

## **NCIS closes investigation into the 2006 deaths of three Guantanamo Bay detainees; investigative reports released**

On June 10, 2006 the Naval Criminal Investigative Service (NCIS) was notified that three detainees being held in Camp Delta at Guantanamo Bay Cuba had been found unresponsive in their cells at approximately 12:30 a.m., apparently having taken their own lives by hanging themselves with braided rope made from bed sheets and tee shirts.

Five block guards were on duty at the time of the deaths. Blankets and sheets had been used to obstruct the guards' views and to create the appearance that the detainees were asleep in their cells.

Two of the detainees-- Ali Abdulla Ahmed, from Yemen, (DOB August 1, 1979) and Mana Shaman Allabard al Tabi of Saudi Arabia (DOB Jan 1, 1976) were determined to be dead at the scene.

Lifesaving attempts were begun on the third detainee--Yasser Talal al Zahrani of Saudi Arabia (DOB Dec 26, 1983) who was transported to Naval Hospital Guantanamo where he was pronounced dead a short time later.

The detainees had last been seen alive at approximately 10:00 pm on June 9, 2006.

NCIS Special Agents based at Guantanamo were notified when the deaths were discovered and were on scene in the cellblock by 1:00 a.m.

Five Special Agents from the NCIS Southeast Field Office Major Case Response Team based in Mayport Florida were dispatched and arrived on scene at approximately 3:30 pm on June 10.

Though there were three detainee deaths it was determined that the best course of action was to combine the three incidents into a single investigation.

Autopsies were performed by physicians from the Armed Forces Institute of Pathology at Naval Hospital Guantanamo on June 10 and 11. The manner of death for all detainees was determined to be suicide and the cause of death was determined to be by hanging, the medical term being "mechanical asphyxia."

A short written statement declaring their intent to be martyrs was found in the pockets of each of the detainees.

Lengthier written statements were also found in each of their cells.

Due to similarities in the wording of the statements and the manner of suicides, as well as statements made by other detainees interviewed, there was growing concern that someone within the Camp Delta population was directing detainees to commit suicide and that additional suicides might be imminent. Representatives of other law enforcement

agencies involved in the investigation were later told that on the night in question, another detainee (who did not later commit suicide) had walked through the cell block telling people “tonight’s the night.”

The cells of other detainees were searched during the week following the suicides in an attempt to find evidence regarding whether the suicides had been part of a larger conspiracy which might result in additional detainees also taking their lives.

During those searches a number of documents were seized as evidence and taken from the cells for translation and analysis. Those documents included additional handwritten notes found in cells other than those where the suicides took place.

Those documents filled 34 boxes and 1 bag. Their combined weight was 1065 pounds.

Due to the volume of material seized, and concerns that numerous documents stamped with “ACP” might possibly be protected by attorney client privilege, the NCIS Special Agent in Charge of the Southeast Field Office, directed that the documents be sealed and set aside until a process could be created to review the documents in a way that did not violate any attorney-client privilege.

With the assistance of the Department of Justice and consistent with orders of the federal District Court in Washington, D.C., the Department of Defense appointed a "walled off" team of individuals who were not involved in any other detainee cases or proceedings to determine whether any of these seized documents were relevant to the investigation and, if so, to provide them to investigators unless they were protected by an attorney client privilege. Although this team did provide documents to investigators, no attorney-client privileged materials were included and this team did not reveal any attorney-client material to anyone involved in the investigation.

That team was activated on October 23, 2006 at the Regional Legal Service Office at Naval Air Station Mayport Florida.

The team consisted of an NCIS Supervisory Special Agent from Cherry Point North Carolina, four Naval Officers from the Judge Advocate General’s Corps, 2 Naval Enlisted Administrative personnel, four foreign language translators, one NCIS evidence custodian from the NCIS Southeast Field Office and one additional NCIS Special Agent based at the Federal Law Enforcement Training Center in Glynco, Georgia.

The NCIS investigation was conducted on behalf of the US Southern Command (USSOUTHCOM)

It is not unusual for an NCIS death investigation to remain open for a year or more due to a number of factors. Those factors include but are not limited to: the number of parties involved in the case, any unique characteristics of the incident location and environment, the amount of evidence collected and the level of effort involved in analyzing that evidence, and the level of supervisory case review given each investigation.

The Naval Criminal Investigative Service, as its name implies, is a fact-finding entity. It does not draw prosecutorial conclusions nor make recommendations regarding potential courses of action which could result from the investigative findings.

The NCIS case file, redacted consistent with applicable Freedom of Information Act exemptions, was provided to the Dickstein Shapiro law firm in response to their FOIA request.