF [REDACTED]
DISSEM: [REDACTED]

NNNN

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By AE on 06 April 2009

EXHIBIT 62

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By AE on 06 April 2009

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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By AE on 06 April 2009

EXHIBIT 63

DECLASSIFIED FOR PUBLIC RELEASE
By AE on 06 April 2009

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

UNCLASSIFIED//FOR PUBLIC RELEASE

EXHIBIT 64

UNCLASSIFIED//FOR PUBLIC RELEASE

b2

b2

SUMMARY INTERROGATION REPORT:

b2 SUBJECT: ISN b2 000489 b2 ((JANKO)) ABD AL RAHIM ABDUL RASSAK b2
b2

1. b2 SUMMARY: b2

b2

b1, b2

b1, b2

b1, b2

2. b2 APPROACH USED: b1, b2

b1, b2

3. b2 EFFECTIVENESS OF APPROACH: b1, b2, b5

b1, b2, b5

4. b2 b2

b1, b2, b5

b2

5. b2 RECOMMENDED APPROACH FOR NEXT MEETING: b1, b2, b5

b1, b2, b5

6. b2 SUMMARY OF INFORMATION b2

b1, b2

Recorder Exhibit R-114

Page 1 of 2

b2

b2

b1, b2

b1, b2

7. b2 COLLECTORS COMMENTS: b2
8. b2 POC FOR THIS MEMORANDUM IS b2, b3
GTMO.

JTF

b2

b2

Recorder Exhibit R-114
Page 2 of 2

b2

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000929

EXHIBIT 65

b2

b2

SUMMARY INTERROGATION REPORT:

b2 SUBJECT: ISN b2 000485 b2 ((JANKO)) ABD AL RAHIM ABDUL RASSAK b2
b2

1. b2 SUMMARY: b2

b2
b2 b1, b2, b6
b1, b2, b6

2. b2 APPROACH USED: b1, b2
b1, b2

3. b2 EFFECTIVENESS OF APPROACH: b1, b2, b5
b1, b2, b5

4. b2 b2 b2
b1, b2, b5

5. b2 RECOMMENDED APPROACH FOR NEXT MEETING: b1, b2, b5
b1, b2, b5

6. b2 SUMMARY OF INFORMATION b2
b1, b2, b6

7. b2 COLLECTORS COMMENTS: b1, b2
b2, b5

Recorder Exhibit R-116
Page 1 of 2

b2

b2

8. b2 POC FOR THIS MEMORANDUM IS b2, b3 JTF
GTMO.

b2

b2

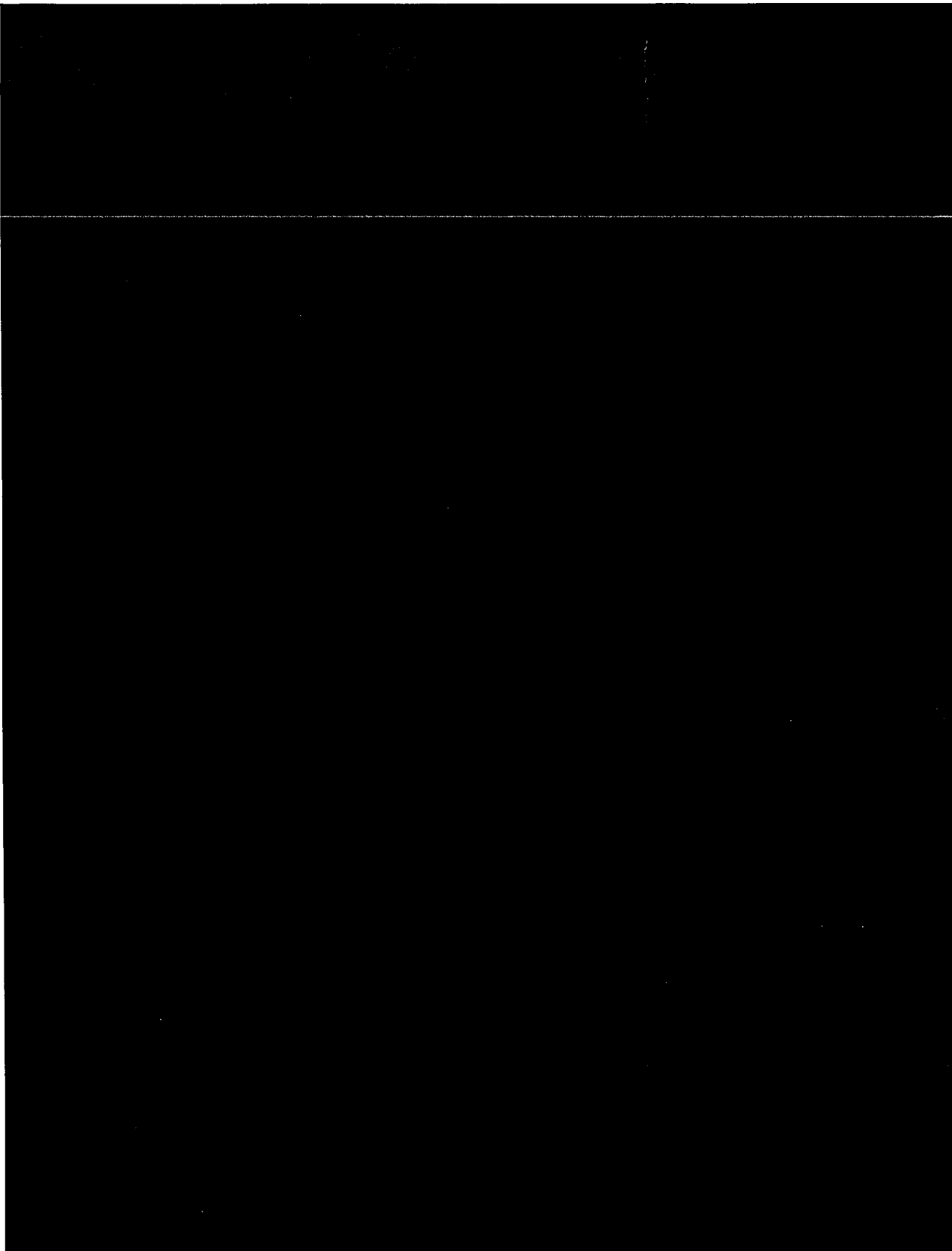
Recorder Exhibit R-116
Page 2 of 2

b2

000934

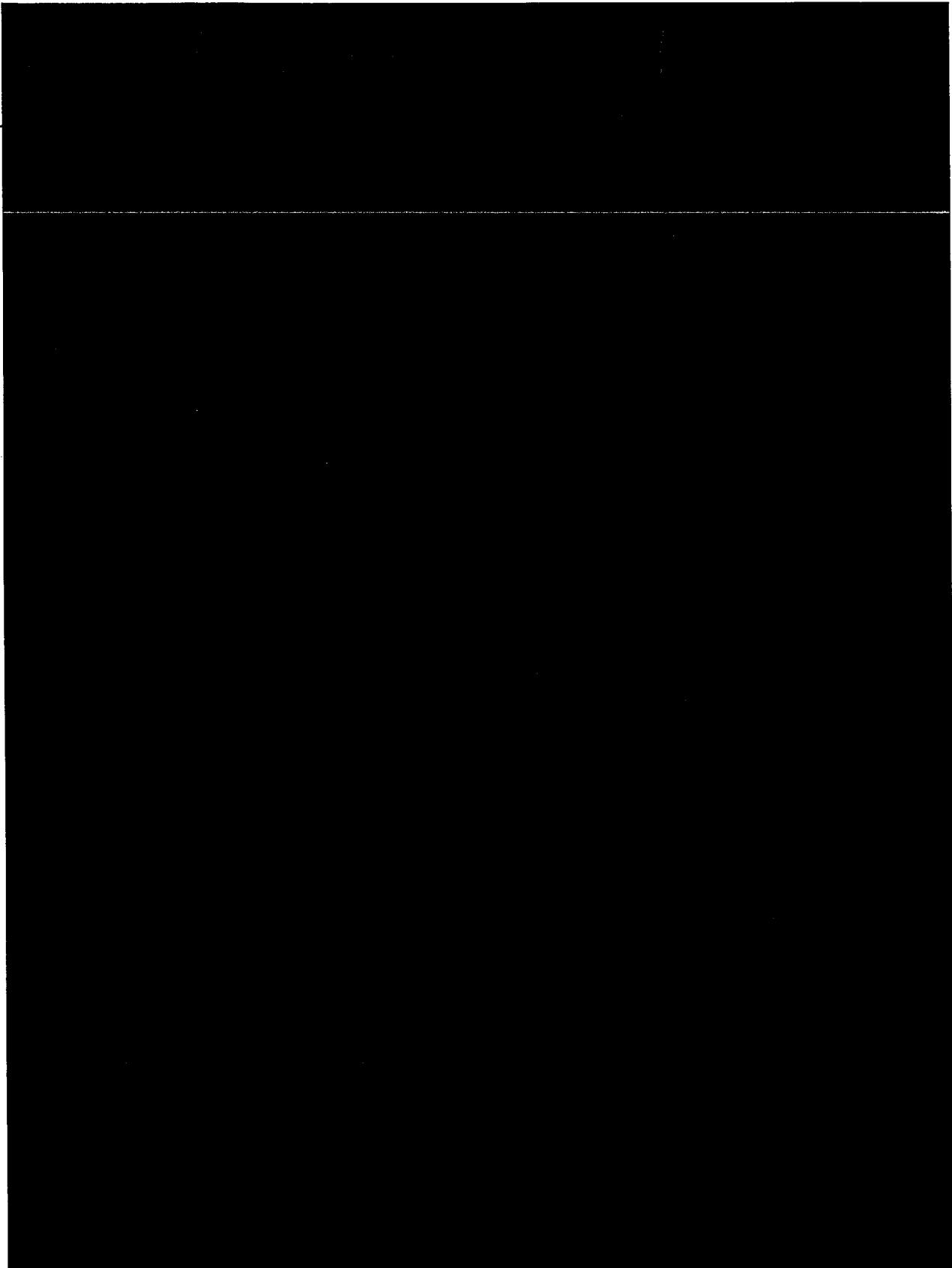
Recorder Exhibit R-120
Page 1 of 7

000945



Recorder Exhibit R-120
Page 3 of 7

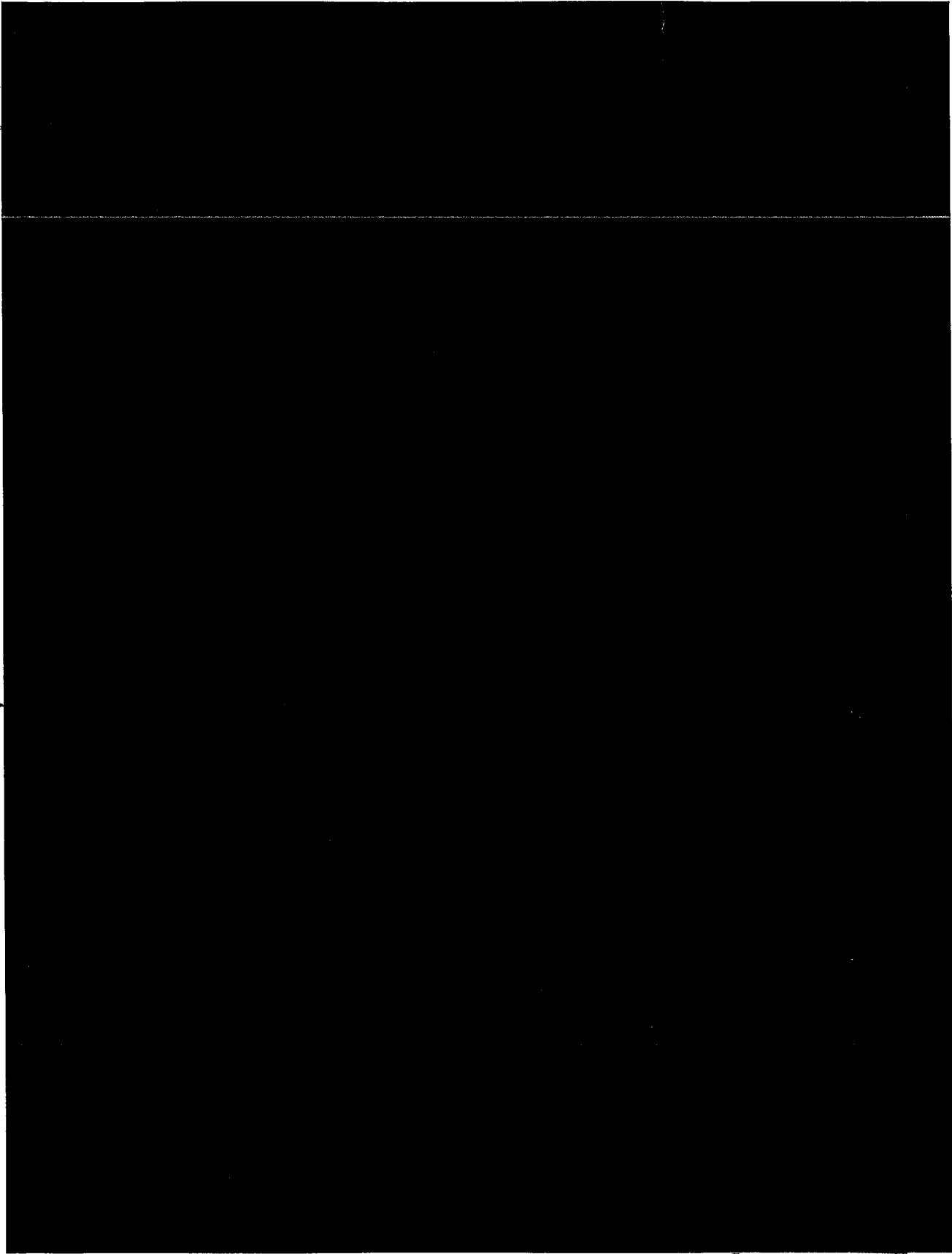
000947



Recorder Exhibit R-120
Page 4 of 7

000948



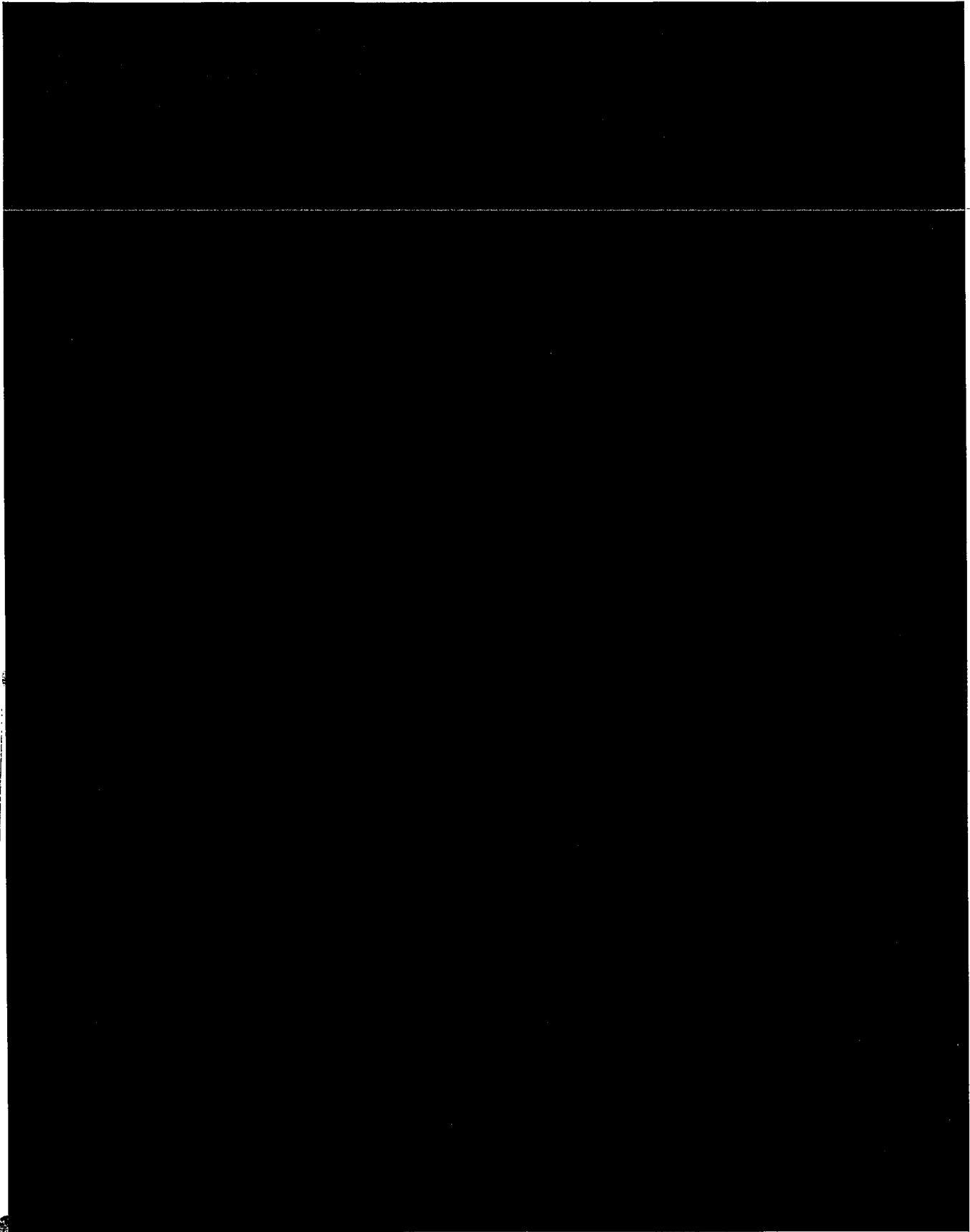


Recorder Exhibit R-120

Page 5 of 7



000949



Recorder Exhibit R-120
Page 6 of 7

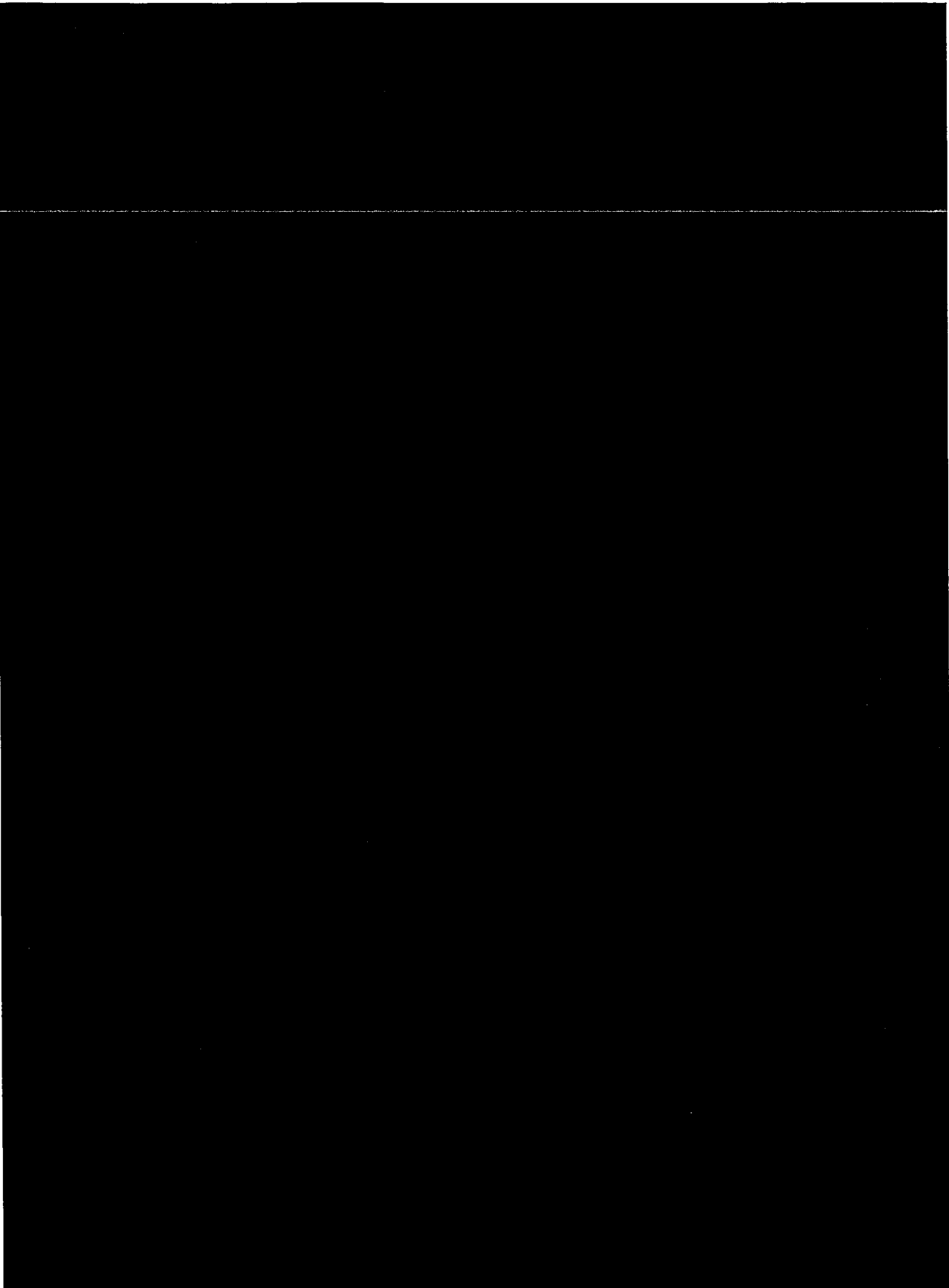


000950



Recorder Exhibit R-120
Page 7 of 7

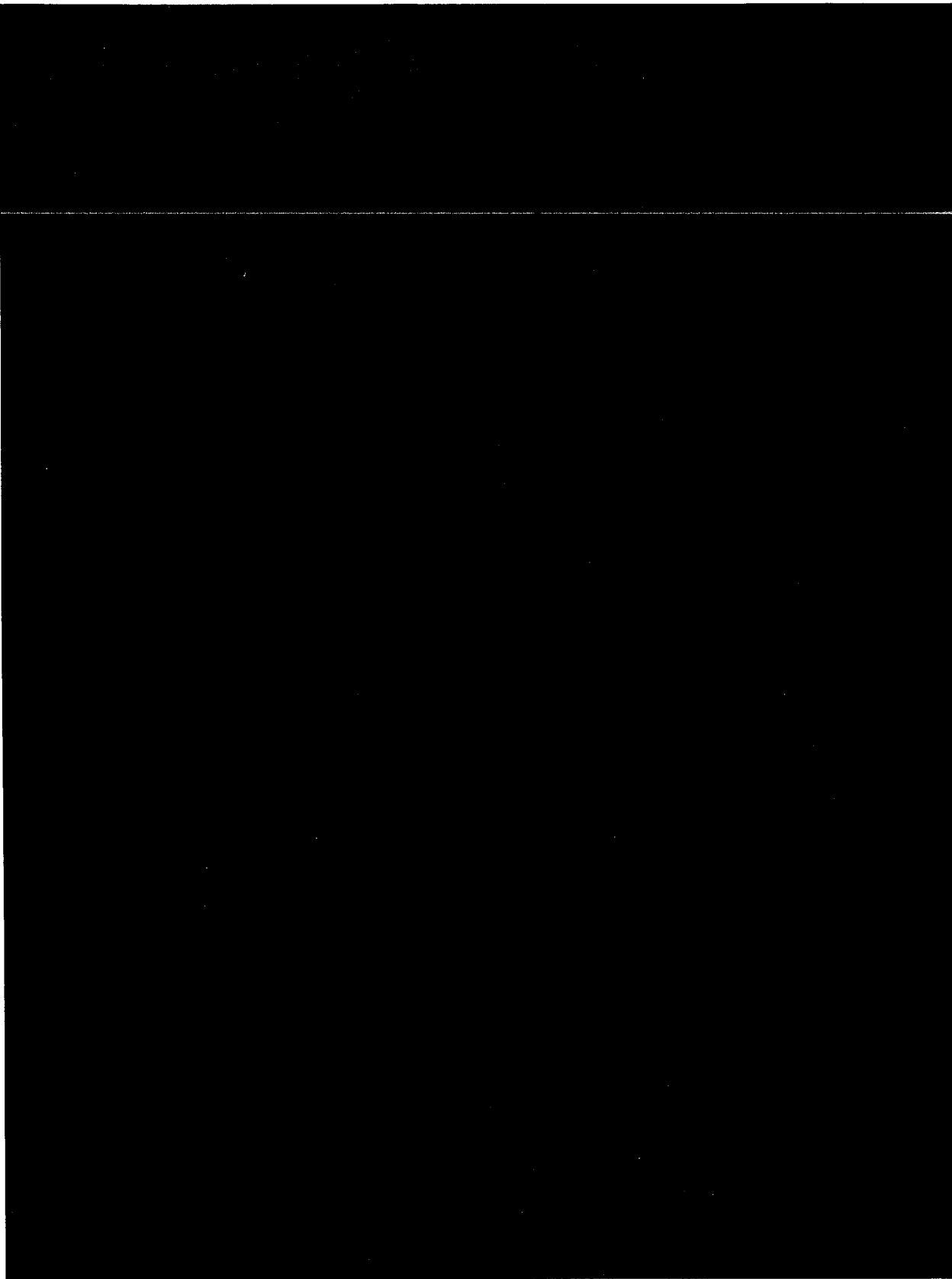
000951



Recorder Exhibit R-121
Page 1 of 21



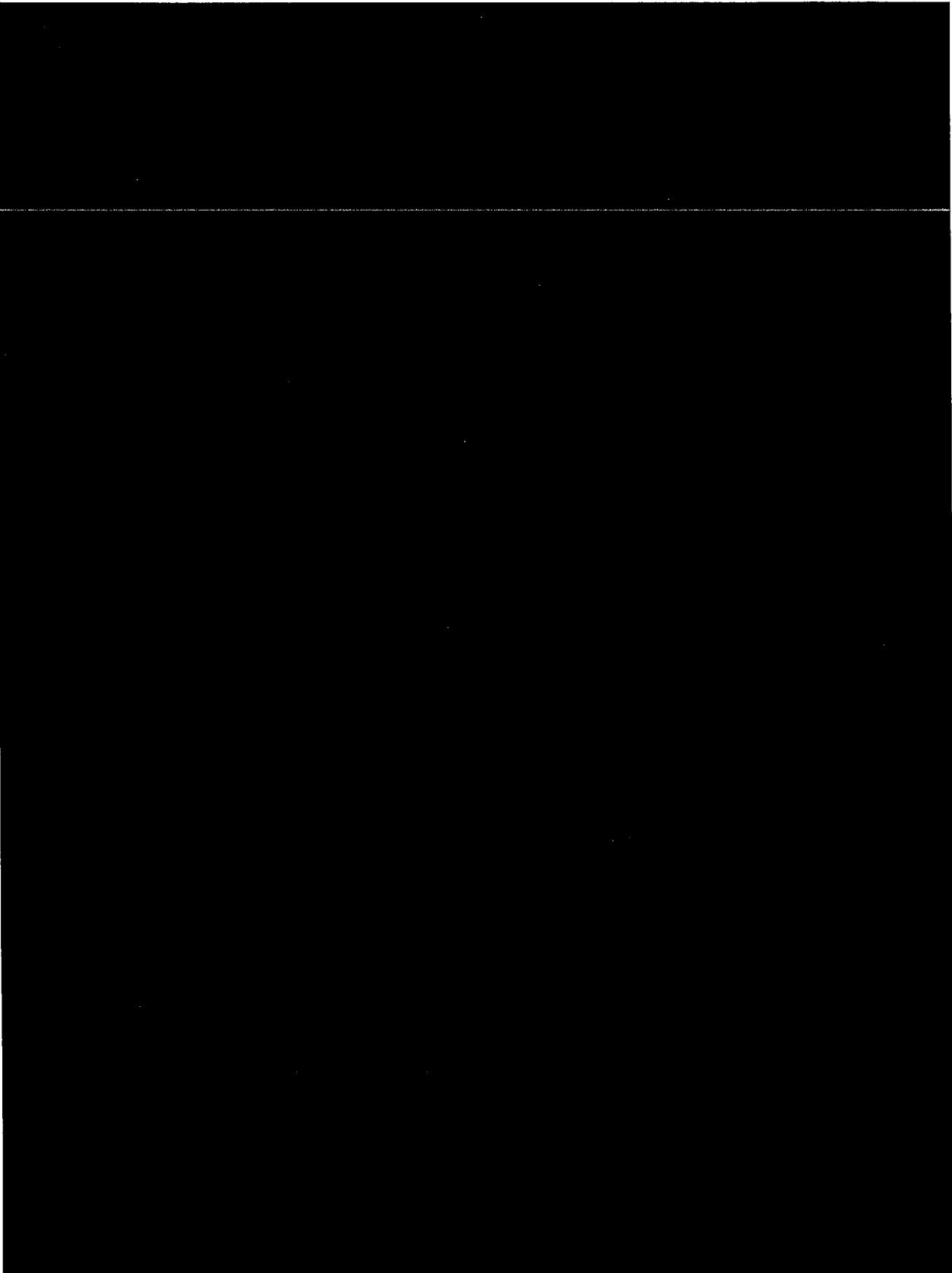
000952



Recorder Exhibit R-121
Page 2 of 21



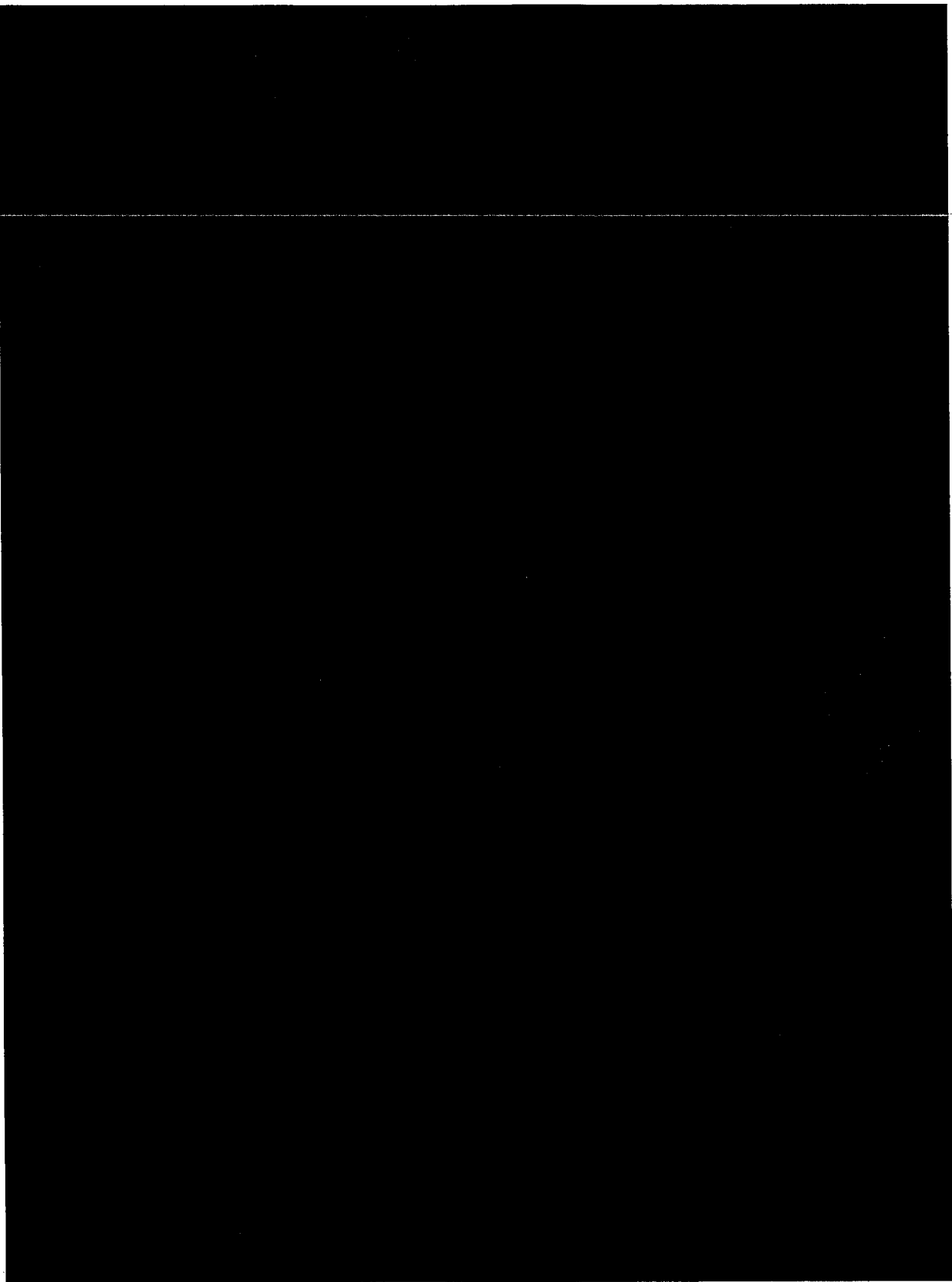
000953



Recorder Exhibit R-121
Page 3 of 21



000954



Recorder Exhibit R-121

Page 4 of 21

000955

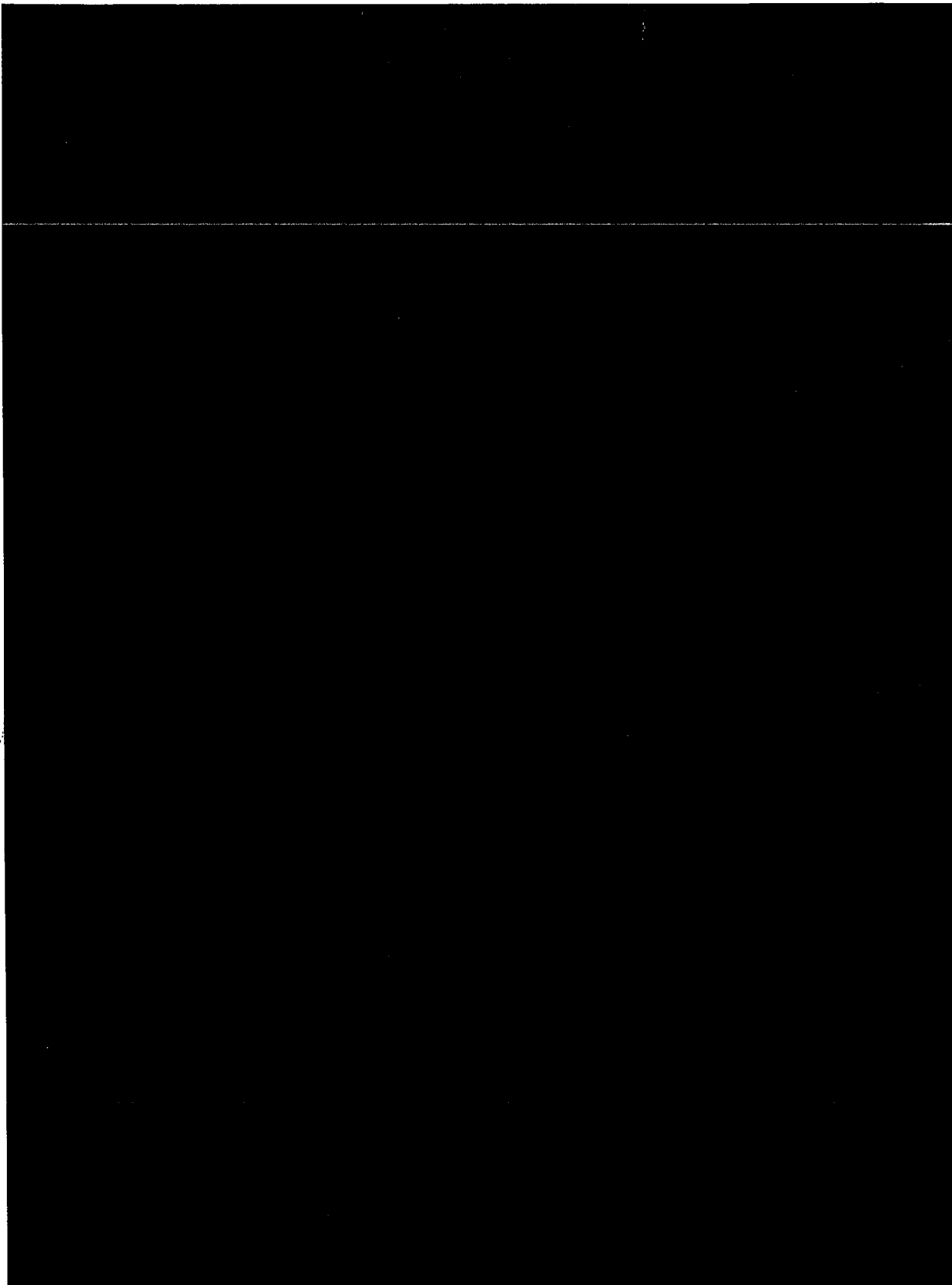




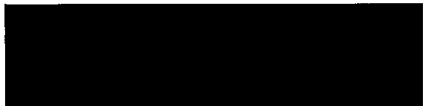
Recorder Exhibit R-121
Page 5 of 21



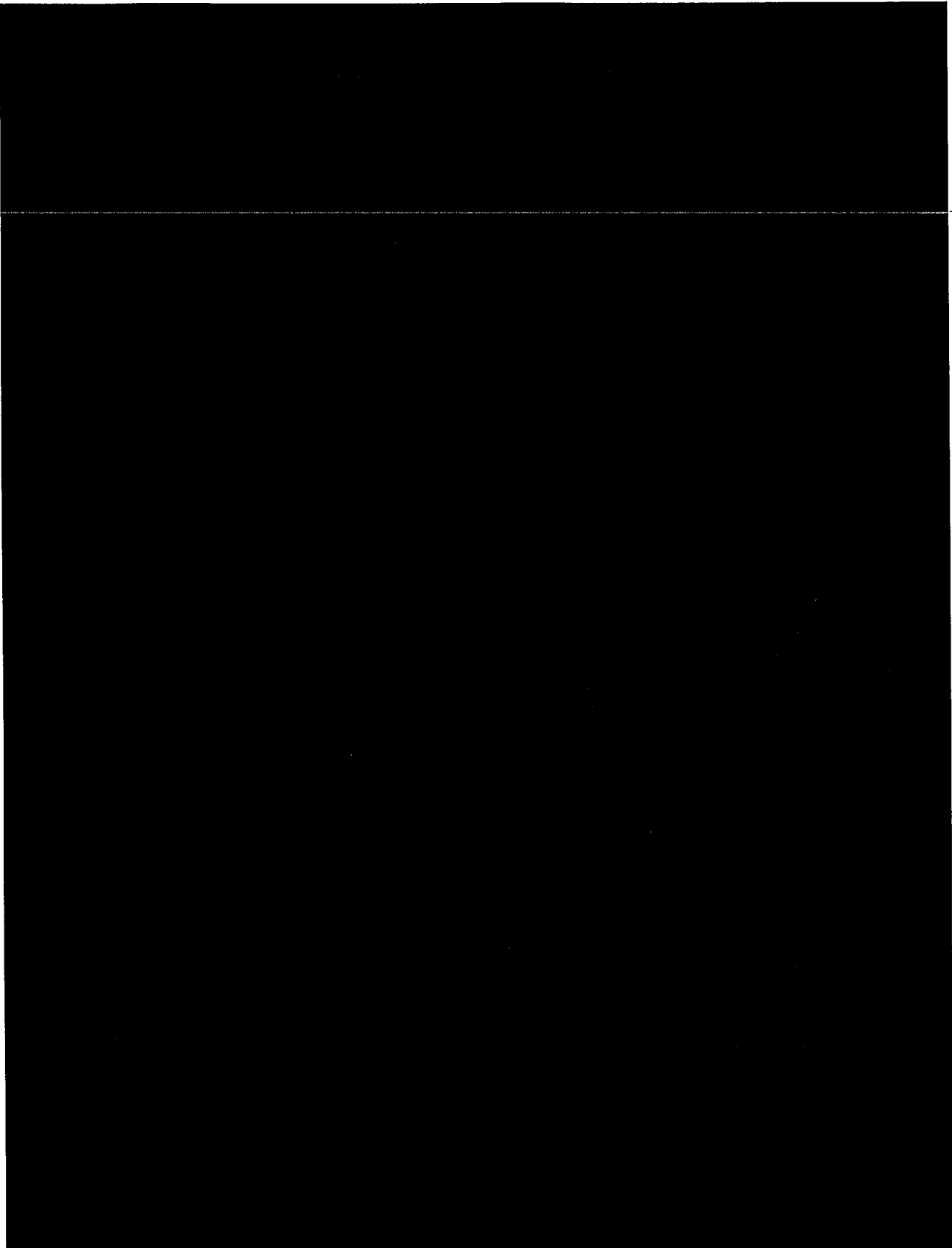
000956



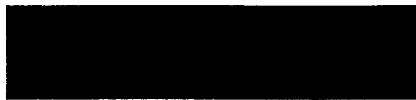
Recorder Exhibit R-121
Page 6 of 21



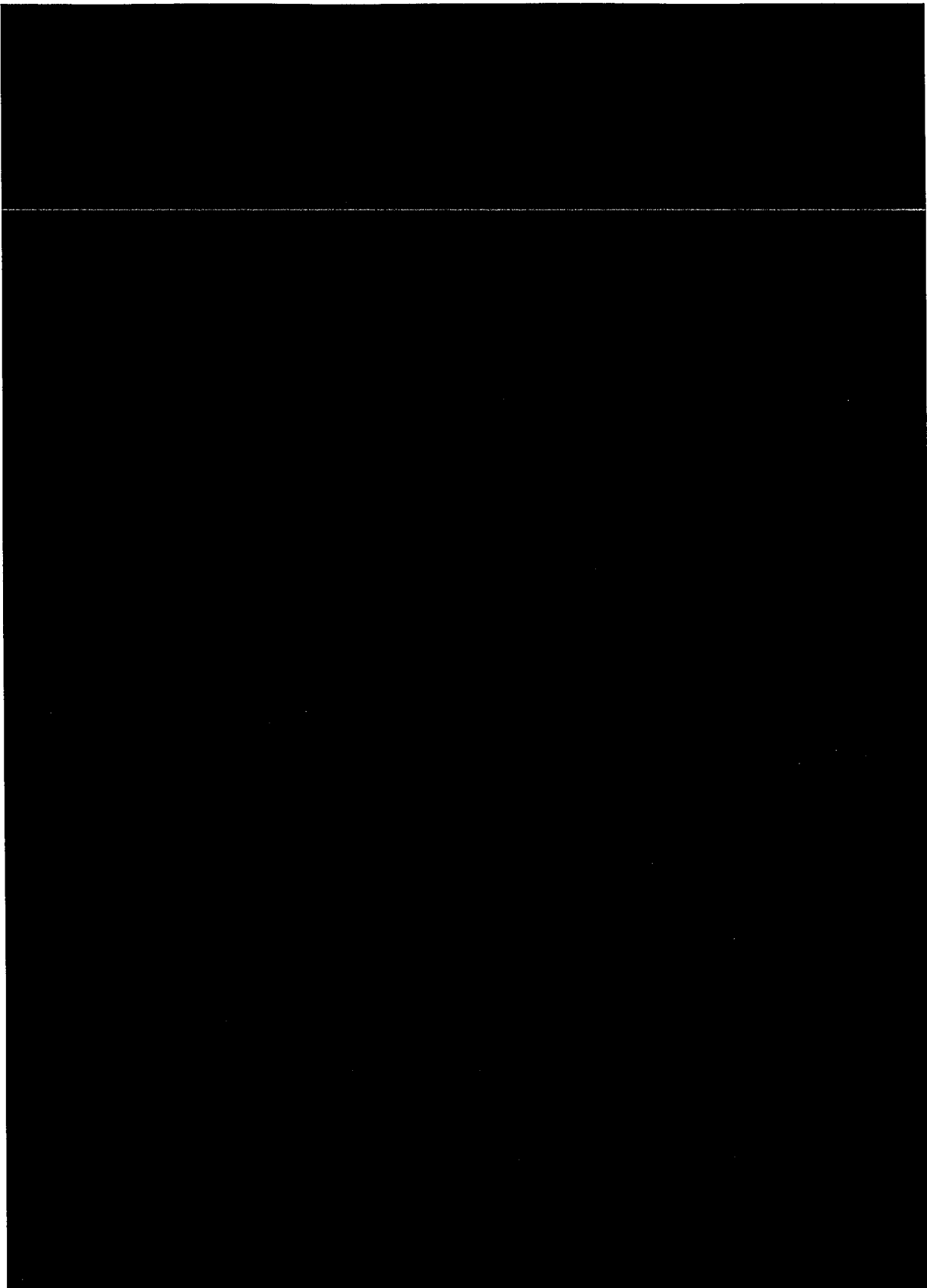
000957



Recorder Exhibit R-121
Page 7 of 21



000958

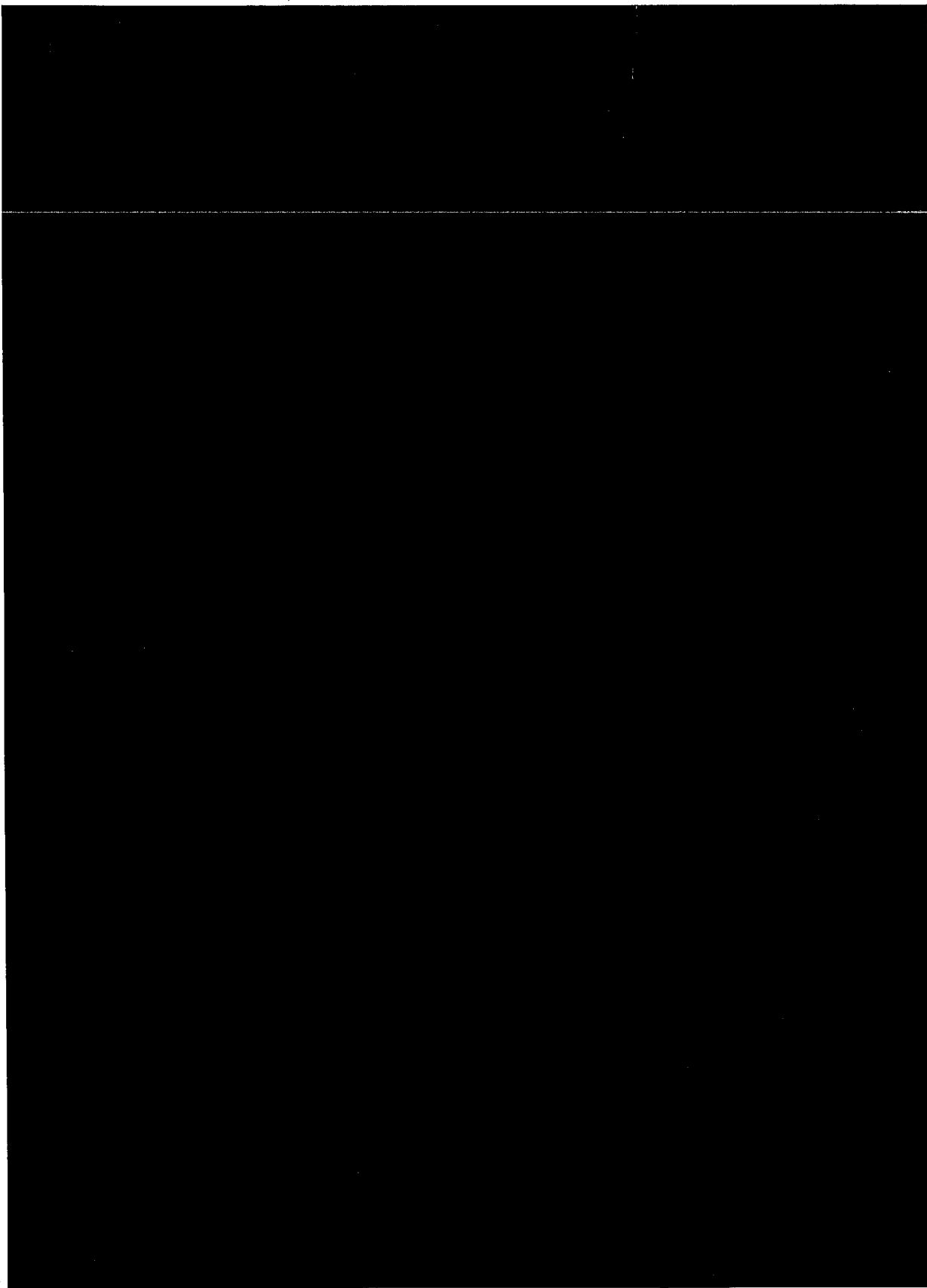


Recorder Exhibit R-121

Page 8 of 21



000959

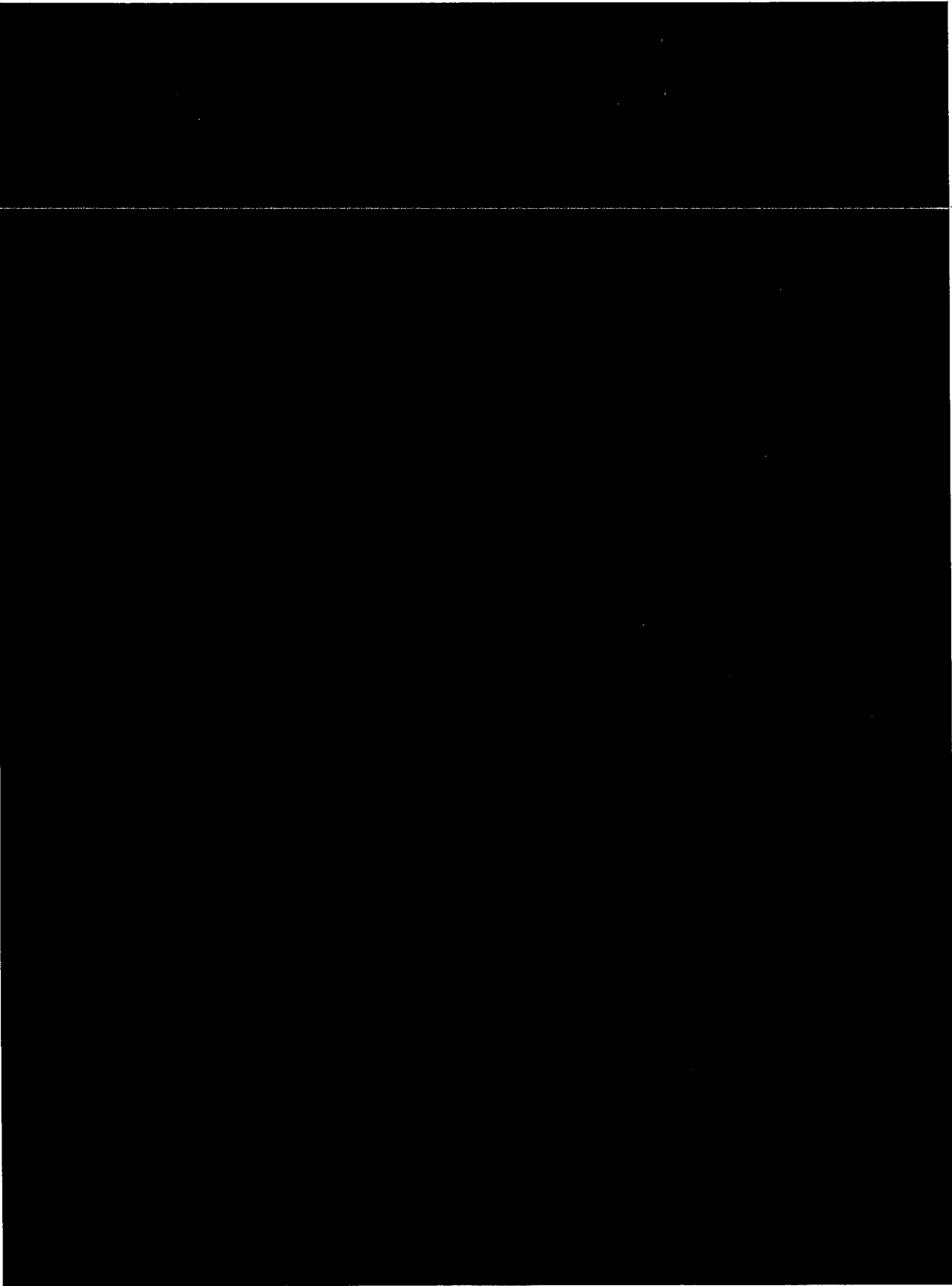


Recorder Exhibit R-121

Page 9 of 21



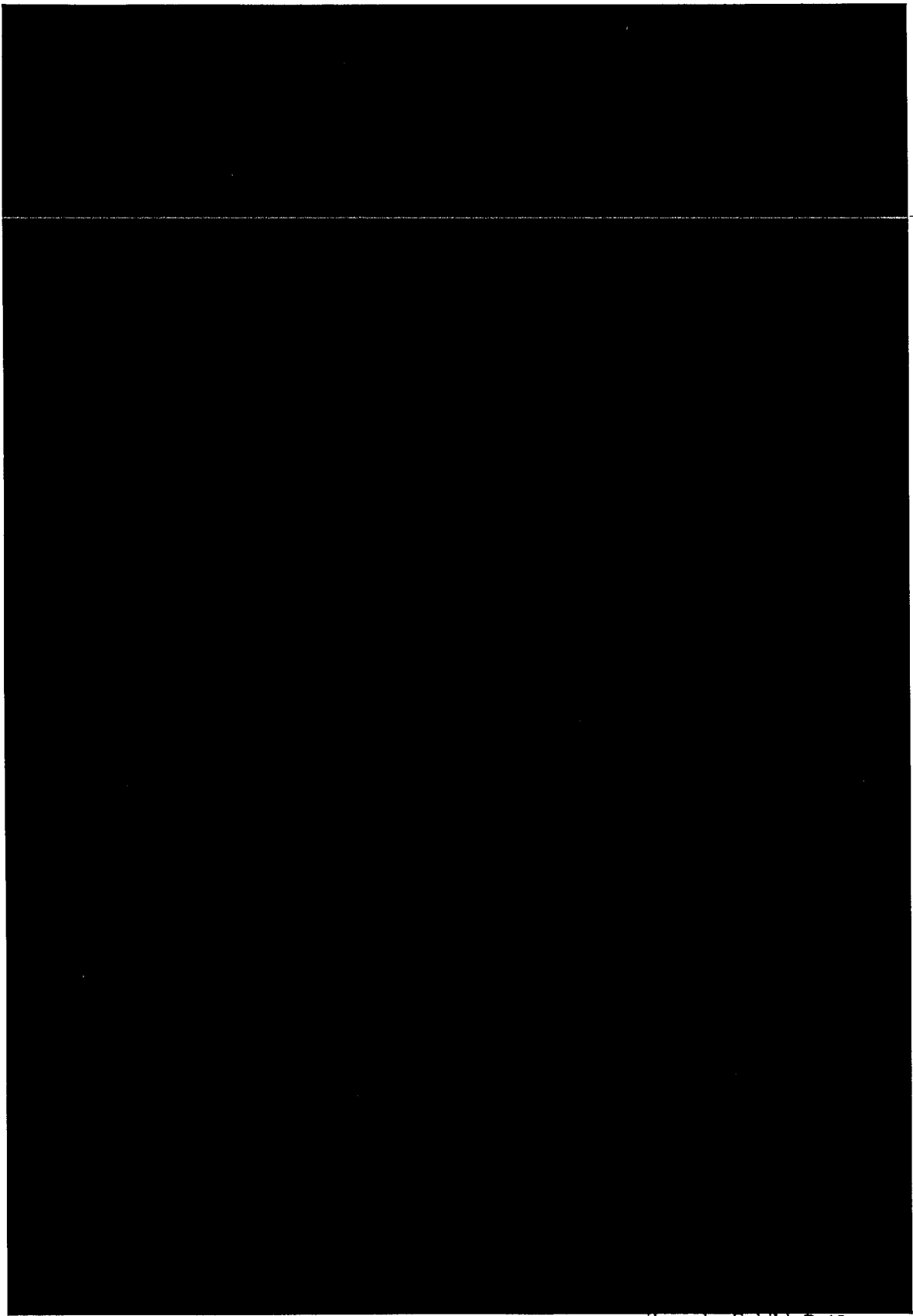
000960



Recorder Exhibit R-121

Page 10 of 21

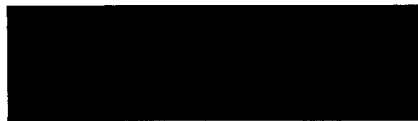
000961

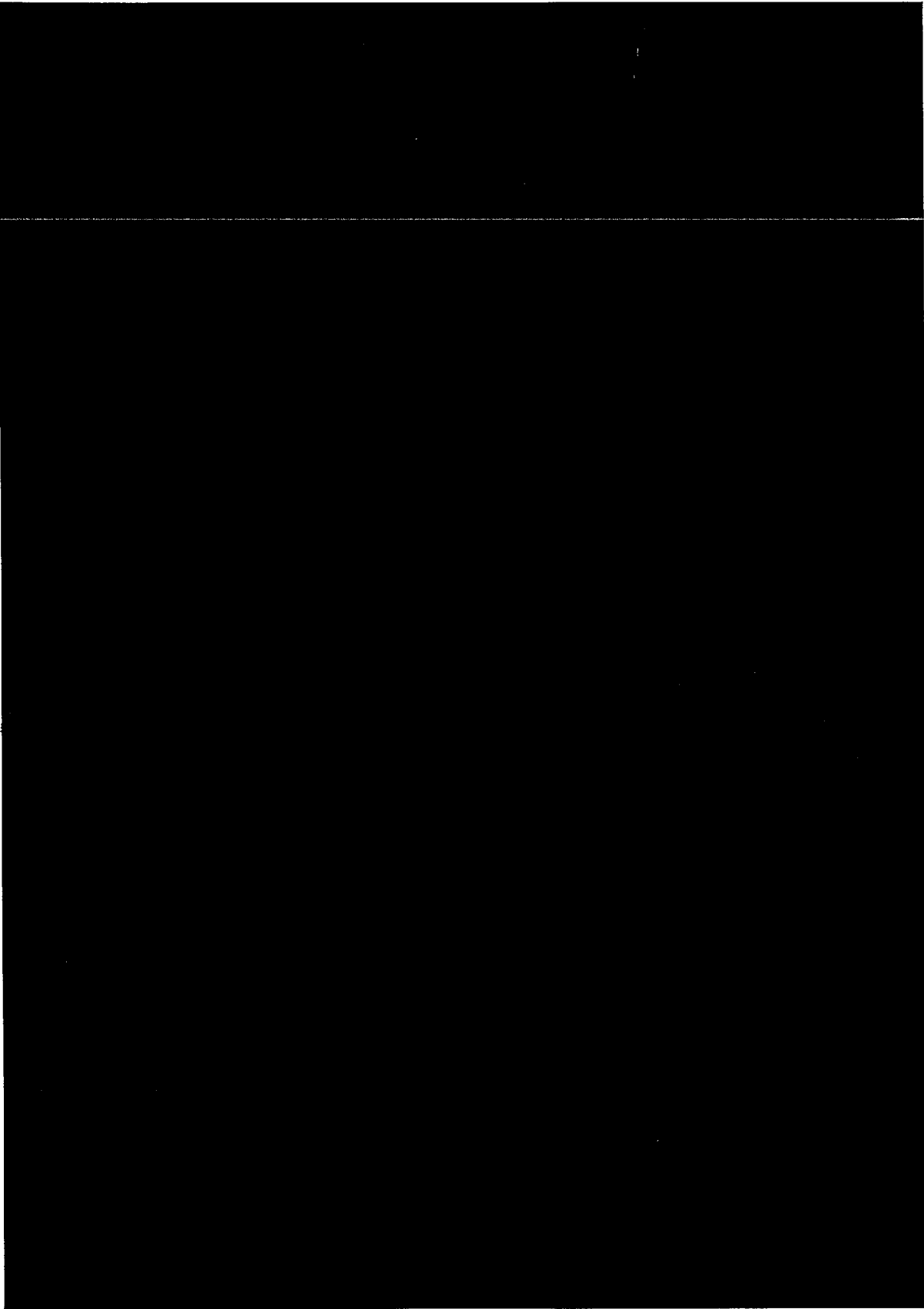


Recorder Exhibit R-121

Page 11 of 21

000962

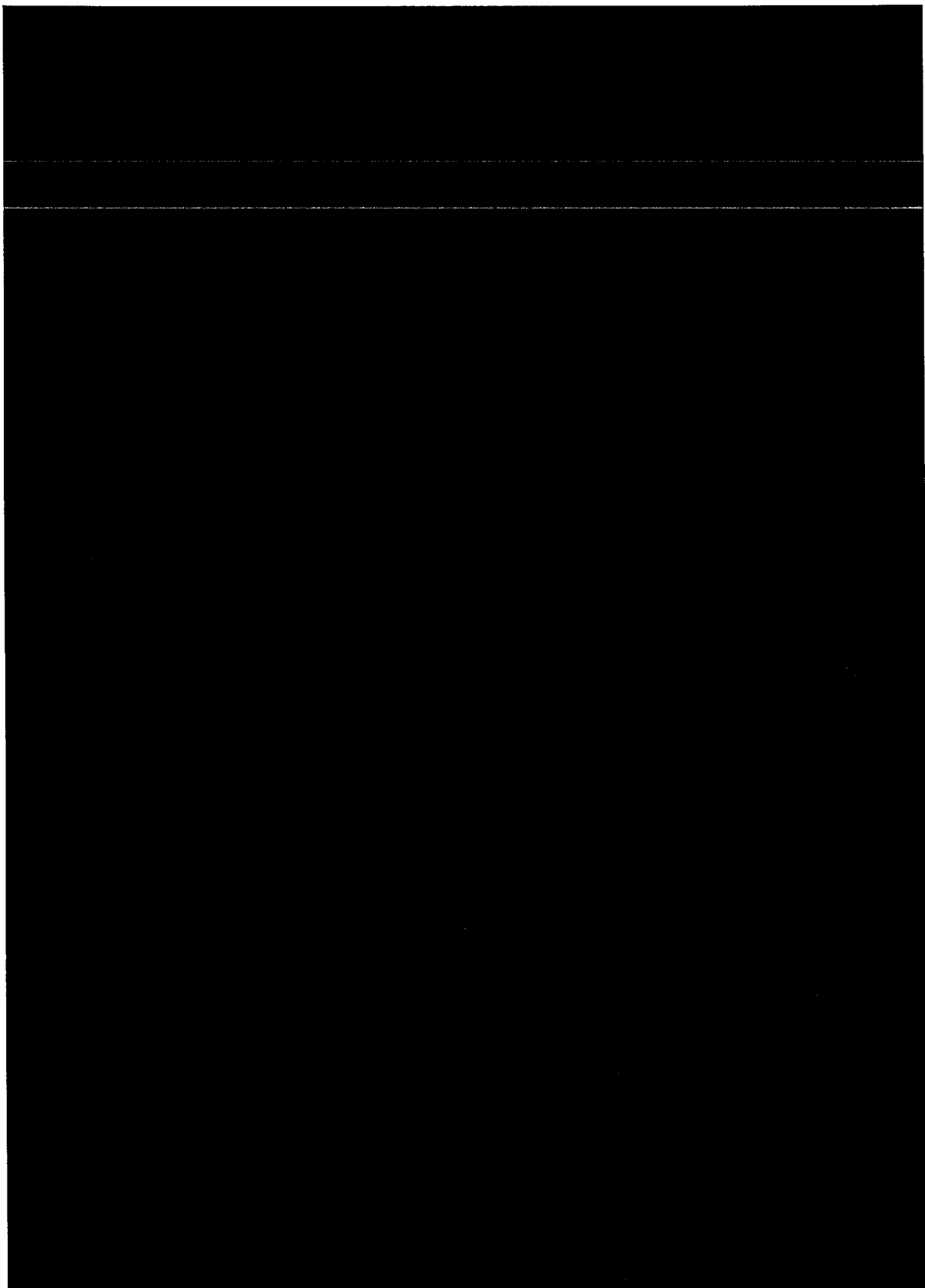




Recorder Exhibit R-121

Page 12 of 21

000963

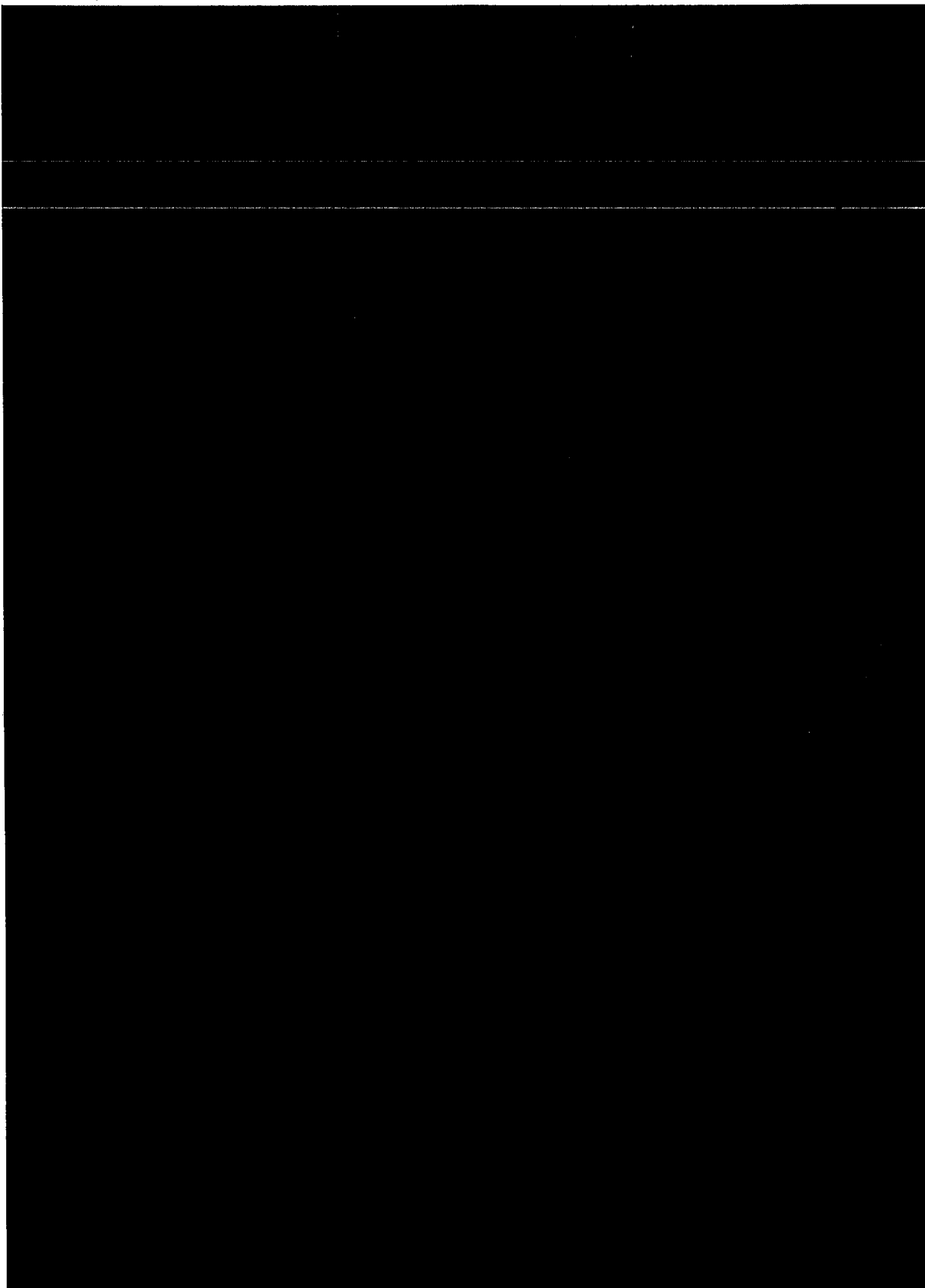


Recorder Exhibit R-121

Page 13 of 21

000964

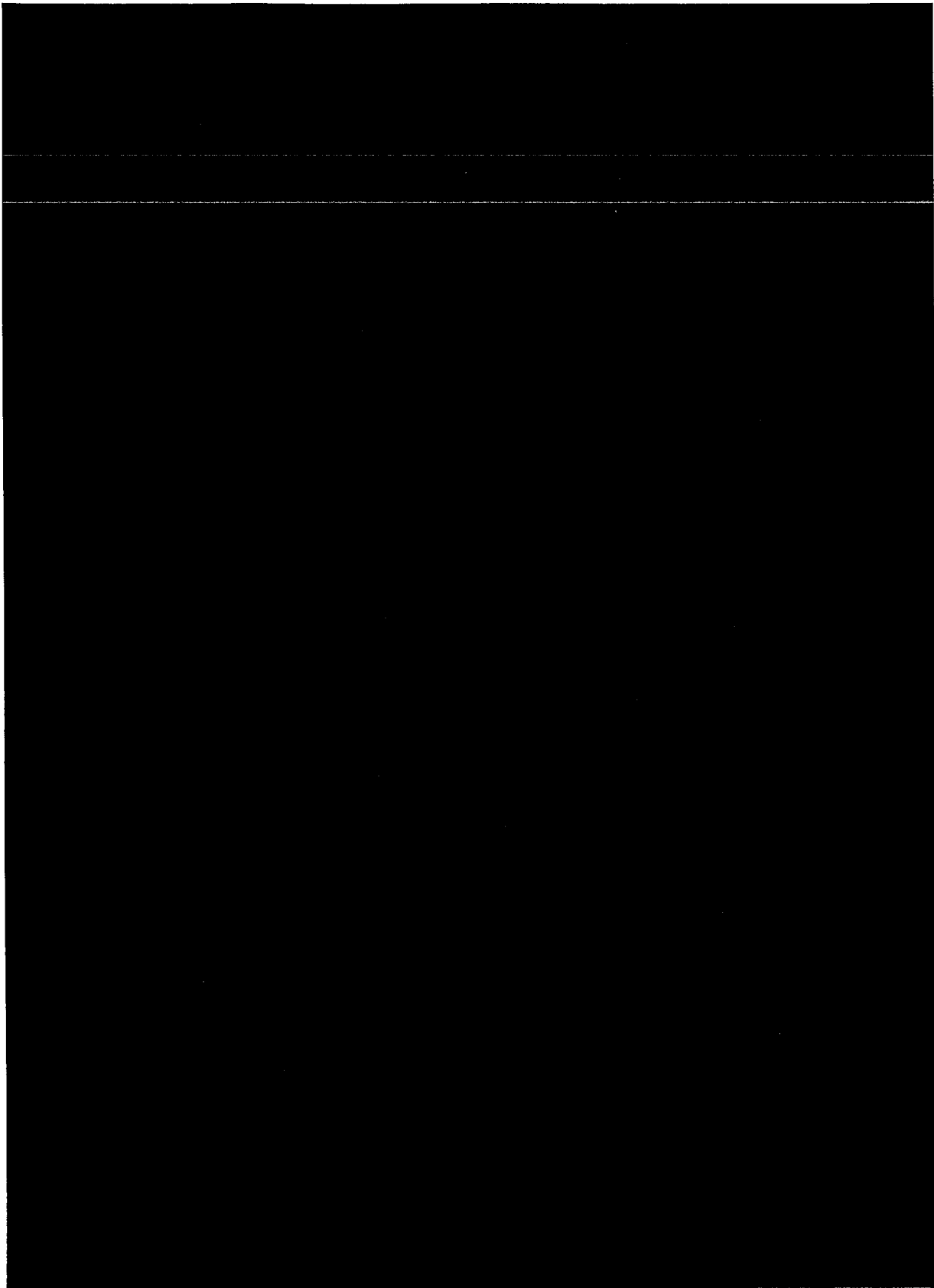




Recorder Exhibit R-121

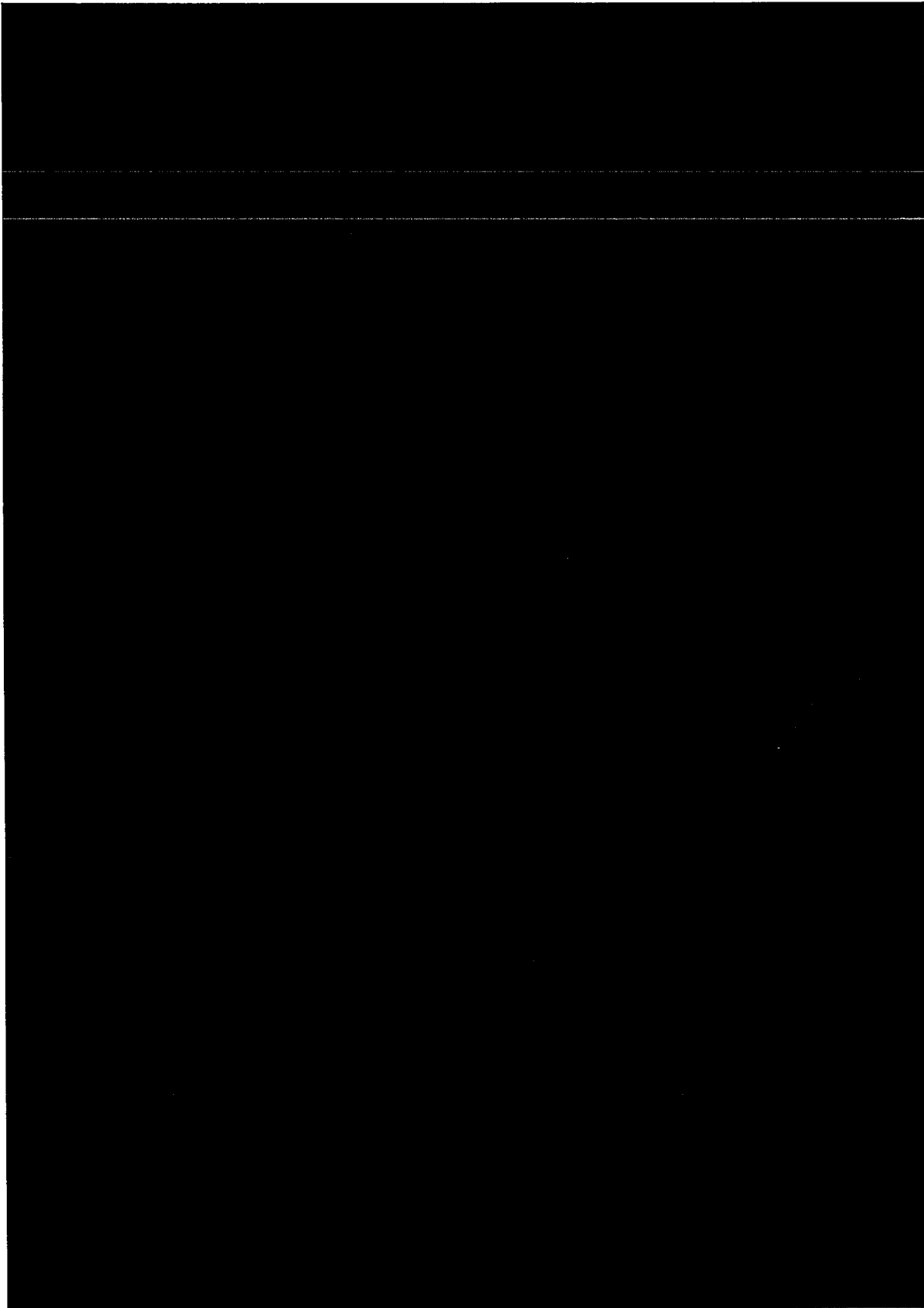
Page 14 of 21

000965



Recorder Exhibit R-121
Page 15 of 21

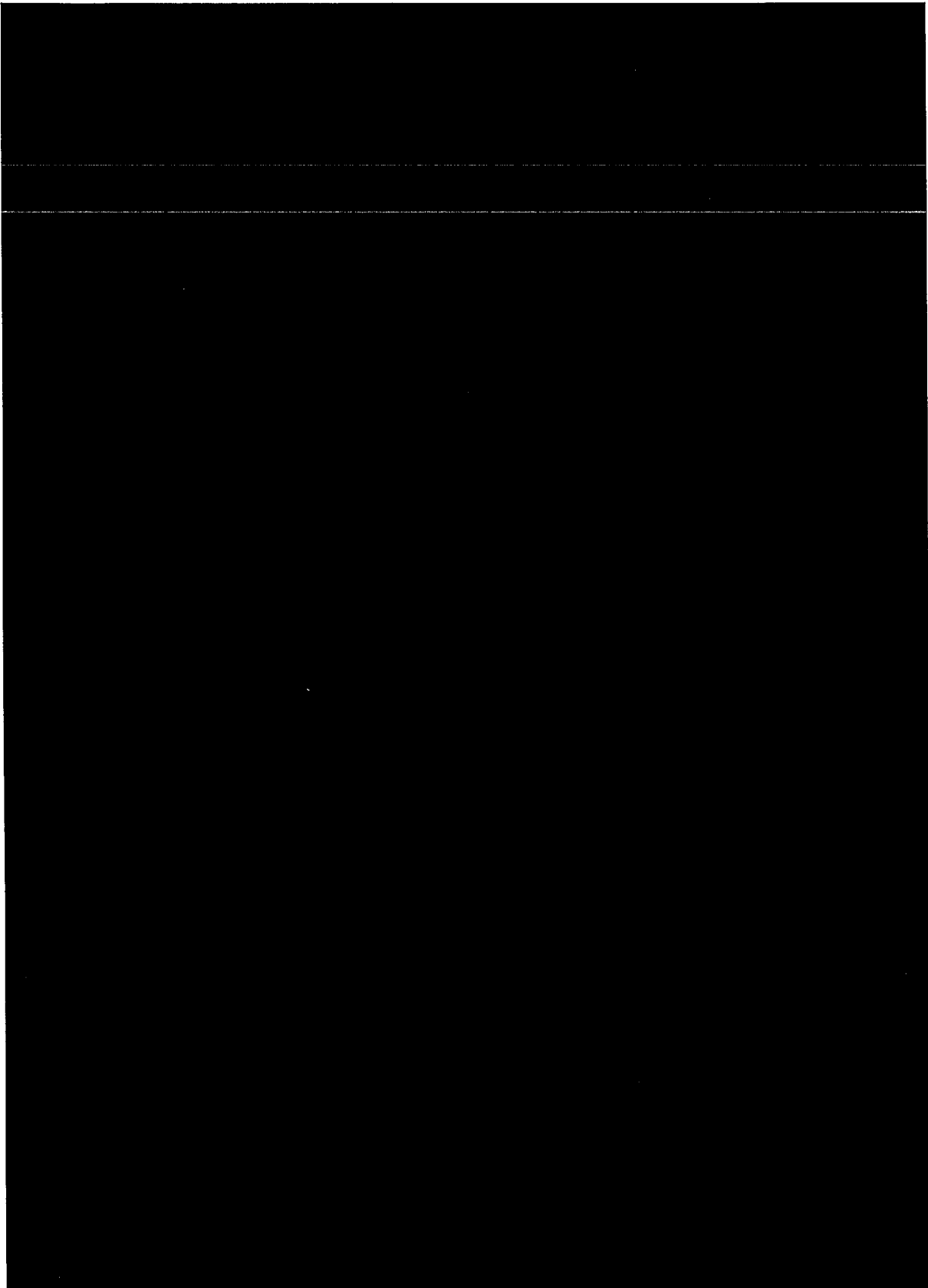
000966



Recorder Exhibit R-121
Page 16 of 21



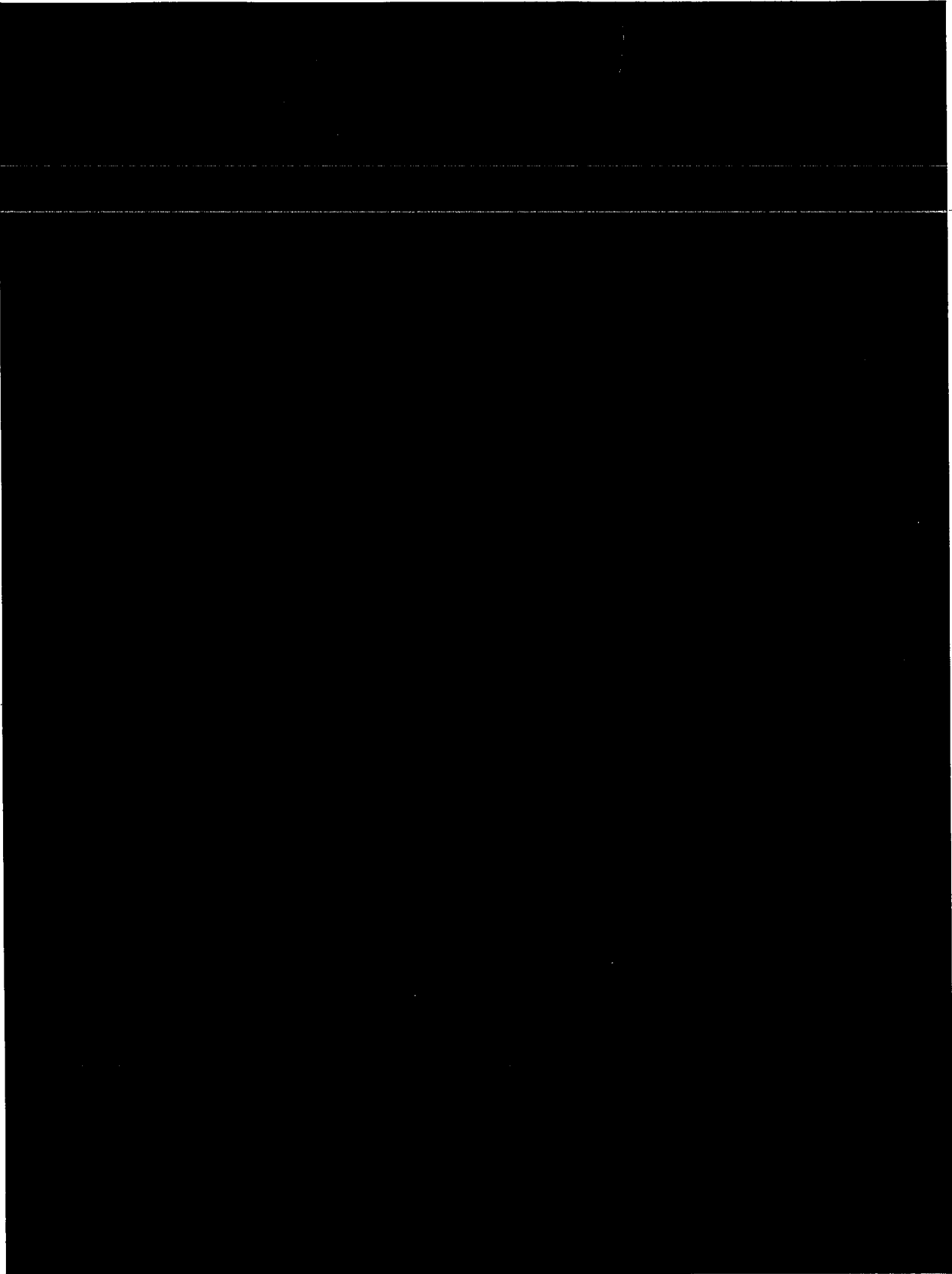
000967



Recorder Exhibit R-121
Page 17 of 21



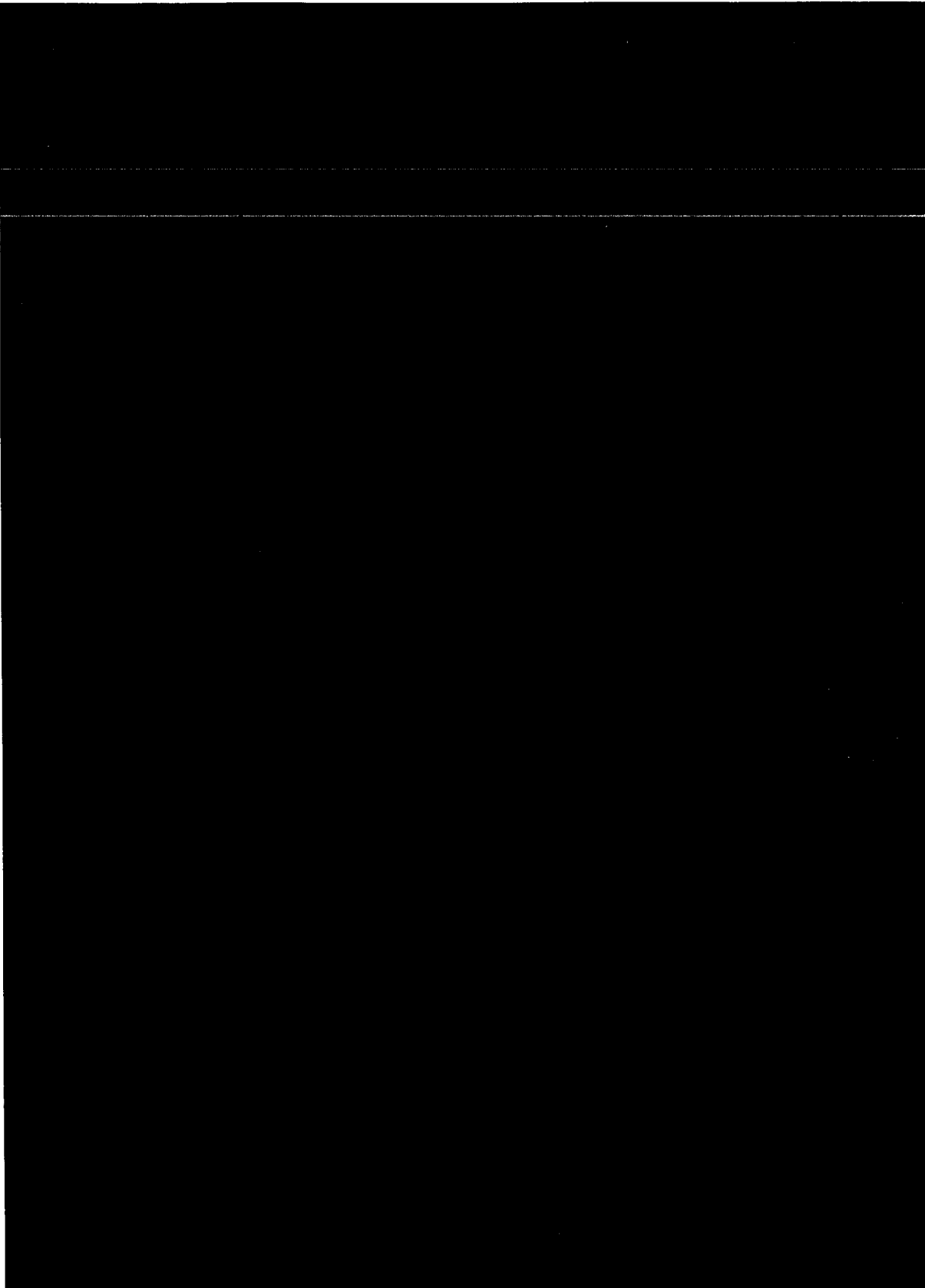
000968



Recorder Exhibit R-121

Page 18 of 21

000969

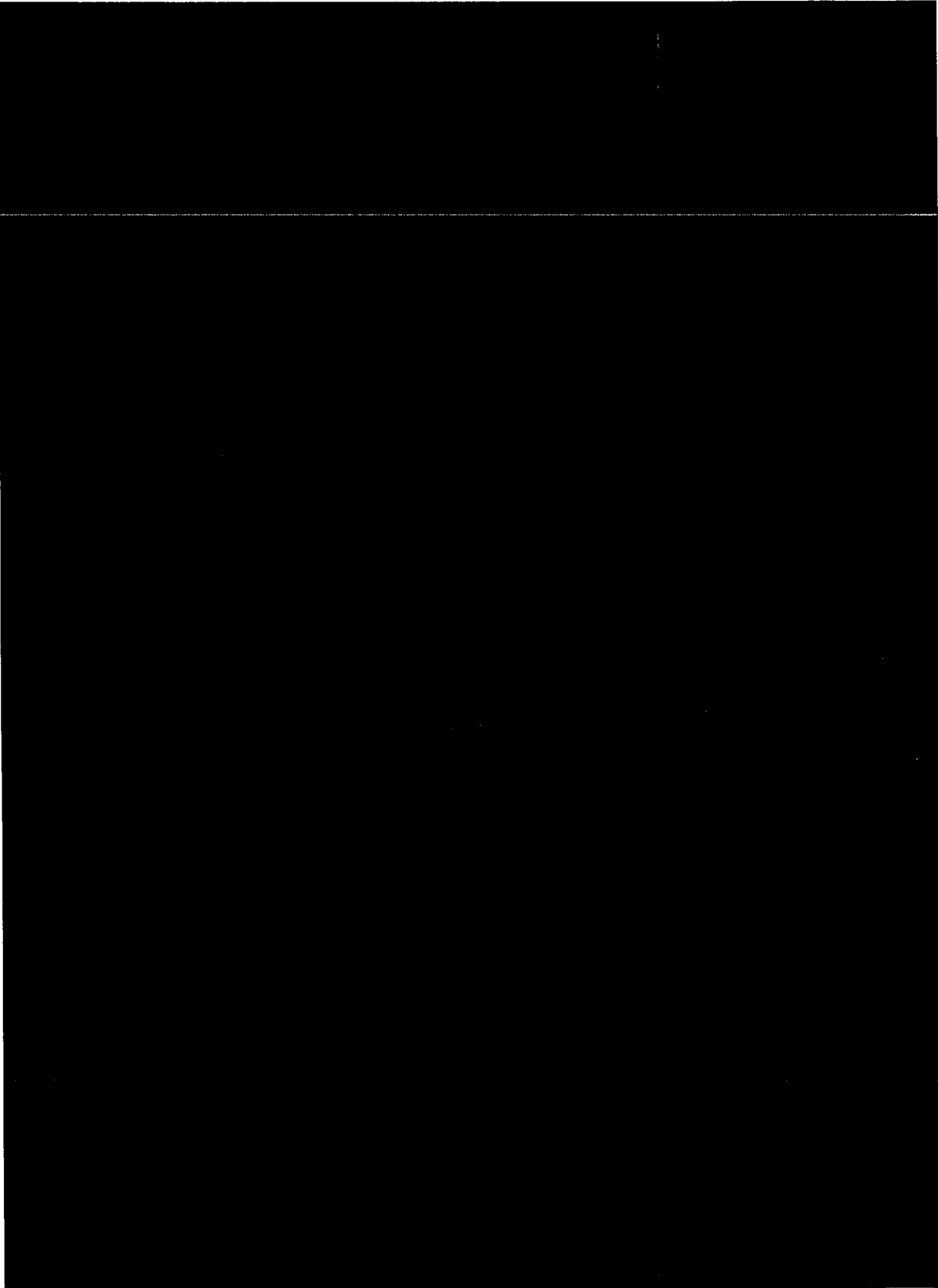


Recorder Exhibit R-121

Page 19 of 21

000970

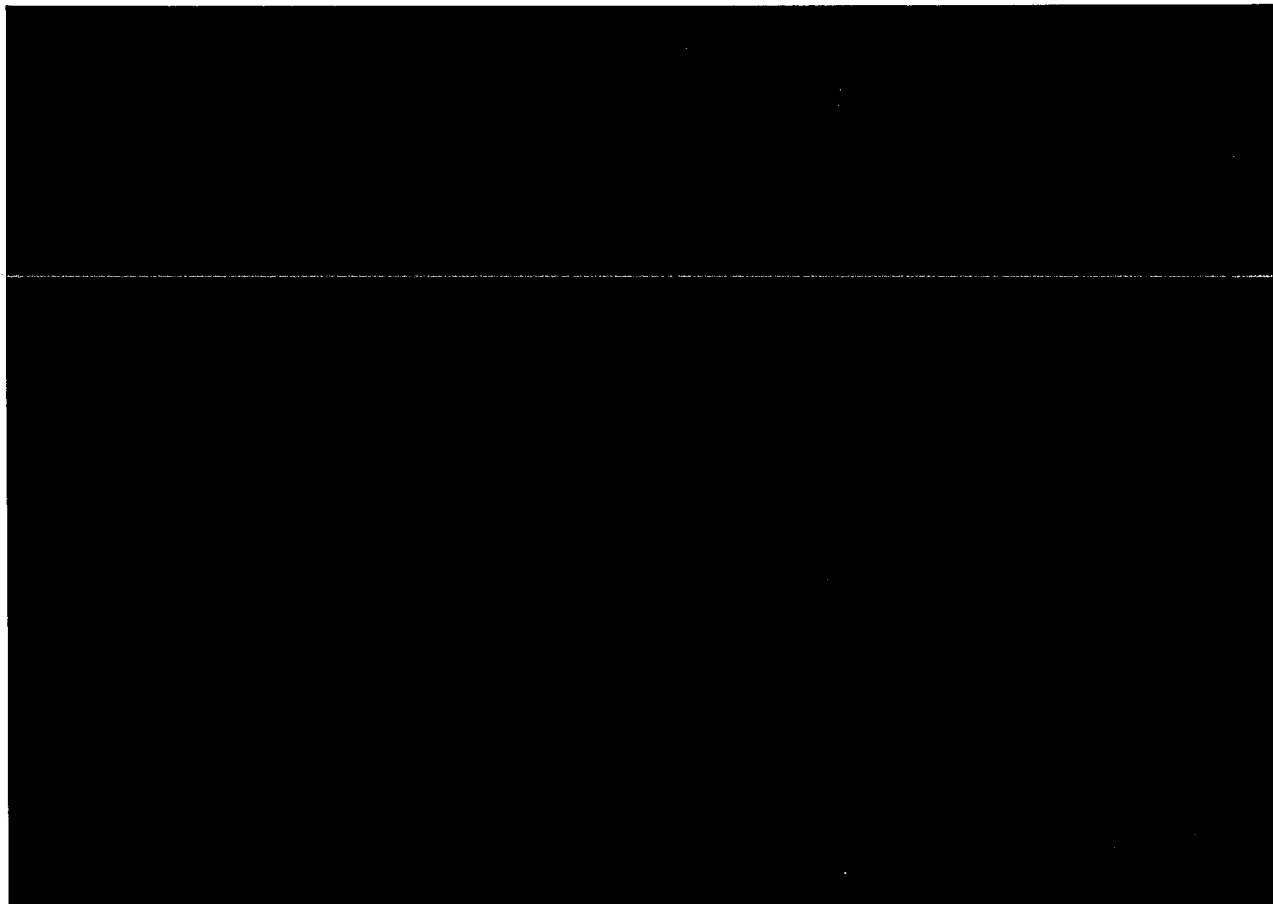




Recorder Exhibit R-121
Page 20 of 21

000971





Recorder Exhibit R-121
Page 21 of 21

000972

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EXHIBIT 68

UNCLASSIFIED//FOR PUBLIC RELEASE

UNCLASSIFIED//FOR PUBLIC RELEASE

b2

b2

b2

000489 b2

b2
b1, b2

Abdul Rahim Rassak JANKO b2

000489

b2 b2

in his mid twenties,

b2

b1

b1

b2
b1

b1

b2

b1, b2

b1, b2

b2
b1

b1

b1

b1

b1

b1, b2, b6

b1, b2, b5, b6

Recorder Exhibit R-145

Page 1 of 2

b2

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001045

UNCLASSIFIED//FOR PUBLIC RELEASE

b2

b2

b2

b1, b2, b5, b6

b2 b1, b5
b1, b5

b2 b1, b5, b6
b1, b5, b6

b2, b3

b2

b2

b2

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Recorder Exhibit R-145
Page 2 of 2

001046

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By AE on 06 April 2009

EXHIBIT 70

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By AE on 06 April 2009

[REDACTED]

INTERVIEW

INTERROGATOR: [REDACTED]

DTG: [REDACTED]

[REDACTED]

1) A [REDACTED]

2) [REDACTED] DETAINEE

3) ASSESSMENT: [REDACTED]

UNCLASSIFIED//FOR PUBLIC RELEASE

EXHIBIT 71

UNCLASSIFIED//FOR PUBLIC RELEASE

UNCLASSIFIED//FOR PUBLIC RELEASE

b2

b2

SUMMARY INTERROGATION REPORT:

b2 **SUBJECT:** b2 b2, b6

b2, b6

1. b2 SUMMARY:

b2, b6

b2, b6

b1, b2, b5

2. b2 APPROACH USED: b1, b2

b1, b2

3. b2 EFFECTIVENESS OF APPROACH: b1, b2, b5

b1, b2, b5

4. b2 b2
b1, b2, b5

b2

5. b2 RECOMMENDED APPROACH FOR NEXT MEETING: b1, b2, b5

b1, b2, b5

6. b2 SUMMARY OF INFORMATION b2

b1, b5

7. b2 COLLECTORS COMMENTS: b1, b5

b1, b5

000166

Recorder Exhibit R-172

Page 1 of 2

b2

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b2

8. b2 POC FOR THIS MEMORANDUM IS b2, b3 JTF
GTMO.

b2

b2

000167

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Page 2 of 2

b2

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UNCLASSIFIED//FOR PUBLIC RELEASE

EXHIBIT 72

UNCLASSIFIED//FOR PUBLIC RELEASE

UNCLASSIFIED//FOR PUBLIC RELEASE

b2

b2

SUMMARY INTERROGATION REPORT:

b2 **SUBJECT:** b2 b2, b6
b2, b6

1. b2 **SUMMARY:** b2 b2, b6
b2, b6 b2
b2

2. b2 **APPROACH USED:** b1, b2
b1, b2

3. b2 **EFFECTIVENESS OF APPROACH:** b1, b2, b5
b1, b2, b5

4. b2 b2 b2
b1, b2, b5

5. b2 **RECOMMENDED APPROACH FOR NEXT MEETING:** b1, b2, b5
b1, b2, b5

6. b2 **SUMMARY OF INFORMATION** b2
b1, b2

b1

b1, b2

b1

Recorder Exhibit R-174
Page 1 of 2

b2

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000186

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b2

b1

b1

7. b2
b1, b2, b5

COLLECTORS COMMENTS: b1, b2, b5

8. b2 POC FOR THIS MEMORANDUM IS b2, b3
GTMO.

JTF

b2

b2

b2

Recorder Exhibit R-174
Page 2 of 2

b2

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000187

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EXHIBIT 74

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b2

b2



ICRC

INTERNATIONAL COMMITTEE OF THE RED CROSS
DELEGATION WASHINGTON

b2

RE: ABDUL RAHIM ABDUL RAZAQ JANKO - ISN 489

Dear

b3

b1, b2

[REDACTED]

b3

Joint Task Force
Guantanamo Bay,
Cuba

Recorder Exhibit R-185
Page 1 of 2

b2

2100 Pennsylvania Avenue, NW • Suite 545 • Washington, DC 20037 • Tel. (202) 283-9430 • Fax (202) 283-9431

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b2

UNCLASSIFIED//FOR PUBLIC RELEASE

b2

b2

b2

Yours sincerely,

b6

b2

Recorder Exhibit R-185
Page 2 of 2

b2

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b2

2 / 2

001311

UNCLASSIFIED//FOR PUBLIC RELEASE

EXHIBIT 75

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UNCLASSIFIED//FOR PUBLIC RELEASE

b2

DETAINEE PROFILE

b2

b2 NAME: JANKO, Abd Al Rahim Abdaul Raza

b2

b2 AFFILIATIONS: b1

b2 BASIS OF DETERMINATION/OPINION REGARDING AFFILIATION:

b2 b1

b1

b2

1. b2 PERSONAL INFORMATION

b1

a.

b2 b2

b2

ISN: b2 00489 b2

b2

b. b2 b2

c. b2 b2

d. b2 b2

b2

e. b2 b1, b2

b2

2. b2 INFORMATION ON DETAINEE'S ACTIVITIES

ISN: b2 00489 b2

b2

b2

Recorder Exhibit R-186

Page 1 of 3

b2

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001212

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b2

b2 b1
b1
b1
b1, b6
b1, b6
b2

3. **b2 OTHER INFORMATION REGARDING INVOLVEMENT WITH TERRORISM**

b2 b1, b5
b1, b5
b1
b2

4. **b2 INFORMATION ON CAPTURE**

a. b2 b2 b1, b2
b. b2 b2 b1
b1
c. b2 b2 b2
d. b2 b2 b2
b2

5. **b2 INTERROGATOR COMMENT**

b2 b1, b2, b5
b1, b2, b5
b1
b2

ISN: b2 00489 b2
b2

b2

Recorder Exhibit R-186
Page 2 of 3

b2

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001313

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b2

6. **b2 THREAT ASSESSMENT**

b2 b1, b5
b1, b5

7. **b2 SJA COMMENT:** b2

8. **b2 CERTIFICATION**

b2 b2
b2

b2, b3

JTF 170

ISN: b2 00489 b2
b2

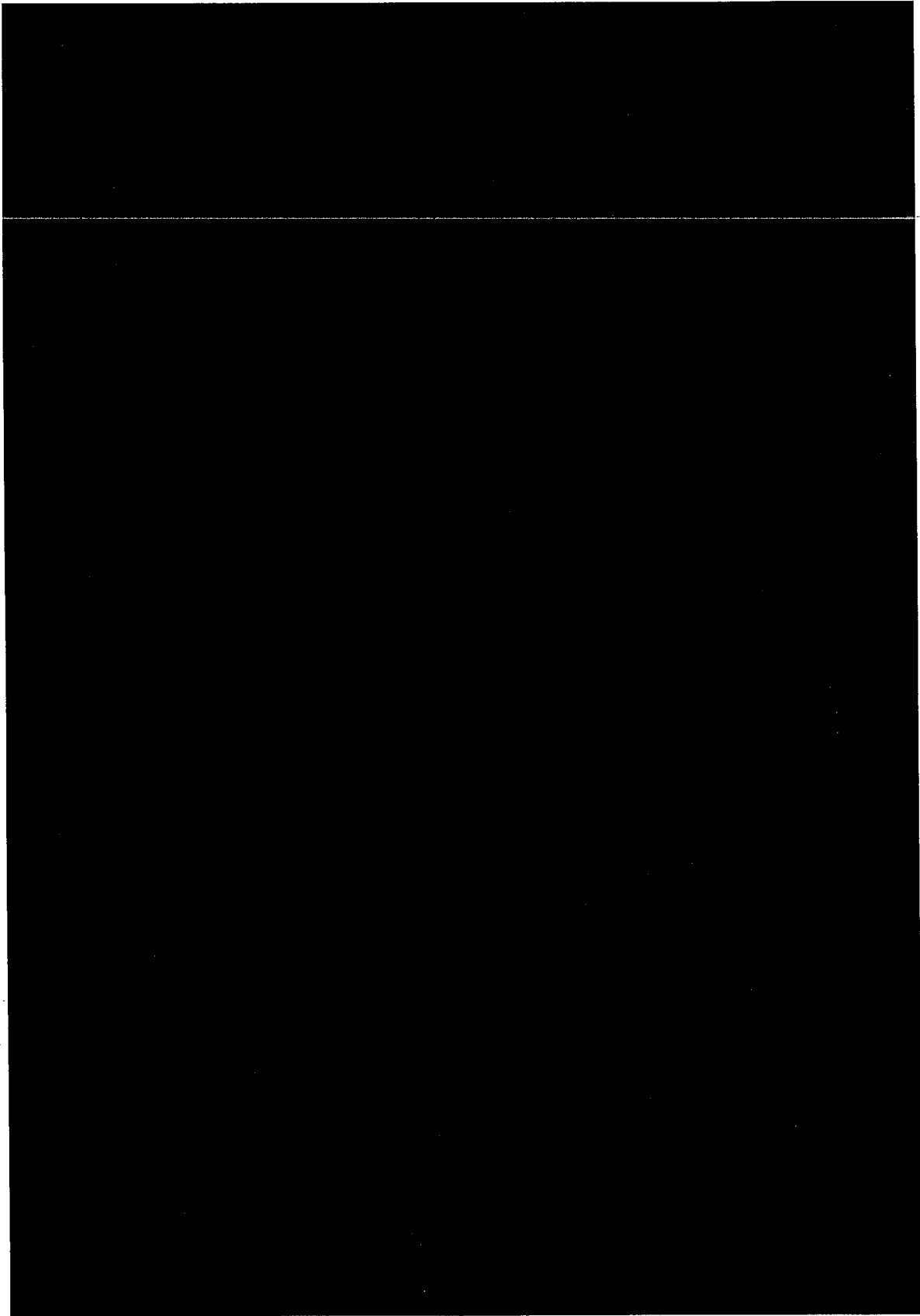
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Recorder Exhibit R-186
Page 3 of 3

b2

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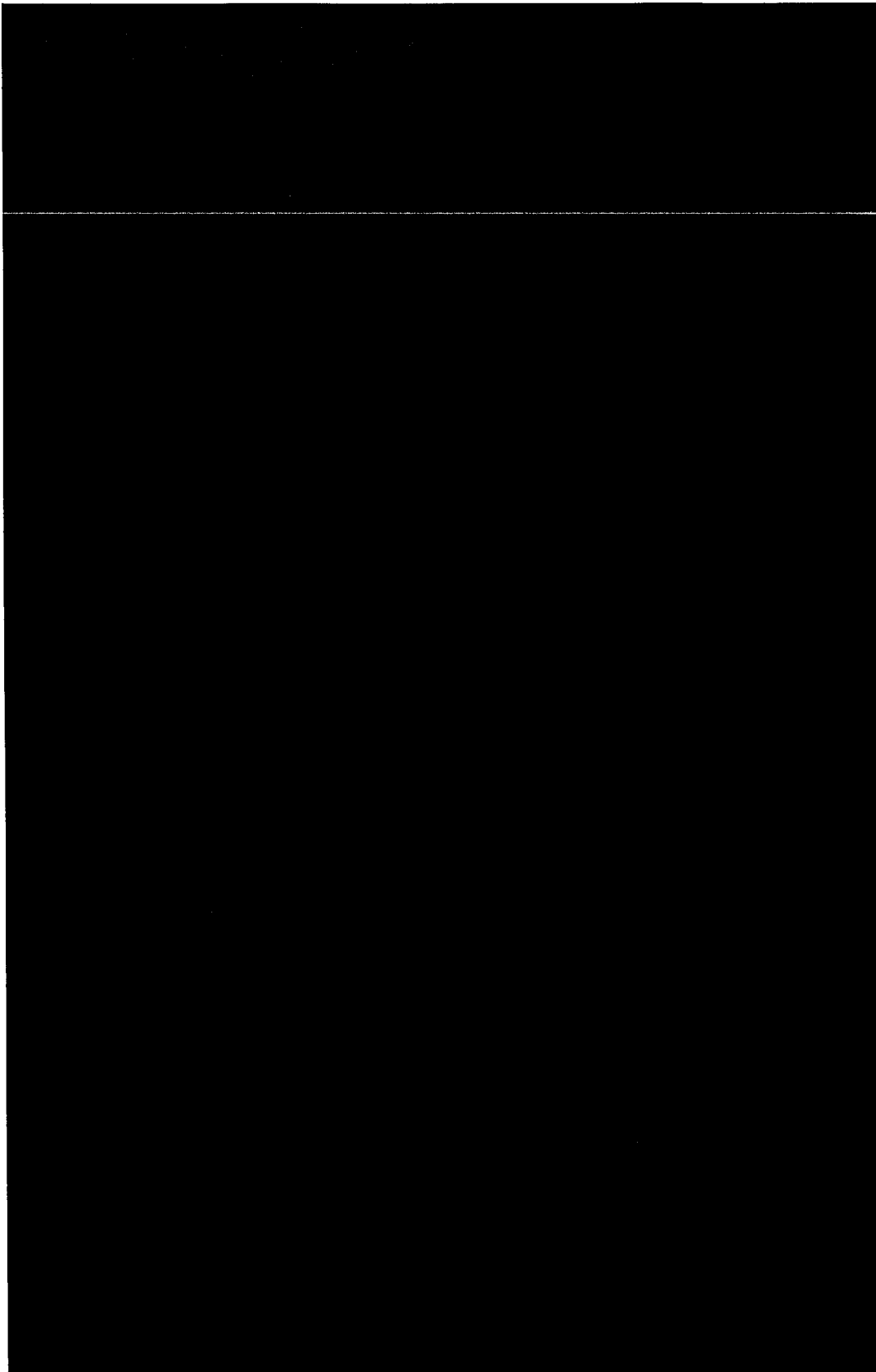
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Recorder Exhibit R-190

Page 1 of 7

001361

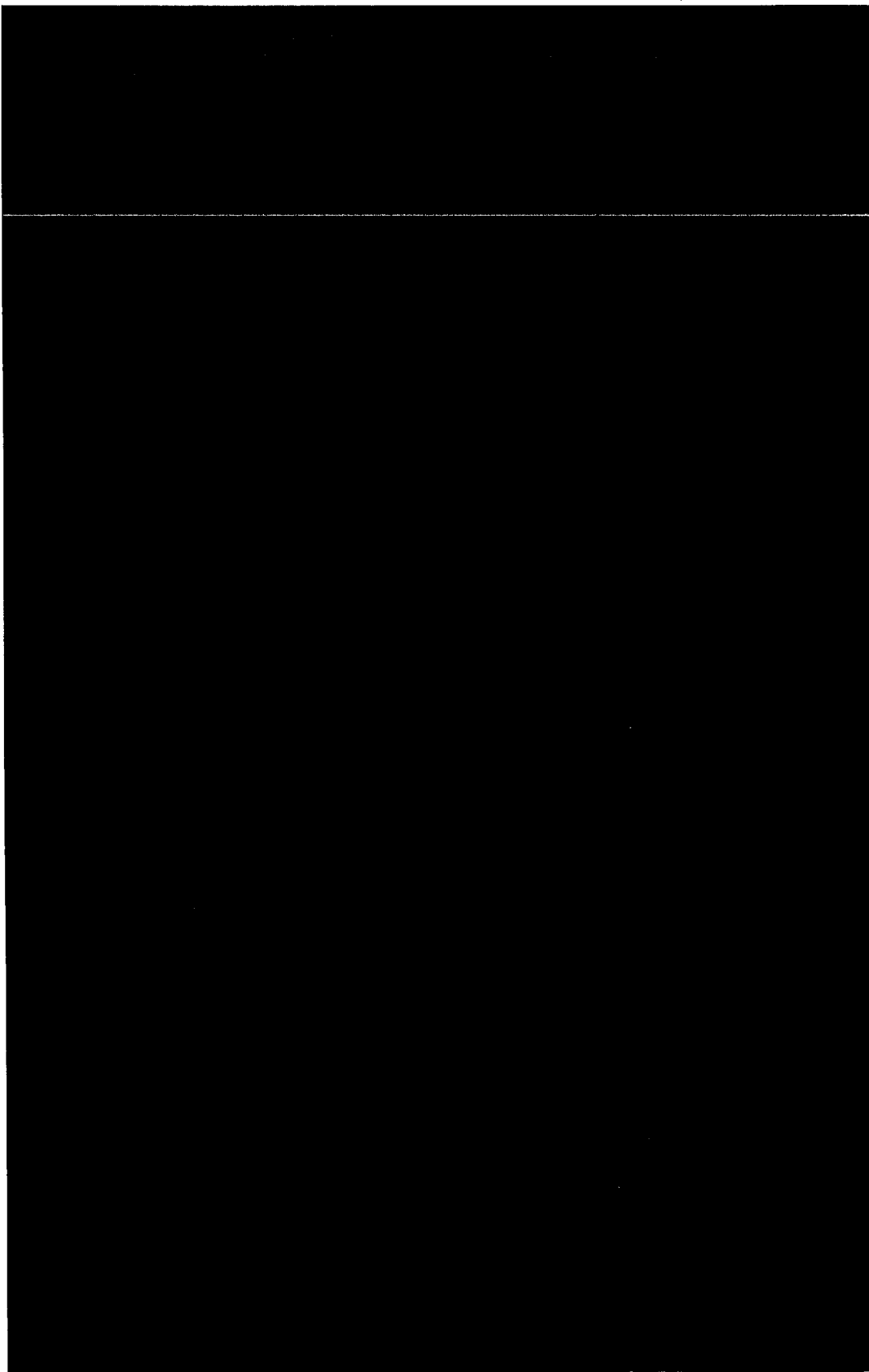


Recorder Exhibit R-190

Page 2 of 7



001362

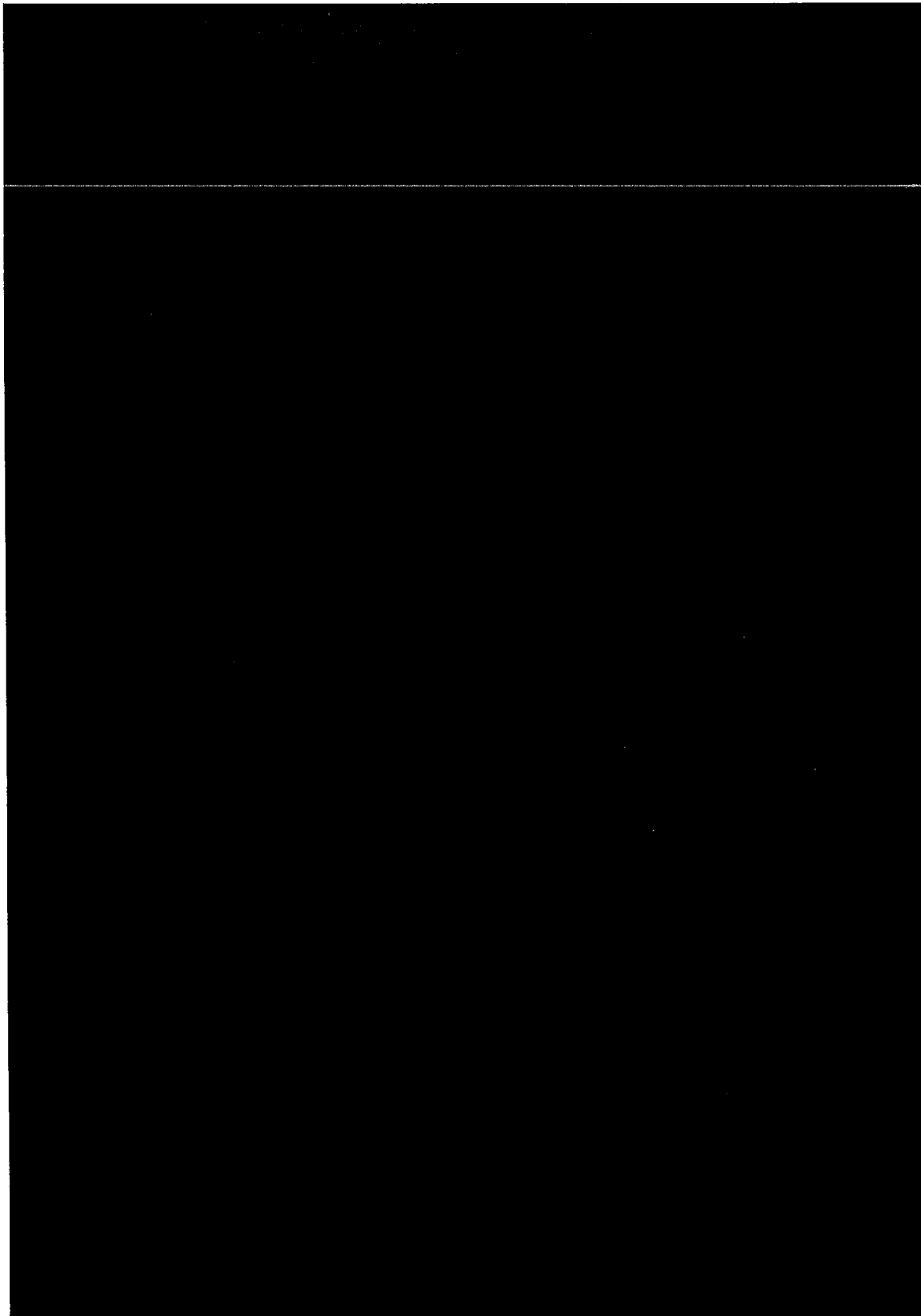


Recorder Exhibit R-190

Page 3 of 7



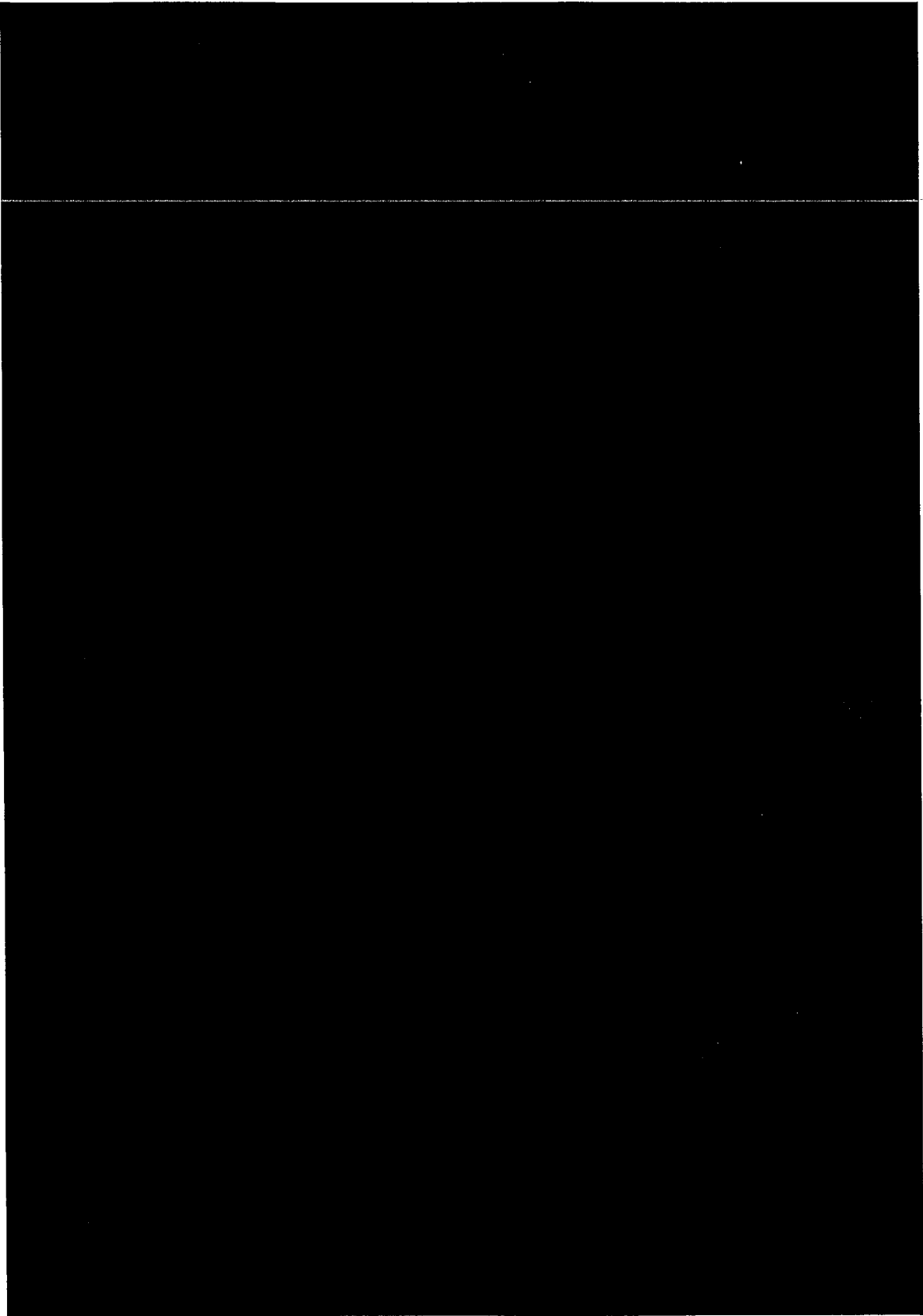
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Recorder Exhibit R-190

Page 4 of 7

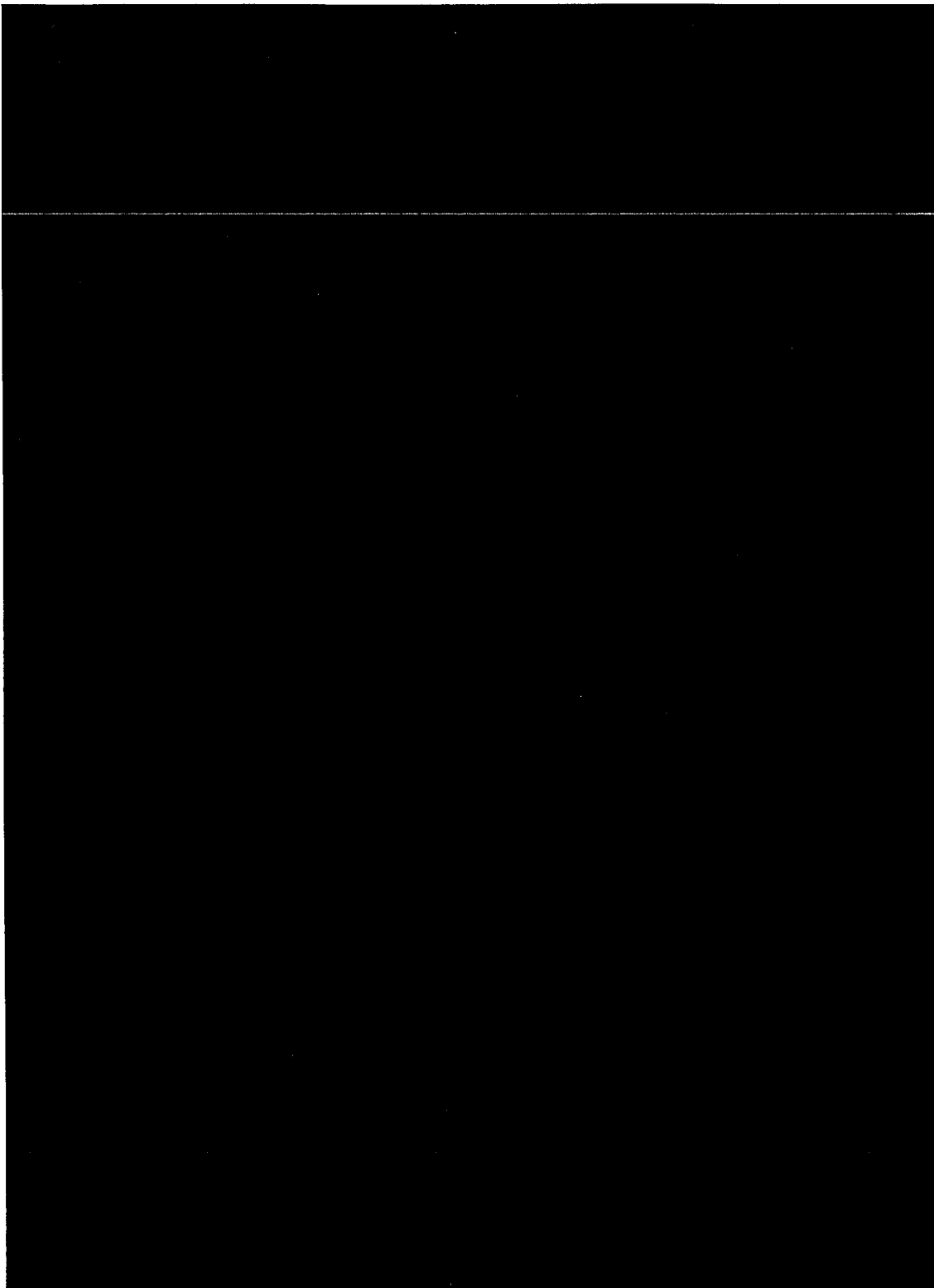
001364



Recorder Exhibit R-190

Page 5 of 7

001365



Recorder Exhibit R-190

Page 6 of 7



001366



Recorder Exhibit R-190
Page 7 of 7



001367

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EXHIBIT 77

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b2

b2

b2

b2

b2

COUNTRY: b2 AFGHANISTAN (AF).

b2

SUBJ: b2

b2

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b1

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b2

DEPARTMENT OF DEFENSE

DOI: b2

b2

SOURCE: b2

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000489

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b1, b2, b5

SUMMARY: b2

b1

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TEXT: 1. b2

b1

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2. b2

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b3

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b1

b1

b1, b6

b1, b6

b1, b6

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3. b2

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b1

b2

b1

Recorder Exhibit R-193

Page 1 of 3

b2

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001373

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b2

b1 b2 b1
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15. b2 b1
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b1, b6
17. b2 b1

Recorder Exhibit R-193

Page 2 of 3

b2

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001374

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b2

b1

COMMENTS: 1. b2 b2 b1, b2, b5, b6
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3. b2 b2, b3
b2, b3

4. b2 b2
b2

5. b2 b2
b2

b2

Recorder Exhibit R-193
Page 3 of 3

b2

001375

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EXHIBIT 78

UNCLASSIFIED
Reviewed by RT
03 April 2009

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SUMMARY OF STATEMENTS 1

- Designated Military Officer: The detainee claims that after a dispute with his father over a loan the detainee received from a friend, the detainee attempted to leave the United Arab Emirates.

Detainee: True. (Return Ex. 65 at 3.)

- Q. For what purpose did you borrow the money from your friend?

A. We had a school trip; I was in charge of this trip. We came out in the negative. I came out owing money to people. I borrowed money from my friend to give to the other people who were going on the trip. (Return Ex. 64 at 9.)

- Detainee: I was in college for two and a half years. I did not finish. The college is a Saudi college but it is in the [United Arab] Emirates. I had a very good time with my friends. When I was taking a course in language it was only five of us. We would go to the blood bank and give blood. We were like college students. That's what my father did not like, he is a very religious man. He is basically an Imam. He abused me, especially when I borrowed money from my friends. He just didn't like it. I was in a different city and he was in a different province. He said he would come and deal with me. That's when I ran away and went to the Embassy, and since that time I have been in trouble. I wish I did not run away, my father could have abused me, he would have slapped me two times and that would have been it, but I did not know that I would be in this much trouble. Now I wish I could go back. (Return Ex. 65 at 8-9.)

- Detainee: . . . My friends and I went camping one day and I borrowed money from each of them, then I bought all the stuff for the camp. When we got back they wanted their money back but I had no more I already spent all of it. I had no money, so I went to another friend and asked to borrow money, I told him I would go to the bank later and give it back to him. He did not trust me and told my oldest brother about it. My brother came to me and told me that he was going to call our father, I begged him not too [sic]. He called our father and told him. When my brother passed me the phone my father told me that

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I was not his son anymore and he was coming right now to deal with me. I got scared. As my brother closed the door I ran away. I still had the money in my pocket from my friend, so I went to the highway and got in a truck that was headed to Abu Dabi Province. I was afraid of my father and I had no idea that I would be in prison because of the war. If I knew that I would not have run away. I know that was all bad but it was in the past and everyone makes mistakes and can start over again. (Return Ex. 65 at 12.)

- Detainee: I'm not an enemy combatant; I had American friends in United Arab Emirates. I loved my friends. If you would like being an enemy against Americans, against Christians, they would be killed with us. I invited them many time to my house to have dinner with me. We would eat together and they know my father. (Return Ex. 64 at 3.)

- Presiding Officer: How do you think Americans view Muslims?

Detainee: I had American, Lebanese and Syrian friends that were Christians. Personally I have no problems with any kind of people, they are just Americans. I'm growing my beard now in the blocks because they were giving me a hard time for shaving.

* * *

Detainee: . . . I don't have problems with having a beard or not having a beard. Talking to the females or not talking to the females. I play cards with the females I am very open-minded. You were asking if I had problems with Americans right?

Presiding Officer: No, I was asking what you believed Americans thought of Muslims.

Detainee: I heard there are seven million Muslims in American and I know that there is Democracy in America. No one will ask you for your religion and it does not matter what color you are. To me Americans are good and the government in America is good. (Return Ex. 65 at 15-16.)

- Detainee: . . . I do not pose a threat to the United States, never in my life have I had hatred toward the United States. The relationships between me and the guards, the doctors, the Psychiatrists and the

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General is good. I had good relations with the doctors, when some of them left I cried. If I had hatred for the Americans when those people left I would not have cried. In addition to that I had American friends in United [Arab] Emirates. If I had hatred towards Americans I would have hurt the ones that were close to me first. (Return Ex. 65 at 5.)

- Designated Military Officer: The detainee claims that al Qaida tortured him until he admitted he was a spy.

Detainee: Yes, they claimed I was a spy for the United States. (Return Ex. 65 at 4.)

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EXHIBIT 79

UNCLASSIFIED
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03 April 2009

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SUMMARY OF STATEMENTS 2

• Q. You weren't planning on staying in Afghanistan for a long time?

A. No. Just to go there until I find the United Nations Office or find another embassy or organizations to help me to get out of the Middle East. Because in Afghanistan, you know, Uzbekistan or Kazakhstan, from these places you can get to Europe easier. (Return Ex. 64 at 10.)

• Detainee: From the day I finished attending the University to the day I went to Afghanistan it was only one month. I went to the Embassy of Canada, the Embassy of Germany, the Embassy of the United Nations and the Embassy of the United States to seek political asylum. This happened within days of me leaving my home and my University.

* * *

Designated Military Officer: The detainee claims that he sought asylum with numerous countries.

Detainee: True. (Return Ex. 65 at 3.)

• Detainee: . . . I explained to them that I ran away from home and I wanted to live there for six months to a year in a simple life and to gain asylum from the United Nations. . . . (Return Ex. 65 at 10.)

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EXHIBIT 80

UNCLASSIFIED
Reviewed by RT
03 April 2009

UNCLASSIFIED

SUMMARY OF STATEMENTS 3

- Detainee: I had a friend that went to college with me. When he left he worked as a secretary for the Taliban Embassy. I asked him how much he would charge me to get me a passport, he said that he could not give me a passport to leave United Arab Emirates to go to Europe he said he could not give me a passport but he could deport me to Afghanistan. He said that when I got there I would get asylum and I believed that. When I got to the border I met an interpreter from the Taliban, he wrote a letter to his boss in Kabul telling him to send me to Kabul to the Arab's place. (Return Ex. 65 at 7.)

- A. ... I told my friend, at the embassy, at the Syrian embassy. They said no, you have to have your own passport. My passport was with my father. I called my embassy to get another passport, they said you have one already, we can't give you another one. They told me no. I went to the American embassy, to get to America. They said you have to pay \$10,000.00 dollars or you have to wait until October (it was January at this time) for the lottery. I couldn't do anything. I then went to Canadian embassy; they used to have Kurdish people who would go to Canada. I ask them for immigration, they said, here's our address in London and you can write to them, and explain your problem, and they will give you a guide to how to immigrate to Canada. I told them I couldn't wait a month. Where am I going to go? The police wouldn't help me; they would send me back to my father. I didn't have anything to do, so I went to the Afghani embassy. I went to them; I said, give me a passport, and they said, we can't give you a passport but we can deport you from U.A.E. to Afghanistan, and from there, you can go wherever you want. (Return Ex. 64 at 9.)

- Detainee: He went to the Afghanistan Embassy, and had a friend who was a secretary there, but he wasn't able to get a passport. But, he would be able to deport him to Afghanistan, from there (he could go) to Syria, then to Europe, and to any other country. So, he goes to the police and tells them that he is Afghani. (Return Ex. 64 at 5.)

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EXHIBIT 80

UNCLASSIFIED
Reviewed by RT
03 April 2009

UNCLASSIFIED

SUMMARY OF STATEMENTS 3

- Detainee: I had a friend that went to college with me. When he left he worked as a secretary for the Taliban Embassy. I asked him how much he would charge me to get me a passport, he said that he could not give me a passport to leave United Arab Emirates to go to Europe he said he could not give me a passport but he could deport me to Afghanistan. He said that when I got there I would get asylum and I believed that. When I got to the border I met an interpreter from the Taliban, he wrote a letter to his boss in Kabul telling him to send me to Kabul to the Arab's place. (Return Ex. 65 at 7.)

- A. ... I told my friend, at the embassy, at the Syrian embassy. They said no, you have to have your own passport. My passport was with my father. I called my embassy to get another passport, they said you have one already, we can't give you another one. They told me no. I went to the American embassy, to get to America. They said you have to pay \$10,000.00 dollars or you have to wait until October (it was January at this time) for the lottery. I couldn't do anything. I then went to Canadian embassy; they used to have Kurdish people who would go to Canada. I ask them for immigration, they said, here's our address in London and you can write to them, and explain your problem, and they will give you a guide to how to immigrate to Canada. I told them I couldn't wait a month. Where am I going to go? The police wouldn't help me; they would send me back to my father. I didn't have anything to do, so I went to the Afghani embassy. I went to them; I said, give me a passport, and they said, we can't give you a passport but we can deport you from U.A.E. to Afghanistan, and from there, you can go wherever you want. (Return Ex. 64 at 9.)

- Detainee: He went to the Afghanistan Embassy, and had a friend who was a secretary there, but he wasn't able to get a passport. But, he would be able to deport him to Afghanistan, from there (he could go) to Syria, then to Europe, and to any other country. So, he goes to the police and tells them that he is Afghani. (Return Ex. 64 at 5.)

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EXHIBIT 81

UNCLASSIFIED
Reviewed by RT
03 April 2009

UNCLASSIFIED

SUMMARY OF STATEMENTS 4

• Detainee: . . . As a Syrian, I'm Syrian, and in Afghanistan, you can go to the United Nations to get the refugee status. But he told me no, you have to go to Kabul, the capital of Afghanistan. You have to go there with our other brothers. If you don't come with us, go back where you came from. I told them, okay, I don't have any money, and I don't have anything. Home is where I come from; can you help me to go back there again, or at least get to Pakistan? Pakistan is a border country. He said no, he won't give me any money and said you have to go with us, or go back to where you came from. I told him no. If you feed me, give me clothes to wear, help me, I'll come with you, but I can't do anything. He took me to the guesthouse, they changed my name to Dejarnin (ph.) and he told me that I had to go to al Farouq camp. I couldn't say that I'm not going there. If I don't go to that camp, they can do whatever they want to me, kill me; I'm already scared that they are going to kill me. (Return Ex. 64 at 5-6.)

• Detainee: . . . I explained to them that I ran away from home and I wanted to live there for six months to a year in a simple life and to gain asylum from the United Nations. The mujahideen said I did not speak the language so I needed an interpreter. The interpreter asked me who sent me. I tried to explain to them that no one sent me I just ran away from my parents. They told me someone sent me because any Arab who comes to Afghanistan should be under supervision. They told me I had to go to the Northern Alliance and fight along with my brothers against Shah Masoud. I told them no, just a few years ago he was a Mujaeed and now he is a hypocrite and infidel, I am not fighting him. The interpreter then wrote a note to his boss telling him to take me to Kabul for training and to the Arab guesthouse. I spent five days at the guesthouse and then they told me I had to go to the training camp. (Return Ex. 65 at 10.)

• Designated Military Officer: The detainee claims that he stayed at an al Qaida guesthouse in Kabul.

Detainee: It wasn't my choice, I was hated. They believed that I was a spy, so they took me to the camp by force. If I were a member of al Qaida, they would not accuse me of spying. They do not accuse their members of spying." (Return Ex. 65 at 2.)

UNCLASSIFIED
Reviewed by RT
03 April 2009

UNCLASSIFIED

- Detainee: . . . Al Qaida took me to the guesthouse and to the camp by force, not with my consent. (Return Ex. 65 at 5.)

UNCLASSIFIED
Reviewed by RT
03 April 2009

UNCLASSIFIED

EXHIBIT 82

UNCLASSIFIED
Reviewed by RT
03 April 2009

UNCLASSIFIED

SUMMARY OF STATEMENTS 5

- Detainee: . . . I told them please, I want to go home, and to see my family, my friends, please let me go, and see them, please let me go back to U.A.E. I feel bad that I ran away from home. What they said was OK, now that you got all this information from us, you looked at our camps, you must be a spy. You must work for the American Embassy in the U.A.E. They told me I had to go with them to Kabul. They took me to Kabul again and then to Kandahar. There they started beating and torturing me. They used electric shock on me to get information from me. They started to torture me a lot. I lost the use of my right hand because of that. They then sent me to the prison. The prison was called (inaudible). They kept me there. They said they were going to keep me there for twenty-five years, at least, if not forever. I then stayed in the prison until the United States, until September 11th happened. (Return Ex. 64 at 6.)

- Designated Military Officer: The detainee claims that he requested to leave the training camp after eighteen days. As a result, the detainee claims that he was suspected of spying.

* * *

Designated Military Officer: The detainee claims that al Qaida tortured him until he admitted he was a spy.

Detainee: Yes, they claimed I was a spy for the United States. (Return Ex. 65 at 4.)

- Detainee: . . . The testimony is that I'm not al Qaida, that I'm not a murderer, or Jihad for others. I must be a coward. I must pray for those people in this world. (Very inaudible and broken.) I'm not al Qaida. (Return Ex. 64 at 3.)

- Detainee: . . . I don't know where he gets these accusations from, you know, I was put in prison, I was there, and they tortured me. Even if you say I'm one of them, after two years in Taliban prison, they tortured me for three months, do you think I'm going to be with them? (Return Ex. 64 at 6.)

UNCLASSIFIED

A. . . . When they took me, they told me that he was a spy for America. They beat me and tortured me I couldn't handle it, and that I told them he's with me, that we are both American spies. (Return Ex. 64 at 11.)

- Designated Military Officer: An associate of the detainee claims that the Taliban tortured the detainee to the extent that he had little use of his right hand. As a result, the detainee spoke poorly of the Taliban.

Detainee: This is true. I am showing you my hands. The fingers on my right hand cannot join together and if you look at them closely they are not the same as my left. My left one I can move, but my right one I cannot. (Return Ex. 65 at 4.)

UNCLASSIFIED

EXHIBIT 83

UNCLASSIFIED
Reviewed by RT
03 April 2009

UNCLASSIFIED

SUMMARY OF STATEMENTS 6

• Q. Someone has said that you had volunteered to be a suicide martyr; do you know anybody who would say that?

A. They told me about it, they told me about the videotape, when they made the videotape. At the end of the videotape, they told me to say something like that, because they said I had to say that, in a way of granting repentance, redemption, and forgiveness. They told me I had to say that, the videotape was made by Abu Dhabi TV; they put it on all the TV in the U.A.E., the capital of U.A.E. (Return Ex. 64 at 10.)

• Q: So it was the Taliban prison people who forced you to do this?

A. Yes, I did a polygraph for this about the videotape, about being in the (inaudible), myself, that's in the polygraph tape. (Return Ex. 64 at 11.)

• Q: So it was the Taliban prison people who forced you to do this?

A. Yes, I did a polygraph for this about the videotape, about being in the (inaudible), myself, that's in the polygraph tape. (Return Ex. 65 at 2.)

• Detainee: ... They promised me that if I talked they would release me. I believed them. After I finished the interview with the reporter, they told me I was going to prison.

Board Member: When was that interview?

Detainee: February or March 2000. I am not sure. The investigators know about it though. The interrogators found it in the videos found at the residence in Afghanistan. (Return Ex. 65 at 10.)

• Detainee: January 2002. Excuse me Sir, about the videotape, I did a polygraph test and I passed it twice.

Tribunal President: We understand.

UNCLASSIFIED

Detainee: I passed it twice, you know. I was cooperative with them. I told them I wanted to take the polygraph test. People are scared of the polygraph test. So, I asked them to give it to me. My interrogator, his name is [redacted], he was here for one year, two years, and I think he left. That's all Sir. (Return Ex. 64 at 8.)

UNCLASSIFIED
Reviewed by RT
03 April 2009

UNCLASSIFIED

EXHIBIT 84

UNCLASSIFIED
Reviewed by RT
03 April 2009

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SUMMARY OF STATEMENTS 7

• Detainee: . . . *We said we would be witnesses against the Taliban and al Qaida.* They sent us to the U.S. Forces, to the detention camp in Kandahar. So, the interpreters, the reporters, news reporters, they came to us, we told them, one of them, he was from Time magazine. His name was Mike; we told him that we wanted to be witnesses against al Qaida and Taliban. *We want to go to the Americans.* So, after two days, there were FBI members, and Special Forces members there. They came to us, and they told us to come with them for a few days, and then they will release us to go home. (Return Ex. 64 at 6 (emphasis added).)

Detainee: . . . My sentence from al Qaida was to spend 25 years in prison because I was spying for the United States. After two years the Americans came and saved me from the prison. When the Americans came I told them about the videotape the Taliban made of me. By me telling them about the video it created confusion to the point that the Americans believed I was working with al Qaida. Here I am now I don't know if I am a spy for America or I work for al Qaida... . (Return Ex. 65 at 5.)

UNCLASSIFIED

EXHIBIT 85

UNCLASSIFIED
Reviewed by RT
03 April 2009

UNCLASSIFIED

SUMMARY OF STATEMENTS 8

Mr. Ginco said that he left the UAE because he was afraid of his father's wrath for having borrowed 500 dirhams, that he sought asylum from various Western embassies and help from human rights organizations in an effort to travel to the West, and that, determined to leave the UAE, he pretended to be an Afghani in order to be deported to Afghanistan, where he thought he could emigrate to the West. Return Ex. 66 at 9-11. His description of his arrival in Afghanistan is also consistent with prior accounts. He said that when he arrived at the border of Afghanistan, he was given the option of returning to the UAE or going with "our brothers." Return Ex. 66 at 11. The armed Taliban guards then grabbed him and took him to a guesthouse in Kabul and, four days later, to a training camp. Return Ex. 66 at 11, 21. At the camp, he was given basic training in small arms. Return Ex. 66 at 11. He did not know that Al Qaeda ran the camp because they just called themselves brothers, although he thought Usama Bin Ladin financed the camp. Return Ex. 66 at 16-17.

After 18 days, he feared being sent to the front lines in the Taliban's fight against the Northern Alliance and asked to leave the camp, preferring the beatings by his father to fighting for the Taliban. Return Ex. 66 at 19-20. The following day, he was arrested for espionage, tortured, and imprisoned for 20 months by the Taliban. Return Ex. 66 at 20. When the Americans liberated the prison, he contacted United States forces through the journalists, offering to become a witness against the

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Taliban's human rights violations. Return Ex. 66 at 14. Mr. Ginco reiterated that he harbored no hostilities toward the United States or its allies and that the only reason he went to Afghanistan was to find a means to resettle in the West. Return Ex. 66 at 16.

UNCLASSIFIED
Reviewed by RT
03 April 2009

UNCLASSIFIED

EXHIBIT 86

UNCLASSIFIED
Reviewed by RT
03 April 2009

UNCLASSIFIED

SUMMARY OF STATEMENTS 9

Janko claims Syrian citizenship with his teen years spent in UAE as his family moved there when he was about twelve years old. He claims university level education from 1998 - 2000 beginning in religious studies and switching to Arabic Literature. He further reports a tumultuous relationship with his father that resulted in frequent physical abuse continuing throughout his university study period and causal for his fleeing from UAE to AF. Janko reports that in January 2000 he attempted to gain asylum with several countries including the U.S. by visiting their embassies in UAE as a means to flee his father, but he was turned away. In a final effort he reports visiting the Embassy of AF where he was again denied asylum, but told by "Aziz" that he could go to Dubai, claim he was an Afghani illegally in the UAE and he would be deported by air to AF. Aziz told him to go to Ba'sap Village in AF. Janko indicates he followed these instructions and was deported to AF via PK. While in Jalalabad, his traveling companions told him he should ask the Taliban for help in getting to Ba'sap Village. In following their advice, he contacted the Taliban and was told, essentially, join us and fight or go back where you came from. He stated he did not want to go back or fight, but reluctantly accepted their offer and was sent to Al Farouq for training. He states he endured eighteen days of training at Al Farouq and requested release to return to Pakistan. Following this, and in light of his ability to speak English, he claims he was looked upon with doubt and a cycle of distrust and interrogation began resulting in his being labeled a spy and imprisoned in different places, ultimately ending with his incarceration at Sapruza Prison. He reports being, for the next eighteen months, drugged and interrogated, regularly tortured, video taped during a forced/drugged confession of his subterfuge, visited by Red Cross officials, meeting numerous other prisoners and even becoming aware that UBL and Mullah Omar used the prison as safe haven during allied bombing as 60-70 children were housed there. He was freed when the Taliban Regime fell, and was eventually captured by USF.

Traverse Ex. 69 at 1.

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03 April 2009