

Military Commissions:
ISN 10015 Abd Al Rahim Hussein Muhammed Abdu Al Nashiri
Pre-Trial Hearings, Week of May 2, 2022

Events:

The docket reserved the week of May 2–6 for witness testimony, mainly from Dr. James Mitchell about Enhanced Interrogation Techniques as they pertained to ISN 10015 Al Nashiri (Nashiri). Dr. Mitchell was called as a Defense witness, and his testimony was expected to be material to both the admissibility of statements made by Nashiri and the “outrageous government conduct” motion surrounding the use of the Echo 2 location (a former interrogation site) as a meeting spot for Nashiri and the Defense team. His testimony only took two of the 5 days allotted.

Defense and Government teams partially argued motions 359, 327, 240, 473, 439, 440, 466, 467, 468, and 471, but concluded that further argument required a classified 505 session.

On May 6, 2022, the Defense called ISN 1463 Abd Al Salam Al Hilah (Hilah) to give deposition testimony about the bombing of the U.S.S. *Cole*. Hilah's attorneys counseled him not to make a statement, but he disregarded their advice and made a statement to the judge that was unrelated to the U.S.S. *Cole* bombing. The judge ruled that Hilah was invoking his right against self-incrimination by the content of the statement he made to the court and his deposition was subsequently ended.

Observations:

The judge was efficient in conducting witness testimony and motion argument, several times upholding objections that prevented the same questions from being asked again through revised iterations. He also interrupted argument that appeared to drive toward motions that were not yet ripe for debate, reducing argument time.

Though one member of the Defense team characterized Dr. Mitchell as a hostile witness, Dr. Mitchell answered questions more openly and expansively for the Nashiri defense than he had answered for the KSM defense in the past. Possibly he felt less under attack by the Nashiri defense, but he also reported a relationship with Nashiri that was comparatively less antagonistic than with KSM or the other 9/11 co-conspirators. Nashiri opted to withdraw from court or not attend on days when Dr. Mitchell testified, whereas KSM chose to attend several days during Dr. Mitchell's testimony.

Hilah has been determined no longer a threat and authorized for transfer to a third country by the Periodic Review Board (PRB) process as of June 8, 2021.¹ His refusal to discuss the bombing of the U.S.S. *Cole* without some form of immunity may reflect a mistrust of the PRB process as having rendered a final, legal determination. Alternatively, it could reflect an awareness that after he is transferred, he may be open to reprisal by unprivileged enemy belligerents who would object to him testifying. The judge, knowing Hilah was authorized for transfer, did not offer any form of immunity, but he did end attempts to depose Hilah.

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https://www.prs.mil/Portals/60/Documents/ISN1463/SubsequentFullReview2/210608_UPR_ISN1463_SH2_FINAL_DETERMINATION.pdf

Witness Testimony:

Dr. Mitchell

Question:	Answer:
Did you write a book?	Yes
Have you written papers citing other papers?	Yes.
Did you have the opportunity to review your work and previous testimony?	Yes, but he did not avail himself of the opportunity.
Did the CIA believe more attacks were imminent?	Yes.
Did you believe more attacks were imminent?	Yes, though he hesitated before giving the answer.
When interrogating, did you need the truth, the whole truth, and nothing but the truth?	No. The CIA was determining the objectives, and sometimes just a small piece completed a big picture.
Did you use harsh approved measures on a detainee because you thought he was answering incompletely?	No.
Were you instructed to pursue additional information?	Yes.
Were you asked, in conjunction with the CIA, to develop a program for getting information to prevent a second wave of attacks?	Yes.
Did you think your education and experience were why you were chosen to create this program?	Yes.
Did you say you could do this with Jessen's help?	No. He said he could try, but he needed assistance to develop such a program. "I said, 'You need to get survival instructors.' "They said, 'It's you or nobody.'"
Did you see people engaging in EITs you did not develop?	Mitchel noted that he did not develop EITs, he just recommended SERE school techniques.
Did you see non-SERE EITs?	At one site, he saw Nashiri's arms belted together behind him and raised. He also saw lean-back with a broomstick behind the knees. He saw Nashiri in a forehead lean with two people leaning on him. He saw people scrubbing genitalia and face with the same brush repeatedly.
At which site did this occur?	Site 4.
Who did this?	NX2 and three others.
Would these people be logged by the	Mitchell assumed so because he and everyone else had to sign

CIA?	into the site.
What was your response?	Mitchell assessed that they were going to hurt Nashiri unnecessarily. He was also surprised, because these were not the techniques approved by the Department of Justice, yet no observers or participants were stopping the session.
How long was it before NX2 left the session and began your confrontation?	About half an hour.
Why were you upset?	The EIT program had built-in safeguards, but this did not and was unapproved. Also, the unapproved techniques were being exercised because Nashiri was not calling NX2 "sir."
Would it be incorrect to blame you for the conduct of NX2?	Yes.
Was Nashiri in pain and distress?	Yes.
What else did you do about this?	Mitchell demanded to talk to the CIA lawyers and Jose Rodriguez. NX2 denied all communications access, and the chief-of-base submitted to NX2's mandates.
What is "blue badge" vs. "green badge?"	A blue badge indicates a direct government employee. A green badge indicates a contractor. NX2 was a blue badger, Mitchell was a green badger.
What else?	Mitchell talked to the doctors and the guards, telling them that they should be stopping this. The doctors and guards feared NX2. The chief of station chewed Mitchell out for obstruction. Mitchell thinks everyone thought NX2 was approved.
Did you confirm whether you or NX2 were wrong?	Yes. Mitchell discussed with the lawyers once he returned stateside, and they confirmed that he was correct. He also discussed this with NX2's boss and boss's boss. The direct boss looked into the matter, but the boss's boss was upset with Mitchell. The lawyers started an investigation, and NX2 was instructed not to use those techniques.
Were you free to leave Site 4 at any time?	No.
Were you part of writing cables?	Mitchell was never part of writing cables at site 4. He recalled not even being allowed to read cables at site 4.
Did you learn about other non-approved techniques?	Mitchell had heard that Nashiri was once threatened with a drill and a gun.
Was that unapproved?	Yes.
Would that have hindered obtaining information?	Potentially.
Would this potentially create PTSD?	Yes.
When you left and returned stateside, what happened?	The deputy chief said Mitchell would never work with the CIA again. Jose Rodriguez called Mitchell back in.

Did you learn of unapproved EITs after finally leaving contract with the CIA?	No.
Did you have experience using non-approved techniques?	No.
Did Jessen have experience using non-approved techniques?	(Objection raised and sustained because that was not a question about Mitchell's experiences.)
Did you study potential long-term physical effects of the unapproved techniques?	Mitchell studied similar techniques used by the Chinese, Koreans, and South Americans, but not the physical long-term effects of them. He stated that if they were applied inescapably, they would create mental distress.
When did you last communicate with the CIA about continued treatment of HVD detainees?	Mitchell never spoke with anyone about HVDs.
Define "abusive drift."	People who have been put in unsupervised positions of coercive power will tend to escalate severity of treatment. It is a bell curve where some people never escalate, but some people escalate immediately.
Would the unapproved techniques qualify as abusive drift?	Mitchell did not think so, as regards NX2, because he practiced the same techniques in South America. Abusive drift is always on the coercer; the guards not stepping in was not abusive drift.
Do you train in recognition and prevention of abusive drift?	Yes.
Were the EITs to create circumstances to cause the person to provide the intelligence you thought they had?	Mitchell said, "Sort of." He did not assess for truthfulness. The targeters sought more information after receiving pieces.
What procedures were in place to determine if Nashiri was telling the truth?	Truth was not the concern of the EITs. The EITs were to service particular requirements. Mitchell could have consulted Abu Zubaydah to see if he agreed with Nashiri, but that was not required.
Who did you talk to about the Site 4 events?	The chief, the deputy chief of RDG, several CTC lawyers, the Inspector General, and several others.
Z9A?	Mitchell spoke to Z9A at some point.
Did you speak to Z9A at location 3? Or at Langley?	Mitchell confirmed speaking with Z9A at both locations.
Are you aware that NX2 has passed on?	Yes.
Are you aware that MA2 has passed on?	Yes.
Do you know Albert Van Durer.	Yes. Mitchell last spoke to him about revising SERE school teaching modalities.

Have you had personal contracts with the CIA?	Yes.
Has Jessen had personal contracts with the CIA?	Yes.
Has Mitchell-Jessen Associates (MJA) had corporate contracts with the CIA?	Yes.
Has the CIA paid everything that it has owed to you, corporate or personal?	Mitchell stated that he believed so.
Did the contracts provide for legal assistance?	Yes.
Did contracts indemnify you against legal action?	No.
Were there any contracts about continued treatment of confined HVDs?	No.
How many people are employed by MJA?	Mitchell was unclear and reluctant to answer but agreed with the counsel that the number was between 2 and 120.
Did anyone you hired have contact with Nashiri?	Yes, but Mitchell stated that the contact was not during the interrogation phase.
Did you ever fire someone for failure to comply with EIT program procedures?	No.
Did you have any discussion with doctors in GTMO about Nashiri?	No.
Have you reviewed documents about medical treatment of Nashiri in GTMO?	No.
Did the SERE program inform the EIT program?	Yes.
Is participation in SERE voluntary?	Mitchell said yes, to some extent, but that it is a requirement for some career paths.
Can people quit the SERE program?	On some levels of the program, yes.
Are SERE students ever put into or threatened with being put into the power of an enemy?	Yes.
Are SERE students put into small boxes for the evening?	Yes, but Mitchell noted that there was a time limit.
Have any of the SERE techniques been removed after the EITs became	Mitchell stated that he had heard that the Navy may have stopped waterboarding in their SERE school.

public?	
Have you investigated long-term PTSD side-effects from SERE training?	No.
Were SERE students transported to a foreign country?	Mitchell noted that they were not in the Air Force version, but they were hooded and transported across state lines as a regular part of the simulation.
Were SERE students placed with non-English-speakers?	No.
(Several questions about timelines.)	Mitchell reported that he got tapped to create the EIT program in part due to having written a paper about counteracting resistance created by the Manchester Manual.
What did you do to help Abu Zubaydah's interrogators?	Mitchell observed the sessions, pointed out Abu Zubaydah's avoidance techniques, and brainstormed methods of getting around the avoidance.
Do you characterize yourself as a combat psychologist?	No. Mitchell defined himself as an Operational Psychologist.
Did you research the impact of stress on the mind?	Mitchell read studies but has done no first-hand research.
Was a neutral assessment used to determine if a detainee could stand EITs?	No. Mitchell stated that physicians and physical examinations determined if a detainee could undergo EITs. Neutral assessments were to see if a detainee was willing to talk, which would allow them to avoid EITs.
Do you know if Nashiri's blood was tested for hormone levels prior to EITs?	Mitchell did not know.
Were the observers looking for evidence of psychological harm during EITs?	Mitchell believed so.
Were tests for medical or psychological measurements administered during EIT sessions?	No.
Did the same psychologist who saw Nashiri first follow him throughout the EITs?	Nashiri was in EITs for two weeks. Mitchell stated that the same psychologist would still have been there, but that there was a whole cadre of psychologists.
Were there before photographs from when Nashiri was conditioned?	Yes, there were two sets of photographs.
Were there photographs during Nashiri's confinement?	Mitchell recalled that the EITs were videotaped, but not whether there were photographs.
Was Nashiri photographed while nude and shackled?	Mitchell assessed that Nashiri might have been photographed nude and shackled during his transportation from point to point, because he sometimes had to be restrained to prevent

	him from attacking his examining physicians.
When did you see these photos?	Mitchell said he never saw photos of Nashiri.
At the black sites, were there: <ul style="list-style-type: none"> • Interrogators? • Debriefers? • Psychologists? • Medical Staff? • Guards? 	<ul style="list-style-type: none"> • Yes, and at HQ • Yes • Yes • Yes • Yes
Was Nashiri held at a non-CIA black site?	Yes.
Do you know who ran that site?	No.
Did you visit Nashiri at a non-CIA site?	Mitchell said, "I don't remember."
You conducted your first interrogation in 2002?	Mitchell confirmed and stated that the first subject was Abu Zubaydah.
Were the sessions usually taped?	The sessions were always taped.
Was there a debriefing afterward?	Yes.
Was a cable sent after the debriefing?	Yes.
Did you participate in writing the cables?	Mitchell confirmed that when EITs were over, he discussed the sessions with the cable writers.
Did you review the cables sent on Abu Zubaydah?	Mitchell said that he knew what was in the cables, but he did not usually review them.
Do you recall Abu Zubaydah cables containing information about Nashiri?	No.
Did you read the Nashiri cables?	Mitchell said that he did not read the cables before they went out, and not typically after, either. He only read the cables if they were referenced in requirements or if he needed guidance.
What EITs were used on Abu Zubaydah?	Walling, facial slap, large box, small box, waterboarding, sleep interruption/deprivation. When pressed for clarification, Mitchell noted that music was not used as part of an EIT, but there was initially music played to prevent detainees communicating with each other. The music was quickly replaced with white noise.
What was the music?	Mitchell could not recall particular pieces but noted that the music was just what the guards brought for intended personal listening.
How loud was the music/white noise?	Mitchell related testing with a meter and said that the noise level met the OSHA standard at the origin speaker.
What about bright lights?	The lights were on constantly, Mitchell recalled, but he believed that was a security measure and not involved in the sleep interruption/deprivation.

What happened in a Nashiri rendition flight?	<ul style="list-style-type: none"> • Nashiri was brought to the plane by car. • Nashiri was shackled and hooded. • Security personnel cut off the clothing Nashiri was wearing. • A physician took photographs of Nashiri's current condition. • Security dressed Nashiri in sweatpants and placed earphones on him. • Guards carried Nashiri up the gangway. • Nashiri was shackled into the airplane seat.
Was Nashiri allowed to relieve himself?	Mitchell thought that Nashiri might have had a diaper but did not recall with certainty. He confirmed that Nashiri was not allowed to leave his seat to do so.
What happened when the flight reached the next location?	<ul style="list-style-type: none"> • Guards carried Nashiri off the plane. • Nashiri was tendered to the guards and medical staff of the next site.
[Defense discussed neutral assessments and transitioning with Mitchell. Mitchell's answers were consistent with his testimony in the KSM case.]	
[Defense discussed interrogation sequences with Mitchell. Mitchell's answers were consistent with his testimony in the KSM case.]	
[Defense discussed the waterboarding process with Mitchell. Mitchell's answers were consistent with his testimony in the KSM case.]	
After the final 40-second pour in a waterboarding session, and Nashiri is upright, what next?	Mitchell noted that that was the end of the EIT session, so Nashiri was leant against a wall to steady him, and the interrogator asked him the bridging question so that Nashiri could think about it until the next interrogation. Physicians likely checked Nashiri afterward.
Was Nashiri placed in a box for the night, after a waterboarding session?	Mitchell said, "I don't know."
What next?	Mitchell stated that the interrogator asked the bridging question again at the start of the next interrogation session. If Nashiri was responsive, the interrogator kept talking with him. If Nashiri was not responsive, another round of EITs would commence.
Were the EITs used recorded in the cables?	Mitchell was not sure that they were always recorded.
How long was a normal session?	Mitchell's measure was that the session would run for enough time to judge if a person could or would be responsive, but not for long enough that the person got accustomed to the stimuli.
What was Nashiri's behavior during EITs?	Nashiri spoke non-responsively and gestured a lot. When further pressed, Mitchell could not confirm that Nashiri was crying and praying in a corner of his cell, and in fact did not recall Nashiri crying at all. Mitchell did remember that

	sometimes Nashiri crawled into the small box and closed the door.
Why did Nashiri crawl into the box?	Mitchell assessed that Nashiri was probably trying to shut out the light.
How much have your Legal fees been, so far?	Mitchell did not know. At least part of his representation was by supplied CIA lawyers.
Did Nashiri complain about food lased with discomfort agents?	No.
Was Abu Zubaydah the first detainee?	Yes.
Did he speak English?	Yes.
Both Abu Zubaydah and Nashiri were waterboarded?	Yes.
Were they both walled?	Yes. Mitchell added that they were both walled the same way, against the same wall.
Were they both EITed the same way?	No.
What was the difference?	Mitchell said that Nashiri was waterboarded less intensely and not waterboarded as often.
Did Nashiri have migraines?	Mitchell did not recall. He noted that that information would have been for the physicians.
How many days was Nashiri at location 3?	Mitchell did not know.
What would refresh your memory?	Mitchell noted that there were transfer cables, and one would refresh his memory.
Were you part of the transfer to location 4?	Mitchell was aboard the rendition aircraft.
Was Nashiri shackled on the plane?	Mitchell did not recall.
Were there any photographs taken of the shackling?	No.
Did Nashiri have food or water on the plane?	Mitchell did not know.
Did Nashiri use the facilities on the plane?	No.
Did Nashiri have a diaper?	Mitchell did not recall.
[Defense repeated questions about the transfer process. Mitchell's testimony remained consistent with his answers given earlier.]	
Who was at site 4?	Per Mitchell, 10-15 personnel staffed site 4, including NX2 and four of his trainees. Jessen was not at site 4.
Who trained the trainees?	NX2 and MA2.
Where was Nashiri placed, upon reaching site 4?	Mitchell did not know, citing arguing with NX2 about using EITs. NX2 told Mitchell to go read and denied Mitchell

	permission to depart.
How long did you stay at site 4?	Mitchell said he was at site 4 four less than a week.
Did you interact with Nashiri?	Mitchell said no that that had not been allowed.
Were you able to watch Nashiri over video?	Yes.
Were there any other techniques that were not approved?	Yes. Mitchell described NX2 smoking and blowing the smoke in Nashiri's face.
What was Nashiri's reaction?	Nashiri coughed and was nauseous.
Did Nashiri vomit?	No.
Did you hear any threats of violence and rape leveled at Nashiri's family?	No.
When did you return to site 4?	Mid-to-late January, after leaving the first time just before Christmas.
Why did you return?	The CTC and the RDG requested that Mitchell return.
Did Jessen participate in any interrogations prior to your arrival?	"I don't know," said Mitchell.
What did you and Jessen do?	Jessen briefed Mitchell on the problems that the other interrogators had caused. Mitchell sat in on debriefing sessions between Nashiri and debriefers. Mitchell encouraged Nashiri to cooperate with debriefers and warned Nashiri about Washington considering a return to the EITs.
What next?	As long as Nashiri was being helpful, debriefing continued. If he did not, Mitchell cut the debriefing short.
Are there records of the debriefings?	Mitchell thought that there should be.
How long was Nashiri at location 4?	Mitchell did not know.
Were you with Nashiri on the transfer to location 5?	No.
Did you see Nashiri at location 5?	No.
Did you know what was happening to Nashiri at location 5?	Mitchell said that he might have been told, but at the time of his testimony he did not know.
Why would someone tell you?	Mitchell assessed that he might have asked because he had known Nashiri.
Was Nashiri transferred from location 6 to Echo 2?	Mitchell did not know.
Did you speak with or interrogate Nashiri at GTMO?	Mitchell said that no interrogations were performed at GTMO. But Mitchell did see Nashiri several times to bring him books and food. Mitchell also sat in on several debriefings involving Nashiri.
Why were you in the debriefings?	Mitchell noted that debriefers rotated frequently, so his presence could head off conflicts.

And because you had EIT'd him?	“He could see me. [...] I don't know what he thought.”
Would seeing a report refresh your recollection of the dimensions of the large and small boxes?	Mitchell thought maybe but noted that location 3 was not the only one that had boxes.
Are the dimensions in the report accurate?	If they were taken from a cable, yes, but Mitchell did not recognize the numbers as accurate or inaccurate.
[Defense team presented two model boxes to the witness.] Does the demonstration box accurately depict the dimensions of the small box?	Yes.
Does the box have the same dimensions used on Nashiri?	“I believe so, but I don't know the dimensions in the first place.”
Does the large box represent the dimensions in the report?	Yes.
How long was Nashiri in the boxes?	Nashiri was in the boxes to the established time standards. For the small box, this was no more than an hour.
What was water dousing?	Mitchell defined this as just wetting a person with a hose.
Was there temperature manipulation at site 3?	Mitchell acknowledged that that had been reported as so, but that changes were not done as part of an interrogation technique. He had never manipulated the temperatures. There were medical guidelines for the temperatures in the cells. Mitchell did remember times when the cell temperature was colder than it should be.
Was there a location where the temperature was unhealthily cold?	Yes, Mitchell confirmed. He noted that there was no way to manipulate temperature at that location.
What did you do to prevent or ameliorate this?	Mitchell told the physicians and base operator to check on detainees, and to provide some means of warming. Jessen agreed at the time.
Was there a mock-rescue for Nashiri?	Mitchell had never heard of that.
Was there a mock-execution?	No.
Was there a mock-burial?	Not for Nashiri, but Mitchell knew it had been discussed for a different detainee.
What's the difference between sleep deprivation and sleep disruption?	One keeps the detainee entirely awake, and the other allows the detainee an inadequate amount of sleep.
How would a detainee be deprived of sleep?	Detainees were kept in a chair.
How would a detainee's sleep be interrupted?	Detainees were shaken awake after a certain amount of time.
Were you aware of the physiological impacts of lacking sleep?	Mitchell said yes, and that he had had physicians monitoring for these to prevent exceeding the healthy or approved measures.

Were videos taken at any location other than 3?	No.
Why?	Mitchell recommended that the defense ask the senior personnel at the CIA for the reasons for prohibiting video recordings.
What other detainees were videoed at site 3?	Mitchell said that there were only two detainees at site 3, and they were both recorded.
Were any other detainees videoed in their interrogations?	No.
Was one of the concerns/reasons for destroying the video tapes the embarrassment they would be to the CIA if released?	Mitchell thought yes.
Was one concern the recognition/safety of the people involved?	Mitchell thought yes.
Did you suggest pixelation?	Yes.
Were there videos of the conditions Nashiri lived under while not in interrogation?	Mitchell said that at one point, there was 24-hour taping. Videos were taped over, so possibly even the EITs were taped over.
Who made the compilation tape about waterboarding?	Mitchell did not know what the person's name was, but it was "chief of the criminal investigation division of the CIA."
Was the compilation tape shown to Jose Rodriguez before others were summoned to see it?	Mitchell thought that Jose Rodriguez had seen the compilation tape at the same time as the others.
Who was the chief of base for location 3?	Z9A.
When was the tape sent?	2002
Did the video portray waterboarding accurately?	No. Mitchell said it only showed the 40-second pours and the time needed for the detainee to clear his sinuses.
What happened to the compilation tape?	It was destroyed on the same day that it was reviewed.
Was there a reason for destroying the tape?	No.
Was distress the intention of EITs?	No. Mitchell said that the EITs were intended to put Nashiri in a frame of mind to provide information once he was in a non-coercive setting.
Do you know anything about the review of blank tapes?	Mitchell recalled that the lawyers who reviewed site 3 tapes reviewed a handful of blank ones that were included.
Was the decision process to destroy the tapes a lengthy one?	Yes.

Was the waterboarding session observed by the HQ panel taped?	Yes.
Was it destroyed?	Mitchell assumed yes.
Was Z9A present with HQ observers that day?	No.
Was Z9A involved in interrogations?	No, but Mitchell recalled she may have been involved in debriefings.
Did Z9A observe the EITs?	Mitchell said she observed all of them.
Were you relieved when the tapes were destroyed?	Yes.
Were SERE sessions taped?	Mitchell said yes, and that the tapes were used to help students understand how to do better next time.
Was the waterboard compilation tape physically sent to HQ?	Mitchell believed so but could not confirm.
How many times did you meet with Agent Soufan?	0
How many times did you meet with Agent Gaudin?	0
Did you go to college?	Mitchell attended 12 years of college.
Did you serve in the military?	Mitchell enlisted as Explosive Ordnance Disposal in 1973. He returned as an Air Force psychologist in 1985.
Do you have experience at the Air Force SERE school?	Mitchell spent 7 years at the basic level of the school, then was sent to learn and teach the advanced level.
Are you familiar with PTSD?	Yes. Part of Mitchell's work is PTSD evaluations.
What is PTSD?	Mitchell defined PTSD as having the diagnostic criteria of a constellation of physical and psychological effects in response to trauma. He referenced the Diagnostic and Statistical Manual of Mental Disorders (DSM) IV constellation.
What is a flashback?	Mitchell defined a flashback as thinking one is in the same situation, not just being in the same emotional state.
In SERE, did anyone have a disproportionate response to the treatment?	Mitchell said yes and related a patient story. A lady who had been sexually assaulted needed to complete SERE training to retain or advance in her career but began to have flashbacks when she was manhandled. Mitchell assisted her in mentally reframing the trauma she had suffered, culminating in an observation to her that, "Isn't it interesting, that he is in prison, but he can still reach out and impact you?" She was able to respond, "No. No, it isn't." As a result, she completed SERE training.
What happens to untreated PTSD?	Mitchell said that, on average, the frequency and intensity of reactions decrease.

Does PTSD render a person incapable of later making a voluntary statement?	No.
Was concern for your family's safety one reason for wanting tapes to be destroyed?	No.
Would returning to a place trigger a PTSD response?	Mitchell said no, just being in the place of a bad experience would not necessarily trigger PTSD. It is possible, but not necessary.
Would your response change if you learned that it was Nashiri who had returned?	Mitchell asked for the particular location, and the Defense supplied site 6. Mitchell noted that it would depend on where in the general location, and how many similarities the situation has to the time of trauma. He emphasized that the stimuli needed to be similar.
Did Nashiri have a safe word?	Mitchell said there was no particular "safe word," but that Nashiri was able to stop the EITs at any time by supplying information.

Hilah

Judge's Question	Response
Judge explained that, by speaking to the court, Hilah would not be in a case against himself, just presenting evidence in a case about Nashiri.	Hilah stated a concern that anything he might say would be used against him, even if not in this case.
Judge asked if Hilah understood that an oath is a statement of truth.	Hilah understood.
Judge asked if Hilah understood the Defense and the Prosecution.	Hilah insisted on speaking to the judge: <ul style="list-style-type: none"> • He refused to answer questions unless protected from his answers being used against him. • He stated a fear that someone would manipulate a statement he made into an improper context. • He stated a desire to make a statement, against recommendation of his counsel.
Judge asked Hilah's counsel if the statement contained classified information.	Hilah's counsel could not guarantee that there was not classified information, but he stated his belief that this statement amounted to Hilah's self-introduction.
Judge conceded to Hilah making a statement.	Hilah said: <ul style="list-style-type: none"> • I don't know the safeguards. You don't want me to talk to you? • Allah created us and is capable of doing anything. • Allah created people able to correct injustices, who are judges. • Judges are supposed to be fair.

	<ul style="list-style-type: none"> • A fair judge will find this life and after pleasant. • An unfair judge will find this life and after unpleasant. • This is why I respect judges. • This is why I expect the judge to respect me. • I'm not here to be used and discarded. • I have suffered 20 years. • I was kidnapped from Egypt. • Suffering for 20 years is not easy. Explaining it is not easy. • If your body is in a volcano, it is not like a swimming pool. • My family is still suffering and paying the price. • Does anyone have anything with which to charge me?
<p>Judge asked if Hilah was refusing to discuss the <i>Cole</i> bombing.</p>	<p>Hilah stated that he had nothing to hide as a witness but was concerned the statements would be used against him. Hilah demanded court and a chance to defend himself if he is to be charged, or that he be let go.</p>
<p>Judge ruled that Hilah had invoked a right not to incriminate himself, and so not to speak. Judge cancelled the planned deposition and stated that it would not proceed.</p>	