

Declaration of Gitanjali S. Gutierrez, Esq., Lawyer for Mohammed al Qahtani

The U.S. military transferred Mohammed al Qahtani to Guantánamo in January 2002. At some point in early September 2002, military intelligence personnel at Guantánamo began planning a new, more aggressive interrogation regime for Mr. al Qahtani. Major General Michael Dunlavey, the Commander of the Guantánamo detention center, sent a request up the chain of command on October 11, 2002 for approval for an interrogation plan for Mr. al Qahtani that included 19 techniques outside the traditional guidelines for military interrogations. These techniques included:

1. Category I: Yelling, deception, use of multiple interrogators, misrepresenting the identity of the interrogation (as if from a country with a reputation for harsh treatment of prisoners);
2. Category II: Stress positions (such as standing for up to four hours), use of falsified documents or reports, isolation for 30 days or longer, interrogation in places other than the interrogation booth, deprivation of light and sound, hooding, interrogation for up to 20 hours straight, removal of all comfort items (including religious items), switching from hot food to military meals ready to eat, removal of clothing, forced grooming and shaving of facial hair, use of phobias (such as fear of dogs) to induce stress; and
3. Category III: Uses of scenarios to persuade the detainee that death or pain is imminent for him or his family, exposures to cold or water, use of mild non-injurious physical contact, use of a wet towel or water-boarding to simulate drowning or suffocation.

Military intelligence interrogators began using aggressive interrogation techniques against Mr. al Qahtani on November 23, 2002. Details of his interrogation regime, officially known as the “First Special Interrogation Plan,” emerged when a military interrogation log for Mr. al Qahtani was leaked from Guantánamo. The log describes six weeks of physical and psychological interrogation methods that involved prolonged sleep deprivation; painful stress positions; physical abuses; sexual, physical, psychological and religious humiliation; the use of military dogs; and sensory overstimulation.

On December 2, 2002, Secretary Donald Rumsfeld personally approved 16 of the aggressive interrogation techniques for use against Mr. al Qahtani. The memorandum authorized techniques, used alone or in tandem, such as forced nudity; stress positions; religious humiliation (removal of religious items and forcible shaving of beards and hair); isolation of up to 30-days with extensions possible after command approval; light and sound deprivation; exploitation of phobias (such as fear of dogs); and “mild” physical contact. He only approved one tactic in Category III, “mild non-injurious physical contact.” The Secretary’s approval, however, was not made public or made known to CITF or other law enforcement investigators. CITF agents began to hear, though, that the military interrogators were “authorized” to use the aggressive methods.

Secretary Rumsfeld also secretly authorized 24 techniques in March 2003, including isolation, “environmental manipulation,” “sleep adjustment,” and threats to send the detainee to a county allowing torture.”

Torture & Abuse of Mohammed al Qahtani During Interrogations

In September 2006, Mr. al Qahtani has described to his attorney some of the methods used against him during interrogations in 2002 and 2003:

- Severe sleep deprivation combined with 20-hour interrogations for months at a time;
- Severe isolation;
- Religious and sexual humiliation;
- Threats of rendition to countries that torture more than the United States;
- Threats made against his family, including female members of his family;
- Strip searching, body searches and forced nudity, including in the presence of female personnel;
- Denial of the right to practice his religion, including prohibiting him from praying for prolonged times and during Ramadan;
- Threatening to desecrate the Koran in front of him;
- Placing him in stress positions for prolonged times;
- Placing him in tight restraints repeatedly for many months or days and nights;
- Threats and attacks by dogs;
- Beatings;
- Exposure to low temperatures for prolonged times;
- Exposure to loud music for prolonged times; and
- Forcible administration of frequent IVs by medical personnel during interrogation, which Mr. al Qahtani described as feeling like “repetitive stabs” each day.

The use of some of these methods against Mr. al Qahtani are described in detail below.

Religious, Sexual and Moral Humiliation

The use of humiliation by U.S. interrogators is best understood by considering illustrative examples, such as the following:

1. Forced nudity, sometimes for prolonged periods and in stress positions;
2. Female interrogators straddling male detainees, invading the personal space of detainees or otherwise being used in the humiliation of detainees;

3. Placing leashes on detainees and making them act like dogs.

More specifically, Mr. al Qahtani was subjected to combinations of all of these tactics.

Humiliating treatment designed to degrade Mr. al Qahtani's religious beliefs included:

1. Constructing a shrine to Bin Laden and informing Mr. al Qahtani that he could only pray to Bin Laden;¹
2. "Forced grooming,"² including forcibly shaving Mr. al Qahtani's beard;³
3. Commandeering the call to prayer as a "call to interrogation";⁴ and
4. Interrupting Mr. al Qahtani's prayer or attempting to control or deny his right to pray.⁵

The interrogation log explicitly documents several instances where Mohammad al Qahtani is subjected to sexual humiliation techniques:

1. There are at least ten separate instances when the interrogation log reports that interrogators used a technique labeled "invasion of space by a female" or that Mr. al Qahtani is repulsed, angered or otherwise bothered by a female interrogator invading his personal space. The details of what this involved are generally lacking.⁶ "Invasion of Space by a Female" is used

¹ Interrogation Log 01/02/03 at 0100.

² See PHR Report at 5.

³ It is unclear how often this occurred. The Log documents it explicitly twice: "Detainee's head and beard were shaved with electric clippers. Detainee started resistance when beard was shaved and MPs had to restrain. Shaving was halted until detainee was once more compliant. LTC P supervised shaving. No problems occurred. Photos were taken of detainee when the shaving was finished." (12/03/2002 at 2105); "Detainee's head and beard were shaved with electric clippers. Detainee started to struggle when the beard was touched but quickly became compliant." (12/18/2002 at 1415); "Lt G entered the interrogation booth and gave detainee an even shave. The detainee did not resist." (12/20/2002 at 2020); "Source received haircut. Detainee did not resist until the beard was cut. Detainee stated he would talk about anything if his beard was left alone. Interrogator asked detainee if he would be honest about himself. Detainee replied "if God wills". Beard was shaven." (01/11/03 at 0230) Military authorities have forcibly shaved Mr. al Qahtani in violation of his religious beliefs and practices as recently as the end of 2005, prior to his first meeting with his attorney.

⁴ "Upon entering the booth, lead played the call to prayer with a special alarm clock. Detainee was told, "this is no longer the call to prayer. You're not allowed to pray. This is the call to interrogation. So pay attention." (12/12/2002 at 0001).

⁵ Numerous instances are recorded. For example "When control entered booth, detainee stated in English "Excuse me sergeant, I want to pray." Control said "Have you earned prayer? I know you have a lot to ask forgiveness for, but I already told you that you have to earn it." Detainee says "Please, I want to pray here" (pointing to floor next to his chair). Control responds no." (11/28/2002 at 0630); "Detainee allowed to pray after promising to continue cooperating." (12/06/2002 at 1600); "Detainee's hands were cuffed at his sides to prevent him from conducting his prayer ritual." (12/14/2002 at 0001).

⁶ (1) 12/04/02 at 1800 "The detainee was bothered by the presence and touch of a female."; (2) 12/05/02 at 1800 "Detainee became irritated with the female invading his personal space."; (3) 12/06/02 at 1930 "The approaches employed [included] Invasion of Space by a Female."; (4) 12/09/02 at 2340 "Detainee was repulsed by the female invasion of his personal space."; (5) 12/10/02 at 1830 "Detainee became very annoyed with the female invading his personal space."; (6a) 12/12/02 at 1830 "SGT L started "invasion of personal space" approach."; (6b) 12/12/02 at 2312 "The detainee is still annoyed with the female invasion

- to describe a number of tactics, from a female interrogator straddling Mr. al Qahtani and molesting him while other military guards pin his body to the floor against his will to a female interrogator rubbing his neck and hair, often until Mr. al Qahtani resists with force and is subdued by military guards.
2. There are documented instances of forced nudity⁷ and also
 3. “Dance instruction.”
 - a. In one incident, a mask was placed on Mr. al Qahtani and he was forced to undergo “dance instruction” with a male interrogator.⁸
 - b. In another incident, he was forced to wear a towel “like a burqa” and undergo “dance instruction” with a male interrogator.⁹
 4. The interrogators made sexual insults and sexually offensive comments about Mr. al Qahtani and about his female family members, specifically his mother and sisters,¹⁰ and

of space.”; (7) 12/19/02 at 2320 “He attempts to resist female contact.”; (8) 12/21/02 at 2223 “He was laid out on the floor so I straddled him without putting my weight on him.”; (9) 12/23/02 at 2245 “Female interrogator used invasion of personal space and detainee cried out to Allah several times.”; (10) 12/25/02 at 1929 “Detainee spoke in English when the female interrogator invaded his personal space.”

⁷ See, e.g., 12/20/02 at 2200 “The detainee was stripped searched. Initially he was attempting to resist the guards. After approximately five minutes of nudity the detainee ceased to resist. He would only stare at the wall with GREAT focus. His eyes were squinted and stuck on one point on the wall directly in front of him. He later stated that he knew there was nothing he could do with so many guards around him, so why should he resist. He stated that he did not like the females viewing his naked body while being searched and if felt he could have done something about it then he would have.”

⁸ 12/12/03 at 1115 “In order to escalate the detainee’s emotions, a mask was made from an MRE box with a smiley face on it and placed on the detainee’s head for a few moments. A latex glove was inflated and labeled the “sissy slap” glove. This glove was touched to the detainee’s face periodically after explaining the terminology to him. The mask was placed back on the detainee’s head. While wearing the mask, the team began dance instruction with the detainee. The detainee became agitated and began shouting.”

⁹ 12/20/02 at 1300 “A towel was placed on the detainee’s head like a burka with his face exposed and the interrogator proceeded to give the detainee dance lessons. The detainee became agitated and tried to kick an MP. No retaliation was used for the kick and the dance lesson continued.”

¹⁰ 12/17/02 at 2100 “Detainee appeared to have been disturbed by the word homosexual. He did not appear to appreciate being called a homosexual. He denies being a homosexual. He also appeared to be very annoyed by the use of his mother and sister as examples of prostitutes and whores.”

5. Mr. al Qahtani was forced to either wear¹¹ or to look at and study¹² pornographic pictures. Interrogators required him to memorize details of the pornographic pictures and answer questions as a means to “test” his willingness to cooperate and to end other abusive interrogation practices.

In addition to explicit sexual and religious humiliation, other aspects of Mr. al Qahtani’s treatment and detention were also morally humiliating and a denial of his human dignity. This included forcing him to urinate in front of U.S. personnel in either a bottle or in his pants while in restraints¹³ and then subsequently denying him the opportunity to clean himself. Military authorities also deprived him of privacy in his living conditions, specifically during showers when both female and male personnel were present.¹⁴ On at least one occasion during an interrogation, he was also stripped and forcibly given an enema while military police restrained him in the presence of multiple U.S. personnel. He was also subjected to the following treatment: “On 20 Dec 02, an interrogator tied a leash to the subject of the first Special Interrogation Plan’s chains, led him around the room, and forced him to perform a series of dog tricks.”¹⁵

¹¹ (1) 12/19/02 at 0200 “While walking out, detainee pulled a picture of a model off (it had been fashioned into a sign to hang around his neck)...”; (2) 12/23/02 at 0001 “Upon entering booth, lead changed white noise music and hung pictures of swimsuit models around his neck. Detainee was left in booth listening to white noise.”; (3) 12/24/02 at 0001 “Control entered booth, changed music playing, and hung binder of fitness models around detainee’s neck.”; (4) 12/26/02 at 0001 “Detainee was eating his food (given by the previous team). Lead walked into booth turned on white noise and put picture binder of swimsuit models over detainees neck.”

¹² (1) 12/17/02 at 2200 “He appeared disgusted by the photos of UBL and a variety of sexy females. Detainee would avoid looking at all of the photos shown to him.”; (2) 12/19/02 at 0300 “Interrogators had detainee look at pictures of women in bikinis and identify if the women were the same or different. Detainee refused to look at girls and began struggling. A few drops of water were sprinkled on his head to gain compliance.”; (3) 12/20/02 at 0001 “Detainee listened to white noise while interrogators added photos of fitness models to a binder. Once completed, the interrogators began showing the photos and asking the detainee detailed questions about the photos.”; (4) 12/21/02 at 0001 “New interrogation shift enters the booth and begins “attention to detail” approach. Detainee looks at photos of fitness models and answers questions about the photos.”; (5) 12/22/02 at 0030 “Lead began the “attention to detail” theme with the fitness model photos. Detainee refused to look at photos claiming it was against his religion. Lead poured a 24 oz bottle of water over detainee’s head. Detainee then began to look at photos.”; (6) 12/23/02 “The “attention to detail” approach began. Lead pulled pictures of swimsuit models off detainee and told him the test of his ability to answer questions would begin. Detainee refused to answer and finally stated that he would after lead poured water over detainees head and was told he would be subjected to this treatment day after day.”; (7) 12/24/02 at 0200 “Control entered the booth and began the “attention to detail” lesson for the night. The detainee still would not accurately answer questions about the fitness models and control stated that the lesson would continue the next day.”; (8) 12/26/02 at 0030 “Lead entered the booth and began attention to detail approach. Detainee missed 3 of 10 questions. He has learned to provide more details and provides enough information to substantiate his answers.”; (9) 12/27/02 at 0100 “Detainee was taken to bathroom and walked 10 minutes. The “attention to detail” theme was run with the fitness model photos.”

¹³ “Detainee again said he has to go to bathroom. SGT R said he can go in the bottle. Detainee said he wanted to go to the bathroom because it’s more comfortable. SGT R said “You’ve ruined all trust, you can either go in the bottle or in your pants.” Detainee goes in his pants.” (11/25/2002 at 1000).

¹⁴ 12/21/02 at 1630 “Detainee given shower, brushed teeth, and given new uniform. The detainee was very shy and asked several times to cover himself with his trousers or a towel while in the shower.”

¹⁵ Schmidt Report. This is documented in the interrogation log as follows: “Told detainee that a dog is held in higher esteem because dogs know right from wrong and know to protect innocent people from bad people. Began teaching the detainee lessons such as stay, come, and bark to elevate his social status up to

Stress Positions and Temperature Extremes

Mr. al Qahtani reports being restrained with very tight handcuffs in painful positions for extended periods of time, both during the day and night. He was left in restraints on numerous occasions until he had no recourse but to urinate on himself. Moreover, he was placed in rooms with very cold temperatures and to this day is sensitive to cold temperatures during attorney client meetings. At times, Mr. al Qahtani suffered from hypothermia.

Mr. al Qahtani was placed in painful positions for extended times during interrogations that were also accompanied by sleep deprivation, various forms of humiliation, and other abuses.

Secretary of Defense Rumsfeld authorized and oversaw, along with General Miller, the use of stress positions during Mr. al Qahtani's interrogations. Specifically, the Secretary's December 2, 2002 memorandum approved the use of forced standing as an interrogation method. In a hand-written note on the first page of the December 2 memorandum, Secretary Rumsfeld approved prolonged standing as an interrogation technique, saying "I stand for 8-10 hours a day. Why is standing limited to 4 hours?"

that of a dog. Detainee became very agitated." Then: "Dog tricks continued and detainee stated he should be treated like a man. Detainee was told he would have to learn who to defend and who to attack. Interrogator showed photos of 9-11 victims and told detainee he should bark happy for these people. Interrogator also showed photos of Al Qaida terrorists and told detainee he should growl at these people." (12/20/02 at 1115, 1300)