SUMMARIZED WITNESS STATEMENT OF MG (RETIRED) MIKE DUNLAVEY

MG Mike Dunlavey, FORMER COMMANDER, JTF-170, was interviewed and made the following statement on or about 1007 hours, 17 March 2005, at WFO, Arlington, VA:

Appointment memos were shown to this witness. The witness went over the allegations.

Witness sworn by LtGen Schmidt. The witness provided the following testimony:

BACKGROUND:

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How I became the JTF-170 Commander? I was working at the National Security Agency. On 14 February 2002, I was contacted to meet with the SECDEF. I received a joint service billet description. I met with the SECDEF on the 20th or 21st of February 2002, along with the Deputy SECDEF, Wolferwitz and a number of other personnel.

The SECDEF told me that DoD had accumulated a number of bad guys. He wanted to set up interrogation operations and to identify the senior Taliban and senior operatives and to obtain information on what they were going to do regarding their operations and structure.

The SECDEF said he wanted a product and he wanted intelligence now. He told me what he wanted; not how to do it.

Initially, I was told that I would answer to the SECDEF and USSOUTHCOM. I did not have to deal with USCENTCOM. Their mission had nothing to do with my mission. Everything had to go up to USSOUTHCOM then to JCS. The directions changed and I got my marching orders from the President of the United States. I was told by the SECDEF that he wanted me back in Washington DC every week to brief him.

I have 35 years of Intelligence experience. I am a trial lawyer and between interrogations in Vietnam, being a CI Commander, and as a trial lawyer, I have done over 3,000 interrogations. The SECDEF needed a common sense way on how to do business.

The mission was to get intelligence to prevent another 9/11.

GTMO Situation:

Mike Lehnert did a miraculous job of getting Camp X-ray set up.

When I got to GTMO the facility consisted of literally a dangling fence. Detainees were right next to one another. In the Seabee hut for example, everyone saw who was being interrogated.



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DoD photographers were taking pictures for historical purposes. They published them with no regard for security. My job was to establish it.

boutes to accomplish the interrogation mission.

We have not fought a real war since Vietnam. Except for DHS, our interrogators were virtually inexperienced. It was an OJT situation on the ground at GTMO.

When I arrived, I met the Special Agent in Charge (SAC) for the FBL. He was a SAC out of Miami. Interrogations had started but there was no system. For example, the interrogators thought was the big dog. He made a lot of noise in the prison grounds but he was not the big guy. There simply was no process in place to assess who the real leaders were.

JTF-160 was losing control of detainees. There was a major riot with the detainees. They were shaking out their blankets and throwing food.

I tried to set up a process that would work for the FBI. Was a native spéaker and was U.S.S. Cole incident. He was the best interrogator. He was a native spéaker and was very, very good.

The military linguists were worthless. They came out of school and could order coffee, but they were getting smoked by the detainees.

The guards were living no better than the detainees.

The standard was to treat them humanely.

Frankly, the 1992 version of FM 34-52 had a problem with it. It was 18 years old and it was how interrogations were done for POWs.

My people, the interrogators, got briefed on what my task force rules were.

The Geneva Conventions applied. I treated them as human beings, but not like soldiers. They had a significant culture. The rugs and beads were significant to me. Let them practice religion.

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Everyday we had undercover FBI agents of the people of the identity of the people. We had news media almost continuously on the island. 31

We eventually got good information on who the leaders were and then we surprised them with a response team. We grabbed them and took them out to the Brig where the ICRC could see them, but they could not talk to them.

We had detainees that jumped the guards. There was a guy that took the MRE spoon, shaved it down and made a scalpel. We changed their sheets to the sheets in the federal prison system so they can't be torn or tied. They took magnets, welding rods, and fashion them into weapons. We collected a footlocker full of weapons.

INTERROGATIONS:

We built Tiger Teams

The Combined Investigative Task Force (CITF) brought to the staff and the Joint Commander, a capability to collect evidence to criminally prosecute cases.

Our mission was to ston Americans from being killed. We were trying to work through the I moved out smartly and met with the CINC.

CITF

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good investigative skills and had experience dealing with these people. We had mass murderers.

The FBI SAC came every two weeks. They could not decide what to do. They.never built up any type of rapport. We had problems from the get go with the FBI. They had the best interrogators. Interrogations were done in my facilities. Any intelligence they got they would share with us.

We had an SOP on how we did business. We knew from the Manchester document that they would accuse us of torture and inhumane treatmen

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I would show up unannounced to see what was going on in the interrogations. Someone being out of line is very possible. I won't equate it to NYPD Blue. There were situations where a guy would urinate or jack off on a female interrogator. He did it to offend her. I would not allow them to use religion as a shield. The detainees threw feces at the guards.

DOD JUNE ACLU-RDI 4790 p.5 An Article 15 was given to a guard for hosing down a detainee. The detainee threw a bucket of urine on him.

If something was going wrong, the climate in the command was comfortable for self reporting.

We all knew the rules; and we followed them period.

I fell on my sword for the guy that was 100 years old. He was 90 to 105 years old and in his 4th lifetime. He had no real good information. If he died we could not do a forensic study. I would violate Sharia. He was not an American soldier that would not come out in one piece. There were two other guys in their 70s to 80s. One was a cab driver that took Al Qaeda to the border. We got him out of there in October. We released 211 detainees. Only Al Qaeda reported abuses. None were abused. If a guy had information, we would focus on him.

The duct tape incident, I remember that. It was in June or July 2002. I did an internal investigation. They sat and screamed at us. I think the MPs helped the interrogators. I don't know if the guard was directed to restrain the detainee from doing something As a judge if they screamed in court, I would tape them to a chair and tape their mouths. In a legitimate detainee facility, you would do it. If we did not, they would do it.

The detainees were treated humanely. They had a high status of care. They were not EPWs. They refused to identify themselves. On the postcards they gave us the wrong name.

Humane is who we are as the American military.

My first lesson was in Vietnam. I went out in the field and the South Vietnamese had two POWs. They got screamed at and kicked around. I watched what was going on. I was a graduate of DLA. There was a big plate of boiled rice with flies on it. I asked one of POWs when he had last eaten. He said, "four days ago and water two days ago". They chained him to a .50 cal and said he would kill him if he ran away. I had a canteen. I drank and gave him a drink. It worked. I got his name.

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I employed what worked and did not work.

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Regarding the use of dogs. The dogs would be used to escort movement of personnel from detention to interrogation facilities. Dogs were there to intimidate. There were only four dogs in the whole facility. They were there to prevent riots and for security

The dogs were under control of the MP handler. They would have the dogs look at the detainees. On the other side of the coin, we do use the dogs as prisoner control in the federal system. We did not let the dogs bark or bite detainees. If the provide the dogs to my attention, I probably would have approved it. We did not use the dogs on the prisoners.

Keep in mind, they don't like dogs. Unless the dogs are on patrol, they would be in an interrogation room. Using dogs is equal to the Fear Up technique. It breaks their concentration in their response to the interrogation techniques. They would be thinking about that dog. Is the dog a real threat? Absolutely not.

We physically removed an FBI agent when he went across the desk at a detainee. It happened in my first three months. He was a big kind of guy. The detainee said something like he knows his family and that he was going to kill them. I think it happened during my tenure.

FBI impersonation? No, not on a normal course of business. We did not identify who people where. The names and rank were covered. The FBI wore polo shirts and their badge. The CITF did the same thing. It was part of the deception technique. Maybe there was a complaint. I never knew or heard about it. Would CITF and FBI act as DoD? It could have been a technique.

Interfering with FBI; we had a significant difference of opinion. There was a management issue where the would come in and did not coordinate for a detainee because they wanted to talk to the detainee right away. FBI had interrogation plans.



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They did not brief DoD. CITF was going in without telling us. Every IP had to coordinated for facilities and linguists.

Loud music and yelling was part of a sequence of events to disrupt the detainees thought process.

Chaining the detainee in a fetal position is not a normal procedure to be used in interrogation. If the detainee leaped at an interrogator, it might have been used for security. It is not a normal procedure. The interrogators were instructed not to touch the detainees. They were to leave it to the guards.

If short shackled, the detainee had done an offensive action.

Food and water deprivation I find incredibly hard to believe. BG Baccus would not have tolerated that. Short rations were a disciplinary process. ICRC was there everyday. The Chaplain was there everyday. The average detainee gained 16 pounds. They got medical attention everyday.

The detainees went on a hunger strike. When weight metabolism decreased they went down to the medical facility. They had to give the detainees forcible IVs. They wanted Ensure. We made a joke about it.

There was no lap dance or rubbing up on detainees. There is no doubt the interrogators took off their BDU tops. They wanted to be comfortable. The hardcore detainees did not respond to women. They would not look at women. I did not approve it under any circumstances. It was stupid and offensive under the Geneva Conventions. It does not serve any useful purpose. If that occurred, I want to see the FBI report.

Red ink used as menstrual fluid? I've never heard of that technique. It would disrupt the intelligence and prosecution gathering operations.

Ghost detainees...every person that landed on the island was processed through the MP cycle.

JTF-160 was in disarray when I took over. They had 60 outstanding Inspector General complaints. We tried to clean up as much as we could before MG Miller came.

JTF-170 served two Article 15s to two individuals for personal misconduct. It was not detainee related.

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Other than the incident with FBI contractor that physically went after the detainee, Ldon' recall any other problems with FBI agents and detainees. LTO and LTO might have counseled someone for wrong or inappropriate behavior.

I counseled people on the lack of preparation. I did it as a group. I counseled FBI. I never had information from the IG or JAG that we had a problem. It would stick out.

FBI did separate interviews. I have faith that the service was not abusing detainees. I had a high degree of faith. I had access to anything I wanted.

I also had high faith that the FBI was conducting proper interviews. Physical abuse just does not work. Successful prosecution was their goal. They did not want to jeopardize that.

We had four to six guys in Camp X-Ray. To put a detainee in X-Ray required that we notify USSOUTHCOM and JCS and we would have done a report in writing.

I was interviewed for the Church report.

Virtually no one had a degree of expertise to deal with these people. They do not subscribe to our values legally and morally. We did benefit from some great young people. We had a native Pakistani that was fluent in Arabic.

FBI's approach was that you would stay in jail if you did not talk to us.

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tortured? No.

I declare under penalty that the foregoing in a true and correct summary of the statement given by the witness, MG (ret) Mike Dunlavey. Executed at Davis-Monthan Air Force Base, Arizona, on 29 March 2005.

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RANDALL M. SCHMIDT Lieutenant General, USAF AR 15-6 Investigating Officer

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SUMMARIZED WITNESS STATEMENT LT CDR

LCDR who was interviewed on 24 March 2005 at a conference room in the Hilton Hotel located at the O'Hare Airport, Chicago, Illinois. Also present was between the located at the O'Hare Airport, Chicago, Illinois. Also present was below-on interview took place telephonically on 14 April 16, 2005 at 1254 hours. His combined statement was substantially as follows:

I arrived at Guantanamo Bay, Cuba (GTMO) on or about 13 December 2002. I was deployed from European Command (EUCOM) on temporary duty status to act as the Liaison Officer for EUCOM. While acting as the LNO for EUCOM I observed some interrogations and even reviewed documents concerning **European** however I did not actively participate in interrogations or conversations concerning interrogation procedures. On or about 28 June 2003, I was released from my obligations to EUCOM and placed in the capacity of Special Projects Team Chief for Joint Task Force GTMO (JTF-GTMO). I held that position until I re-deployed on 24 September 2003.

During the course of the interview I was asked about what I knew about detainee abuse at Guantanamo. I was specifically asked about the following acts: Inappropriate use of military working dogs, inappropriate use of duct tape, impersonation of or interference with FBI agents, inappropriate use of loud music and/or yelling, sleep deprivation, short-shackling, inappropriate use of extreme temperatures during interrogation, and inappropriate use of sexual tension as an interrogation technique, to include use of lap dances and simulated menstrual fluids.

I have personal knowledge of the following:

The only time I recall a military working dog (MWD) near a detainee was in the movement operations for **Mathematical** At no time was a MWD used during any interrogations of **Mathematical**

I can say with certainty that none of my interrogators impersonated FBI agents during their interrogations because to do so would have been counterproductive. The mission for the JTF-GTMO interrogators was obtaining actionable intelligence from the detainee. Most of the detainees assigned to the Special Project Team were very intelligent, Englishspeaking men who were educated (at least partially) in the United States of America and understood our criminal justice operation. The detainees knew the FBI represented the law enforcement community. As a branch of law enforcement, the detainee's knew that the FBI had the power to incarcerate them for years. With the above being said, it wasn't shocking to learn that the detainees did not like opening up to the FBI. Therefore, it would have been stupid for me to encourage my interrogators to impersonate FBI agents.

I did authorize a couple of my interrogators

760. The impersonation approach implemented by the interrogators was approved.



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My team never used "music" as an interrogation technique. However I know that music was used as a technique by some of the other teams (however even the other teams started to use the technique less and less over time).

Yelling was a common tool used during interrogations. Why not! My interrogators (on the Special Projects Team) didn't yell to the point of losing their cool, but they would raise their voice if the detainee was being an obstinate ass. Yelling was never used to obtain information – it was a means to make a point.

One of the key components of the new parameters was the restriction of interrogation sessions to 15 hours. The detainee was allowed 5 hours of uninterrupted sleep. Therefore, interrogations of the were limited to no more than 15 hours. I can't remember any interrogator setting up a 15-hour interrogation.

I never witnessed a detainee being "short shackled." However I do recall reading MFRs that described the practice (I can't recall the detainee, but it was sometime in December 2002). I made a mental note of the practice for two reasons: First, the use of stress positions, in an interrogation, isn't an effective approach for obtaining reliable information. Second, the MFRs were blunt and I feared that if "folks" not on the "team" read the reports that the contents could either be misconstrued or make the interrogators look bad (if taken in context). In fact, I even asked the interrogators about the practice and counseled him about stress positions and drafting MFRs.

As head of the Special Projects Team I was the supervisor for the implementation of the Special Interrogation Plan for the plan was submitted sometime in May 2003 and approved in late August 2003). The lead interrogator on the IP was the supervisor of the supervisor for the supe



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hooded during the movement) have conversations in Arabic to further confuse the detainee.

I also posed as a White House representative (counsel to the President). I was a "Navy Captain Collins." I presented 760 with an "official" letter (a five paragraph document) detailing how his family had been captured by the Coalition Forces and was in danger if he for didn't cooperate. I vetted the letter through the JTF-GTMO SJA,

when he told his guard "he wanted to speak to CAPT because he was unwilling to protect others at the detriment of himself and his family").

I don't know anything about someone describing a dream to a detaince about seeing a coffin with the detaince's ISN on it, or the description of the detaince being buried in Christian soil.

The approval process for a Special IP: Team produces the product, team chief presents to ICE Chief, who forwards to the JIG Chief, who forwards it to CDR JTF-GTMO. The CDR then submitted it to SOUTHCOM and SECDEF for approval. The chain of command when they executed the second Special IP was ICE Chief





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I did not approve (i.e. review) all of the MFRs. **Sector and approval** authority, as did **Sector and B** Both had approved MFRs, most especially when I was on leave.

I declare under penalty that the foregoing in a true and correct summary of the statements given by the witness, **Executed at Miami**, Florida on 16 April 2005

LTC GLENN CROWTHER Investigating Officer



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SUMMARIZED WITNESS STATEMENT OF Management who was interviewed on 03 March 2005 at a conference room in the National War College Building, Fort McNair Department of National Security Strategy, accompanier was interviewed a second time on or about 17 March 2005 at the Washington Field Office for US Southern Command in Arlington, Virginia. His statement was substantially as follows:

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I was stationed at Guantanamo Bay, Cuba (GTMO) from the end of July 2002 to December 2002. At the time I was the Interrogation Control Element (ICE) Chief for Joint Task Force 170th (JTF-170th)/FFF-GTMO. I was working for the state of the state of

During the course of the interview I was asked about what I knew about detainee abuse at Guantanamo. I was specifically asked about the following acts: Inappropriate use of military working dogs, inappropriate use of duct tape, impersonation of or interference with FBI agents, inappropriate use of loud music and/or yelling, sleep deprivation, short-shackling, inappropriate use of extreme temperatures during interrogation, and inappropriate use of sexual tension as an interrogation technique, to include use of lap dances and simulated menstrual fluids.

I have personal knowledge of the following:

Is military working dog (MWD) was brought into the interrogation booth of a high value detained, and the provided of the interrogation booth by the dog's handler and directed to bark and growl at the detainee. The use of a MWD in an interrogation was unusual; and therefore, was mentioned in the interrogation plan submitted to the JTF-170th Commander. Once approved, the interrogation plan for was implemented. The use of a MWD was one of many techniques approved and executed during the interrogation cycle. It is important to note that the MWD was not ordered to attack or harm the detainee. The MWD was only used as a means to intimidate the detainee.

 W_{1nout} read the redacted Federal Bureau of Investigation documents on the ACLU website (the documents provided to the ACLU as part of a Freedom of Information Act request), I remember coming across the statements regarding "duct tape" and thinking the statements were about me. I recall, very vividly an incident involving duct tape that occurred during November 2002 and I am glad I have the opportunity to explain the circumstances surrounding the incident.

There was one time when I directed a couple of MPs to keep a detainee quite in the interrogation booth. I did not direct the MPs to use duct tape as an interrogation technique nor would I ever direct a guard or an interrogator to use duct tape as part of a formal interrogation. I authorized the use of duct tape as a control measure - to prevent a detainee from inciting a riot. After an interrogation session was complete (I was not involved in the session), the detainee began to yell (in Arabic): "Resist, Resist with all your might..." I stepped out of my office when I heard the commotion and walked to the interrogation booth where the yelling was coming from. When I arrived at the booth, I saw a detainee screaming and an interrogator, translator and a couple of

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guards standing there frozen. The soldiers didn't know what to do so I directed the MPs to keep the detainee quite. One of the MPs mentioned he had duct tape. After a consultation with the Joint Interrogation Group (JIG) Chief, I approved the MP's use of duct as a means to keep the detainee quite. The MPs placed a single strand of duct tape across the detainee's mouth. The single strand proved ineffective because the detaince was soon yelling the same resistance slogan again. This time the MPs wrapped a single strand of duct tape around the mouth and head of the detainee. The detainee removed the duct tape again. Feed up and concerned that the detainee's yelling might cause a riot in the interrogation trailer (there were at least eight other interrogations occurring at this time), I ordered the MPs to wrap the duct tap twice around the head and mouth and three times under the chin and around the top of the detainee's head. Just as the MPs were finished wrapping the duct tape around the detainee's head, an FBI special agent appeared in the hallway. Without inquiring why the detainee's head was wrapped in duct tape, the special agent exclaimed that he wasn't going to stand by and witness this type of abuse and stormed out of the trailer. Later that day I received a call from Major General (MG) Miller asking for my presence in his office. When I arrived, MG Miller "chewed me out." I never received a formal reprimand or any other type of punishment, but it wasn't necessary. MG Miller's conversation with me was sufficient to get the point across: even if the reason for using the duct tape was valid, it was not the interrogation section's jurisdiction to direct the guards to act. The guards were not under my control and I was not to order them to act again.

A formal investigation was never conducted regarding the "duct tape" incident and an investigation wasn't necessary. I admitted that I directed the use of duct tape and MG Miller told me not to do it again.

I never instructed or authorized the impersonation of FBI agents as part of an approved interrogation plan. However I do remember when an interrogator (I believe the interrogator was interrogation plan. However I do remember when an interrogator (I believe the interrogator was interrogation plan. I immediately told the impersonated an FBI agent during an interrogation. I immediately told the impersonation of any government agent was authorized and that he was to stop using the approach. In fact, I even held a "town hall" meeting and told the interrogators that impersonation of non military US governmental officials was prohibited (this "town hall" meeting occurred before MG Miller took over command of JTF-GTMO). For the record, I don't believe the impersonation of FBI agents is against the law or violates any other standing interrogation policy.

The use of loud music and yelling was used during the interrogation of certain high value detainees. However the techniques were not "stand alone" techniques. The techniques were always wrapped up in other approaches (i.e. Fear Up Harsh) and would be enumerated in the interrogation plans sent to MG Dunlavey or Miller for approval.

I define "sleep deprivation" as keeping a detainee awake continuously for five or six day's straight. Based on my definition of sleep deprivation, I never authorized or witnessed the use of "sleep deprivation" in an interrogation session or approved interrogation plan. I recall having a meeting with the JIG Chief and the JTF-170th SJA and the JTF-170th strain and myself regarding the maximum length an interrogation session could last. After some discussion and research, we determined that it was acceptable to interrogate detainees for a maximum of twenty hours in a twenty-four hour period. However the detainee was required to have four hours of uninterrupted sleep between interrogation sessions. We came to that number after reading about the United

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States Army Ranger Course. During the Ranger Course, our soldiers are subjected to twentyhour days and are apparently only required to have four hours of sleep. If it was okay to subject our soldiers to twenty-hour days, then in our mind's it was okay to subject the terrorist to twentyhour interrogations. If a detainee were kept awake for 5 days straight – that would be sleep deprivation.

As the ICE Chief I was never part of any interrogations. However it was my responsibility to monitor the interrogators and interrogation sessions. I would periodically monitor interrogations to watch my interrogators in action. During one of my monitoring sessions, I noticed that an interrogator had left the air conditioner "cranked down" to 60 degrees and left the detainee alone in the interrogation booth.

I can only remember directing a female interrogator to touch a detaince one time. The was having difficulty interrogating a detaince. interrogator, I believe her name was Specifically, the detainee refused to stop praying during the interrogation session (i.e. the detainee would stare at the floor and softly chant passages from the Koran). After an especially difficult and frustrating session, and a native translator approached me with a $-\phi^{A}$ suggestion to break the detaince's concentration. The plan was simple. According to the native translator, devote Muslims cannot continue to pray if they are "unclean." Therefore, if the detainee were made "unclean" he would have to stop praying. One way to make a Muslim male unclean is to be touched by a female. Based on this plan, I instructed o purchase 56 eturned with the rose oil, I instructed her cheap perfume at the PX (rose oil). When to put the perfume on her hands and rub her hands over the detainee's arms. The plan worked just as anticipated. The detainee stopped praying. However the detainee became violent and 46 attempted to attack In the process, the detainee hit his mouth on the chair and chipped his tooth. Detainee was immediately taken to the hospital for treatment.

Many of the "aggressive" interrogation techniques we approximately the pressure we felt from Washington to obtain intelligence and the lack of policy guidance being issued by Washington.

I declare under penalty that the foregoing in a true and correct summary of the statement given by the witness and the statement given by Executed at Davis-Monthan Air Force Base, Arizona, on 29 March 2005.

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Investigating Officer

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SUMMARIZED WITNESS STATEMENT OF Supervisory Special Agent In-Charge with the Who was interviewed on 11 January 2005 at a conference room in the Commissions Building, Guantanamo Bay, Cuba (GTMO). Mr. (Special Bureau of Investigations (FBI), was also present for the interview. His statement was substantially as follows:

I was originally assigned to GTMO from 25 June 2002 to August 2002. I was then re-deployed to GTMO for a two-year tour from August 2003 to May 2005. During my first deployment I was working as a Special Agent for the FBI and I am currently the Supervisory Special Agent in Charge for FBI operations at GTMO.

During the course of the interview I was asked about what I knew about detainee abuse at Guantanamo. I was specifically asked about the following acts: Inappropriate use of military working dogs, inappropriate use of duct tape, impersonation of or interference with FBI agents, inappropriate use of loud music and/or yelling, sleep deprivation, short-shackling, inappropriate use of extreme temperatures during interrogation, and inappropriate use of sexual tension as an interrogation technique, to include use of lap dances and simulated menstrual fluids.

I have personal knowledge of the following:

The FBI conducts separate interviews from the Joint Interrogation Element (JIG) interrogators at GTMO. There are times when we will conduct interviews with the Criminal Investigation Task Force since we have similar law enforcement missions.

I know that the second second

It is my understanding that short shackling was authorized. I have never personally seen it done.

I declare under penalty that the foregoing in a true and correct summary of the statement given by the witness, Agent (Statement and Statement) Executed at Davis-Monthan Air Force Base, Arizona, on 29 March 2005.

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JOHN FURLOW Investigating Officer

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