

(U) Findings of Fact: Introductory Material

I. (U) Narrative Overview

1. On the night of 09 June 2006 and the early morning of 10 June 2006 (09/10 June 2006), Yasser Talal Al Zahrani (Detainee ISN 093), Mana Shaman Turki Alutaybi (Detainee ISN 588), and Ali Abdullah Al Ahmed (Detainee ISN 693), were housed in Alpha Block, Camp 1, Camp Delta, JTF-GTMO.¹
2. (FOUO) Alpha Block is a rectangular chamber divided into two rows of cells on opposite sides of a walkway known as the "tier."²
3. (FOUO) Cells (b)(2) are on the left side of the tier as seen from the guard shack.³
4. (FOUO) Cells (b)(2) are on the right side of the tier as seen from the guard shack.⁴
5. (FOUO) On 09/10 June 2006, detainee ISN 093 was housed in cell A-8.⁵
6. (FOUO) On 09/10 June 2006, detainee ISN 588 was housed in cell A-12.⁶
7. (FOUO) On 09/10 June 2006, detainee ISN 693 was housed in cell A-5.⁷
8. (FOUO) On 09/10 June 2006, cell A-5 was separated from cell A-8 by two empty cells.⁸
9. (FOUO) On 09/10 June 2006, cell A-8 was separated from cell A-12 by one empty cell and two occupied cells.⁹
10. (FOUO) On the night of 09/10 June 2006, Chief Warrant Officer (CWO2) (b)(3):1 (b)(3):1 was the Assistant Officer in Charge (AOIC) of Camp Delta.¹⁰
11. (FOUO) On the night of 09/10 June 2006, Master at Arms Chief (MAC) (b)(3):10 (b)(3): was the Platoon Leader for Camp 1.¹¹

¹ Detainee Information Management System (DIMS) Alpha Block Blotter (TAB J5)

² Alpha Block diagram (TAB J2), Camp Delta map (TAB J1)

³ Alpha Block diagram (TAB J2), Meal Plan for 9 June Showing Locations of Alpha Block ISNs and Cell Numbers (TAB J3)

⁴ Alpha Block diagram (TAB J2), Meal Plan for 9 June Showing Locations of Alpha Block ISNs and Cell Numbers (TAB J3)

⁵ Alpha Block diagram (TAB J2), NCIS (b)(3):10 14/2006 (TAB B5.a)

⁶ Alpha Block diagram (TAB J2), NCIS USC 1/14/2006 (TAB C15.a)

⁷ Alpha Block diagram (TAB J2), NCIS §130b,(5/2006 (TAB B3.a)

⁸ Alpha Block diagram (TAB J2)

⁹ Alpha Block diagram (TAB J2)

¹⁰ Porter interview 7/23/2006 (TAB C12)

12. (FOUO) On the night of 09/10 June 2006, Cryptologic Technician (Maintenance) First Class (CTM1) (b)(3):10 USC §130b,(b)(6),(b)(7)(C) was the Sergeant of the Guard for Camp 1.¹²

13. (FOUO) A scheduled guard shift change occurred on Alpha block at 1745.¹³

14. (FOUO) The oncoming shift consisted of Master at Arms First Class (MA1) (b)(3):10 USC §130b,(b)(6),(b)(7)(C) Master at Arms Second Class (MA2) (b)(3):10 USC §130b,(b)(6),(b)(7)(C) Master at Arms (b)(3):10 USC §130b,(b)(6),(b)(7)(C)

15. (FOUO) The guards served evening meals to the Alpha block detainees at 1830.¹⁵

16. (FOUO) Evening meals lasted for approximately a half-hour and ended at 1900.¹⁶

17. (FOUO) Cleanup of the evening meal took about fifteen (15) minutes.¹⁷

18. (FOUO) The detainees began the fourth call to prayer at 1915.¹⁸

19. (FOUO) The Detainee Operations Center initiated a random headcount at 2004.¹⁹

20. (FOUO) The headcount entry recorded twenty-eight (28) detainees present, twenty-eight (28) detainees accounted for, and five (5) guards present.²⁰

21. (FOUO) The detainees began to sing and chant at approximately 2015.²¹

22. (FOUO) The singing and chanting was louder than usual.²²

23. (FOUO) The Sergeant of the Guard became concerned and called a translator to listen to the singing and chanting at 2020.²³

¹¹ Camp 1 Duty Roster, Night of 9/10 Jun 2006 (TAB B1)

¹² Camp 1 Duty Roster, Night of 9/10 Jun 2006 (TAB B1)

¹³ NCIS (b)(3):10 USC §130b,(b)(6),(b)(7)(C)

¹⁴ NCIS

(B6.a), Camp 1 Duty Roster, Night of 9/10 Jun 2006 (TAB B1)

¹⁵ Camp 1 Duty Roster, Night of 9/10 Jun 2006 (TAB B1)

¹⁶ NCIS (b)(3):10 USC §130b,(b)(6),(b)(7)(C)

¹⁷ NCIS

¹⁸ NCIS (b)(3):10 USC §130b,(b)(6),(b)(7)(C)

¹⁹ NCIS

6/14/2006 (TAB B6.a)

²⁰ Detainee Information Management System (DIMS) Head Count Report, 09JUN2006 2004L (TAB J6)

²¹ Detainee Information Management System (DIMS) Head Count Report, 09JUN2006 2004L (TAB J6)

²² NCIS (b)(3):10 USC §130b,(b)(6),(b)(7)(C)

²³ NCIS

²⁴ NCIS

²⁵ NCIS

24. (FOUO) The translator arrived at 2033, listened for several minutes, and then told the Sergeant of the Guard that the singing and chanting was harmless.²⁴

25. (FOUO) The translator heard the detainees chant the word "yahodit" which he could not decipher.²⁵

26. (FOUO) MASN (b)(3):10 USC heard the detainees chant a similar phrase: "Yahoo day!"²⁶

27. (FOUO) The translator subsequently acknowledged that he did not understand what the detainees were singing.²⁷

28. (FOUO) A linguist referred to as (b)(3):1 informed me that in Pashtu and Arabic, the word that I spell phonetically as ya-hoo-DE means Jewish.²⁸

29. (FOUO) MA2 (b)(3):1 recalled observing detainees ISN 093, ISN 588, and ISN 693 alive at 2030 when he was on the tier.²⁹

30. (FOUO) The detainees stopped singing and chanting for the fifth call to prayer at 2100.³⁰

31. (FOUO) The detainees resumed singing and chanting after the fifth call to prayer.³¹

32. (FOUO) MA3 (b)(3):1 swept the tier between 2100 and 2130.³²

33. (FOUO) MA3 (b)(3):10 remembered seeing the three deceased detainees alive when she swept the tier as late as 2130.³³

34. (FOUO) The detainees quit singing and chanting around 2130.³⁴

35. (FOUO) Most of the detainees were asleep by 2145.³⁵

²⁴ NCIS (b)(3):10 USC §130b,(b)(6),(b)(7)(C) 6/14/2006 (TAB C6.a)

²⁵ NCIS

²⁶ NCIS

²⁷ NCIS

²⁸ Linguist 01-26 Interview (Tab I-1)

²⁹ NCIS (b)(2) 6/15/2006 (TAB B3.a)

³⁰ NCIS (b)(3):10 USC §130b,(b)(6),(b)(7)(C)

³¹ NCIS

³² NCIS

³³ NCIS

³⁴ NCIS

³⁵ NCIS

³⁶ NCIS

³⁷ NCIS

³⁸ NCIS

36. (FOUO) At 2200, lights were shut out on the left side of the tier; the left side of the tier includes cells A-5, A-8, and A-12.³⁶

37. (FOUO) Starting at 2200, guards walked the Alpha block tier in half-hour watches according to an informal schedule.³⁷

38. (FOUO) MA3 (b)(3):1 had watch and walked the tier from 2200-2230.³⁸

39. (FOUO) MASN (b)(3):1 had watch and walked the tier from 2230 to 2300.³⁹

40. (FOUO) MA3 (b)(3):1 had watch and walked the tier from 2300 to 2330.⁴⁰

41. (FOUO) MA2 (b)(3):1 and MA3 (b)(3):1 went to chow at 2300.⁴¹

42. (FOUO) MAC (b)(3):1 arrived at Alpha block at 2320.⁴²

43. (FOUO) MAC (b)(3):1 walked the tier for three minutes with MA1 (b)(3):10.⁴³

44. (FOUO) MAC (b)(3):1 left Alpha block at 2323.⁴⁴

45. (FOUO) MA1 (b)(3):1 had watch and walked the tier from 2330-2400.⁴⁵

46. (FOUO) MA2 (b)(3):1 and MA3 (b)(3):1 returned from chow at 2345-2355.⁴⁶

47. (FOUO) MA3 (b)(3):1 and MASN (b)(3):1 went to chow at 2345--2355.⁴⁷

48. (FOUO) The Detainee Operations Center initiated a random headcount at 2335.⁴⁸

³⁶ NCIS (b)(3):10 USC §130b,(b)(6),(b)(7)(C)

³⁷ NCIS

³⁸ NCIS

³⁹ NCIS

⁴⁰ NCIS

⁴¹ NCIS

B3.a)

⁴² NCIS

Cl.a)

⁴³ NCIS

Cl.a)

⁴⁴ NCIS

Cl.a)

⁴⁵ NCIS

⁴⁶ NCIS

⁴⁷ NCIS

⁴⁸ Detainee Information Management System (DIMS) Head Count Report, 09JUN2006 2335L (TAB J6)

49. (FOUO) The 2350 Alpha Block random headcount entry recorded twenty-eight (28) detainees present, twenty-eight (28) detainees accounted for, and five (5) guards present.⁴⁹

50. (FOUO) No guard remembers performing the 2350 headcount.⁵⁰

51. (FOUO) MA2 (b)(3):1 had the watch and began walking the tier at 2400.⁵¹

52. (FOUO) MA3 §130b,(b)(6),(b)(7)(C) switched shifts with MA2 (b)(3):10 between 0005 and 0010.⁵²

53. (FOUO) MA3 (b)(3):10 walked the tier from 0005 until he detected a problem in cell A8.⁵³

54. (FOUO) As he walked the tier, MA3 (b)(3):10 stopped at cell A-8 at approximately 0025.⁵⁴

55. (FOUO) MA3 (b)(3):10 first saw the outline of what appeared to be legs and a torso on ISN 093's rack (b)(2).⁵⁵

(b)(2)

57. (FOUO) MA3 (b)(3):10 attempted to wake detainee ISN 093 and got no response.⁵⁷

58. (FOUO) MA3 §130b,(b)(6),(b)(7)(C) obtained assistance from MA1 (b)(3):10 USC §130b,(b)(6),(b)(7)(C) who were present on Alpha block in the guard shack.⁵⁸

59. (FOUO) MA1 (b)(3):10 reached through the bean hole of cell A-8, pulled the (b)(2) aside, and got no response.⁵⁹

⁴⁹ Detainee Information Management System (DIMS) Head Count Report, 09JUN2006 2335L (TAB J6)

⁵⁰ NCIS (b)(3):10 USC §130b,(b)(6),(b)(7)(C)

B6.a)
⁵¹ NCIS
B4.a)
⁵² NCIS
C14.a)
⁵³ NCIS
B2.a)
⁵⁴ NCIS
B2.a), ?
⁵⁵ NCIS
⁵⁶ NCIS
B2.a)
⁵⁷ NCIS
⁵⁸ NCIS
B2.a)
⁵⁹ NCIS
B2.a)

60. (FOUO) MA1 (b)(2) then pulled the (b)(2) that covered detainee ISN 093's rack.⁶⁰

61. (FOUO) When the (b)(2) was moved, the guards saw the outlines under the (b)(2) that MA3 (b)(3):1 (b)(2) (b)(2)

62. (FOUO) MA2 (b)(3):10 USC §130b,(b)(6),(b)(7)(C) was also present at (b)(2) block and heard the commotion.⁶²

63. (FOUO) MA2 (b)(2),(b)(6),(b)(7)(C) opened an outer shutter on cell (b)(2) and looked through the window.⁶³

64. (FOUO) MA2 (b)(2) saw detainee ISN 093 hanging by his neck near the sink behind a (b)(2) at 0030.⁶⁴

65. (FOUO) Detainee ISN 093's feet were an inch to an inch and a half off the ground.⁶⁵

66. (FOUO) Camp 1 guards including MA1 (b)(3):10 USC §130b,(b)(6),(b)(7)(C) and MA3 (b)(3):1 entered the cell, cut the noose, and lowered detainee ISN 093.⁶⁶

67. (FOUO) Camp 1 guards removed detainee ISN 093 from cell A3, (b)(2) per SOP, secured him to a backboard, and rapidly carried him to the Camp Delta clinic.⁶⁷

68. (FOUO) At 0045 medical personnel at Camp Delta medical clinic administered Cardiopulmonary Resuscitation (CPR) and Atropine x2 in an attempt to revive detainee ISN 093.⁶⁸

69. (FOUO) These measures met with negative results.⁶⁹

⁶⁰ NCIS (b)(3):10 USC §130b,(b)(6),(b)(7)(C)
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⁶¹ NCIS
B2.a).
⁶² NCIS
⁶³ NCIS
⁶⁴ NCIS
⁶⁵ NCIS
⁶⁶ NCIS
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⁶⁷ NCIS
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⁶⁸ NCIS
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70. (FOUO) An ambulance from NAVHOSP GTMO conveyed ISN 093 from the Camp Delta clinic to NAVHOSP GTMO at 0111 on 10 June 06.⁷⁰

71. (FOUO) Detainee ISN 093 was pronounced dead at 0150 on 10 June 06 by Dr. (b)(3):10 USC §130b,(b)(6),(b)(7)(C) CAPT, Chief of Joint Medical Group.⁷¹

72. (FOUO) As recorded in a final autopsy report, a medical examiner found that detainee ISN 093's death was caused by suicidal hanging.⁷²

73. (FOUO) Shortly after the discovery of detainee ISN 093, Camp 1 guards checked the other occupied cells in Alpha Block.⁷³

74. (FOUO) Detainee ISN 588 was found by MASN (b)(3):10 USC and MASN (b)(3):10 USC §130b,(b)(6),(b)(7)(C) hanging by his neck in cell A-12 with a sheet wrapped around his head and obscured by a sheet hanging in the corner of his cell.⁷⁴

75. (FOUO) Camp 1 guards, including MASN (b)(3):10 USC §130b,(b)(6),(b)(7)(C) MASN (b)(3):10 USC §130b,(b)(6),(b)(7)(C) put the nose, and lowered ISN 588.⁷⁵

76. (FOUO) The guards removed ISN 588 from cell A12, shackled him per SOP, secured him to a backboard, and rapidly carried him to the Camp Delta clinic.⁷⁶

77. (FOUO) At 0050, detainee ISN 588 was administered Cardiac Pulmonary Resuscitation (CPR) and Atropine x1.⁷⁷

⁶⁹ NC (b)(3):10 USC §130b,(b)(6),(b)(7)(C)
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(TAB
(TAB
⁷⁰ NC
(TAB
NCIS

⁷¹ NCIS Information regarding victims' time of death (TAB K2)

⁷² Final Autopsy Report for Yasir T. al Zahrani (ISN 093), Office of the Armed Forces Medical Examiner, Armed Forces Institute of Pathology, dated 2 August 2006 (TAB H1)

(b)(3):10 USC §130b,(b)(6),(b)(7)(C)

78. ~~(FOUO)~~ These measures met with negative results.⁷⁸

79. ~~(FOUO)~~ On 10 June 06 at 0115, Dr. (b)(3):10 USC §130b,(b)(6),(b)(7)(C) CDR, Senior Medical Officer, Medical Detention Hospital, pronounced ISN 588 dead.⁷⁹

80. ~~(FOUO)~~ The final autopsy report found that detainee ISN 588's death was caused by suicidal hanging.⁸⁰

81. ~~(FOUO)~~ The time of death for detainee ISN 588 was estimated in the final autopsy report to be "at least a couple of hours prior to the discovery of his body."⁸¹

82. ~~(FOUO)~~ Shortly after the discovery of detainee ISN 588, Camp 1 guards found ISN 693 hanging by his neck in his cell with a (b)(2) around his neck and obscured by two blankets in the rear corner of his cell.⁸²

83. ~~(FOUO)~~ Camp 1 guards, including (b)(3):10 USC §130b,(b)(6),(b)(7)(C) MASN (b)(7)(C) cut the noose, and lowered ISN 693.⁸³

84. ~~(FOUO)~~ Camp 1 guards removed ISN 693 from cell A5, (b)(2) per SOP, secured him to a backboard, and carried him to the Camp Delta clinic.⁸⁴

85. ~~(FOUO)~~ Detainee ISN 693 was administered Cardiac Pulmonary Resuscitation (CPR) and Atropine x2.⁸⁵

(b)(3):10 USC §130b,(b)(6),(b)(7)(C)

⁷⁸ Final Autopsy Report for Mani Shaman Turki Alutaybi (ISN 588), Office of the Armed Forces Medical Examiner, Armed Forces Institute of Pathology, dated 2 August 2006 (TAB H2).

⁸¹ Final Autopsy Report for Mani Shaman Turki Alutaybi (ISN 588), Office of the Armed Forces Medical Examiner, Armed Forces Institute of Pathology, dated 2 August 2006 (TAB H2).

(b)(3):10 USC §130b,(b)(6),(b)(7)(C)

86. ~~(FOUO)~~ The attempted measures met with negative results.⁸⁶

87. ~~(FOUO)~~ Detainee ISN 693 was pronounced dead at 0116 on 10 June 06 by Dr. (b)(3):10 USC CDR, SMO, Medical Detention Hospital.⁸⁷

88. ~~(FOUO)~~ The final autopsy report found that detainee ISN 693's death was caused by suicidal hanging.⁸⁸

89. ~~(FOUO)~~ The time of death for detainee ISN 693 was estimated in the final autopsy report to be "at least a couple of hours before he was discovered."⁸⁹

II. (U) Relevant Billets

1. ~~(FOUO)~~ The Camp Delta SOP ¶5-1a--h lists the following billets and their duties in its introduction to the Camp Delta chain of command:

2. ~~(FOUO)~~ The Commander, Joint Detention Group (CJDG), is responsible for all facets of operations in Camp Delta.

3. ~~(FOUO)~~ The Deputy Commander, Joint Detention Group (DCJDG), is appointed by CJDG to assist in execution of duties.

4. ~~(FOUO)~~ The Operations Officer (JDG S3) plans and oversees all Camp Delta Operations, with a focus on the safe, secure, and efficient operation of Camp Delta and other JTF GTMO facilities.

5. ~~(FOUO)~~ The Field Grade in Wire (FGIW) is a watch-standing officer who personally represents the CJDG in the camps, and keeps the CJDG informed regarding significant events affecting safety and livelihood.

6. ~~(FOUO)~~ The Camp Duty Officer (CDO) is a watch-standing officer in the Detainee Operations Center. As directed by the JDG S3, the CDO is responsible for all aspects of the operation of Camp Delta, to include the day-to-day humane care, custody, control, discipline, safety, and welfare of all detainees. The CDO is also responsible for overall care, conduct, and discipline of guard force.

(b)(3):10 USC §130b,(b)(6),(b)(7)(C)

⁸⁶ Final Autopsy Report for Ali Abdullah Ahmed (ISN 693), Office of the Armed Forces Medical Examiner, Armed Forces Institute of Pathology, dated 1 August 2006 (TAB H3).

⁸⁹ Final Autopsy Report for Ali Abdullah Ahmed (ISN 693), Office of the Armed Forces Medical Examiner, Armed Forces Institute of Pathology, dated 1 August 2006 (TAB H3).

7. ~~(FOUO)~~ Each subordinate camp in the Camp Delta complex has a camp Platoon Leader (PL), a watch-standing commissioned or warrant officer who assists the CDO in day-to-day operations.

8. ~~(FOUO)~~ The watch-standing Sergeant of the Guard (SOG) is the immediate shift supervisor of duty Block NCOs and Sally Port/Gate Guards. The SOG's responsibilities include care, conduct, and safety of guard force. The SOG enforces accountability, control, safety, care, and humane treatment of detainees. Additionally, the SOG ensures that guard personnel perform assigned duties and tasks to standard, and conform to Camp Delta SOP. The SOG coordinates logistical support of guard force and detainees, and ensures that meals are IAW Schedule of Calls. The SOG must be the pay grade of E-7 or above.

9. ~~(FOUO)~~ The Block NCOIC is responsible for every aspect of the custody, control, care, shelter, feeding, and treatment of all detainees housed in the block. The Block NCOIC ensures accountability over all plastic utensils and oversees cleanup after meals.

10. ~~(FOUO)~~ The DOC NCO and Assistant NCO control, report, and track all aspects of detention facility operations.

11. ~~(FOUO)~~ The Escort Control NCO and Assistant NCO are responsible for all aspects of Camp Delta escort operations.

12. ~~(FOUO)~~ The Detention Hospital Security Force NCO is responsible for all security provided at Detention Hospital, for custody and control of all detainees treated at the hospital, and for operational control of all guards assigned to the hospital.

III. (U) Relevant Portions of the Camp Delta SOP

a. The complete Camp Delta SOP is attached to this report at Tab A-1. I list here the relevant portions of the SOP, which are addressed in greater detail in subsequent sections. These items are arranged according to the order in which I first discuss them; the relevant sections are indicated in parentheses. My conclusions concerning possible violations of SOP are contained in section XXXIII.

2. ~~(FOUO)~~ SOP (b)(2)
(b)(2)

3. ~~(FOUO)~~ SOP table (b)(2)
(b)(2)