

# Exhibit 34

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## CIA Rendition, Detention and Interrogation Program Overview

### KEY BACKGROUND:

The rendition, detention, and interrogation program removes terrorists from the battlefield and collects threat and actionable intelligence in a manner that does not violate any US statute, the US Constitution, or US treaty obligations. CIA has determined only to take detainees into CIA detention if they are assessed to have knowledge of imminent threats to the Homeland or U.S. interests abroad -OR- locational information on al-Qa'ida's #1 and/or #2. While in debriefings, detainees also generally provide strategic and tactical intelligence on al-Qa'ida networks, plans, and infrastructure, to include location data on other High-Value Targets and al-Qa'ida operatives at large.

### LEGAL

The authorities for our rendition, detention and interrogation programs are the 1986 Presidential Finding and the 17 September 2001 Presidential Memorandum of Notification (MON).

- Under the 17 September 2001 Presidential MON, the DCI directed CTC in mid-2002 to establish a program to capture, detain, and interrogate the highest-value al-Qa'ida operatives to obtain critical threat and actionable intelligence.
- The Agency has sought and obtained Department of Justice legal review and determination that CIA's Enhanced Interrogation Techniques (EIT's), whether used singularly or in some combination, do not violate the federal torture statute in Sections 2340 and 2340A of title 18 of the United States Code, nor would they violate U.S. obligations under Article 16 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) prohibiting the cruel, inhuman or degrading treatment, defined for purposes of U.S. law as cruel, unusual, or inhumane as prohibited by the Fifth, Eighth and Fourteenth Amendments.
- CIA also received a determination from DOJ that CIA's conditions of confinement do not violate the provisions of the Detainee Treatment Act and do not violate Common Article 3 of the Geneva Convention.

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- DOJ is currently drafting new opinions that will consider the seven EITs proposed for future use by CIA against the Detainee Treatment Act, the Military Commissions Act of October 2006, and Common Article 3 of the Geneva Conventions.

**RENDITIONS**

[redacted]

Renditions accomplish two key warfighting goals: they take terrorists off the street and enable us to collect valuable intelligence on planned attacks and on those who remain at large.

[redacted]

The 17 September 2001 MON added to the authority of the 1986 Presidential Finding, by giving CIA authority to undertake operations [redacted]

[redacted] designed to capture and detain persons who pose a continuing, serious threat of violence or death to U.S. persons and interests or who are planning terrorist activities. This authority inherently permits CIA to transport a person from the place of capture to the place of detention.

- Approval authority to conduct a rendition has been delegated to D/NCS. The D/NCS uses two criteria in making his decision:
  - The suspect is a member, associate or supporter of a global terrorist group
  - The suspect poses a continuing, serious threat of violence or death to US persons or interests or is planning terrorist activities.

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- Since 9/11, [redacted] people have been rendered in operations planned and conducted or facilitated by the CounterTerrorism Center's Rendition and Detainees Group (CTC/RDG).

[redacted]

- CIA obtains assurances from the country taking custody of a rendered terrorist suspect that it will not engage in torture and respect his human rights.
- Our rendition program methodology is based on detainee handling procedures used by the US military and US Marshals Service.

**DETENTION AND INTERROGATION**

[redacted]

- Beginning with the March 2002 capture of Abu Zubaydah, CIA began to develop its own detention and interrogation capability, resulting in CIA building and operating over the succeeding 4 years a number of small overseas detention facilities [redacted]. Our primary goal in all detention and interrogation operations is to obtain threat and actionable intelligence from the detainee in full compliance with the DOJ-approved legal guidelines, all of which are self-imposed - and our intensive system of legal, operational, and management oversight, and medical and psychological review.
- CIA's Enhanced Interrogation Techniques (EIT)s are based on DOD's SERE training methodology, which is used to prepare US servicemen for possible capture, detention, and interrogation in hostile areas, and were all found to be lawful by DOJ before they were used.
- Since establishing CIA's first blacksite in 2002, there have been [redacted] detainees in the program.

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- Of those held in the program, less than 1/3 [REDACTED] have undergone EIT's
  - Of those [REDACTED] only 3 have experienced the waterboard (KSM, AZ, and al-Nashiri).
- **Shortly before passage of the Detainee Treatment Act (DTA), CIA notified the oversight committees that DCIA Goss had suspended the use of EITs pending an evaluation of whether the DTA changes the legal or policy underpinnings for the techniques, or the risk versus gain balance. The Military Commissions Act brought about additional changes. Thus CIA currently has no Enhanced Interrogation Techniques approved for use with a detainee. Prior to being authorized for use, CIA requires a signed Executive Order, required by the MCA, and a new DOJ opinion on each proposed method. The EIT's currently under review are:**
    - Dietary Manipulation
    - Sleep Deprivation
    - Nudity
    - Attention Grasp
    - Facial Hold
    - Facial Slap
    - Adominal Slap
  - **DNCS approval is required if an individual is to be brought into CIA's detention program.**
  - **The DNCS must be advised that the individual:**
    - Is believed to possess imminent threat information against the US homeland or US interests abroad and/or
    - Is believed to have locational information on Usama Bin Ladin, and/or Ayman al Zawahiri.
  - **DCIA approval is required prior to the use of EITs.**
  - **Beginning at the point of rendition when we take physical control of a detainee, we undertake a detailed detainee handling process designed to closely monitor and document the detainee's medical and psychological status. If a detainee has been physically abused prior to coming into our custody, we document that fact and pass it on to the IG for investigation.**
  - **In cases in which the detainee being rendered is taken to one of our overseas detention facilities for intelligence exploitation, the detainee is interviewed by the interrogation team; the Site Manager and a team of interrogators immediately begins assessing a detainee's resistance posture. If there are medical or psychological contraindications to**

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interrogation, then the interrogation may not proceed. [REDACTED]

- Prior to an interrogation team using EIT's, the Site Manager, in coordination with the interrogation team, formulates an interrogation plan, submits the plan to HQS for approval by the DCIA, and approval authority must be transmitted to the Site prior to any methods being used. A detailed interrogation after action report must be submitted at the conclusion of each interrogation session.

### SAFEGUARDS AND CONTROLS

From the inception of our detention and interrogation program, we have rigorously self-policed and trained to prevent deviations, improvisation, abuse, and errors by our personnel. We also sought to codify our program within a management structure that promotes safe, secure, and effective detention and interrogation policies and standards. When deviations from established procedures and practices are discovered and reported, immediate corrective action is taken.

The CIA program is structured around a strict system of internal controls, safeguards, and checks and balances to ensure the detention and interrogation program does not violate any US statute, the US Constitution, or US treaty obligations.

The key elements of this system of controls and safeguards are:

- To use the authorized interrogation techniques only when necessary and always in full compliance with guidelines that were reviewed by DOJ and self-imposed required medical and psychological clearances.
- To follow always the "least-coercive measure" principle.
- To screen carefully - through our Office of Medical Services Psychology staff and our Office of Security - all prospective program participants to ensure that all who have contact with detainees are suitable for operating in the high-stress interrogation environment.
- To employ a team concept in all interrogations. This team concept draws together trained and certified interrogators and debriefers with the

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**appropriate checks/balances from medical, psychological, and security personnel** in the planning and conduct of all interrogations.

- To provide our interrogators and debriefers the best, most realistic training possible.
- To closely monitor our officers' compliance with all legal and ethical guidelines through detailed daily cable correspondence and oversight by senior officers at the detention site and by senior officers and attorneys at our HQS.
- To conduct continuous internal reviews of the program to identify potential problems and aberrations, and to take immediate remedial actions to address them.
- To keep detailed records on all program activities, particularly the physical and mental health of detainees.
- While in CIA control, all detainees are afforded US-quality medical, psychological, dental, and vision care and nutritional standards that exceed those of their home countries.

If the Site Manager, any member of the Interrogation team, or CIA Medical Staff member observes any deviation from the DCIA approved Interrogation plan they are obligated to halt the process, discuss their concern with the team and report any deviation immediately to HQS. At any time during this process the Site Manager, any member of the interrogation team, or CIA medical and psychological personnel can declare an end to an interrogation session based on their individual assessment that the detainee may suffer significant long-term harm to his physical and mental health. This extensive oversight, along with the checks and balances, was purposely built into the Program in order to prevent any perceived abuse or "freelancing".

**IMPACT**

The CIA's Rendition and Detention program has disrupted the plans and activities of terrorist operatives, enabled the collection of a high volume of critical intelligence and led to captures of additional High Value Targets. Each rendition degrades the operational capability of al-Qa'ida and its terrorist allies and helps safeguard the US homeland from attack.

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- Intelligence acquired through the interrogation program has helped us identify and capture key operatives such as KSM, Hambali, Janat Gul, Sharif al-Masri, Abu Musab al-Baluchi, and Ahmed Ghailani.
- We would not have succeeded in overcoming the resistance of KSM, Abu Zubaydah, and other equally resistant HVDs without the application of EITs by trained and certified CIA interrogators at our overseas detention facilities. As in the case of all HVDs we have interrogated, the graduated application of enhanced measures enabled us to acquire access to the vast store of intelligence KSM and AZ had withheld from us.

[redacted]

- CIA transferred 14 detainees into DoD custody on 4 September 2006 and are now being held at Guantanamo Bay awaiting prosecution.

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