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11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN JOSE DIVISION**

14 **BINYAM MOHAMED;**
15 **ABOU ELKASSIM BRITEL;**
16 **AHMED AGIZA;**
17 **MOHAMED FARAG AHMAD**
BASHMILAH;
BISHER AL-RAWI,

18 **Plaintiffs,**

19 **v.**

20 **JEPPESEN DATAPLAN, INC.,**

21 **Defendant.**

Civil Action No. 5:07-cv-02798 (JW)

**DECLARATION OF MOHAMED FARAG
AHMAD BASHMILAH IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO THE
UNITED STATES' MOTION TO DISMISS
OR, IN THE ALTERNATIVE, FOR
SUMMARY JUDGMENT**

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only**

1 I, **MOHAMED FARAG AHMAD BASHMILAH**, under penalty of perjury under the
2 laws of the United States of America, declare as follows, pursuant to 28 U.S.C. § 1746:

- 3 1. I am thirty-nine years old and am a citizen of Yemen. I live in Aden, Yemen with my
4 second wife and my mother, Ni'ma Naji Ali Al-Sabri ("Mrs. Ni'ma Al-Sabri"). I also
5 have an eight year-old daughter, who was born to my first wife.
6
- 7 2. From 1996 until 2000, I ran a business selling clothing in Yemen along with my uncle.
8 Towards the end of 2000, I moved to Indonesia, where I began working in a clothing
9 factory that belonged to my cousins who were already living there. One of my uncles
10 had moved to Indonesia a number of years ago and my cousins, with whom I began
11 working, were born and raised there. Six months later, after learning some Indonesian
12 and getting to know places of business, I began working as a businessman, buying and
13 selling clothing.
14
- 15 3. During my time in Indonesia, I lost my passport. I was issued a replacement passport
16 dated March 17, 2003, which I collected from the Embassy of the Republic of Yemen in
17 Jakarta. Attached hereto as Exhibit A is a true and correct copy of December 3, 2003
18 correspondence from the Republic of Yemen, Foreign Ministry, Department of Consular
19 and Expatriate Affairs to the Republic of Yemen Ambassador to Jordan indicating the
20 number and date of the replacement passport issued by the Foreign Ministry.
21
- 22 4. In late 2003, I was arrested and detained by Indonesian immigration authorities in
23 Surabaya, Indonesia because I had used a forged Indonesian identity card in my name,
24 which falsely stated that I was an Indonesian citizen. I used this card to marry my wife,
25 an Indonesian citizen, and to continue working as a ready-to-wear clothing merchant.
26
- 27 5. After my apprehension, I was taken to Jakarta, where the Indonesian authorities held me
28 for many weeks and questioned me about my Indonesian identity card. Eventually, I

1 paid a fine to avoid having to go to court, and I was ordered to leave Indonesia on a
2 flight of my choosing.

- 3 6. As my Indonesian wife and I made arrangements to leave Indonesia for Yemen we
4 decided to stop in Jordan on the way so that I could assist my mother in obtaining
5 needed heart surgery at the Islamic Hospital in Amman, Jordan. My father, who was
6 visiting me in Indonesia at the time, made arrangements from Indonesia for my mother
7 to arrive in Jordan one day after my wife and I were due to arrive there. On September
8 26, 2003 my wife and I left Indonesia to meet my mother in Jordan.

10 **Detention, Interrogation and Torture in Jordan**

- 11 7. When my wife and I arrived in Jordan, officials at the airport asked me questions about
12 my passport because it did not have an exit stamp from Yemen or an entry stamp to
13 Indonesia. I explained that this was because I had lost my passport in Indonesia and had
14 been given a replacement passport there. Despite this explanation, Jordanian officials
15 took my passport without giving any legal justification and gave me a receipt that told
16 me to report to the Da'irat al-Mukhabarat al-'Amah ("General Intelligence Department"
17 or "GID") for return of my passport. Without hesitation, I went there on the stated date
18 and was told to come back another day. This happened more than once.
- 19 8. Not having my passport was a big problem because I needed it as proof of identity to
20 arrange for my mother's operation. I continued to visit the GID office and to make
21 those limited preparatory arrangements for my mother's surgery that I could make
22 without my passport. Without my passport, the only thing the doctors were able to do
23 was to complete the pre-surgery workup.
- 24 9. On October 21, 2003, I visited the GID office again. This time I had with me the
25 paperwork for my mother's surgery. My wife and mother also came with me as we had
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1 planned to go straight to the hospital together as soon as I had my passport. I was
2 surprised this time when instead of being told to come back another day, I was taken
3 upstairs to a men's area while my mother and wife remained in the women's area
4 downstairs.

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6 10. I have learned from my attorneys at Washington Square Legal Services, Inc. that Jordan
7 has confirmed to the United Nations Special Rapporteur on Torture and Other Cruel,
8 Inhuman or Degrading Treatment or Punishment that I was "...brought in to the
9 Department for questioning on 21 October 2003." Attached hereto as Exhibit B is a true
10 and correct copy of relevant excerpts from the Report of the Special Rapporteur on
11 Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred
12 Nowak, Addendum, Mission to Jordan. I have also learned that in correspondence to
13 the United Nations Office of the High Commissioner for Human Rights dated March 22,
14 2007, Jordan again confirmed that I was brought in for questioning by the General
15 Intelligence Department on October 21, 2003. Attached hereto as Exhibit C is a true
16 and correct copy of the *Note Verbale* from the Permanent Mission of Jordan to the
17 United Nations Office of Geneva addressed to the Office of the High Commissioner for
18 Human Rights.
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21 11. After taking me to the men's waiting area, Jordanian officials took me to another
22 building to what seemed to be the office of a high intelligence official. I attempted to
23 explain to this official that I needed my passport to sign for my mother's heart surgery,
24 and showed him the paperwork concerning the procedure. I asked him why my passport
25 had been taken but instead of answering me he told another official, who was with us in
26 the office, to escort me to another section of the building.
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- 1 12. My escort took me into another office and began asking me strange questions, including
2 accusing me of involvement in arms trafficking from Indonesia to Malaysia and of being
3 a member of Al-Qaeda.
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- 5 13. When I explained that I was not involved in arms trafficking and that I was not a
6 member of Al-Qaeda, the official struck me so hard that he knocked me off the chair to
7 the floor. He gave me a kick after which I could not get up. He asked me whether I had
8 ever been to Afghanistan and I said yes.
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- 10 14. In the middle of 2000, I traveled to Afghanistan seeking spiritual enhancement and the
11 chance to further my Quranic studies because at this time Afghanistan was known for
12 being free of worldly distractions. I left after a few months because I had kidney
13 problems that required me to spend time in the hospital in Afghanistan. I then moved to
14 Indonesia in late 2000.
- 15 15. As soon as I answered truthfully that I had been to Afghanistan, the Jordanian official
16 slapped me, knocked me off of the chair to the floor, and kicked me in the back of the
17 leg. He then shouted for another guard to enter and left the room. He returned with
18 three guards. Without another word I was handcuffed, chained, and blindfolded and
19 then taken outside of the GID building to a car. As we were getting into the car I heard
20 someone address the Jordanian official who hit me as "Faisal."
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- 22 16. As the car sped away from the building, GID officials removed my blindfold and told
23 me to show them the way to the place of residence I was renting with my wife and
24 mother, which I did, as I had nothing to hide. I believe that they did not want to be seen
25 with a blindfolded person in the city center as they were in civilian vehicles and dressed
26 in civilian clothing. Once my blindfold was off I saw that there was another vehicle
27 behind us carrying my mother and wife.
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- 1 17. After both vehicles arrived at the residence, GID officials began to search our apartment
2 from top to bottom. They took out all the clothes that were in my suitcase and my
3 wife's suitcase as well as my mother's suitcase, which had her clothes and some
4 medications, and dumped everything on the floor. Then they took my wallet which
5 contained the money that I had made from working in Indonesia and which I had set
6 aside for my mother's heart operation. They told me to hand it to my mother and wife,
7 which I did, but I also kept two hundred U.S. dollars with me. I offered to help them
8 find whatever it was they were looking for. Instead of accepting my offer "Faisal"
9 slapped me and pushed me forcefully, telling the others to "silence him." They sat me
10 down roughly. Although I was already handcuffed, they tied my hands tightly from the
11 back in a painful position. I was hurt by that hold.
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14 18. When my mother and wife began to cry, the officials locked them in another room. My
15 mother and wife were screaming and crying in the room.
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17 19. Once the search was complete and nothing had been found, I was again blindfolded and
18 taken out of the apartment while my wife and sick mother continued to scream. At that
19 point, I wished I was dead rather than hear my mother and wife scream any more. My
20 mother and wife later told me that once I left, my mother began protesting my detention
21 and was painfully slapped. When my wife tried to defend her, she was slapped as well.
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23 20. As I was being taken away I heard the GID officials tell the landlord that if he wished,
24 he could just throw my wife and mother out of the apartment. Indeed, he replied
25 affirmatively and this horrified me because my mother had a serious heart disease and
26 my wife could not speak Arabic well. I pleaded with "Faisal" to leave my wife and
27 mother alone and to let them stay in the apartment so that when I got back I would know
28 where to find them. I wondered how they would manage and where they would go. I

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was willing to give anything they wanted in return for ensuring my mother and wife would be safe after I was taken.

21. They returned me to the GID facility and I expected the Jordanians to realize their mistake as they had seen that I had nothing incriminating in my residence. Instead, I was taken to what appeared to be a personal belongings deposit room where my Yemeni ID card, my wedding ring, and the two hundred U.S. dollars that I had brought back from the apartment were taken. Here they forced me to strip, shouting at me “Come on! Get undressed!” and roughing me up.

22. It was the first time that I had undressed in front of other people and because of my hesitation and embarrassment they cursed me and pushed me up against the wall. Once I was naked they took pictures of me from every direction. This was the first of many occasions in which I was humiliated in this way. They then dressed me in a light blue outfit and took my fingerprints and a footprint before taking me to a solitary confinement cell on a lower level of the same GID facility.

23. That evening, Jordanian officials handcuffed and blindfolded me and took me by elevator to a room for interrogation. There were two Jordanian officials there and they were different from the ones who had taken me to my residence. I thought they would be better than those who were with me in the morning, but I was surprised by the threatening approach they took from the outset. They demanded that I “confess,” and told me that if I did not do so, they would rape my wife and mother, who they had in their custody. After I heard this I began feeling faint, my head started to spin, my vision became blurry, and I lost consciousness and fell to the floor.

24. I regained consciousness when the officials splashed water on my face. I immediately told the two officials that I would confess to anything they wanted, so long as they let

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my wife and mother leave Jordan. I told them to leave my wife and mother alone and said that I would sign anything they wanted me to sign.

25. They picked me up from the floor, tied my hands behind the chair, and began asking me about names of individuals. When they asked me about individuals that I did not know and I answered truthfully to that effect, one of the interrogators slapped me while the other was kind towards me. In this state, I could not tell how much time passed while I was being slapped and cursed. Afterwards, the interrogator who was nice at first told the other that bringing my wife and raping and assaulting her in front of me would be the safest way to have me confess. He said this knowing that there were no accusations against her and that she had no connections to anything improper. I screamed at the top of my voice when I heard this, imploring them to write whatever they wished and I would sign it. They called the prison guard after telling me to think about the matter. I was returned to the cell, and I threw myself in it while thinking about my mother and wife being in custody.

26. A few days later, after having endured extensive abuse at the hands of the Jordanians, I was taken upstairs blindfolded and handcuffed. While I was blindfolded, someone who I believe was one of the two officials who had interrogated me told me that I must not mention the beatings, the threats and the accusations I had endured. I was then taken to a room where I was allowed to see my wife and mother for less than ten minutes. I was overcome with relief to see that they had not been detained as the Jordanians claimed. My mother explained that she had been allowed to meet with me because she had sought and received assistance from the Embassy of the Republic of Yemen in Amman. During this brief meeting, I asked my mother to seek further assistance from the Embassy to secure my release. I did not tell them what had happened to me because I

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wanted to spare them. After this meeting I did not see my mother again until I was returned to Yemen in 2005. I did not see my wife again until I was released from Yemeni detention in the Spring of 2006.

27. Soon after seeing my mother and wife, some guards came and took me from my cell to a large hall in the same building, known as the Yard, where several guards were waiting in a circle, holding canes. The guards surrounded me and commanded me to run around in circles. When I became too fatigued to run any further they beat me with their canes. When I could no longer withstand the pain of being beaten by the canes I collapsed into the middle of the circle.

28. The guards in the Yard tried to demean me by ordering me to imitate animals. They forced me to imitate a donkey's bray and the antics of dogs.

29. After torturing me in the Yard the guards then took me to another room and suspended me, upside down, from the ceiling. They took a clip which was attached to a long chain and clasped it to a leather belt that they tied around my ankles. Then they pulled the chain and lifted me into the air. They left me hanging there like a piece of meat in a butcher shop for about twenty minutes with my hands tied in front of me. As I hung there the guards pushed me and let me spin. They slapped my face. They beat me with canes in sensitive places, like the bottoms of my feet and the sides of my stomach. The guards seemed to know that beating me in these places would hurt a lot but that their beating would not leave permanent marks. I remember hearing them laugh all the while. They continued hitting me until I could not feel anything. They also brought electric wires and threatened to shock me. After this painful, terrible beating they lowered me down.

- 1 30. To end this abuse, which took place over the course of two days, I told them to take me
2 to the interrogator, and said that I would make a confession, without knowing what to
3 confess. All I was thinking was that I needed relief from this suffering. The guards
4 eventually returned me to my cell and threatened that they would come again for me and
5 do worse things to me if I did not confess to the interrogator.
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- 7 31. On the night of October 25, 2003 the guards took me to the interrogator who I had seen
8 on the first night, and another official. Remembering the guards' threats, I told the
9 interrogator that I would sign everything they wanted me to sign. He said, "Tell us! You
10 will sign on everything we want you to, whether you like it or not." I said, "Yes sir!"
11 Although I said I would confess, at this time I did not confess to anything. All I wanted
12 was to get some relief from the guards' abuse.
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- 14 32. The interrogator began asking questions, to which I answered yes or no, although he
15 always wrote down more than the answer that I gave. He asked about my travel to
16 Afghanistan and demanded that I "confess" to knowing individuals who belonged to Al-
17 Qaeda. I refused, explaining that I did not have any associations with Al-Qaeda. Any
18 time I gave an answer in the negative, the interrogator or his colleague would kick or
19 slap me. The interrogator threatened to hand me over to U.S. intelligence. At that time
20 I did not give much heed to this threat. I thought they were making it up to make me
21 feel worse, just as they did when they said they were detaining my wife and mother.
22
- 23 33. I was in pain because one of them had slapped me as hard as if I had killed his relative.
24 He kicked me in the back of my thigh and knocked me over. He said, "You are a man.
25 Why do you scream and cry like women?" He cursed God and said things I cannot bear
26 to utter or write. After he cursed God it was terrible for me but I exerted as much effort
27 as I could to refrain from exploding or collapsing. I tried to compose myself and wished
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1 that the interrogation would end, that I would be taken to Guantánamo, or that I would
2 even be killed. I did not know then that there were secret prisons that were harder and
3 more horrific than Guantánamo, where you would be shut away from the entire world.

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5 34. After two hours of questions, slaps, and kicks, with no answers from me, they asked me
6 to do the very thing I had wished for since they began abusing me in Jordan, namely to
7 sign a statement and close the case. I signed under threat and without seeing the crimes
8 to which I was confessing, but I know that I signed on each page of the confession and
9 that it was between six and nine pages long. I felt sure it included things I did not say,
10 but I knew what the answer would be if I were to request time to go over the statement.
11 I was willing to sign a hundred sheets so long as they would end the interrogation. I
12 also thought I would later have the chance to go to court where I would explain that I
13 signed under coercion. I did not realize that this was my last day in the Jordanian
14 intelligence prison and that this was just the beginning of my suffering. There were
15 other transfers to other prisons and other interrogations to come.

16
17 **Rendition to Afghanistan**

18 35. A few hours after signing the false confession, in the early morning hours of October 26,
19 2003, at around 1:30am, a guard came and gave me the good news that I was being
20 released. I was taken to the personal belongings deposit room, where I was given a
21 piece of paper to sign, like a receipt for my items, but all the things they took from me,
22 except for my wedding ring, were never actually returned to me. Instead, they put in an
23 envelope my passport, my Yemeni ID card, and the two hundred U.S. dollars that I had
24 brought back from the apartment, blindfolded me and tied my hands behind me. I was
25 then led down a corridor among a group of people, two of whom were speaking English.
26 One of them was speaking in an American accent and the other sounded like a Jordanian
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speaking broken English. When I heard them speak I thought to myself, “Perhaps they do not want me to know what they are saying.”

36. I then asked one of the guards who was leading me down the hall to ask the interrogator where I was being taken and for an update about my wife and mother. The guard replied that I should “ask the interrogator,” and lifted my blindfold to reveal the interrogator who had made me sign the false confession standing with a tall, heavy-set, balding white man wearing civilian clothes and dark sunglasses with small round lenses. I was struck by the man’s sunglasses, since he was inside the GID building, and it was night time. In the man’s hand was the envelope that I recognized as the one in which the Jordanians had placed my belongings. He seemed angry that I had been allowed to see him.

37. I felt apprehensive when I saw the two men together. I was certain I was being handed to U.S. intelligence and was not being released as I had been told. My blindfold was repositioned and covers were placed on my ears, like the ones used by pilots. I was taken out of the GID facility and put in a vehicle that turned left after exiting the GID building, and then turned right after about twenty meters. When the vehicle turned right I knew for sure that I was going to the airport and not to the city center, which is what would have happened if I was being released. Also, while I couldn’t see or hear everything, I could hear the muffled voices of two men in the front seat and could feel the presence of two men sitting in the back of the vehicle with me, one on either side. The two in front were speaking English and I could hear that one of the men had an American accent while the other spoke broken English.

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38. I was driven for about thirty minutes to the airport. At the airport I was pulled from the car and placed in a room. I was seated on a chair with my hands still in cuffs and my blindfold still on.

39. Very shortly thereafter, I was taken violently to another room where my clothing was rapidly cut off until I was entirely naked. My blindfold was taken off and strong light beams were directed at my face while someone put their hand over my eyes. I was not able to see clearly because of this, but I could see some things in the room by peeking through the fingers of the hand over my face. There were at least three people there. One of them was the one holding me from behind and covering my eyes with his hand. I didn't see the person holding me, but the other two that I did see were dressed head to toe in black, with black masks covering their faces and surgical gloves on their hands. They beat me and kicked me, roughing me up badly. Another person took pictures of me, and then one of them forcefully stuck his finger into my anus. I was in severe pain and began to faint.

40. After this ordeal I was put in a diaper like a baby and dressed in a blue shirt and pants that came below the knee, to about the mid-shin. Both the shirt and the pants had been cut to be about three-quarters length and were made of sweatshirt material. I was forced to go without shoes. They stuffed my ears with spongy material and taped all around that before putting headphones on. They blindfolded me by putting dressing, like you would on a wound, over my eyes and then taping over it. Later this tape was painfully removed, and with it clumps of my hair. They tied my legs together and chained them to my waist. Then they tied my hands together and also chained them to my waist. I was also hooded. I was in a lot of pain at this time, but I was mostly worried about my mother and wife because I did not know what was happening to them.

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41. I was taken up six or seven steps to get on board a plane where I was forced to lie on my back. I was then strapped across the chest and legs to a metallic board, which was like a hospital gurney. This plane traveled for about four hours before landing. During the flight, I suffered pain in my head, sides, and knees from blows and kicks from the men who prepared me for the transfer and forced me onto the plane. I was also consumed with worry about my wife and my mother and what was to become of them.

42. I have learned through the investigation that my attorneys conducted that I was flown out of Amman at 4.15 a.m. on October 26, 2003 on a Gulfstream V aircraft, registered with the Federal Aviation Administration (FAA) as N379P. This flight arrived in Kabul, Afghanistan at 8.25 a.m. the same day. Attached hereto as Exhibit D is a true and correct copy of the relevant portion of the original aeronautical data strings related to this flight, bearing the Jeppesen originator code "KSFOXLDI."

43. I have learned through the investigation that my attorneys conducted that flight records show that on October 24, 2003 this aircraft departed from Washington D.C., at 6:03 p.m. and arrived at Prague, Czech Republic at 1:46 a.m. on October 25, 2003 before taking off again at 8:48 p.m. that same evening for Bucharest, Romania, arriving there at 10:16 p.m. Less than an hour later, at 11:12 p.m., the same aircraft departed Bucharest for Amman, Jordan, from where it then transported me to Kabul, Afghanistan. At 8:45 a.m. on October 29, 2003 the same aircraft departed from Kabul arriving in Baghdad, Iraq at 12:55 p.m. before taking off again at 1:33 p.m. that same afternoon for Porto, Portugal, arriving there at 8:04 p.m. At 1:00 p.m. on October 30, 2003 the same aircraft departed Porto for Washington D.C., arriving there at 7:53 p.m. Attached hereto as Exhibit E is a true and correct copy of a prepared chart showing the flight logs related to my transfer.

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44. I also learned that on November 17, 2003, the Foreign Ministry of Jordan sent a letter to the Embassy of the Republic of Yemen in Amman confirming that I exited Jordan on October 26, 2003. Attached hereto as Exhibit F is a true and correct copy of the correspondence from the Hashemite Kingdom of Jordan, Ministry of Foreign Affairs, Department of Consular and Expatriate Affairs to Embassy of the Republic of Yemen, Amman.

45. I have further learned that on October 10, 2006, and March 22, 2007, Jordan confirmed this date again, informing the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the United Nations Office of the High Commissioner for Human Rights respectively that I had been questioned by the GID before departing from Jordan on October 26, 2003. See Exhibits B and C.

46. Additionally, I recently learned about another letter describing what the Jordanian officials told Yemeni authorities about where I had gone when I left Jordan. In a letter dated March 27, 2006, the Embassy of the Republic of Yemen in France informed the Council of Europe that on March 11, 2004, the Jordanian General Intelligence Department told the Central Organization for Political Security in Yemen that I had been released from custody and had been allowed to depart for Iraq. The Embassy of the Republic of Yemen in France informed the Council of Europe that the Jordanians handed me over to another agency at a Jordanian airport and that I was then transported by aircraft to an unknown destination. Attached hereto as Exhibit G is a true and correct copy of the correspondence from the Embassy of the Republic of Yemen, France to the Council of Europe.

1 **Detention, Interrogation, and Torture in Afghanistan**

2 47. After the flight landed, two men untied the chains that affixed me to the metallic board.

3 Then they untied my handcuffs and shackles from the chain around my waist, removed
4 them, and replaced them with tight plastic bindings. Then they removed the chain
5 around my waist and brought me down the steps of the plane. I was put into the back of
6 a vehicle that was like a jeep and I was forced to lie down while someone sat on my
7 back so I couldn't raise my head.

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9 48. As I was being transferred I kept wondering why I was being taken to another place and
10 why the Jordanians would lie about what I had said.

11 49. I was then driven for ten to fifteen minutes over a bumpy road to an American detention
12 facility. I remained here from October 26, 2003 until about April 24, 2004.

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14 50. When I arrived at the detention facility, I was still dressed only in the diaper, pants and
15 shirt from Jordan. It was very cold. It took only a few steps to enter the building from
16 the vehicle. I was taken straight away to a room where I had my blindfold, ear covers,
17 and plastic bindings removed and someone took pictures of me. The plastic bindings
18 were replaced with metal cuffs.

19 51. I was also examined by an American medical doctor who was about forty to forty-five
20 years old and had a disfigured right hand with a deep scar. I concluded that this doctor
21 was American because on a later occasion, after he was absent for a time, he revealed to
22 me that he had been vacationing in Washington with his family. This doctor conducted
23 an initial exam in which he checked my ears, eyes and weight and drew my blood.

24 During this medical examination I am sure that he saw bruises and other signs of torture
25 on my body. There were also several other people around me but I did not know who
26 they were or where I was.
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52. After the initial medical examination and photographing I was taken to be interrogated, but I was in such an inconsolable state that the interrogator recognized he couldn't get any information from me.

53. After this failed interrogation, I was taken to the first of the three different cells in which I would be held in this facility in Afghanistan. My first cell was Cell No. 6. I worked this out because on one occasion when I was taken from my cell to the interrogation room my blindfold slipped and I could see the number "6" painted in white on the door. I also knew that I was in Cell No. 6 because after I arrived I heard the other prisoners talk about me as the new person in Cell No. 6.

54. By listening to the other prisoners, and through careful observation when I was taken out of my cell for interrogation or to go to the bathroom, I worked out that there were two rows of cells in the area where Cell No. 6 was located. While I never saw that there were two rows, I believe that in one row, the cells were numbered evenly from "2" to "20" and in the other row the cells were numbered with odd numbers from "1" to "19," such that I was in between cells "4" and "8" and across from cell "5." I believe that the cells were numbered in this way because I heard people in my row call out even numbers and people in the other row call out odd ones when they said what cell they were in. I understand that some of the detainees who were in these cells are still missing.

55. I have drawn a diagram of this part of the facility, which is based on all the details I could figure out and can remember. Attached hereto as Exhibit H is a true and correct rendering of this section of the facility to the best of my knowledge and memory. This and all of the subsequent electronic renderings are based on my hand drawings. My attorneys have arranged to have my hand drawings rendered using architectural software

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to more clearly depict my recollection of the facilities. I have reviewed these renderings.

56. My first cell—Cell No. 6—was tiny, less than two by three meters (6.56 by 9.84 feet), and old. Attached hereto as Exhibit I is a true and correct rendering of the cell to the best of my knowledge and memory.

57. In the cell there was a bucket that I used as a toilet, which was emptied out only once a day. There was a foam mattress and one thick blanket. I was given Nestlé bottles—they had their outside wrapper removed but still had the Nestlé logo embossed on the bottle—that were filled with water from a container outside the cells. I never knew if the water was clean but had to use it for drinking, for my ablutions for prayer and for cleaning myself after using the toilet.

58. There were no windows in the cell. The only ventilation came through an opening in the wall near the floor that was about the size of a computer keyboard and had a grate over it, and two openings near the ceiling, one above the door and one directly across from the door, through which they would pipe music into my cell. This cell had two doors, one right after the other. The interior door was made of metal and the exterior one was a door with metal bars.

59. Between my cell and the neighboring cell there was a gap of about one meter to one meter and a half (3.28 to 4.92 feet) that I could see through the keyboard-sized opening. The ceiling of the cell was low, much lower than the ceiling outside the cell. The ceiling of the cell was about two to two and a half meters (6.56 to 8.2 feet) high in contrast to the ceiling outside the cell which seemed to be very high, as if we were in a hangar. The cell seemed to be made of stone and had a dirt floor with a red covering.

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60. When they brought me to this cell I was wearing the same blue clothes and diaper that they had dressed me in at the airstrip in Jordan. For the first fifteen days or so, my hands were cuffed together, and my legs were shackled together, severely restricting my movement and causing me great pain. The entire time I was in this cell I was also shackled to the wall by a chain attached to my leg. I counted that the leg chain had twenty-four links in it and it was just long enough to enable me to reach the bucket I used as a toilet.

61. Because my hands and legs were tied, I could not take off the diaper in which I had arrived. Instead, for the first fifteen days in Afghanistan, I was kept in the same diaper that had been put on me at the airport in Jordan. To go the toilet, I would have to shuffle over to the bucket, stand over it, lower the diaper down with my tied hands, use the bucket and pull the diaper back up. After the fifteen days the guards brought me a change of clothes and removed my hand ties so that I could remove the dirty diaper. My legs remained shackled for about another two weeks. Afterwards these leg chains were opened while I was in my cell but refastened whenever I was taken for interrogations.

62. After I was taken to Cell No. 6 and still on my first day in Afghanistan, the doctor with the disfigured hand came to my cell with an Arabic-speaking interpreter and some guards because I was crying uncontrollably. The doctor came into the cell and tried to comfort me. He gave me a pill, which the interpreter said would make me feel better. I think it was a tranquilizer. At this time I asked the doctor for the direction of Mecca and he pointed toward the cell door, so that is the orientation I used for prayer, without knowing if it was right or not.

63. Initially the only light in the cell was a brief flicker every half hour when the guards came in to wake me and turned the lights on. After the first week or ten days, the bare

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light bulb in the cell was turned on and left on at all times, except that when the guards came to the cell and the lights would be turned off briefly.

64. I was kept in this cell for about three months. Excruciatingly loud western rap and Arabic music was played twenty-four hours a day, seven days a week for approximately the first month I was in Cell No. 6. After that they would pipe in the sound of waves or birds chirping. Sometimes in between music or sound recordings I could hear a call to prayer from a mosque in the distance. The guards would not let me sleep, and routinely woke me every half hour, requiring me to raise my hands to show that I was still alive. I was subject to constant surveillance by the camera that sat above the cell door. There was no heating in the cell and it was very cold.

65. When the weather got colder an electric heater was placed in front of the door of my cell. In the evening they would open the little grate in the cell door that they used to pass food to me and heat would pass through. I think one of these heaters was placed in front of all of the cells because at night I would try to see through the grate and would look to the left and right and see that there was a heater in front of the cells to my left and right. On one occasion another prisoner who was in a poor mental state managed to throw a blanket on one of the heaters and caused a fire.

66. The maltreatment I suffered during my first three months in Afghanistan had a serious impact on my mental state, which was already extremely bad following my torture in Jordan and rendition to Afghanistan. I was in such a bad state for the first three months that I did not eat very much food. I became so depressed that I tried to take my life three separate times during the first few months that I was in detention here. One time I tried hanging myself with a string I pulled out of my blanket. On another occasion I tried to overdose by swallowing pills I was given daily, and the third time I tried to slash

1 my wrists. At one point I was so distraught that I banged my head against the wall,
2 trying to lose consciousness. Every time the guards saw that I had tried to take my life
3 or was behaving irrationally, I was taken to see a psychiatrist, one of whom looked
4 Asian and spoke English with an American accent. One time I heard the other detainees
5 talking about him and they had nicknamed him "Jackie Chan."
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7 67. I think that once it became clear that my mental state was very bad, I was transferred to
8 another cell that was not part of the two rows of cells of which my first cell was a part.
9 Here there was still constant noise twenty-four hours a day, seven days a week but it
10 was not as loud as it had been in the first cell because there was not a speaker and it was
11 not directly piped in. This cell was approximately three by four meters (9.84 by 13.12
12 feet). Inside the cell there was a bucket which I used as a toilet, Nestlé bottles filled
13 with water, a foam mattress, and a camera above the door. This was to be my home for
14 about one and a half to two months. Attached hereto as Exhibit J is a true and correct
15 rendering of the cell to the best of my knowledge and memory.
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17 68. In this second cell the bare light bulb was kept on all the time except when guards
18 brought food or entered the cell for some other reason. My hands and feet were
19 constantly shackled. In addition to my hands being chained, there was a chain attached
20 to an iron post in the wall that attached to my right hand. The chain that held me was
21 long enough to allow me to reach the bucket I used for a toilet. It was very heavy,
22 which made it hard to move. The chain was so heavy that I could not even lift my right
23 hand to my chest during prayer. I was kept under constant surveillance by the camera
24 above the cell door.
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26 69. After one and a half to two months three prison officials came into my cell and began
27 discussing something in English. One of these individuals was an interrogator who I
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1 later learned was named "Frank." Another was a man who I nicknamed "Kojak"
2 because he was balding and had the rest of his head shaved. I gathered from watching
3 them talk, and from the metal apparatus which I saw just outside the cell door when they
4 opened it, that they were going to convert this room into a torture and interrogation
5 room. They appeared to be discussing where best to affix the chains in that room.
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7 70. Shortly afterwards I was moved from this second cell to a cell right across the corridor.

8 Once I left the second cell they began to use it as a torture and interrogation room.

9 While I myself was not beaten in the torture and interrogation room, after a while I
10 began to hear the screams of detainees being tortured there, particularly the prisoner
11 called Adnan al-Libi. On their way to the torture and interrogation room, American
12 officials, including "Kojak," would first stop by my cell with a female interpreter and
13 tell me that when I hear people screaming that I should not be afraid because this
14 treatment was just for people who did not cooperate. They told me that they had a way
15 of dealing with people who did not cooperate. I concluded that it was "Kojak" who was
16 so harshly interrogating Adnan al-Libi because when he came into my cell he would be
17 wearing surgical gloves.
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19 71. The third cell was approximately the same size as the second cell, and I recognized it as
20 an interrogation room in which I myself had been interrogated previously. In this cell,
21 cloth was hung on the wall, and in addition to the bare light bulb that lit the room, there
22 were strong interrogation-style lights that were on constantly for a time. Eventually the
23 interrogation-style lights were removed because they were producing a lot of heat, and
24 instead a heater was put outside the room. There was a table in the room but I could not
25 reach it since I was shackled by a chain to the wall and that chain did not extend far
26 enough. In this cell the camera was on a tripod, and when I was brought into the cell
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1 the guards changed the camera's location so that it was directed toward me when I slept.
2 In this room I also had to use a bucket as a toilet and there were Nestlé bottles filled
3 with water from which I drank and which I used to do my ablutions. As with the second
4 cell, here there was still constant noise but it was not as loud as it had been in the first
5 cell because there was no speaker. Attached hereto as Exhibit K is a true and correct
6 rendering of the cell to the best of my knowledge and memory.
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8 72. Throughout the time I was at this prison I did not have all of the information and
9 materials that I needed for prayer and just had to make the best efforts that I could.
10 While I was given a copy of the Quran about one month after I arrived, I didn't have a
11 prayer mat and I didn't know when to pray. The constant light that was on for the
12 majority of my time here meant that I could not tell what time of day it was, or keep to a
13 prayer schedule. Sometimes I could see light through cracks in the window outside of
14 Cell No. 6 so I knew it was sunrise, but I would not of course know that an hour before
15 it happened, which is the time at which the first prayer of the day is meant to happen.
16 Sometimes if the music cut out, I could hear other prisoners calling to prayer but
17 sometimes this call to prayer was too early, for example one and a half hours before
18 sunrise. When I was detained in the second and third cells there was a clock in the cell
19 that played a recording of the call to prayer in the morning. Based on this I tried to
20 determine the subsequent prayer times for the day.
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23 73. During the entire period of my detention here, I was held in solitary confinement and
24 saw no one other than my guards, interrogators, and other prison personnel. The only
25 time I was taken out of my cell was for interrogations, for washing once a week
26 (attached hereto as Exhibit L is a true and correct rendering of the bathroom to the best
27 of my knowledge and memory), for medical and psychiatric visits when they were
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needed, and to be “sunned” once a week. This means that about once a week I was blindfolded, hooded and shackled and taken to an outside courtyard to sit on a metal chair facing a wall for about ten minutes. I believe the purpose of this “sunning” was to give detainees like me some exposure to the sun to ensure we did not get sick.

74. During these “sunning” sessions, the guards would remove my hood and stand behind me to ensure that I did not turn my head away from the approximately two meter-high (6.56 feet) wall that was directly in front of me. They would then give me nail clippers so that I could cut my nails. While I wasn’t allowed to see anything except the wall, I could hear planes taking off and landing, and I always heard children’s voices speaking outside the wall in a language I believe was Pashto. I could also hear some light traffic.

75. On one occasion while I was in this position I turned my head slightly without letting the guards know, to try and feel the sun on my face, and saw a guards’ watchtower just to the left of my chair. The tower was raised about two and a half meters (8.2 feet) and had two floors. The entrance was on the lower floor but the guards were upstairs. These guards were dressed in military uniforms and their faces were unmasked. They appeared to be Afghan. In the same way I was also able to see a few things in the courtyard, such as a broken down Russian-looking vehicle and water tank. Attached hereto as Exhibit M is a true and correct rendering of this section of the facility to the best of my knowledge and memory.

76. In addition to my encounters with guards, I saw medical personnel several times during my detention. I saw the doctor with the disfigured hand twice on my first day there—on arrival and then afterward when I was in my cell. After the first day, sometimes I would be blindfolded, hooded and shackled and taken to the interrogation room for

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examination. Other times the doctor would come to my cell, such as when I refused to take my medication or when I needed a doctor urgently.

77. The doctor with the disfigured hand, who was like a general practitioner, would give me pain relievers or tranquilizers and would sometimes try to comfort me because of all that I was going through. He would try to give me hope that one day I would be released, go back home, see my mother, my daughter, and my wife. In addition to the doctor with the disfigured hand, there were also three psychiatrists, one of whom was the Asian-American psychiatrist that I have already mentioned. This Asian-American psychiatrist once came into my cell with a female psychiatrist after one of my suicide attempts to ask me about my psychological state.

78. I was interrogated frequently while I was in Afghanistan. There were three interrogation rooms (one of them became my third cell) and there was also the one room for torture and interrogation that was opposite my third cell and was previously my second cell. Attached hereto as Exhibit N is a true and correct rendering of the overall layout of the facility to the best of my knowledge and memory that has been prepared by combining Exhibits H and M.

79. On one occasion an interrogator accused me of accompanying a specific individual to an express mail office in Indonesia to mail letters to England. I denied these accusations, explaining that I did not know the person in question or anyone in England. The interrogator threatened me and insisted that I was lying. The interrogator told me that he was as certain of it as he was certain that there was a red carpet behind me on the wall. When he said that I yelled at him and told him that he didn't know what he was talking about. Afterwards he returned me to my cell. When I got back to my cell I was in a bad state because of the encounter. Shortly thereafter the doctor with the disfigured hand

1 and "Frank" came into my cell with an interpreter. I told them what happened to me and
2 that I was upset and they told me not to worry about it. The doctor told me not to worry
3 since I had said what I wanted to say, namely that I wasn't involved, and also that it had
4 been recorded. In the evening "Frank" and the doctor with the disfigured hand returned
5 to my cell without an interpreter. They brought me some *shwarma* and the doctor, who
6 spoke some Arabic with an Egyptian accent, told me that they learned that I was in fact
7 telling the interrogator the truth.
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9 80. Generally during interrogations, the interrogators asked me about specific individuals,
10 showed me pictures, and wrote down my responses. At first, the interrogators were
11 lenient with me and I thought this was because they knew that I had been tortured in
12 Jordan and was not in a very good psychological state. But when I tried to tell them
13 details about my treatment in Jordan and the false confessions that I was made to sign,
14 the interrogators told me to "forget about Jordan." I also asked a number of times to be
15 assured of my family's safety, but the interrogators told me that they knew nothing
16 about it.
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18 81. The Americans did not allow me to have any contact with my family, my government, a
19 lawyer, or any humanitarian organization such as the International Committee of the
20 Red Cross. I suffered greatly from not being able to contact my family or anyone in the
21 outside world, and I endured enormous psychological pain. I used to try to distract
22 myself by concentrating on the smallest of details in my environment. I think this is
23 partly why I remember so many things about what it was like in secret detention.
24

25 82. I am certain that I was being held by the U.S. Government in Afghanistan. While I was
26 in U.S. detention in Afghanistan, I overheard other detainees guessing that the prison
27 was part of Bagram Air Base but of course these were just guesses as we were never
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1 told exactly where we were. I believe the interrogators and medical personnel in this
2 prison were all American. The interrogators, the medical doctors and the psychiatrist all
3 spoke English with American accents and always required an interpreter to speak with
4 me in Arabic. The interrogators also frequently referred to reports coming from
5 Washington.
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7 83. In addition, while I am sure that the prison was being run by the Americans, I also
8 believe the guards—who were always masked—were Afghan. When the guards took
9 me to the bathroom once a week (see Exhibit L), I sometimes caught glimpses of dark
10 skin beneath their masks and black clothing. I also once saw a guard who came into my
11 third cell unmasked—he looked Afghan. Additionally, I overheard guards speaking to
12 one another in language I believe to be an Afghan language. I also overheard other
13 prisoners saying that the guards were speaking to each other in Pashto and Farsi.
14

15 **Rendition to CIA “Black Site” Prison**

16 84. On or about April 24, 2004 at around noon, I could hear a lot of commotion, which
17 made me think that people were being prepared for a transfer. I was taken from my cell
18 to Interrogation Room Two (see Exhibit M). After being stripped, I was examined by
19 the American doctor with the disfigured hand who shined a light on me and noted my
20 distinctive marks and injuries on a diagram of the human body. The doctor told me that
21 I was going to a “better place” and I wondered to myself whether that meant that I was
22 being sent to Guantánamo, since the doctor might have thought that was a better place
23 than Afghanistan. I asked if he would be going with me and he said that hopefully we
24 would meet there.
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26 85. The guards then came into Interrogation Room Two and took me to Interrogation Room
27 Three (see Exhibit M) where people wearing black masks forced me to wear a diaper, a
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cotton shirt, and pants that came below the knee, to about the mid-shin. They blindfolded, shackled, and hooded me before placing a pair of headphones over my ears.

86. This process, along with the medical exam, took about twenty minutes, after which I was taken to an area in the courtyard which I felt was near the facility's inner gate. I sat waiting in this state for an hour to an hour and a half. While I was waiting, I could feel the presence of others joining me in the area. After this long wait, I heard someone yell, "five by five" in English. I believe this was an instruction to move us out in groups of five.

87. I was then forced into what seemed to be a jeep, where I could feel other detainees very close to me. As we entered they made us lie down head to feet such that my head was next to someone else's feet and someone else's head was next to my feet. I think there were four to five persons in the car with me, as well as there being more than one carload of prisoners because of the instruction to move us "five by five." Every time someone got into the jeep I could feel the jeep sag under that person's weight.

88. In the vehicle we were packed together very closely and I reached out to the person who was next to me. I put my hand on his thigh and with my finger wrote "who are you?" He responded by writing that he was "Naser." I knew that this was Salah Naser Salem Ali Darwish ("Mr. Darwish"), a Yemeni national who had also lived in Indonesia and who had been held in the two rows of cells in which my first cell was located. Mr. Darwish was later sent back to Yemen with me on May 5, 2005.

89. We were driven for less than half an hour and then forced onto a waiting plane at the airport. I was taken up several steps to the plane's entrance and was seated on the right side of the plane, where my knee touched the knee of the person to my right. It took

- 1 about half an hour to load the plane before it took off and flew for several hours. During
2 the flight I could feel two other people brush up against me as the plane swayed.
- 3 90. After landing, I waited on board for about thirty minutes and began to hear helicopters
4 arriving. I am sure that there was more than one helicopter as the sound was loud
5 enough that I could hear it through my headphones and because as I heard one leave I
6 could hear another one coming in, and it would take seven to eight minutes for the
7 sound of the departing helicopter to fade away. I believe that I was being made to wait
8 on board while the other detainees were unloaded.
- 9
10 91. I was taken off the plane and could feel the tarmac under my shoeless feet and very
11 strong wind from the helicopter blades. Two people carried me to the helicopter and
12 then one person from inside the helicopter picked me up through what felt like the back
13 and put me on the floor of the helicopter. The noise was deafening despite the
14 headphones.
- 15
16 92. The helicopter flew for a couple of hours and after landing, I was taken to a vehicle that
17 was right next to the helicopter—as soon as I got off I took only a couple of steps before
18 being put inside. Inside the vehicle I was forced to lie down just as I had been when
19 leaving the facility in Afghanistan, with my head to someone else’s feet. We traveled
20 for about ten minutes, first over a dirt road and then a paved road. The unpaved part of
21 the road was very short.
- 22

23 **Detention, Interrogation, Torture and Other Cruel, Inhuman and Degrading Treatment in**
24 **the CIA “Black Site”**

- 25 93. On arrival at the detention facility, I was forced up several stairs and then I was shackled
26 and made to wait. I was then forced to walk down a ramp inside the facility. I think I
27 was made to wait after climbing the stairs because they were taking the detainees down
28 the ramp one by one. The ramp was a steep metal slope with a special surface, one that

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is designed for traction. As I had no shoes I could feel this bumpy surface distinctly under my feet.

94. I was then taken into a room and stripped. My hood was removed for photographs, which were taken from all sides and I saw that there were about ten to fifteen people around me. All of them except for the person taking photographs were dressed in the kind of black masks that robbers wear to hide their faces. The person taking photographs was unmasked and was about one hundred and sixty centimeters tall (5 feet 2.5 inches) with a white complexion, and black hair. I recognized him from the facility in Afghanistan.

95. I was then taken naked into another room and examined by a doctor who was not the same doctor who examined me when I left Afghanistan. Although he was not the same doctor, he had the exact same human diagram that had been used before my transfer out of Afghanistan: for example, I could see that the vaccination scar on my right arm had been marked on the diagram. The doctor examined my ears, eyes, nose, and throat. I was then taken, still completely naked and disoriented, to a very cold cell. Attached hereto as Exhibit O is a true and correct rendering of the cell to the best of my knowledge and memory.

96. I was left completely naked in this cell for two to three days with only a blanket to protect myself from the cold before the guards finally brought me some clothes. This cell appeared to be new or refurbished and had a stainless steel toilet and a stainless steel wash basin. In this cell there were two video cameras, one above the door and one on the wall in the corner diagonal to the door. The camera on the wall in the corner was directed at the door, while the camera above the door followed me when I moved in the cell. There was also a speaker next to the camera above the door.

1 97. The speaker above the cell door blasted white noise much like the sound of radio
2 interference into my cell twenty-four hours a day except for when the guards came in
3 and the noise was shut off. There was also a large stereo near the entrance of the shower
4 room that was used to blast music into the room. I was taken to this shower room once a
5 week to wash for about two minutes. Attached hereto as Exhibit P is a true and correct
6 rendering of the shower room to the best of my knowledge and memory.
7
8 98. Except for when the guards came in and the noise was turned off, the only break from
9 the constant sound came when the generator stopped working and there was a power
10 outage. This happened several times during the first two weeks that I was in this
11 facility. During those times it was quiet enough for me to hear two other detainees
12 being held in the cells next to me talking. At these times I could also hear the voices of
13 other detainees but they were too far away to hear very well. The guards patrolled with
14 flashlights at these times and if they heard anyone talking they would go and knock on
15 that person's door. When they came and knocked on my door I could see the glow from
16 their flashlights beneath the door.
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18 99. During my first three to four weeks in this cell my hands were cuffed all of the time.
19 Additionally, there was a metal ring in the floor with a heavy chain on it that was
20 attached to my ankle. This heavy chain had one hundred and ten links on it and
21 constricted my movement in the tiny cell. The metal ring was located below the camera
22 on the wall and the chain was only long enough for me to reach the mattress and the
23 toilet. This cell was roughly two by three meters (6.56 by 9.84 feet).
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25 100. To enter and exit the cell you had to pass through two doors, one right after the
26 other. As the guards would enter my cell they would open the first exterior door
27 outward toward them and then the second inner door inward into the cell. The inner
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1 door had an opening at the bottom which they would use to pass me food or anything
2 else they wanted to give me without coming into my cell. Above this opening there
3 was a narrow pane of clear glass which extended about a foot above the floor of the
4 cell.

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6 101. My cell was part of a cluster of three cells. In addition to the double doors that led
7 to my cell there was another door at the entrance to the cluster. There were two other
8 detainees in my cluster whose voices I recognized from the detention facility in
9 Afghanistan and who I heard identify themselves as Hazem and Raba'i (Rib'i). When
10 the door to the cluster opened you could hear a metal clanging sound which suggested to
11 me that the door was like a metal gate.

12
13 102. The cell's condition—its newness, the stainless steel sink and toilet, the cameras
14 and the sophisticated double doors—immediately made me think that I was in a western
15 country. I also suspected that I was in a western country because in Afghanistan I had
16 overheard another prisoner named Yassir al-Jazeera describing a detention facility like
17 this one. He told other detainees that he was taken to an American-run facility in a
18 western country where he was held for four months after he arrived in Afghanistan,
19 before being brought back to Afghanistan. He said that he thought the facility may have
20 been in Europe. The way that he described that facility was identical to this one,
21 including the camera set up, what the shower room looked like, and even the way the
22 guards acted.

23
24 103. After a couple of days in this cell, an interrogator I had seen in Afghanistan and
25 who I later determined was in charge of the rest of the interrogators came into my cell
26 with an interpreter and three guards to give me instructions on detainee protocol. The
27 interrogator was not masked and he was a strong-looking white man with blue eyes and
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1 grey hair. He appeared to be about forty-five years old. He spoke in English with an
2 American accent and told me that when I heard the door to the cell cluster opening, I
3 was to go to the corner farthest from the door, place my hands on the wall and wait.
4 Then the guards coming into my cell would look through the glass near the bottom of
5 the inner door to ensure that I was standing where I was supposed to be before then
6 coming in. When they came in one guard would hood me, one guard would cuff me,
7 and another guard would unlink my ankle chain from the metal ring on the floor. They
8 would then shackle my legs together in such a way that I could walk. He told me that if
9 any information came to mind that I wanted to tell them that I should wave at the
10 camera above the door in the cell. This interrogator then said one of the worst things I
11 could have heard: "welcome to your permanent home."
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14 104. About a day or two later this same head interrogator, along with an interpreter and
15 three guards, came through my cell cluster, making the rounds to all the detainees to tell
16 them the direction of Mecca. When I heard the door to the cell cluster open I went
17 straight to the corner of my cell as I had been instructed and waited while I heard the
18 doors of the two cells next to me open. When the interrogator eventually came into my
19 cell he indicated the direction of Mecca as being the same direction that the toilet faced,
20 which is something that would not happen in a Muslim country. This confirmed my
21 suspicion that I was being held in a prison that had been built by westerners or in a
22 western country.
23

24 105. Any time I was taken outside of my cell in this facility, I was handcuffed and
25 hooded. In accordance with the instructions the head interrogator gave me, there were
26 always three guards who came to collect me. They would do exactly as he had said and
27 then as we left the cell, two of them would guard me on either side while the other
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walked behind us and made sure the doors to my cell and my cluster were closed. We would always have to wait until the guard walking behind me and the two guards finished locking the doors and could join us.

106. The guards were always dressed in black from head to toe. They wore black pants with several pockets, their shirts were long sleeve black tee-shirts and they wore black face masks and black or surgical gloves. These face masks completely covered the head and the neck. The back of the mask was elastic whereas the front, from the eyebrows to just above the lips was tinted yellow plastic. When I first arrived at this facility, I used to really stare at the guards to try to understand their gestures and I could see through the tinted yellow plastic that their skin was white.

107. There were both male and female guards at this facility. I first began to realize that some of the guards were women when I was being unshackled once. When the guard approached me to unshackle my hands I noticed that she was wearing lipstick because I could see through the porous fabric of the mask that covered her mouth. Then, when she bent down to unshackle my feet I saw a bulge at the back of the mask where her hair was pulled back. Once I noticed this, I looked for other signs that she was a woman and also saw a bulge in her chest area.

108. I also discovered that another way of telling the difference between the female and the male guards was that the mask the female guards wore was different from the mask the male guards wore. The women and men's masks differed in that the tinted plastic on the men's mask seemed to be a part of the mask whereas the women's mask seemed to be two pieces. Additionally, I noticed that some of the male guards had a device next to the ear with about ten small flashing red and green lights on it.

- 1 109. The guards were bigger than the Afghan guards. The male guards were at least
2 one hundred and eighty centimeters tall (5 feet 9 inches) and the female guards were
3 between one hundred and seventy to one hundred and eighty centimeters tall (5 feet 5.7
4 inches to 5 feet 9 inches). They were all big and strong bodied, and seemed to have no
5 body fat at all.
6
- 7 110. At one point I saw the guards take a combative stance. This happened when on
8 one occasion an interrogator showed me a lecture by an Islamic scholar on a laptop that
9 he had with him. The interrogator wanted to know if I knew the person giving the
10 lecture, which I did not. The three guards who were in the room with us gave me the
11 impression that they thought I would do something to the laptop because their posture
12 was very defensive. They seemed to assume a fighter's stance, with their hands at chest
13 level and their legs ready to spring. Based on this experience, and the physical build of
14 the guards, I think they may have been trained in self-defense or martial arts.
15
- 16 111. I never heard the guards speak to each other and they never spoke to me, not even
17 when I tried to hurt myself or went on hunger strike. If they wanted to communicate
18 with each other they would do it through hand gestures and when it came to dealing
19 with me, most of the time they relied on the fact that I would comply with the
20 instructions given by the head interrogator.
21
- 22 112. When the interrogators and the medical personnel wanted to communicate with the
23 guards in my presence they would speak to them in English. Additionally one time
24 when two interpreters—one with a North African accent and one with a Levantine
25 accent—came into my cell without an interrogator, but with the three guards, to tell me
26 about the changes in the food schedule because of *Eid al-Fitr* they explained that we
27 could not all speak in Arabic. Instead, they explained that one would speak to me in
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1 Arabic and the other would translate everything that was said into English so that the
2 guards would know what we were saying. The interpreter with the North African accent
3 who came into my cell on this occasion was the same person who interpreted for the
4 doctor with the disfigured hand during my final medical exam in Afghanistan.
5

6 113. Ten or eleven days after I arrived at this facility, I was given a digital Casio watch
7 made in either Japan or Malaysia, which displayed a map of the earth. When I pushed a
8 button on the watch it indicated that it was set to Greenwich Mean Time. The watch
9 also had the date on it, and on the day I received it, the date read 05 May 04. Using this
10 date I was able to verify, based on knowing how many days I had been in this facility,
11 that I had been transferred out of Afghanistan on or around April 24, 2004.
12

13 114. I was also given a prayer schedule in English that had been printed from the
14 internet and had the web address and the location for which the schedule was made
15 blotted out with a black marker. For a short period of time, I was able, to the best of my
16 knowledge, to determine the appropriate times to pray with the watch and these
17 schedules. However, I think my captors decided that the watch was too useful and it
18 was soon taken away. I also found discrepancies in the prayer schedules that led me to
19 believe they had been falsified or were wrong. For example, when they gave me a new
20 prayer schedule at the beginning of the month, I would notice that there was a jump of
21 about an hour between the prayer times on the last day of the previous month and the
22 first day of the current month. This is very unusual, considering prayer times normally
23 only change by a few minutes each day. Every month I would see a big jump when they
24 gave me a new prayer schedule.
25

26 115. After they took the watch away they mounted a second wrist watch on the outside
27 of the glass near the bottom of the inner door to my cell. This watch was made of black
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1 plastic and was taped up so that I could see the watch face from inside my cell. This
2 watch showed the date and time but there was no world map and the straps had been
3 removed. Constantly seeing this watch caused me some difficulty because it made me
4 see how slowly time was moving.

5
6 116. Being by myself all the time, not being told where I was, and thinking that I might
7 never leave, caused me to suffer enormous stress and psychological torment. One time I
8 used a piece of metal that I smuggled from Afghanistan to slash my wrists; I got this
9 piece of metal from a key which the guards there broke when they were in my cell and
10 hid it in my papers which were transferred to this prison. After cutting myself, I used
11 my blood to write "I am innocent" and "this is unjust" on the walls of my cell. Someone
12 must have seen me cutting myself on the camera because after I cut myself deafening
13 music was blasted into my cell and the guards rushed in.

14
15 117. As soon as I saw the guards rushing into the cell I went to the spot I was supposed
16 to be in when someone came into the cell. The guards then blindfolded, cuffed, and
17 shackled me. Once I was cuffed and shackled they took my blindfold off, pointed to the
18 cut, and gestured with their hands meaning to say that I should not cut myself and that if
19 I did this again they would bind both of my hands so that I couldn't do anything. They
20 extended my hands and directed light from their flashlights at the incision to see how
21 deep and extensive it was. Then they cleaned up the writing on the wall and looked for
22 what I had used to cut myself, which they could not find because I had put it in the
23 toilet.

24
25 118. Out of desperation and a sense of injustice I also went on hunger strike for ten
26 days about three or four weeks after I slashed my wrists. To end the strike, prison
27 personnel first tried to oblige me to eat but I refused. A doctor came to my cell on about
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1 three different occasions to tell me that I had to eat or else they would try different
2 measures to force me to eat. When I continued to refuse they took me with my hands
3 tied to the interrogation room. Attached hereto as Exhibit Q is a true and correct
4 rendering of the interrogation room to the best of my knowledge and memory.
5

6 119. In the interrogation room there was me, the doctor with the disfigured hand, an
7 interpreter, an interrogator, and three guards. I was weighed on a scale that used pounds
8 as its unit of measure and the scale showed that I was about ninety pounds. Then the
9 guards untied my hands and sat me in a chair and strapped my arms to the arms of the
10 chair. They then used a chain to connect the shackles on my feet to a metal ring in the
11 floor. I saw blue cans on the table that contained what looked like pink colored liquid.
12 There were also tubes like those used for IVs and a metal IV pole. After I was strapped
13 to the chair and chained to the floor they shoved a tube up into my nose and I began
14 screaming because of the pain. I resisted because I was beginning to choke and the
15 guards held my head back. In this way they forced the tube all the way into my
16 stomach. After this tube was inserted where they wanted it to be they taped it to my
17 nose and connected it to whatever the material was that they were going to feed me.
18 They emptied five or six cans of this liquid into a plastic container that they hooked to
19 the IV pole. They then put this material into my stomach.
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22 120. After they emptied this material into my stomach, I told them my stomach was
23 bloated and they took the tube out. When they pulled the tube out my nose started to
24 bleed. Then the doctor told me that this was the way that it would be, once in the
25 morning and once at night, until I started eating again. After they force-fed me, they
26 weighed me again, and then took me back to my cell. When I got back to my cell I
27 made myself vomit. I think they were watching me vomit on the camera because
28

1 afterwards they stopped taking me back to my cell right after they force-fed me. Instead
2 they would make me sit in the interrogation room, stretch my legs, and wait for the food
3 to settle for about an hour to an hour and a half. I would then go back to my cell and try
4 to vomit but not very successfully. This lasted for about three days. After I went on the
5 hunger strike I was given tranquilizers, which I took because I was in such a poor
6 mental state.
7

8 121. Around September 2004, I was cuffed and blindfolded and walked to a run-down
9 cell with a filthy mattress where I stayed until I was transferred to Yemen in May 2005.
10 I initially believed that I was being taken to the interrogation room but as I was being
11 transferred I noticed turns that were different than what they would have been if I was
12 going to the interrogation room. I believe the two cells were in the same building, but
13 cannot be completely sure because the guards did not take a straightforward route to get
14 there and I had the impression that they were trying to confuse me.
15

16 122. This second cell was approximately two and a half by four meters (8.2 by 13.12
17 feet) and contained the same camera and speaker arrangement as the previous cell.
18 Again, there was a mattress, a stainless steel toilet, and a stainless steel wash basin. At
19 some point, I was told by an interrogator who came into my cell that Mecca was in the
20 direction of the door. This cell was also in a cluster of three. Although there was also a
21 metal shackle in this cell, I was not chained to the floor as in the previous cell, but
22 instead had shackles on my ankles chaining my legs together. Although there was a
23 speaker in this cell as in the other cell, no noise came out of the speaker except for
24 during the last month or month and a half when Quranic verses were played about once
25 a week. Attached hereto as Exhibit R is a true and correct rendering of the cell to the
26 best of my knowledge and memory.
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1 123. Unlike in my first cell, where I would sometimes hear the people in my cluster
2 speaking to one another, in my second cell cluster each of us abided by the rules and did
3 not talk at all. However, I still believe that there were two other detainees in my cluster
4 because when the guards opened the door to the cluster to bring me food they would not
5 come to my cell straight away. Instead, I would hear another set of doors open, then a
6 second set and after that they would come to my cell. It was the same when they would
7 take me to the shower room once a week.
8

9 124. When I first arrived the showers were on Sundays but then the day changed to
10 Fridays instead. When the guards would come to my cell to take me to the shower room
11 they would bring a change of clothes and a towel which they would leave with me for
12 the entire week. When I noticed that they were about to come into the cell I would
13 move to the corner as I had been instructed and then they would put the towel around
14 my waist and pull my pants down and cuff me. When I got back to my cell they would
15 put my pants on themselves as they did not want to untie my hands to let me do it
16 myself. In this way I was constantly demeaned.
17

18 125. Even though I never heard the people in my second cluster speak, I could hear
19 voices that seemed very far off. When I heard someone far off raise his voice I would
20 then hear them blast loud Western music into his cell. Hearing these detainees, and
21 hearing detainees both within and outside of my first cell cluster, led me to believe that
22 there were more detainees than the three who were in my cluster at any given time.
23

24 126. I also worked out that there were detainees in addition to the ones in my cluster by
25 counting each Friday the number of cotton swabs in the trash bin that was in the corner
26 under the camera in the shower room. Every week I was given two cotton swabs and
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1 after my shower I would regularly count ten to twelve cotton swabs in the bin which
2 meant that at least five or six people had showered before me.

3 127. It was also clear to me from the problems I sometimes had in getting access to
4 books that there were additional detainees. Toward the end of my detention, I was given
5 a list of books about five pages long with about a hundred books on it. The way it
6 worked is that when I requested a book from the list they would bring it to me that day,
7 or the following day if the request was made at the time of the evening meal. The list
8 included Islamic books, Arabic fiction and some fiction translated into Arabic and I
9 would read books from all of these categories. I also sometimes asked for bilingual
10 books printed in Arabic and English to help me improve my English. The books seemed
11 brand new and each one had a page that was imprinted with a stamp from a Bookshop in
12 Washington D.C. However, sometimes when I requested a particular book they would
13 indicate that it had already been reserved and from this I understood that there were
14 more detainees than just myself.
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17 128. In addition to the books, there were also movies that I was allowed to watch that I
18 do not think would have been brought there just for me. I was taken to the interrogation
19 room to see a movie by myself about three times. At these times, the guards would seat
20 me on the interrogation chair, chain me to the floor and show me pre-selected shows like
21 films with Jackie Chan in them and a European soccer game. While I viewed the screen
22 the guards would watch me from behind a one-way glass window which looked like a
23 mirror to me (see Exhibit Q).
24

25 129. This facility also had an exercise hall in which I was allowed to exercise for about
26 fifteen to twenty minutes once a week in the month or two before I was sent to Yemen.
27 Three guards would come to my cell and we would go through the usual hooding and
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shackling procedure before they would take me to a large empty hall with balls in it. Attached hereto as Exhibit S is a true and correct rendering of the exercise hall to the best of my knowledge and memory.

130. To enter the exercise hall I would first pass through an outer door and then go through a door in the metal mesh fence that ran the length of the room. The fence separated the main part of the exercise hall with the balls in it from the place the guards stood watching me while I exercised. Once I was in the main part of the exercise hall I would put my hands through a metal opening in the fence and a guard would remove my cuffs. I would do the same with my feet, and then I would play by myself by kicking and bouncing the balls off of the walls. The guards would silently watch me do this from behind the fence until a guard would bang on the fence and point to his or her wrist to indicate that my time was up. When this happened I would approach the opening in the fence to have my cuffs put back on again and then be taken back to my cell.

131. Aside from the exercise I got in the exercise hall the only other exercise I managed to get the entire time I was in custody, both here and in Afghanistan, was in my cell. In the cells in which I wasn't chained to the wall, I would try to run around. This of course was really difficult since my legs were shackled and the cells were so small.

132. Although I had determined that there were other detainees, the whole time I was in this facility I never saw another prisoner. I was kept in constant isolation and this gave me a lot of time to worry and despair. The thing that occupied my mind the most was thinking about the condition of my mother and wife. The other thought that constantly occupied my mind was simply: I am innocent, why are they doing this to me?

1 133. Even though I was alone, I never had any privacy because of the constant
2 monitoring by video cameras, including the video camera in my cell that followed every
3 little movement I made, and because my cells were regularly searched.
4
5 134. Often my cell was searched when I was taken to the shower room once a week. I
6 always made sure to organize everything in my cell before I was taken to the shower
7 room so that they could see everything I had and would not have to rummage through all
8 of my belongings. I was particularly concerned about preventing them from touching or
9 mishandling the Quran. I would always place the Quran on the top of my pile of books,
10 yet when I returned from the shower room I would find that they had moved the
11 Quran—sometimes it would be in the middle or at the bottom of the pile, or in a
12 completely different place. This caused me great dismay
13
14 135. I was also almost always cold and by the end of December 2004 it was so cold that
15 I had to pray wearing the blanket I had been given. The blanket was black, marked
16 “Made in Mexico” and was just like the blanket I was given in Afghanistan but seemed
17 new because of the way it smelled.
18
19 136. Generally the food here was what I would describe as European. They gave me
20 boiled rice and tinned/sliced meat and bread, triangles of cheese, boiled potato, slices of
21 tomato, and olives, all served in a plastic plate with different compartments. To drink, I
22 was given juice in cups and large bottles of water without the label. The cups were
23 checkered blue and red and made out of waxy cardboard and had what looked like a
24 phone number that began with 00 33 on the inner rim of the bottom of the cup. Even
25 though the water bottles came without the label, I figured out that, as in the facility in
26 Afghanistan, they were Nestlé bottles because they had the Nestlé logo embossed on
27 them. I also noticed that the logo was on the inside of the cap.
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137. At first I did not eat much of the food, especially the lunch meal because it consisted primarily in poor quality mashed white rice and canned meat. I could not eat the meat because I did not know what type of meat it was and it could have been pork for all I knew. I also didn't know whether it was properly butchered *halal* meat. They never told me what type of meat it was or whether it was *halal*; rather, after I was transferred to the second cell, they eventually substituted the meat for sardines, which I could eat.

138. The quality of the food was generally poor except for towards the end of my detention. For instance on New Year's Day 2005, the director of the prison, who I met at the detention facility in Afghanistan and had nicknamed "Kojak," came to the cell with an interpreter, three guards, and a young female interrogator who was carrying a tray with fresh juice, a milkshake, and a slice of cake for me. I also received a visit from "Kojak" on *Eid-al-Adha*, when he brought me a better meal of rice and meat and allowed me to have a second portion.

139. "Kojak" spoke English with an American accent and he was about 175 centimeters tall (5 feet 7.4 inches). He was always dressed in black. At one point he gave me a Rubik's Cube so that I had something to do to pass the time. I finished it in two or three days because I had nothing else to do.

140. As a result of my treatment, my psychological balance and well-being became so severely damaged that psychiatrists were sent to consult me in the interrogation room on a number of occasions. I identified these people as psychiatrists because they were the ones who would consult with me after I asked to see a psychiatrist and because they acted like psychiatrists.

- 1 141. The psychiatrists asked me to talk about why I was so despairing, interpreted my
2 dreams, asked me how I was sleeping and whether I had an appetite, and offered
3 medications such as tranquilizers. Four or five of the psychiatrists that saw me in this
4 facility had also seen me in Afghanistan. One of them was a woman and one of them
5 was the Asian-American male that I have already mentioned who was nicknamed
6 “Jackie Chan.” In addition to those four or five that I had seen in Afghanistan, I saw
7 two other psychiatrists in this facility.
8
- 9 142. Shortly after being transferred to my second cell in September 2004 I woke up at
10 three in the morning feeling as though I was inside a grave, buried alive. I tried to shake
11 off the feeling as best I could, but this was difficult because there was no way for me to
12 turn on the lights. I tried to improve my mental state through prayer but I still could not
13 escape the dreadful feeling. In the morning I asked for a psychiatrist and was taken to
14 see one.
15
- 16 143. I told the psychiatrist that I had a feeling that something bad had happened to my
17 family, and that I was almost certain that something had happened to my mother
18 because of her heart problem. The psychiatrist let me talk, and I started to cry. The
19 interpreter tried to get me to stop crying, I think because she was affected by my
20 suffering but the psychiatrist told her to let me cry.
21
- 22 144. The psychiatrist said that it might help to cry if I felt that I needed to. Afterwards
23 the psychiatrist gave me some yellow pills and I returned to my cell where I continued
24 to cry. Eventually, when I was returned to Yemen I learned that my father died in
25 September 2004, which was the same time at which I had this episode.
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- 27 145. In October or November 2004 I was taken to see an English-speaking doctor, who
28 I assume was an optometrist because he gave me an eye exam. While the optometrist

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checked my eyesight, he told me that my vision was normal and did not give me eyeglasses even though I did have, and continue to have, vision problems. At the time, I had not complained about my vision or asked to see the optometrist and I got the sense that the optometrist was seeing other detainees because I watched him writing notes about me on a sheet of paper and there was a pile of many such sheets.

146. In addition to the optometrist, I also saw a dentist in the prison twice. The first time I was taken in the usual way by three guards and laid down on a bed to have my teeth examined in a room that contained medical equipment. During the examination, the man conducting the exam spoke in English with two other men. All of them had American accents and were wearing regular medical masks. The second time I was taken to the dentist it was just before I was transferred to Yemen and I had my teeth cleaned.

147. There were two to three American medical doctors in this facility. The doctors gave me three pills every day with breakfast —one was brown and large like a capsule, another was white and also large, and a third was small and yellow. When I asked what they were for, they told me that the pills were supplements that I needed to take because I was not allowed any sun exposure. I was required to take these pills but sometimes I would just dump them in the toilet.

148. In addition to the pills I was given to make up for the lack of sun exposure, and the tranquilizers I was given for my psychological suffering, at one point when I was in the interrogation room, a doctor that I had never seen before tried to give me an injection which he explained would prevent disease. I refused and was taken back to my cell.

149. I developed hemorrhoids while I was in the second cell in this facility and was bleeding every time I went to the toilet. I never had this condition before I was in

1 detention and believe that it may have developed because I was forced to sit a lot of the
2 time. I did not feel that I could tell the doctors in this facility about this.

3 150. In both cells, the ceiling and floor were all painted the same drab grey color and I
4 was not once allowed to see the sun or the sky for the more than twelve months I was in
5 this facility. As a result I felt sealed in and claustrophobic. I also felt extremely
6 disoriented because I had no idea where I was.

7
8 151. The sealed in nature of this facility and the claustrophobia that I experienced
9 contributed to my feeling that this detention facility and the facility in Afghanistan were
10 essentially coffins. It especially felt that way to me because I was innocent. You die a
11 little every day you are in prison because you are in a coffin for the living where you
12 don't see, you don't hear, and there is nothing.

13
14 152. In this facility, in addition to the American doctors, dentist, optometrist, and
15 psychiatrists, all of my interrogators were American. The interrogations were always
16 done in English with an interpreter speaking to me in Arabic and translating my
17 responses into English. The English spoken by the interrogators was with an American
18 accent. Also, they constantly referred to "Washington" and discussed "reports from
19 Washington" that made it clear that all of my interrogators were Americans working for
20 the U.S. government. For example, when I would respond to the interrogators'
21 questions by telling them that I had no connections to the groups they were asking me
22 about, they would say that they were going to forward my information to Washington to
23 see what the people in Washington had to say about it, or to see if Washington had
24 contrary information.

25
26 153. Also, one time a delegation of interrogators came to question me from
27 Washington. There were three interrogators in the delegation, two men and one woman,
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1 and they had an interpreter with a Levantine accent. These interrogators were wearing
2 matching long black pants with side pockets, long boots, and both green and black long
3 sleeved shirts. They dressed the same way that the director of the prison (“Kojak”) and
4 the head interrogator dressed. The person in charge of the interrogators said these
5 people had come from Washington and that they wanted to get to know me. These three
6 interrogators basically asked me the same questions that I had been asked before for
7 about an hour to an hour and a quarter. For example they asked when I left Yemen for
8 Indonesia and about my time in Afghanistan. Their questions were framed in a
9 conversational manner and I got the sense that they just wanted to verify things. One
10 thing about them that was unusual was that they were always staring into my eyes in a
11 way that made me feel like they were trying to see if I was telling the truth. It seemed to
12 be a kind of psychological inspection. This was the first and only time that I ever saw
13 these interrogators.
14

15
16 154. On another occasion a female interrogator with black hair who looked like she was
17 from East Asia entered my cell with an interpreter and began asking me questions.
18 When she learned that I had lived in Indonesia she began speaking to me in Indonesian
19 and then switched back to English after she explained that she had to speak in English
20 because the interpreter was there. When I asked her how she knew Indonesian she said
21 that she learned it in Washington D.C.
22

23 155. The interrogators dressed mostly in black but they did not have a set uniform and
24 they did not wear masks. Some wore high boots like the guards and others wore regular
25 shoes. The female interrogators wore civilian tops and pants in regular colors.
26

27 156. In general at this facility I would say that there were what I would describe as
28 “official” and “non-official” interrogators. I thought of them this way because one set—

1 those I thought of as “official”—seemed more professional and appeared to have a
2 higher status than those I labeled “non-official.” The “official” ones assumed the lead
3 role in the interrogations, particularly the more severe ones, and appeared to be trained
4 in the art of interrogation. These same interrogators also questioned me in Afghanistan.
5 There were six to seven “official” interrogators and altogether (“official” and “non-
6 official”) there were about six to seven female interrogators and four to five male
7 interrogators.
8

9 157. Those I thought of as “non-official” interrogators showed me photographs and
10 asked me if I recognized individuals, but they did not ask in-depth questions. The “non-
11 official” interrogators included some very young female interrogators, who would come
12 into my cell and show me pictures of certain individuals. I had the sense that these
13 interrogators were in training as they did not deal with serious matters. Their
14 mannerisms were also different from the male interrogators in that instead of being
15 adversarial, they were congenial and would sometimes make jokes and even play games
16 with me in my cell. Also, the way they were dressed in very tight pants and tops and the
17 way that they spoke seemed intentionally seductive.
18

19 158. I was not extensively or regularly interrogated while I was in this facility. For
20 much of the time I was left alone. When I was interrogated, it was about my time in
21 Afghanistan and about my activities in Indonesia and I always answered these questions
22 truthfully because I had nothing to hide.
23

24 159. I have learned through my attorneys that on March 5, 2005, according to
25 correspondence from the Embassy of the Republic of Yemen in France, the United
26 States, through its Liaison Officer in Sana’a informed the Central Organization for
27 Political Security in Yemen that I was being held in U.S. custody. See Exhibit G.
28

- 1 160. At about the same time—a few months before my release—things began to
2 improve somewhat. I was given a softer blanket to keep in my cell. I was brought extra
3 and better quality food on a few occasions and this was around the time that I got the
4 books, was allowed to go to the exercise hall and was taken to watch movies.
5
- 6 161. About a month before my release, “Kojak” along with an overweight man, a
7 woman, three guards and an interpreter came to my cell with a man they introduced as
8 someone who had come from Washington D.C. to inspect the prison. I was told that this
9 man would send a report about me and that hopefully I would be released. He was very
10 tall, about one hundred and eighty centimeters tall (5 feet 10.87 inches), very well-built
11 and had medium brown hair. He was dressed in civilian clothing.
12
- 13 162. I was then asked whether I wanted to be returned to Yemen or to Indonesia, and I
14 said that I wanted to return to Yemen since I thought my sick mother would be there. I
15 was told that chances were good that I would be returned to Yemen since it was the
16 country of my nationality and that I would be held in prison in Yemen for a short period
17 and then released.
18
- 19 163. “Kojak” also said that I would never be released if I told anyone about what had
20 happened to me in secret detention and he made me promise not to say anything. For a
21 long time I didn’t tell anyone about this visit since I had promised to keep it a secret, but
22 the prison director broke his word because I was not held in Yemen for a short period at
23 all. It was many months after I got back to Yemen before I was released and because he
24 broke his word I now break mine in order to seek justice for what the Americans did to
25 me.
26
- 27 164. A few days before I was sent back to Yemen “Kojak” told me that I could consider
28 myself as good as having a ticket in my hand for leaving the facility. He came into my

1 cell with the guards and an interpreter, brought me chocolate and juice, and told me that
2 I had permission to leave and that they were just waiting for my passport and for final
3 instructions to arrive from Washington. Although he mentioned my passport, I have yet
4 to get it back. I last saw my passport on the early morning of October 26, 2003 when
5 the Jordanians made me sign a receipt for it but never handed it to me.
6

7 **Transfer to Yemen**

8 165. Although I did not know about my exact moment of transfer to Yemen until just
9 before it happened, the Americans apparently gave advance notice to the government of
10 Yemen. Amnesty International has reported that Rajih Hunaish, the Undersecretary of
11 the Central Organ for Political Security, informed them that the Yemeni government
12 was notified by the U.S. Embassy in Sana'a, Yemen of my return 24 hours before the
13 plane landed in Sana'a, Yemen. According to Amnesty International, the U.S.
14 government told the Yemeni authorities that I was being sent to Yemen for continued
15 detention. Attached hereto as Exhibit T is a true and correct copy of relevant excerpts
16 from Amnesty International, *USA / Yemen: Secret Detention in CIA "Black Sites"*
17 (November 8, 2005).
18

19 166. On May 5, 2005, approximately one year and seven months after being detained in
20 Jordan, I was dressed, cuffed, hooded, and otherwise prepared in the usual way and
21 bundled onto a plane that flew non-stop for about seven hours, arriving in Sana'a,
22 Yemen in the late evening at about 10:30 pm. This transfer date has been confirmed by
23 the government of Yemen in correspondence with the Council of Europe (see Exhibit
24 G).
25

26 167. On the plane they took off my headphones and hood and when I got off the plane I
27 heard someone cry out and I immediately recognized from the smells and sounds that I
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was home. I was very happy as after all that I had been through, I had not believed the Americans when they said they were sending me to Yemen.

168. I was then transferred to a vehicle on the tarmac and when the guards asked us to say where we were from I could make out the voices of two other detainees in the vehicle. I later learned that I had been transferred to Yemen alongside two other Yemeni nationals, Mohammed Abdullah Saleh al-Asad (“Mr. al-Asad”) and Mr. Darwish, and that it was Mr. Darwish who had cried out when we arrived. The fact that I was transferred with Mr. Darwish and Mr. al-Asad has been confirmed by the government of Yemen in correspondence with the Council of Europe (see Exhibit G).

169. We were then taken to the Central Organization for Political Security in Sana’a, Yemen, where we were held in a Political Security detention facility until the early morning hours the next day. At around 4:00 am Mr. Darwish, who was also from Aden, and I were taken to the airport and forced to board a normal passenger plane where the passengers stared at us, especially because I was tied to one person, and Mr. Darwish to another. We were flown to Aden and placed in detention in the Political Security prison (Fateh Prison) in Aden.

170. While I was detained in Aden I was constantly dizzy, suffered nose bleeds, and often felt like I was floating on water. I believe these things happened because I had not been exposed to the sun for such a long time and was now suddenly in a place with abundant sunlight.

171. With my family’s persistence, my mother and sisters were allowed to visit me about a month to a month and a half after my arrival in Yemen. The joy of seeing them was indescribable and the experience was overwhelming. My mother tried to comfort

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me to show that she was strong but I later learned that she collapsed after leaving the prison.

Proxy Detention, Trial and Release in Yemen

172. I was detained by the government of Yemen, apparently at the behest of the U.S. government, from May 5, 2005 until March 27, 2006.

173. While I was detained in Yemen, Amnesty International worked to find out why I was being held. Amnesty International has reported that a number of Yemeni officials, including the Chief of the Central Political Security Department, Ghalib Mathar al-Qamish, told Amnesty International that U.S. officials had given them “explicit instructions” for my continued detention, and that the Yemeni authorities were “awaiting files” from the United States so that I could be tried for whatever it was I was supposed to have done. See Exhibit T.

174. I have learned that on November 30, 2005, the United Nations Working Group on Arbitrary Detention adopted an Opinion concerning my detention and that of Mr. Darwish and another detainee, Walid Muhammad Shahir Muhammad al-Qadasi. The Working Group stated that in official communications, the government of Yemen confirmed that I was handed over by the United States and that I was detained “...pending receipt of their [the persons’] files from the United States of America authorities in order to transfer them to the Prosecutor.” Attached hereto as Exhibit U is a true and correct copy of the United Nations Working Group on Arbitrary Detention Opinion 47/2005.

175. I have learned that in official correspondence dated December 20, 2005 the government of Yemen confirmed that I was handed over to them by the United States, that I had been detained by the Yemeni authorities for questioning and to verify the

1 allegations made against me by the United States, and that on November 10, 2005, the
2 Yemeni authorities received files on me from the United States authorities. Attached
3 hereto as Exhibit V is a true and correct copy of the correspondence from The
4 Permanent Mission of the Republic of Yemen to the United Nations Office and Other
5 International Organizations to the United Nations Special Rapporteur on the Promotion
6 and Protection of Human Rights and Fundamental Freedoms while Countering
7 Terrorism, and the United Nations Special Rapporteur on Torture and Other Cruel,
8 Inhuman or Degrading Treatment or Punishment.
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10 176. Both the United Nations Special Rapporteur on the Promotion and Protection of
11 Human Rights and Fundamental Freedoms while Countering Terrorism and the United
12 Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading
13 Treatment or Punishment have publicly confirmed the content of the December 20, 2005
14 letter. Attached hereto as Exhibits W and X are true and correct copies of the relevant
15 excerpts of the Report of the Special Rapporteur on the Promotion and Protection of
16 Human Rights and Fundamental Freedoms while Countering Terrorism, Addendum,
17 Communications with Governments and Report of the Special Rapporteur, Manfred
18 Nowak, Addendum, Summary of information, including individual cases, transmitted to
19 Governments and replies received. This letter was in response to a request for
20 information about me and Mr. Darwish from the United Nations Special Rapporteur on
21 the Promotion and Protection of Human Rights and Fundamental Freedoms while
22 Countering Terrorism, and the United Nations Special Rapporteur on Torture and Other
23 Cruel, Inhuman or Degrading Treatment or Punishment. Attached hereto as Exhibit Y is
24 a true and correct copy of this correspondence from the United Nations Special
25 Rapporteur on the Promotion and Protection of Human Rights and Fundamental
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1 Freedoms while Countering Terrorism, and the United Nations Special Rapporteur on
2 Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

3 177. In early 2006 the Special Penal Prosecution of the Special Penal Court in Yemen
4 interviewed me to determine whether I had committed any crimes. I admitted to the
5 Special Penal Prosecution that I had used a false identity document in Indonesia. I also
6 explained that I had not committed any acts of terrorism or joined Al-Qaeda.
7

8 178. On February 13, 2006, I was tried in the Special Penal Court for the crime of
9 forgery, based on my admission to the Special Penal Prosecution. I had not had the
10 opportunity to meet with a lawyer or to obtain advice at the time of my interrogation by
11 Political Security or my interview with the Special Penal Prosecution.
12

13 179. There was no evidence provided against me by the Americans in court, and no
14 terrorism-related charges were brought against me.

15 180. At trial I admitted to the forgery I had already disclosed to the Special Penal
16 Prosecution, pointing out that I had paid a fine in Indonesia and had been penalized for
17 this offense through deportation from Indonesia on a flight of my choosing. I also
18 explained to the court that I had been arrested in Jordan for no legal reason while
19 carrying a Yemeni passport in my own name and that I was transferred to the Americans
20 who held me in a secret prison where the conditions were very bad.
21

22 181. The judge sentenced me to two years in prison, but ordered that I be released
23 because the time I spent in detention—inside and outside of Yemen—exceeded this
24 sentence. I was instructed to report to Political Security every month, although three to
25 four months after my release Political Security told me that I no longer had to report
26 because I was observing all of the rules. I was also instructed not to leave Aden without
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28

1 permission. Attached hereto as Exhibit Z is a true and correct copy of extracts from the
2 ruling in my case.

3 182. At about midnight on the evening of March 27, 2006, I was released from
4 custody, never once having faced any formal charges relating to terrorism.

5
6 183. On the very same day that I was released from custody in Yemen the Embassy of
7 the Republic of Yemen in France informed the Council of Europe that Yemeni
8 authorities received me from the U.S. authorities on May 5, 2005 and that I had since
9 been held pursuant to Penal Procedure No. 13 of the year 1994 for questioning and,
10 according to the Arabic portion of the correspondence, so they could look into the
11 Americans' allegations against me. See Exhibit G.

12 **My Family's Efforts to Locate Me**

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14 184. Since I returned to Yemen, I have learned from my wife and mother about all of
15 the efforts they undertook to find me while I was in secret detention. I include here
16 information based on what they have told me, and on documents that I mention here,
17 which I have seen.

18
19 185. From the moment I was detained in Jordan, my family tried as hard as they could
20 to find out what had happened to me. Soon after I was taken into custody by the GID,
21 my mother asked to see me, but the Jordanian officials lied to her, saying that they did
22 not have me in custody. She challenged this since she had seen GID officials take me
23 away with her own eyes. The GID told my mother, "He's not here with us. We can't
24 say if he's gone to the Emirates or Yemen."

25
26 186. My mother was terribly afraid for me when the Jordanians denied that they were
27 holding me. She went to the Embassy of Yemen in Amman, Jordan for help, and they
28 talked to the Jordanians on her behalf. As a result, the Jordanians let her and my wife

1 visit me for less than ten minutes while I was in GID custody. My mother's request for
2 assistance from the Embassy and their subsequent intervention was confirmed by the
3 Embassy of the Republic of Yemen in Amman to the Republic of Yemen Foreign
4 Ministry. Attached hereto as Exhibit AA is a true and correct copy of the letter from
5 the Ambassador of the Embassy of the Republic of Yemen, Amman to the Republic of
6 Yemen Foreign Ministry.
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8 187. The letter further states that when my mother tried to visit me again, Jordanian
9 intelligence officials told her that I had "left the Kingdom." See Exhibit AA.

10 188. In October and November 2003, at my family's insistence, the Embassy of the
11 Republic of Yemen in Amman and the Jordanian Foreign Ministry exchanged letters
12 concerning my fate and whereabouts. According to the Embassy of the Republic of
13 Yemen, the Embassy prepared memoranda dated October 27, 2003 and November 12,
14 2003 requesting further information about me from the Jordanian Foreign Ministry. See
15 Exhibit AA.
16

17 189. On November 17, 2003, the Jordanian Foreign Ministry sent a letter to the
18 Embassy of the Republic of Yemen, Amman stating falsely that while I had been
19 instructed to report to the GID, I had not been detained. Instead, the letter asserted that
20 "...he was ordered to leave the Kingdom, which he did on October 26, 2003." See
21 Exhibit F. Of course this was the actual day that the Jordanians handed me over to the
22 Americans and the day I was flown out of Jordan by the Americans.
23

24 190. My mother also sought assistance from the Republic of Yemen Foreign Ministry
25 in Yemen. On December 3, 2003, she personally wrote a letter to the Republic of
26 Yemen, Foreign Ministry, Department of Consular and Expatriate Affairs requesting
27 that it would "Please be so kind as to direct our embassy in Jordan to follow up for the
28

1 sake of releasing my son and transporting him to Yemen...” Attached hereto as Exhibit
2 BB is a true and correct copy of the letter from my mother Mrs. Ni’ma Al-Sabri to
3 Republic of Yemen, Foreign Ministry, Department of Consular and Expatriate Affairs.

4
5 191. Also on December 3, 2003, apparently as a result of the letter from my mother, the
6 Republic of Yemen Foreign Ministry faxed a letter to the Republic of Yemen
7 Ambassador to Jordan. That letter explained that my mother had “...filed a complaint
8 stating that her son...was detained by Jordanian authorities on October 21, 2003, for no
9 known reasons.” The letter asked the Ambassador to “Please address this matter with
10 the concerned Jordanian agencies to expedite his release and to find out the reasons for
11 the detention.” See Exhibit A.

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13 192. The Republic of Yemen Foreign Ministry again sent a fax dated December 10,
14 2003 to the Republic of Yemen Ambassador to Jordan asking for a reply to their letter
15 “...as quickly as possible, as his family members are very worried about him.”
16 Attached hereto as Exhibit CC is a true and correct copy of the correspondence from the
17 Republic of Yemen Foreign Ministry to Republic of Yemen Ambassador to Jordan.

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19 193. In response, the Republic of Yemen Ambassador to Jordan outlined the actions
20 taken by my mother in Jordan to locate me, actions taken by the Embassy on my behalf,
21 the November 17, 2003 statements by the Jordanian government indicating that I had
22 left Jordan (see Exhibit F), and stated that the Embassy had followed up persistently on
23 the issue with the concerned offices, including through a letter dated December 4, 2003
24 requesting to know to which destination I was deported. The Republic of Yemen
25 Ambassador to Jordan stated that the Embassy was “...still persistently following up on
26 the matter by raising the issue with the concerned agencies, the Foreign Ministry,
27 Intelligence, and the Ministry of Interior.” See Exhibit AA.
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194. In response to this letter, on December 15, 2003, the Republic of Yemen Foreign Ministry explained that my "...family members have been called to the office, and they have looked at the memorandum, but they have stated that the aforementioned has not arrived in Yemen. They now want to know to where he has been deported." Attached hereto as Exhibit DD is a true and correct copy of the letter from the Republic of Yemen Foreign Ministry to the Republic of Yemen Ambassador in Jordan.

195. The whole time I was held by the Americans—from October 2003 to May 2005—my family had no idea where I was. All they knew was that the last time they had seen me was in GID custody and that now the Jordanians were saying that I was no longer there without explaining the truth about where I went. This caused them a great deal of hardship and despair.

196. My family was never contacted by the U.S. government or the International Committee of the Red Cross. As a result of this lack of information, combined with the misinformation my mother received about my departure from Jordan, my mother was in anguish. She cried every night and worried about where I might be and how I was being treated. She became ill and was hospitalized for some time. Eventually, she gave up hope, convinced I had been killed. My wife was also hospitalized due to stress and anxiety.

197. My wife spent about three months in Yemen struggling to get information about where I might be, but when her efforts proved futile, she and my family determined that it would be better for her to return to Indonesia, which she did with my family's assistance. When my wife returned to Indonesia she was so destitute that she had to go through trash to collect aluminum foil to sell in order to sustain herself.

1 **Impact of Secret Detention on Life Post-Release**

2 198. During the time I was held in secret detention, my father died, leaving my mother
3 without financial support. The knowledge that my father died without ever knowing
4 where I was, why I was detained, and whether I was dead or alive causes me
5 immeasurable pain that continues until today.
6

7 199. My health deteriorated significantly while I was in detention. To this day I suffer
8 the mental and physical scars of prolonged uncharged detention, torture, and cruel
9 treatment with tremendous consequences for my emotional, psychological, and physical
10 health.

11 200. In addition to the adverse impact on my health, being in secret detention has
12 adversely impacted my financial situation. My financial situation remains strained
13 because being in secret detention has tarnished my reputation and because my passport,
14 which indicated that I am a business man, has never been returned to me.
15

16 201. These impacts, which my family and I continue to suffer, are augmented by the
17 suffering we endure from not having received an acknowledgement from the U.S.
18 government that they illegally detained and tortured me. The only indication that I have
19 that the U.S. government has recognized its egregious and unlawful error has been
20 through the statements about my innocence made by U.S. officials in the CIA black site
21 and through their apparent return of the two hundred U.S. dollars which was taken from
22 me while I was in the Jordanian GID detention facility and put in the envelope that was
23 handed to the American agent who was there.
24

25 202. This money was returned in August 2007 after I was contacted by an official from
26 the Sana'a office of Yemen's Political Security, who informed me that the money was
27 ready for me to collect. I subsequently retrieved the two hundred U.S. dollars which had
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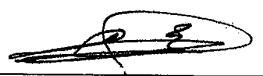
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been taken from me and signed a receipt indicating that I received the two hundred U.S. dollars which had been held by U.S. Intelligence.

203. I see this as only a very small beginning toward achieving recognition of the harm that has been perpetrated against me and my family. I will continue to seek justice from all parties who were involved in my detention, torture, and loss of future until the circumstances of my detention are fully acknowledged, those responsible for my treatment are held to account, my family and I are compensated for all that we have endured, and the system of illegal transfer and secret detention is brought to an end.

* * * *

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 5th day of December 2007.



Mohamed Farag Ahmad Bashmilah