

Jody Sageman  
Administrator

January 15, 2011

Major Matthew G. Schwartz

**Re: Omar Khadr**

## Documents reviewed:

- Transcript of Dr. Welner's interview, 15 and 16 June 2010
- Transcript of Dr. Welner's testimony, 26 and 27 October 2010
- Dr. Welner's curriculum vitae

Dear Major Schwartz,

As per our conversation, I reviewed the above documents in terms of the scientific reliability of Dr. Welner's testimony in the Omar Khadr case. As I mentioned to you in our original conversation, I was quite surprised that Dr. Welner testified in a terrorism case involving the issue of dangerousness in Islamist violent extremism. Dr. Welner is a well known forensic psychiatrist, who has written and testified on many issues in forensic psychiatry. He is very articulate and quite persuasive on the stand, mostly because he conveys very positive and forceful opinions to a jury. Indeed, he displayed this trait in this case, and concluded that in his professional opinion, "Omar Khadr is a high risk of dangerousness as a radical jihadist."<sup>1</sup>

However, Dr. Welner is not known to have any knowledge of terrorism, Islamic extremism or deradicalization. In his c.v., he has not contributed to the literature on terrorism, al-Qaeda, or deradicalization. He is not known as an expert in these fields. Furthermore, as an internationally recognized expert in terrorism and counter-terrorism, I know of no published study that addresses the issue of dangerousness in terrorists.<sup>2</sup> This piqued my curiosity about the basis of Dr. Welner's "professional" opinion at testimony.

I reviewed Dr. Welner's c.v. to see whether he had any experience dealing with terrorists or Islamist extremists. His c.v. mentioned that he took a fellowship in forensic psychiatry at the University of Pennsylvania in 1991-1992. I was at the University of Pennsylvania at the time.

<sup>1</sup> Trial transcript, page 4481

<sup>2</sup> I have just concluded such a classified study for the U.S. Air Force Research Laboratory, which took me four years to complete and ran to over 300,000 words. I have briefed this study to colleagues that have a security clearance. There is nothing in the open source literature on this issue.

and the university did not have a forensic psychiatry fellowship at the time. I became a clinical assistant professor at the University of Pennsylvania and taught the core course "Psychiatry and Law" from 1998 to 2005. The course consisted of 40 weeks of lectures on forensic psychiatry. Before this systematic course, Dr. Sadoff gave some scattered lectures on forensic psychiatry on an ad hoc basis. These few lectures could not be construed as a fellowship, which is a full time year-long training period involving evaluation and treatment of criminal offenders. Since I left the University of Pennsylvania in 2005 to consult full time with various government agencies in Washington, D.C., on terrorism, the university has started a formal fellowship in forensic psychiatry. So, Dr. Welner might have had some very light training in forensic psychiatry, but he did not do a fellowship in forensic psychiatry at the University of Pennsylvania as he testified under oath<sup>3</sup> for the simple reason that the University of Pennsylvania did not have such a fellowship at the time he claimed to have done it. Indeed, his e.v. shows that at the time, 1991-1992, he engaged in a full time residency in psychiatry at Beth Israel Medical Center, in New York City. He could not have been in Philadelphia at the time, except perhaps for a few visits to listen to Dr. Sadoff's occasional lectures. I found this mischaracterization of his educational background troubling and hoped it did not become a pattern in his testimony. Unfortunately, I was wrong.

Dr. Welner testified that he was asked to offer a professional assessment and opinion on the defendant's risk of dangerousness as a violent jihadist<sup>4</sup>. In his testimony, Dr. Welner correctly outlined some of the tools that have been used in forensic psychiatry to determine risk assessment in *violent criminals*, namely various psychological tests based on actuarial information. However, in his interview with the defendant, he never asked about these factors that might inform this assessment in violent criminals. As an aside, the interview lacks the usual ethical warning to a defendant that the defendant has the right not to answer questions and that there is no confidentiality between the expert for the prosecution and the defendant. The interview did not ask for any past psychiatric history and did not review potential psychiatric symptoms to assess the mental health of the defendant that could have a bearing in the assessment. Later, Dr. Welner makes claims that religiosity is correlated to dangerousness – a claim that is in fact without foundation – but he never probed the defendant's level of religious understanding, beliefs and piety.<sup>5</sup>

In terms of his methodology to assess the defendant's dangerousness, Dr. Welner relied on a book published in Danish by Dr. Nicolai Sennels that, according to Dr. Welner, "provides some clinical input about good prognostic factors and worst prognostic factors"<sup>6</sup> allegedly helping in assessing the defendant's dangerousness. Dr. Welner also "looked at" deradicalization

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<sup>3</sup> Trial transcripts, page 4361

<sup>4</sup> Trial transcripts, page 4391

<sup>5</sup> See the transcript of Dr. Welner's interview with the defendant

<sup>6</sup> Trial transcript, page 4395



programs from all over the world,<sup>7</sup> and the defendant's background. Dr. Welner also talked to people who had some knowledge about terrorism in making up his mind.

Dr. Welner went on to describe what he found interesting about Dr. Sennels's book, *Among Criminal Muslims*. "Dr. Sennels is engaging his young patient population in an entirely therapeutic capacity. He has people coming to him and he is given the assignment, make this guy ready to go back into the community... He just has patients, he's a psychologist, and he's been treating them." Sennels also compared his Muslim patients with non-Muslim population.<sup>8</sup> Dr. Welner admitted he did not read the book since it was in Danish and so he called Dr. Sennels and talked to him. "I asked him about his findings specifically as they relate to what he found that is associated with the better prognosis in inmates, young Muslim inmates, as opposed to what is associated with a worse prognosis."<sup>9</sup> Allegedly, Dr. Sennels found that remorse for one's actions and degree of Westernization were factors involving a positive prognosis,<sup>10</sup> while religious devotion, high level of anger, and identification with dangerous people carried a negative prognosis.<sup>11</sup> Dr. Welner went on to testify that the defendant lacked any positive factors and displayed all the negative ones.

In terms of deradicalization programs, Dr. Welner testified that he "studied [them] extensively," but had no firsthand knowledge of them.<sup>12</sup> He specifically mentioned Prince Nayef of Saudi Arabia as saying the recidivism rate among Guantanamo detainees was much higher than published.<sup>13</sup> He went on to testify that Dr. Sennels was involved in such a program in Denmark, "it's a problem [radicalization] in the Danish prisons and the Europe prisons, which is precisely why the Danish were investing in a program of Dr. Sennels' because they said, 'We've got to find a way that we don't have prisons make people worse and so, let's see what we can do in the prisons to make them better.'"<sup>14</sup>

Finally, Dr. Welner mentioned reports of the recidivism rate of Guantanamo detainees, which he claimed was twenty percent in 2009 and said that this was a gross under-estimation.<sup>15</sup> In terms of the few teenagers brought to Guantanamo who were later released, he claimed that the recidivism rate was over forty percent based on a conversation he had with the prison's staff.

Bringing all three lines of arguments together, Dr. Welner concludes that the defendant is a "high risk of dangerousness as a radical jihadist."<sup>16</sup> He adds that the defendant is very well

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<sup>7</sup> Trial transcripts, page 4395

<sup>8</sup> Trial transcripts, pages 4399-4400

<sup>9</sup> Trial transcripts, page 4402

<sup>10</sup> Trial transcript, page 4403

<sup>11</sup> Trial transcript, page 4408

<sup>12</sup> Trial transcripts, page 4438

<sup>13</sup> Trial transcripts, page 4459

<sup>14</sup> Trial transcripts, page 4441

<sup>15</sup> Trial transcripts, page 4451

<sup>16</sup> Trial transcripts, page 4481

known among the Guantanamo inmate population, viewed as al Qaeda royalty, charismatic, with the ability to inspire and lead violence.<sup>17</sup>

Let me quickly dispatch the scientific reliability of Dr. Welner's last two arguments based on deradicalization programs and recidivism rates. From my reading of Dr. Welner's remarks about these programs, it is obvious to me that he knows very little about them. Only Saudi Arabia and Singapore have a formal program of deradicalization in prison. I have visited both countries twice at the invitation of their respective governments to assess and opine about their respective program. The Saudi program is run by Dr. Abdur Rahman al Hadlaq, under the auspices of the Ministry of Interior, which is basically run by the Deputy Interior Minister Prince Mohammed bin Nayef, the son of Prince Nayef. I have spent several weeks' time there discussing their program. Their recidivism rate is about ten percent after release, and is not confined to former Guantanamo detainees. The Singapore recidivism rate is zero, but they released only nine people who had been arrested for terrorism acts. The Netherlands and Britain do not have a prison deradicalization program, but they try to prevent radicalization through community intervention. I had the privilege to advise them on these programs. I have also spent quite a bit of time in Denmark, working with P.I.T., the Danish Security and Intelligence Service, to help in their community based program. The Danes do not have a prison deradicalization program, and Dr. Welner has mischaracterized Dr. Sennels' position in Danish prisons.

So, Dr. Welner, who acknowledged that he did not have first hand expertise in dangerousness in violent jihadis, relied mostly on Dr. Sennels's work. So, let's look more closely at the scientific foundation of Dr. Sennels's work. Since I was not familiar with Dr. Sennels' work despite my extensive work with Danish intelligence agencies, law enforcement agencies, and academics over the past five years, I asked one of my graduate students<sup>18</sup> and collaborator at the Danish Institute for International Studies to read and translate Dr. Sennels's book, find and translate all the professional reviews on his work, and get in touch with Dr. Sennels's employer to find out what were Dr. Sennels' functions at work. This would help assess whether Dr. Sennels's book was based on sufficient facts or data, whether it was a product of reliable principles and methods that were applied reliably to the facts of this case.

Dr. Sennels's book was published in 2009 under the title *Blandt kriminelle muslimer*, which translates as *Among Criminal Muslims*. It is not published in an academic press, but a polemic political press, called *Trykkefrihedsselskabet* (The Free Press Society).<sup>19</sup> It was created in 2005 to defend "freedom of speech", and is specifically dedicated to the defense of free speech

<sup>17</sup> Trial transcripts, pages 4481-4483

<sup>18</sup> Dr. Ann-Sophie Hemmingsen, who can be reached at [ah@diis.dk](mailto:ah@diis.dk)

<sup>19</sup> Its website is <http://www.rykkefrihed.dk/free-press-society.htm> it has an English part, and makes its mission very clear.



against Islamic extremists.<sup>20</sup> All its authors are well known opponents of Muslims in the West. Dr. Sennels has never published a scientific article on this topic in the scientific press. There has been no scientific peer review of the Sennels's work since this is a polemical press, not subject to academic or scientific methods.

The book is based on Sennels's experience at Sonderbro. As Sennels wrote in his book,

"During my almost three years as a psychologist at Sonderbro I have had some 250 criminals in therapy -- of those some 150 have a Muslim background [...] The book is based on several hundreds of therapeutic conversations with criminal immigrants. The descriptions are substantiated by a series of facts and statistics from research and studies."<sup>21</sup>

What is Sonderbro? Sonderbro is an institution housing young people under the age of eighteen, awaiting adjudication in the Danish juvenile system.<sup>22</sup> It also sometimes hosts a limited number of juvenile delinquents serving their time and other young people with mental illnesses, who are under observation for fear that they might be at risk of harming themselves or others. According to Sennels, inmates spend an average of 56 days at Sonderbro, and about 100 individuals pass through the institution on a yearly basis.

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<sup>20</sup> On the home page of the press at the above URL, the press makes explicit its mission: "Strangely enough, the ideological offensive that various Muslim organisations and religious leaders have conducted for several years against the Western way of life, thinking, democracy and freedom of expression has not been met by a counteroffensive aimed at protecting our traditional freedoms. Rather the opposite has happened as political parties, institutions of higher learning, the press, cultural institutions, international organisations and courts of law have tended to accommodate the growing Muslim presence in Europe and the West by accepting or even demanding encroachments on speech that is deemed offensive to the Islamic rulers.

People that have dared to discuss immigration or Islam's growing influence have been systematically accused of "racism" and "xenophobia" and several attempts have been made to prosecute such critics by means of the police and the courts. The European Union and the Council of Europe have made diligent attempts to force the Danish government to intervene against dissidents harbouring politically incorrect views.

Prior to the establishment of The Free Press Society there was no Danish organisation who had the defence of free speech as its sole purpose. For this reason it was an absolute necessity to act.

Of course Islam is not the only threat against the freedom of expression but it is the most dangerous threat at the moment, and the Free Press Society insists on calling a spade a spade. The most dangerous and immediate enemies of free speech must be clearly identified and opposed. If we shy away from this task, the defence of free speech will become meaningless."

<sup>21</sup> Nicolai Sennels, 2009, *Blandt kriminelle muslimer*, pages 9-10

<sup>22</sup> See <http://www.sonderbro.kk.dk/Velkommen-%20til-%20S%C3%B8nderbro.aspx>

What was Dr. Sennels's job at Sonderbro? In order to answer this question, I directed my graduate student to contact Jens Asger Hansen, the Director of Sonderbro about his former employee Dr. Sennels. He replied (my graduate student, translated)

"If you need anything in your efforts to clarify this case I am at your disposal. The research/therapeutic practices which Nicolai Sennels claims in the book *Blandt kriminelle muslimer* to have conducted at Sonderbro is a complete fraud. Nicolai has carried out anger-management courses and some mindfulness training in groups at Sonderbro. At no point in time has he been tasked with therapy in a clinical psychological sense. Anything in the book indicating scientific documentation is therefore fraudulent."<sup>23</sup>

Director Hansen raises some question about the validity of Dr. Sennels's data for this book. On the other hand, Dr. Sennels did publish a scientific article with Johnny Buschardt on mindfulness in therapy in a scientific peer reviewed journal.<sup>24</sup> However, he never published any article on Islam or Muslim juvenile offenders in the scientific literature.

In his book, Sennels starts his argument by painting a "psychological profile" of Muslims in his second chapter.

"One of the first things I realized was that there are two sides to Muslims' identity: A cultural side and a religious side. In the therapy room it became very apparent how one can easily have strong personality traits stemming from being raised in a Muslim culture without living by the religious rules of Islam. Many of the Muslim youth I have met do not live as 'religious Muslims' but as 'cultural Muslims'. They break the religious rules by drinking alcohol, they do not perform prayer, they have sex pre marriage (often with non-Muslim girls) and their knowledge of the contents of the Koran is very limited. But even though they are not religious their patterns of reaction and their ways of thinking are clearly affected by the Muslim culture. Whether or not the youth are religious their ways of thinking and reacting are the same when it

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<sup>23</sup> Hansen in an email, dated 13 January 2011. He can be contacted at Jens Asger Hansen, forstander; Sonderbro, Suncholmvej 42; 2300 København S. Telephone 33176577, email [T224@sof.kk.dk](mailto:T224@sof.kk.dk)

<sup>24</sup> Nicolai Sennels & Johnny Buschardt, 2008, "Mindfulness i Terapien," *Psykolog Nyt*, no. 3, pp 6-11



comes to the Muslim culture's relationship to honor and shame, revenge, protection of the family, unlimited loyalty to the group, etc. [...] When one grows up in a certain culture one's upbringing and personality is affected by this culture. The Muslim culture is no exception. Even if an individual is not very religious the cultural side can be deeply embedded in the individual making it extremely difficult to open up to other cultures such as the European culture. This is because there are some psychological differences between the two cultures which make it very difficult for Muslims to understand Danes and vice versa...<sup>25</sup>

Muslims are extremely overrepresented when it comes to citizens who do not respect the laws of our Western societies [...] In little Denmark some 19 % of the inmates in prisons are Muslims. This number is probably too low. At Sonderbro some two thirds of the youth have a Muslim background. In addition two thirds of the crimes in our capital is committed by immigrants and their descendants the majority of whom have a Muslim background. The low number is probably the result of the way in which an individual's country of origin is registered in Denmark: if just one of the parents is born in Denmark the individual is registered as a 'Dane'. This means that a large part of the 'Danes' appearing in the police's statistics have a Muslim background, have been brought up in a Muslim tradition and feel attached to the Muslim culture.

Because it is illegal to register individuals' religious affinity in Denmark it is practically impossible to paint a realistic picture of how many individuals of Muslim descent who appear in magistrates and prisons. If one takes these legal limitations into account one thing is for certain: That the number of individuals with a Muslim background is significantly higher than what official statistics tell us<sup>26</sup>

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<sup>25</sup> Nicolai Sennels, 2009, *Blandt kriminelle muslimer*, pages 26-27

<sup>26</sup> Nicolai Sennels, 2009, *Blandt kriminelle muslimer*, page 30

The crux of Sennels's argument is that there are fundamental differences between Muslims and others when it comes to emotions, specifically anger, and that this difference has important consequences for criminal behavior.

"Having treated so many Muslims through so many different types of therapy it is obvious that there are certain reappearing traits. As a psychologist it is my experience that it is not only the perception of emotions such as honor and shame which distinguishes Muslim from Western culture. Psychologically speaking, it runs deeper: It is the fundamental psychological way of *relating* to emotions. There are numerous different ways emotions are perceived in different cultures. The two most fundamental ways are that either one perceives emotions as 'externally controlled' or as 'internally controlled'...] This difference between internal control and external control is also visible on a larger scale. In Denmark we view the ability to understand our own emotions and take responsibility for them as a sign of human maturity. We attempt to teach it to our children: you learn about it in school, read about it in women's magazines; and if you really want to dive into it you can consult a psychologist. In Muslim cultures, by contrast, it is viewed as a human flaw if one does try to defend and attack one's 'opponent' if he or she has annoyed one or offended one's honor. Here emphasis is put on outer reaction rather than inner reflection. On a societal level this shows in the fact that sciences such as psychology and pedagogy are almost non-existent in Muslim countries and they do not nearly have the same tradition of immersing themselves in personal development as we do in our Western countries. As stated: One of the main psychological differences between the Western culture and the Muslim culture lies in the way one relates to emotions. Whether the individual is responsible or it is everybody else's fault..."

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<sup>27</sup> Nicolai Sennels, 2009 *Blandt kriminelle muslimer*, pages 35-37



At Sonderbro, Muslim and Danish youths have problems with anger. As mentioned, the difference lies in how they relate to this anger and if they primarily attempt to change themselves (internally controlled) or to change the world around them (externally controlled). As a psychologist one notes that clients with a Danish background usually realize that they have a problem with anger. They are often embarrassed and try to work on it, with more or less success. They are motivated to do something and as a psychologist, one often feels that one can actually help. Many of the Muslim clients I have treated had a significantly shorter fuse and reacted more violently than my Danish clients.<sup>28</sup>

When working psychologically with Muslims it becomes obvious that one simply cannot ask a Muslim to leave his anger behind. That would be like asking a gunman to leave his gun at home when he goes to the saloon: it is his most important tool in conflicts and it would be absurd for him to go without it...<sup>29</sup>

As a young man stated in group therapy to explain why he had stabbed another young man numerous times with a knife in front of a shop: "It's his own fault. He shouldn't have made me angry."

Unfortunately we have plenty of young immigrants at institutions such as Sonderbro who believe that their victims are responsible for being beaten or stabbed.

Of course this becomes even worse when this "just anger" becomes more ideological: Terrorism. Islamic terrorism kills between 500 and 1000 individuals every month and injure twice as many (daily count of Islamic jihad-attacks: [www.thereligionofpeace.com](http://www.thereligionofpeace.com)) ... Whether it is terrorists and their spiritual leaders or Ali who has hit another boy on the head with a bottle in the local disco it is the same psychological

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<sup>28</sup> Nicolai Sennels, 2009, *Blandt kriminelle muslimer*, page 38

<sup>29</sup> Nicolai Sennels, 2009, *Blandt kriminelle muslimer*, page 40

logic: It is the 'just revenge' of the humiliated/repressed/persecuted 'victim'...

Precisely the great focus on the emotions of honor and anger are probably one of the most important psychological reasons why so many Muslims are incarcerated in European prisons today. In addition I note that many of the young Danes who hung out with the young Muslims tended to adopt the young Muslims' attitude with regards to honor.

As one can see, these arguments by Dr. Sennels are abstract, based on his impression and do not provide concrete data to support his arguments. They are based on anecdotes and general beliefs, rather than facts, as illustrated by his remarks about anger in the psychology of terrorists. Dr. Sennels provides no criteria or standards for evaluating anger in his "clients", no data for comparison, and no known or potential rate of errors, as suggested by the *Daubert* criteria. In chapter 4 of his book, Dr. Sennels continues with his un-quantified general impressions.

"My assessment is that the deeper their piety, that is the more Muslims study the Koran, the greater their aversion towards democracy and the Western civilization...

At Sonderbro too it was obvious that a large proportion of the criminal youth had extremist tendencies. It is clearly only a few of them who would go as far as committing terrorism but many of them sympathize with terrorist organizations and are so angry with the Danish society that there is no doubt they will do what they can to attack it in some way given the opportunity.

According to my experience, it is precisely the anger against the Danish society which is a crucial reason why many immigrant youth sympathize with people like Osama bin Laden and the likes of him. The other crucial reason for the youth's extremism is the hierarchy which exists in the Muslim culture: Being religious means status. And being very religious means a lot of status.

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<sup>40</sup> Nicolai Sennels, 2009, *Blandt kriminelle muslimer*, pages 42-43

<sup>41</sup> Nicolai Sennels, 2009, *Blandt kriminelle muslimer*, pages 48-49

<sup>42</sup> Nicolai Sennels, 2009, *Blandt kriminelle muslimer*, pages 118-119



So from Sennels's sample at Sonderbro, he was in contact with no criminals – just young people in pre-adjudication detention – and definitely no terrorists. Indeed, what he writes about terrorists is pure speculation, based on no data.

So, it is clear that Dr. Sennels's book is a polemical book, with no quantitative data supporting the claims of the author and does not deal with the issue of dangerousness of young Muslims. Dr. Sennels has done no follow up study on the inmate population with which he came into contact, and has not correlated any variable to the commission of violent acts after release. Dr. Welner's positive or negative factors are simply a creation of Dr. Welner, without any factual basis. They are not based on the work of Dr. Sennels, which Dr. Welner has not read and not been able to evaluate.

What was the reaction of the scientific community to Dr. Sennels's book? Dr. Sennels gives a hint in his book. In his introduction, he explained that Sonderbro comes under the City of Copenhagen. During a conference hosted by the City, Dr. Sennels made some of the arguments that eventually formed the core of his book, and City supervisors gave him a formal warning about his prejudiced views. He left Sonderbro shortly thereafter.<sup>33</sup> A journalist later wrote a story about Dr. Sennels and quoted him as saying that he was employed as a psychologist by the State of Denmark, but he could not reveal where "because they fear that it will harm the workplace's reputation if it becomes known that I work there."<sup>34</sup> This article prompted Soren Gade, a spokesperson for the Danish Ministry of Defense to make the following clarification. "Nicolai Sennels is employed as a psychologist in a temporary position during a maternity-leave at the Institute for Military Psychology at the Defense Academy. Nicolai Sennels is in no way prohibited from telling where he works. He can confirm this."<sup>35</sup> At present, Dr. Sennels does not seem to be practicing, but is running for the Danish Parliament as a candidate for the Danish People's Party.

Dr. Sennels's book was reviewed in the Danish psychology journal *Psykolog Nyt* by Kjeld Hesselman, who gives a brief synopsis of the book, but does not analyze its core propositions.<sup>36</sup> Hesselman agrees that Muslim juvenile delinquency is over-represented in Danish society. The only other professional review of Sennels book appeared in *Social Kritik*.<sup>37</sup> The review was written by the editor of the journal, and I am providing a complete translation of it as Appendix A.<sup>38</sup> The review was a complete indictment of the book and its breach of professional ethics, namely lack of informed consent for the interviews. Benny Lihme complained to the Danish Psychologists Association about Sennels and his book. The association

<sup>33</sup> Nicolai Sennels, 2009, *Blandt kriminelle muslimer*, page 17. The book was published after he left the job at Sonderbro.

<sup>34</sup> Klaus Rothstein, "Offentlig hemmelighed," *Weekendavisen*, February 27, 2009

<sup>35</sup> Klaus Rothstein, "Barselsvikaren," *Weekendavisen*, March 27, 2009

<sup>36</sup> Kjeld Hesselman, 2009, *Psykolog Nyt*, Volume 63, No. 10, Pages 32-33

<sup>37</sup> Benny Lihme, 2010, "Masquerading," *Social Kritik*, volume 22, no. 121, pages 82-88

<sup>38</sup> It was translated by a graduate student at the Danish Institute for International Studies

referred him to the *Psykolognævnet* (Board of Psychologists), an independent entity under the Danish Ministry of Social Affairs responsible for policing authorized psychologists. The *Psykolognævnet* asked Benny Ilhne make a formal complaint about the book which he did. The affair is still pending.

Of course, Dr. Sennels's book generated a great deal of polemical discussions in the Danish press. One can google him and see the extent of the political controversy the book generated. But, it has generally been ignored by the professional community and dismissed as a polemical and prejudiced book.

Dr. Welner, who is not an expert on Islam, Muslim youths, violent jihadis or terrorists relied on a book that relies on vague and un-quantified data, was never subjected to peer review (published by a political rather than scientific outfit), never tested its claims, never stated its potential error rate, has no established standards and controls concerning the generation of its data, and is generally rejected by the scientific community that can read it. Dr. Sennels's work, and therefore Dr. Welner's reliance on this work, would never pass a *Daubert* test. There simply is no data on dangerousness of released jihadis, except for the Department of Defense periodically released claims that a certain percentage of released former Guantanamo detainees have rejoined the jihad. These claims give no hints as to who might be at a higher risk of recidivism and they have come under a great deal of academic criticism.<sup>34</sup>

Dr Welner is right about the fact that the defendant is famous among other Guantanamo inmates and among violent jihadis worldwide, and an inspiration for further jihadi violence. However, this is not due to his charisma or his potential to lead others into violence. In my conversations with imprisoned jihadis, jihadi sympathizers, and former violent jihadis, I discovered that the defendant is indeed well known, a *cause célèbre*. To them, he is the poster child of U.S. injustice and unfairness in the U.S. government attempt to unjustly punish a child soldier. The defendant was 15 years old at the time he threw a grenade that killed Christopher Speer and wounded several others, in the midst of aerial bombing and a gun fight. The perceived injustice of his situation, rather than anything personal, inspires these jihadis and potential jihadists to turn for violence. If he receives an unfairly harsh sentence, this would continue to fuel this moral outrage against the U.S., contrary to Dr. Welner's testimony. A perceived fairer sentence would probably decrease this moral outrage that drives extremist violence.

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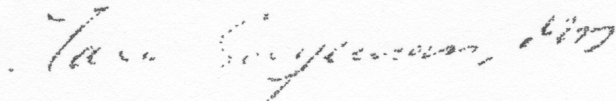
<sup>34</sup> See: Peter Bergen & Katherine Tiedermann, *Guantanamo: Who Really 'Returned to the Battlefield'?*, New America Foundation, July 20, 2009. The report can be found at the following URL: [http://www.newamerica.net/files/migration/appendix\\_july\\_20.pdf](http://www.newamerica.net/files/migration/appendix_july_20.pdf)  
See also Mark Denbeaux, Joshua Denbeaux, & David Gratz, 2009, *Released Guantanamo Detainees and the Department of Defense: Propaganda by the Numbers?* Seton hall Center for Policy and Research, at [http://law.shu.edu/publications/guantanamoReports/propaganda\\_numbers\\_11509.pdf](http://law.shu.edu/publications/guantanamoReports/propaganda_numbers_11509.pdf)



In summary, I found that Dr. Welner's testimony illustrated his ignorance of Islam, Islamic extremists, and violent jihadis. It was based on an extensive interview of the defendant, but one not relevant to the issue of future dangerousness, as he did not ask any question that might possibly have been pertinent to this issue. He based his opinion on the obscure work of a Danish psychologist that was rejected not only by the local scientific community (no one else speaks Danish), but also by his employer, leading to termination of his employment. In essence, Dr. Welner's testimony was based not on any relevant facts or data, but on a mischaracterization of this data and its relevance to this case. It was not the product of reliable scientific principles and methods, and Dr. Welner missed no opportunity to obfuscate the irrelevance of the data to this case. The firm conviction and lack of doubt in Dr. Welner's tone as he conveyed his opinion are likely to have prejudiced the jury, although his opinions had no scientific basis or foundation.

If I can be of further assistance, please do not hesitate to contact me.

Very sincerely yours,

A handwritten signature in cursive script that reads "Marc Sageman, M.D., Ph.D." The signature is written in dark ink and is positioned above the typed name.

Marc Sageman, M.D., Ph.D.

