

By John Ryan

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*Sketch by Janet Hamlin. Khalid Shaikh Mohammad (left) confers with his defense team.*

*Guantanamo Naval Base, Cuba* – Former CIA psychologist James Mitchell testified on Monday that he threatened to kill Khalid Shaikh Mohammad's son if the detainee failed to provide information that could stop another attack in which American children died.

"I will cut your son's throat," Mitchell testified he told Mohammad in March 2003 at a CIA black site known as "Blue."

The testimony came during the most heated exchange with Mohammad's longtime civilian

lawyer, David Nevin. Mohammad looked on from the defense table at the front of the left side of the courtroom, where each defendant has his own table.

“Look over there, he’s smirking,” Mitchell said, pointing to Mohammad, often called KSM, who is accused of planning the Sept. 11 attacks. Mitchell testified he would be proud to instill fear in Mohammad to prevent him killing more American children.

Monday was the fifth day of unsettling testimony from Mitchell, who remained insistent that the interrogation program he developed with fellow psychologist John “Bruce” Jessen stopped additional terrorist attacks. Defense teams say the psychologists’ interrogation techniques, including threats to harm family members, are clear violations of domestic and international law. Lawyers contend the past torture of their clients should render inadmissible the incriminating statements later made to FBI agents in 2007 at Guantanamo Bay during more traditional interviews. They have sought Mitchell and Jessen’s testimony to support their motions to suppress these statements, which the government claims were voluntarily given.

The March 2003 interrogations at “Blue” spanned 21 days and included slapping, walling, nudity, sleep deprivation that at one point lasted six-and-a-half days, and at least 15 sessions of waterboarding. Mitchell said he only used coercive measures that were approved by the Department of Justice – or, with the threat to Mohammad’s son, by a CIA lawyer – and were not expected to cause lasting harm to the detainees. Mohammad’s legal team has previously said in court that results from an MRI test are consistent with his suffering a traumatic brain injury.

Mitchell, Jessen and another interrogator, whose identity has not been declassified, conducted all of the waterboardings of Mohammad, with Mitchell typically holding the cloth down over the detainee’s mouth, according to his own testimony. Mitchell testified that a “board licensed physician” was in the room at all times to monitor Mohammad’s condition and help track the pourings – which were capped at 40 seconds.

Mitchell explained that interrogators were more aggressive in waterboarding Mohammad than with other detainees because he was effective at resisting the technique by diverting water with his lips and swallowing large amounts.

"I suspect he was a swimmer," Mitchell testified.

At one point, Mitchell testified, the third interrogator cupped his hands around Mohammad's mouth and nose so that the water would pool more in that area. After the sessions started, medical personnel decided that Mohammad should be waterboarded with a saline solution to prevent an electrolyte imbalance from causing "water intoxication," a potentially fatal condition.

Mitchell said that he engaged in "fireside chats" with Mohammad after coercive sessions to discuss how the detainee viewed the experience. He would begin these chats by saying something like: "Let's just talk about your reaction to what happened."

The controversial former CIA contractor has cut a complex figure over days of reliving his years at the black sites. At times, he's seemed quick to annoyance, while at other times he has smiled and winked at defense lawyers when using a clever turn of phrase or sharing a factual tidbit that he suspects might have previously escaped their notice.

[Last week, the lawyers for defendants Ammar al Baluchi and Mustafa al Hawsawi examined Mitchell](#) to support their suppression motions. (Al Hawsawi's team also questioned him to support its recently filed motion for dismissal of the charges based on outrageous government conduct.) Mitchell nevertheless intermittently referred to Mohammad in court when giving an example of techniques or other issues relevant to the black sites; he spent much more time with Mohammad than with the other defendants.

"I've been looking forward to this," Mitchell told Nevin at the start of Monday's examination.

Nevin primarily relied on three documents to question Mitchell about the abuse he inflicted on Mohammad at the black sites: the witness' book, "Enhanced Interrogation"; the redacted executive summary of the Senate's report on the CIA program; and a draft "summary and reflections" document produced by the CIA's Office of Medical Services. Nevin also asked Mitchell about statements he gave to Malcolm Gladwell for the book "Talking to Strangers," which became a bestseller.

"I suspect it's because I'm in it," Mitchell said.

Like last week, Mitchell did not agree with every detail of the accounts or conclusions in the written documents – including those in his own book, acknowledging some factual errors. But he proudly owned his role in the program.

Mohammad spent a brief period of time at another black site, called "Cobalt," before meeting Mitchell. According to the Senate report, interrogators at Cobalt rectally rehydrated Mohammad in unnecessary procedures his attorneys call rape. Mitchell said that Mohammad never told him about the rectal violations, and that he would not have used such an unauthorized technique.

"It sounds crazy to me," Mitchell said.

Mitchell testified that his own coercive rounds successfully conditioned Mohammad because the detainee became more cooperative and was able to switch to "debriefings" run by CIA experts who did not use enhanced methods. At this point, Mitchell said, he became something of an ombudsman for Mohammad and other detainees – helping them maintain constructive relationships with the debriefers – to make sure they were not returned to harsh conditions.

Mitchell became qualified in "Survival, Evasion, Resistance and Escape" or "SERE" training during his time in the Air Force. The enhanced methods taught in those courses became the basis for the program Mitchell and Jessen developed for the CIA.

Under questioning by Nevin, Mitchell acknowledged that even a trained interrogator or psychologist cannot always tell when a suspect is withholding information or telling the truth. Last week, [Mitchell testified that he waterboarded another black-site detainee](#), Abu Zubaydah, after he himself was convinced that Zubaydah had become fully cooperative.

## Earthquake Disrupts Courtroom During Tuesday's Testimony

Nevin continued his examination of Mitchell on Tuesday by referring to several pieces of physical evidence from a CIA black site known only as "Site A." Standing to the side of the witness box, Nevin held up handcuffs, chains, audio equipment, a box of diapers, goggles, various pieces of clothing and other items for Mitchell to view. Mitchell testified that most of the items looked similar to those used at the black sites or on rendition flights.

Nevin also played a brief clip from the movie "The Report" that dramatizes a waterboarding of Mohammad, which Mitchell said contained inaccuracies. He testified that he and his co-interrogators did not shout questions at Mohammad during waterboardings, as portrayed in the scene, and that the movie showed interrogators using buckets of water instead of one-liter bottles of saline solution.

"They got a fat boy to play me," Mitchell remarked of the accomplished actor Douglas Hodge, who plays Mitchell in the movie.

An earthquake shook the courtroom as Nevin questioned Mitchell about some of the critical opinions he expressed regarding Islam in "Enhanced Interrogation," which Nevin characterized as "volatile." At least one defense attorney climbed under a table before the proceedings resumed. (The U.S. Naval Base was under a brief tsunami warning.)

Nevin finished by asking Mitchell about [the emotion he exhibited on his first day of testimony](#), when he choked up describing his decision to develop an interrogation program for the CIA. Mitchell said Tuesday that his emotions were not about his own work, but about the suffering and loss of life on Sept. 11, 2001.

"And anybody who doesn't like it can kiss my ass," Mitchell said.

Under questioning by James Harrington, the lead defense attorney for Ramzi bin al Shibh, Mitchell acknowledged that enhanced methods could cause harm if done improperly.

"I can't vouch for every site and every person who did an interrogation," Mitchell said.

Mitchell never conducted enhanced interrogations of bin al Shibh because he only met with the detainee after he had been transferred to the debriefing phase of the CIA program. Harrington asked him why there had never been a study of the long-term effects of the enhanced techniques.

"That would be human experimentation," Mitchell responded. He added that human experimentation was "against the law."

**About the author:** John Ryan ( [john@lawdragon.com](mailto:john@lawdragon.com) ) is a co-founder and the Editor-in-Chief of Lawdragon Inc., where he oversees all web and magazine content and provides [regular coverage of the military commissions at Guantanamo Bay](#) . When he's not at GTMO, John is based in Brooklyn. He has covered complex legal issues for 20 years and has won multiple awards for his journalism, including a New York Press Club Award in Journalism for his coverage of the Sept. 11 case. View [our staff page](#)

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