

# Exhibit F

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON  
AT SPOKANE

- - -

SULEIMAN ABDULLAH :  
SALIM, MOHOMED AHMED : DOCKET NO.  
BEN SOUD, OBAID ULLAH :  
(as personal : 2:15-CV-286-JLQ  
representative of GUL :  
RAHMAN), :  
: :  
Plaintiffs, :  
: :  
v. :  
: :  
JAMES ELMER MITCHELL :  
and JOHN "BRUCE" :  
JESSEN, :  
: :  
Defendants. :

- - -  
Friday, January 20, 2017  
- - -

Videotaped deposition of JOHN  
BRUCE JESSEN, taken pursuant to notice,  
was held at the law offices of Blank  
Rome, 130 N. 18th Street, Philadelphia,  
Pennsylvania 19103, beginning at 10:07  
AM, on the above date, before Constance  
S. Kent, a Registered Professional  
Reporter and Notary Public in and for the  
Commonwealth of Pennsylvania.

\* \* \*

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1 government and themselves.

2 BY MR. LAVIN:

3 Q. And if you can answer, do  
4 you run different scenarios for different  
5 types of captors?

6 A. There are -- there are  
7 different scenarios, there are different  
8 courses, there are different threats that  
9 are addressed in the different courses.  
10 In the more advanced courses,  
11 particularly related to counterterrorism,  
12 we had to prepare scenarios that were  
13 consistent and accurate to various  
14 terrorist groups, their modus operandi,  
15 how they would treat captives, what their  
16 weaknesses were, what their beliefs were,  
17 what their vulnerabilities were, condense  
18 that into a package so that if one of  
19 these high-risk operators were captured,  
20 sometimes they're specific to a mission.  
21 If they go into a particular place and  
22 there's a particular terrorist group and  
23 the risk of capture is high, then you  
24 tailor it in that way. Those are fewer

1 in number, but higher in risk of capture.

2 The general school is for --  
3 in the Air Force anyway, is for anyone on  
4 flying status and anyone who would be  
5 stationed in high-risk of capture zones.  
6 They receive scenario training also, but  
7 it's more generic, and it is more  
8 consistent with the Code of Conduct. So  
9 it's not as specific, but it's designed  
10 to prepare them for a different  
11 environment.

12 Q. You said that you would  
13 monitor the comportment of the people who  
14 were instructing these scenarios, do I  
15 have that right?

16 A. Yes.

17 Q. And what would be sort of an  
18 improper comportment for an individual  
19 monitoring a scenario -- sorry, let me  
20 rephrase that.

21 What would be an improper  
22 comportment for an individual who was  
23 training in that scenario?

24 A. There is a phenomenon that

1 those of us who work in this area  
2 identify as abusive drift, and without  
3 proper oversight and independent eyes on  
4 authorities, people can start to push the  
5 limits of what they're authorized to do,  
6 and part of my role was to make sure that  
7 I identified that and stopped it.

8 Q. And that -- that would  
9 happen even in training?

10 A. It does happen sometimes in  
11 training or the emergence of it is  
12 evident.

13 Q. Do you think it happens more  
14 in training or in real world-type  
15 scenarios?

16 A. I think it happens more in  
17 real world.

18 Q. And in the course of your  
19 monitoring of these scenarios -- these  
20 training scenarios, did you ever have to  
21 stop a trainer from doing something that  
22 he or she was doing?

23 A. Rarely.

24 Q. But it happens sometimes?

1 A. Yes.

2 Q. So you monitored these  
3 scenarios for about four years as the  
4 Chief of Psychological Services; is that  
5 correct?

6 A. I think that's correct.

7 Q. And then how did your role  
8 change when you became deputy director?

9 A. I went into a different  
10 classified program.

11 Q. It says here: Deputy  
12 Director, Code of Conduct SERE Training  
13 Directorate, Joint Personnel Recovery  
14 Agency.

15 Without saying anything  
16 that's classified, it looks like at least  
17 the name of this agency, the Joint  
18 Personnel Recovery Agency, and of the  
19 Code of Conduct SERE Training Directorate  
20 are unclassified.

21 Is there anything you can  
22 say about your role there?

23 A. Yes.

24 Q. Could you tell me in

1 A. Page number what?

2 MR. SMITH: XXVI.

3 BY MR. LAVIN:

4 Q. That would be in the  
5 Introduction. There's -- there's a list  
6 there of what the Senate Armed Services  
7 Committee labeled as its conclusions.

8 A. I don't know where you're  
9 at.

10 MR. SMITH: I can help you.

11 There you go.

12 THE WITNESS: Okay.

13 BY MR. LAVIN:

14 Q. So if I could direct your  
15 attention to Conclusion No. 3 and just  
16 have you review that and let me know when  
17 you're ready.

18 So you see there at the end  
19 it says:

20 "The purpose of SERE  
21 resistance training is to increase the  
22 ability of US personnel to resist abusive  
23 interrogations, and the techniques used  
24 were based in part on Chinese Communist

1 techniques used during the Korean War to  
2 elicit false confessions."

3 Did you ever have an  
4 understanding that the SERE techniques  
5 were based in part on Chinese Communist  
6 techniques from the Korean War?

7 A. I think I do remember that.

8 Q. Do you think you knew that  
9 when you were a SERE psychologist?

10 A. When I was at the SERE  
11 school.

12 Q. When you were at the SERE,  
13 yeah.

14 A. Yeah.

15 Q. And do you think you knew at  
16 the time that these techniques had been  
17 used by the Chinese Communists to elicit  
18 false confessions?

19 A. I don't remember false  
20 confessions.

21 Q. Did you have any sense of  
22 whether these techniques could induce a  
23 person to make a false confession?

24 A. I don't understand your



1 question.

2 Q. So there's this list of  
3 techniques that's authorized for use by  
4 the Joint Personnel Recovery Agency --

5 A. Right.

6 Q. -- for use in training our  
7 soldiers to resist certain kinds of  
8 interrogation, and you had some awareness  
9 that these -- some of these techniques  
10 were based in part on Korean War  
11 techniques used by the Chinese  
12 Communists.

13 What I want to know is  
14 whether you had any understanding at the  
15 time that these techniques could induce  
16 an individual who is being subjected to  
17 them to make a false confession?

18 MR. SMITH: Objection.

19 You can answer the question.

20 You can answer.

21 THE WITNESS: Yeah. I don't  
22 have a specific memory of  
23 concluding that these could be  
24 used for false confessions.

1 A. I don't know.

2 Q. Okay. So you don't know of  
3 a reason why that sentence would not be  
4 accurate?

5 A. You have me confused.

6 Q. I apologize. Let me --  
7 let's just go to that sentence again and  
8 you can just tell me if there's anything  
9 there that's not accurate.

10 "During the resistance phase  
11 of SERE training, US military personnel  
12 are exposed to physical and psychological  
13 pressures (SERE techniques) designed to  
14 simulate conditions to which they might  
15 be subject if taken prisoner by enemies  
16 that do not abide by the Geneva  
17 Conventions."

18 A. I think that is accurate,  
19 but I am not the DOD spokesman.

20 Q. All right. But you were --  
21 you were a SERE instructor, right?

22 A. I was the -- a SERE  
23 instructor is associated with the basic  
24 program, so I was an instructor, but it

1 was with a special survival training  
2 program.

3 Q. Okay. And did that survival  
4 training program also simulate conditions  
5 to which a person who was experiencing  
6 the program might be subject to if taken  
7 prisoner by enemies that did not abide by  
8 the Geneva Conventions?

9 A. Yes.

10 Q. The next sentence says:  
11 "As one JPRA instructor  
12 explains, SERE training is based on  
13 illegal exploitation under the rules  
14 listed in the 1949 Geneva Conventions  
15 relative to the treatment of prisoners of  
16 war of prisoners over the last 50 years."

17 Is that accurate?

18 A. I don't know who determines  
19 what's legal and illegal, but the  
20 techniques were to represent what we  
21 thought our enemy might do if they  
22 weren't adhering to the Geneva  
23 Conventions.

24 Q. So the techniques were

1 simulating violations of the Geneva  
2 Conventions?

3 A. Possibly.

4 Q. Now, the next paragraph in  
5 this document says:

6 "Typically those who play  
7 the part of interrogators in SERE school  
8 neither are trained interrogators nor are  
9 they qualified to be."

10 Do you see with that  
11 sentence?

12 A. Typically. Typically that's  
13 accurate.

14 Q. It says:

15 "These role players are not  
16 trained to obtain reliable intelligence  
17 information from detainees."

18 Is that accurate?

19 A. Typically that's accurate.

20 Q. And it says:

21 "Their job is to train our  
22 personnel to resist providing reliable  
23 information to our enemies."

24 Is that correct?

1 MR. WARDEN: Sure, yes.

2 Yes.

3 MR. SMITH: So let's have  
4 the question read back.

5 THE WITNESS: Okay.

6 MR. LAVIN: Sure.

7 MR. WARDEN: I think it's  
8 a -- I think it's a broad enough  
9 question for the witness to start,  
10 and if we have a question, we'll  
11 put up a stop sign.

12 MR. SMITH: Fair enough.

13 MR. WARDEN: And if you'd  
14 like me to consult with him, we  
15 can do that as well.

16 MR. SMITH: 100 percent.

17 MR. WARDEN: One issue we're  
18 trying to avoid is interposing  
19 unnecessary objections to broad  
20 questions that could conceivably  
21 elicit classified information.

22 MR. LAVIN: And we very much  
23 appreciate that.

24 BY MR. LAVIN:

1 Q. But certainly if you feel  
2 uncomfortable at any time or you need to  
3 consult, just -- just let us know.

4 A. Well, I did.

5 Q. Yeah.

6 A. I mean, if I reach that  
7 point, that's why I did that.

8 Q. Sure.

9 A. Okay.

10 MR. SMITH: Let's have the  
11 question read back.

12 THE WITNESS: All right.

13 (Pertinent portion of the  
14 record is read.)

15 MR. SMITH: Note my  
16 objection.

17 BY MR. LAVIN:

18 Q. You can answer.

19 A. So I received a call from  
20 someone in the CIA asking if I could come  
21 back to CIA headquarters. So I got  
22 permission from -- from my commander and  
23 I went back.

24 When I arrived there -- this

1 is 15 years ago, so I don't remember a  
2 lot of details. I'll tell you everything  
3 I remember.

4 I remember arriving there, I  
5 remember being met by Dr. Mitchell and  
6 some CIA officers. I remember going into  
7 a room and being told that there was a  
8 specific detainee that had been captured.  
9 They informed me that efforts to  
10 interrogate that individual had proved  
11 less than fruitful, and in fact, had come  
12 to a standstill, that they had credible  
13 evidence that Al-Qaeda had fissionable  
14 nuclear material and were about to launch  
15 a nuclear attack on the United States and  
16 that this man had the information that  
17 could unlock that threat, that  
18 Dr. Mitchell had been asked to help  
19 interrogate this person using techniques  
20 that we had -- that we were familiar with  
21 and that he had told them about that were  
22 used in the SERE schools and would I  
23 help.

24 I think I made a phone call

1 to my wife and my family and talked to  
2 them, in terms that I could about this,  
3 and I thought about it. This all took  
4 place in about 20 minutes because they  
5 were ready to leave the country, and I  
6 said, If that's what my country wants me  
7 to do, I'll do it.

8 I was told that everything  
9 that we did would be under the auspices  
10 of the Justice Department and the CIA and  
11 that we would work directly for the CTC  
12 Unit within the CIA and we would take  
13 orders from them, that we would be  
14 deployed and that we would -- we would  
15 wait, and while we were waiting, prepare  
16 ourselves with intel briefings and other  
17 preparation, and if the Justice  
18 Department approved the plan that the CIA  
19 was going to put together, that we would  
20 implement that plan.

21 I agreed to do that. And  
22 they took us to the contracting office  
23 and we sat there while someone hammered  
24 out a contract. We were -- I, at least,



1 I can't speak for Jim, but I hadn't done  
2 this before so I was unfamiliar with it.  
3 And there was a psychologist who works  
4 for the CIA there with us, and I turned  
5 to him and I said, I'm not sure, you  
6 know, how this is done, and he said,  
7 These are standard contracts, you know.  
8 And they said, How much are you going to  
9 change? And I said, I have no idea.  
10 This guy said, This is the standard rate  
11 for somebody like you. I said, Okay.  
12 They said, Hurry, hurry, we finished the  
13 contract. I signed it.

14 I talked to the military  
15 liaison that was in the CIA and he told  
16 me that he would call JPRA and have me  
17 detailed there until such time as I would  
18 be -- because I had to give up my  
19 position in the Department of Defense to  
20 do this.

21 And then we went into a  
22 series of a bunch more meetings, and  
23 then, I don't remember exactly when, but  
24 we were on a plane leaving the country

1 shortly after that.

2 That's what I remember.

3 Q. And --

4 MR. SMITH: Hold that  
5 thought one second.

6 THE VIDEOGRAPHER: Excuse  
7 me, Counsel, there's less than a  
8 minute on the tape.

9 MR. LAVIN: Let's go off the  
10 record.

11 THE VIDEOGRAPHER: The time  
12 is 12:17 PM. We are now off the  
13 video record.

14 This ends Disk No. 1.

15 (Recess.)

16 THE VIDEOGRAPHER: We are  
17 now back on the video record. The  
18 time is 12:21 PM.

19 This begins Disk No. 2.

20 MR. SMITH: Let me just  
21 state for the record that while we  
22 were off the record, the witness  
23 asked for permission, directed the  
24 question to Mr. Warden, to

1 identify the detainee who he  
2 referred to in his previous  
3 answers, and Mr. Warden said that  
4 the witness was permitted to do  
5 it.

6 Am I correct, Mr. Warden?

7 MR. WARDEN: That's correct.

8 MR. SMITH: So if you want  
9 to supplement your answer, you  
10 can, sir, and should.

11 THE WITNESS: We were told  
12 that they had captured Abu  
13 Zubaydah. We were taken into a  
14 room where analysts and trackers  
15 who had been following this man  
16 for years, months, I don't know, a  
17 long time, gave us detailed  
18 briefings on his affiliation with  
19 Al-Qaeda, the fact that he ran, he  
20 called them, a training camp  
21 probably used the techniques in  
22 the Manchester manual, had given  
23 monetary support to KSM for the  
24 9/11 attacks, had planned numerous

1 whoops. It that okay?

2 MR. WARDEN: Yeah. Jose  
3 Rodriguez is fine.

4 THE WITNESS: Okay. Jose  
5 Rodriguez, who already had a  
6 relationship with Jim, they had a  
7 discussion about the tactics that  
8 are used at the SERE school to  
9 train, not just the standard  
10 folks, but the special operators  
11 in particular, and I was told that  
12 Jim asserted to him that these  
13 techniques had been used for  
14 decades without ill effect, and  
15 even though the students knew they  
16 were in training, they still  
17 tended to give up information they  
18 were supposed to protect and that  
19 that might be something that they  
20 could use that would provide more  
21 effectiveness and predictable  
22 safety.

23 I was told that -- by Jim  
24 that he didn't know they wanted

1           him to do it, and later Jose asked  
2           him to do it. And he initially  
3           demurred and did not want to do  
4           it. And then he was leveraged, I  
5           think in a reasonable way by staff  
6           at the CIA, that he was the one  
7           that they wanted, he was the one  
8           that was -- that had the  
9           qualifications that they wanted  
10          and wouldn't he go do it. If he  
11          wouldn't do it, who were they  
12          going to get to do it I think  
13          those were the words. So he had  
14          said he would.

15                   And Jose told me that he  
16                   asked Jim what he needed and Jim  
17                   said that he would like me to help  
18                   him. And that's what initiated me  
19                   being called.

20                   So I'm there, and we had  
21                   these initial meetings, and at  
22                   some point, I don't remember  
23                   exactly when, Jim explained to me  
24                   what I just told you. Jim and I

1           went into a cubicle, sat down at  
2           a -- he sat down at a typewriter  
3           and together we wrote out a list  
4           that I've seen in the documents  
5           here that was submitted as  
6           techniques that we thought had  
7           worked well in the SERE school and  
8           we were comfortable with what had  
9           happened there, and so they were  
10          given to the CIA. I don't know  
11          who they went to.

12                    At that time, they told --  
13          the CIA told us that they were  
14          going to do their own due  
15          diligence with the DOD and the  
16          Justice Department before a  
17          decision was made to use them. If  
18          they weren't going to use them,  
19          they still wanted Jim and I to  
20          question Abu Zubaydah using just  
21          social influence techniques.

22                    They again reiterated -- we  
23          had a discussion with them about  
24          what our qualifications were

1           again, and they reiterated to us  
2           that we had the qualifications  
3           they wanted. They understood that  
4           we hadn't done interrogations of  
5           live terrorists before, but we  
6           discussed the other experience and  
7           qualifications we had, and so we  
8           came to an agreement.

9                       And then we were shot out of  
10           a cannon to a location, and for  
11           about a month, we prepared for  
12           whatever they were going to ask us  
13           to do.

14                      The environment was -- was  
15           very electrified and people -- we  
16           were in a running gun battle with  
17           Al-Qaeda at the time, and so we  
18           just sat because we had no  
19           authorizations to do anything.

20                      And then -- then they  
21           finally came, which is probably --  
22           you're going to cover this later,  
23           but that was -- that was what  
24           happened. It happened very fast

1 somebody around, you push your chances of  
2 getting information farther away from  
3 you, you don't bring them closer.

4 No one likes to be the  
5 recipient of physical pressures. I've  
6 had all these things done to me multiple  
7 times. Not by a foreign hostile  
8 government, but certainly in very  
9 realistic ways. And I know how I react.

10 So you want them to talk, so  
11 you start with the least coercive  
12 pressure and you see if that is enough to  
13 motivate them to talk, and that's what we  
14 did.

15 Q. Thank you.

16 MR. LAVIN: I think this  
17 might be a good time to break for  
18 lunch.

19 Thank you.

20 THE VIDEOGRAPHER: The time  
21 is 12:43 PM. We are now off the  
22 video record.

23 (Lunch recess.)

24 THE VIDEOGRAPHER: The time



1 is now 1:22 PM. We are now back  
2 on the video record.

3 BY MR. LAVIN:

4 Q. So I think before we broke,  
5 you testified that no one likes to be the  
6 recipient of physical pressures, but that  
7 you've had all these things done to you  
8 multiple times, not by hostile  
9 governments, but certainly in very  
10 realistic ways.

11 In your mind, is there a  
12 difference between having these things  
13 pressures done to you by a hostile  
14 government versus in training?

15 A. In terms of how they're  
16 employed, no; in terms of where you're at  
17 emotionally, I think it is different.

18 Q. How? How so?

19 A. I think you'd have more  
20 concern about the outcome.

21 Q. Like what -- what kind of  
22 concern?

23 A. I don't know, it depends on  
24 the person.

1 Q. They might have more fear or  
2 more despair if it were done -- sorry,  
3 I'll just finish my question -- if it  
4 were done by a hostile government?

5 A. Perhaps.

6 Q. Sorry. Did you have an  
7 impression when you and Dr. Mitchell put  
8 together these lists of techniques,  
9 whether the CIA had already made a  
10 decision as to whether it was going to  
11 use physical coercion on Abu Zubaydah?

12 A. I didn't know.

13 Q. Did there come a time when  
14 you understood the CIA to have made a  
15 decision to use physical coercion on Abu  
16 Zubaydah?

17 A. Yes.

18 Q. Do you remember roughly when  
19 that was?

20 A. Roughly.

21 Q. When was that?

22 A. About a month after I left  
23 Langley.

24 Q. So were you at the site at

1 the time that that decision was made?

2 A. I was at a site at the time.

3 Q. And the proposal of the  
4 techniques was made at Langley?

5 A. I don't understand your  
6 question.

7 Q. Sure. When you and  
8 Dr. Mitchell put together the list of  
9 techniques, were you at Langley?

10 A. Yes.

11 Q. If we can return to the -- I  
12 think it's Exhibit 27, the Armed Services  
13 Committee report. I'm looking at page  
14 24. Now, I want to ask you about that  
15 paragraph that's right after the redacted  
16 block.

17 A. Okay.

18 Q. So it says here that -- that  
19 you said that:

20 "The use of physically  
21 coercive techniques may be appropriate  
22 when: 1, there is good reason to believe  
23 that the individual has perishable  
24 intelligence; 2, the techniques are

1 lawful and authorized; 3, they are  
2 carefully controlled with medical and  
3 psychological oversight; 4, someone who  
4 is not otherwise involved in the  
5 interrogation can stop the use of the  
6 techniques; and 5, the techniques do not  
7 cause long-term physical or psychological  
8 harm."

9                   Is that your view on --  
10 today on when the use of physically  
11 coercive techniques may be appropriate?

12           A.     Yes.   Yes.

13           Q.     And it says here that you  
14 acknowledge that:

15                   "Empirically it is not  
16 possible to know the effect of a  
17 technique used on a detainee in the  
18 long-term unless you study the effects in  
19 the long-term."

20                   Is that accurate?

21           A.     Yes.

22           Q.     At the time that you and  
23 Dr. Mitchell proposed the use of these  
24 techniques, did you know whether the

1 but they receive it, yes.

2 Q. And do the people in the  
3 Special Mission Units receive extensive  
4 physical and psychological prescreening?

5 A. Yes.

6 Q. And the ones in the Special  
7 Missions Units would be the ones who  
8 received the more physically coercive  
9 pressures in their training?

10 A. Yes.

11 Q. Would you agree that that  
12 extensive physical and psychological  
13 prescreening the Special Mission Unit  
14 operators receive is not feasible for  
15 detainees?

16 A. No, I wouldn't. All the  
17 detainees were extensively screened. At  
18 least all the ones I've worked on.

19 Q. What was the nature of that  
20 screening?

21 A. They had psychological  
22 evaluations and physical evaluations, and  
23 they had psychologists, physicians who  
24 were there 24/7 who watched what was

1 going on.

2 Q. The "watched what was going  
3 on," that would happen after the  
4 interrogation began?

5 A. No, it happened while it was  
6 occurring.

7 Q. Do you -- returning to the  
8 second difference that Dr. Ogrisseg  
9 identified. He says:

10 "There was a variance in  
11 injuries between a SERE school student  
12 who enters training and a detainee who  
13 arrives at an interrogation facility  
14 after capture."

15 Would you agree that there's  
16 a difference between SERE trainees and  
17 detainees?

18 A. I don't know of any data on  
19 that. I don't know where Ogrisseg got  
20 his.

21 Q. Well, let me ask you: When  
22 you -- when you were overseeing or  
23 monitoring or involved in some way in the  
24 SERE program, did you ever see a SERE

1 trainee who was being subjected to  
2 interrogation pressures while they had an  
3 open wound?

4 A. No, I don't think so.

5 Q. Did you ever see any kind of  
6 SERE trainee participate in a training  
7 when they had recently received a gun  
8 shot wound?

9 A. I never saw a SERE student  
10 who had contributed to the death of 3,000  
11 Americans and possibly had the knowledge  
12 of where fissionable nuclear material was  
13 that could destroy a city in the United  
14 States either.

15 Q. Understood. Would you agree  
16 that SERE training was voluntary?

17 A. Yes.

18 Q. And that it could be  
19 terminated by the student at any time?

20 A. Yes.

21 Q. Would you agree that when a  
22 detainee was in CIA custody, that was not  
23 voluntary and could not be terminated by  
24 the detainee at any time?

1 A. No.

2 Q. You would not agree?

3 A. I would not agree.

4 Q. Can you explain?

5 A. A detainee could stop  
6 interrogation any time, all they had to  
7 do was cooperate, and during each  
8 interrogation, there were medical,  
9 psychological, administrative and  
10 intelligence staff, as well as guards,  
11 who were charged with a specific  
12 responsibility that if they felt anything  
13 was not authorized or if there was a  
14 physical or psychological threat to the  
15 detainee, that they would -- could and  
16 would stop it.

17 Q. Do you think there were ever  
18 points in which detainees were actually  
19 unable to stop an interrogation because  
20 they could not provide the answer to the  
21 question that would end their  
22 interrogation?

23 A. Never in my presence.

24 Q. To the best of your



1           A.     I believe if they were taken  
2 to extreme, they could be detrimental.

3           Q.     What do you mean by  
4 detrimental?

5           A.     You don't understand  
6 detrimental?

7           Q.     I guess to me --

8                   MR. SMITH: He's allowed to  
9 ask you that question, so answer  
10 it.

11                   THE WITNESS: Oh, okay.  
12 Well, it means not good. Harmful  
13 in some way.

14 BY MR. LAVIN:

15           Q.     Okay. All right.

16           A.     I know you know what  
17 detrimental means.

18           Q.     Do you think there is a  
19 difference between an extreme form of a  
20 technique being detrimental and an  
21 extreme form of a technique inducing  
22 severe mental pain or suffering?

23                   MR. SMITH: Objection.

24                   THE WITNESS: Yeah, I think

1           there is a difference.

2       BY MR. LAVIN:

3           Q.     Do you think it's possible  
4       that, for example, sleep deprivation  
5       taken to the extreme could induce severe  
6       mental pain or suffering?

7           MR. SMITH:  Objection.

8           THE WITNESS:  I think that  
9       all precautions were taken in the  
10       CIA program to preclude that, but  
11       in a situation where they weren't,  
12       they could.

13       BY MR. LAVIN:

14           Q.     Are there any differences  
15       between how these SERE pressures, as  
16       we've been talking about, were applied in  
17       the SERE schools as opposed to how they  
18       were applied in the CIA program?

19           A.     A few.

20           Q.     Which ones were those?

21           A.     As applied -- as applied  
22       they were the same as they were applied  
23       in the SMU training, but their frequency  
24       was more in the CIA program.

1 Q. Now, Dr. Mitchell has  
2 described the effect of these techniques  
3 to be related to Pavlovian classical  
4 conditioning.

5 Do you agree that the  
6 interrogation strategy with the SERE  
7 techniques was based on the Pavlovian  
8 classical conditioning?

9 MR. SMITH: Can you show us  
10 where you're referring to in the  
11 document?

12 MR. LAVIN: Sure. Sure.

13 BY MR. LAVIN:

14 Q. So if you look at Exhibit 4  
15 from Dr. Mitchell's deposition. This  
16 is -- and it's on --

17 MR. SMITH: Give us a second  
18 here, if you would.

19 MR. LAVIN: Sure.

20 MR. SMITH: Can you just  
21 identify for the record what's  
22 before the witness?

23 MR. LAVIN: Sure. This is  
24 Exhibit 4 from Dr. Mitchell's

1 come from. So for 12 or more hours a  
2 day, the detainees were left alone with  
3 these indigenous guards. I am not aware  
4 of any mistreatment of the indigenous  
5 guards with any other detainee except  
6 Rahman, but they handled him roughly and  
7 with disdain.

8                   He was also in the conflict,  
9 as I was told by the Chief of Base. He  
10 would fight with the guards, he threw his  
11 dung and urine can at the guards. The  
12 guards had given him what were called  
13 cold showers. There's a document we  
14 have, we all have, that says I observed  
15 one of these. I don't know if I did. I  
16 know I was told about it. I was aware of  
17 it, but I don't remember specifically  
18 seeing it. I was told that it was done  
19 because there was no hot water in the  
20 facility or they had a pipe problem. I  
21 don't know if that's accurate or not.

22                   But subsequent to that, I  
23 did see Gul Rahman being taken to his  
24 cell. He was cold and shivering, and I

1 was concerned that he would be  
2 hypothermic. And so I told the guards  
3 that they had to get him blankets and  
4 insulation.

5 I talked to the Chief of  
6 Base and said, you know, Winter is coming  
7 on and we need to get heaters here, and  
8 he acknowledged that and said he had  
9 already started whatever the procurement  
10 process is to do that, and before I left,  
11 I did see heaters in the facility.

12 But -- but they -- they did  
13 other things that weren't authorized.  
14 They did what they called a hard  
15 takedown, which they asked me to observe  
16 and I did, and they didn't do it in a  
17 completely out-of-control way, but it  
18 wasn't approved and it didn't seem to  
19 have any usefulness that it perhaps could  
20 have had if it's -- it's a technique that  
21 could definitely dislocate your  
22 expectations about what's going on, but  
23 they returned him immediately to his cell  
24 and then just left him there.

1                   So if you're going to  
2 dislocate someone's expectations then you  
3 want to go in there with your  
4 interrogation skills, social influence  
5 skills, and see if you can leverage that  
6 in some way. I made that suggestion to  
7 the officer.

8                   So that and other things  
9 were going on when I got there.

10                  Q.     And I think -- I think you  
11 described the cold shower that either you  
12 saw or became aware of --

13                  A.     Right.

14                  Q.     -- through description. In  
15 this interview, you described it as a  
16 deprivation technique.

17                  A.     Uh-huh.

18                  Q.     Do you know what you meant  
19 by that?

20                  A.     I do. In SERE jargon, a  
21 deprivation technique is anything that  
22 disrupts the steady state, as I said  
23 earlier. So if I were to take away your  
24 Coca-Cola and you really wanted it, it

1 would be a deprivation. If I were to  
2 take away all your clothes, that would  
3 also be a deprivation. So there are  
4 varying degrees.

5 But I asked the site manager  
6 if -- if he had approval for that kind of  
7 deprivation. I don't remember  
8 specifically what he said, I'm not trying  
9 to, you know, aim this at him. It's  
10 self-evident what he did if you read the  
11 documents.

12 But it -- but it was a  
13 deprivation, not one that I would have  
14 used, not one that I was sanctioned to  
15 use, not one that the Department of  
16 Justice, to my knowledge, had approved,  
17 but it was a deprivation.

18 Q. And by this point in  
19 November 2002, was there, you know, a set  
20 of techniques that you understood to have  
21 been approved by the Department of  
22 Justice?

23 A. Well, the techniques that we  
24 were given to use with Abu Zubaydah were

1 the only ones that I knew of, certainly  
2 the only ones I was authorized to use.  
3 In fact, at that time only Dr. Mitchell  
4 and myself were authorized to use those  
5 things.

6 Q. And then were those  
7 techniques referred to at that time, if  
8 you know, as -- as enhanced interrogation  
9 techniques?

10 A. I don't remember. You know,  
11 those terms evolved over time. The term  
12 HVD, you know, that didn't exist when we  
13 started. The term MVD. The first -- I  
14 think Cobalt may have been the first I  
15 heard that term because there were  
16 another group of people there working  
17 with the Chief of Base doing  
18 interrogations, doing this stuff that  
19 we're talking about, and in fact, they  
20 did use that term because the individual  
21 they had sent me there to talk to, not  
22 Gul Rahman, but another person, they --  
23 when I got there, they identified him as  
24 a MVD.



1 Q. So there was some -- some  
2 distinction made between him as a MVD and  
3 someone else as an HVD?

4 A. Eventually in the program it  
5 was a very clear distinction. And I  
6 don't know when that evolution  
7 solidified, but eventually HVDs were only  
8 the highest valued people, like KSM, and  
9 Zubaydah and Nashiri and Gul Rahman,  
10 and -- I'm getting old that I can't roll  
11 them off my tongue quickly. But there --  
12 there was a group that were so  
13 designated.

14 And with the exception of  
15 when I was at Cobalt for -- I was there  
16 for maybe two or three weeks, I don't  
17 remember, that's the only time I saw or  
18 worked with any HVDs, as they came to be  
19 known -- or I mean, MVDs as they came to  
20 be known. But eventually those  
21 distinctions were used all the time.

22 Q. And do you happen to know  
23 whether, after Mr. Rahman's death and  
24 after you raised the -- the concerns you

1 raised about the facility at Cobalt,  
2 whether changes were made at Cobalt?

3 A. As I told you, before I left  
4 Cobalt, I saw heaters. The Chief of  
5 Base -- at that time I had a pretty  
6 amicable relationship with him. I later  
7 found out from Mr. Durham and other  
8 documents that when Gul Rahman died, he  
9 panicked and lied and tried to say that  
10 it was my fault. So I don't have the  
11 same feelings I had about him at the  
12 time.

13 But at the time he seemed  
14 switched on, motivated, cooperative.  
15 He -- I told him that there were a  
16 multitude of things about Cobalt that  
17 were wrong and needed to be fixed and he  
18 was very open, and in fact, asked me to  
19 help him, and he and I compiled a list on  
20 Lotus Notes, not in a cable. That's  
21 their version of email, the CIA's version  
22 of email and he was receptive to that.

23 I never saw him personally  
24 abuse -- with the exception of doing the

1 time I spent with Gul Rahman, except the  
2 couple of times I observed him out of the  
3 interrogation room.

4 But the -- the Chief of  
5 Base, to my recollection, continued to  
6 question and interrogate him all the time  
7 that I was there.

8 Q. And when you were pointing  
9 earlier at these -- these bullet points  
10 in the cable, are you -- are you  
11 referring to the paragraph that --

12 A. Paragraph 4, the bullet --  
13 no, paragraph 4 of the bullet point, the  
14 last page of the --

15 Q. And those are the bullet  
16 points labeled A through J in paragraph  
17 4?

18 A. Yes. I don't know that I  
19 made all those observations, but it seems  
20 reasonable to me that I did some of them  
21 because of the judgment that I made about  
22 his resistance posture.

23 Q. And those included your  
24 judgment that he was ignoring obvious

1 facts like the driver's license that  
2 had --

3 A. Correct.

4 Q. -- his picture on it?

5 That he was unresponsive to  
6 provocation?

7 A. I don't know if I said that  
8 or not. I could have said that. I don't  
9 know when this was written. As part of  
10 my assessment, I used a facial slap to --  
11 to determine how he would respond, as I  
12 was authorized to do, and as I suspected,  
13 he was impervious to it. He -- I could  
14 tell that, you know, it would be futile  
15 and gratuitous to do those things.

16 So that possibly could have  
17 led to that bullet, but I don't know  
18 because I don't remember the sequence and  
19 the time.

20 Q. What about the "Claimed  
21 inability to think due to conditions -  
22 cold"?

23 A. Which one is that, which  
24 letter?

1 Q. That's C.

2 A. "Claimed inability to think  
3 due to conditions."

4 I don't know what the  
5 hyphenated cold means. I didn't give him  
6 cold showers, I didn't strip him naked  
7 and hold him -- and hang him up in the  
8 cell naked. I didn't do those things. I  
9 didn't short chain him to the wall with  
10 no clothes. I did only what the  
11 Government had authorized me to do.

12 But it was cold there and he  
13 didn't act like it was. So that's the  
14 best answer I can give you, Dror.

15 Q. All right. Let's -- let's  
16 move to the next one, which is,  
17 "Complained about poor treatment."

18 Do you -- do you recall him  
19 doing that?

20 A. Not to me, no. He was  
21 always everything is fine when I talked  
22 to him.

23 Q. And is that also -- you  
24 don't recall him complaining about the

1 violation of his human rights?

2 A. I don't.

3 Q. Would those -- would those  
4 behaviors suggest resistance training to  
5 you?

6 A. They would be consistent  
7 with -- with resistance training, yes.

8 Q. What about claiming  
9 inability to think due to cold condition?

10 A. Definitely.

11 Q. How would you tell the  
12 difference between someone who is  
13 actually having trouble thinking because  
14 they were cold to someone who is just  
15 claiming it as a resistance technique?

16 A. That's a good question. If  
17 you thought that was happening, you would  
18 call in a physician or someone to examine  
19 him and make sure that they weren't  
20 suffering in that way.

21 Q. Do you know whether anyone  
22 called in a physician for Mr. Rahman?

23 A. I know people asked for a  
24 physician because I asked for them and

1 Jim asked for them multiple times. We  
2 asked for an audience of the Chief of  
3 Station and weren't given it. We talked  
4 directly to the PA that was in charge of  
5 medical care out there and told him he  
6 needed to go see Gul Rahman, and he told  
7 us that he doesn't work on fucking  
8 terrorists. Pardon my French, but that's  
9 a quote. We tried. And I continued  
10 trying when I got home.

11 Q. And when you said you -- you  
12 used an authorized insult slap to check  
13 his response to provocation --

14 A. Yes.

15 Q. -- how did you come to know  
16 that that was something that was  
17 authorized for use on -- on Gul Rahman?

18 A. I'm -- I was authorized to  
19 use these techniques. I was asked by the  
20 CIA to assess him for their use. The  
21 only reasonable way to determine that  
22 would be to pick the least intrusive one,  
23 see how he responded, in addition to  
24 other details in terms -- in terms of

1 things that I've already told you about  
2 his staunchness and resilience.

3 Q. So the way it would work was  
4 you would try out the least intrusive of  
5 the sort of physical authorized  
6 techniques, and then you would request  
7 permission if you thought -- you know,  
8 let me -- let me restart that. That's  
9 too complicated.

10 So the way the process would  
11 work, if I'm understanding correctly, and  
12 please tell me if I'm not, is that you  
13 would take an assessment based on your  
14 exploratory use of the least intrusive  
15 technique you were authorized to use?

16 A. I don't agree with what  
17 you're saying.

18 Q. I'm sure -- I'm sure I got  
19 that wrong.

20 A. I was authorized to use  
21 specific techniques. I was sent to  
22 Cobalt for another reason, but while I  
23 was there, the CIA sent a cable to the  
24 Chief of Station and to the Chief of Base



1 and said, Have him tell us whether we  
2 should use these techniques on him or  
3 not.

4 And -- and so I interviewed  
5 him, I questioned him. I used the least  
6 intrusive of those techniques, I made my  
7 determination and recommended they not be  
8 used.

9 Q. Okay. That's -- that's a  
10 much better description than the one I  
11 asked about.

12 So I think -- I think we  
13 also discussed you witnessed something  
14 called a hard takedown?

15 A. I did.

16 Q. Can you describe what that  
17 was?

18 A. You want to read it?

19 Q. Sure.

20 A. Or do you want me to  
21 describe it?

22 Q. I'd prefer if you described  
23 it.

24 A. Okay. It's been 15 years,

1 sleep deprivation was accomplished with  
2 detainees?

3 A. I know how sleep deprivation  
4 was accomplished on some detainees.

5 Q. Did you know how it was  
6 accomplished on detainees at Cobalt?

7 A. I do not.

8 Q. Do you know how it was  
9 accomplished with Nashiri?

10 A. I don't remember sleep  
11 deprivation being used with Nashiri, but  
12 I was only with him for a few days.

13 Q. Why don't -- why don't we  
14 ask this in a different way: What  
15 methods have you seen for inducing sleep  
16 deprivation?

17 A. I don't know if I'm allowed  
18 to tell you.

19 MR. LAVIN: Is that -- we  
20 can take a moment.

21 MR. WARDEN: Why don't we  
22 confer on that?

23 MR. LAVIN: Sure.

24 THE VIDEOGRAPHER: The time

1 is 4:10 PM. We are now off the  
2 video record.

3 (Recess.)

4 THE VIDEOGRAPHER: We are  
5 now back on the video record. The  
6 time is 4:22 PM.

7 MR. LAVIN: Could you read  
8 back the last question, please?

9 (Pertinent portion of the  
10 record is read.)

11 THE WITNESS: I've seen one.  
12 The one that was authorized where  
13 I was working. I don't know what  
14 other people working for the  
15 agency interrogating people in  
16 other places did. I don't know  
17 what was done to Zubaydah before I  
18 got there, but this is how it was  
19 done.

20 There is a tether anchored  
21 to the ceiling in the center of  
22 the detention cell. The detainee  
23 has handcuffs and they're attached  
24 to the tether in a way that they

1           can't lie down or rest against a  
2           wall.

3                     They're monitored to make  
4           sure they don't get edema if they  
5           hang on the cuffs too much. Well,  
6           they're monitored 24/7 anyway but  
7           it's -- after an hour or two, it's  
8           uncomfortable and you can't sleep,  
9           and that's the only method that I  
10          have observed used.

11 BY MR. LAVIN:

12           Q.     Have you ever heard the  
13          phrase "to stand the detainee up"?

14           A.     No.

15           Q.     Before these interrogations  
16          of Gul Rahman that we're discussing, how  
17          many different detainees had you  
18          interrogated?

19           A.     Zubaydah, and I had  
20          questioned and assessed this Belushi (ph)  
21          smuggler that they had sent me to Cobalt  
22          to see. They were thinking about using  
23          him in a specific way and they wanted me  
24          to talk to him.

1 Q. Was there anyone else?

2 A. No, I don't remember anybody  
3 else.

4 Q. So you can turn to tab 26.

5 MR. LAVIN: Is this 33?

6 THE WITNESS: I'll take  
7 better care of this one.

8 (Exhibit No. 33, Cable,  
9 Subject: Eyes only - Gul Rahman  
10 admits his identity, was marked  
11 for identification.)

12 BY MR. LAVIN:

13 Q. It's labeled 33, which is a  
14 cable, Subject: Eyes only - Gul Rahman  
15 admits his identity.

16 A. Okay.

17 Q. Did you perform an  
18 assessment after Gul Rahman admitted his  
19 identity?

20 A. An assessment?

21 Q. An assessment of Gul  
22 Rahman's resistance posture.

23 A. I don't know. I don't know  
24 when he admitted his identity. I've

1 A. Multiple times.

2 Q. And did that assessment take  
3 place?

4 A. Not to my knowledge.

5 Q. Okay. Do you recall  
6 recommending an interrogation plan for  
7 Mr. Rahman before you left Cobalt?

8 A. I recall working with Chief  
9 of Base on an interrogation plan.

10 MR. LAVIN: If we could have  
11 tab 27. 34.

12 (Exhibit No. 34, Cable  
13 marked Eyes Only - For CTC/UBL -  
14 Mental Status Examination and  
15 Recommended Interrogation Plan For  
16 Gul Rahman, Bates US 1056 through  
17 1058, was marked for  
18 identification.)

19 BY MR. LAVIN:

20 Q. So the reporter has marked  
21 Exhibit No. 34, which is US Bates 1056 to  
22 1058, and it's a cable marked Eyes Only -  
23 For CTC/UBL - Mental Status Examination  
24 and Recommended Interrogation Plan For

1 Gul Rahman.

2 A. Okay.

3 Q. Do you recall performing a  
4 psychological assessment of Gul Rahman?

5 A. No.

6 Q. Do you know if you did do  
7 such an assessment?

8 A. I didn't do a psychological  
9 assessment, I did an interrogation  
10 assessment.

11 Q. Could you explain the  
12 difference between those?

13 A. Yeah. I looked at him to  
14 give the Chief of Base recommendations on  
15 how they should continue interrogating  
16 him, trying to get information.

17 Psychological evaluation  
18 would be to determine if he had any  
19 psychological problems or was he in  
20 distress in some way psychologically.  
21 They're different things.

22 Q. And the last sentence here,  
23 it says that:

24 "There's no indication he

1 suffers from any psychopathology, nor  
2 that he would be profoundly or  
3 permanently affected by continuing  
4 interrogations, to include HVT-enhanced  
5 measures."

6                   Could you explain that  
7 sentence?

8           A.     I was an interrogator who  
9 happened to be a psychologist, so that's  
10 what I wrote.

11           Q.     And did you make an  
12 assessment as to whether Gul Rahman had  
13 some kind of psychopathology that he  
14 would -- that he could be suffering from?

15           A.     No, I didn't think he did.

16           Q.     So you assessed him and you  
17 found that he did not have such a  
18 psychopathology?

19           A.     I didn't see any as an  
20 interrogator.

21           Q.     And did you also make an  
22 assessment as to whether he would be  
23 profoundly or permanently affected by  
24 continuing interrogations, to include



1 HVT-enhanced measures?

2 A. I did as an interrogator.

3 Q. And your assessment was that  
4 he would not be profoundly or permanently  
5 affected?

6 A. I didn't think so.

7 Q. Had you ever been trained as  
8 an interrogator in making that type of  
9 assessment?

10 A. What type of assessment?

11 Q. An assessment that an  
12 individual would be profoundly or  
13 permanently affected by continuing  
14 interrogations, to include HVT-enhanced  
15 measures?

16 A. Gul Rahman was at Cobalt.  
17 Cobalt was chaotic and lacked much of the  
18 infrastructure that it would have -- that  
19 would eventually exist there, I believe,  
20 although I never was back there, and at  
21 other locations.

22 I was working for the CIA.  
23 The CIA said, Go and assess this guy,  
24 tell us if you should use EITs, I did

1 that. They said, Go and look at him and  
2 make your recommendations about an  
3 interrogation plan, and tell us if you  
4 think he's okay to do that. So I did  
5 that.

6 I did that as an  
7 interrogator, but I certainly used skills  
8 as a -- that I possessed as a  
9 psychologist, I did what I was ordered to  
10 do, sent the report.

11 Q. And when you say assessed  
12 for EITs, you mean again the list that  
13 you and Dr. Mitchell proposed for use on  
14 Abu Zubaydah?

15 A. Yes.

16 Q. And your recommendation  
17 ultimately here is that -- sorry, let me  
18 rephrase that.

19 Does paragraph 4 here  
20 represent the interrogation plan  
21 recommendation that you gave to the Chief  
22 of Base?

23 A. I didn't write paragraph 4.  
24 I'm sure I had input into it, but I

1 didn't write it.

2 Q. Do you recall whether you  
3 conveyed to the Chief of Base that the  
4 most effective interrogation plan for Gul  
5 Rahman would be to continue the  
6 environmental deprivations he's  
7 experiencing and institute a concentrated  
8 interrogation exposure regimen?

9 A. This is what I recall: I  
10 told him to not use unauthorized  
11 techniques or he's going to get in  
12 trouble, but I had no power to make him  
13 do that. He wasn't argumentative with  
14 me, he didn't even say yes or no, but he  
15 was already doing things that in the  
16 effort I was involved in were not  
17 allowed.

18 I told him that using EITs,  
19 physical pressures, would alienate Rahman  
20 even further from him and it would be  
21 gratuitous pressure and I didn't  
22 recommend it.

23 I told him that he should  
24 continue to interrogate Rahman very

1 frequently to keep him off balance, and  
2 that he should continue what he was doing  
3 in terms of those things that were  
4 authorized that I knew of. He was using  
5 sleep deprivation and frequent  
6 interrogation. Those are deprivations.

7           But everything else he  
8 did -- I'm not aware of everything else  
9 he did other than what I've seen in these  
10 documents subsequently. I knew that he  
11 had used cold showers; I told him he  
12 shouldn't do that. I knew that he had  
13 done a rough takedown; I said, You  
14 shouldn't do that.

15           The Bureau of Prisons had  
16 been there, according to him, and taught  
17 he and his indigenous hostile guards  
18 handling procedures. I don't know if  
19 they're the ones that taught him about  
20 short chaining. I had never heard of it  
21 before nor have I heard of it since. But  
22 all those other things that he did, I did  
23 not recommend, and most of them I  
24 recommended against.

1                   So when he wrote this up, he  
2 had input for me, but that's the input I  
3 have.

4                   Q.     And bearing in mind that you  
5 didn't make any recommendation for short  
6 chaining or cold showers or anything like  
7 that, would you consider nudity an  
8 environmental deprivation?

9                   A.     You know, there are lists  
10 that these guys have that spell  
11 everything out and say what is what. I  
12 don't remember where those things were.  
13 Nudity was certainly used, like diapers  
14 and other things. But I don't know -- I  
15 don't know the answer to your question.

16                  Q.     Okay. Do you think that any  
17 of the men who went through the EIT  
18 program and had EITs applied to them, do  
19 you think any of them experienced  
20 long-term effects as a result of those  
21 EITs?

22                           MR. SMITH:  Objection.

23                           THE WITNESS:  I think none  
24 of the men that I was involved

1 ACKNOWLEDGMENT OF DEPONENT

2

3 I, John Bruce Jessen  
4 hereby certify that I have read the  
5 foregoing pages, 1 - PGS, and that the  
6 same is a correct transcription of the  
7 answers given by me to the questions  
8 therein propounded, except for the  
9 corrections or changes in form or  
10 substance, if any, noted in the attached  
11 Errata Sheet.



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\_\_\_\_\_  
WITNESS NAME                      DATE

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10

Subscribed and sworn  
11 to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

12

My commission expires: \_\_\_\_\_

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\_\_\_\_\_  
Notary Public

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1 -----  
ERRATA  
2 -----

4	PAGE	LINE	CHANGE FROM	CHANGE TO	REASON
5	22	12	rolls	roles	wrong word written
6	33	6	merging	managing	wrong word written
7	33	11	resisting	resistance	wrong word written
8	47	20	fit	fed	wrong word written
9	85	20	him	them	wrong word written
10	187	2	they	he	wrong word written
11	217	9	cold	held	wrong word written
12	257	8	"not to be eliminated"	"to be eliminated"	additional "not" added
13	257	17	culutral	culture	wrong word written
14	262	6	device	devise	wrong word written
15	269	1	approved	approval	wrong word written

16 \_\_\_\_\_  
 17 \_\_\_\_\_  
 18 \_\_\_\_\_  
 19 \_\_\_\_\_  
 20 \_\_\_\_\_  
 21 \_\_\_\_\_  
 22 \_\_\_\_\_  
 23 \_\_\_\_\_  
 24 \_\_\_\_\_