

Appendix A: Eyewitness Testimony Relevant to Time of Death (continued)

ISN 093

1. (FOUO) In the cell of the first-discovered suicide, A8, the initial responders found the body of ISN 093. In addition to information provided in the main report above, the first responders also described other relevant aspects of the detainee's body.

2. (FOUO) MA1 (b)(3) stated that "his eyes were open, he was cold to the touch and his fingers and toes were blue."⁴¹⁰

3. (FOUO) MA1 (b)(3) stated that "His fingertips were blue and he appeared to be lifeless." MA1 (b)(3) further stated that "The detainee looked like he was dead."⁴¹¹

4. (FOUO) MA3 (b)(3):10 USC §130b,(b)(6),(b)(7)(C) tried to obtain a pulse but there was none. His eyes were wide open and his face was not discolored. I touched him and he was cool."⁴¹²

5. (FOUO) MA3 (b)(3):1 stated that "The detainee [ISN 093] had urinated on himself and his eyes were open and white." MA3 (b)(3):1 further stated that "The detainee from cell A-8 had some light purple on his finger tips. Based on what I observed I would think the detainee in cell A-8 had been dead at least 30-40 minutes, before I found him."⁴¹³

6. (FOUO) MASN (b)(3):10 stated that when he "saw ISN 588 hanging in his cell[, t]he first thing I observed was the discoloration of his lips, which appeared blue. His eyes were open and bloodshot. I could tell he wasn't breathing."

7. (FOUO) MASN (b)(3):10 further stated that once the guards had lowered ISN 588 to the floor. "I checked for a pulse, but as I did this I realized the body was cold to the touch. ISN 588 seemed a little stiff. As ISN 588 lay there on the floor, MA3 (b)(3):1 came

(b)(2)

neck from the cloth."⁴¹⁴

410	NCIS	(b)(3):	5/2006 (TAB B2.a)
411	NCIS	10	15/2006 (TAB B3.a)
412	NCIS	USC	6/15/06 (TAB B4.a)
413	NCIS	§130b,	7/14/08 (TAB B5.a)
414	NCIS	(b)(6),	6/14/06

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8. (FOUO) MASN (b)(3):10 stated that ISN 093's "hands and body looked as if rigor mortis had set in."⁴¹⁵

9. (FOUO) Guards and medical personnel who observed ISN 093 shortly after his extraction from cell A8 also described his physical appearance.

10. (FOUO) MA2 (b)(3):10 stated that while on duty at Sally Port 4, "MA1 (b)(3):1 came running up and said that there was a detainee hanging himself on Alpha Block." MA2 (b)(3):10 stated that shortly thereafter "the [Alpha] block guards were carrying out the first detainee [ISN 093] on a backboard [through Sally Port 4]. I observed that the detainee was blue. The detainee's feet were puffy and blue and it was blue around his mouth. I later learned that the detainee was from cell Alpha 8."⁴¹⁶

11. (FOUO) MA3 (b)(3):1 stated that when he arrived at Camp Delta medical clinic, "The first thing I noticed about the detainee [ISN 693] was his blue feet. I also noticed the detainee was limp."⁴¹⁷

12. (FOUO) MA2 (b)(3):10 arrived at the Camp Delta medical clinic with her Escort Team partner, MA3 (b)(3):1. She stated that once inside the clinic "I looked at ISN 093. He was right in front of me. I could see no movement and no signs of life in ISN 093. His eyelids were open, and his eyes did not move. I could see his chest. I did not remember him wearing a shirt. He had tan pants. He was not wearing any shoes. The skin on his chest was the normal color. However, his hands and feet were bluish in color. The skin underneath his toenails was purple in color. I could tell at the clinic, when I looked at him, the ISN 093 was deceased."⁴¹⁸

13. (FOUO) MA1 (b)(3):1 stated that upon arriving at the Camp Delta medical clinic while escorting ISN 693, "Medical personnel directed us to take ISN 693 to room eleven (11). Along the way to room eleven, I noticed what I believe to be ISN-093 in the trauma area with emergency personnel performing CPR."⁴¹⁹

⁴¹⁵ NCIS (b)(3):1 6/14/06 (TAB B6.a)

⁴¹⁶ NCIS 0 USC 6/14/2006

⁴¹⁷ NCIS §130b, (b)(3):1 6/14/2006 (TAB C4.a)

⁴¹⁸ NCIS (b)(6),(b)(7)(C) 5/2006

⁴¹⁹ NCIS (b)(7)(C) 6/14/2006 (TAB C5.a)

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ISN 588

14. (FOUO) In the cell of the second-discovered suicide, A12, the first responders found the body of ISN 588. In addition to the information provided above, the first responders also described other relevant aspects of the detainee's body.

15. (FOUO) MASN ^{(b)(3):10}_{USC} stated that "I noticed that A12 had urinated and defecated on himself." Additionally, MASN ^{(b)(3):10} stated that "All I could remember is that rigor mortis had set into his feet and that his feet were also very cold."⁴²⁰

16. (FOUO) MA2 ^{(b)(3):10} provided a detailed description of ISN 588's clenched jaws, which is included above in the section concerning deliberate airway obstructions.⁴²¹

17. (FOUO) Guards and medical personnel who observed ISN 588 shortly after his extraction from cell A8 also described his physical appearance.

18. (FOUO) MA1 ^{(b)(3):1}_{USC} stated that upon entering Alpha Block "I saw ISN 588 on the ground while a number of Sergeant of the Guard (SOG) and Alpha Block personnel were placing ISN 588 onto a backboard. I kneeled down and felt for pulse and respirations. I detected no signs of life. His eyes were open and blank. His mouth was open and I could see his teeth. I noticed his toenails and fingernails had already started to turn blue."⁴²²

19. (FOUO) LII ^{(b)(3):10}_{USC} stated that he briefly entered Alpha Block and then exited to get a stretcher. Then, he stated, "I returned to 588's cell and put the stretcher halfway into the cell door. I then assisted picking up the detainee and putting him on the stretcher by his ankles. When I grabbed his ankles, they were cold. I also noticed his toe and finger nails were purple and the palm[s] of his hands were very white."⁴²³

⁴²⁰ NCIS ^{(b)(3):10} /14/06 (TAB B6.a)

⁴²¹ NCIS ^{(b)(3):10} /14/2006

⁴²² NCIS §130b,(b) 4/2006 (TAB C5.a)

⁴²³ NCIS ^{(b)(3):10} /14/2006 (TAB C19)

ISN 693

20. (FOUO) In the cell of the third-discovered suicide, A5, the initial responders found the body of ISN 693. In addition to the information provided above, the initial responders also described other relevant aspects of the detainee's body.

21. (FOUO) MA1 (b)(3):1 stated that shortly after arriving in cell A5 and lowering ISN 693's hanging body to the ground, "I checked for respirations and a pulse but could not detect any sign of life. I noticed ISN 693 was cool to the touch. I saw and felt the ligature marks around his neck, they felt rough and 'plastic.' ISN 693's mouth was slightly open and I could see his teeth. I did not see anything in his mouth. His eyes were slightly open and one was open wider than the other."⁴²⁴

22. (FOUO) MA2 (b)(3):10 stated that "As to ISN 693's body, as I observed it at this time, I could tell that his eyes were dilated, cyclids half to three quarters opened. There was a large indentation around his neck, and I was immediately struck with how deep the indentation was. I remember seeing this indentation as a crescent shape, toward the side of his neck. I noticed the indentation after we lifted his chin. MA1 (b)(3):1 checked for a pulse, for a chest rising, but there was no motion and no sign of life. ISN 693's fingers were blue behind the fingernails. His toes were also blue. The skin on his face and arms appeared to be a normal color and hue." MA2 (b)(3):1 further stated that "The body itself was pliable enough that we were able to move the chin up, at which point we examined the indentation in the neck. The body was not completely stiff, like a board; it was still pliable."⁴²⁵

23. (FOUO) MA1 (b)(3):1 stated that he brought a back board to the tier outside A5, and "Then, MA1 (b)(3):10 USC §130b (b)(6) (b)(7)(C) and one other guard rolled him [ISN 693] onto the back board and strapped him down." MA1 (b)(3):1 described almost nothing about the body's appearance, except that he "saw that his [ISN 693] eyes were open. I thought he might be alive, but unconscious."⁴²⁶

24. (FOUO) MA2 (b)(3):10 helped transport ISN 693 to the Camp Delta medical clinic. She stated that "As we were carrying him to the DET [Detainee Clinic, i.e., Camp Delta medical clinic] I noticed that his head flopped around a lot. I thought that people went stiff when they were dead, but I had to hold his head as I ran because it was flopping around and I was doing what I could to keep him from any additional injury. The backboard did not have a brace for the head. I had to run backwards in

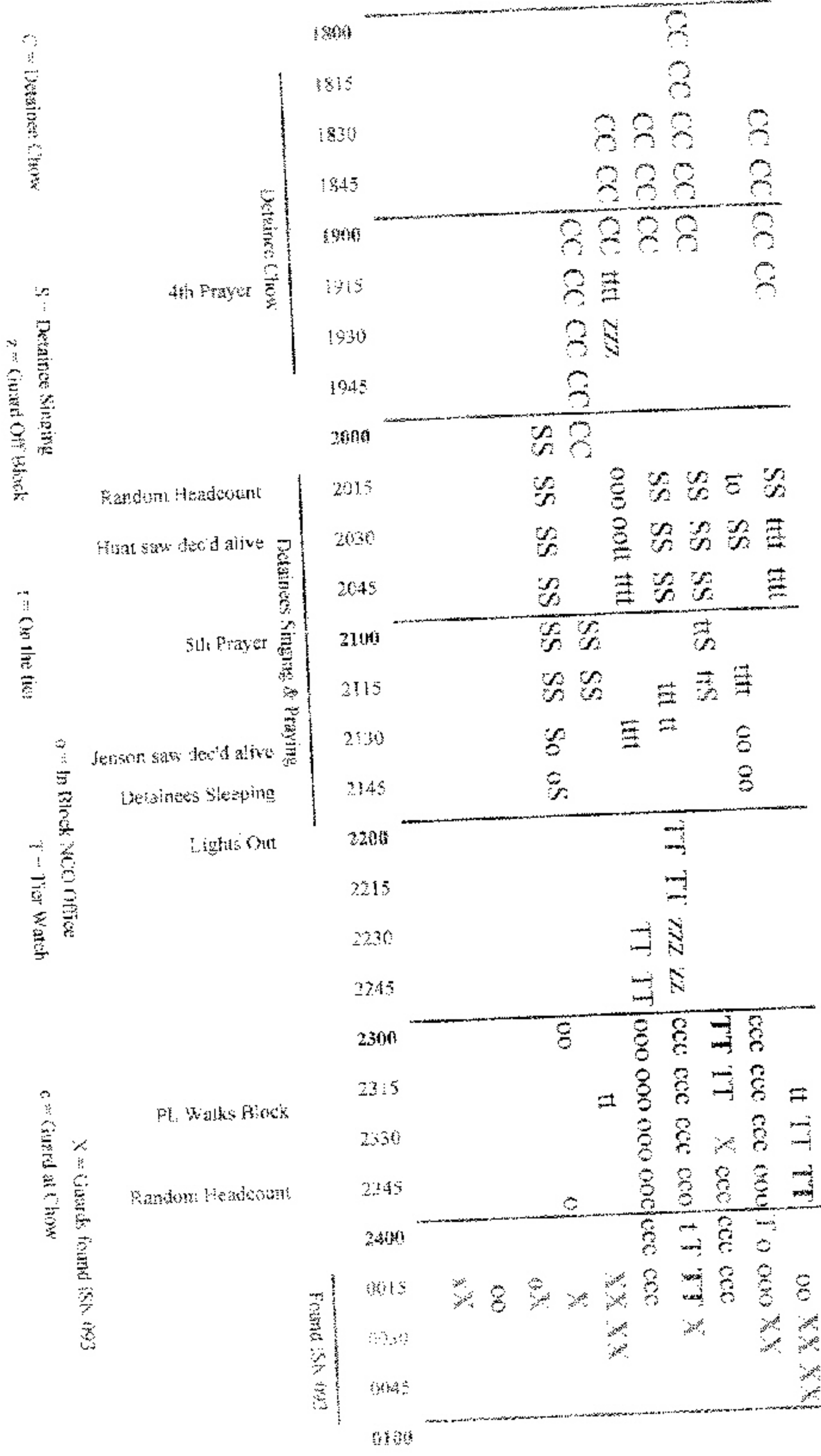
⁴²⁴ NCIS (b)(3):1 6/14/2006 (TAB C5.a)

⁴²⁵ NCIS 0 USC 6/14/2006 (TAB C11)

⁴²⁶ NCIS §130b,(7/17/2006

APPENDIX C. GRAPH OF ALPHA BLOCK ACTIVITIES, 9 JUNE 2006

(b)(3):10 USC §130b,(b)(6),(b)(7)(C)



order to hold onto his head and the board. I observed that his eyes were open, but did not observe further down his body than his eyes."⁴²⁷

25. (FOUO) Guards and medical personnel who observed ISN 693 shortly after his discovery and extraction from cell A5 also described other relevant aspects of the detainee's physical condition.

26. (FOUO) MASN (b)(3):10 USC stated that he went to Alpha Block after the first detainee was transported out of the block, and that "When I arrived, I saw ISN 693 lying on the deck inside cell A5. I noticed his face seemed larger than normal, as if being swollen."⁴²⁸

27. (FOUO) In the same statement, MASN (b)(3):10 USC further noted that "ISN 693's facial color appeared to be darker, as if more "sun-tanned," than normal."

28. (FOUO) Finally, MASN (b)(3):10 USC also stated that he last saw ISN 693 "alive on 07JUN06, the last day I worked on Alpha Block."

29. (FOUO) MASA (b)(3):1 USC stated that when he and other escort team members arrived at Alpha Block, "ISN 693 had already been placed and strapped on a medical backboard. I noticed ISN 693's face was blue. I observed one of ISN 693's arms had fallen off the backboard. I returned his arm onto the backboard and noticed his arm was stiff."⁴²⁹

⁴²⁷ NCIS (b)(3):10 1/14/2006

⁴²⁸ NCIS USC 5/15/2006 (TAB C8)

⁴²⁹ NCIS §130b,(1/9/2006

Appendix B. Sources Consulted

1. Upon receiving your letter of appointment as investigating officer, I interviewed the Alpha Block guards and the Camp 1 leadership who were on duty on the night of 9/10 June. These are:

Camp 1 Assistant Officer in Charge	CWO	(b)(3):10 USC
Camp 1 Platoon Leader	MAC	§130b,(b)(6),(b)(7)
Camp 1 Sergeant of the Guard	CTM	(C)
Alpha Block NCO	MA1	
Alpha Block Guard	MA2	
Alpha Block Guard	MA3	
Alpha Block Guard	MA3	
Alpha Block Guard	MAS	

2. Additionally, I interviewed the following Joint Task Force--Guantanamo Bay personnel for background and context regarding Camp 1 and the enforcement of SOPs:

Deputy Commander, Joint Detention Group	CD	(b)(3):10 USC
Camp 1 Officer in Charge	LT	§130b,(b)(6),(b)(7)(C)
Camp 1 Assistant Officer in Charge	EN	
Camp 1 Platoon Leader/Ops Chief	STC	
Camp 1 Platoon Leader	ETC	
Camp 1 Platoon Leader	MA	
Camp 1 Sergeant of the Guard	MA	
Camp 1 Block Guard	MA	
Camp 1 Sally Port Guard	MA	

3. The interviews averaged between an hour and a half and two hours, and preparing clean copies of my notes took as long as the interviews. Relevant portions of those interviews are attached to this report, and I filed with your Staff Judge Advocate my complete notes for each interview. The above personnel also provided official statements which are attached to this report.

4. I reviewed the December 2005 Camp Delta SOP (Exhibit A-1), which was current on the night of 9/10 June 2006. I also reviewed all Guard Mount Messages transmitted since the SOP's publication in December 2005. These official updates to Camp Delta's SOP also are attached to this report.

5. The former Camp 1 OIC, LT (b)(3):10 USC delivered the log books for the Camp 1 Sergeant of the Guard and Platoon Leader. I expeditiously reviewed them, and transcribed relevant portions which are attached to this report as Exhibit A-3, A-4, and A-5. I also reviewed all entries by Alpha Block personnel into the Detainee Information Management System (DIMS) from noon on 9 June 2006 to 10 June 2006,

a period encompassing the suicides of three detainees, and the discovery of their bodies (Exhibit J-5).

6. I examined U.S. Naval Criminal Investigative Service, "Guantanamo Bay Report of Investigation (Interim)," 20 June 2006, and its sequel, U.S. Naval Criminal Investigative Service, "Guantanamo Bay Report of Investigation (Interim)," 25 July 2006. The former includes NCIS Exhibits 1--114, and the latter contains NCIS Exhibits 114--143. I include a number of NCIS exhibits as attachments to this report. I also reviewed for each decedent the final autopsy reports issued by the Office of the Armed Forces Medical Examiner, Armed Forces Institute of Pathology, Rockville, Maryland (Exhibits H-1, H-2, and H-3).

7. I closely examined Exhibit 120 of U.S. Naval Criminal Investigative Service, "Guantanamo Bay Report of Investigation (Interim)," 25 July 2006. NCIS Exhibit 120 is entitled (U) "Review of SOP for Camp Delta, JTF-GTMO/22Jun06." This exhibit provides definitions and explanations of the SOP's contents that will be useful references for readers unfamiliar with Camp Delta operations. In the interest of concise presentation, I omit these basic explications from my report to you, but NCIS Exhibit 120 is attached hereto (Exhibit K-1).

8. I lacked the time to obtain, review, and assimilate additional material relevant to this case, such as official email. I discuss these lacunae separately in the appropriate places.

9. The sources available were sufficient to answer your questions. Predictably a number of sources differ from each other in non-substantial ways. For example, most narratives of events agree with each other in relative sequence, but vary in the events' timing; usually the variations are insignificant. As another example, the statements of guard personnel sometimes confuse identities of persons during their initial reaction to the emergency on the night of 9/10 June. Where there are significant contradictions—and they are relatively few—I made sure to include among the findings of fact the fullest possible direct quotes, and I discussed alternative interpretations of the differences.