

Exhibit C

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 method would be used?

2 A. I was.

3 Q. And did you have any role of
4 selecting the list of interrogation
5 methods that were to be used on Abu
6 Zubaydah?

7 A. I'll explain to you how that
8 happened.

9 Q. Please do.

10 A. I was told that, in meetings
11 that occurred before I arrived, the worry
12 and intensity had reached a peak because
13 the CIA had been sorely chastised and
14 felt culpable about 9/11, and they were
15 desperately, earnestly trying to prevent
16 another attack, and the interrogations of
17 Zubaydah had broken down. They had been
18 considering alternative approaches, some
19 of which I were told were, quote, beyond
20 the pale. I don't know the specifics,
21 but I guess it was anyone could throw
22 anything out.

23 I don't know exactly know
24 how it happened, but Jose Rodriguez --

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 and we didn't have a lot of time
2 to think about it. But I had been
3 in the military my whole life
4 and -- and I was committed to and
5 used to doing what I was ordered
6 to do. And I -- that's the way I
7 considered this circumstance and
8 so I went.

9 BY MR. LAVIN:

10 Q. And the document that's been
11 previously marked Exhibit 17 --

12 A. Could you speak up a little
13 bit?

14 Q. Sure, sorry. The document
15 that's been previously marked Exhibit 17,
16 I just want to confirm if that's -- if
17 that's the document --

18 A. Okay.

19 Q. -- that you were discussing.

20 MR. LUSTBERG: Do you have
21 it, Jim?

22 MR. LAVIN: 17.

23 MR. SMITH: Here's mine.

24 The witness has mine before him.

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 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 Q. So when it says:

2 "We will make every effort
3 possible to ensure that the subject is
4 not permanently physically or mentally
5 harmed, but we should not say at the
6 outset of this process that there is no
7 risk."

8 Would that accurately
9 describe the view that you had as well
10 before Abu Zubaydah's interrogation
11 began, that every effort would be made to
12 prevent permanent physical or mental
13 harm, but that it could not be said at
14 the outset that there was no risk?

15 MR. SMITH: Objection.

16 THE WITNESS: You're trying
17 to put this man's words in my
18 mouth and I didn't say this. What
19 I did say is that we put in -- or
20 the CIA put in precautions so that
21 this didn't happen.

22 BY MR. LAVIN:

23 Q. And in your understanding at
24 the time, keeping in mind those

1 precautions that you've just mentioned,
2 did you believe that there was any risk
3 going forward into Abu Zubaydah's
4 interrogation?

5 A. No. If I would have
6 believed that we would do that kind of
7 harm to a person, I wouldn't have done
8 it.

9 Q. Did you think there might
10 even be a small risk that that kind of
11 harm could take place?

12 MR. SMITH: Objection.

13 THE WITNESS: I don't know
14 my precise thoughts, but I know I
15 deliberated with great, soulful
16 torment about this, and obviously
17 I concluded that it could be done
18 safely or I wouldn't have done it.

19 BY MR. LAVIN:

20 Q. Okay.

21 A. And in fact, when it reached
22 a point that Dr. Mitchell and I felt that
23 it was no longer useful, not that it was
24 creating permanent harm, but it was no

1 longer useful, we told them we wouldn't
2 do it anymore, and they told us we had to
3 continue. In the -- in the end, we were
4 able to convince them that it wasn't
5 going to be useful and they eventually
6 stopped. Not because we thought we were
7 doing or instilling permanent harm, but
8 because we thought it was no longer
9 useful. It wasn't done gratuitously.

10 Q. Can you -- can you just
11 explain a little bit why you experienced
12 torment before you made the decision that
13 you would go forward with the
14 interrogation?

15 MR. SMITH: Objection.

16 THE WITNESS: I think any --
17 any normal conscionable man would
18 have to consider carefully doing
19 something like this.

20 When I was called and asked
21 to do this, I paused, I thought, I
22 wondered. I took every precaution
23 that I could. I asked every
24 question that I could. I waited

1 until the weight of the entire
2 nation's judicial system weighed
3 in on it and told us it was legal.
4 I weighed that against the fact
5 that they kept telling me every
6 day a nuclear bomb was going to be
7 exploded in the United States and
8 that because I had told them to
9 stop, I had lost my nerve and it
10 was going to be my fault if I
11 didn't continue.

12 So I thought a great deal
13 about it, sir, and I assume you
14 would have, too, if you would have
15 been in my place and stood up and
16 gone to defend your nation.

17 BY MR. LAVIN:

18 Q. And when you said that you
19 were told it was going to be your fault
20 if you didn't continue, are you referring
21 to something that happened prior to the
22 interrogation or during the
23 interrogation?

24 A. I'm referring to the

1 interrogation of Abu Zubaydah and us
2 saying that we wanted to stop
3 waterboarding and the CIA telling us that
4 we couldn't because we worked for them
5 and they wanted to continue.

6 Q. And it was your and
7 Dr. Mitchell's feelings that it was no
8 longer useful at that stage?

9 A. That's correct. And it was
10 also the opinion of the CIA later when
11 they did due diligence and came out in
12 person and met with us and stopped it.

13 Q. And you and Dr. Mitchell
14 asked them to come out and -- and witness
15 it?

16 A. Yes, we did.

17 Q. And why did you do that?

18 A. Because we wanted someone
19 with authority above the Chief of Base,
20 who also wanted it stopped, onsite, who
21 could talk to those men and women who
22 were having to account to the president
23 about their efforts to stop this nuclear
24 explosion.

1 We were -- we were soldiers
2 doing what we were instructed to do. We
3 knew it was lawful, we knew it was legal,
4 we knew it had been vetted and approved,
5 but we didn't have the power to say stop
6 or go, but we did push back and they
7 listened and reasonably stopped.

8 It was an emotional time,
9 Dror, so don't interpret my emotionality
10 as a personal affront.

11 Q. Not at all.

12 A. But these are serious
13 questions you're asking.

14 Q. Absolutely. And I
15 appreciate your candor in answering them.
16 And again, if -- if it would be helpful
17 to stop at any time, please --

18 A. No, I'm fine.

19 Q. Okay. You said that you --
20 you know, before using these techniques
21 you waited a period for them to be
22 approved?

23 A. Yes.

24 Q. How were those approvals

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 Q. And what was the -- what was
2 the desired response that you were
3 looking to invoke?

4 A. You want people to talk to
5 you. If you're interrogating someone,
6 you just want them to talk at first so --
7 and then of course you want them to talk
8 about things that are useful.

9 Q. And would it be correct to
10 say that at some times the desired
11 response is fear or anxiety?

12 A. Yes.

13 Q. Were you familiar with the
14 concept of learned helplessness in 2002?

15 A. Yes, I'm familiar with it.

16 Q. Did you believe that there
17 was a role for learned helplessness in
18 interrogation?

19 A. Not scientific learned
20 helplessness where a person is rendered
21 basically incapacitated. In the CIA's
22 program, it was used exactly as described
23 in the Army Field Manual, you can induce
24 a feeling of helplessness, which is then

1 removed, so it's a temporary applied
2 state.

3 Q. And the idea is that the
4 detainee feels helpless for a time?

5 A. Can you repeat that?

6 Q. Is the idea that the
7 detainee feels helpless for some set
8 period of time?

9 A. I don't understand your
10 question.

11 Q. Sure. Let me rephrase it.

12 You say it was used exactly
13 as described in the Army Field Manual, so
14 you can induce a feeling of helplessness,
15 which is then removed, it's a temporary
16 applied state. I guess, let's just take
17 that slowly so I can understand it.

18 What do you mean by a
19 temporary applied state?

20 A. I mean, if you use a
21 physical pressure and the person you're
22 using it on wants you to stop and they
23 know you'll stop if you (sic) start
24 talking, then you have a choice, you can

1 start talking or you can get some more
2 physical pressure.

3 The pressure is designed to
4 be used in a way that it doesn't harm but
5 it makes someone uncomfortable, you know,
6 it's more irritating than painful, but
7 nonetheless, not something that you want
8 happening. So if the detainee finds
9 something to talk about, the physical
10 pressure stops and if they start to
11 obfuscate and refuse to give useful
12 information again, you can reapply the
13 pressure. Eventually, it doesn't take
14 long to learn that if you don't want that
15 to happen, you can talk or cooperate in
16 some way.

17 So the discomfort or the
18 helplessness, the applied state of
19 helplessness that you feel at the time is
20 a -- is a temporary feeling of, you know,
21 how am I going to get out of this, I
22 don't like this, I want this to stop.

23 As I said, that's the way
24 it's described and recommended for use in

1 the Army Field Manual.

2 But the scientific state of
3 learned helplessness is something that,
4 as you have already pointed out, Jim and
5 I strived hard to prevent in the SERE
6 schools. We also spent a great deal of
7 time talking to CIA officers about this
8 because it was a concept that they --
9 they used the term, but they didn't use
10 the term correctly. Many of them would
11 write cables and reports and say, We're
12 going to use learned helplessness. They
13 didn't understand the difference between
14 Seligman's classic helpless state, which
15 you don't want because then no one is
16 going to cooperate in that state, as
17 opposed to a temporary feeling of
18 helplessness.

19 So that was one of many
20 emotions or feelings that you tried to
21 manipulate in a detainee to encourage
22 them to be cooperative.

23 Q. Okay. Do you recall sort of
24 in what ways you tried to communicate to

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 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 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 Q. What I'm asking is, we have
2 here a cable that has your name on it.

3 A. Yeah.

4 Q. And says that you --

5 A. It wasn't written me by.

6 Q. I understand that. But I
7 understand that your role was to convey
8 your impressions to the Chief of Base.

9 A. It was.

10 Q. And the Chief of Base would
11 then write them up in cables.

12 A. That's correct.

13 Q. And generally, was it your
14 impression that the Chief of Base would
15 write accurately the information that you
16 conveyed to him?

17 MR. SMITH: Objection.

18 THE WITNESS: I didn't -- I
19 didn't see the cables. I don't
20 know.

21 BY MR. LAVIN:

22 Q. Did you have a reason to
23 suspect that the Chief of Base would
24 misrepresent what you conveyed?

1 MR. SMITH: Objection.

2 THE WITNESS: Yeah. He
3 misrepresented several things at
4 the end.

5 BY MR. LAVIN:

6 Q. Did you have a sense that
7 that was happening prior to Mr. Rahman's
8 death?

9 A. No.

10 Q. Do you know if you've ever
11 assessed a detainee to be using health
12 and welfare behaviors?

13 A. Any detainee?

14 Q. Any detainee to be using
15 health and welfare behaviors.

16 A. I'm sure during the time
17 that I was working on the people I worked
18 on, at least one of them used some form
19 of health and welfare, but I don't know
20 who or when. But I'm pretty confident
21 that happened.

22 Q. And what is health and
23 welfare behavior?

24 A. Any complaint dealing with

1 health and welfare.

2 Q. Could you give me just a
3 couple examples?

4 A. I'm cold.

5 Q. And -- and how would you
6 assess whether that complaint was a
7 resistance technique?

8 A. If it wasn't cold, I would
9 assume it was a resistance technique.

10 Q. And if it was -- if it was
11 cold, could it be a resistance technique?

12 A. If it was cold, I would go
13 get the doctor and everybody else and
14 say, Is it too cold?

15 Q. Do you think it's possible
16 that at the time that you interrogated
17 Mr. Rahman, you found it difficult to
18 know precisely how much of his behavior
19 was feigned and how much was the result
20 of his physical/psychological condition?

21 MR. SMITH: Objection.

22 THE WITNESS: Can I answer?

23 MR. SMITH: You can answer.

24 Yeah.

1 THE WITNESS: Not in the --
2 not in the time that I spent with
3 him. No.

4 BY MR. LAVIN:

5 Q. So at the time you spent
6 with him, it was never difficult for you
7 to tell whether his behavior was feigned
8 or whether it was a result of his
9 physical/psychological condition?

10 A. No.

11 Q. And how could you tell that?

12 A. It's a judgment call that
13 you make as an interrogator. If you have
14 any doubt, you go and get the experts, or
15 you check the temperature or you -- you
16 know, you do everything to make sure that
17 they're safe and sound and you haven't
18 broken some kind of protocol. So if --
19 if you think there's something wrong, you
20 follow through and you correct it; if
21 not, then you proceed.

22 Q. And with Mr. Rahman, did
23 there come a time when you did ask for
24 some kind of medical assessment?

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 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.



7

8

WITNESS NAME DATE

9

10

Subscribed and sworn
11 to before me this
____ day of _____, 20____.

12

My commission expires: _____

13

14

Notary Public

15

16

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22



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

3

| 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 |

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