

UNCLASSIFIED//FOR PUBLIC RELEASE

I, Sinclair M. Harris, Rear Admiral, United States Navy, pursuant to 28 U.S.C. § 1746, make the following declaration.

1. ~~(U)~~ I am the Vice Director of Operations for the Joint Staff at the Pentagon and have served in this capacity since April 28, 2014. In my capacity as the Vice Director of Operations, I assist in the execution of all Department of Defense (DoD) operational matters outside of the continental United States. As such, I coordinate and communicate frequently with the staffs of the Unified Combatant Commands, to include U.S. Africa Command, U.S. Central Command, U.S. European Command, U.S. Pacific Command, U.S. Southern Command, U.S. Strategic Command, U.S. Transportation Command and U.S. Special Operations Command, as well as with the Intelligence Community, to ensure on behalf of the Chairman of the Joint Chiefs of Staff that the President of the United States' and Secretary of Defense's direction and guidance are conveyed and executed, and that combatant command concerns are addressed by the Joint Staff. I evaluate and synthesize such concerns and advise and make recommendations to the Chairman of the Joint Chiefs of Staff regarding our worldwide military operations.

2. ~~(U)~~ I make the following statements based upon my years of service and experience in the United States military, personal knowledge, and information made available to me in my official capacity. My conclusions are based on my years of service in the United States military and on my assessments and evaluations of the current situation worldwide as it relates to individuals and organizations that are hostile to the U.S. Government and its efforts, as well as the historical precedents discussed below. I have served in the United States Armed Forces for over thirty years at various levels of command and staff. As a commander of U.S. forces, I commanded the Expeditionary Strike Group 5 and served as the Commander of U.S. Naval Forces Southern Command and U.S. 4th Fleet. As the Vice Director of Operations, I receive and review daily operational plans and briefings, reports, and intelligence analyses from the Combatant Commands, the Joint Staff, and the Intelligence Community. I assist with the supervision of the National Military Command Center, which is responsible for monitoring worldwide events affecting national security and U.S. interests twenty-four hours a day, seven days a week. I have traveled in an official capacity to a number of countries where U.S. forces are conducting ongoing operations against Al Qaeda and associated terrorist groups, engaging with senior military and government officials. As a result of my experiences, I have extensive knowledge of

UNCLASSIFIED//FOR PUBLIC RELEASE

our military forces and their capabilities, current operations, and the conventional and unconventional forces and capabilities of the enemies arrayed against us.

3. ~~(S)~~ I am aware that a group of media organizations sought to unseal a number of classified Forced Cell Extraction (FCE) videos which were produced as discovery in the habeas case of Abu Wa'el Dhiab (ISN 722), a detainee held at Joint Task Force, Guantanamo Bay (JTF-GTMO), Cuba. I have been informed that Judge Kessler of the U.S. District Court in the District of Columbia issued an order requiring the government to unseal those classified videos after redacting identifying information of USG personnel. I am familiar with the declaration of Rear Admiral Richard W. Butler, the former Commander of JTF-GTMO, which includes his determination that these videos are properly classified as SECRET under Executive Order 13526. More specifically, I am aware that Rear Admiral Butler states in his declaration that these videos could be used to increase anti-American sentiment, placing lives of U.S. service members at risk, are susceptible to use as propaganda and to incite a public reaction, and could be used as recruiting material to attract new members to join enemy forces. I agree with the statements and conclusions in Rear Admiral Butler's declaration and, having reviewed a sampling of the videos, submit this declaration to provide further explanation as to how public release of the FCE videos could harm the national security of the United States.

4. ~~(S)~~ For the reasons set forth in this declaration, I have concluded that the official release of the FCE videos, in whole or in part, could reasonably be expected to seriously harm national security, to include our defense against transnational terrorism by: (a) endangering the lives and physical safety of U.S. personnel, to include military, civilian and contractor personnel (b) adversely affecting security conditions in Afghanistan and Iraq and (c) aiding in the recruitment and financing of extremists and insurgent groups.

5. ~~(S)~~ Prior experience from the release of certain provocative photographs and information has demonstrated the harm to national security that the official release of the FCE videos could cause. For example, in 2012 the release of a video depicting Marines urinating on the corpses of alleged Taliban members was used as a recruitment tool for the Taliban and led to an Afghan soldier attacking and killing French troops. In February 2012 international media reports regarding the burning of Korans in conjunction with the routine disposition of non-religious library books sparked weeks of riots, resulting in the deaths of four American soldiers and approximately 40 reported civilian deaths. Indeed, even the release of material that was seen as

UNCLASSIFIED//FOR PUBLIC RELEASE

anti-Muslim, without showing perceived mistreatment of individuals, has resulted in violent reaction in the past. As an example, release of the film "Innocence of Muslims" in July 2012 generated 38 protests in a number of cities across Afghanistan, including three that turned violent. While the videos at issue in this litigation do not in my opinion depict any improper treatment of the detainees, but rather the lawful, humane and appropriate interaction between guards and detainees, persons and entities hostile to the United States and its detention of enemy belligerents at Guantanamo Bay are likely to think otherwise. As with the hostile and violent reactions to the prior release of information, videos and photos discussed above, the release of the FCE videos could prompt a similar hostile reaction that would seriously harm the national security and endanger United States personnel.

6. ~~(U//FOUO)~~ The danger associated with release of these videos is heightened now, at a time when numerous groups continue in their efforts to attack U.S. personnel and interests both abroad and within the continental United States. In recent months the Islamic State of Iraq and the Levant (ISIL) have called on members to commit attacks in retaliation for the actions of the United States in Syria and Iraq. On 16 September 2014, an Arabic-language document titled "A Message to 2.6 Million Muslims in the United States This Is How to Respond To Obama's War on Islam" was posted to the Al-Minbar al_I'lami Jihadist Forum which called upon Muslim Americans and Muslims in other Western countries to commit "open source jihad, or lone wolf operations" against certain individuals. The message advocated "focusing on human targets", specifically, "military personnel... police and law enforcement... Department of State and Defense Department personnel." The message advocates for these lone-wolf attacks because they are "impossible for the security authorities to abort", and offer extreme flexibility, without any "training, preparation or any channel of communication with any party or individual" required in advance. On 21 September 2014, an audio message attributed to the ISIL spokesman was posted in a forum which advocated for lone offenders in the West to attack "soldiers, patrons, and troops... their police, security and intelligence members." He indicated that lone offenders should kill such government personnel in any manner and that such attacks are legitimate. Public release of the FCE videos is the type of event that could lead to further encouragement of attacks against the United States by these groups.

7. ~~(U//FOUO)~~ Western countries such as the UK, Australia and Canada have recently disrupted plotting or suffered attacks by individuals linked to ISIL. On 18 September 2014,

UNCLASSIFIED//FOR PUBLIC RELEASE

UNCLASSIFIED//FOR PUBLIC RELEASE

Australian officials detained 15 ISIL-linked individuals suspected of plotting a terrorist attack on Australian citizens which would consist of publicly beheading random Australians similar to videos recently released by ISIL. On 8 October 2014, UK officials arrested five British individuals believed to be in the early stages of planning a significant attack in the UK that allegedly had links to ISIL. In October 2014, Canada suffered two attacks by what are believed to be ISIL-inspired terrorists, resulting in the deaths of two Canadian military personnel. These events further the concern that calls to violence by ISIL and its supporters are being answered and could motivate attacks on U.S. personnel.

8. ~~(U)~~ There is little doubt that ISIL would use imagery from Guantanamo Bay to further encourage its supporters and followers to attack military and government personnel. In early September, when ISIL released a second video showing the beheading of journalist Steven Sotloff, Mr. Sotloff was forced to make a statement that he was paying the price for U.S. intervention in Iraq and then he specifically made reference to President Obama's "promis[e]...to close down Guantanamo." In addition, Mr. Sotloff was clothed in an orange jumpsuit at the time of his execution, as were James Foley, Alan Henning, and David Haines, a symbol commonly associated with the detainees housed at Guantanamo Bay. This demonstrates ISIL's interest in exploiting the Guantanamo detention facility and potentially using Guantanamo detainees in furtherance of its own aims.

9. ~~(S//NF)~~

[REDACTED]

[REDACTED] Imagery such as that found in the FCE videos and descriptions of such imagery would be

UNCLASSIFIED//FOR PUBLIC RELEASE

particularly useful to efforts [REDACTED]; they permit ISIL to pick and choose what is shared in small bites, without having to address the video honestly and in its entirety.

10. (U) Al Qaeda also remains active in its efforts to spur members to action against the United States and its citizens, and Guantanamo continues to be a topic used by Al Qaeda to facilitate anti-US sentiment. One of Al Qaeda's primary propaganda tools is the online magazine "Inspire", an English language magazine published by Al Qaeda in the Arabian Peninsula (AQAP), aimed at Westerners and meant to inform and persuade followers to take action, to include committing attacks against non-Muslims. The Spring 2014 edition of "Inspire" follows a theme of encouraging lone-wolf attacks by individuals who cannot obtain more formal training and provides instruction on how to make a car bomb and plan a car bomb attack, to include advice on how to avoid being detected by authorities. The article advises that this type of car bomb is used to kill individuals and says jihadists should target places such as sports events and festivals where there will be thousands of potential victims. The article states that America is "our first target, followed by United Kingdom, France and other crusader countries". The magazine also includes an article written by a former Guantanamo Bay detainee transferred in 2006, Sheikh Ibrahim Ar-Rubaysh. In the article, Ar-Rubaysh makes reference to Ali Hamza Bahlul, described as his "brother" and "one of the prisoners" at Guantanamo Bay, followed by the statement "may Allah hasten their release." The article criticizes President Obama's comments that Al Qaeda is on the road to defeat and points out that "most of America's action lately are either retreating or preparation to retreat", arguing that Al Qaeda are the ones "making events" happen now, not America. The magazine also contains an article discussing recent history as showing a decline of the United States' power and discussing the "Immoral States of America"; the pertinent portion of the article reads:

"Later, when the cold war came to an end, many more believed America will face no match. It will police the world and the world would become a safer place. However, did this turn out to be the true state of affairs? Did this sweet dream come true?...we are certain that the sweet dream America propagated vanished into a terrifying nightmare: Abu Ghraib, black sites, Guantanamo and the US soldiers' crimes in Afghanistan and Iraq are too clear to need clarification. Actually, there is no possible way to express these

UNCLASSIFIED//FOR PUBLIC RELEASE

UNCLASSIFIED//FOR PUBLIC RELEASE

inhumane crimes perpetrated against human rights. Here we could say America has lost the most important element of global leadership: morals and principles.”

The FCE videos, which show the forcible extraction and enteral feeding of a detainee, similarly would likely be seized upon by Al Qaeda for use in its continued propaganda war against the United States.

11. ~~(S)~~ In addition to those risks discussed above, the release of these videos is likely to further endanger U.S. military and civilian personnel who continue to operate in various locations in the Central Command (CENTCOM) region, such as Afghanistan and Iraq. At this time we still have [REDACTED] U.S. citizens (both military and civilian USG personnel as well as non-USG personnel) on the ground in Afghanistan, and [REDACTED] U.S. citizens (both military and civilian USG personnel as well as non-USG personnel) on the ground in Iraq, with a plan to double the number of military personnel in Iraq (from 1,500 to 3,000), as the President has stated. The subject of U.S. detainee operations remains extremely sensitive with the governments and citizens of these countries as well as other countries whose nationals we detain. Public release of the FCE videos would facilitate the enemy's ability to conduct information operations and could be used to increase anti-American sentiment, thereby placing the lives of U.S. personnel serving in Afghanistan and Iraq at risk. These concerns are not hypothetical, as evidenced by the prior violence that resulted from release of other information, videos and photographs described above. These tactics could also strain relationships between U.S. and foreign governments within the CENTCOM region, further jeopardizing the continued efforts on the part of the U.S. government to assist Afghanistan in entering into a period of productive self-governance and assist Iraq in stabilizing its country in the face of ISIL's efforts to take over and institute a Caliphate state. These tactics could also potentially discourage other countries from assisting the United States in operational activities that might lead to detention.

12. ~~(U)~~ As was stated in Admiral Butler's declaration, the videos at issue here are particularly subject to use as propaganda and to incite a public reaction because of the depiction of forcible interaction between JTF personnel and the detainees. Releasing a video showing a detainee being restrained while being enterally fed, as well as being restrained in order to move to the enteral feeding, reasonably could be expected to be used by hostile elements such as ISIL and Al Qaeda as a means to incite violence and harm the national security of the United States. Again, although the videos demonstrate adherence to standard operating procedures and humane

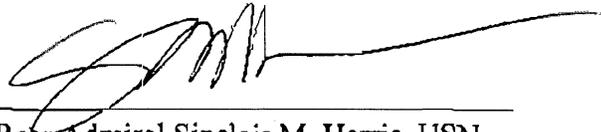
UNCLASSIFIED//FOR PUBLIC RELEASE

UNCLASSIFIED//FOR PUBLIC RELEASE

treatment, they do show a detainee in a situation in which JTF-GTMO personnel are required to take action that includes physically handling the detainee, bodily moving him from one place to another, restraining him, and facilitating a medical procedure not commonly viewed by the general public. Due to the circumstances surrounding the forcible cell extraction, persons and groups hostile to the United States may manipulate and use the FCE videos in order to further their efforts to undermine the national security of the United States.

13. I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed this 19 day of November 2014 in Arlington, VA.



Rear Admiral Sinclair M. Harris, USN
Vice Director of Operations, J-3, Joint Staff

UNCLASSIFIED//FOR PUBLIC RELEASE