

Interrogation Team Records

Each detainee is assigned to an interrogation team that consists of an interrogator, analyst, translator, law enforcement, and a Behavioral Science Consulting Team (“BSCT”) member. Each of these team members is likely to maintain his or her own records regarding the detainee.

BSCT Records

BSCT maintains records that are separate from those shared with the interrogation team.

Interrogation Plans

Interrogation teams prepared and submitted a detailed interrogation plan[] for each detainee. These plans were approved by the Team Chief, the Executive Officer, and the Commander of the Interrogation Section.

* * *

Interrogation Reports

Various government agencies (including, but not limited to, the FBI, CIA, NSA, OGA) maintained their own files both at Guantánamo and other places.

Videos

Guantánamo maintains videos of all visits by foreign officials (including, but not limited, to military intelligence, MI5, etc.). Some or all of these materials may be maintained on the computer system. An index exists that identifies these videos by country of visitor.

* * *

Emergency Reaction Force

The emergency reaction force was frequently videotaped.

[DoD acknowledged this in a secret report obtained by the Associated Press. See Paisley Dodds, “Tapes Show Guantánamo Squad’s Tactics,” Feb 1, 2005, <http://www.msnbc.msn.com/id/6895629/> (describing government’s torture tactics). (Attach. C.)

Erik Saar, a Guantánamo translator who also performed intelligence functions there, reported the following scene in his memoir *Inside the Wire* 94 (2005) (Attach. D):

“The commander radioed the IRF team leader and told him to start moving in. . . . It was like a scene from some storm trooper action film. They were in no rush;

the psychological effect of their march down the corridor, boots echoing off the metal floor with frightening, deafening thuds, was powerful. One NCO was following the group with a video camera. I was told the tapes were used for training.” (Attach. D.)]

Photographs

Photographs exist of all prisoners. Some of these photographs show prisoners who were badly beaten. At least some of the photographs showing these injuries were later replaced with new photographs that do not depict injured prisoners.

Audio Tapes

Recordings of some interrogations were made.

3. Petitioners bring these materials to the Court’s attention of the Court to underscore the possibility that records of interrogations of Guantánamo prisoners appear to exist – including video and audio recordings similar to those recently destroyed by the CIA – that would be relevant to any spoliation inquiry undertaken by the Court.

WHEREFORE, Petitioners’ emergency motion should be granted.

Dated: Washington, D.C.
December 20, 2007

Respectfully submitted,

COVINGTON & BURLING

By: _____ /s/
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DOCUMENTS PETITIONERS BELIEVE EXIST OR EXISTED

The following list describes documents that Petitioners have been told exist. To the extent any of the documents listed below may be called or referred to by another name or names, Petitioners respectfully request that any Order entered by this Court be sufficiently broad to encompass the same.

- **Knowledgeability Briefs**

A document, sometimes referred to as a knowledgeability brief, is prepared by an interrogation team before a prisoner or detainee arrives at Guantanamo. It contains the prisoner's name, family background, date of birth, a summary of the reasons for detention, and may include an inventory of the personality the prisoner had at the time of capture. Copies of these documents are transferred back to Washington.

- **Detainee Dossiers**

Detainee dossiers are created and maintained. They contain all the information provided by the prisoner to his interrogators and all interrogation results, even if a prisoner refused to talk. Dossiers include original notes from interrogations that took place at locations where prisoners were incarcerated prior to Guantanamo as well as interrogations that took place at Guantanamo. It also contains "interrogation plans" (see below) that are prepared by the interrogation team and reviewed and approved by various authorities at Guantanamo. Dossiers also include instructions that the interrogator gave regarding the prisoner's treatment, as well as all cell transfers, incentive action justifications, and punishments.

- **Interrogation Team Records**

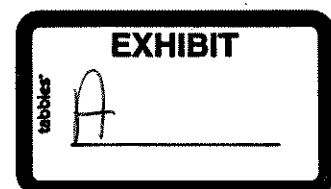
Each detainee is assigned to an interrogation team that consists of an interrogator, analyst, translator, law enforcement, and a Behavioral Science Consulting Team ("BSCT") member. Each of these team members is likely to maintain his or her own records regarding the detainee.

- **BSCT Records**

BSCT maintains records that are separate from those shared with the interrogation team.

- **Interrogation Plans**

Interrogation teams prepared and submitted a detailed interrogation plans for every interrogation for each detainee. These plans were approved by the Team Chief, the Executive Officer, and the Commander of the Interrogation Section.



- **Medical Records**

All prisoners received a physical immediately upon arrival. In addition, additional medical examinations of prisoners have taken place over the past several years, resulting in the creation of additional medical records. Detainee medical records were available to interrogators. Included in medical records would be psychological records.

- **Intelligence Reports**

Various government agencies (including, but not limited to, the FBI, CIA, NSA, OGA) maintained their own files both at Guantanamo and in other offices.

- **Videos**

Guantanamo maintains videos of all visits by foreign officials (including, but not limited to, military intelligence, MI5, etc.). Some or all of these videos may be maintained on the computer system. An index exists that identifies these videos by country of visitor.

- **Emergency Reaction Force**

The emergency reaction force was frequently videotaped.

- **Photographs**

Photographs exist of all prisoners. Some of these photographs show prisoners who were badly beaten. At least some of the photographs showing these injuries were later replaced with new photographs that do not depict injured prisoners.

- **Polygraphs**

Most prisoners have been subjected to one or more polygraph tests. On information and belief, all prisoners incarcerated at Camp IV have received polygraph tests.

- **Voice Prints and Voice Stress Tests**

Voice prints were taken of the prisoners and at least some prisoners had voice stress tests conducted on them.

- **Computer Records**

Respondents have a variety of computer records that relate to the prisoners. These include, but are not limited to, the Joint Detention Operation Group Records ("JDOG"), which contains a record of every incident, every prisoner request (for

example medial or dental requests), and every prisoner infraction. The Interrogation Control Element ("ICE") is another important set of prisoner-related records.

- **Prisoner Numbers**

Each prisoner was issued four different identification numbers, including, but not limited to, INS Numbers and numbers assigned by MPs.

- **System of Rewards**

These documents describe four levels of rewards and a series of privileges that interrogators can bestow upon the detainees.

- **Audio Tapes**

Recordings of some interrogations were made.

- **Mail**

Copies of all redacted and unredacted letters to and from the detainees

- **Other Reports or Other Documents**

Any and all other reports or documents related to petitioners.

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WRITER'S DIRECT ACCESS

July 22, 2005

George Brent Mickum, IV
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The Honorable Porter J. Goss
Director
Central Intelligence Agency
Office of Public Affairs
Washington, D.C. 20505

Re: *Preservation Order*

Dear Mr. Goss:

The purpose of this letter is to put you on notice of the Memorandum Opinion and Order issued by Judge Roberts on July 18, 2005 in *Abdullah et al. v. Bush et al.* Civil Action No 05-23 (RWR) and *El-Banna et al. v. Bush et al.*, Civil Action No. 04-1144 (RWR).

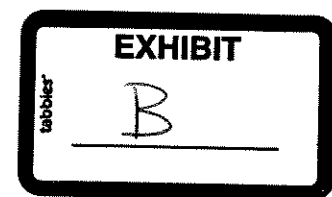
We take the position that the Central Intelligence Agency is bound by this Order. Thus, the Agency is required to preserve all relevant documents in its possession and is required to notify all employees, agents, and contractors who may possess documents that fall within the purview of this Order to do the same.

In pertinent part, the Order reads:

Respondents shall preserve and maintain all evidence, documents and information, without limitation, now or ever in respondents' possession, custody or control, regarding the individual detained petitioners in these cases.

For your information, the individuals covered by this Order are Jamil El-Banna, Bisher Al-Rawi, Hani Saleh Rashid Abdullah, Rami Al-Oteibi, and Abdullah Al Rashaidan.

Also enclosed is a copy of Attachment E to Petitioners' Motion for a Preservation Order, which identifies documents and things that are known to exist. Since this list of documents was before Judge Roberts at the time he issued his Order, we believe it constitutes a partial list of the documents that must be preserved.



If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Mickum, IV". The signature is stylized with a large initial "B" and a horizontal line extending to the right.

George Brent Mickum, IV

Enclosures



Tapes show Guantanamo squads' tactics

Investigators: Videos raise question of detainee abuse

By Paisley Dodds

The Associated Press

updated 3:30 p.m. ET, Tues., Feb. 1, 2005

SAN JUAN, Puerto Rico - Videotapes of riot squads subduing troublesome terror suspects at the U.S. prison camp at Guantanamo Bay, Cuba, show the guards punching some detainees, tying one to a gurney for questioning and forcing a dozen to strip from the waist down, according to secret report. One squad was all-female, traumatizing some Muslim prisoners.

Investigators from U.S. Southern Command in Miami, which oversees the camp in Cuba, wrote the report that was obtained by The Associated Press after spending a little over a week in June reviewing 20 of some 500 hours of videotapes involving "Immediate Reaction Forces."

The camp's layout prevented videotaping in all the cells where the five-person teams — also known as "Immediate Response Forces" — operated, the report said.

Although the report cited several cases of physical force, reviewers said they found no evidence of systemic detainee abuse, according to the six-page summary dated June 19, 2004. An official familiar with the report authenticated it, speaking to AP on condition of anonymity. AP also reviewed an unclassified log of the videotape footage.

Possible mistreatment, misconduct

The tapes raised questions about mistreatment and misconduct, however, said the investigator who suggested some clips needed more scrutiny to rule out abuse. The military has cited 10 substantiated cases of abuse at Guantanamo, and announced Tuesday an extension would be granted for an investigation to interview witnesses in the United States and abroad.

One such clip the investigators flagged was from Feb. 17, 2004. It showed "one or more" team members punching a detainee "on an area of his body that seemingly would be inconsistent with striking a pressure point," which is a sanctioned tactic for subduing prisoners.

In five other clips showing detainees who appeared to have been punched by team members, the investigators said: "The punching was in line with accepted law enforcement practice of striking the pressure point on the back of the thigh to temporarily distract the detainee."

In other "questionable" cases, reviewers said a video showed a guard kneeling a detainee in the head, while another showed a team securing a detainee to a gurney for an interrogation.

A separate clip captured a platoon leader taunting a detainee with pepper spray and repeatedly spraying him before letting the reaction team enter the cell, reviewers wrote.

Investigators also noted about a dozen cases where detainees were stripped from the waist

Romeo block is a camp section where prisoners were often left naked for days, according to two former detainees, Britons Shafiq Rasul and Asif Iqbal, who were released last year.

Caution on using all-female teams

Although no female guards were videotaped in any of the stripping cases, investigators cautioned the U.S. government about using the all-female team to handle disruptive detainees, citing religious and cultural issues. Many of the prisoners are Muslim men and under strict interpretations of Islam view contact with other women other than their wives as taboo.

"Several detainees express displeasure about female MPs either escorting them, or touching them as members of an IRF team," the report says. "Because some have questioned our sensitivity to the detainees' religion and culture, we believe that talking points are appropriate to address incorporation of female soldiers into the guard force."

In one video clip of the reaction teams, the memo says, "A detainee appears to be genuinely traumatized by a female escort securing the detainee's leg irons. In another video, inexplicably an all-female IRF team forcibly extracts a detainee from his cell."

While stating that female troops have a right to serve as equals alongside their male counterparts, investigators warned the all-female team could create the perception that the gender of the squad was taken into consideration for the Muslim population.

"By forming an all-female IRF team for use with one detainee we potentially undercut our position that we do not distinguish between male and female soldiers. Clearly, the soldiers' gender did play a role in forming the all-female IRF team," the memo says.

The memo suggests that military "personnel showing the IRF videos outside of (Defense Department) channels should be prepared with talking points to refute or diminish the charge that we use women (against) the detainees' culture or religion."

No comment on composition of squads

The U.S. military wouldn't comment on whether there's a specific strategy involved in using an all-female response force but said female guards — who serve on mixed reaction teams as well — comprise about 20 percent of the guard force.

"As a matter of policy, we do not discuss specific Immediate Response Force composition or methods, but they are consistent with those used in the corrections profession and are always carried out with the security and safety of detainees and troopers in mind," said Lt. Col. James Marshall, a spokesman at U.S. Southern Command.

Prisoners released from Guantanamo have accused the extraction teams of abuse and one former U.S. National Guardsman received brain damage after posing undercover as a rowdy detainee and being beaten by teammates.

"The obvious problem with our armed forces is their inability to comply with international law,"

said Arsalan T. Iftikhar, national legal director for the Washington, D.C.-based Council on American-Islamic Relations. "Many of us thought that the Abu Ghraib scandal in Iraq was going to shake us into awakening but it seems like the things we keep learning about Guantanamo indicate there was, in fact, systematic abuse."

'The military has been cavalier'

Joe Navarro, a former FBI interrogator who has taught questioning methods and is familiar with Guantanamo, said treating prisoners poorly makes them more stubborn and unwilling to talk.

"The military has been cavalier in their attitudes toward these individuals to the point that it has been detrimental to the overall mission," Navarro told AP.

The American Civil Liberties Union has filed a Freedom of Information Act request asking for all photographs and videotapes depicting the treatment of the detainees.

Although a court ordered the government to comply with the ACLU request and turn over documents — thousands of which the ACLU has received — the government has refused to provide videos, citing privacy concerns, said Jameel Jaffer, an ACLU attorney.

Although the extraction team actions are videotaped, interrogations with detainees aren't.

The use of female guards and interrogators has created controversy.

A former Army linguist who served at Guantanamo as an Arabic translator from December 2002 to June 2003 wrote in a draft manuscript that female interrogators tried to break Muslim detainees by sexual touching, wearing a miniskirt and thong underwear and in one case smearing a Saudi man's face with fake menstrual blood. The draft written by former Army Sgt. Erik R. Saar was obtained by AP, which reported on its contents last week.

About 545 prisoners from some 40 countries are being held at Guantanamo Bay, Cuba, most accused of links to Afghanistan's ousted Taliban regime or al-Qaida terror network.

Associated Press Writer Paisley Dodds is based in San Juan, Puerto Rico, and has been covering the U.S. detention mission at Guantanamo Bay, Cuba, since it began in 2002.

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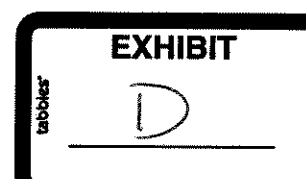
INSIDE THE WIRE

A MILITARY INTELLIGENCE SOLDIER'S EYEWITNESS

ACCOUNT OF LIFE AT GUANTÁNAMO

ERIK SAAR
AND VIVECA NOVAK

THE PENGUIN PRESS
NEW YORK
2005



from the Koran. "Come on in." We told the guard commander that the Brit seemed intent on being our first genuine holdout. We knew the MPs might call in an IRF. I still hadn't seen one in action.

The guard commander came to talk to the detainee himself. He tried everything in the book. Mo stopped by the cellblock to see if having a native linguist in the mix helped. Not this time.

The commander radioed the IRF team leader and told him to start moving in. Before I saw anything, I heard a detainee in the end cell shout, "Allah al-Akbar." God is great, the common cry when the shit was hitting the fan. Then loud, synchronized stomping as five soldiers entered the block in helmets, over-the-knee shin pads, chest protectors, and thick black-leather gloves. The first soldier in line carried a clear plexiglass shield. They walked in step, each hanging on to the waist of the soldier in front of him. It was like a scene from some storm trooper action film. They were in no rush; the psychological effect of their march down the corridor, boots echoing off the metal floor with frightening, deafening thuds, was powerful. One NCO was following the group with a video camera. I was told the tapes were used for training.

The detainee very slowly kissed his Koran, closed it, placed it in its white covering, and set it on his cell ledge. Then he stood up and took off his orange shirt. He was thin but had a wiry build with sharp muscle definition. We later learned that he'd been a kickboxer at home. The guard commander offered