

**Military Commissions:  
Pre-Trial Hearings, 9/11: Khalid Sheikh Mohammad, et al.  
January 20–31, 2020  
DEPOSITION TESTIMONY of  
Dr. JAMES. E. MITCHELL and Dr. BRUCE JESSEN  
Witnesses for the Defense**

Judicial Watch observed the January 20–31, 2020, pretrial hearings for the 9-11 military commission from the telecast facilities at Fort George G. Meade in Maryland. The Monday session was closed for classified arguments, but the remaining sessions were attended by members of the prosecution team, defense teams, NGOs, and members of the public with family ties to the defense teams. Media presence was also high, with the added attendance by those who infrequently observe these hearings.

Although the morning of the first day of hearings began with objections to and arguments for and against examining the witnesses, the substance of the remaining hearings over the next two weeks featured the examination and cross-examination of Dr. James E. Mitchell<sup>1</sup> concerning the personnel, event locations, and fundamentals of the CIA's renditions (RDI) program and Enhanced Interrogation Techniques (EITs). The final day of the hearings marked the beginning of Dr. Bruce Jessen's examination on the same topics. At the end of the hearings, defense counsel moved to compel Dr. Jessen's return to GTMO for further testimony. The judge, however, did not believe that that was within the scope of his authority and suggested instead that Dr. Jessen continue his testimony by telepresence, if he was not available to come to GTMO.

The telecast security lock-out button was activated several times over those two weeks to prevent the potential dissemination of classified information, causing the video and audio feed to go dark and silent until the judge, prosecution, and witness determined what could be said publicly. This occurred in conjunction with "asked-and-answered" objections raised by one side or the other to prevent an examiner from using imprecise and indirect questioning in an effort to elicit incongruities or frustrated revelations. It also occurred in conjunction with objections raised as to "relevance," when an examiner asked a witness to testify or opine about an absent person's writing of which he had no direct knowledge, or it was unknown if the writing had been through a security review.

*Observations:*

While the judge sustained several objections, he demonstrated a preference to overrule them. He would instead direct examiners to rephrase questions, refrain from reading to the media what was already in the record, and to ask direct questions, as opposed to stalking an answer out of the witness. The judge also allowed detainees to enter and exit the courtroom without pausing to stop the proceedings. These rulings marked a distinct difference in style from previous judges.

Drs. Mitchell and Jessen were rarely seen on camera during the hearings. When visible, they appeared to be in good physical health, wearing traditional American clothing. However, they also appeared distracted and uninterested in the proceedings. Both were ill-disposed toward the defense. Dr. Mitchell asserted that the defense had frequently over the years been responsible for publishing untruths about him and vilifying him. Dr. Jessen noted that he had informed the defense that these were the only two

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<sup>1</sup>Author of *Enhanced Interrogation: Inside the Minds and Motives of the Islamic Terrorists Trying to Destroy America*, and also a long-time contractor for the SERE Schools and the CIA.

weeks he was willing to make himself available, since he had already been involved in many cases about detainees already, and his testimony remained unchanged. The doctors provided expansive answers upon examination and were generally polite, but neither appeared to trust either the prosecution or defense counsel during questioning.

The testimony given by Drs. Mitchell and Jessen demonstrated that they were far from the stereotypical brutes portrayed in the media, but were instead thoughtful men who had been placed in a difficult position and managed to focus on the ethical completion of the tasks before them.

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*An abbreviated summary of the deposition testimony follows below. LINKS to the “Unofficial/Unauthenticated Transcripts” from the Office of Military Commissions have been provided at the end of this summary.*

**How this summary was compiled**

The summary of the questions and responses of Drs. Mitchell and Jessen were condensed from over 1,000 pages to 90 pages. Argumentation over objections, contents of documents read into the record, and nonessential banter between counsel and witnesses were excluded. Where counsel for different defendants asked substantially similar questions, the witnesses’ answers were compiled into one block, so some answers are out of order in comparison to the transcripts. Where necessary or clarifying, direct quotations are included.

**DEPOSITION SUMMARY  
Dr. James E. Mitchell and Dr. Bruce Jessen  
January 20–31, 2020  
Witnesses for the Defense**

*Arguments:*

<b>AE</b>	<b>Government</b>	<b>Defense</b>	<b>Judge</b>
(None)		<p>Defense for Bin Attash thanked judge for ruling that detainee absence for medical procedures does not require an all-day waiver, and that the detainee could enter at any time.</p> <p>Defense stated that Bin Attash's physical therapy was noted by the military as likely to cause him pain or discomfort for 24-48 hours after and requested that future trial and medical schedules take this into account.</p> <p>Defense for KSM noted that he was absent due to physical</p>	<p>Judge reiterated that the absence for medical procedures was voluntary, but that such absence would not be penalized, and detainees were free to come and go from the courtroom.</p> <p>Judge asked the government to make medical personnel aware of the trial schedule and an obligation to deconflict non-emergency appointments.</p> <p>Judge specifically directed that the detainees should all</p>

AE	Government	Defense	Judge
		therapy and would be joining the commission later.	be in attendance on the first day of a session.
680 A and 680 C			<p>Judge stated no need for further oral argument. Judge noted that, though the classified motion dealt with defense team access to the Expeditionary Legal Complex (ELC)<sup>2</sup>, it does not impact defendant and defense team privileges for moving around, in and out of the courtroom itself.</p> <p>Judge ruled to deny the KSM defense motion to abate the proceedings based on the AE 680 discussions.</p>
691			<p>Judge stated no need for oral argument and summarized the motion as a request from the Nashiri defense counsel to attend any closed sessions of witness testimony as “members of the public who happen to possess security clearances.”</p> <p>Judge stated he was not ready to rule on this because he had not ruled that any witness testimony yet required closed sessions, but also stated firmly that the public only sits in the gallery or at CCTV sites, not anywhere else, and that only counsel for witnesses was allowed to sit in the courtroom. Judge inferred that since the public is not allowed to attend closed sessions, he would not be</p>

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<sup>2</sup>The ELC is the name for the multi-defendant courtroom, the records storage facilities, the defense and prosecution work trailers, and the camping facilities for observers.

AE	Government	Defense	Judge
			likely to allow the Nashiri counsel to attend as members of the public.
Unkn.		<p>Defense for Al Balucchi approached to argue an objection.</p> <p>Defense argued several categories of disclosures:</p> <ol style="list-style-type: none"> <li>1. Unauthorized disclosures (spills).</li> <li>2. Official authorized disclosures and FOIA releases (reviewed and released).</li> <li>3. Unofficial authorized disclosures (publication review and lawyer statements).<sup>3</sup></li> </ol> <p>Defense counsel argued that “national security privilege” is only for Category 2.</p> <p>Defense for KSM approached to request relief by deferral of witness questioning until the following week to allow time for guidance review.</p> <p>Defense for Bin Attash approached to adopt the Al Balucchi and KSM arguments.</p> <p>Defense for Al Shibh approached to argue that the situation precluded discussion of published evidence with the clients, removing the usability of a public book.</p> <p>Defense for Hawsawi approached to argue that repeated changes to guidance were a systemic problem and counter to due process.</p> <p>Defense for KSM re-approached to state alarm at “all information” being changed to “specific language in the book”</p>	<p>Judge determined that the use of the book was perfectly fine, but requests for confirmation of geographic locations and personal descriptions were to be held for closed sessions.</p>

<sup>3</sup>This has frequently been used by defense counsel to skirt around the consequences for spilling information.

<b>AE</b>	<b>Government</b>	<b>Defense</b>	<b>Judge</b>
		as unclassified.	

*Mitchell Examination Summary:*

<b>Question Summary</b>	<b>Answer Summary</b>
Name?	James Elmer Mitchell.
Currently?	Living in Florida.
Does Mitchell understand the unclassified substitute personnel and location identifiers provided by the prosecution?	Yes, but the “interrogators” designation appears to erroneously include subject matter experts (SMEs), debriefers, and other non-interrogators.
What was the circulation of Mitchell's book?	Probably 40 or 50,000 copies.
Stance on classification, in association with and when writing the book?	Mitchell believes he still retains his clearance, and that he is a good custodian of information. During 2002-2006, he had a TOP SECRET//SCI with additional compartments and knew not to disclose Renditions (RDI) information, though he does not remember a particular classification guide for RDI.
How was the book written?	<p>Bill Harlowe, a CIA spokesperson, co-authored the book, and Mitchell consulted him before even writing the book. There was no fact-checking the initial draft for classification, but after it was drafted to a near-final form it went through the publication review board. The publication review board sent letters ordering what needed removal, and ultimately also the letters giving approval to leave items in and final approval for publication.</p> <p>While the CIA took a lot out of the book, the DOD removed more. The publication review board was responsible for consulting with other equity holders that might be impacted by the publication of the book, and ultimately required the addition of a disclaimer that the book was not an official CIA release document.</p> <p>Writing the book began in 2015 and took 8 months.</p>
Did the book contain any spills or unauthorized releases?	<p>While Mitchell was sued on the subject matter after he submitted the initial draft to the publication review board, the deposition about it took place after publication, so no legal spillage. He is also confident that his book was properly reviewed and approved by the publication review board.</p> <p>Until the Thursday prior to this testimony, Mitchell was aware of no indications that his book contained unauthorized disclosures. Mitchell specifically asked to use the designation/description of a deceased interpreter and was approved. He was informed that description of a person in a book was not a problem, but description</p>

	<p>in testimony or the pairing of pseudonyms with descriptions was classified.</p> <p>Mitchell noted that he was informed that personal nicknames paired with functional titles were not problems.</p> <p>If he was told his book had breached security, he would respond by buying back the publication rights and taking it off of the market.</p>
Is Mitchell here by subpoena?	Mitchell was in attendance voluntarily, not by subpoena. He was not aware of any subpoenas.
Was Mitchell approached by the prosecution or the defense?	<p>Mitchell stated that he had been approached at his house by the defense. (Appeared annoyed.)</p> <p>Mitchell noted that the prosecution had approached him eight or nine days before Christmas. He was annoyed at being locked in a SCIF alone to prepare for hypothetical questions.</p> <p>He realizes now that he is a witness for the defense, not for the prosecution.</p> <p>Mitchell acknowledged that the counsel for Balucchi had offered an outline of questions to him, but Mitchell chose not to meet with any of the defense because the defense had been saying untrue and hurtful things about Mitchell and Jessen for years.</p>
Did Mitchell have access to CIA cables?	<p>Mitchell stated that he could have had access to the cables, but that his intense travel schedule precluded him sitting down in a SCIF to read cables.</p> <p>Mitchell did see cables that pertained to interrogation and debriefing intelligence goals.</p>
What is incorrect about the Unique Functional Identifiers (UFIs) that were provided [to identify interrogators without disclosing their names]?	<p>Mitchell had originally noted misconstruction of the UFIs. Mitchell repeated that several UFIs identified participants as “interrogators” when they were debriefers and SMEs. Mitchell defined the purposes of interrogators and debriefers in the process:</p> <ul style="list-style-type: none"> <li>• Interrogators: Questioned those unwilling to provide information, and could or did use enhanced interrogation techniques (EITs).</li> <li>• Debriefers: Were mainly subject matter experts and questioned those willing to provide information, or those recently finished with EITs, and only used question-and-answer. Debriefers did not use physically or psychologically coercive methods.</li> </ul> <p>At the defense's request, Mitchell went through the list of UFIs and noted which personnel he believed to be misidentified and their actual roles in the interrogation processes:</p>

- DC1: Debriefer.
- DS7: Debriefer.
- EH1: Unfamiliar, so likely not an Interrogator.
- F1G: Not an Interrogator.
- F4C: Trained as an Interrogator.
- GK8: Unfamiliar, so likely not an Interrogator.
- HL4: Unfamiliar [likely not an interrogator/probably a debriefer].
- HV5: Debriefer.
- 12F: Unfamiliar [likely not an interrogator/probably a debriefer].
- JY8: Debriefer.
- K12: Debriefer.
- KG5: Debriefer.
- LQ3: Debriefer.
- LY9: Unknown role.
- MA2: Trained as an Interrogator.
- N4A: Debriefer.
- N75: Debriefer.
- NE5: Unknown role.
- 1: Interrogator.
- 2: Interrogator.
- 3: Interrogator.
- 4: Interrogator.
- 5: Interrogator.
- 6: Debriefer.
- NY7: Debriefer.
- NZ7: Interrogator.
- PU2: Unfamiliar [likely not an interrogator/probably a debriefer].
- QW9: Debriefer.
- QY7: Unfamiliar [likely not an interrogator/probably a debriefer].
- R19: Unfamiliar, probably a debriefer.
- SR2: Debriefer.
- SD6: Unfamiliar, probably a debriefer.
- SG1: Debriefer
- SM1: Debriefer.
- TV5: Debriefer.
- UB1: Unfamiliar, probably a debriefer.
- VC9: Debriefer.
- W87: Debriefer.
- WC2: Unfamiliar, probably a debriefer.
- WU4: Unfamiliar, probably a debriefer.
- WX7: Debriefer.
- X3L: Unfamiliar, probably a debriefer.
- X7Q: Unfamiliar, probably a debriefer.

	<ul style="list-style-type: none"> <li>• YP3: Unfamiliar, probably a debriefer.</li> <li>• Z2C: Unfamiliar, probably a debriefer.</li> </ul>
<p>Please explain how debriefers were SMEs.</p>	<p>Mitchell stated that some debriefers were SMEs, some were targeters. He defined targeters, SMEs, and analysts:</p> <ul style="list-style-type: none"> <li>• Targeters were analysts and information collectors focused on a particular person.</li> <li>• Analysts gathered and put together intelligence into a coherent picture.</li> <li>• SMEs are people who are foremost experts in their fields or subjects and were sent to ask questions because they could formulate the intelligence requirements.</li> </ul>
<p>Did Mitchell watch the detainees on camera before meeting them?</p>	<p>Mitchell said yes, possibly, probably, because they were all under constant surveillance, but he did not make it his practice to particularly watch them.</p>
<p>What “other things” did Mitchell do?</p>	<p>Mitchell outlined this daily procedure for himself and Jessen:</p> <ul style="list-style-type: none"> <li>• First thing in the morning, visit with detainee to provide schedule for the day and ask them about any problems or concerns.</li> <li>• Touch base on any complaints the detainee had, since detainees were not allowed to interact with guard force.</li> <li>• Move detainee to interrogation/debriefing room.</li> <li>• Remove any hooding applied during movement.</li> <li>• Monitor interrogation or debriefing, either from in the room (interrogations or debriefings) or via a camera (debriefings, once debriefer and detainee were comfortable with each other).</li> <li>• “Fireside chat” after an interrogation, discussing the detainee's reactions to and feelings about being interrogated.</li> </ul> <p>Mitchell also noted that there were “maintenance visits” that did not involve debriefings or interrogations, but were opportunities for the detainee to talk, have company, or communicate needs. Mitchell indicated that these activities were performed by whichever interrogator was present, and multiple interrogators at the same site would switch off performance of the duties.</p> <p>Mitchell also noted that in later phases, interrogators also did recreational activities with the detainees, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Playing basketball.</li> <li>• Lifting weights.</li> <li>• Watching movies.</li> <li>• Eating dinner.</li> <li>• Reading books.</li> </ul> <p>Mitchell later added that maintenance visits and fireside chats were</p>

	not broken out in reports, or were not always reported, because they were routine functions “like a guard moving a detainee.”
How often did Mitchell interact with Baluchi?	Mitchell did not know. Given a range, he identified more than two times, but less than 100 times.
Did Mitchell interact with Bin'Attash? Where and how?	Mitchell did interact with Bin'Attash at Location 7 as an interrogator supporting debriefings. Mitchell remembered a maintenance visit or fireside chat when Bin'Attash brought up and discussed blowing up the Afghan Buddhas.
Establishing the sequence of events in Mitchell's recruitment to develop or participate in the RDI program.	<p>Mitchell confirmed that the CIA's operational psychologist was housed in the Directorate of Science and Technology, Office of Science and Technology.</p> <p>CIA Officer DF7 called Mitchell and instructed him to return to headquarters as quickly as possible in April 2002. Mitchell was able to go to headquarters the next day. DF7 escorted Mitchell to the Counterterrorism Center and told him to attend a meeting.</p> <p>The meeting was in a packed conference room; while Mitchell considered an estimate of 40 people to be high, he conceded that it could have been attended by that many. Jose Rodriguez chaired the meeting.</p> <p>Meeting attendees included people from the Counterterrorism Center and from Alec Station. UFIs who attended were:</p> <ul style="list-style-type: none"> <li>• W87</li> <li>• DF7</li> <li>• PJ1</li> <li>• EX2 (possibly)</li> </ul> <p>The meeting announced that Abu Zubaydah had been captured in a raid in Faisalabad, Pakistan. Mitchell was not briefed on any role that the FBI played in Abu Zubaydah's capture.</p> <p>In the meeting, Mitchell was engaged as a consultant in the interrogation of Abu Zubaydah, with responsibility to observe resistance to interrogation and suggest countermeasures. There was no intent or involvement in the creating of enhanced interrogation measures in April 2002.</p> <p>Discussion during and after the meeting indicated credible intelligence that a nuclear attack by the same organization responsible for 9/11 on one or more U.S. city was imminent. This was the reason given for interrogation being necessary.</p> <p>Mitchell traveled to Location 3 the night after the April 2002 meeting. CIA personnel were on the plane, but no FBI personnel were on the plane. Mitchell did not observe the FBI being involved</p>

	in transferring Abu Zubaydah to Location 3 but did meet FBI personnel at Location 3 the same day.
Were the FBI in the hospital with Abu Zubaydah? If so, what were they doing?	Mitchell saw both the FBI and the CIA in the hospital with Abu Zubaydah, attempting to talk with him when he became conscious.
Was a photograph involved?	Abu Zubaydah identified KSM as mastermind for the 9/11 attack from a photograph he was shown.
Are the psychologists who wrote cables listed in UFIs?	Mitchell noted that one of the cable-writing psychologists did not have a UFI, but the other was ZQ5. Additionally, the chief of base wrote cables.
What is “learned helplessness”?	<p>Mitchell stated that non-psychologists in the RDI program had misappropriated the term:</p> <ul style="list-style-type: none"> <li>• In psychology literature, “learned helplessness” occurs in laboratory settings mostly with test animals. In specific example, a dog that stands on a test floor and receives electrical shocks may initially learn that by jumping over an obstacle to a different area of floor allows it to escape the shocks. When experimenters alter the experiment so that no part of the floor offers escape, the dog will exhaust itself mentally and lie down on the floor, accepting all continued shocks. This “learned helpless” state is one in which the animal concludes that there is no escape from a negative stimulus and ceases all attempts to escape, and even when a new situation is presented, the animal does not attempt to escape the new negative stimulus.</li> <li>• In the RDI program, “learned helplessness” became a fad term that appeared to mean the detainee was in a state where he would no longer offer any resistance to questions and would speak the whole truth. Mitchell noted that this is not a state of learned helplessness, because the answering of questions would still be an attempt to escape negative stimuli.</li> <li>• Actual “learned helplessness” is a transient state in human beings due to human mental resilience: admission to self that a situation was inescapable and failure to escape was not the person's own fault dissipates the helplessness. When presented with a new situation, the human will attempt to solve the problem rather than remain passive.</li> <li>• Actual “learned helplessness” would not be desirable in an interrogation program, because the detainee would become completely passive and not attempt to answer questions at all. “[I]t is something that you want to avoid.”</li> </ul> <p>Mitchell commented that the actual states that the interrogators wanted to induce relied on psychological dependency and a reduced sense of self-efficacy.</p>

<p>What are intelligence requirements?</p>	<p>Mitchell defined intelligence requirements as items of information that analysts writing reports needed in order to build those reports. He noted that some requirements might be of a criminal and past activities nature, and the analysts for those were likely developing future prosecution cases, but some requirements might be networking and future activities, and those analysts were probably working to prevent future actions. He posited that this was part of the difference between the CIA and FBI during interrogations.</p>
<p>Did Mitchell see intelligence requirements in documents?</p>	<p>Mitchell outlined this process for the days interrogating Abu Zubaydah:</p> <ul style="list-style-type: none"> <li>• Morning meeting when doctors informed all of treatment plans for the day, security reported on the state of the site, chief of base made general announcements, and an intelligence analyst announced the requirements for the day. The chief of base formulated a plan dividing up interrogation time between requirements and agencies.</li> <li>• Interrogation on a given theme or by a given agency occurred.</li> <li>• Interrogators retired to write reports and receive updated requirements. Interim meeting to discuss the next interrogation session's requirements and plan.</li> <li>• Interrogation occurred.</li> <li>• Iterated until time to stop for the day.</li> </ul>
<p>Did interrogation pressure at Location 3 include nudity, liquid diets, sensory deprivation, and sleep deprivation?</p>	<p>Mitchell did not comment on nudity, liquid diets, or sleep deprivation, but did note that the interrogations occurred in light rooms with the lights on and that the subject could see the guards, which is not sensory deprivation.</p>
<p>Did interrogators object to interrogating a nude person, and how much time did Abu Zubaydah spend nude?</p>	<p>Mitchell recalled interrogators making a point of bringing in a towel so that Abu Zubaydah could cover himself. He also noted that nudity was initially a medical debate about putting him in a diaper or keeping him nude to prevent waste from contacting his already infected leg. The physicians determined that keeping him nude would be medically advisable, and the chief of base determined that this could also be used as a psychological pressure.</p>
<p>Please comment on sleep deprivation at Location 3.</p>	<p>Mitchell noted that both sleep disruption and sleep deprivation were used:</p> <ul style="list-style-type: none"> <li>• Sleep disruption: Keeping the subject awake for 24-48 hours, then allowing only three or so hours of sleep, preventing the attainment of much REM sleep and so reducing ability to plan ahead.</li> <li>• Sleep deprivation: Preventing sleep for 48+ hours.</li> </ul> <p>When pressed, Mitchell indicated that sleep disruption was most usually used, but still believed his statement written in his book that Abu Zubaydah had been subjected to 126 hours of sleep deprivation to be true.</p>
<p>What were the discussions about</p>	<p>Mitchell recalled that the interrogators pitched Abu Zubaydah and</p>

<p>the role of isolation in the interrogation of Abu Zubaydah?</p>	<p>he rejected the pitch. The interrogators then “went Sipowicz” on Abu Zubaydah, which involved a lot of cursing. Abu Zubaydah responded in kind, then shut down and refused to speak further. Since the interrogators were aware that Abu Zubaydah enjoyed speaking, they proposed isolation to exhaust him of silence. Mitchell assessed that the isolation phase was likely coordinated with CIA headquarters, since the chief of base rarely did anything not coordinated with headquarters.</p>
<p>About the proposed mock-burial?</p>	<p>Mitchell and FBI Agent Steve Gaudin proposed a mock-burial as part of a threat-and-rescue scenario to develop rapport between Abu Zubaydah and the FBI agents. The FBI had been considering shifting to an entirely non-coercive interrogation model, but needed to regain Abu Zubaydah's trust, so Mitchell proposed the CIA burying or threatening to bury the detainee, and the FBI putting a stop to the threats or action.</p>
<p>How did SERE techniques become involved in developing EITs?</p>	<p>Mitchell recalled that CIA was getting more and more information that an attack was imminent, so called personnel for another meeting about interrogation techniques. Mitchell and Agent Gaudin had discussed their mutual experiences with the SERE program while at Location 3, and Mitchell learned that independent discussions of SERE were occurring simultaneously at CIA headquarters.</p> <p>Mitchell noted that the CIA may have approached him about sere techniques because he published a paper titled “Recognizing, Encountering Al Qaeda Resistance to Interrogation Techniques: A Resistance Training Approach” that sourced resistance behaviors to the Manchester Manual and discussed SERE resistance training that complied with the Geneva Conventions.</p> <p>When consulted at the meeting, Mitchell did recommend considering SERE techniques.</p> <p>Mitchell stated that his recommendation of SERE techniques was intended to prevent abusive drift (where coercion takes harsher and harsher forms), because SERE techniques came packaged with a mandated medical and psychological supervision and oversight.</p>
<p>What role does the use of euphemism have in abusive drift?</p>	<p>Mitchell noted that the increased use of euphemism allows the user to mentally distance from what is happening, and to feel entitled to use harder pressures to try to manipulate the subject. Euphemism also dehumanized the subject, making escalation of pressures more palatable to the user.</p>
<p>“If a little bit is good, a lot must be better”?</p>	<p>Mitchell reported two factions of thought on Enhanced Interrogation Techniques, one being to maintain control of the process within limits dictated by the health of the subject, the other being to induce pain until the subject's answers became consistent.</p>

	Mitchell expressed concern that continual or escalating pressure generates false information.
How did Mitchell come to be physically/personally involved in developing the EIT program?	Jose Rodriguez waylaid Mitchell on the way out of a meeting about EITs and asked him to participate in performing the SERE techniques.
About cables.	Mitchell did not write cables. He participated in “hot washes” where the writers noted what they intended to put in the cables, but he had no control or other input into the cables. He did not review the cables either before or after they were sent to headquarters. Mitchell noted that his recent review of cables showed them to emphasize drama, and he speculated that this was to attract headquarters' attention.
What is “the conditioning strategy”?	<p>Mitchell outlined the conditioning process as containing two parts and a consequence:</p> <ul style="list-style-type: none"> <li>• “Classical conditioning” increased a person's distress.</li> <li>• “Operant conditioning” decreased that person's distress when that person showed evidence of cooperating.</li> <li>• After the classical and operant portions, the conditioning caused the person to appear nervous when attempting to deceive.</li> </ul> <p>Mitchell noted that this worked only on detainees who had not been trained to resist interrogation, and not on Abu Zubaydah who had been trained in resistance.</p>
What did Abu Zubaydah know/what did the analysts think he knew?	<p>Initial intelligence requirements focused on identifying operatives within the U.S. and procedures indicative of a dirty bomb attack. Given the amount of information Abu Zubaydah was able and willing to offer on people identified through photographs and communication procedures outside of the U.S., Mitchell, Jessen, and the analysts concluded that the detainee did not actually know much about the U.S. Mitchell and Jessen determined not to waterboard him for that information due to counter-productivity and a concern for the detainee's health.</p> <p>Mitchell noted that when Abu Zubaydah was captured, he had in his possession a lot of tapes taking credit for various attacks in the U.S., which gave him the appearance of planning or knowing plans of attack.</p>
How did the chief of station feel about continuing waterboarding?	Mitchell recalled the chief of station taking a neutral stance toward ceasing or continuing waterboarding.
What was the CIA headquarters response to cessation of waterboarding on this issue?	Mitchell noted that headquarters was under pressure to produce information about threatening activity in the U.S., so accused the interrogators of squeamishness. Headquarters middle management noted that as a contractor, Mitchell could be changed out. Mitchell identified one of the middle management personnel as

	having the UFI “W87.”
Why did Mitchell invite the chief of station to witness waterboarding in the interrogation room?	<p>Mitchell cited two reasons:</p> <ul style="list-style-type: none"> <li>• Watching something via television or monitor allows for an inappropriate psychological distance and possibly an anesthetization.</li> <li>• To that point, only Mitchell and Jessen and the guards had appeared on tape performing waterboarding. If an escalation was going to happen, Mitchell wanted a record that the CIA was aware of and involved in this process.</li> </ul>
(Mitchell requested the opportunity to explain and clarify the process and numbers of pours in waterboarding.)	<p>In DOJ guidance, initial concept was one pour of water from 20- to 40-seconds long, a pause for three full breaths, and then a repeated application for up to 20 minutes. Mitchell calculated that at 30 seconds for a single 20-second pour and three breaths, a 20-minute session would have up to 40 pours.</p> <p>In actuality, Mitchell determined that 20 seconds of water “was too much water,” so he modified the procedure to three-second pours instead. Abu Zubaydah quickly received three-second pours instead of 20-second pours. A three-second pour still filled the pressure needed but did not occlude Abu Zubaydah's breathing.</p> <p>Mitchell noted that the total number of pours recorded looks excessive, especially if they were assumed to be 20-second pours, but the number is actually less than the number allowed and mostly consisted of three-second pours.</p>
About the run-up to a teleconference to discuss discontinuing waterboarding.	<p>Jose Rodriguez found out that Mitchell's base was requesting a teleconference and ordered it to happen when middle management did not initially grant the conference.</p> <p>The chief of base sent daily cables informing middle management of the continued waterboarding.</p> <p>Mitchell asked the site's criminal investigator to put together a video of the most dramatic segments of waterboarding over several sessions for use during the teleconference. The chief of base sent a cable notifying that the teleconference intended to use a video. All members of the base except for the guards actively monitoring Abu Zubaydah attended the teleconference.</p>
About the teleconference.	<p>The CIA headquarters end of the teleconference was a full conference room. Attendees were physicians, lawyers, targeters, and the Alec Station/middle managers.</p> <p>Mitchell invited headquarters to send the most skeptical person who adamantly believed Abu Zubaydah was withholding to view waterboarding from within the interrogation room. The teleconference attendees agreed to this.</p>

	<p>After viewing the video and hearing discussion in the teleconference, headquarters directed that waterboarding should continue for two or three more weeks. Mitchell and colleagues responded that they would not waterboard until the team of observers had been sent, and at that point they would waterboard Abu Zubaydah one more time.</p>
<p>Did the cables Mitchell reviewed to prepare for testimony give him the sense that the people attending this meeting came in with an understanding of the realities of waterboarding?</p>	<p>Mitchell said no but caveated that part of the willingness to push ahead with waterboarding probably resulted from having been faulted for not preventing 9/11 by Congress. Even if the realities of waterboarding had been understood, they were under pressure to prevent any further attacks without fail.</p> <p>Mitchell recalled personnel not at the base referring to waterboarding with an equivalence to startlement stimuli like belly slaps.</p>
<p>After the teleconference, how did Abu Zubaydah respond?</p>	<p>Mitchell recalls using few EITs, because Abu Zubaydah was providing information in a way that did not call for them.</p>
<p>Who was the skeptical person leading the observation team when it arrived? Who else was on the team?</p>	<p>Mitchell identified the team leader by the UFT W87. He also recalled a CTC senior attorney with the UFI PJ1.</p>
<p>What happened when the team arrived?</p>	<p>Mitchell noted that the team brought maps, charts, and photographs, and debriefed the detainee.</p> <p>Regarding the waterboard session, the team initially planned to leave after debriefing without viewing a waterboard session, but when team members expressed that they would probably direct Mitchell to begin waterboarding again, Mitchell and Jessen objected. In order to continue waterboarding, the team needed to witness a session. Mitchell demonstrated a session with 20-second pours, multiple three-second pours, and a 40-second pour. The team agreed that waterboarding was not necessary and did not need to continue.</p>
<p>What about the tapes?</p>	<p>When Mitchell was finally made aware of and provided Abu Zubaydah's tapes, he played them for the detainee and asked about them. Abu Zubaydah explained that he wanted to start a terror cell, and the tapes were for attacks that hadn't happened yet that he could release to claim credit if they did happen, thereby attracting donations and recruit interest. Mitchell described this as a marketing scheme gone wrong.</p>
<p>How did members of the CIA view waterboarding and its effects?</p>	<p>Mitchell recalled at least one person who seemed to have a mistaken "helplessness model" where enough waterboarding put a detainee into a permanent state of mind where a question was asked, an additional session of waterboarding was applied, and an answer was</p>

	<p>provided. Mitchell explained that neither was the detainee rendered helpless, nor was there a permanent state when a detainee would offer no further resistance. He noted that the detainees were resilient and did not capitulate to questioning automatically. Capitulation happened on a case-by-case basis and did not depend on application of waterboarding.</p> <p>Mitchell also noted that untrained personnel seemed to think that truthful answers came out during the application of physical pressure. This was not the case.</p>
<p>What is Pavlovian-conditioned neurosis, and what are the symptoms in a human?</p>	<p>Mitchell described Pavlovian-conditioned neurosis as similar to “learned helplessness,” but is brought on by the anxiety of being unable to determine the course of action least likely to result in negative responsive stimulus. He described an experiment where a dog is trained to tap shapes with its nose. Tapping a circle results in no electric shock but tapping a square results in an electric shock. As researchers modify the two shapes to look progressively alike, the dog is unable to identify what shape will allow it to escape an electric shock and starts exhibiting anxious behaviors instead of trying to choose a shape.</p> <p>Mitchell was unable to provide human symptoms of Pavlovian-conditioned neurosis, citing unawareness of any experiments having been performed on human beings.</p>
<p>How was Bin Al Shibh captured?</p>	<p>Mitchell recalled that the CIA was intent on capturing Hassan Ghul, but Abu Zubaydah repeatedly refused to “speculate” on that target’s location and activities. But when asked how he would find Hassan Ghul, Abu Zubaydah gave the name of the man in Pakistan who kept Hassan Ghul’s apartments. The apartment-keeper gave the current address for Hassan Ghul, but Bin Al Shibh was staying there with known Al Qa’eda members instead of Hassan Ghul when capture forces arrived.</p>
<p>Did every interrogator who questioned the detainees follow the Mitchell and Jessen methodology?</p>	<p>Mitchell stated no.</p>
<p>Why did Mitchell say that he thought COBALT was headed for trouble?</p>	<p>Mitchell assessed the COBALT site as poorly run and too chilled for the people who were being confined in facilities that looked like horse stalls. He confirmed that Dr. Jessen spent several hours cataloguing deficiencies, and that they both personally wrote a cable about the problems. The cable also recommended that EITs not be applied to Ghul Rahman due to his already-high resistance posture, and that physicians be brought in to evaluate and treat. Mitchell noted that Ghul Rahman died of exposure later.</p>
<p>This was on November 12<sup>th</sup>? That was the same day the</p>	<p>Mitchell did not recall the date, but when presented with a transcript of a deposition of his testimony from a previous case, he stated that</p>

Bureau of Prisons was training indigenous guards for the location and NX2 “The New Sheriff” was beginning to train others in his own version of interrogation.	he had reason to believe his words then had been true.
Describe the stalls at COBALT.	<p>Mitchell described closed horse stalls kept in the dark. The stalls were equipped with tie-down points for chains, a blanket, and a bucket.</p> <p>When shown a photograph, Mitchell expressed doubt that that was a cell from COBALT but could not rule it out entirely.</p>
Describe the interior of the hosting building.	Mitchell described a large space with a high ceiling and noted that it was dark.
Was there any sound or music?	Mitchell did recall music playing.
Identifying elements of the interrogation rooms at that location.	<p>Mitchell specified the following, both under questioning and when supplied a photograph to consider:</p> <ul style="list-style-type: none"> <li>• Halogen light, “like you would find in a garage,” with a yellow cord.</li> <li>• No heater.</li> <li>• Plywood walls, not red.</li> <li>• Water bottle(s).</li> </ul>
What is “short chaining?”	Mitchell noted that he had not heard the term before Ghul Rahman's death, but knows it to be tethering the detainee to keep him on the floor.
Why did the CIA create a training program of its own? How was the Joint Personnel Recovery Agency (JPRA) involved?	<p>Mitchell was told that the CIA had liked the results that he and Jessen had been getting, and so decided it needed a non-contractor unit to do the work.</p> <p>Mitchell did not recall if he knew about this effort in advance, but he was never consulted on it.</p> <p>The JPRA performed SERE techniques on CIA personnel in early training, but Mitchell understood that they did not teach these techniques. The JPRA personnel involved were likely Joseph Witsch, Terrence Russel, and Gary Percival.</p> <p>About a year after that training program started, KM4 asked Mitchell and Jessen, through C12, to attend some training sessions. The sessions went well while the physicians and lawyers spoke, but when NX2 began demonstrating stress positions, he showed unauthorized technique modifications, such as placing a broom handle behind the knees of a kneeling person. Mitchell recalled seeing NX2 had placed a broom behind Nashiri's knees during an interrogation, and actually pressed Nashiri backward past the 45-</p>

	<p>degree angle approved by the DOJ in the original stress position that did not involve a broomstick. With Nashiri's shoulder blades on the floor and a broom handle behind his knees, Mitchell was concerned that Nashiri's knees would dislocate.</p> <p>Mitchell remembered NX2 also misapplying a standing stress position by having Nashiri lean against his forehead against a wall, and when he was about to fall out of the lean, the interrogators pushed Nashiri's forehead against the wall. Mitchell was concerned that this would induce a neck sprain.</p> <p>Mitchell recalled a third unauthorized technique that NX2 applied to Nashiri, which involved binding the detainee's elbows together behind his back, bending the detainee forward, and lifting the detainee's arms up away from his back.</p> <p>When NX2 was teaching to put a broomstick behind a subject's knees, Mitchell and Jessen left the training and called C12 and KM4, who removed NX2 and told him, "Knock that shit off." Mitchell believed that marked the last time that the broom handle was used in a training.</p>
<p>About stress positions.</p>	<p>Mitchell noted that, when properly applied, stress positions are generally safe because they are designed to only be held until the body gets tired. Improperly applied stress positions, usually where a person or prop forces the subject into an unnatural position, increase the risk of injury.</p> <p>A kneeling stress position was one where the subject had knees and shins on the floor and leaned back to a 45-degree angle.</p> <p>One of the standing stress positions had the subject place his or her fingertips against a wall and lean toward the wall.</p>
<p>Was NX2 ever disciplined for training misapplied stress positions?</p>	<p>Mitchell did not know. He defined NX2 as a "middle manager in the Agency" and noted that contractors were not in the chain of command or communication about discipline.</p>
<p>Did NX2 discuss or train "learned helplessness?"</p>	<p>Mitchell did not recall hearing NX2 use the term "learned helplessness," but did hear NX2 training about "breaking" the subject. NX2 believed that causing the subject to obey every order would lead to quicker and more truthful responses to questioning, and his definition of "breaking" seemed to be to use EITs to force a state of compliance.</p> <p>(Note: The statement appears to have been redacted in the transcript, though it was neither blocked during transmission nor noted for embargo, but Mitchell said that NX2 had learned from and been involved in interrogation with the Contras or the Sandanistas, so he was advocating techniques he learned to be effective from them. On</p>

	<p>page 108 of Mitchell's "Enhanced Interrogation," the CIA authorized release of the statement that NX2 intended "using an approach he had employed while working in Latin America.")</p>
<p>About NX2.</p>	<p>In response to questions, Mitchell recalled about NX2:</p> <ul style="list-style-type: none"> <li>• NX2 disliked not being in control of contractors, and subsequently refused authority or expertise by contractors.</li> <li>• NX2 had a cadre of five-to-eight "acolytes" who insulated him from reports to upper management.</li> <li>• NX2 responded to Mitchell's informing the Attorney General of excesses and improper techniques by portraying Mitchell as a disgruntled contractor trying to retain a contract.</li> <li>• MA2 was not an NX2 acolyte ("oddly enough"). Mitchell identified MA2 as the other primary instructor in NX2's training.</li> <li>• Mitchell did not know X3L to identify or acquit the person of being an NX2 acolyte.</li> <li>• Mitchell identified NZ7 as an acolyte, and Interrogator Number 3 as someone who worked closely with NX2 at Site 4.</li> <li>• LQ3 was not an NX2 acolyte.</li> <li>• PU2 was probably an NX2 acolyte.</li> <li>• Mitchell's first meeting with NX2 occurred at Location 4, where NX2 claimed chief interrogatorship and stated that Mitchell's services would not be required but refused Mitchell permission to leave Location 4. NX2 stated that there were techniques that he could not perform without Mitchell's presence, because Mitchell was the only one authorized to perform them, however NX2 refused Mitchell permission to participate.</li> <li>• Part of NX2's interrogation plan was to place Nashiri and Abu Zubaydah back into EITs (which they had been taken out of) because, "They are f[...] terrorists who are lying." Mitchell assessed that both detainees were providing actionable intelligence, and that reapplying EITs would potentially interrupt, so EITs were unnecessary.</li> <li>• NX2 sometimes appeared to employ EITs to give new interrogators experience for purposes of certification.</li> <li>• "There are two kinds of people in the world in my view, there are those people who ask permission and those people who ask forgiveness. He's an ask forgiveness kind of guy."</li> <li>• NX2 may have been suffering from cancer and intent on dying with his boots on.</li> <li>• NX2 was later dismissed for continued use of broomsticks on detainees in kneeling stress positions.</li> </ul>
<p>What was sleep deprivation (less than 72 hours)?</p>	<p>Mitchell described this as placing the subject in a standing posture (or, in the case of leg injuries, an upright seated posture) with arms suspended from the ceiling at chest level below the heart. Arms</p>

	could be raised above the heart temporarily, for 45 minutes or something, but they had to be lowered again for blood circulation and breathing.
Did NX2 demand compliance from detainees in the way portrayed in “Zero Dark Thirty”?	Mitchell said no.
Did NX2 make references to mats?	Mitchell said no.
Was “lie by omission” a conventional term used in cable traffic? What does it mean?	Mitchell confessed ignorance of any “conventions” in cable language, absent a list, but stated that “lie by omission” was and would be understood to mean that the subject answered questions but left information out.
When a detainee did not receive solid food due to non-compliance, was that detainee given Ensure?	Mitchell confirmed that it was mostly Ensure, but that it could also be some other meal-replacement drink. Meals were coordinated with a physician who monitored the detainee's weight and dictated the number of calories to be supplied per day to keep the detainee stable.
If the on-site physician responsible for monitoring detainees felt that a standing sleep deprivation position did not comply with medical practice or regulations, was the physician supposed to interrupt?	Mitchel confirmed, indicating that the Office of Medical Services had drafted guidelines to be followed for treatment of detainees. He indicated that it was possible the guidelines had been modified to allow extended sleep deprivation postures where hands were suspended at eye level, as was reported to be used with Baluchi, but that physicians were to interrupt if a technique was not medically approved.
What is the proper technique for walling?	<p>Mitchell related that it required eight feet of purpose-built hollow wall composed of quarter-inch plywood with a clapper behind it, so that the wall is springy and makes an inordinate amount of noise. The interrogator grasps the subject by the lapels/shirtfront, with the backs of the interrogator's hands against the subject's chest (not the knuckles because, “you don't want to punch them into the wall”), and pivots the subject on his or her ankles so that the mid-to-upper back strikes the wall without bruising. The head and neck do not hit the wall on the initial strike, nor on the rebound.</p> <p>Since the plywood sheets were mounted horizontally, the walling walls usually had burlap and some padding over them, so that the expansion and contraction of the plywood did not pinch the subject. “It's about the noise more so than about pain. [...] [I]t's not painful, it's like riding a roller coaster.”</p> <p>Mitchell described a device made out of a rolled bath towel and duct tape that resembles a cervical collar, which is looped around behind the subject's neck to keep the head forward and not making contact with the wall or suffering whiplash.</p>

	Improper technique in walling should prompt the physician to interrupt and check the subject immediately for health factors.
What was the walling wall at COBALT?	Mitchell remembered the wall at COBALT looking like a regular wall and feeling too solid to be a walling wall. It also had no burlap covering. He suggested that there may have been a walling wall purpose-built after he left. No walling occurred while Mitchell was at COBALT.
What is Mitchell's experience with walling?	<p>Mitchell first learned about walling when it was performed upon him in combat and survival training courses. The commander asked him to train the instructors in abusive drift and other psychological dangers involved in using coercive force, so he asked to see the construction of the walling wall and learn how to apply the walling technique. He has repeatedly experienced and taught basic and advanced SERE courses that involved walling.</p> <p>When new instructors were being trained in the walling technique, Mitchell asked to be the subject so that he could feel if the students were applying the technique incorrectly.</p> <p>Mitchell dated his first experience with walling to 1988, with continued involvement starting in 1990, coincident with his stint as the SERE psychologist at the Air Force Survival School.</p>
Was Mitchell aware that NX2 had newly trained interrogators practice on Baluchi?	Mitchell stated that he was aware of that being one of the allegations in the trial, but he had not been aware of it when it was happening or before it was alleged.
What is abusive drift?	<p>Mitchell explained abusive drift as a moral disengagement theory by Albert Bandura that follows the general sequence:</p> <ul style="list-style-type: none"> <li>• Apparent justification of action.</li> <li>• Euphemism for action.</li> <li>• Dehumanizing euphemism for recipient of action.</li> <li>• Etc.</li> </ul> <p>Mitchell guided the court through reading Bandura's flow chart on abusive drift from the book <i>Social Foundations of Thought and Action</i>.</p>
Who was authorized to use the waterboarding technique after the capture of KSM?	Mitchell, Jessen, and NZ7.
Was NX2 permitted to use waterboarding?	Mitchell said no.
Did Mitchell hear of any waterboarding being done at COBALT?	Mitchell had heard a rumor that there was a waterboard at COBALT, and also that there was water dousing being done at COBALT in such a way that it could be mistaken for waterboarding.
Definition of water dousing	Mitchell witnessed water dousing where the subject was standing

<p>offered by Mitchell.</p>	<p>and being sprayed with a hose. No water entered the nose and mouth. Guidelines required that the subject had to have the opportunity to get dry, that the water had to be a certain temperature, and that someone had to monitor the subject for signs of hypothermia.</p> <p>Mitchell expressed concern that a person being doused on a board could easily be splashed in the face.</p>
<p>What appears to be Baluchi's role in some of the interrogation sessions in some of the reports?</p>	<p>Mitchell read several reports and indicated a few times where EITs were performed to excessive numbers. He interpreted from the numbers and from interviews in the reports that Baluchi was sometimes the subject of EITs in order to provide training interrogators with practical experience. In response to further questioning, Mitchell noted that his own practice was to have interrogators use the techniques on each other in order to provide a sense of how it feels to enact and to receive, and that repeated use on the same subject detainee would increase the risk of minor injury.</p>
<p>Was it standard across the RDI program to inform detainees of adverse consequences in the event that cooperation ceased?</p>	<p>Mitchell answered yes.</p>
<p>What was the role of intelligence requirements in an interrogation?</p>	<p>Mitchell related that the intelligence requirements gave the interrogator a question to ask first, to determine if the detainee would cooperatively answer it before any interrogation techniques had to be used. If the question was not answered, it would become the bridging question that began and ended each interrogation session until it was answered. Over the course of several sessions, Mitchell recalled the subject matter experts writing the intelligence requirements adding extra details to allow multiple wordings of the question.</p> <p>If the bridging question was answered or partially answered at the beginning of the session, Mitchell and Jessen would use no EITs for the duration. If no answer was given to the bridging question, Mitchell and the interrogators he trained began EITs and asking other questions for other intelligence requirements. If the detainee began answering questions, the EITs would stop.</p>
<p>As an interrogator, did Mitchell make up the questions, or were they always informed by the intelligence requirements?</p>	<p>“I'm not the guy to make up questions. Occasionally, I would ask follow-up questions to clarify an intelligence requirement [...] If it was about smuggling routes, I might ask the person 'Who did you see along the route?' or [...] 'How is the rout marked?' [...] But I didn't sit down myself and come up with intelligence requirements.”</p>
<p>Did intelligence requirements sometimes include photographs?</p>	<p>Mitchell said yes. The intelligence requirements would come to a debriefer or subject matter expert, who would supply the interrogators with whatever might be required for the detainee to answer a question. Sometimes that included photographs.</p>

	<p>Sometimes, the subject matter expert did not have a hard copy of an intelligence report or other necessary item, so Mitchell recalled using an agency search engine to find the report or item that would inform the questions to be asked.</p>
<p>What happened to intelligence received from the detainees?</p>	<p>Mitchell remembered that someone would write a draft intelligence report, the chief of base approved the draft, a formatter placed it into the correct format, the report went to headquarters, and headquarters turned it into a report for dissemination to those with need to know.</p>
<p>Was Mitchell ever informed that Baluchi had any psychotic symptoms, or did Mitchell ever examine Baluchi in the role of a psychologist?</p>	<p>Mitchell answered no.</p>
<p>When Mitchell mentioned that “a detainee would bring it up,” what did that mean? (Note: “It” was the prospect of being returned to receiving EITs.)</p>	<p>Mitchell gave an example, “Khalid Shaikh Mohammad and I had lots of discussions during the fireside chat about his reactions to him being subjected to EITs. And then, later on, we had additional discussions about that. But it wasn't about threatening him to go back, you know. It was about what-- We were trying to understand how to get jihadi males to cooperate with us and answer our questions without using EITs. And so, a big piece of our push was to try to understand their belief system, so that we could couch our request so that it matched their belief system. And to do that, we had to discuss their reactions.”</p>
<p>Where would a return to EITs fit in a jihadi male's belief system?</p>	<p>Mitchell related that Abu Zubaydah believed that Allah would not punish him for answering questions after resisting for as long as he could and would also not expect him to go back to resisting if he was just going to hit a limit of his abilities again. KSM later confirmed this.</p>
<p>How did the use of the towel collar and Pavlovian conditioning interact?</p>	<p>Mitchell explained that a detainee, associating the towel collar with the discomfort of walling, would start to feel that discomfort even in the absence of walling, and might be more inclined to answer questions without the EIT being applied if the collar was placed at the beginning of the session. Later, the collar could just be present without the detainee wearing it, and the same effect would be achieved. Eventually, even the mention of the towel without its physical presence might cause the reaction.</p> <p>Mitchell noted that the goal was to cause the detainees a sense of relief and safety in answering questions.</p> <p>In response to further questions, Mitchell stated that Pavlovian conditioning is transient in humans, quickly fading if object is no longer paired with uncontrolled response. “If these conditioning responses were as permanent as people would like them to think, there would be no psychological problems, and no one would smoke.”</p>

About debriefers:	<p>During questioning, Mitchell related the following about debriefers:</p> <ul style="list-style-type: none"> <li>• Debriefers generally rotated through with maximum times of a few weeks.</li> <li>• Multiple debriefers met with a detainee under interrogation per day.</li> <li>• Interrogators stayed in the room with the detainee and debriefer to both monitor the detainee and to provide an interpretive link between detainee and debriefer.</li> <li>• Some debriefers had unrealistic expectations of detainee memory, so Mitchell wrote a paper on memory efficacy for the CIA.</li> <li>• Debriefers were on the intelligence model, looking for datapoints for future information, not seeking confessions of past deeds.</li> </ul>
Law enforcement interviews:	Per Mitchell, the FBI and other law enforcement agencies focused on interviews that gained information to allow them to catch perpetrators and convict perpetrators for crimes. They were interested in confessions.
Were any detainees informed of a right to remain silent, retain counsel, or speak with their consul?	<p>Mitchell indicated that if they were, it was not in sessions he was privy to. He did that during an assessment of what KSM was willing to talk about voluntarily, KSM had first declared himself to be “the mastermind behind 9/11” and when informed that the CIA's interest was in information to stop current and future actions in the U.S., responded, “Maybe I'll talk when I get to D.C. and meet that cowboy Bush and get a lawyer.”</p> <p>Mitchell did not know all of the CIA's reasoning for denying contact with friends, family, and representation, but understood part of it to be that the detainees were parts of hostile organizations that could be directed with passed signals.</p>
Might a cordial relationship with detainees be attributed to Stockholm Syndrome?	Mitchell doubted that Stockholm Syndrome was responsible, because that syndrome requires that both the captor and the captive fear the same outside authority. The necessary conditions were not in place for Stockholm Syndrome.
Did Mitchell service any intelligence requirements submitted by the 9/11 Commission?	Mitchell said yes. The person responsible for making or taking reports informed him when a requirement was sourced from the 9/11 Commission. The main difference between 9/11 Commission requirements and regular requirements was that the Commission sought past information, where the CIA sought current and predictive information.
[Many photographs of rooms and of cell furnishings were presented.]	[Most of Mitchell's responses were redacted.]
About interrogations:	Mitchell affirmed that debriefers and interrogators sometimes asked detainees to repeat stories and information told to other debriefers.

	<p>This was to encourage memory of other details to add to the collected intelligence.</p> <p>Mitchell noted that efforts were made to prevent debriefing from interrupting detainee prayer time, but that urgent information sometimes did take up prayer time.</p> <p>Detainees were allowed time off for illness. Mitchell related that if the interrogator making the first check of the morning discovered the detainee had a headache or other problem, debriefings were arranged around that.</p> <p>Debriefings usually started with social questions into how the detainee was feeling. With Baluchi in particular, debriefers were generally respectful and cordial. For all detainees, “how's it going” visits sometimes included food and beverages, but these were not usually brought into debriefings.</p>
<p>About Baluchi:</p>	<p>Under questioning, Mitchell stated the following about Baluchi:</p> <ul style="list-style-type: none"> <li>• Baluchi never appeared disoriented or confused.</li> <li>• Baluchi sometimes appeared unhappy, commensurate with his condition as a captive.</li> <li>• Baluchi never exhibited anxiety in Mitchell's sight.</li> <li>• Baluchi did not appear fearful.</li> <li>• Mitchell saw no signs or behaviors from Baluchi that would indicate the detainee was unable to participate in the debriefings.</li> <li>• Baluchi at no time lost the ability to offer statements favorable to himself.</li> <li>• Baluchi was distracted by real objects, but never by an “internal motivation.” Mitchell saw no signs of hallucination or disassociation.</li> <li>• While Mitchell could not attest to the truth or accuracy of Baluchi's statements, the detainee appeared to give sufficient levels of detail.</li> <li>• Nobody touched Baluchi or threaten to harm him during the briefings Mitchell attended.</li> <li>• Detainees were provided writing material for use in debriefing sessions, sometimes, so Baluchi may have brought notes.</li> <li>• Baluchi sometimes identified photographs.</li> <li>• Mitchell did not know of Baluchi seeing any documents and posited that the CIA would need to grant special dispensations for that to occur.</li> <li>• In the debriefings that Mitchell attended, nobody asked Baluchi how he had been treated in the hard times and he never brought it up himself.</li> <li>• Hypothetical decision to never answer another question</li> </ul>

	<p>would have resulted in a return to cell to reconsider, and a debriefer consultation with headquarters to determine if the detainee was likely to have any further actionable intelligence. If further intelligence was suspected, optional comfort items would be removed with indication that they could be earned back through answering questions.</p>
<p>Was Mitchell involved in developing non-coercive interrogation measures?</p>	<p>Mitchell stated that he had written a whole manual on non-physically coercive interrogation measures for the CIA. The measures focused on the use of social pressures and manipulation of environment to match where detainee worldview would allow more liberal question-answer exchanges. The manual was completely independent of FBI and Army field manuals. The manual was titled <i>Shifting Priorities</i> and was over 100 pages long.</p>
<p>Formation of Mitchell, Jessen, and Associates (MJA):</p>	<p>The company was formed in 2005 to provide continuing education to psychologists supporting the warfighter, Mitchell said. It was used to apply for the CIA's initial contract because Mitchell and Jessen assumed that forming a different company would take too long for them to be able to apply.</p>
<p>The contract the CIA held with MJA had five options for extension. Did all five options get used?</p>	<p>Initially, Mitchell said no, but later revised the answer to yes. He recalled that, in 2009, the CIA telephoned a renewal of contract, but then decided to cancel the contract instead, due to pressure from the rest of the government. Instead of that being the cancellation of an option, he reasoned that that must have been a cancellation of a complete renewal of the contract.</p>
<p>Regarding the capture and questioning of KSM:</p>	<p>Under questioning, Mitchell related:</p> <ul style="list-style-type: none"> <li>• Initially, Mitchell was sent to a site to advise new interrogators in questioning Binalshibh and the use of EITs. This did not happen, for some reason.</li> <li>• Mitchell was not informed of any prior statements Binalshibh had made.</li> <li>• After EIT application, Binalshibh stated that the vector for finding KSM was through Baluchi, KSM's nephew. Mitchell was not present for that statement.</li> <li>• Prior to KSM's arrival at Location 4, officers used rapport-building techniques to try to debrief him, according to an operational psychologist who briefed Mitchell.</li> <li>• NX2 attempted to interrogate KSM (unclear if at COBALT or Location 2 or Location 4), using approved EITs to establish dominance/compliance in forcing KSM to call him "sir." When this failed, NX2 moved on to unapproved physical coercion. The operational psychologist viewed this as counterproductive, because NX2's line in the sand allowed KSM to manipulate him into a contest of wills.</li> <li>• KSM's transfer to Location 4 put that location at capacity.</li> <li>• After transfer, the interrogation of KSM primarily rested on Mitchell, Jessen, and NZ7.</li> </ul>

	<ul style="list-style-type: none"> <li>• Mitchell commented that the cables relating KSM's "sleep deprivation" appear not to make the distinction between deprivation and disruption, so there may have been disruption instead of deprivation and vice versa.</li> <li>• The numbers of pours in waterboarding were counted by the attendant physician with a gate-clicker, and both the physician and a guard had stopwatches.</li> <li>• Answers to broad questions given to KSM during waterboarding did not usually receive answers during waterboarding. Usually, answers happened in between EIT sessions.</li> <li>• The psychologist accompanying Mitchell, Jessen, and NZ7 was ZQ5. Two of the analysts and targeters who wrote intelligence reports were N75 and W87.</li> </ul>
<p>Was Mitchell ever involved in any requests for additional information to the FBI?</p>	<p>Mitchell said "no" several times, and finally resorted to explaining that he was not part of a law enforcement model or interested in putting a picture together himself. His focus was on gaining the information for the next intelligence requirement, and he never asked the FBI for anything during his CIA-affiliated years. Mitchell is aware of the FBI using the information that came out of KSM interrogations, for instance for investigating Iyman Faris.</p>
<p>Was Mitchell present when KSM was shown Baluchi's capture photographs, or when KSM was asked about Baluchi?</p>	<p>Mitchell recalled KSM seeing many photographs but did not recall specifically the capture photographs. He did recall questioning KSM about Baluchi, but nothing that stood out.</p>
<p>People KSM was asked about or spoke of, per Mitchell under questioning:</p>	<ul style="list-style-type: none"> <li>• Iyman Faris</li> <li>• Jafar Al Tayyar/Adnan Gulshair El Shukrijumah</li> <li>• Saifullah Paracha</li> <li>• Uzair Paracha</li> <li>• (Name Redacted)</li> </ul>
<p>What did it mean that the detainee "was no longer blocking?"</p>	<p>Mitchell defined this as part of a mental status exam and referred to when a detainee could remember and say what he was thinking and was not mentally blocked. Blocking is associated with depersonalization and psychosis. "Detainee did not exhibit blocking" indicates that the psychologist is not seeing signs of psychosis.</p>
<p>Process of interrogation/continuum from resistance to spontaneous cooperation:</p>	<p>Mitchell defined this as the interrogation process, though noted that none proceeded perfectly like this:</p> <ul style="list-style-type: none"> <li>• On arrival at a black site, detainee is examined and photographed by a physician. A cavity search removes hidden items.</li> <li>• Once moved to an interrogation room, the detainee is met by an interrogator who conducts a neutral assessment to see if any voluntary cooperation occurs. If no cooperation, the interrogator asks a bridging question and leaves.</li> <li>• The interrogators asked the most recent bridging question</li> </ul>

	<p>again prior to an EIT session, and if even partial cooperation about the question came about, no EITs would be used during that session. At the end of a session, the interrogators would ask the detainee a bridging question.</p> <ul style="list-style-type: none"> <li>• After an interrogation session, a psychologist joined the detainee for an informal talk to discuss feelings about and reactions to being interrogated. This allowed interrogators to adapt questions and situations to encourage voluntary cooperation.</li> <li>• The detainee is allowed to rest without interrogation.</li> <li>• Repeat from “neutral assessment.”</li> </ul>
Can a person produce a Pavlovian response?	<p>Mitchell confirmed, but said that it passed very quickly if the person failed to exhibit the behavior causing anxiety. KSM may have initially had anxiety about the presences of Mitchell or Jessen, but more often he called for them to sort out difficulties.</p> <p>Along the same line, Mitchell recalled KSM falling asleep on the waterboard, which would not have happened if he was scared of it.</p>
When did Mitchell last see KSM prior to the courtroom there?	Mitchell estimated his last contact with KSM was in 2006 at Location 8.
Where did Mitchell first see KSM?	Mitchell remembered his first encounter with KSM at Location 4 in March of 2003.
How old was Mitchell at that time, and how old was KSM?	Mitchell stated that he was 68 in 2019, so the math put him in his early fifties, but he felt much older. He did not know KSM's age, or if he was told, he did not remember.
Did Mitchell see KSM at Location 7?	Mitchell said yes.
How many times did Mitchell see KSM at Location 7?	Mitchell no longer trusted his own recollection of numbers of times he met with any detainee.
When did Mitchell start fireside chats?	Mitchell said Location 4. Most likely during March, based on the documents he had been shown earlier in his testimony.
Interrogation-to-fireside-chat transition:	<p>Mitchell stated that most fireside chats happened at the end of the session, though not necessarily at the end of the day. Once an interrogation ended, Mitchell specifically told the detainee that it was over, and proposed that the detainee just talk about his reaction to the interrogation. Sometimes, Mitchell left the room and came back, but not always.</p> <p>Mitchell and Jessen made the effort to hold a fireside chat every time, but during early days that sometimes was not possible due to the detainee's resistance posture. Fireside chats generally lasted at least ten minutes and went as long as the detainee wanted to talk.</p>
What was the setting for fireside chats with KSM?	KSM was provided a chair to sit in, and tea or water to drink. Mitchell recalled that, depending on resistance posture, KSM was

	clothed and may have had a pair of shackles on.
Was there a fireside chat with KSM while he was under standing sleep deprivation?	<p>Mitchell answered, “Probably not.”</p> <p>Mitchell recalled that KSM did not spend all seven days standing, since the physicians were concerned with his feet swelling. KSM did get some cat naps and sat down. Mitchell reminded the defense that the CIA interchanged the terms “sleep deprivation” and “sleep disruption.”</p>
Who else was on the plane that transported KSM from Location 2 to Location 4?	Mitchell only knew one, and identified that person by the UFI ZQ5. This was not a medical doctor, but someone who did psychological assessments before and after the transfer. Mitchell did not recall if there was a medical doctor.
Was Mitchell involved in EITs for Bin Al Shibh?	Mitchell said no. He was called in to consult with the interrogator, but only after the EITs were finished, sometime around February of 2003.
How often or how many times did Mitchell come in to speak to and/or for KSM?	Mitchell estimated a maximum of eight times. He spent other times doing morning checks and enabling periods of socialization, which did not typically show up in cable traffic. Sometimes, KSM asked specifically for Mitchell.
Mitchell's credentials/resume:	<p>Through questioning, the defense and Mitchell put the following into record:</p> <ul style="list-style-type: none"> <li>• Mitchell attended the Army Chemical School to learn to investigate chemical accidents and weapons.</li> <li>• Mitchell was involved in explosive ordnance disposal, often in highly hazardous situations.</li> <li>• Mitchell has worked in psychiatric emergencies, including mass shootings, homicidal patients, hostage negotiations, and suicide interventions.</li> <li>• Prior to contracting for the CIA, Mitchell had taken two courses on interrogation (specifically for intelligence collection, rather than law enforcement), which qualified him to apply for the CIA's contract.</li> <li>• During Mitchell's observations of the FBI interrogating Abu Zubaydah, he was learning how interrogation could be used to elicit a false confession that would be “discovered” and used to force the interrogatee to reveal the truth.</li> <li>• Mitchell was at one point a resident at a teaching hospital, and was kept on after the residency was over, becoming the chief of outpatient psychology, adult psychology, and neuropsychology, from 1986-1988. This entailed him mostly seeing walk-in patients, evaluating their mental state and complaints, and making referrals to appropriate specialists.</li> <li>• Mitchell assisted in the HIV studies at the Air Force that enabled infected personnel to continue serving until they reached Stage 3.</li> </ul>

<p>In the Senate Select Intelligence Majority Report, was Mitchell “Dr. Swigert” or “Dr. Dunbar”?</p>	<p>Mitchell was under the impression that he was designated “Dr. Swigert.”</p> <p>[Many questions followed asking Mitchell to confirm or deny portions of the report. Mitchell chose to recharacterize several portions, noting that the report was written partially with an agenda that puts a particular spin on the message.] [Mitchell recommended the Minority report be read in conjunction with the Majority report in order to obtain a more correct picture.]</p>
<p>About KSM and “not be punished.”</p>	<p>KSM in a transcript indicated that he had been told he would not be punished for confessing to murder, so he thought he had nothing to lose. Mitchell corrected that what KSM had been told was that the CIA would not punish him for whatever he said, and that he would get to keep his clothes, no EITs would be resumed because of anything he said.</p>
<p>Where were there closed-circuit television viewing Abu Zubaydah and KSM?</p>	<p>Mitchell stated that there were closed-circuit video recordings being made at the Abu Zubaydah interrogations, and the KSM interrogations at Locations 4 and 7. Location 2 did not have recordings, to Mitchell's recollection, and he did not know about Locations 5 and 11.</p>
<p>When was Mitchell involved in the SERE program?</p>	<p>Mitchell began with the Air Force's SERE program in 1988, and he was part of teaching the curriculum between 1989 and 1996. He transferred out of the Air Force to avoid becoming a hospital clinician, and was involved in a SERE program for a classified mission from 1996 to 2001.</p>
<p>Was Mitchell aware of the origins of techniques gathered for the SERE school?</p>	<p>Mitchell was aware of some coming from the Korean War, never heard that any came from South America, had not known that confinement boxes were from WWII Russia, only read the Kubark Manual after departing the EIT program and assessed it to be a ridiculous conspiracy theory that had nothing to do with EITs, and became familiar with the interrogation of Yuri Nosenko.</p>
<p>Is it true that impacts on trainees in the SERE school and on detainees in detention will be different because the trainees are voluntary but the detainees are given the sense that this is real and for the rest of their lives?</p>	<p>Mitchell agreed that the impact would be different, but he objected to the idea that the students and the detainees had such a large disparity of control. He pointed out that trainees could drop out of the program to make the treatment stop, but it cost them their careers, whereas the detainees could make EITs stop at any point by sharing information.</p> <p>Mitchell also stated that he and his trained interrogators never tried to imply or to overtly communicate that detention and interrogation would continue for the detainee's remaining lifespan. When questioned about someone writing “50” on KSM's wall, Mitchell was offended, asked who had done it, and stated that if he or anyone in power had known someone had done that, that person would have been sent home.</p> <p>[The defense questioned Mitchell repeatedly about the Morgan</p>

	report, appearing to try to elicit different responses, but Mitchell maintained the above perspective.]
Did the interrogators miss telling if Abu Zubaydah was being truthful or not?	Mitchell affirmed, noting that Abu Zubaydah was “shutting down” long before EITs were considered, and also that the tapes were evidence against his denials, given an absence of explanation.
Did Mitchell introduce himself as from the CIA?	Mitchell said he did not recall introducing himself as representative of the CIA, but it was not classified or withheld from detainees. He frequently used in interrogations and debriefings the wordform, “The CIA wants to know.”
Was Mitchell sued by people who were tortured wrongly?	Mitchell pointed out that he had never heard of or met two of the people, and he only saw Gul Rahman long enough to demand that a physician examine him. Mitchell inferred that political members of the CIA had offered the contractors as sacrifices to lawsuits. Mitchell settled with the parties that sued, and is under court order not to discuss the settlement.
Was KSM waterboarded over the Al Qa'eda scam communications about seeking nuclear suitcases?	Mitchell did not recall. He remembered questions about nuclear suitcases, but did not remember if those questions were connected to any waterboarding conducted that day.
Did Mitchell call KSM “Mukie”?	Mitchell said no, that he called KSM either “KSM” or “Mukhtar,” which were what KSM said that he preferred to be called.
Are or were the abilities of interrogators to detect truth or lie infallible or thought to be infallible?	(This question was asked through the provision of example interactions several times. Witness got very frustrated.) Mitchell said no. Mitchell stated that sometimes the interrogators got it right, sometimes wrong. Mitchell noted that the ultimate truth of a statement was left to the targeters, and he could only offer his opinions.
What was “tea and sympathy” referring to in Mitchell's book?	Mitchell revised that it was actually likely called “tea and mutual respect.” He was talking about a time right after KSM's capture when the interrogation method consisted of serving tea and treats, dressing in Pakistani garb, and attempted free-flowing conversation. KSM did not cooperate.  Mitchell affirmed with further questioning that KSM's only response to “tea and mutual respect” was to pray and rock himself back and forth.
Was it true that EITs began within 40 minutes of KSM's arrival at Location 4?	Mitchell did not recall the length of time. Sequentially, he remembered doing the neutral assessment after KSM's arrival, during which Mitchell asked about future attacks in the U.S. KSM responded, “Soon you will know,” and proceeded to talk about nothing but 9/11. [Note: Mitchell's tone of voice indicated that he thought KSM was bragging or taunting.] After that, they gave KSM time to think about their question and began EITs somewhat later.
When KSM arrived, how was he	Mitchell answered that a physician removed KSM's clothing per a

<p>stripped? (Reference to a provided document.) Were the clothes removed with scissors?</p>	<p>standard procedure, in order to document and report any injuries. This also facilitated a cavity search.</p> <p>Mitchell was not the one to remove clothes and stated he never removed clothes from any detainee, and he didn't remember being present for KSM's clothing removal. However, he confirmed that the clothes were likely removed with EMT's shears.</p>
<p>KSM arrived at 6:00 PM and was cleared for EITs at 6:38 PM? And approval was given at 7:18 PM, and Mitchell began using EITs on KSM? (Reference to a provided document.)</p>	<p>Mitchell stated that 6:38 clearance indicated that the physicians finished their check at that point and that the attending psychologist assessed that KSM was mentally able to undergo EITs. He also noted that part of EITs that was not communicated in the reference document was that a neutral assessment occurred first during the EIT beginning, so there was an attempt at free-flowing conversation prior to the application of coercive measures.</p>
<p>Did the use of operant and classical conditioning produce a Pavlovian response in KSM to the walling towel/collar?</p>	<p>Mitchell affirmed that it did during the 21 days KSM was potentially subject to EITs.</p>
<p>Since KSM was providing information voluntarily about his medical history, his involvement with 9/11, and past bombings, why was he subjected to EITs?</p>	<p>Mitchell stated that talking, in this case, was not cooperating. When asked directly about future events and plans, KSM refused to provide information. Essentially, talking was a form of resistance. EITs were assessed to be necessary by a dozen or so observers.</p>
<p>When KSM was in the standing sleep deprivation position after arriving at Location 4, was everyone around him wearing all black, including black gloves and balaclavas, while he was naked?</p>	<p>Mitchell said no. The guards were garbed all in black, to include gloves, balaclavas, and mirrored face shields, but the physicians, psychologists, site manager, and intelligence experts were not. Only guards wore black, and there would have been at most two, with possibly none, given that KSM was shackled. [Discussion of the size and contents of the cell followed, but was partially redacted.]</p>
<p>Was there a shower? Was there a toilet?</p>	<p>Mitchell indicated that shower facilities were in a separate area, and guards escorted detainees to use them. Toilet facilities were buckets in the cell, or a diaper if the site manager approved the use.</p>
<p>Were the lights ever turned off?</p>	<p>Mitchell said no. The lights were likely on 24/7 while KSM was at Location 4.</p>
<p>Was there music?</p>	<p>Mitchell said no, but recalled that white noise generators came into use while he was there. He could not rule out that music was never played, but he never heard it, if so.</p> <p>When asked, Mitchell indicated no familiarity with “Let the Bodies Hit the Floor.”</p>
<p>What was the temperature like?</p>	<p>Mitchell recalled that physicians had thermometers and monitored ambient temperature that had to exceed 68 degrees. He conceded that it was winter time and that KSM was sometimes wet, so he</p>

	might have felt cold.
About standing sleep deprivation and circulatory edema:	<p>Mitchell stated the following in response to questions:</p> <ul style="list-style-type: none"> <li>• At one point, KSM's feet were swelling, so he was placed lying down with hands manacled above and feet shackled below. News that this might not have been an authorized position was new to Mitchell. He was not aware of KSM ever screaming while in that position.</li> <li>• The swelling was determined to be edema, although initially it was also considered to be venous thrombosis or aggravated cellulitis. Mitchell was not aware of it ever reaching KSM's knees, nor of the physicians periodically measuring KSM's legs, but would not be surprised.</li> <li>• Mitchell commented that he didn't doubt the existence of a 1956 study that connected interrogational standing to dangerous edema, but that he was surprised that the board-certified physicians might not have been aware of the causes of edema before authorizing the use of standing sleep disruption.</li> <li>• Though the guidelines did show concern for abrupt weight shift onto a detainee's arms during standing sleep disruption, Mitchell was not aware of this occurring for KSM. Nor was Mitchell aware of any wrist scarring incurred in standing sleep deprivation.</li> </ul>
A danger of incorrect walling technique is impact to the back of the head. KSM was reported with abrasions on his occiput. Was KSM walled incorrectly?	Mitchell assented that walling is sometimes done incorrectly. However, he recalled the abrasions on the back of KSM's head, and noted that sometimes KSM leaned his head back seemingly deliberately to have his head strike first. Mitchell tried to notice and prevent when that was happening.
Did Mitchell tell Bin Attash that a stain on the walling wall at Location 4 was KSM's blood?	Mitchell stated that there was a stain on the walling wall burlap, but he did not know that it was blood and never saw blood on the walling wall. He also had never told anyone that it was blood and never told Bin Attash that it was KSM's blood.
Rectal hydration?	<p>Mitchell said that he had thought rectal hydration was a lie the first time he'd heard of it. He had not heard of it at the time and never performed the procedure or anything like it.</p> <p>Under further questioning, Mitchell noted the reaction he'd expect from a male Muslim to cavity searches and rectal hydration, but assessed that knowledge of any prior rectal hydration would have changed the neutral assessment. Mitchell also assessed that it would not have changed KSM's intentions, and that KSM was intent on not discussing upcoming attacks.</p> <p>Mitchell stated that he expected that KSM would have complained about past rectal hydration and current cavity searches if he characterized himself as anally raped, since he felt free to complain</p>

	<p>about food, rugs, clocks, hats, and temperature control. If KSM had complained about the rectal hydration, Mitchell said that he would have reported that to headquarters, and speculated that that would have gotten the New Sheriff removed earlier.</p>
<p>OMS reported that the biggest concern in waterboarding was that the subject would get a laryngospasm and emergency intubation would be difficult. Would it have been difficult in KSM's case?</p>	<p>Mitchell indicated that the physician would have been the one to determine if intubation or a tracheotomy were necessary. A closed and sterilized emergency crash cart was always in the cell during waterboarding. He did not know exactly what was on it, but it was available for the physician who was present at all times.</p> <p>The physician had been active during a day for which the defense had a report. KSM had ingested enough water during waterboarding that his abdomen was distended and the physician worried about hypernatremia, so that the physician requested Mitchell and company use saline.</p> <p>One of the things the physician did was monitor a pulse oximeter to ensure KSM was getting enough blood oxygen to his extremities.</p>
<p>What was the “new technique” in the report referenced?</p>	<p>Mitchell was not sure, but he speculated that the physician was referring to a point in time when KSM had been avoiding the effects of waterboarding by breathing out of the sides of his mouth, and NZ7 reacted by cupping his hands around KSM's face. Though Mitchell had moved NZ7's hands, the chief of base, who was present, authorized the facial cupping the next time it happened. Mitchell questioned the cupping because it allowed water to pool, contrary to the use of a thin cotton rather than a towel. It was not a technique modification used in SERE.</p>
<p>What was Mitchell's previous experience with applying waterboard?</p>	<p>Mitchell had no previous experience with applying waterboarding. He did have experience with being placed in a barrel of water and buried.</p>
<p>If waterboarding didn't work on KSM, why did “you” continue to do it?</p>	<p>Mitchell asserted that the CIA was a little desperate to gain information on Hambali, and repeatedly instructed use of the waterboard, then suddenly instructed to not use the waterboard as much.</p>
<p>Did Mitchell threaten KSM's children?</p>	<p>Mitchell said no. NZ7 was attempting to shift Mitchell and Jessen out of the interrogation process and made some comments to the interviewing officer of the Inspector General.</p> <p>Mitchell explained that he had wanted an “emotional flag” for when the detainees shifted from EITs to no EITs in interrogation phase, so he met with attorney PJ1. PJ1 defined that a threat of imminent harm was torture, but a threat of harm on contingency was not torture. So Mitchell formulated a four-contingency statement that was intended to stick in KSM's memory. The statement was, “If there is another catastrophic attack in the United States, and I find out that you had information that would have prevented that attack,</p>

	<p>allowed us to stop it, and another American child is killed, then I will cut your son's throat.”</p> <p>Mitchell affirmed that he understood that this statement would and possibly did cause KSM fear. He also asserted that there should be a fear of killing children. He found making that threat distasteful, and only made it once to flag in KSM's mind.</p> <p>When presented that the Senate report claimed that interrogators began threatening KSM's children shortly after KSM arrived at Location 4, Mitchell stated that that did not happen. When presented that the Senate report claimed interrogators hung a picture of KSM's sons in his cell during EITs in order to cause him dread, Mitchell stated that that was completely false, and that they hadn't even had a picture of KSM's sons.</p>
<p>What does the report mean when it reports someone said, “The waterboard may actually be best. I just don't like to base it on religion”?</p>	<p>Mitchell attributed the statement to one of the physicians who was present for a conversation with Abu Zubaydah where the interrogators told him that they did not want to waterboard Nashiri. “No, no, no. You have to do this for the brother,” Abu Zubaydah responded.</p> <p>“What? That sounds crazy,” said the interrogators.</p> <p>Abu Zubaydah explained, “Well, it's a sin for a true Muslim man to help the enemy, to help the infidels, but he's free to do that if he feels that the burden is too great for him to bear. Allah knows that I cannot lift mountains, and he doesn't expect me to do that. He knows that I can't hold up a car, and he doesn't expect me to do that. So he knows that once I have resisted to the best of my ability, I am free to answer your questions and it's no sin.”</p> <p>Mitchell addressed this in a fireside chat, asking, “So we need to do this to all the detainees?”</p> <p>“No,” said Abu Zubaydah. “No, no, no. You only need to do it enough. Some brothers will not require any hard times, they will just talk to you. Some brothers will require much hard time and you will never get them to talk to you. You need to do it just enough. If you do it too much, Allah will know what's in your heart, and you will be punished and not him.”</p> <p>After that, Mitchell made a point in fireside chats with detainees to discuss God and Allah not expecting followers to carry too great a burden and when it was permitted to set it down. He interpreted the physician's statement in the report as expressing disapproval of using religion to gain information and the waterboard as a tool to meet a religious requirement.</p>
<p>The first EIT session after KSM</p>	<p>Mitchell stated that he did not dispute this, but noted that since he</p>

<p>arrived at Location 4/Detention Site Blue employed the attention grasp, the insult slap, the facial grab, the abdominal slap, the kneeling stress position, and the walling.</p>	<p>had performed the neutral assessment, he was not the person who performed the first EIT session.</p> <p>When asked, Mitchell confirmed that the kneeling stress position was likely the position kneeling and leaning back at a 45 degree angle.</p>
<p>The Senate report said that KSM was left in a stress position with hands shackled over his head.</p>	<p>Mitchell disputed this. Standing sleep deprivation was only temporarily allowed to have hands shackled overhead, and that was controlled by physicians. The person writing the Senate report was mis-describing this as a stress position.</p> <p>Per Mitchell, the same misapplied description was given to the horizontal sleep deprivation position.</p>
<p>Was Mitchell questioning KSM between applications of water on the waterboard?</p>	<p>Mitchell stated that if he was asking about future attacks in the United States, he was telling KSM that that was the information he wanted. “I know you don't have all of it, but you have some of it. [...] You can help us out. I want to know who you have on the ground inside of the United States. I want to know where they are. I want to know what they're going to do. I want to know how they're going to do it.”</p>
<p>When KSM fell asleep on the waterboard, why was that? Was he possibly dissociating?</p>	<p>Mitchell attributed the nap to the fact that KSM was tired, and also noted that KSM was very relaxed on the waterboard.</p> <p>Mitchell vehemently rejected the suggestion that KSM was dissociating. He said that the physician was monitoring KSM specifically for things like dissociation and would have called a halt to the waterboarding if that had happened. Mitchell said that KSM was just sleeping.</p>
<p>At one point, sleep deprivation was suspended so that KSM was fully alert for the waterboard. Was that because someone sufficiently sleep-deprived may not be able to guard his airways?</p>	<p>Mitchell said yes.</p>
<p>(The defense presented some objects from SITE A in court and asked Mitchell if they were of the sort that were at his interrogation locations.)</p>	<ul style="list-style-type: none"> <li>• Chairs: Yes, though the back pattern might have been different. (Mitchell said that, to his knowledge, there were no instances in which a detainee would leave bodily fluids on one of the chairs, and posited that some stains the defense pointed to were rust because of the pattern of staining.)</li> <li>• Blue mattress: No. (There were blankets on the mattresses, so it could be, but Mitchell did not remember for sure. He suggested looking for a GSA number for mattress purchases.)</li> <li>• Audio disc player: There were pieces of equipment for playing movies for the detainees, but Mitchell could not</li> </ul>

vouch that that was the brand and model used.

- Audio matrix: No. (Mitchell noted that he had seen small, scattered white noise generators, not something run through a centralized system.)
- Speakers: No.
- Handheld control: No. (Mitchell thought that it might be for a camera that could be rotated.)
- (Audio clip of “Let the Bodies Hit the Floor”): No.
- Sound level meters: There were sound level meters in use, but Mitchell could not vouch for those being the ones.
- Bathroom scale: (Mitchell confirmed that the detainees were weighed regularly.) (Mitchell recalled KSM calling the 1800-calorie diet of Ensure the “secret magic CIA weight-loss food,” and sometimes requesting it even when whole food was available.)
- Package of adult diapers: Mitchell confirmed the use of adult diapers during transportation and occasionally at black sites, but could not vouch for the brand presented.
- Flexible spoons, flexible pens, Maximum Security toothpaste: Yes. (Mitchell explained that these were used so the detainees couldn't self-harm or create weapons.)
- Short-handled toothbrush: Mitchell confirmed toothbrushes of that nature had been in use, but could not vouch for the brand.
- Camera and camera casing: Answers were redacted, but by inference from the questions around them, these were not likely the cameras that were mounted inside cells, but were familiar from use around the facilities.
- Breathing mask: No.
- Chain with blue clip and red lock: Yes, the chain was probably used to secure detainees to a hardpoint. However the clip and lock were not familiar. (Mitchell pointed out that there was an identical chain in the witness box.)
- Chain with blue clip and box: No. The chain was familiar, but the blue clip and box were not.
- Box of assorted handcuffs: Yes, the sorts of handcuffs were familiar, though those particular ones were not.
- Ten-foot chain: No.
- Helmet with face guard: No.
- Headphones sans speakers: Yes. They were used during transportation to prevent the detainee hearing.
- Ski masks: Yes. They were used to obscure detainee vision during movement.
- Undescribed item of equipment: No.
- Medium-sized blue duffle bag: No. (When the defense started pulling out the contents, which included adult diapers and a harness for tethering handcuffs to waist, Mitchell

	<p>supposed the bag could be a kit for rendition transportation.)</p> <ul style="list-style-type: none"> <li>• Blacked-out sunglasses: No.</li> <li>• Blue tarp and bottle of water: Yes, sort of. (Mitchell had seen blue tarps and had seen bottles of water. He posited that they were used in water dousing.)</li> <li>• Sweatshirt with sleeves removed: No. (Mitchell said that sweatshirts with the cuffs removed were given to the detainees to wear, but the cuts to this one confused him.)</li> <li>• Sweatpants with hold cut in the back: No. (Again, detainees were given sweatpants to wear, but the holes puzzled Mitchell.)</li> </ul>
The defense asked Mitchell to compare and contrast his process of interrogation with a dramatization in the movie “The Report.”	<p>Mitchell stated:</p> <ul style="list-style-type: none"> <li>• He did not wear a mask.</li> <li>• He did not pour water from a bucket.</li> <li>• Nobody controlled the subject's head or manhandled it.</li> <li>• Though there was not a clear shot of what the subject in the movie was lying on, it did not look like a waterboard.</li> <li>• Subjects rarely answered questions on the waterboard, if ever, preferentially answering questions before or after waterboarding sessions, and in bridging or fireside chat sessions.</li> <li>• There were three interrogators, not two.</li> <li>• In rooms allowing for the length, the waterboard was a hospital gurney.</li> </ul>
Did Mitchell recall KSM grabbing the interrogators' clothes while on the waterboard?	Mitchell said no.
Did Mitchell ever see anyone from the U.K. at the black sites?	Mitchell said no.
Did Jose Rodriguez destroy the tapes of interrogation sessions?	Mitchell said yes.
Was KSM shown photographs during questioning? Was he shown photographs of Issa Al Britani?	Mitchell stated that yes, KSM had seen photographs, but no, Mitchell did not remember KSM seeing Issa Al Britani.
Who was in the room for KSM's discussion of the execution of Daniel Pearl?	Mitchell recalled himself, Jessen, and the CIA's “most prominent WMD expert.”
Is there a Hippocratic oath for psychologists? Did the APA Council of Representatives vote to bar psychologists from participating in national security? Did Mitchell allow his	Mitchell did not recall an oath, but acknowledged that the APA provided some ethical guidelines. The APA did execute that vote, but Mitchell never let his license lapse; he retired at 20 years of practice, years after that vote. Lapsing license means the licensee is delinquent in paying fees. Mitchell withdrew from the APA due to his disagreement with their stance on psychologists and national

psychology license to lapse?	security.
Why did Mitchell extract himself from doing assessments as well as the interrogations?	Mitchell viewed it as a potential conflict of interest, or at least the appearance of one. He attempted to extract himself from the situation.
Is the diminishment and eventual lack of effect of a conditioned response called “extinction?”	Mitchell said yes.
Was it the reminder of “the hard times” that drove KSM to resume cooperation when he had stopped?	Mitchell said that it was mostly the resolution of KSM's complaints that returned him to cooperation. Keeping the medical officers from dosing KSM with vitamins when he was fasting, seeing his prayers were not interrupted, and making sure KSM did not get the heels of the bread returned him to a state of cooperation. Mitchell thought that KSM's cooperation was not born of fear of waterboarding or another form of enhanced interrogation.
Mitchell's book contained several statements attributed to KSM about the slaughter of non-Muslims being an act of worship of Allah. These did not appear in reports the defense had obtained. When did they occur, and why were they not reported?	Mitchell said that the statements happened during conversations in “how's it going?” maintenance sessions. These were not intelligence gathering sessions and Mitchell was not required to report the contents, so he didn't.
Is Mitchell's emotional reaction to his country having been attacked and himself being in the position to do something about it? Does Mitchell understand that someone could have a similar emotional reaction to “500,000 children under the age of five perishing in Iraq as a result of our economic sanctions”?	Mitchell said that his emotional reaction was not about the country or the attack, but about the people who had to choose between burning to death or jumping to death, between dying by getting a plane to crash into a field or dying by allowing the plane to crash into the Capitol building, or had to choose to run into a dangerous building to help. He stated he was familiar with “all those things,” but that KSM's response should have been to try to take care of problems in Iraq, instead of voluntarily attacking the U.S. “You're not going to shame me into forgiving that guy.”
Is Mitchell familiar with Binalshibh?	Mitchell said yes. He generally referred to the subject as Ramzi Binalshibh, but used the name “Ramzi” at the black sites.
Is Mitchell familiar with the issues of the hearing?	Mitchell surmised from earlier questioning that counsel wanted to set aside statements made to FBI agents, and that counsel wanted show that the government was engaged in outrageous conduct.
Does precision with words matter to Mitchell?	Mitchell indicated valuing precision while under oath, but admitted to hyperbole in his book. “You try to tell the truth, but you try to package it in such a way that it's interesting.”
Where did the term “fireside	Mitchell recalled the term as a hold-over from SERE training, where

chat” originate?	the sessions took the student out of the assigned role for a chat.
Mitchell had previously stated that he had no incentive to be deceptive about music or noise. What would he have incentive to be deceptive about?	Mitchell couldn't think of anything. “I've got no dog in this fight. It's up to the court, now.”
Was MJA formed in the anticipation of or with the intent to gain the contract from the CIA?	Mitchell said no in response to this question asked several ways. [The defense appeared surprised and skeptical, and continued to reframe.]
What was the goal in forming MJA?	Mitchell stated that MJA was formed to “do APA-approved continuing medical education for warfighters [...] and to provide specialty training for people who were doing hostage repatriation.” Bidding on the CIA's contract came later.
Was MJA the only company to bid on the contract?	Mitchell did not know.
Who had responsibility for managing MJA?	Mitchell as CEO, Jessen as president, and a third person as CFO together managed MJA.
Was MJA approximately 100 people strong? How were people made aware of job opportunities with the company?	Mitchell agreed to approximately 100. He said that jobs were made available mostly by word of mouth.
Where did the employees come from?	According to Mitchell, there was a preference for and practice of hiring people who already had a background in the duties the job required. Security personnel had already worked in the security industry, and interrogators were special operators that Mitchell and Jessen had worked with before or who had worked with the CIA before.
Who trained the employees?	For the CIA contract, Mitchell noted that there was the CIA training manager and an MJA training manager who together created the training courses. Psychologists had separate line items in the contract, with specific tasks defined, and they weren't to do with interrogation. Mitchell remembered there only being two operational psychologists, and they were not associated with the interrogation program.
The psychologists and debriefers at the black sites, those who worked in the interrogations, were all CIA personnel?	Mitchell said yes. Under further questions, he agreed that he did not know the backgrounds and training of these people, and had been unaware of the previous interrogation training course.
How many of the people at the black sites had Mitchell known before?	Mitchell said that he knew Jessen and the operational psychologist, but he did not know anyone else.

<p>From the time Mitchell began working with interrogators and debriefers to the time he met the New Sheriff, was he informally assessing the interrogators' and debriefers' skills and making suggestions?</p>	<p>Mitchell agreed that he had informally assessed his colleagues as he got to know them. Together, all of them developed the procedures for use in waterboarding, including talking with physicians about precautions and making plans for how to proceed in the event of Abu Zubaydah attacking.</p>
<p>Did any of the personnel have prior experience in their tasks? Did Mitchell make any inquiries to check?</p>	<p>Mitchell said that yes, they all had prior experience. He had not gone asking to see degrees or proof of experience, though.</p>
<p>When Mitchell was working with Jessen to establish what came to be called the Enhanced Interrogation Techniques, did he reach out for an ethics opinion?</p>	<p>When Mitchell and Jessen were being asked to evaluate the detainees as well as perform the interrogations, Mitchell did ask a person without a UFI for an opinion of the ethics. He felt there was a conflict of interest and wanted a second opinion. He also requested an ethical opinion because the chief psychologist in the Office of Medical Services thought that interrogators with backgrounds in human behavior was cheating the detainees into providing information.</p> <p>Mitchell did not reach out to the APA for an ethical opinion because the interrogation program was classified and compartmentalized.</p>
<p>Is there anything in the APA ethics guidelines about this?</p>	<p>Mitchell said that there are now ethical guidelines where the APA is instructing psychologists not to be part of law enforcement or the military. Psychologists in the military are pushing back.</p> <p>Mitchell noted that he did not go into the interrogation program thinking that he was going to be a psychologist. If he was going to be an interrogator, not a psychologist, he did not feel he needed the APA's permission.</p>
<p>Before interrogating any of the detainees, did Mitchell have any knowledge of Islam?</p>	<p>Mitchell stated that he got briefings from the CIA's Islam expert, so that he could discuss items like fatwas with the detainees or understand what the implications were of the detainee's captivity.</p>
<p>Was the Islam expert a Muslim?</p>	<p>Mitchell said yes, and that Abu Zubaydah respected the man's religious authority enough to be willing to accept a fatwa from him.</p>
<p>Before meeting Binalshibh, did Mitchell check his background?</p>	<p>Mitchell knew he would have received a briefing from Binalshibh's targeter, but he didn't remember it or its contents specifically.</p>
<p>Did such a briefing cover Binalshibh's whole lifetime?</p>	<p>Mitchell said no, it would mostly have concerned his relationships with known associates and his recent terror activities.</p>
<p>Does Mitchell recall examples of people reporting something that was wrong?</p>	<p>Mitchell related the instance of a gun and a drill for Nashiri, an instance of a piece of intelligence faked to be from Binalshibh. He did not know who had done the reporting, but supposed that the guards had reported the drill. When the New Sheriff had returned to using the broomstick, a psychologist reported it to Mitchell and then to superior officers. And an interrogator thought that Mitchell had</p>

	punched a detainee that he had slapped, and reported Mitchell.
Did Mitchell keep a diary at any time between 2002 and 2006?	Mitchell said no. A classified diary was not allowed, if kept outside of a SCIF, and he could not have lugged one around for 300+ day deployments.
Why did Mitchell write his book?	<p>“Because I thought that the CIA response was not getting any play, and I thought that the Senate Select Committee Minority Report was not getting any play, and I felt like it was necessary to explain the thing in a way that, as far as I could tell, was just as straightforward as possible.”</p> <p>“Oh, absolutely I felt slandered.”</p> <p>“I don't need my name cleared. I just want the story to be accurate. You know, I waterboarded those guys. I'm not trying to hide that. [...] I just want it to be accurate.”</p>
Would Mitchell avoid countries where the black sites were?	Mitchell said no, that he didn't desire to go to them but that he didn't need to avoid them.
Did Mitchell consider himself to be more skilled than the other interrogators?	Mitchell stated that that would be an arrogant thing to think. After discussion with the defense, he asserted that he was more skilled at some things, and they were more skilled at some things.
Was Mitchell accused of stealing tapes?	Mitchell said no, the New Sheriff accused him of stealing a hard drive.
Was there a complaint filed against Mitchell with the APA?	Mitchell confirmed, but said he hadn't been aware of it at the time. He resigned before he became aware of it, and does not know if it was ever adjudicated.
At which sites did Mitchell see Binalshibh? Did Mitchell know why detainees were moved between sites?	Mitchell remembered seeing Binalshibh at Sites 4, 5, and 6, and possibly at 7 and 8. He knew why detainees were moved from Site 3 to Site 4, and he was given reasons for other moves, but could not confirm the accuracy of the reason he was told. Mitchell had no authority over the movements and no influence on detainee location.
Did Mitchell assess Binalshibh as a difficult person?	Mitchell did not think Binalshibh difficult when they first met, but after Binalshibh exited EITs he was frequently difficult to deal with. Mitchell was called to Site 5 because Binalshibh was not getting along with the targeter. Through discussion, the problem appeared to be that Binalshibh objected to working with a woman, especially when she told him that he was lying and swore at him. Binalshibh admitted that he had been lying, and indicated that this was because he did not want to work with a woman.
Was Mitchell aware that Jessen had had his photograph taken with Binalshibh at one of the black sites?	Mitchell thought that was not true and asked if the defense had the picture. No picture was forthcoming.
Was Mitchell aware that Jessen told Binalshibh that Binalshibh	Mitchell said no, and suggested that the defense had the wrong person.

was the toughest guy they'd ever had?	
Did Mitchell counsel the targeter who swore at Binalshibh and did she accept the counsel?	Mitchell recalled explaining to the targeter that it was counterproductive to curse at Binalshibh, and explained to allow him to save face. He does not know if she accepted the counsel or not, but she continued as Binalshibh's debriefer. Mitchell did not follow up, because he was present overnight at most.
Was Mitchell present at any black site where Binalshibh heard someone being “worked on” and became upset?	<p>Mitchell inferred that the defense was asking about a time when he and Jessen had discussed with the Preacher the possibility of walking Binalshibh past the interrogation room while KSM was under interrogation, to prove to Binalshibh that KSM had been captured. Proof of capture often elicited information from other detainees, Mitchell recalled.</p> <p>When Binalshibh saw KSM, he became visibly upset, so the Preacher took Binalshibh to a closet 25 or 30 feet away and seated the detainee on his lap. To play into a “threat and rescue” scenario, Mitchell passed by and said, “We may be coming for you next.” Mitchell noted that this had been misreported to a grand jury by the Preacher, portraying that Mitchell and Jessen threw open the door and tried to stomp on Binalshibh.</p>
Was KSM screaming when Binalshibh passed by or was listening from the closet?	Mitchell said no.
[Defense counsel showed Mitchell a photograph of a room with a door with a hasp and metal, wainscotting, a drain, and a rag hanging on the wall.]	Mitchell did not recognize the room, at least not with the depicted accoutrements. It could have been one of the rooms at Site 4 without all of the contents, but Mitchell was uncertain.
Did Mitchell know that the Preacher had used a broomstick on Binalshibh?	Mitchell said no, and that if he had seen that he would have reported it. Mitchell considered on review of documents that Binalshibh's EITs might have occurred at Site 2, and Mitchell was not at Site 2. Responding to further questions, Mitchell stated that he had never heard from anyone that the Preacher had used a broomstick on any detainees.
Mitchell had previously testified that walling did not hurt but was disorienting. What was the cumulative effect of multiple wallings?	<p>Mitchell attested that even nine times in a row, it was only disconcerting and disorienting. He reported that being walled by dozens of people can leave a small bruise on the chest, but that quickly fades. If done properly, the shoulderblades hit the wall first, and the head never contacts the wall.</p> <p>Under further questioning, Mitchell surmised that the disorientation was caused by fluid sloshing around the inner ear.</p>
Is Mitchell familiar with the Rumsfeld memorandum about	Mitchell said no.

the DOD and the use of procedures on detainees?	
What was the responsibility of the physicians?	<p>Mitchell outlined several responsibilities:</p> <ul style="list-style-type: none"> <li>• Attend to detainees' medical needs.</li> <li>• Monitor the application of EITs.</li> <li>• Stop the EITs if they appeared likely to produce lasting harm.</li> </ul>
What was the responsibility of the psychologists?	<p>Mitchell listed several responsibilities:</p> <ul style="list-style-type: none"> <li>• Prevent lasting mental harm to the detainees.</li> <li>• Prevent abusive drift.</li> <li>• Prevent procedural traumatization.</li> </ul>
Did Mitchell testify that Binalshibh was not in solitary confinement at the black sites? Given that Mitchell was not always around to see what was happening?	<p>Mitchell stated that while he did not know what happened at Site 2, whenever he was there, there were guards and other people entering and exiting the detainee's cell. This was likely to be the same everywhere, so Binalshibh would not have been in solitary confinement. Instead, he might have been isolated from other detainees, but he was not isolated from people.</p>
Was there a time when guards were instructed not to talk with Binalshibh?	<p>Mitchell recalled that guards were freely allowed to talk with Binalshibh, but there had been a time when there was a difficulty ceasing communication at Locations 5 or 6.</p>
How often did physicians see Binalshibh and how much time did they spend with him? How often did psychologists see Binalshibh and how long did they spend with him?	<p>Mitchell did not know the frequency of physician visits, but stated that the physicians spent as much time with him as they assessed he needed. The psychologists could monitor through video, but they spent as much time as they assessed Binalshibh needed. Some psychologists spent half a day with detainees.</p>
Were shame and humiliation techniques for obtaining information?	<p>Mitchell said no.</p>
Was Mitchell aware that shaving a Muslim humiliates that Muslim? Did Mitchell ever try to prevent it?	<p>Mitchell was aware of that, and did ask the New Sheriff and other people to consider not doing so.</p> <p>Mitchell only recalled detainees being shaved for rendition transport to other sites, and speculated that it was done because the goggles taped to the detainee's head would hurt coming off if there was hair involved.</p>
Were any of the locations Binalshibh was placed in capable of introducing vibrations in the cell or artificial odors?	<p>Mitchell said no.</p>
Defense asked about attributes of the cells and conditions of confinement.	<ul style="list-style-type: none"> <li>• There were no showers in any of the cells.</li> <li>• Cells in all locations after 4 had toilets.</li> <li>• All cells had cameras that were monitored 24 hours per day.</li> </ul>

	<ul style="list-style-type: none"> <li>• The detainees were aware of the cameras because they signaled at the cameras.</li> <li>• Detainees were given halal food and told it was halal, but Mitchell did not know if the detainees were shown certifications of the food being halal.</li> <li>• Detainees were provided clothing as soon as they started cooperating.</li> <li>• Detainees only had adult diapers on during transport, that Mitchell saw. He'd heard of diapers at some of the black sites, but never saw it happen.</li> </ul>
Did Mitchell ever make or hear any derogatory comments about Binalshibh's religion?	Mitchell stated he'd made no derogatory comments about religion, but recalled hearing a man who was (Christian or Jewish; transcript redacted) in a screaming match over religion with KSM. Mitchell never heard of anything derogatory said to Binalshibh.
Were female debriefers or interrogators present when the detainee was nude?	Mitchell recalled that there was an effort to keep women from being present during nude interrogations, and that the detainee was usually given a towel if a woman was going to be present.
Did Mitchell do any independent research on the Istanbul Protocol or anything about torture?	Mitchell said no, that he was told that the EIT measures were approved by the President who had been briefed by the National Security Council, briefed to the leadership of Congress, opined by the DOJ Office of Legal Counsel to be legal and not violate the torture convention, and approved by the director of the CIA. He trusted that chain of approval to indicate that EITs were legal.
Does Mitchell believe that EIT techniques would not have long-lasting effects on anyone?	Mitchell said yes, as long as they were properly applied. He conceded that there was some sort of risk if the techniques were improper, but considered long-lasting effects to be improbable.
What were the purposes of the facial grasp and facial slap?	<p>Mitchell defined the facial grasp as a non-violent hold on the subject's face to turn it toward the interrogator to promote attention to a question.</p> <p>The facial slap Mitchell defined as a “reset button” to get the subject's attention off of a different topic. He also called it an “insult slap.”</p>
Could music be used to create a Pavlovian response?	Mitchell stated that a short tone could be used, but that a whole complex piece of music could not. When shown a document that stated, “In interrogation sessions on 25 February, Binalshibh roused himself each time the song was played,” Mitchell was unable to illuminate what was going on, but interpreted Binalshibh's action as being asleep but waking up when loud music played. Mitchell indicated that this is not a Pavlovian response.
Was Mitchell ever asked to question Binalshibh for information requested by the FBI?	Mitchell said no.
Were there times Mitchell	Mitchell thought he might have talked with Binalshibh about 9/11

questioned Binalshibh about September 11 <sup>th</sup> ?	for the 9/11 Commission. Not for the FBI, only for the 9/11 Commission.
Who wrote the reports and cables after an interrogation?	Sometimes the interrogator, sometimes the chief of site, sometimes a report writer, sometimes a subject matter expert. Mitchell indicated that there was no set responsibility.
Was someone in the CIA making daily approvals of EITs?	Mitchell seemed uncertain. He remembered giving reports each day, which included plans for the next day, and he remembered receiving replies which generally included approval.
Was there a formal process for lodging a complaint?	Mitchell cited that reporting to the Inspector General (IG) is a formal process, but just involved walking up to knock on the door. To report the New Sheriff, though, he went to the boss at the black site and said, "I want to tell you about this guy."  For someone working at a black site, the complaint would be made to the site manager. The manager was supposed to be objective and not influenced by the intent to gain information from the detainee.
Did Mitchell see the detainees being treated harshly in the renditions transportation?	Mitchell stated that detainees were "treated firmly," but he highly objected to rectal checks without lubrication on the glove. He reported those instances to the IG when he returned stateside.
Did any of the detainees talk about fearing the renditions? Did detainees talk about the renditions at all?	Mitchell said that detainees had not told him about fearing the renditions. He did remember a discussion about renditions with Abu Zubaydah.
Given Mitchell's perceived conflict of interest in performing interrogation and evaluation on the same detainee, was there a conflict of interest in psychologists performing psychology at the black sites?	Mitchell said no. The presence of non-interrogator psychologists was necessary to make sure the detainees were evaluated and all issues addressed.
Why did Mitchell refer to Binalshibh as a pain in the ass in his book?	Mitchell considered Binalshibh to be a pain because he complained about: <ul style="list-style-type: none"> <li>• Not having the hat he wanted.</li> <li>• Not being able to inspect the slaughterhouses.</li> <li>• The clothes.</li> <li>• The food.</li> <li>• Female debriefers.</li> <li>• Etc.</li> </ul>
Did Mitchell consider any of the complaints legitimate?	Mitchell considered Binalshibh's complaint of his bed shaking, because a large piece of equipment was attached to the column that also held his suspended cell, and the vibrations of the equipment turning on shook the cell.
Did Mitchell see Binalshibh's complaints as a sign of	Mitchell did not see the complaints as defiant, though sometimes Binalshibh acted defiant while complaining. Mitchell interpreted the

defiance?	complaints more as passive aggression.
Did MJA provide the guards in September 2006, when the detainees were permanently moved to GTMO?	Mitchell said no.
Does Mitchell hate the defendants? What is his opinion of them?	Mitchell said that he does not hate them. He believes they see themselves as holy warriors and are otherwise cordial and even charming. He does not dislike them as people. But he dislikes what they did and thinks they should be punished for it.
Did Mitchell yell at Binalshibh?	Mitchell did not remember yelling, but cannot rule out that he did.
[Defense requested that Mitchell repeat the locations he met Bin Attash at in 2002, 2003, 2004, 2005, and 2006.]	<ul style="list-style-type: none"> <li>• 2002 – No meeting at all.</li> <li>• Possibly Location 4 (no time provided).</li> <li>• Location 7 (no time provided) was where Mitchell had a conversation with Bin Attash about Al Qa'eda loaning him to the Taliban to demolish the carved Buddhas.</li> </ul>
What was the interrogation process?	<ol style="list-style-type: none"> <li>1. Detainee arrives.</li> <li>2. Initial medical evaluation.</li> <li>3. Neutral assessment performed.</li> <li>4. Bridging question asked.</li> <li>5. Detainee left alone to think.</li> <li>6. Interrogator requests permission from headquarters to use EITs if necessary.</li> <li>7. Bridging question asked.</li> <li>8. If: <ol style="list-style-type: none"> <li>1. Detainee answers or partially answers bridging question, then no EITs. <ol style="list-style-type: none"> <li>1. In early process, interrogator questions and discusses with detainee.</li> <li>2. In late process, debriefer questions and discusses with detainee.</li> </ol> </li> <li>2. Detainee refuses to discuss bridging question, then EITs.</li> </ol> </li> <li>9. Bridging question asked.</li> <li>10. Fireside chat if detainee amenable.</li> <li>11. Detainee waits until next interrogation session.</li> <li>12. Repeat from 4.</li> </ol>
Was the debriefer in the room during the EITs?	Mitchell responded that most of the time, yes. There were exceptions, like sometimes during waterboarding, but usually the debriefer was in the room. At the beginning of the process, the interrogator held the detainee's attention and asked most of the questions, but toward the end of the process the debriefer was asking most of the questions.
When the detainees moved out of EITs to debriefing mode, were they ever transitioned back?	Mitchell didn't recall an instance when this happened, but remembered several times when members of CIA headquarters proposed it. Jose Rodriguez then sent Mitchell and Jessen to determine if it was truly necessary. There was no time that they

	assessed it as necessary.
Had the FBI beaten Mitchell and everyone to Location 3 in April 2002?	Mitchell agreed that the FBI had arrived before the interrogators, but noted that the CIA already had station personnel at the location.
Was the FBI part of preplanning interrogation?	Mitchell's original tasking was to discuss resistance strategies that the detainee was using, but Mitchell hadn't seen the detainee using resistance, so he spoke with the FBI's operational who reported the types of resistance.
When Mitchell saw video of the FBI interrogating Abu Zubaydah, where did the interrogation happen? How many agents were there?	Mitchell's recollection was that the agents were speaking with Abu Zubaydah in his hospital room. Sometimes there were multiple FBI agents, sometimes there was a mix of FBI and CIA agents, sometimes there was a single agent. "It was, you know, mix and match."
When the FBI chose to start the Sipowicz routine, who took the role of Sipowicz?	Mitchell remembered both Agent Gaudin and Agent Soufan playing the Sipowicz role in tag-team fashion. This shut Abu Zubaydah down completely.
[Defense asked Mitchell about some quotes attributed to him in Agent Soufan's book.]	[Mitchell did not recall Soufan asking him if he'd ever questioned an Islamic terrorist, but Mitchell asserted that he would not have said "yes."] [Mitchell did not recall Soufan asking if he'd ever conducted an interrogation before, but Mitchell asserted that he would have said "no." He also noted that at the time he conversed with Soufan, his own task was not interrogation but the analysis and identification of Abu Zubaydah's resistance techniques.] [Mitchell did not believe that Soufan's statement that Mitchell said he was going to force Abu Zubaydah into submission was accurate.]
When did Agent Soufan leave?	Mitchell reported that Agent Soufan left after receiving argument about backchannel communications with the CIA and after expressing anger that other people were also interrogating Abu Zubaydah. His departure occurred in May or June of 2002. (EITs began in August 2002.)
Did Agent Gaudin stay after Soufan left?	Mitchell remembered Gaudin remaining for some weeks, but also vaguely remembered Gaudin returning to the U.S. for a meeting that Mitchell also attended.
"When you were at Location 3 with Agent Gaudin, that's when sort of the tossing around the ideas of the SERE techniques happened, right?"	Mitchell recalls Gaudin and the monitoring operational psychologist had been through SERE training, and since Mitchell had also been through SERE, they discussed the techniques in the context of Abu Zubaydah not cooperating.
Did Mitchell remember discussing with Gaudin and anyone else the proposed mock-burial scenario?	Mitchell corrected that it was just himself and Gaudin who discussed the scenario, and only briefly. The determination if the FBI or the CIA would retain custody of Abu Zubaydah had not yet been made, so the conversation was a hypothetical "how might you convince him" discussion.

<p>What was Mitchell's understanding of the term "clean team" as used by another defense counsel?</p>	<p>Mitchell's understood the term "clean team" to mean a group of FBI agents with no familiarity with what Abu Zubaydah had said, and probably no familiarity with Abu Zubaydah's treatment, which arrived to read him his Miranda rights and then interview him.</p>
<p>[Defense counsel asked Mitchell if he agreed with this quotation from a deposition taken of Jessen:  "Later, to put it quickly and bluntly, a lot of this all fell apart, and there was a lot of intrigue and problems, and people were doing things they shouldn't do. They were breaking the law and stepping outside of the Department of Justice guidelines, not me and Jim, but there were people doing that. This eventually in the SSCI all was subscribed to me and Jim, but it wasn't us. But there were things going on. Eventually, this all fell down, including the training course that was eventually put together, because the guy that was in charge of it was training people to do things that weren't even authorized by the Department of Justice."</p>	<p>Mitchell agreed with the statement, as long as it wasn't taken to mean the early stages of the process. Before the program was stood up, the operation at Site 2 was the reason the program was created. The illegalities developed after the program was created to be legal, and the people who found out about them put a stop to it and referred those involved for criminal charges. When pressed for when he thought the illegal things stopped happening, Mitchell noted that it was after the New Sheriff was removed, sometime in 2004.</p>
<p>In how many different locations did Mitchell encounter the New Sheriff?</p>	<p>Mitchell asserted that the CIA made an effort to keep him separated from the New Sheriff. He only remembered seeing the man for a week at Location 4.</p>
<p>Was this at the same time and place that Mitchell had a kerfuffle with NX2?</p>	<p>Mitchell confirmed that this was the time and place that he had a screaming match with NX2.</p>
<p>Did Mitchell complain to the CIA personnel who had contracted him about the events at Location 4?</p>	<p>Mitchell said no, he complained to the New Sheriff's boss in CTC. CTC did not hold Mitchell's contract. Mitchell complained to the chief of RDI. He believed that his contract holders were told about it, though.</p>
<p>Did the New Sheriff or NX2 hear that Mitchell had made the complaint? Did Mitchell avoid them afterward?</p>	<p>Mitchell assumed that the men were told, but did not know who might have done the telling. Afterward, not only did he avoid the New Sheriff, but Mitchell knew that senior leadership directed that the two of them should never be deployed together.</p>
<p>When was Mitchell's first encounter with NZ7 the</p>	<p>Mitchell recalled that occurring in February of 2003 at Location 4. Prior to giving testimony, Mitchell thought that he had been sent to</p>

Preacher? What was the point of that first meeting?	Location 4 to observe and advise the Preacher about EITs for Binalshibh, but now he wonders if Binalshibh was also EITed at Location 2. But his recollection was that he was sent to Location 4 to advise Preacher in EITs.
Was February when Preacher accused Mitchell of kicking Binalshibh?	Mitchell said yes.
Did the situation between Mitchell, Jessen, and Preacher become strained?	Mitchell said no, the Preacher was not the sort of person to allow things to get strained “to your face.” The evidence of conflict came out when the Preacher testified to a grand jury that Mitchell and Jessen had written numbers on walls and hung up pictures, and stomped on or kicked detainees.
[Defense counsel showed Mitchell exhibit PRG-460.] Does it appear that B7F (operational psychologist) brought an accusation of ethical violations by Mitchell to CIA officers and interrogators?	Mitchell said yes, that appeared to be what the document said. He read it as indicating that he should be either an acting psychologist or an interrogator, but not both, because both at once would entail a conflict of interest.
Was Z2C the site manager of Location 2? Was he the site manager when Mitchell was present?	Mitchell said yes to both questions.
Can the term “conditioning” be considered the period of time that it takes to get someone from not providing answers to elaborating spontaneously?	Mitchell said yes, but caveated that the process did not stop once the person was providing answers. He noted that social influences were necessary to encourage continued and greater cooperation.
What did each of these techniques qualify as?	<ul style="list-style-type: none"> <li>• Hooding – Security measure for moving the detainees between cells or rooms. There was no conditioning component, given that there were many times the detainees were hooded that did not involve an interrogation.</li> <li>• Guards garbed in black with faces covered – Security measure to prevent guards from being recognized and manipulated or targeted. There was no conditioning component. It also ceased after Location 4.</li> </ul>
What locations prevented the detainees from congregating, and which locations allowed congregation?	Mitchell recalled the locations where Bin Attash was renditioned that prevented congregation were numbers 2, 4, and 7. In location 10, detainees gathered for meals, to watch soccer, and for other reasons.
When detainees were not allowed to congregate, they only saw guards and personnel involved with the interrogation program, correct?	Mitchell mostly agreed, but noted that members of the CIA came from Washington to talk with a detainee. They were senior leadership who were not in the chain of command for the program. Mitchell did not recall which specific detainees these people met or interviewed.

Were the detainees ever permitted any visitors for whom they might have asked?	Mitchell was not aware of any time that this occurred in the black sites.
How were the belly slap and the facial slap performed?	<p>Mitchell described the belly slap as the hand moved ten inches away from the detainee and flapped so that the backs of the fingers impacted the abdomen.</p> <p>Mitchell described the facial slap as a hand positioned near the detainee's face, and moved so that it at most pivots from the elbow, never from the shoulder.</p>
Were attention grasps performed by unmasked interrogators?	Mitchell never wore a mask, Jessen never wore a mask, the New Sheriff and the acolytes never wore masks. Only MA2 wore a mask.
During sleep deprivation, what active measures were taken to keep the detainee awake? Forced standing, loud music, temperature control?	<p>Mitchell stated that he and Jessen only taught and practiced standing sleep deprivation, wherein a person's startle reflex wakes him before he falls. Another element is asking questions for as long as the subject is awake, which in turn assists in keeping that person awake. Mitchell had heard of water dousing when a particular detainee was falling asleep in standing sleep deprivation, but he never witnessed this. He also heard a claim that sleep deprivation was encouraged through temperature control, but he didn't see how that would be effective, because it would require freezing the person.</p> <p>Under further questioning, Mitchell answered that no, he had never seen the use of a portable light or would recommend its use to promote sleep deprivation, he had never and would never promote the playing of loud music to promote sleep deprivation. He also noted that the only places he visited that played music played the music all of the time, whether asleep or awake, eating, standing, so there was no connection to causing sleep deprivation.</p>
Was nudity an interrogation technique?	Mitchell answered yes, that the CIA did include it as a technique. It was adopted because “there was very little that you can reward a detainee with in a black site” and returned clothing was one of those rewards.
What was dietary manipulation?	Mitchell defined the dietary manipulation as the provision of Ensure rather than any solid food. Solid food became another reward for cooperation. Detainees were provided with enough Ensure meal replacements to meet their caloric needs.
What was the purpose of rectal feeding?	Mitchell suggested that maybe the medics used rectal feeding on detainees who were on hunger strike, but he recommended asking the actual medics why they did it. As for rectal hydration, he had no ideas and would not have ever recommended it.
Were cold water baths an interrogation technique?	Mitchell said no. He was aware of NX2 using a hose and scrubbing Nashiri with a brush, but it was not a recommended or acknowledged technique. He had heard of baths in use at locations 2 and 4, and suspected they might have been used at 9.

Was noise up to 79 decibels an interrogation technique?	Mitchell couldn't recall if it was or was not listed as a technique, but considered it mainly a measure for security masking.
Was constant darkness an interrogation technique?	Mitchell said no.
Were threats to family members part of an interrogation technique?	Mitchell said no.
Was allowance of a detainee to hear another undergoing rough interrogation an interrogation technique?	Mitchell said no, that there were strictures that interrogators could not make a detainee believe someone else is being subjected to severe harm for information. He assumed that if this happened, it was probably a deception and not really someone else being interrogated, but it was still incorrect to lead a detainee to believe someone was in danger of harm.
Was Hawsawi waterboarded?	Mitchell said that the description made what Hawsawi experienced sound more like a water dousing than a waterboarding.
Was the forced removal of clothing an interrogation technique?	Mitchell recalled only using it once, when Abu Zubaydah had ceased to provide information, so he when in, tore Abu Zubaydah's t-shirt, and asked him if he wanted to go down that path. Abu Zubaydah received another t-shirt, and began talking again. Mitchell knew no other time it was used, or why it might have been used.
Is the withholding of medical treatment an interrogation technique?	Mitchell said no. Such was not approved by the Department of Justice.
Did Mitchell ever deprive a detainee of the articles of religious belief?	Mitchell said no.
Was a detainee ever deprived of hygiene to promote cooperation?	Mitchell said that was not an approved interrogation technique. He supposed that some detainees did not have the hygiene they preferred, but that was not something that was used for interrogation.
Did Mitchell overnight in Location 2 or a place outside of the facility? Would he have wanted to stay inside Location 2?	Mitchell answered that he was bunked outside of Location 2, and would not have wanted to stay in Location 2.
How many detainees were in Location 4, where Bin Attash overheard an interrogation?	Mitchell recalled there being two detainees on location when he arrived. By the time Bin Attash was transferred out of Location 4, there were fewer than four detainees.
Did Mitchell provide the CIA with guidelines about interrogation or abusive drift?	Mitchell said that the CIA requested a list of potential interrogation techniques, but never wrote guidelines. He did recall discussing abusive drift with the management, but didn't recall the management specifically approaching him about it.

Prior to Abu Zubaydah and Nashiri being at Location 4 with the New Sheriff, had Mitchell gained cooperation from the two detainees?	Mitchell agreed that Abu Zubaydah and Nashiri had been cooperative and instrumental in the identification of future attacks, though not with mutable timing. Nashiri had been concealing the operating neighborhoods.
What did Mitchell say when the New Sheriff stated intent to restart the interrogation process on Abu Zubaydah and Nashiri?	Mitchell said that he told the New Sheriff that he did not think that was necessary.
Was Mitchell's concern in "uneven effectiveness" the improper and mistaken application of techniques?	Mitchell corrected that his concern was that the interrogators trained by the New Sheriff appeared to think that the gain of answers was prompted by increased pressure at all times. The first reaction was always to increase pressure.
How important is predictability in the interrogation process?	Mitchell believed that interrogators needed to be entirely predictable to the detainees, so that a person could be sure of the interrogator's reactions to truth and other states.  Inability to know when a reward or punishment is likely to occur increases subject stress, and if the subject learns that what happens is not connected to what the subject says or does, the subject stops trying to influence what happens by way of cooperation. Mitchell said that rapport is a necessary component, but behavioral conditioning cannot rely solely on that.
Who was MA2?	Mitchell agreed that MA2 was the person in charge of training interrogators until Mitchell and Jessen began their version of the training. Mitchell noted that this was so early in the process that nobody had really even thought about developing a training program yet.
What powerful interrogation techniques gave Mitchell concern?	Mitchell noted waterboarding, walling, and sleep deprivation concerned him. He thought that the other techniques were "things kids do to each other," but he thought that the walling, waterboarding, and sleep deprivation could be particularly dangerous if misapplied.
Was NX2 involved in training along with MA2?	Mitchell said yes, that MA2 and NX2 put the first course together and taught it.
Mitchell's book contained the quotation, "Overusing or underusing EITs or using them at the wrong time disrupted conditioning for the desired response. Some interrogators, such as the chief of interrogations, didn't even try to condition compliance. They simply tried to keep the pressure	Mitchell said yes.

up until the detainee broke.” Is that what Mitchell saw happening?	
When did Mitchell and Jessen take over the training? It was a couple of years later, right?	Mitchell remembered the year as 2005, though he and Jessen became involved at the end of 2004, after the contract was affirmed.
Did Mitchell ever tell NZ7 the Preacher that training should do away with lectures and just focus on techniques?	Mitchell said no, that was a lie the Preacher told. Mitchell also pointed out that when placed in charge of the training, he neither did away with lectures, nor hired thugs.
[Referring to a document.] Does the waterboard induce a temporary state of acute learned helplessness?	Mitchell noted that the document was written using “learned helplessness” as a substitute for “loss of self-efficacy” because the CIA refused to use “loss of self-efficacy.” The command was given to use “learned helplessness.”
Did Mitchell ever attend a training where interrogators were informed they needed to induce and maintain learned helplessness in HVD interrogation? Would Mitchell have taught interrogators to induce learned helplessness as part of full-spectrum exploitation?	Mitchell did not recall being in a training that taught learned helplessness, but he allowed that he hadn't attended full trainings. However, he said that no, he would never have taught learned helplessness, especially if what was meant was truly learned helplessness.
Did Mitchell discuss the goals of the interrogation program with DF7 and/or KM4?	Mitchell said that yes, he was sure he did discuss goals. Under further questioning, Mitchell noted that he did not know KM4 prior to the interrogation program, though he did know DF7.
Did Mitchell tell DF7 or KM4 that the goal would be to psychologically manipulate the detainees toward learned helplessness?	Mitchell stated that if he had, he would have used the term “self-efficacy.” DF7 and KM4 would have expressed that as “learned helplessness.”  Mitchell supposed that the misapplied term was used because it was “sexy.” Manipulation of self-efficacy was harder to understand, so the agency tried to streamline.
Did Mitchell ever tell NZ7 the Preacher that his philosophy was learned helplessness?	Mitchell said no. Moreover, he stated that no, the detainee would not tell anyone whatever that person wanted to hear under a philosophy of learned helplessness, because the detainee would be convinced that nothing he said or did would release him from his situation.
Who was Jose Rodriguez when Mitchell entered into the program?	“COO of the CTC” was what Mitchell recalled.
Did Mitchell work extensively with Rodriguez in the	Mitchell stated that Rodriguez was the boss, so working “with” was not so much what happened.

development of the interrogation program?	
Did Mitchell tell Rodriguez that the interrogation program could lead to a range of mental states that included learned helplessness?	Mitchell said yes, and that learned helplessness would result specifically if the program was applied incorrectly.
Who was it who would not let Mitchell leave when he objected to the treatment of Nashiri?	Mitchell clarified for the defense that it was the chief of station, not the site manager. The chief of station was in control of the black site in that particular country.  The chief interrogator was the first to tell Mitchell he could not leave, but the chief of station solidified the assertion.
Who did Mitchell talk to about the treatment of Nashiri/Abu Zubaydah?	When he returned to Washington D.C., Mitchell spoke to the chief of the rendition group, the chief of the Special Missions Department (SMD), the Inspector General, and eventually Jose Rodriguez. Mitchell left the conversation with the chief of SMD confident that the practice would be halted.
Define “abusive drift.”	<ul style="list-style-type: none"> <li>• A tendency in people who have power over other people, especially when coercion is involved, to get accustomed to seeing and/or applying coercion, and so escalate the coercion.</li> <li>• SERE instructors who applied coercive training to 200+ students twice per week have been observed to begin considering the students as less intelligent, indicating a component of justification in the escalation.</li> <li>• Some people display abusive drift, others do not. Mitchell described it as a normal distribution (bell curve) along the line of never-to-always abusing power.</li> <li>• Abusive drift cannot be inferred from a single series of contiguous observations.</li> </ul>
Could Mitchell infer abusive drift from both the observed interrogations and the observed course instruction?	Mitchell said that what he observed was a consistent use of the wrong techniques, not an escalation that would prove abusive drift.
Did Mitchell see or hear of NX2 performing any other interrogation actions that would indicate abusive drift?	Mitchell pled lack of information. He could not say whether or not abusive drift occurred.
Could abusive drift be inferred from the statements of an interrogator?	Mitchell affirmed that a series of statements could demonstrate a more frequent employment of brutal terms or could report escalating brutality, so abusive drift could be inferred as a possibility.
What happens when detainee taunts the interrogator and the interrogator responds?	Mitchell stated that items like the attention slap are designed to use the startle response to reset interaction. But if the interrogator uses the attention slap as a punishment, that is inappropriate.

<p>A record of interrogation showed the presence of a senior certified interrogator and two “trained and qualified” interrogators. This was a time when the trained and qualified interrogators were using EITs on Bin Attash. The authorization document indicated that only the certified interrogator was authorized to use EITs. If Mitchell had requested to be allowed the assistance of interrogators undergoing certification and received only authorization for himself, what would he have done?</p>	<p>Allowing that this was a hypothetical situation, Mitchell posited that he would have asked headquarters what the direction meant.</p>
<p>In another document, there were five qualified interrogators running the interrogation with no mention of the certified interrogator. Who would have made the determination in the resistance posture assessment document to use EITs on Bin Attash?</p>	<p>Mitchell surmised, based on what he saw at other times, that a certified interrogator was monitoring even if not specifically noted. The certified interrogator would make the decision in the hotwash after the noted interrogation.</p>
<p>Was standing sleep deprivation “with hands high above head” a typical or standard position?</p>	<p>Mitchell reasserted that no, to his recollection, the hands were usually below the heart because it is difficult for the heart to pump blood upward for an extended time. He encouraged a consultation of the OMS guidelines, explaining that he remembered or expected a two-hour time limit if hands were to be raised above head.</p>
<p>[Defense showed a document that stated Bin Attash had spend most of an interrogation with a hood over his head.] What would be the purpose of a captive standing with a hood over his head for most of an interrogation session?</p>	<p>Mitchell did not know. He stated that he has had question-and-answer sessions where the detainee was hooded, but never held an interrogation with EITs applied while the detainee was still hooded.</p>
<p>Bin Attash (amputee) had been left in standing sleep deprivation on one leg and developed swelling and erythema. Had Mitchell seen anything like this in any of his interrogations?</p>	<p>Mitchell stated that he had seen feet swelling, but had never seen anyone in standing sleep deprivation with one leg. “I’m not laughing. I mean, I’m not laughing at him. I feel bad for him. I don’t think that should happen.” Given the observations, Mitchell suggested that the physician had stopped the standing, even though the document did not explicitly indicate so.</p>

Would Mitchell remind a captive that his (medical) treatment is relatively improved in order to retain compliance?	Mitchell said that he read the “relatively improved treatment” in the provided document as a reference to EITs not being in use, not a reference to improved medical conditions.
Did Mitchell recall Bin Attash's height and weight upon arriving at Location 4?	Mitchell said no. While he did not doubt the medical report that said five feet, ten inches, and 60 kilograms, Mitchell said his interactions with Bin Attash were mostly when the detainee was seated, so height and weight were not evident.
Was there a standard practice in the SERE program to put a trainee in a sitting or reclining sleep deprivation position?	Mitchell stated that he did not know about the Marine, Navy, Army, or JPRA SERE practices, but in the Air Force SERE program his only similar experience was to be placed in a seven-foot-tall by 18-inch-wide box that pressed him like a sandwich, for many hours. He could not stand, could not sit, could not move.
Did Mitchell recall “Music at a decibel level calculated to avoid damage to his hearing but it's intended to disrupt and prevent sleep”?	Mitchell reiterated that he did not recall ever witnessing anything like that, but noted that the person who was credited as writing the report “doesn't report anything on himself that he's making up.”
After looking at several sequential reports, did Mitchell see anything that would make him question if abusive drift was occurring?	Mitchell noted that the supervisor should have spoken to the writer about his reporting style (prior comments that the writing style was extremely sloppy), and also about the writer's attitude toward the detainees.
What is the “two-person rule”?	Mitchell said that this was a process for when the CIA suspected the detainee might attack.
Was it standard interrogation protocol to deprive a detainee of a toothbrush?	Mitchell said that removal of personal articles required that the interrogator present to the oversight of that particular site the list of items the interrogator wanted to remove, discuss the ramifications of removal, and gain the approval of the site oversight.
Was there a delay in the approval of EITs for use with Bin Attash?	Mitchell agreed and noted that George Tenet had generated a memorandum directing that no EITs would be used until the DOJ had reauthorized them.
On 22 July, 2003, Bin Attash was in seated sleep deprivation due to his ankle having developed a swollen circumference of 10.25 inches. Would this and accompanying diagnoses cause Mitchell concerns about Bin Attash's treatment by interrogators?	Mitchell explained that he would defer to the physician, though he would have been concerned if he was the interrogator seeing this. However, as long as the problem was not permanent and could be expected to resolve with elevation of and lack of pressure on the leg, Mitchell noted that he would just expect it to require “some sort of follow-up.”
[Defense showed Mitchell an e-mail exchange where Z9A contacted authority with	Mitchell opined that this was exactly what was supposed to happen, with the report of concerns, and then senior leadership investigating what was happening so as to make a determination.

concerns about the interrogation NZ7 was making, expressing that the questions were a “fishing expedition” and that the interrogation tactics were inappropriate to it.]	
[Defense showed Mitchell an e-mail exchange where medical providers were discussing coordination for the contingency of hospitalization. Defense considered it indicative of an ongoing medical crisis.] Was Mitchell ever involved in something where the application of standard techniques resulted in an interrogation team asking for planning to send a detainee to a local hospital?	Mitchell disagreed that it was an ongoing crisis, stating that it appeared the medical providers were avoiding a crisis, and that a contingency of hospitalization was planned for each detainee. However, he did not recall ever being involved in anything that resulted in a request for local hospitalization or potential local hospitalization.
Did Mitchell recall Bin Attash having had recent dental work when they first met?	Mitchell said no.
Did Mitchell recall whether Bin Attash was nude or clothed when they first met? Did Mitchell ever see Bin Attash unclothed at any time at Locations 7 and 4?	Mitchell apologized that he could not remember if Bin Attash had been naked or clothed at first. He expressed doubt that Bin Attash had ever been unclothed at Location 7, but Mitchell conceded that Bin Attash would probably have a better memory of that.
[Defense showed Mitchell a photograph of Bin Attash's lower extremities.] Does the left (whole) leg appear to be a different color than the right (amputated) leg? Does the left leg appear to be larger than the right leg?	Mitchell concurred that the two legs were different colors, and also that the left leg was larger than the right leg. He caveated that he was aware that right-handed humans have larger right arms than left arms, though, so he could not explain what was going on in the photograph. He stated that if a physician indicated that there was something wrong in the photograph, he would believe the physician.
[Defense showed Mitchell a photograph of Bin Attash's foot.] Did Mitchell see anyone's foot look like that as a result of standing sleep deprivation?	Mitchell said that he'd seen swollen feet and that the foot in the photograph looked swollen, but that there was also “something going on with one of the toes” that he couldn't identify or determine as contemporaneous or long-term. He noted that sometimes his own ankles swelled to the sizes of cantaloupes, and sometimes went down, other times did not go down. Mitchell stated that if a physician had identified the photograph as important, he wasn't going to contradict.
[Defense showed Mitchell	Mitchell said it looked swollen.

photographs of Bin Attash's calf and ankle.] “[Bin Attash's ankle] looks huge, doesn't it?”	
[Defense contended that a condition shown in the photograph was cellulitis.]	Mitchell disagreed that the condition was cellulitis, on the basis of having experienced cellulitis himself, and both having experienced and having seen abrasions from shackles. He indicated that the mark was from a shackle and that the swelling may have exacerbated it, so cellulitis could have developed, but it was a shackle mark.
Would Mitchell have continued an interrogation in a standing position of a man with swelling, abrasions, and/or cellulitis in his limbs?	Mitchell stated that he had never dealt with something like this, he had only dealt with KSM's feet swelling, and in that case they had KSM lay down and elevated his feet. Mitchell said that he would have deferred to the recommendations of the physician.  “I'm not trying to be weasely about it. I'm just saying there are multiple interpretations to what I read, and not all of them are sinister.”
If interrogation techniques were applied at the wrong time/intensity, could it result in someone pulling back what would otherwise have been good information?	Mitchell speculated that a person who felt punished could recant information.
When a detainee was in need of medical attention, did the program review provision of medical care as a reward?	Mitchell said that medical care was not regarded as a reward to his knowledge. He noted that what was reported in the example document occurred regardless of medical attention: detainees cooperated for a while, but would then bounce back into resistance.
So Mitchell would not consider the provision of medical care “solicitous?”	Mitchell explained that he wasn't certain what the document or the questioner meant by “solicitous,” since the interrogators had nothing to do with the medical care, and couldn't solicit anything from the detainee by supplying or withholding it. Abu Zubaydah was grateful for his medical care, but cooperation would not gain or deprive him of it. Some of the detainees felt better after getting medical care, and decided to resist more.
Did Mitchell ever use the ripping off of a diaper as an interrogation method?	Mitchell had never interrogated anyone who was wearing a diaper.
(In reference to a report that a door had been left open when another detainee was being doused with water.) How far were the cells from each other at Location 4?	Mitchell asked if the defense meant the interrogation cells or the regular cells, but then realized that he did not know which cell of five this may have occurred in, so could not estimate how far away it happened, anyway.  In response to further questions, Mitchell indicated that, if this was somehow targeted at Bin Attash, it didn't actually touch Bin Attash and so might not have been considered some sort of “technique.”
Something that doesn't result in	Mitchell affirmed that that had been his read of DOJ regulations. If

<p>the detainee himself being touched is not an interrogation technique that needs approval?</p>	<p>it did not violate torture conventions and did not touch the detainee, it was not strictly a “technique” that required “approval.” He, himself, would have asked permission, “but there are other people who would rather ask forgiveness.”</p> <p>Mitchell said that an “ask forgiveness” scenario was not incompatible with the report, but also noted that it could have been something the interrogators noticed had been impactful to Bin Attash and decided to report it.</p>
<p>[Defense showed Mitchell a photograph of Bin Attash nude.] Apart from potential clothing was this how Bin Attash looked when Mitchell first met him? Did Mitchell know how much Bin Attash weighed upon arrival at Location 7?</p>	<p>Mitchell confirmed, commenting that Bin Attash had been a thin guy. He did not know the weight, but said it was likely to have been marked on a medical report.</p>
<p>On 18MAR2005, Bin Attash was at Location 7 and undergoing interrogator assessments. What's an interrogator assessment?</p>	<p>Mitchell assumed that since they were not psychological evaluations, the interrogators were probably assessing Bin Attash's willingness to answer questions without resorting to EITs.</p>
<p>[Defense showed Mitchell several reports.] Was Bin Attash cooperative in March 2005? Was Bin Attash cooperative in November 2005?</p>	<p>Mitchell affirmed that the reports indicated cooperativeness both times.</p>
<p>In July 2006, who was providing psychological assessments of the detainees that were slated for transfer?</p>	<p>Mitchell noted that the psychologist assigned by the CTC would have assessed, but he did not know who. He offered the UFI of the chief of RDG Psychology, who would have done the assignment, but that information was sequestered to closed session.</p>
<p>In 2005 and 2006, what was the discussion about an endgame?</p>	<p>Under clarifying questions, Mitchell affirmed that he was part of a transition toward an endgame, and made recommendations for social pairings.</p>
<p>What are social pairings?</p>	<p>Mitchell explained that this was prompted by Abu Zubaydah being positive and Nashiri being sullen, so Mitchell was hopeful that Nashiri, both knowing and respecting Abu Zubaydah, would be positively impacted by working/socializing with him. Social pairings were then designed to offset the effect of the detainees seeing nobody but the interrogators. “It had nothing to do with getting them to talk, it had to do with keeping them talking. [...] They're cooperating; why not let them eat or why not let them watch TV or whatever.”</p>
<p>Was it correct that social pairings were provided to some</p>	<p>Mitchell didn't know.</p>

high-value detainees (HVDs) than others, depending on their needs?	
Was Bin Attash involved in no social pairings as of July 2006?	Mitchell agreed that that was what a presented document said, and he believed the document, but he could not personally vouch the information.
Were Mitchell and Jessen consulted on the beginning of the endgame process in June 2003?	<p>Mitchell did not recall the consultation in particular, but he expected that he had been.</p> <p>When provided with the first page of a document that contained a reference to the endgame on a second page (not shown to Mitchell prior to questions), Mitchell noted that the discussion with KM4 and Y47 had occurred at a time when Mitchell and Jessen were advocating against performing psychological duties, and were considering ceasing direct involvement with interrogation in light of other contracts. He supposed the discussion must have been to hammer out specific tasks for Mitchell and Jessen to perform, so possibly consulting on endgame was suggested as a task.</p>
What was “endgame?”	<p>Mitchell defined “endgame” as short-hand for moving detainees from other sites to GTMO, since they were cooperating and would be more comfortable.</p> <p>Under further questions, Mitchell acknowledged that the document stated he was specifically tasked with providing “structure and meaning” to HVDs transitioning to GTMO.</p>
[Defense showed Mitchell an e-mail that he wrote.] Did Mitchell recommend prioritizing detainee movement to GTMO by their long-term intelligence values?	Mitchell said yes, and that he would have told anyone that asked him that he thought people who were both cooperating and providing information should be moved to the “nicer place with greater amenities.”
Those prioritized included KSM, Hawsawi, Bin Al Shihb, and Bin Attash, correct?	Mitchell confirmed that that was what was written in the e-mail, noting that they're the relevant ones.
Did Mitchell agree to and was Mitchell required to provide consultation on the short- and long-term management of detainees in ways that facilitated their intelligence collection?	Mitchell confirmed, caveating that it was from a strategic level.
Was Mitchell required to and did Mitchell provide ongoing operational consultation, study, and implementation of intelligence techniques for long-	Mitchell stated that he and Jessen wrote the unclassified interrogation manual that included no coercion to fulfill those requirements.

term facilities?	
What were the long-term facilities in 2005?	Mitchell noted that none had been established at that time, so no transfer destination had been identified. Mitchell only knew that the destination had become GTMO shortly before the official announcement by the president.
How did KSM's behavior compare before and after EITs?	Mitchell said that when he conducted the initial neutral assessment, KSM was “hostile, kind of cocky, sarcastic, and a little bit belligerent.” Over time after the EITs, KSM became more forthcoming, both answering questions and suggesting further questions. Eventually, interrogations became conversations.
What was Mitchell's role in KSM's continued detention?	Mitchell expressed his belief that he was retained largely to ameliorate the effects of only having debriefers for conversation, so he ran maintenance visits to allow the detainees to express what was on their minds. KSM was also part of the T3 program.
What was T3?	Mitchell said that T3 stood for “Terrorist Think Tank,” and referred to all of the HVDs being in the same location without knowing it, so that interrogators could consult multiple detainees for multiple perspectives on the same issue or photograph in minimal time.
How much time did Mitchell spend with KSM?	Well over 1000 hours, but probably still less than 2000 hours, Mitchell estimated. He noted that many of the hours were not in sessions that got recorded in cables.
Did Mitchell ever see evidence of KSM having flashbacks? Did KSM ever talk about nightmares in which he was subjected to EITs?	Mitchell said no to both questions.
Was KSM ever physically and psychologically distressed in Mitchell's presence?	Mitchell said no, but that he had mostly been in KSM's cell when KSM was performing non-obligatory prayers. Occasionally, while he was praying or reading, KSM held Mitchell's hand. Holding hands also took place in a debriefing session, when Mitchell came over to inform a relaxed and seated KSM of what the debriefer planned.
Did Mitchell ever observe evidence that KSM avoided Mitchell or other debriefers or interrogators?	Mitchell said that KSM refused to interact with debriefers that made him angry, and Mitchell was called in to smooth relations back out.
Did KSM have limited interest? Was he apathetic?	Mitchell recalled that when KSM decided to become Sufi, he reduced his interests away from soccer and needlepoint to prayers, fasting, and reading. However, “I would describe him as many things, but apathetic is not one of them.”
Was KSM capable of rational discourse? Was KSM capable of collaborating with other people?	Yes, Mitchell assessed KSM as very intelligent. KSM discussed with Mitchell ways that he could convince Washington of his truthfulness, so Mitchell assessed that KSM could collaborate.

Was Mitchell able to understand KSM, or did KSM have difficulties communicating?	Mitchell called KSM's use of English words idiosyncratic. To communicate properly, an interrogator had to know what KSM meant by those words. After that, communication was easy.
Did KSM ever seem unable to understand important points or legal matters?	Mitchell never discussed legal matters with KSM. He noted that KSM appeared to have the most trouble with long, complicated questions.
Explain KSM's "office hours."	Mitchell recalled that during KSM's return to Sufism, he was getting frustrated that a lack of communicated schedule was preventing his daytime fasts and voluntary prayers. At some point, he hung up a sign that said "Open" and "Closed" to indicate intent or lack of intent to cooperate due to religious practice. Mitchell was able to negotiate for an interrogator to meet with KSM each morning to give a schedule during which he would likely be debriefed, so that KSM was able to work his religious practices around CIA requirements.
Did KSM still lie, even when he was cooperative?	Mitchell said yes, and recalled as example something that KSM had reported about Abu Ahmed al Kuwaiti the courier, and that KSM had gone back to his cell to send a "secret message" to other detainees to not say anything about the courier.
Did KSM demonstrate the ability to advocate for himself during interactions with Mitchell?	Mitchell affirmed KSM's self-advocacy, offering examples of KSM obtaining a hat and prayer rug that he preferred, and of KSM bringing attention to a particular guard only giving him heels of bread, which subsequently got the guard dismissed.
How did it happen that KSM was giving lectures at one of the sites?	The site manager realized that the detainees had nothing to do, according to Mitchell, so the site manager started having conversations with KSM to keep him occupied. These conversations developed into KSM having a white board and holding forth to other people at the site about recruiting, financial logistics, surveillance, and other subjects. KSM directed the topics of these lectures, and employed a teasing and professorial manner, joking about assigning homework.
Did Mitchell ever observe that KSM had lost the ability to voluntarily determine whether or not to cooperate when questioned?	Mitchell said no.
What was Mitchell's role in the detention of Bin Attash?	Mitchell recalls performing an assessment, sitting in with debriefers, and sometimes discussing directly with Bin Attash.
What degree of comfort and rapport did Mitchell share with Bin Attash?	Mitchell thought Bin Attash did not like anyone, and that he thought himself a warrior. Mitchell got the sense that Bin Attash was intent on carrying out his jihad.
What did Mitchell recall about his discussion with Bin Attash about blowing up Buddhas?	Mitchell recalled the discussion as cordial, if not friendly. Bin Attash brought the subject up. Mitchell asked Bin Attash questions, and Bin Attash gave expansive answers, including his religious

	perspective. When Mitchell asked what Bin Attash felt about blowing the statues up, given that they were world heritage sites that thousands of people visited each year, Bin Attash responded that that was why it was important for him to destroy them to keep thousands of people from worshipping false idols.
Did Bin Attash ever seem nervous when he interacted with Mitchell?	Mitchell said no, but caveated that he could not speak to Bin Attash's demeanor with other people.
Did Bin Attash have any flashbacks? Did Bin Attash talk about nightmares in which he was subjected to EITs?	Mitchell never witnessed Bin Attash having a flashback, and never heard him speak about EIT nightmares.
Was Bin Attash distressed in Mitchell's presence? Did Mitchell see any evidence that Bin Attash avoided him?	Mitchell didn't see any psychological or physical distress, but noted that he had never performed EITs on Bin Attash. He also did not know how Bin Attash could have avoided him, but Bin Attash never tried to keep Mitchell from entering.
Was there any evidence that Bin Attash avoided discussion about his questioning, exhibited limited interest, or was indifferent or apathetic?	Mitchell said no to all of these, and noted that Bin Attash did take his opportunities to read books and watch soccer.
Was Bin Attash able to hold rational discourse? Was he ever not able to engage in a discussion about his interests?	Mitchell had not noted any dysfunctional thought or trouble following speech. He also noted that Bin Attash brought up the Buddhas and other topics by his own will.
Did Mitchell ever find it impossible to understand Bin Attash?	Mitchell's recollection was that the interrogations possibly used a linguist, but he was not certain.
Did Bin Attash exhibit any behavior indicative of a loss of ability to voluntarily determine whether to cooperate or not when questioned?	Mitchell said no, and noted that the cables reporting answers or a lack thereof would show Bin Attash making those choices.
What was Mitchell's role in Bin Al Shibh's detention?	Mitchell confessed some confusion from during the week of questioning. He initially thought he had not witnessed the EITs, but later concluded that he must have been consulted on and witnessed them.
Did Mitchell now believe he had witnessed the Preacher applying EITs to Bin Al Shibh?	Mitchell said yes.
Did Mitchell ever report the Preacher for abuse of Bin Al Shibh during the interrogations? Would Mitchell have felt	Mitchell did not report the Preacher, but would have reported him to Jose Rodriguez if that had become necessary.

comfortable reporting SOP violations or improper techniques?	
What level of comfort or rapport did Mitchell have with Bin Al Shibh?	Mitchell recalled earlier characterizing Bin Al Shibh as a pain in the ass, due to copious complaints.  Bin Al Shibh never seemed to have any trouble talking to Mitchell. “[H]e and I were never like sideways with each other that I can recall.”
Did Bin Al Shibh ever have traumatic flashbacks of nightmares where he was being subjected to EITs?	Bin Al Shibh never told Mitchell of any flashbacks or nightmares.
Was Bin Al Shibh ever hyperaroused or physiologically distressed?	Mitchell remembered Bin Al Shibh being physiologically distressed when he had been yelling at an interrogator who had sworn at him. But it was not a clinical condition.
Did Bin Al Shibh avoid discussion of his questioning or display limited interests?	Mitchell said no, Bin Al Shibh made constant complaints about his questioning, and participated in holidays, soccer matches, and discussions of halal foods.
Was Bin Al Shibh apathetic?	Mitchell said that he found Bin Al Shibh engaging.
Was Bin Al Shibh able to engage in rational discourse? Did he seem unable to self-advocate?	The discourse was, “Trying, but rational,” said Mitchell. He also noted that Bin Al Shibh was constantly self-advocating about women, clothing, organizing other detainees, and allowing him to hunger-strike.
Was it ever impossible to understand Bin Al Shibh's communications?	Mitchell said no, that the communication was sometimes difficult, due to “histrionics,” but never impossible.
Did Bin Al Shibh ever appear to have lost the ability to determine whether or not to voluntarily cooperate when questioned?	Mitchell noted that he was often called in because Bin Al Shibh was refusing to answer questions and arguing.
What was Mitchell's role in Ali's (Baluchi's) detention?	Mitchell was not involved in Ali's EITs, but did sit in with the debriefers and held conversations with Ali.
What degree of comfort and rapport did Mitchell have with Ali?	Mitchell said that he liked Ali, and that Ali seemed to act like an ordinary, pleasant person, like an accountant.
How did Mitchell view Ali's personality?	Ali did not come across as a jihadist to Mitchell, instead seeming like a person who had interests and studies, especially in English.
Did Ali ever have traumatic flashbacks or nightmares about EITs?	Mitchell did not see any evidence of either, and Ali never mentioned such to him.
Did Ali ever appear to be physically or psychologically	Mitchell recalled seeing Ali angry at one time, because a debriefer or psychologist had said something about Ali's religion that he felt

distressed?	the need to defend.
Did Ali appear to avoid Mitchell or any other interrogators or debriefers?	Mitchell said no.
Did Ali avoid discussion about his questioning or appear indifferent to his surroundings?	Mitchell said that he'd never discussed Ali's questioning with him, but Ali was very engaged in getting a hold of more of the items that interested him.
Was Ali capable of rational discourse? Was he able to self-advocate?	Mitchell said yes.
Was Ali ever impossible to understand? Did Ali exhibit behavior suggesting that he had lost the ability to voluntarily determine whether or not to cooperate?	Mitchell thought that there was a linguist involved, but he had no trouble understanding Ali. There was no indication that Ali had lost his voluntary will.
What was Mitchell's role in Hawsawi's detention?	Mitchell conversed with Hawsawi and sat in during debriefings. Mitchell was never involved with EITs on Hawsawi.
What level of comfort and rapport did Mitchell have with Hawsawi?	Mitchell was uncertain, but recalled Hawsawi as “deferential and nice.”
Did Hawsawi show evidence of having flashbacks? Did he talk about nightmares involving EITs?	Mitchell saw no evidence of flashbacks, and Hawsawi never told him about any nightmares.
Was Hawsawi ever physically or psychologically distressed?	Mitchell said that Hawsawi was the most distressed by his rectal difficulties.
Did Hawsawi avoid Mitchell or anyone else?	Mitchell said no.
Did Hawsawi have limited interests?	Mitchell did not recall speaking with Hawsawi about his interests, so did not know for sure.
Was Hawsawi indifferent to his surroundings or of apathetic mien?	Mitchell said no.
Was Hawsawi capable of rational discussion?	Mitchell said yes.
Was Hawsawi ever impossible to understand? Did he exhibit evidence of having lost his ability to voluntarily determine to cooperate or not?	Mitchell did not recall Hawsawi ever being impossible to understand. Since Hawsawi was able to control the flow of conversation around Mitchell's questions, Mitchell assessed him as retaining his voluntariness.
Explain the chief psychologist	Mitchell explained that there was a requirement that anyone

<p>for medical services' feeling of conflict of interest about Mitchell.</p>	<p>deployed to be an interrogator had to be psychologically evaluated. When Mitchell was sent for evaluation, he was assigned to the chief psychologist of OMS, who said that, as a 20-year psychologist, Mitchell was capable of faking any test. The chief psychologist then said that psychologists should not be interrogators because psychologists are trained in asking questions in ways that would cause people to reveal information they would rather keep secret. The chief of OMS believed that a psychologist using the detailed information and trained skills was unfair.</p>
<p>Would the best person to ask about the meaning of cables be the person who wrote the cables? Are there any times when the best person to ask would not be the author?</p>	<p>Mitchell agreed that it was generally best to ask the author. A co-author or discussant might be better in certain occasions, in being able to interpret the jargon, but usually the best person would be the author.</p>
<p>Did physicians or anyone on the medical team maintain detainee medical records in a format other than a cable?</p>	<p>Mitchell had never heard of another format. He believed everything returned in cables.</p>
<p>Which NX2 acolyte falsified a piece of intelligence from Bin Al Shibh?</p>	<p>Mitchell thought (“I’m 98 percent sure”) it was EH1, but acknowledged that that person might disagree. In one interrogation session, EH1 had asked Bin Al Shibh what the Arabic term for fissionable materials was, and reported that as a discussion of Al Qa'eda's nuclear program.</p> <p>Under further questions, Mitchell recalled that the erroneous cable may have been sent in February 2003.</p>
<p>Which psychologist was it whose report of NX2 ultimately led to that interrogator's removal?</p>	<p>B7F.</p>
<p>Over 50 OIG investigations found allegations were unsubstantiated, there was one felony conviction, there was one termination of a contractor, and there were six agency accountability reviews. Since NX2 was not the felon or the terminated contractor, did NX2 ever have an accountability review?</p>	<p>Mitchell did not know. He recommended that the defense ask their agency contact for classified material to get that information. When asked, Mitchell agreed that a supervisor would have been a reasonable person to ask. NX2 had two supervisors, who had the UFI's C12 and KM4.</p>
<p>Was SG1 an employee of the CIA?</p>	<p>Mitchell said yes.</p>
<p>Did “site manager,” “chief of</p>	<p>Mitchell said no, that “chief of site” and “station manager” were</p>

site,” “station manager,” and “chief of base” mean the same thing?	him trying to remember “site manager.” “Chief of base” was different, because a base had more operational power than a site.
Was Baluchi (Ali) ever allowed to speak to another detainee at a black site?	Mitchell did not recall whether the detainee was allowed or not.
Were there any social pairings beside Nashiri and Abu Zubaydah? What were they?	Mitchell acknowledged that there were other pairings, but said that the interrogators handled that, so he had no information.
Were the guards wearing BDUs in 2003-2004 at Site 6 (GTMO) CIA employees or contractors?	Mitchell believed that the guards were CIA employees, since the contract was put in place circa 2005.
Did Mitchell use social influence techniques that included non-verbal or paralinguistic aspects? (In response to a request for clarification, the defense noted Mitchell sometimes winked during testimony.)	Mitchell said that he did not intentionally use non-verbal sorts of communication for social influence. He did sometimes use “mirroring,” which was the assumption of the same position as the subject to increase sympathy, and then gradually shift tone to shift the subject's tone. He also assented that normal communication methods, such as raised or softened voice, could be considered social influences.
When Mitchell received taskings under regular (not understaffed) times, how did he receive them?	Mitchell was usually told that he was assigned to a particular detainee that day by an analyst, so he listened to the analyst's interests. Often, but not always, he reviewed the cable directly.
Did Mitchell ever see any cables or requirements that came from the FBI regarding Iyman Faris?	Mitchell said he had never seen any cable that said it was from the FBI. He did not know that any requirements had ever come from the FBI.
What was the FBI's role in the investigation of the murder of Daniel Pearl?	Mitchell recounted that, when KSM had spoken of killing Pearl, KSM has offered his hairy arms appearing in the released video as proof. Mitchell was told that the FBI did a morphological study of KSM's arms as a result.
[Defense showed document MEA-FBI-2446 to Mitchell and asked questions.]	Mitchell affirmed that the document appeared to be from the FBI to the CIA. He affirmed that the document was about the Daniel Pearl investigation. He counted 21 questions in the document that the FBI sent to the CIA for assistance. Mitchell replied that this was not a requirements cable, did not match the format of intelligence requirements cables.
Did Mitchell agree that there seemed to be a public misconception that Mitchell and Jessen promoted the concept of learned helplessness to the CIA? Was there review in intelligence studies that criticized Mitchell's	Mitchell agreed that it did seem there was a public misconception. His recollection was that the reviewer criticized the book for not addressing learned helplessness. Mitchell explained that, since learned helplessness was not part of his program's approach, he hadn't felt addressing it to be necessary.

book about the concept of learned helplessness?	
Was there indiscriminate use of the term “learned helplessness” within the CIA?	<p>Mitchell agreed, repeating that the lay definition that the CIA used did not match the scientific definition.</p> <p>Responding to further questions, Mitchell opined that Dr. Mikulincer wrote the most comprehensive work on learned helplessness, which was <i>Human Learned Helplessness: A Coping Perspective</i>. Mitchell also specified that the learned helplessness he was describing was a profound condition, not a transient feeling of futility.</p>
Do the effects of learned helplessness, including attentional and motivational deficits, occur on a continuum, or just a complete withdrawal and passivity?	Mitchell confirmed that there was a continuum from no effect to complete hopelessness. He had thought that he was being asked to explain profound learned helplessness, in prior testimony,
Did Mitchell also recommend the work of Dr. Basoglu, who wrote <i>Torture and its Consequences</i> ?	Mitchell agreed that he had recommended Basoglu in the past and would continue to recommend Basoglu.
If learned helplessness was not the point of the program, was the point of the program to induce an exploitable state of mind? Was one of the methods to control the detention environment? Were there other methods that did not necessarily require coercive physical pressures?	Mitchell said yes to each question, while noting that “exploitable” in this case meant willingness to provide information.
Were detainees' hands restrained during waterboarding? Could KSM have made a cutting gesture?	Mitchell explained that detainees were restrained about the forearms with large pieces of Velcro. KSM could make a cutting gesture with his hands, because he could move his hands.
Did Mitchell ever hire anyone who had been subject to disciplinary proceedings at the CIA?	Mitchell said no, not to his knowledge, and that MJA had a screening process to eliminate those personnel.
Did Mitchell always know where MJA security personnel were stationed?	Mitchell said he did not personally always know, but he had a good idea because he was briefed on where they were going. His security manager always knew.
Did MJA provide personnel for the rendition flight to Guantanamo?	Mitchell said probably.

Did Baluchi (Ali) complain of dental pain?	Mitchell recalled that the detainee complained and a dentist was brought in.
Did Baluchi have panic attacks, was he diagnosed with anxiety, was he described as chronically worried, or did he feel “consumed by fear”?	Mitchell never saw a panic attack or that the detainee was consumed by fear, and the detainee never said as much. Mitchell did not know what the detainee was diagnosed with.
Did Mitchell know Baluchi to have severe sleep problems, a parallel critical internal commentary, or fears tied to unrelated events like slamming doors?	Mitchell said no.
Did Mitchell know Baluchi to have vivid memories of his earlier interrogations, or to need constant reinforcement that he was safe?	Mitchell assumed that the detainee would have vivid memories (though he pointed out that these were not the same as flashbacks), but he didn't know that a continual need for reinforcement of safety was true.
Did Mitchell know that some debriefers had described Baluchi as having psychological issues, that he said he had been tortured for personal business, or that he believed he had only experienced 10% of the possible torture?	Mitchell had never read or heard any of that.
What did KSM call Jessen?	Mitchell was not sure, but believed it was “Abu Hanan.” He recommended asking Jessen.
What did KSM call the Preacher?	Mitchell did not remember.
What did KSM call the chief of base?	Mitchell did not remember.
When and where did the issue of KSM's office hours occur?	Mitchell answered that it was at locations 7 or 8, and sometime between 2003 and 2006.
When and where did KSM's lying about Abu Ahmed Al Kuwaiti occur?	Mitchell identified the location as 7 or 8, but did not recall the year.
When and where did the feud over taking a vitamin that would break KSM's fast occur?	Mitchell thought the location was 7 or 8, and it was between 2003 and 2006.
Why was it important that KSM keep Washington happy?	Mitchell responded that it wasn't, that saying Washington wasn't going to believe something was a social influence technique that distanced the interrogators from the people applying pressure, in the

	<p>detainee's mind.</p> <p>Under further questions, Mitchell agreed that there was an implied threat, because Washington could and did order things like the removal of KSM's mattress when it did not believe KSM.</p>
<p>Did Mitchell have the impression that KSM's memory was intact?</p>	<p>Mitchell said yes. He also agreed that KSM had never appeared to forget who he was.</p> <p>Under additional questions, Mitchell agreed that KSM probably always knew that Mitchell was someone who performed a facial hold, an attention grasp, and an insult slap. Mitchell objected to being characterized as someone who rendered KSM nude or manipulated his diet, because those were initial conditions of confinement and interrogation planning.</p> <p>Mitchell affirmed that he, Jessen, and the Preacher were the face of the interrogation program, but he corrected that the guards were the ones that provided the toileting bucket.</p>
<p>Was Mitchell the person who received KSM from Site 2?</p>	<p>Mitchell said no, that contractors could not transfer or receive detainees. There was a government employee responsible for custody, and Mitchell never had custody of any detainee.</p>
<p>Was Mitchell the one who deprived KSM of sleep for 180 hours on two occasions?</p>	<p>Mitchell specified that KSM had been on sleep deprivation while Mitchell was on the interrogation team.</p>
<p>Was Mitchell the one that caused loud noise or music to be played at location 4 at all times?</p>	<p>“I don't recall. I thought we used white noise, but if it was – it would have been at the same decibel level, so whatever it was.”</p>
<p>Was Mitchell the one that kept lights on at all times?</p>	<p>Mitchell said the lights were kept on as a condition of confinement.</p>
<p>Was Mitchell the one that imposed 183 near-drownings on KSM?</p>	<p>Mitchell stated that 3-second water pours were not near-drownings. When the defense asked if a document from prior questions had not concluded that they were near-drownings, Mitchell said that it had not.</p>
<p>Was Mitchell the one that conditionally threatened KSM's children?</p>	<p>Mitchell said yes.</p>
<p>With the foregoing, could Mitchell think of a reason why KSM might want to charm him?</p>	<p>Mitchell noted he could think of dozens of reasons that KSM would want to charm. He also stated that KSM trying to charm was not evil. Under further questions, Mitchell stated that he did not know what was in KSM's mind, given that KSM never complained of his relationship to Mitchell, nor expressed fear of Mitchell.</p>
<p>Why did Mitchell not correct his recollection of whether or not he had been present for Bin Al</p>	<p>Mitchell noted that his recollection had not actually been refreshed, but that a document a different defense counsel had shown him had led him to deduce that he must have been at the site contemporary</p>

Shibh's EITs immediately?	with the EITs. He had not corrected on the record yet, because he worried that the judge would get tired of him seeking to correct himself without questions being asked.
Did Mitchell have an interrogation session with Bin Al Shibh on 7MAR2021?	Mitchell said that he could have been observing the interrogation, but he equally could have only attended a debriefing session.
But Mitchell was at least present 18 times between the 23 <sup>rd</sup> and March 7 <sup>th</sup> ?	Mitchell concurred that that was what the document shown to him indicated.
Was Mitchell aware of anything that occurred during sessions that he did not attend? Did anyone brief him on those sessions?	Mitchell said no.
What was Mitchell's relationship with Preacher?	Mitchell described the Preacher as presenting himself as friendly and interested in a person, but then talks that person down when in different company.
Did Mitchell ever witness the Preacher applying EITs to Bin Al Shibh when Bin Al Shibh was cooperating?	Mitchell did not recall that ever happening.
What did Bin Al Shibh think the CIA was doing when he complained that it was experimenting on him?	Mitchell said the Bin Al Shibh had said first that the CIA was experimenting by making his bed shake, and second that he was getting dizzy so the CIA was experimenting with making him dizzy. When Mitchell and Jessen were able to verify that the bed was shaking and had Bin Al Shibh moved to a different cell, the detainee asserted that they were only there because the experiment was over.
Mitchell's answers to the government that he had not seen Bin Al Shibh suffering flashbacks were not based on continuing observation, were they?	Mitchell said no.
Did Bin Al Shibh ever have TV, soccer, or other socialization available?	Mitchell did not know. However, he said that if Bin Al Shibh was at one of the black sites where the entertainment was available, he would have had them.
The Senate Majority report stated that, "Further, despite CIA policy at the time to keep detainees under constant light for security purposes, Bin Al Shibh was kept in total darkness to heighten his sense of fear." That reflects the fact that the	Mitchell asked which site the report referred to, but was refused an answer. He clarified that site 2 was kept always dark. Otherwise, he had not heard of a detainee being kept in the dark.

policy was to have the lights on all the time, right?	
One of the cables quoted in the Senate Majority report was that two+ years of isolation were having a negative impact on Bin Al Shibh, and recommended the detention environment be altered to prevent further disturbance. Did Mitchell know if changes were ever made?	Mitchell said no.
(In response to Mitchell noting that he sometimes monitored from the control room when the Preacher was alone in contact with Bin Al Shibh.) If Mitchell was monitoring, would his number appear on the list? If a medical provider was on the list, did that mean the provider was in the room?	Mitchell said that his name would not appear on the list if he was monitoring from the control room. A medical provider appearing on the list meant that the medical provider had some contact with the detainee at some time during the day, not that the medical provider was in the room with the interrogator.
Was the Preacher going to Bin Al Shibh's cell alone?	Mitchell stated that guards escorting the interrogator to the cell was policy, so he would have been shocked if Preacher went alone. Mitchell confirmed that the guards' numbers would not appear on the forms.
Was there a plan or determination that the detainees would be held in custody for the rest of their natural lives?	Mitchell, responding to the document that the defense referenced, indicated that he was not aware of a plan to detain anyone for life, but he had been consulted about if the detainees were held for life. He could not speak to the words the people writing the e-mail used, but he was not aware of intent for the detainees to die in detention. Mitchell clarified through more questions that there was a not-uncommon assumption that the detainees might be incarcerated for life, but no certainty.
Was there a logbook that Mitchell signed into or out of when he was at a location, whether or not he met with a detainee? How did the CIA track where Mitchell was?	Mitchell said no, there was not a logbook. The CIA kept track of where he was with some sort of internal schedule of his assignments.  Mitchell wasn't surprised that he was only recorded as debriefing Bin Attash four times, because Bin Attash was cooperative. He did note that other meetings, like morale visits and conversations, had not been recorded.

*Jessen Examination Summary:*

<b>Question Summary</b>	<b>Answer Summary</b>
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Name?	John Bruce Jessen
Residence?	Washington state.
Had Jessen testified in a courtroom proceeding before?	Jessen answered yes.
Did Jessen have documents pertaining to his time as a contractor with the CIA in his possession in preparation for his testimony?	Jessen was not clear what the defense was asking, because the question came in several parts.
When did Jessen first learn that he was going to go to GTMO to testify?	Jessen had had a few months to prepare.
At the time he was informed of his testimony, did Jessen have any documents to review pertaining to his time as a CIA contractor between 2002 and 2009?	Jessen said no.
Did Jessen review CIA documents in a SCIF?	Jessen said he had.
When did Jessen review the documents in the SCIF?	Jessen met with the CIA on two occasions at a SCIF in Tysons Corner, first for several days, and then again for a day and a half. The second time was shortly before flying down.
So Jessen spent three or four days preparing for testimony?	Jessen agreed.
Was Jessen aware that the defense had reached out to his attorneys with an offer to overview the questions for the day?	Jessen was aware that the defense had reached out, though did not remember why, and he had chosen to decline per the advice of his own counsel.
What did the government tell Jessen was the purpose of the hearing?	Jessen was asked if he and Mitchell would come to GTMO and testify. Jessen agreed to come for two weeks, but no more. <sup>4</sup>
Which Locations did Jessen attend?	Jessen recalled going to Locations 2, 4, 5, 6, 7, and 8. Between Locations 9 and 10, one he visited no longer than an hour, the other he was at for a while, but did not remember which. (Defense noted that 9 and 10 were in the same country.)
Did Jessen remember the last time he was at a black site? Was it before or after the detainees	Jessen did not recall.

<sup>4</sup>This first day of testimony, Jessen was in the final day of his specified two weeks.

transitioned to GTMO?	
Did Jessen recall the first time he met Baluchi (Ali)?	Jessen expressed uncertainty, though he thought he recalled the incident, he was aware of documents indicating his presence at times he did not recall. He believed it was at Location 4.
Did the CIA hire Jessen as a contractor in 2002 on the basis of his considerable experience in resistance training, to develop interrogation techniques?	Jessen affirmed his belief that that was accurate.
Did Jessen develop a set of coercive interrogation techniques that were approved by the DIJ for use on a detainee nicknamed Abu Zubaydah?	Jessen said no. He did not develop any techniques.
Did Jessen observe problems with the treatment of Gul Rahman at Location 2 in 2002? Did Jessen raise those issues with the CIA in 2002	Jessen answered affirmatively to both questions.
Did Jessen and Mitchell report the practice of unauthorized techniques on the detainees by CIA personnel to the CIA?	Jessen said yes, and that for his part the reports were once about Rahman, and a second time about someone else.
Did Jessen and Mitchell develop a training program for personnel staffing black sites?	Jessen said that he and Mitchell had been asked to develop a training program for interrogators, but that he and Mitchell had had employees who developed training protocols for black site staffers.
Does Jessen have a PhD in applied clinical psychology? What is applied clinical psychology?	Jessen did have a PhD in applied clinical psychology. He defined it as the application of clinical and industrial operational psychology, and that it involved using therapeutic and observational procedures, theories, and techniques, which a licensed person could then use.
Was Jessen a licensed clinical psychologist?	Jessen was at one point licensed, but his license was dormant by the time he was called to testify.
When was Jessen's first experience with SERE techniques?	Jessen's first experience of SERE techniques was when they were applied to him in the SERE school in 1985.
What sort of cases did Jessen treat as a clinical psychologist at Mather Air Force Base in California?	Jessen treated navigators-in-training who were apprehensive or didn't understand difficult things, so he helped them learn to relax. He also treated active duty service members' dependents.
Did Jessen ever treat post-traumatic stress disorder?	Jessen said no, but he thought that he had seen a case that might qualify when he was at SERE school. It used to be called battle fatigue or battle distress.
What was Jessen's title or	Jessen did not remember, but thought it would be something like

position when he was at the U.S. Air Force Survival School for four years?	“chief of psychological services.”
Did Jessen write the document titled “Psychological Advances in Training to Survive Captivity, Interrogation, and Torture”?	Jessen thought so, sometime between 1985 and 1989. Under further questions, Jessen noted that he had not read the diplomatic articles and instruments against and prohibiting torture fully, but understood them relatively.
Was it accurate to say that resistance training was meant as a shield against torture?	Jessen said that this was partially correct, but that resistance training was actually designed to “inculcate resiliency so that if a person is held captive [...] and they're interrogated and they're trying to protect classified information, that they have an optimistic feeling about being able to do that. [...] Under the vicissitudes of captivity and interrogation, people make mistakes and they divulge things they didn't want to. And the U.S. Government didn't want servicemembers to feel defeated with their first mistake and not able to regroup. [...] The purpose was to train resilience [...] you make a mistake, regroup, and go at it again the next day to the best of your ability. So that would be a comprehensive approach not just aimed at possible abuses like torture.”
What did Jessen mean by “optimistic feeling?”	Jessen explained that this was the understanding that everyone makes mistakes, and one mistake did not mean that person would be branded a failure at home or should think of himself or herself as a failure. The feeling of optimism was that the person could regroup, could regain dignity, could try again.
Was the resistance training based on the real experiences of servicemembers in Korea and Vietnam?	Jessen said that it was somewhat based on the experience. The DOD does not torture its own people, so the techniques were designed to be difficult but not torturous. People in the school learned that they could deal with difficult times and bounce back.
What did Jessen mean in his paper by saying that “a heightened state of emotional and physiological arousal is achieved”?	Jessen noted that that was “psychobabble” for a professional paper. At the SERE school, students begin with evasion, but are all captured without escaping. The capture and interrogations are designed to be realistic, to elicit real reactions. Students feel those realistic situations.
What is “cognitive dissonance?”	Per Jessen, whenever a person predicts an experience will go a particular way, but the situation destabilizes and the person has to adapt, that person is in a state of cognitive dissonance while attempting to establish new predictions and expectations.
Who provided the information in “Key problem-solving information is provided the subject on a variable interval reinforcement schedule”?	Jessen identified the SERE instructors as providing the “in-projection hints.” While the instructor creates a realistic experience, the instructor is also assisting the student in developing points of optimism and problem-solving. The instructor feeds the student hints without a schedule.
“Confronted with [threats of death, physical pressures including torture, inadequate	Jessen said that he meant someone who had not been through resistance training. He noted that someone unprepared can still get through these situations, but it takes longer and that person suffers

diet, sanitary facilities, etc.], the unprepared prisoner of war experiences unmanageable levels of fear and despair.” What did “unprepared” mean?	more stress in the process. Preparation, with a cognitive framework, leads to the quicker development of coping mechanisms. “Being unprepared doesn't mean that you can't perform effectively, it just means you don't have that leg up.”
“Unmanageable” means it seems unmanageable in the moment?	Jessen concurred. He described humans as having incredible resilience, based on his many interviews of prisoners of war from WWII forward. Having a useful mental template allows for faster and more effective reaction, but humans eventually find their way through even without a template.
What did Jessen mean by his references to resistance techniques in long-term memory?	Jessen explained that short-term memory only retains information for a few seconds, but long-term memory lasts for a lot longer. Pairing problem-solving with an emotion (fear, ecstasy, despair, etc.) can put the solution or method into long-term memory, when applied in a training situation.
Who determines how much time students spend in resistance training?	Jessen did not know.
What is a “specific cue stimulus setting?”	Jessen explained it as a setting that reminded students of the situation they will experience or have experienced.
Can the setting itself trigger recall of memories from the students' trainings?	Jessen said yes. With further questioning, he noted that how much of the setting is necessary to recall the memory depended on the student. Some students only require a face or a sound.
[Defense referenced a document.] Does long-term memory last approximately 30 years?	Jessen corrected that 30 years was the maximum time a person on duty remains active, not a metric for long-term memory.
Would students who experienced resistance training in 1985 have passed a point where remembering the training is vivid and accurate in 2015?	Jessen said no, he thought that students would still remember their training vividly. He suspected that he used the number 30 because a document by the DOD directed him to make sure the training's effects lasted 30 years.
Did Jessen know Dr. Jerald Ogrisseg?	Jessen said yes, he remembered Ogrisseg, but they were not close.
[Defense asked Jessen's opinions about statements Ogrisseg made to the Senate Armed Services Committee about resistance training.]	<ul style="list-style-type: none"> <li>• “Military SERE training students are screened multiple times prior to participating in training to ensure that they are physically and psychologically healthy.” <ul style="list-style-type: none"> <li>◦ Jessen could not confirm multiple screenings, but knew the students were screened.</li> </ul> </li> <li>• “They get screened prior to entering the service to ensure that they don't have certain disorders.” <ul style="list-style-type: none"> <li>◦ Jessen did not know the screening criterion, so did not know what disorders were included.</li> </ul> </li> <li>• “Students are required to get screened by military doctors at</li> </ul>

	<p>their home bases prior to traveling for SERE training to ensure that they meet the physical and psychological standards for participating in training.”</p> <ul style="list-style-type: none"> <li>◦ Jessen assumed so, but he only remembered that the students were screened before arrival. The students had to go to the flight surgeon for a physical examination, and get cleared of any past mental health problems.</li> <li>• “Students arrive with their medical records in hand or available electronically to document their entire medical history and indications of prior psychological diagnoses since their original military entry physicals.” <ul style="list-style-type: none"> <li>◦ Jessen said yes, that the servicemembers carried their records with them to every training location, not just survival school.</li> </ul> </li> <li>• “These procedures are used not only to screen people out of participating in training, but also for identifying people who could be provided preventive interventions in order to increase their probability of success in training.” <ul style="list-style-type: none"> <li>◦ Jessen did not remember anything like that. He asserted that people who might need preventative intervention would not have come to training.</li> <li>◦ Jessen noted that Ogrisseg was the chief psychologist after Jessen, so things may have changed by the time Ogrisseg spoke on the subject.</li> </ul> </li> </ul>
<p>Jessen had said in a deposition that he saw the students who had acute problems during SERE training. What did Jessen characterize as an acute problem?</p>	<p>Jessen remembered people getting very anxious in small confinement boxes, so he helped them through, teaching techniques so that they could climb into the boxes. There were other issues, but that was an example.</p>
<p>What was Jessen treating instructors for?</p>	<p>(Jessen appeared to miss-hear “treating” as “training.”) Jessen said that instructors went through the basic SERE course, but then undertook an additional instructor training course of six or eight months.</p>
<p>What did the instructors need to learn in order to be survival instructors?</p>	<p>Jessen said the skills were general survival skills, like building shelters, evasion techniques, how to purify water, how to exist without fire in an arctic environment, and others.</p>
<p>[Defense referenced a document mentioning Dr. Brian Sugden's role at the SERE school.] Why was it necessary to assign a clinical psychologist to develop a comprehensive stress-monitoring program for instructors?</p>	<p>Jessen stated that people able to use coercive pressures on others tend to incrementally drift into greater and greater pressure, so it was necessary to monitor the instructors and prevent that.</p>
<p>What was Jessen looking for in</p>	<p>Jessen recalled biannual evaluations of the instructors to monitor</p>

instructors?	their work in resistance training, which involved going into the field with each unit on a quarterly basis. Trained psychologists and mental health technicians were in the resistance training laboratory while it was being conducted. Jessen said that occasionally people did things wrong and were corrected or removed.
What cues did Jessen look for to tell if techniques were performed according to procedure or not?	There were two main areas to monitor, Jessen said. First was to observe if actions were aligned with operational instructions. Second was to know the instructors' habits or reactions in times of personal crisis, for purposes of intervention.
Did Jessen treat instructors with identified personal issues or who had transgressed operational procedure?	Jessen mostly treated or offered to assist instructors that he found out were dealing with divorces or child deaths. He did deal with a couple of incidents where an instructor broke protocol and he had to treat the instructor, but they were classified.
Were inquiries performed into why the violations occurred?	Jessen said yes, the commander and squadron commander did due diligence, involving JAGs and otherwise taking the events seriously. Under further questions, Jessen confirmed that the inquiries involved psychological evaluations of instructors. The results are confidential, but action was taken.
Did Jessen ever treat instructors or students for trauma sustained during the training program.	Jessen said no. There was one student who may have had PTSD, but that was in the entire time Jessen functioned at the school.
Did anyone Jessen treated at the training require long-term care?	Jessen said no.
Would Jessen agree with a written statement attributed to Dr. Mitchell that said, "In just one year, September 1992 to September 1993, out of the seven years I was at the Survival School, I worked with 133 people who were emotionally overwhelmed by the use of enhanced measures in resistance to interrogation training. I estimate similar numbers for the remaining six years I was there"?	Jessen did not know what Mitchell had meant by that statement.
Was it Jessen's testimony, then, that he didn't recall working with anyone who may have been emotionally overwhelmed by the use of enhanced measures in Survival School?	Jessen (seeming slightly annoyed) pointed out that that wasn't what the defense had asked him.
Did Jessen work with patients or instructors in the training who	Jessen said that almost everyone who went through the school was at some point emotionally overwhelmed, because the training was

<p>may have been emotionally overwhelmed by the application of the techniques in resistance training?</p>	<p>designed to overwhelm so that students could develop coping mechanisms.</p>
<p>About removals from the Survival School:</p>	<p>Jessen reported:</p> <ul style="list-style-type: none"> <li>• He was involved in one removal.</li> <li>• Removals were very rare.</li> <li>• Students self-eliminated frequently, because survival training was not as glamorous as expected.</li> <li>• Cold, wet, and discomfort led many to reassess training, and led to several departures.</li> <li>• No, Jessen never gave students the impression that the training was glamorous. Recruiters back at the base likely made the training sound sexy.</li> <li>• No, there was no penalty for choosing not to participate.</li> <li>• Those who left the program returned to their prior job or were placed in a different job.</li> </ul>
<p>When a statement by Dr. Mitchell noted that enhanced measures are used only in the service of producing the appropriate mental state, does that mean that the measures can be calibrated to produce different mental states?</p>	<p>Dr. Jessen said no, that that was not possible.</p>
<p>What did it mean when Dr. Mitchell wrote that sometimes the appropriate mental state is fear, sometimes learned helplessness? How did Jessen distinguish between fear and compliance and a sense of false hope?</p>	<p>Jessen disagreed with Mitchell's writing, citing misspeech. Fear was something SERE instilled, but the clinical experimental state of learned helplessness was never induced at the school. Jessen had never seen a case of learned helplessness in his life. Why Mitchell wrote what he did would be a matter to address with him, because Jessen stated that the RDI program did not include learned helplessness.</p>
<p>Did Jessen encounter “learned helplessness” in a way that he did not agree with during his employment with the CIA?</p>	<p>Jessen said yes.</p>
<p>Does Jessen agree with Dr. Bruce LeFevre's characterization that Mitchell's, Jessen's, and other psychologists roles were important because they screen SERE trainers for stable personalities that won't drift into sadism?</p>	<p>Jessen said yes, but agreed “more or less.”</p>

How did Jessen monitor against drifts into sadism?	Jessen noted that stepping out of protocol was a potential indicator. He thought there was not a diagnostic test, but gratuitous violence or even gratuitous heckling was considered unacceptable, so those engaging in it would be removed.
What is “abusive drift?”	“A resistance training instructor embellishes the frequency, the intensity, or changes what they're doing to a student outside of protocol.”
Did Jessen identify drift based on a single instance of exaggeration of protocol?	Jessen indicated that drift might be identified in a first instance, but it might also take two or three instances to be recognized. The person would be brought in and told not to do something the first time it was seen, but if the person did that again, it would definitely be drift.
What does the term “degradation” mean in resistance training?	Jessen noted that “degradation” means “to deplete in some way,” and defined it as not just a resistance training term. He explained that someone taking away a prisoner's supplied MREs would be degrading the food source.  Under further questioning, Jessen agreed that removal of clothing might be a degradation, and manipulation of light level might be a degradation, but it depended on the subject's comfort or discomfort with nudity or light level.
Is there a difference between degradation and deprivation?	Jessen's personal definition was that “degradation” was removal by degrees, where “deprivation” was complete removal. He agreed that the terms were used interchangeably in the SERE school.
What was the JPRA?	Jessen defined the JPRA as the “Joint Personnel Recovery Agency,” which took over from Operating Location Fairchild (OLFA) to coordinate recovery support for all captive or evading personnel for all services.
Did the JPRA apply to U.S. persons held in captivity?	Jessen corrected that it applied to any U.S. citizen who was or had been held as a prisoner of war, a hostage, or a governmental detainee.
What sorts of psychological evaluations were in place for returning prisoners of war?	After mild confusion, Jessen noted that there were no standard protocols in place for psychological evaluation of returning POWs. While psychological support was provided as needed, he did not recall a requirement in the repatriation protocol manuals, especially since returning civilians could not necessarily be ordered into evaluation.
Has Jessen debriefed prisoners of war who had been subjected to both physical and psychological coercion?	Jessen said yes, he had interviewed and debriefed several. He noted that some were “way before” his time, but he had interviewed people from WWII, Korea, Vietnam, and the Gulf War.
Debriefing a former POW consisted of what?	Jessen tried to find out everything he could about their experiences, with the intent to use it to help others who might experience the same situation.

<p>In a deposition for the ACLU, Jessen had testified, “There is a team of specialists including psychiatrists, physicians, psychologists, a plethora of people. So returnees would have access to all of those people to assist them.” Is that correct?</p>	<p>Jessen said yes. He offered the clarification that former coercion techniques that involve trying to brainwash a person into signing a false confession or read a statement is no longer used often, so is no longer trained against. What is called coercion now usually involves a terrorist holding a person up in front of a camera, and flashing a statement. In this way, treatment has also had to change.</p>
<p>Instructors in the SERE program were not trained to be interrogators, correct?</p>	<p>Jessen said yes. Trainers were trained in interrogation, but that was not their primary purpose. They were not “certified” to interrogate. In response to further questions, Jessen clarified that SERE trainers needed to know as much as possible about interrogation in order to synthesize a curriculum that would prepare students in resistance, but the trainers themselves were not intending to elicit information.</p>
<p>In former prisoners who had been home a long time, did Jessen see any long-term effects from physical pressures and psychological coercion?</p>	<p>Jessen summarized the data he had been familiar with as that the vast majority of people suffering continuing psychological problems and dysfunction related to their captivity were those who had had predisposed psychological indications prior to joining the military. Those who had had existing physical conditions generally did not have their physical conditions exacerbated, but many had developed physical problems as a result of their treatment.</p>
<p>What sorts of physical problems did they suffer? Were the maladies the result of kinetic activities or the consequences of captivity over time?</p>	<p>Jessen related that:</p> <ul style="list-style-type: none"> <li>• Personnel held by the Japanese suffered physical problems deriving from forced marches, heavy labor, and the deprivation of food and medical care.</li> <li>• Personnel held by the Koreans suffered physical problems resulting from lack of adequate medical care, though some were physically abused. A physician had recalled a wish to have known dentistry, because he would have been able to relieve more suffering in the Korean POW camp by being a dentist.</li> <li>• Most physical problems appeared to be natural consequences of living with no heat or sanitation and a lack of medical care.</li> </ul>
<p>Did Jessen agree with Dr. Pierre Duterte that physical and psychological effects of post-traumatic stress disorder and other traumas may manifest or occur decades after initial trauma?</p>	<p>Jessen said yes.</p>
<p>Does resistance training beforehand reduce the time for rehabilitation?</p>	<p>Jessen said no, that the resistance training allows someone to experience a similar situation and figure out effective coping mechanisms prior to being confronted by the true experience. It doesn't mean that person will be a better resistor or will ultimately have better coping skills, but that person would be able to engage</p>

	coping mechanisms faster.
When Jessen was teaching JPRA's high-rate-of-capture course, was that to prepare them for specific missions?	Jessen said yes, for some personnel, but others were simply in preparation for a general theatre of mission.
Did Jessen remember when, in 2001, he and Mitchell were contacted to review the Manchester Manual? Did he recall who contacted them to conduct the review?	Jessen said no, but thought that the contactor might have been from the CIA.
Was Jessen briefed on the Manchester Manual before seeing it?	Jessen said no.
What was the request with regards to the Manchester Manual?	Jessen said yes, that they asked him to review and make recommendations about a resistance training document stolen from SWCC.
How long did the review of the Manchester Manual take?	Jessen did not remember precisely, but estimated a few days.
The paper that Jessen wrote as a result of reviewing the Manchester Manual made no recommendations for use of coercive methods, correct?	Jessen said yes, though acknowledged that other people might consider it differently. "If I warn you about getting in the cookie jar and you might not be able to have screen time, that might be coercion to you. It's not coercion to me."
In his review paper, Jessen had written recommendations of responsive methods without coercive measures, and he stated them to be in compliance with the Geneva Conventions. Had anyone advised him at the time of writing on what would violate the Geneva Conventions?	Jessen said no. He also noted that something that was redacted as classified was not or were not the list eventually made for the CIA.
A memorandum included in a Senate Armed Services Committee report stated that, "JPRA warned that physical deprivations were not as effective a means of getting information as psychological pressures, that information gained from their use was less reliable, and that their use tends to increase resistance postures when deprivations are	Jessen said he did not necessarily agree. In response to a re-wording of the question, Jessen defined "physical pressures" as similar to the actions on the list that he and Mitchell provided to the CIA that were eventually used on the detainees. "Physical deprivation" is the incremental removal of something originally supplied like sleep or food.

removed.” Did Jessen agree with that statement?	
When and how did Jessen learn that detainees were going to GTMO?	Jessen did not remember.
Was Jessen aware that Colonel Moulton of the JPRA was reviewing the paper on the Manchester Manual?	Jessen said no. He had not sent the paper to Moulton, but he was aware that the CIA had disseminated it to the DOD and other departments.
When Jessen wrote an outline with Christopher Wirts, what was Jessen's understanding of the conditions under which detainees were being held at GTMO?	Jessen said he had hardly any understanding. Moulton had asked him to provide input for GTMO folks who were putting together a detention facility. Jessen and Wirts sat down at a console and drew up a straw-man protocol for setting up an interrogation captivity facility. That was the end of his involvement with set-up.
Did Jessen become aware that JPRA had been asked to conduct training for interrogators at Guantanamo?	Jessen knew that JPRA had been asked to deploy and do some work, but he wasn't aware of the nature of it.
Did Jessen develop a two-week training course for interrogators at GTMO?	<p>Jessen asked if this was for an intelligence defense agency. When the defense counsel responded that it was for the DIA, Jessen explained that there was no program he developed, he was just called on to bring JPRA documents to GTMO and explain them or offer scenarios.</p> <p>In response to a further question about slideshows from that workshop, Jessen said that the slideshows had been taken and revised into a curriculum that he never would have agreed with, but his name was still attached since he had first helped with the slides. Senator Levin's committee finally confirmed that in the slideshow metadata after much argument.</p>
Did Jessen recognize a slide from the presentation? (Shown to witness.) What was meant by including “isolation” under “psychological torture”?	Jessen unequivocally stated that it was not his slide. He had no knowledge of it, and was not willing to speculate who created it or what that person meant by it.
Would Jessen include isolation as a form of psychological torture? Would Jessen characterize isolation as psychological torture?	Jessen said no.
When Jessen and Mitchell drafted a plan containing a section titled “Operational Team Composition,” the first bullet	<p>Jessen said the bullet point referred to people like himself and Mitchell.</p> <p>Jessen was having trouble remembering the document. After</p>

<p>point said “operational psychologists”; did that refer to Jessen and Mitchell? What was the purpose of the “Operational Team”?</p>	<p>ascertaining that he helped to write it before he worked for the CIA but after Mitchell worked for the CIA, and before Abu Zubaydah was captured, Jessen decided that the document must have been another straw-man design for setting up an interrogation facility. He speculated that it might have been written piecemeal between himself and Mitchell, because they were not working together at the time.</p>
<p>What was the pre-academic laboratory?</p>	<p>Jessen said that Biderman put together a template for SERE training back in the 1950s. Mitchell and Jessen took that template, modified it only slightly, renamed a couple of concepts, and then introduced it to the Air Force Survival School and other SERE schools. Since some of the students are “very high speed ninja warrior type people” whose focus on getting to the mission sometimes interfered with learning, Jessen and Mitchell developed the “pre-academic laboratory” where these people were unexpectedly snatched from ordinary training and put into a captivity training environment for several hours. This initial exposure was designed to focus attention and heighten interest to get those people to engage with the learning.</p>
<p>Was Jessen familiar with reporting that operating instructions for the pre-academic laboratory were distributed to Attorney General Ashcroft, National Security Advisor Condoleeza Rice, Stephen Hadley, John Bellinger, and Alberto Gonzalez in spring of 2002?</p>	<p>Jessen said no.</p> <p>Under further questions and presented the document purporting to be the manual, Jessen still said no, he was not familiar with the reporting or with the document.</p>
<p>What is the meaning of “learned helplessness” in the context of the pre-academic laboratory?</p>	<p>“Learned helplessness” was not part of the pre-academic laboratory at all, ever, in any form, Jessen asserted. Learned helplessness was never a goal of any kind of training program and no program was designed to produce learned helplessness. The term “learned helplessness” was one that many people like and the CIA misused for years.</p> <p>Jessen was not certain how to interpret which incorrect meaning was meant in the manual, but he asserted that it was probably put into the manual because the writer wanted to sound knowledgeable. The feeling of helplessness if captured is a natural thing for personnel who have not been trained in coping techniques, but feeling helpless is not learned helplessness.</p>
<p>How did Jessen first find out about the capture of Abu Zubaydah?</p>	<p>Jessen remembered being with Dr. Mitchell and Dr. Seligman on consultation to the SERE community, when a CIA psychologist who was also with them received a call directing them to return to Langley. The next morning, Jessen attended a meeting with many</p>

	<p>people and heard that Abu Zubaydah had been captured. The personnel announcing also noted that the DOD was not going to be involved, and asked that all DOD personnel depart. Since Jessen was working for the DOD, he departed.</p> <p>When asked if the meeting had discussed interrogation prior to his departure, Jessen said no.</p>
Did Jessen have contact with Mitchell between April and July 2002? Did Mitchell say anything about his work for the CIA during that time?	Since they were friends, Jessen noted that it was likely he'd chatted with Mitchell whenever Mitchell was state-side, but Mitchell was not allowed to talk about his work with the CIA. Mitchell might have told Jessen that it would be helpful for him to know about the construction of detention facilities, but that was all.
Did Jessen recall his response to the request about construction of detention facilities, whether it came from Mitchell or from JPRA?	<p>Jessen thought he'd written a straw man document and sent it off through official channels, but it had been 20 years so he wasn't certain.</p> <p>In response to further questions, Jessen agreed that in a straw man document, he would have made recommendations about personnel and confinement conditions.</p>
At the meeting where Jessen was recalled to the CIA and asked to take part in interrogating Abu Zubaydah, who was there?	<p>Jessen responded:</p> <ul style="list-style-type: none"> <li>• Mitchell? Yes.</li> <li>• Jose Rodriguez? No.</li> <li>• FBI Agents? No. Jessen had seen no FBI agents until he reached GTMO for the first time.</li> <li>• Agent Soufan? No.</li> <li>• Agent Gaudin? No.</li> </ul>
Was Jessen informed that Husayn's interrogations had broken down?	Jessen thought he had been informed, but he remembered only knowing the man as "Zayn," and as "Abu Zubaydah."
Was Jessen told that there was a belief that Abu Zubaydah had knowledge about a pending nuclear attack?	Jessen said yes, but that he did not know who had told him. The day's events were "a whirlwind."
When was the first time Jessen was told the CIA intended to interrogate Abu Zubaydah using SERE techniques?	Jessen recalled that after the meeting where he was asked to assist with Abu Zubaydah's interrogation, Mitchell noted that he and Jose Rodriguez had discussed the long history of safe and reliable SERE techniques. Rodriguez had determined that he wanted to consider them.
Did Jessen say that Mitchell did not want to use SERE techniques on Abu Zubaydah?	Jessen corrected that, no, the deposition the defense was referring to stated that he had said that originally Mitchell did not want to be involved in interrogating Abu Zubaydah at all, not that Mitchell did not want to use SERE techniques for interrogation.
Was Jessen aware at the time that CIA attorneys had met with	Jessen said no.

Attorney General Ashcroft and Secretary Rice and distributed JPRA's SERE manual?	
Did Jessen know that Mitchell was asked how long it would take for SERE techniques to take effect on detainees? Did Jessen know that Mitchell had offered an estimate of 30 days?	Jessen said no about Mitchell being asked, but was interrupted by objection before answering about 30 days. (Jessen appeared to start negative body language before the objection.)
Why would they leave Abu Zubaydah in isolation if imminent nuclear attack was expected? [Question was negotiated between defense and witness, after several failed clarifications by defense.]	Per Jessen's understanding, questioning had reached an impasse, and nobody was authorized to do anything with him. He was also partially in isolation due to recovery from severe injuries. Jessen opined that it was prudent for the government to have stepped back to make a plan for what to do.
How would Jessen characterize the way in which he used SERE techniques to develop the August list?	Jessen said that he and Mitchell were told that they were thinking about using SERE techniques, and asked the doctors for a list of them. Jessen and Mitchell went to a carrel and wrote down a list. Mitchell and Jessen handed over the list and were thanked for it. Jessen noted that he has seen many lists purporting to be the original, since then, but all of them had additional items.
Did Jessen consult any literature when making the list?	Jessen said no, noting that the techniques have been used for decades without problems.
Were there any doubts about the differences between using those techniques on trainees versus on detainees?	Jessen responded that there were probably discussions about that, likely noting that the detainees were experiencing the techniques more times than the students in the high-intensity course did, but he did not remember the particular conversations. He answered a further question that the discussions were probably with Mitchell and with the CIA medical personnel.
Was there concern about the difference between trainees being able to leave and detainees not being able to leave?	Jessen said no, because the detainees could stop the techniques at any time by talking, even if it was to tell a lie. Most of the detainees started talking very quickly, with KSM an outlier at two weeks.
How did classical and operant conditioning work together in detainee interrogations?	Jessen stated the following: <ul style="list-style-type: none"> <li>• Classical conditioning and operant conditioning are both good at modifying behavior, but with different emphases.</li> <li>• Classical conditioning is generally focused on autonomic responses, and the association of stimuli.</li> <li>• Operant conditioning relies on the subject to actively do something, and reinforces desired behaviors.</li> <li>• Classical and operant conditioning can be combined into a two-factor theory, where a subject who performs an action (example: picking up a stuffed toy) comes to associate a</li> </ul>

	<p>stimulus (example: loud banging) with the object of the action, even if the object does not in itself result in the stimulus.</p> <ul style="list-style-type: none"> <li>• These associations disappear quickly once contingencies like location or additional people's presence are not in place.</li> <li>• The loss of associations of stimulus to object is called "extinction." After extinction, there are not lingering effects.</li> <li>• Sometimes there is an extinction curve where an aversive stimulus occurs for long enough that the subject becomes aware of what the stimulus is supposed to do and associates it as an irritant, rather than a connection to the object.</li> </ul>
<p>After detainees underwent conditioning, was Jessen able to tell from their emotional distress that they were trying to withhold something?</p>	<p>Jessen said that this was sometimes true, because some people respond more poignantly to contingencies than others. For instance, KSM was highly resilient against waterboarding, developing coping mechanisms by or during the second session, but he still did not enjoy the process. So when Jessen asked KSM about fissionable materials, and KSM likely did not know, he appeared anxious and offered other topics that he was knowledgeable about and could discuss.</p>
<p>When Jessen observed anxiety and stress in KSM during a debriefing, how did Jessen handle that?</p>	<p>Jessen described stopping the debriefing, pointing out to KSM that he was acting strangely, and asking what was wrong. KSM then said he did not know the information and the debriefer was getting upset, or something similar. While Jessen could not know for sure if KSM was being honest or dishonest, some level of intuition was available.</p>
<p>What is the difference between blue badges versus green badges at the CIA? What was the chain of command for green-badgers?</p>	<p>Jessen defined blue-badgers as working directly for the CIA, and green-badgers being contractors who had similar security obligations but not full-time CIA employment.</p> <p>Site managers had charge of everyone, whether blue- or green-badged. When not at the sites, green-badgers reported to the director or the person running the division that held the contract.</p> <p>In response to a further clarifying question, Jessen agreed that site managers held blue badges.</p>
<p>When Jessen arrived at location 2, had he gone directly from location 3 to location 2, or did he go somewhere else first? Why was he asked to go to location 2?</p>	<p>Jessen said that he went straight to location 2. The site manager had requested that Jessen come to assess a detainee for cooperativeness or not, as someone hoped to turn the detainee into an asset.</p>
<p>Was Jessen summoned to conduct a psychological assessment of the detainee? Was he evaluating the detainee for use of EITs?</p>	<p>Jessen said that no, the assessment was from the perspective of him being an interrogator and determining if the detainee would cooperate. The assessment was definitely not with intent to use EITs, it was to evaluate levels of cooperation. The debriefer and the detainee already had a rapport that was leading to regular debriefings.</p>

<p>[Defense presented a document describing location 2.]</p>	<p>Jessen said:</p> <ul style="list-style-type: none"> <li>• The description of a large open area was accurate.</li> <li>• He did not recall wearing a headlamp, but he did recall the cells being obscured. He could not confirm or reject that the place was kept dark.</li> <li>• He did remember loud music, but he could not confirm the artist because he was not a fan of the music type.</li> <li>• He never saw windows in the cells.</li> <li>• The cells were 8 or 10 feet by 6 feet, not the reported 3 feet by 5 feet.</li> <li>• He did not know if adjustment to light levels was a particular problem or not, but he recalled the interrogation rooms having halogen spotlights.</li> <li>• The smell in the facility was earthy, mildewy, and unpleasant.</li> </ul>
<p>[Defense showed some photographs.]</p>	<p>Jessen agreed that the photographs resembled location 2, but he had not been there long enough to confirm that the photograph was of location 2.</p> <p>One picture of a hardpoint was familiar to Jessen, and he described Gul Rahman as manacled through the loop with his arms extended over his head.</p> <p>Jessen confirmed a photographed halogen light and said he did not know if there was a walling wall at location 2.</p>
<p>Was it cold at location 2?</p>	<p>Jessen described it as both cool and cold. He confirmed wearing long sleeves and long trousers, defining them as normal working clothes.</p>
<p>Did site managers participate in interrogations?</p>	<p>Jessen said that the location 2 site manager did.</p>
<p>What was Jessen's first impression of Z2C (site manager of location 2, and interrogator)?</p>	<p>“I thought he was overworked, capable, intelligent, enthusiastic. I had a favorable impression of him.”</p>
<p>Did Jessen ever see anybody held with arms outstretched in a crucifix position at location 2?</p>	<p>Jessen said no.</p>
<p>Would it have been Z2C's responsibility to determine whether and how much food and water detainees were given?</p>	<p>Jessen held Z2C s ultimately in charge, like the captain of a ship, but said that an indigenous guard force handled the actual distribution of food and water.</p>
<p>(Defense asked several questions about practices at location 2.)</p>	<ul style="list-style-type: none"> <li>• Jessen never heard of a mock-execution being conducted.</li> <li>• Z2C never mentioned the possibility of a mock-execution.</li> <li>• Jessen saw no waterboard at location 2.</li> <li>• Jessen may have seen confinement boxes at location 2, but could not remember completely. When shown a picture of a</li> </ul>

	<p>stand-up cramped confinement box, Jessen said that he had not seen one at location 2.</p> <ul style="list-style-type: none"> <li>• Z2C did not give Jessen or anyone else guidance on conducting interrogations.</li> <li>• Jessen never heard of a “luxury suite” versus a baseline room at location 2.</li> <li>• Jessen did not know who decided to keep location 2 dark or why, and he was not curious about it, so he did not ask.</li> <li>• Jessen did not know who made the decision to play loud music but supposed that it was to prevent inter-detainee communication.</li> </ul>
Did Jessen see anyone from the FBI at location 2 or know that Agent Soufan visited location 2?	Jessen said no.
How did Jessen become involved in interrogating Gul Rahman?	Jessen related that the site manager had asked him to come in and watch the interrogation and later share observations. Ultimately, Jessen thought he had been involved in three interrogations of Gul Rahman.
Did Jessen approve of the manner in which Gul Rahman was being interrogated?	Jessen did not see the interrogator do anything wrong. The interrogation was just asking questions.
Status of Gul Rahman at that time:	<ul style="list-style-type: none"> <li>• Clothed.</li> <li>• Appeared to be in good health.</li> <li>• Projected strength and did not complain, even when he was cold.</li> <li>• Once had superficial abrasions, but the medic took care of them.</li> <li>• Never looked physically depleted.</li> </ul>
Did Jessen recommend any EITs for Gul Rahman?	Jessen said no, he had recommended against using EITs, because the questions the interrogators were asking were not high-priority, and because EITs would probably have made Gul Rahman more resistant.
In November, Gul Rahman underwent a “hard takedown.” What was a hard takedown?	<p>Jessen had not seen one before the one on Gul Rahman. It consisted of the site manager and a couple of other people bursting into the cell, pulling Gul Rahman out, and running with him in the corridor outside of the cell blocks, yelling.</p> <p>Under further questions, Jessen said that this was not an approved technique in the interrogation program he was involved in, but location 2 was not part of that program.</p>
Did Jessen know of or ask about any approved techniques for location 2?	Jessen did not ask. However, the site manager had asked Jessen for help in terms of getting information for detention sites, and Jessen did give a lot of recommendations. But Jessen felt himself to be transitory and not at location 2 to consult on a program.

When Mitchell arrived at location 2, what did Jessen discuss with him about the conditions?	Jessen mostly said what he had already observed: need for heaters; need for protocols for food, care, and climate; need for U.S. instead of indigenous guards; need for medical attention every day.
Did Jessen and/or Mitchell ever memorialize those recommendations?	Jessen wrote a cable about Gul Rahman that contained some of the recommendations. Jessen and Mitchell spoke briefly with the station chief. Mitchell spoke with one of the medics. Jessen left the recommendations with the site manager, and also reported them to the person in charge of his division.
Did Jessen have any concerns about hypothermia? Did he report these concerns to anyone?	Jessen said yes, and that he reported them to the site manager, the medic, the station chief, and the personnel in D.C.
What is a rendition diaper?	Jessen related that when detainees were being transferred between sites, they wore diapers, because some of the trips were very long. A diaper meant that the detainees did not soil themselves and could be cleaned easily.
Did Jessen recall seeing Gul Rahman in a diaper for a couple of days?	Jessen said no. When told that the site manager had said that Jessen spent several days intensely questioning Gul Rahman while he was wearing a diaper, Jessen responded that they had never intensely questioned Gul Rahman together. While Gul Rahman may have been wearing a diaper when Jessen was there, Jessen did not remember that. He saw other detainees in diapers.
Did Jessen see Gul Rahman receiving a cold shower? What was the procedure for the cold shower?	Jessen remembered vaguely that he was told the cold shower was for hygienic reasons, but Gul Rahman was restrained and not being soaped. Jessen did not remember if Gul Rahman was interrogated after the shower, but he remembered telling the guards to get some blankets for the detainee because he was cold. He assumed that the guards would act on his request.
When Jessen returned to the U.S., to whom did he outline his concerns about COBALT?	<ul style="list-style-type: none"> <li>• The most senior person Jessen knew at CTC (UFI unavailable).</li> <li>• The CIA inspector general's office.</li> </ul> <p>Jessen noted that about a month or two after returning, he received a call from the CIA wanting to discuss Gul Rahman. Jessen said, "He's dead, isn't he?" Jessen's thought was that Gul Rahman might have died of exposure.</p>
Did Jessen see anybody from the Bureau of Prisons visit location 2?	Jessen said no. The site manager had told Jessen that someone from the BOP had been there, and that's where short-chaining originated. Jessen recalled that the reported purpose of the BOP's presence was for consultation in the management of the facility.
Did Jessen ever see unapproved techniques used excessively at location 2?	Jessen said no.
Where did Jessen go after location 2	Jessen returned to location 3.

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**UNOFFICIAL/UNAUTHENTICATED TRANSCRIPTS OF THE DEPOSITIONS**  
**January 20–31, 2020**  
*Dr. James E. Mitchell and Dr. Bruce Jessen*  
**Witnesses for the Defense**

21JAN2020 Whole

Day: [https://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20\(TRANS21Jan2020-MERGED\).pdf](https://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20(TRANS21Jan2020-MERGED).pdf)

22JAN2020 Morning: [https://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20\(TRANS22Jan2020-AM-MERGED\).pdf](https://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20(TRANS22Jan2020-AM-MERGED).pdf)

22JAN2020 After-noon: [https://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20\(TRANS22Jan2020-PM-MERGED\).pdf](https://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20(TRANS22Jan2020-PM-MERGED).pdf)

23JAN2020 Whole

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24JAN2020 Whole

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27JAN2020 Part 1: [https://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20\(TRANS27Jan2020-MERGED\)\\_Part1.pdf](https://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20(TRANS27Jan2020-MERGED)_Part1.pdf)

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29JAN2020 Whole

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30JAN2020 Whole

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31JAN2020 Whole

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