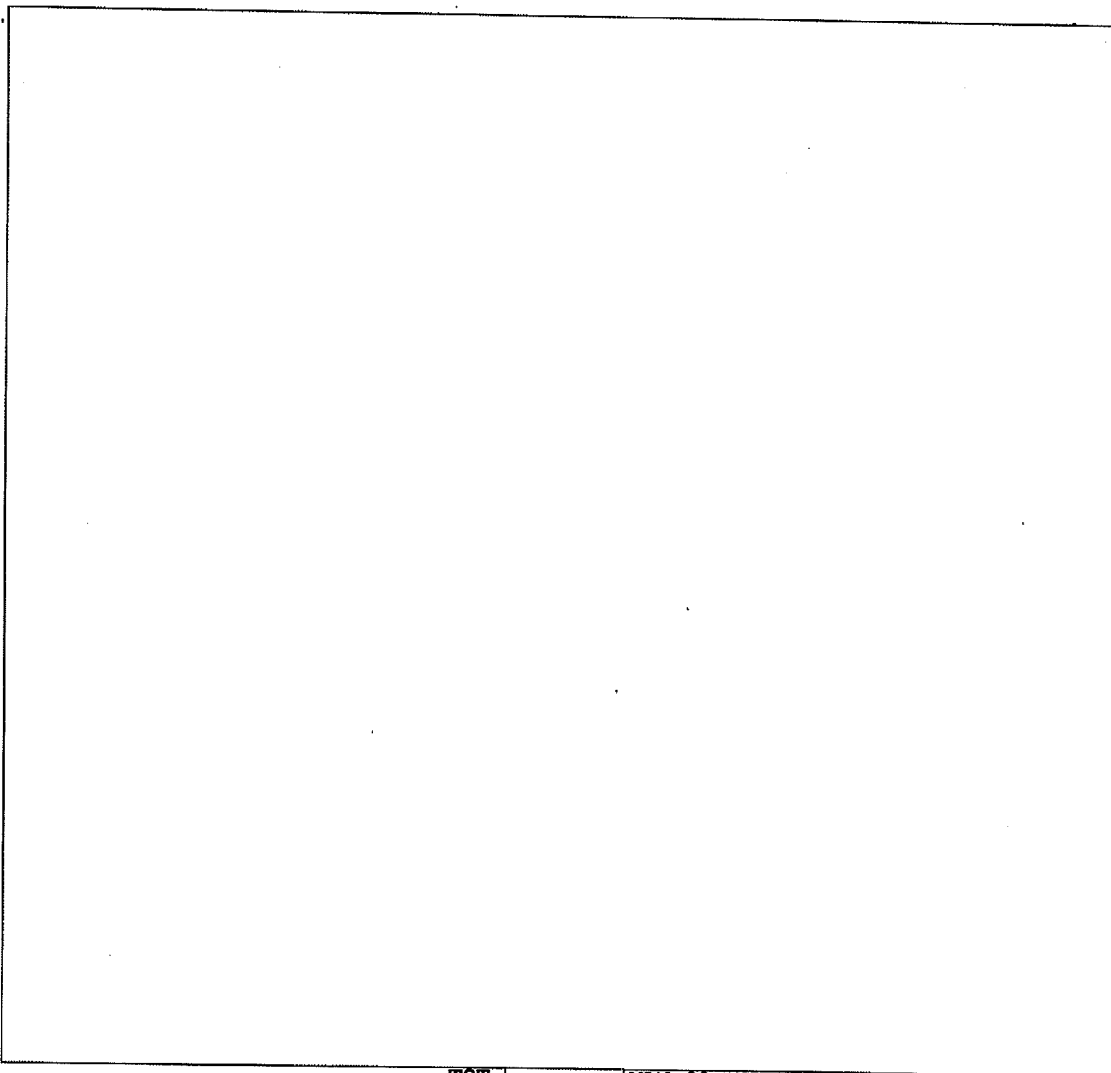


Exhibit 39

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TOT: [redacted] MAY 02 ALEC 175819

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TO: [redacted] ALEC 175819

[redacted]

FROM: [redacted]

SUBJECT: EYES ONLY - PARAMETERS ON CONFINEMENT BOX USAGE

REF: A. [redacted] 10186 [redacted]

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B. DIRECTOR 227614 [REDACTED]
C. [REDACTED] 10137 [REDACTED]
D. ALEC 175199 [REDACTED]
E. [REDACTED] 10122 [REDACTED]

TEXT:

1. ACTION REQUIRED: PLEASE SEE BELOW GUIDANCE ON USE OF THE CONFINEMENT BOX AND ADVISE IF ANY CLARIFICATION IS REQUIRED.
2. HQS/ALEC APPRECIATES REFS A & C CONTAINING [REDACTED] CURRENT THINKING ON USE OF THE CONFINEMENT BOX. WE REALIZE THAT THERE HAS BEEN SOME CONFUSION OVER THE PARAMETERS AROUND USAGE OF THE BOX; THIS CABLE SERVES AS A REAFFIRMATION OF HQS CONSENT FOR ITS USE AND GIVES THE RESTRICTIONS AROUND THAT USAGE. PLEASE ADVISE IF THERE ARE ANY OUTSTANDING QUESTIONS THAT ARE NOT ADDRESSED IN THIS CABLE. HQS/ALEC NOTES THAT THE REF A INTERROGATION PLANS DO NOT ACTUALLY INCLUDE PUTTING AZ IN THE BOX FOR EXTENDED PERIODS OF TIME. WE HOPE THAT THIS CABLE CLARIFIES POSSIBLE USE OF THE BOX SHOULD BASE DEEM IT NECESSARY IN THE FUTURE.
3. CONSULTATION WITH OTS [REDACTED] (PSYCHOLOGICAL), OMS (MEDICAL), AND CTC/UBL (OPERATIONAL) HAVE DETERMINED THAT FROM A MEDICAL AND PSYCHOLOGICAL PERSPECTIVE, USE OF THE BOX WITH ABU ZUBAYDAH IS ALLOWABLE. GIVEN THE OMS AND OTS [REDACTED] CONCLUSION THAT THE USE OF THE BOX UNDER THE CRITERIA OUTLINED BELOW WILL NOT INFLECT SEVERE PHYSICAL OR MENTAL PAIN AND SUFFERING AS DEFINED UNDER U.S. CRIMINAL LAW ON AZ, CTC/LGL LIKEWISE CONCURS THAT THE CONFINEMENT BOX MAY BE USED. THE TIME RESTRICTIONS USED IN THE SERE PROGRAM WILL BE ADOPTED AS A MAXIMUM, LEAVING THE INTERROGATION TEAM AND MEDICAL TEAM ON SITE THE FLEXIBILITY TO WORK UNDER THIS CEILING. HQS/ALEC WISHES TO CONFIRM THAT PRESERVING AZ'S HEALTH IS THE FOREMOST CONSIDERATION AND THAT ANY USE OF THE CONFINEMENT BOX WILL BE CONTINGENT ON AZ'S CONTINUED IMPROVEMENT. PLEASE FIND SERE TIME RESTRICTIONS (PARA 4) AND OTHER REQUIREMENTS (PARA 5) BELOW.
4. FYI: SERE IMPOSES A MAXIMUM USAGE OF 18 TOTAL HOURS IN ANY 24 HOUR PERIOD, WITH A MAXIMUM OF 8 CONTINUOUS HOURS AT ANY ONE TIME. TIME IN THE BOX IS USUALLY INCREASED FROM 45 MINUTES TO 1-3 HOURS TO 6-8 HOURS. SERE NOTES THAT 5000-6000 U.S. MILITARY PERSONNEL UNDERGO THIS TRAINING EACH YEAR. THE FEW WHO ARE UNABLE TO COMPLETE THE BOX TRAINING USUALLY HAVE A PREEXISTING CONDITION THAT IS AGGRAVATED BY THE BOX, CLAUSTROPHOBIA OR CLINICAL ANXIETY BEING THE TWO PRIMARY CONCERNS. ACCORDING TO THE MEDICAL PERSONNEL ON SITE, AZ DOES NOT SEEM TO HAVE EITHER OF THESE TWO AILMENTS. (CLEARLY, UNLIKE THE PARTICIPANTS IN SERE TRAINING, AZ WILL NOT HAVE PROVIDED HIS CONSENT FOR THE USE OF THIS -- OR ANY OTHER -- TECHNIQUE. HQS IS AWARE OF THAT FACT AND CONCLUDES THAT THE USE IS NONETHELESS PERMISSIBLE FOR THE REASONS DESCRIBED IN PARAS 2 AND 3 ABOVE.) AND FRANKLY, GIVEN HIS EXPERIENCES WHILE AT [REDACTED] AZ MAY SIMPLY FALL ASLEEP.
5. CURRENTLY, AZ'S MEDICAL CONDITION IS SUCH THAT THE CONFINEMENT BOX CAN BE USED WITH MINIMAL RISK TO HIS CONDITION WITH THE FOLLOWING CONSIDERATIONS:
 - A. AZ SHOULD LIE IN THE BOX ON HIS BACK. IN HIS CURRENT CONDITION, AZ IS STILL AT RISK OF DEVELOPING A BLOOD CLOT IN HIS LEG. DESPITE HIS CONTINUALLY IMPROVING CONDITION, HIS LEFT LEG WILL ALSO BE WEAKENED FOR SOME TIME. FOR THIS REASON, OMS HAS ADVISED THAT AZ SHOULD NOT REMAIN STANDING IN THE BOX. IN ORDER TO FURTHER PROTECT THE WOUND, AZ SHOULD BE LAIN IN THE BOX ON HIS BACK, THOUGH SUFFICIENT SPACE SHOULD BE ALLOWED FOR HIM TO TURN

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ONTO HIS SIDE.

B. AZ'S HAND MOVEMENT SHOULD BE RESTRICTED IN SUCH A WAY AS TO PROHIBIT HIS DISTURBING THE WOUND OR ITS DRESSING. INITIALLY, THERE WAS SOME CONCERN AMONG OMS STAFF THAT AZ WOULD ATTEMPT TO SABOTAGE HIS OWN RECOVERY. [REDACTED] INDICATES THAT AZ HAS EXHIBITED NO SIGNS OF WISHING TO HARM HIMSELF. NEVERTHELESS, THE STRESSFUL ENVIRONMENT OF THE BOX ONCE AGAIN RAISES THIS CONCERN. THE USE OF CUFFS AND POSSIBLY MITTENS (TO PREVENT PICKING AT THE WOUND) HAS BEEN SUGGESTED.

[REDACTED]

D. AZ SHOULD NOT BE ALLOWED TO SOIL HIMSELF AND SUBSEQUENTLY INFECT THE WOUND. DEPENDING ON THE LENGTH OF TIME THE BOX IS EMPLOYED, IT IS POSSIBILITY THAT AZ WILL HAVE TO RELIEVE HIMSELF DURING CONFINEMENT. CONSIDERING HOW FASTIDIOUS AZ IS IN HIS OWN GROOMING, THIS BIOLOGICAL FACT SHOULD IN FACT SERVE AS AN ADDITIONAL MOTIVATION TO AVOID THE BOX. WE NOTE, HOWEVER, THAT AZ'S WOUND COULD BECOME INFECTED IF EXPOSED TO ANY WASTE AND THAT THIS CONCERN MAY NECESSITATE THE USE OF A CATHETER OR "ADULT DIAPER".

E. A DOCTOR SHOULD BE PRESENT DURING INITIAL SESSIONS WITH THE BOX. FOR LEGAL PROTECTION AND TO ENSURE THAT BASE IS EQUIPPED TO HANDLE ANY UNEXPECTED MEDICAL NEEDS THAT ARISE FROM USAGE OF THE BOX, A DOCTOR SHOULD BE PRESENT DURING INITIAL SESSIONS.

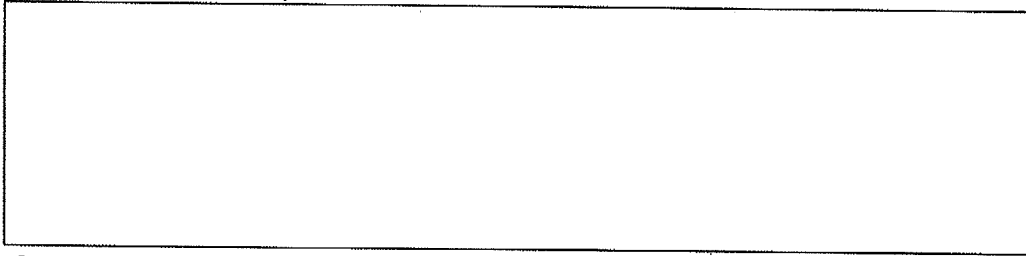
F. THE MEDICAL STAFF SHOULD CONTINUE TO MONITOR FOR SKIN BREAKDOWN. SIMILAR TO A CONCERN OVER BED SORES IN CASES OF EXTENDED BED REST, CONTINUED PRESSURE ON AZ'S DORSAL SIDE COULD EXACERBATE THE SORES HE HAS BEGUN TO DEVELOP ON HIS BUTTOCKS. IF AZ IS TO SPEND INCREASINGLY LONGER LENGTHS OF TIME IN THE BOX, THIS CONCERN CAN BE ADDRESSED BY PLACING A PADDED SURFACE ON THE BOTTOM OF THE BOX, ALLOWING HIM TO PERIODICALLY TURN ONTO HIS SIDE TO RELIEVE PRESSURE AND CONTINUING THE MEDICAL ATTENTION AZ CURRENTLY RECEIVES.

6. OMS [REDACTED] NOTE THAT AZ'S PERCEPTION OF THE LENGTH OF TIME HE SPENDS IN THE BOX CAN BE DISRUPTED BY SHORTENING THE TIME BETWEEN HIS DRESSING CHANGES, WHICH ARE CURRENTLY CHANGED ONCE EVERY 24 HOURS. [REDACTED]

7. HQS/ALEC OFFERS THIS GUIDANCE IN THE HOPES THAT KNOWING THE LIMITS OF POSSIBLE ACTION WILL ALLOW THE INTERROGATION AND MEDICAL TEAMS TO HAVE MAXIMUM FLEXIBILITY WITHIN THIS CEILING. HQS OMS, [REDACTED] AND LGL STAFF ARE AVAILABLE FOR FURTHER GUIDANCE OR CLARIFICATION. REGARDS.

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Sent on 8 January 2003 at 04:13:12 PM

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