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Senate Select Committee on Intelligence

Committee Study of the Central Intelligence Agency's Detention and Interrogation Program



Foreword by Senate Select Committee on Intelligence Chairman Dianne Feinstein

Findings and Conclusions

Executive Summary

Approved December 13, 2012

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Declassification Revisions December 3, 2014

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Foreword

On April 3, 2014, the Senate Select Committee on Intelligence voted to send the Findings and Conclusions and the Executive Summary of its final Study on the CIA's Detention and Interrogation Program to the President for declassification and subsequent public release.

This action marked the culmination of a monumental effort that officially began with the Committee's decision to initiate the Study in March 2009, but which had its roots in an investigation into the CIA's destruction of videotapes of CIA detainee interrogations that began in December 2007.

The full Committee Study, which totals more than 6,700 pages, remains classified but is now an official Senate report. The full report has been provided to the White House, the CIA, the Department of Justice, the Department of Defense, the Department of State, and the Office of the Director of National Intelligence in the hopes that it will prevent future coercive interrogation practices and inform the management of other covert action programs.

As the Chairman of the Committee since 2009, I write to offer some additional views, context, and history.

I began my service on the Senate Intelligence Committee in January 2001. I remember testimony that summer from George Tenet, the Director of Central Intelligence, that warned of a possible major terrorist event against the United States, but without specifics on the time, location, or method of attack. On September 11, 2001, the world learned the answers to those questions that had consumed the CIA and other parts of the U.S. Intelligence Community.¹

I recall vividly watching the horror of that day, to include the television footage of innocent men and women jumping out of the World Trade Center towers to escape the fire. The images, and the sounds as their bodies hit the pavement far below, will remain with me for the rest of my life.

It is against that backdrop – the largest attack against the American homeland in our history – that the events described in this report were undertaken.

¹ For information on the events at the CIA prior to September 11, 2001, see the Final Report of the National Commission on Terrorist Attacks upon the United States (9/11 Commission) and Office of the Inspector General Report on CIA Accountability With Respect to the 9/11 Attacks.

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Nearly 13 years later, the Executive Summary and Findings and Conclusions of this report are being released. They are highly critical of the CIA's actions, and rightfully so. Reading them, it is easy to forget the context in which the program began – not that the context should serve as an excuse, but rather as a warning for the future.

It is worth remembering the pervasive fear in late 2001 and how immediate the threat felt. Just a week after the September 11 attacks, powdered anthrax was sent to various news organizations and to two U.S. Senators. The American public was shocked by news of new terrorist plots and elevations of the color-coded threat level of the Homeland Security Advisory System. We expected further attacks against the nation.

I have attempted throughout to remember the impact on the nation and to the CIA workforce from the attacks of September 11, 2001. I can understand the CIA's impulse to consider the use of every possible tool to gather intelligence and remove terrorists from the battlefield,² and CIA was encouraged by political leaders and the public to do whatever it could to prevent another attack.

The Intelligence Committee as well often pushes intelligence agencies to act quickly in response to threats and world events.

Nevertheless, such pressure, fear, and expectation of further terrorist plots do not justify, temper, or excuse improper actions taken by individuals or organizations in the name of national security. The major lesson of this report is that regardless of the pressures and the need to act, the Intelligence Community's actions must always reflect who we are as a nation, and adhere to our laws and standards. It is precisely at these times of national crisis that our government must be guided by the lessons of our history and subject decisions to internal and external review.

Instead, CIA personnel, aided by two outside contractors, decided to initiate a program of indefinite secret detention and the use of brutal interrogation techniques in violation of U.S. law, treaty obligations, and our values.

This Committee Study documents the abuses and countless mistakes made between late 2001 and early 2009. The Executive Summary of the Study provides

² It is worth repeating that the covert action authorities approved by the President in September 2001 did not provide any authorization or contemplate coercive interrogations.

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a significant amount of new information, based on CIA and other documents, to what has already been made public by the Bush and Obama Administrations, as well as non-governmental organizations and the press.

The Committee's full Study is more than ten times the length of the Executive Summary and includes comprehensive and excruciating detail. The Study describes the history of the CIA's Detention and Interrogation Program from its inception to its termination, including a review of each of the 119 known individuals who were held in CIA custody.

The full Committee Study also provides substantially more detail than what is included in the Executive Summary on the CIA's justification and defense of its interrogation program on the basis that it was necessary and critical to the disruption of specific terrorist plots and the capture of specific terrorists. While the Executive Summary provides sufficient detail to demonstrate the inaccuracies of each of these claims, the information in the full Committee Study is far more extensive.

I chose not to seek declassification of the full Committee Study at this time. I believe that the Executive Summary includes enough information to adequately describe the CIA's Detention and Interrogation Program, and the Committee's Findings and Conclusions cover the entirety of the program. Seeking declassification of the more than six thousand page report would have significantly delayed the release of the Executive Summary. Decisions will be made later on the declassification and release of the full 6,700 page Study.

In 2009, when this effort began, I stated (in a press release co-authored with the Vice Chairman of the Committee, Senator Kit Bond) that "the purpose is to review the program and to shape detention and interrogation policies in the future." The review is now done. It is my sincere and deep hope that through the release of these Findings and Conclusions and Executive Summary that U.S. policy will never again allow for secret indefinite detention and the use of coercive interrogations. As the Study describes, prior to the attacks of September 2001, the CIA itself determined from its own experience with coercive interrogations, that such techniques "do not produce intelligence," "will probably result in false answers," and had historically proven to be ineffective. Yet these conclusions were ignored. We cannot again allow history to be forgotten and grievous past mistakes to be repeated.

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President Obama signed Executive Order 13491 in January 2009 to prohibit the CIA from holding detainees other than on a “short-term, transitory basis” and to limit interrogation techniques to those included in the Army Field Manual. However, these limitations are not part of U.S. law and could be overturned by a future president with the stroke of a pen. They should be enshrined in legislation.

Even so, existing U.S. law and treaty obligations should have prevented many of the abuses and mistakes made during this program. While the Office of Legal Counsel found otherwise between 2002 and 2007, it is my personal conclusion that, under any common meaning of the term, CIA detainees were tortured. I also believe that the conditions of confinement and the use of authorized and unauthorized interrogation and conditioning techniques were cruel, inhuman, and degrading. I believe the evidence of this is overwhelming and incontrovertible.

While the Committee did not make specific recommendations, several emerge from the Committee’s review. The CIA, in its June 2013 response to the Committee’s Study from December 2012, has also already made and begun to implement its own recommendations. I intend to work with Senate colleagues to produce recommendations and to solicit views from the readers of the Committee Study.

I would also like to take this opportunity to describe the process of this study.

As noted previously, the Committee approved the Terms of Reference for the Study in March 2009 and began requesting information from the CIA and other federal departments. The Committee, through its staff, had already reviewed in 2008 thousands of CIA cables describing the interrogations of the CIA detainees Abu Zubaydah and ‘Abd al-Rahim al-Nashiri, whose interrogations were the subject of videotapes that were destroyed by the CIA in 2005.

The 2008 review was complicated by the existence of a Department of Justice investigation, opened by Attorney General Michael Mukasey, into the destruction of the videotapes and expanded by Attorney General Holder in August 2009. In particular, CIA employees and contractors who would otherwise have been interviewed by the Committee staff were under potential legal jeopardy, and therefore the CIA would not compel its workforce to appear before the Committee. This constraint lasted until the Committee’s research and documentary review were completed and the Committee Study had largely been finalized.

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Furthermore, given the volume and internal nature of relevant CIA documents, the CIA insisted that the Committee enter into an arrangement where our staff would review documents and conduct research at a CIA-leased facility [REDACTED] rather than at the Committee's offices on Capitol Hill.

From early 2009 to late 2012, a small group of Committee staff reviewed the more than six million pages of CIA materials, to include operational cables, intelligence reports, internal memoranda and emails, briefing materials, interview transcripts, contracts, and other records. Draft sections of the Study were prepared and distributed to the full Committee membership beginning in October 2011 and this process continued through to the Committee's vote to approve the full Committee Study on December 13, 2012.

The breadth of documentary material on which the Study relied and which the Committee Study cites is unprecedented. While the Committee did not interview CIA officials in the context of the Committee Study, it had access to and drew from the interviews of numerous CIA officials conducted by the CIA's Inspector General and the CIA Oral History program on subjects that lie at the heart of the Committee Study, as well as past testimony to the Committee.

Following the December 2012 vote, the Committee Study was sent to the President and appropriate parts of the Executive Branch for comments by February 15, 2013. The CIA responded in late June 2013 with extensive comments on the Findings and Conclusions, based in part on the responses of CIA officials involved in the program. At my direction, the Committee staff met with CIA representatives in order to fully understand the CIA's comments, and then incorporated suggested edits or comments as appropriate.

The Committee Study, including the now-declassified Executive Summary and Findings and Conclusions, as updated is now final and represents the official views of the Committee. This and future Administrations should use this Study to guide future programs, correct past mistakes, increase oversight of CIA representations to policymakers, and ensure coercive interrogation practices are not used by our government again.

Finally, I want to recognize the members of the staff who have endured years of long hours poring through the difficult details of one of the lowest points in our nation's history. They have produced the most significant and comprehensive oversight report in the Committee's history, and perhaps in that of the U.S. Senate, and their contributions should be recognized and praised.

Page 5 of 6

UNCLASSIFIED

Daniel Jones has managed and led the Committee's review effort from its inception. Dan has devoted more than six years to this effort, has personally written thousands of its pages, and has been integrally involved in every Study decision. Evan Gottesman, Chad Tanner, and Alissa Starzak have also played integral roles in the Committee Study and have spent considerable years researching and drafting specific sections of the Committee Study.

Other Committee staff members have also assisted in the review and provided valuable contributions at the direction of our Committee Members. They include, among others, Jennifer Barrett, Nick Basciano, Michael Buchwald, Jim Catella, Eric Chapman, John Dickas, Lorenzo Goco, Andrew Grotto, Tressa Guenov, Clete Johnson, Michael Noblet, Michael Pevzner, Tommy Ross, Caroline Tess, and James Wolfe. The Committee's Staff Director throughout the review, David Grannis, has played a central role in assisting me and guiding the Committee through this entire process. Without the expertise, patience, and work ethic of our able staff, our Members would not have been able to complete this most important work.

Dianne Feinstein
Chairman
Senate Select Committee on Intelligence

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Senate Select Committee on Intelligence

Committee Study of the CIA's Detention and Interrogation Program

Findings and Conclusions

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Page 1 of 19
UNCLASSIFIED

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The Committee makes the following findings and conclusions:

#1: The CIA's use of its enhanced interrogation techniques was not an effective means of acquiring intelligence or gaining cooperation from detainees.

The Committee finds, based on a review of CIA interrogation records, that the use of the CIA's enhanced interrogation techniques was not an effective means of obtaining accurate information or gaining detainee cooperation.

For example, according to CIA records, seven of the 39 CIA detainees known to have been subjected to the CIA's enhanced interrogation techniques produced no intelligence while in CIA custody.¹ CIA detainees who were subjected to the CIA's enhanced interrogation techniques were usually subjected to the techniques immediately after being rendered to CIA custody. Other detainees provided significant accurate intelligence prior to, or without having been subjected to these techniques.

While being subjected to the CIA's enhanced interrogation techniques and afterwards, multiple CIA detainees fabricated information, resulting in faulty intelligence. Detainees provided fabricated information on critical intelligence issues, including the terrorist threats which the CIA identified as its highest priorities.

At numerous times throughout the CIA's Detention and Interrogation Program, CIA personnel assessed that the most effective method for acquiring intelligence from detainees, including from detainees the CIA considered to be the most "high-value," was to confront the detainees with information already acquired by the Intelligence Community. CIA officers regularly called into question whether the CIA's enhanced interrogation techniques were effective, assessing that the use of the techniques failed to elicit detainee cooperation or produce accurate intelligence.

#2: The CIA's justification for the use of its enhanced interrogation techniques rested on inaccurate claims of their effectiveness.

The CIA represented to the White House, the National Security Council, the Department of Justice, the CIA Office of Inspector General, the Congress, and the public that the best measure of effectiveness of the CIA's enhanced interrogation techniques was examples of specific terrorist plots "thwarted" and specific terrorists captured as a result of the use of the techniques. The CIA used these examples to claim that its enhanced interrogation techniques were not only effective, but also necessary to acquire "otherwise unavailable" actionable intelligence that "saved lives."

The Committee reviewed 20 of the most frequent and prominent examples of purported counterterrorism successes that the CIA has attributed to the use of its enhanced interrogation techniques, and found them to be wrong in fundamental respects. In some cases, there was no relationship between the cited counterterrorism success and any information provided by detainees during or after the use of the CIA's enhanced interrogation techniques. In the

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remaining cases, the CIA inaccurately claimed that specific, otherwise unavailable information was acquired from a CIA detainee “as a result” of the CIA’s enhanced interrogation techniques, when in fact the information was either: (1) corroborative of information already available to the CIA or other elements of the U.S. Intelligence Community from sources other than the CIA detainee, and was therefore not “otherwise unavailable”; or (2) acquired from the CIA detainee prior to the use of the CIA’s enhanced interrogation techniques. The examples provided by the CIA included numerous factual inaccuracies.

In providing the “effectiveness” examples to policymakers, the Department of Justice, and others, the CIA consistently omitted the significant amount of relevant intelligence obtained from sources other than CIA detainees who had been subjected to the CIA’s enhanced interrogation techniques—leaving the false impression the CIA was acquiring unique information from the use of the techniques.

Some of the plots that the CIA claimed to have “disrupted” as a result of the CIA’s enhanced interrogation techniques were assessed by intelligence and law enforcement officials as being infeasible or ideas that were never operationalized.

#3: The interrogations of CIA detainees were brutal and far worse than the CIA represented to policymakers and others.

Beginning with the CIA’s first detainee, Abu Zubaydah, and continuing with numerous others, the CIA applied its enhanced interrogation techniques with significant repetition for days or weeks at a time. Interrogation techniques such as slaps and “wallings” (slamming detainees against a wall) were used in combination, frequently concurrent with sleep deprivation and nudity. Records do not support CIA representations that the CIA initially used an “an open, non-threatening approach,”² or that interrogations began with the “least coercive technique possible”³ and escalated to more coercive techniques only as necessary.

The waterboarding technique was physically harmful, inducing convulsions and vomiting. Abu Zubaydah, for example, became “completely unresponsive, with bubbles rising through his open, full mouth.”⁴ Internal CIA records describe the waterboarding of Khalid Shaykh Mohammad as evolving into a “series of near drownings.”⁵

Sleep deprivation involved keeping detainees awake for up to 180 hours, usually standing or in stress positions, at times with their hands shackled above their heads. At least five detainees experienced disturbing hallucinations during prolonged sleep deprivation and, in at least two of those cases, the CIA nonetheless continued the sleep deprivation.

Contrary to CIA representations to the Department of Justice, the CIA instructed personnel that the interrogation of Abu Zubaydah would take “precedence” over his medical care,⁶ resulting in the deterioration of a bullet wound Abu Zubaydah incurred during his capture. In at least two other cases, the CIA used its enhanced interrogation techniques despite warnings from CIA medical personnel that the techniques could exacerbate physical injuries. CIA medical personnel

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treated at least one detainee for swelling in order to allow the continued use of standing sleep deprivation.

At least five CIA detainees were subjected to “rectal rehydration” or rectal feeding without documented medical necessity. The CIA placed detainees in ice water “baths.” The CIA led several detainees to believe they would never be allowed to leave CIA custody alive, suggesting to one detainee that he would only leave in a coffin-shaped box.⁷ One interrogator told another detainee that he would never go to court, because “we can never let the world know what I have done to you.”⁸ CIA officers also threatened at least three detainees with harm to their families—to include threats to harm the children of a detainee, threats to sexually abuse the mother of a detainee, and a threat to “cut [a detainee’s] mother’s throat.”⁹

#4: The conditions of confinement for CIA detainees were harsher than the CIA had represented to policymakers and others.

Conditions at CIA detention sites were poor, and were especially bleak early in the program. CIA detainees at the COBALT detention facility were kept in complete darkness and constantly shackled in isolated cells with loud noise or music and only a bucket to use for human waste.¹⁰ Lack of heat at the facility likely contributed to the death of a detainee. The chief of interrogations described COBALT as a “dungeon.”¹¹ Another senior CIA officer stated that COBALT was itself an enhanced interrogation technique.¹²

At times, the detainees at COBALT were walked around naked or were shackled with their hands above their heads for extended periods of time. Other times, the detainees at COBALT were subjected to what was described as a “rough takedown,” in which approximately five CIA officers would scream at a detainee, drag him outside of his cell, cut his clothes off, and secure him with Mylar tape. The detainee would then be hooded and dragged up and down a long corridor while being slapped and punched.

Even after the conditions of confinement improved with the construction of new detention facilities, detainees were held in total isolation except when being interrogated or debriefed by CIA personnel.

Throughout the program, multiple CIA detainees who were subjected to the CIA’s enhanced interrogation techniques and extended isolation exhibited psychological and behavioral issues, including hallucinations, paranoia, insomnia, and attempts at self-harm and self-mutilation. Multiple psychologists identified the lack of human contact experienced by detainees as a cause of psychiatric problems.

#5: The CIA repeatedly provided inaccurate information to the Department of Justice, impeding a proper legal analysis of the CIA’s Detention and Interrogation Program.

From 2002 to 2007, the Office of Legal Counsel (OLC) within the Department of Justice relied on CIA representations regarding: (1) the conditions of confinement for detainees, (2) the

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application of the CIA's enhanced interrogation techniques, (3) the physical effects of the techniques on detainees, and (4) the effectiveness of the techniques. Those representations were inaccurate in material respects.

The Department of Justice did not conduct independent analysis or verification of the information it received from the CIA. The department warned, however, that if the facts provided by the CIA were to change, its legal conclusions might not apply. When the CIA determined that information it had provided to the Department of Justice was incorrect, the CIA rarely informed the department.

Prior to the initiation of the CIA's Detention and Interrogation Program and throughout the life of the program, the legal justifications for the CIA's enhanced interrogation techniques relied on the CIA's claim that the techniques were necessary to save lives. In late 2001 and early 2002, senior attorneys at the CIA Office of General Counsel first examined the legal implications of using coercive interrogation techniques. CIA attorneys stated that "a novel application of the necessity defense" could be used "to avoid prosecution of U.S. officials who tortured to obtain information that saved many lives."¹³

Having reviewed information provided by the CIA, the OLC included the "necessity defense" in its August 1, 2002, memorandum to the White House counsel on *Standards of Conduct for Interrogation*. The OLC determined that "under the current circumstances, necessity or self-defense may justify interrogation methods that might violate" the criminal prohibition against torture.

On the same day, a second OLC opinion approved, for the first time, the use of 10 specific coercive interrogation techniques against Abu Zubaydah—subsequently referred to as the CIA's "enhanced interrogation techniques." The OLC relied on inaccurate CIA representations about Abu Zubaydah's status in al-Qa'ida and the interrogation team's "certain[ty]" that Abu Zubaydah was withholding information about planned terrorist attacks. The CIA's representations to the OLC about the techniques were also inconsistent with how the techniques would later be applied.

In March 2005, the CIA submitted to the Department of Justice various examples of the "effectiveness" of the CIA's enhanced interrogation techniques that were inaccurate. OLC memoranda signed on May 30, 2005, and July 20, 2007, relied on these representations, determining that the techniques were legal in part because they produced "specific, actionable intelligence" and "substantial quantities of otherwise unavailable intelligence" that saved lives.¹⁴

#6: The CIA has actively avoided or impeded congressional oversight of the program.

The CIA did not brief the leadership of the Senate Select Committee on Intelligence on the CIA's enhanced interrogation techniques until September 2002, after the techniques had been approved and used. The CIA did not respond to Chairman Bob Graham's requests for additional information in 2002, noting in its own internal communications that he would be leaving the Committee in January 2003. The CIA subsequently resisted efforts by Vice Chairman John D.

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Rockefeller IV, to investigate the program, including by refusing in 2006 to provide requested documents to the full Committee.

The CIA restricted access to information about the program from members of the Committee beyond the chairman and vice chairman until September 6, 2006, the day the president publicly acknowledged the program, by which time 117 of the 119 known detainees had already entered CIA custody. Until then, the CIA had declined to answer questions from other Committee members that related to CIA interrogation activities.¹⁵

Prior to September 6, 2006, the CIA provided inaccurate information to the leadership of the Committee. Briefings to the full Committee beginning on September 6, 2006, also contained numerous inaccuracies, including inaccurate descriptions of how interrogation techniques were applied and what information was obtained from CIA detainees. The CIA misrepresented the views of members of Congress on a number of occasions. After multiple senators had been critical of the program and written letters expressing concerns to CIA Director Michael Hayden, Director Hayden nonetheless told a meeting of foreign ambassadors to the United States that every Committee member was “fully briefed,” and that “[t]his is not CIA’s program. This is not the President’s program. This is America’s program.”¹⁶ The CIA also provided inaccurate information describing the views of U.S. senators about the program to the Department of Justice.

A year after being briefed on the program, the House and Senate Conference Committee considering the Fiscal Year 2008 Intelligence Authorization bill voted to limit the CIA to using only interrogation techniques authorized by the Army Field Manual. That legislation was approved by the Senate and the House of Representatives in February 2008, and was vetoed by President Bush on March 8, 2008.

#7: The CIA impeded effective White House oversight and decision-making.

The CIA provided extensive amounts of inaccurate and incomplete information related to the operation and effectiveness of the CIA’s Detention and Interrogation Program to the White House, the National Security Council principals, and their staffs. This prevented an accurate and complete understanding of the program by Executive Branch officials, thereby impeding oversight and decision-making.

According to CIA records, no CIA officer, up to and including CIA Directors George Tenet and Porter Goss, briefed the president on the specific CIA enhanced interrogation techniques before April 2006. By that time, 38 of the 39 detainees identified as having been subjected to the CIA’s enhanced interrogation techniques had already been subjected to the techniques.¹⁷ The CIA did not inform the president or vice president of the location of CIA detention facilities other than Country [REDACTED].¹⁸

At the direction of the White House, the secretaries of state and defense – both principals on the National Security Council – were not briefed on program specifics until September 2003. An internal CIA email from July 2003 noted that “... the WH [White House] is extremely concerned

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[Secretary] Powell would blow his stack if he were to be briefed on what's been going on."¹⁹ Deputy Secretary of State Armitage complained that he and Secretary Powell were "cut out" of the National Security Council coordination process.²⁰

The CIA repeatedly provided incomplete and inaccurate information to White House personnel regarding the operation and effectiveness of the CIA's Detention and Interrogation Program. This includes the provision of inaccurate statements similar to those provided to other elements of the U.S. Government and later to the public, as well as instances in which specific questions from White House officials were not answered truthfully or fully. In briefings for the National Security Council principals and White House officials, the CIA advocated for the continued use of the CIA's enhanced interrogation techniques, warning that "[t]ermination of this program will result in loss of life, possibly extensive."²¹

#8: The CIA's operation and management of the program complicated, and in some cases impeded, the national security missions of other Executive Branch agencies.

The CIA, in the conduct of its Detention and Interrogation Program, complicated, and in some cases impeded, the national security missions of other Executive Branch agencies, including the Federal Bureau of Investigation (FBI), the State Department, and the Office of the Director of National Intelligence (ODNI). The CIA withheld or restricted information relevant to these agencies' missions and responsibilities, denied access to detainees, and provided inaccurate information on the CIA's Detention and Interrogation Program to these agencies.

The use of coercive interrogation techniques and covert detention facilities that did not meet traditional U.S. standards resulted in the FBI and the Department of Defense limiting their involvement in CIA interrogation and detention activities. This reduced the ability of the U.S. Government to deploy available resources and expert personnel to interrogate detainees and operate detention facilities. The CIA denied specific requests from FBI Director Robert Mueller III for FBI access to CIA detainees that the FBI believed was necessary to understand CIA detainee reporting on threats to the U.S. Homeland. Information obtained from CIA detainees was restricted within the Intelligence Community, leading to concerns among senior CIA officers that limitations on sharing information undermined government-wide counterterrorism analysis.

The CIA blocked State Department leadership from access to information crucial to foreign policy decision-making and diplomatic activities. The CIA did not inform two secretaries of state of locations of CIA detention facilities, despite the significant foreign policy implications related to the hosting of clandestine CIA detention sites and the fact that the political leaders of host countries were generally informed of their existence. Moreover, CIA officers told U.S. ambassadors not to discuss the CIA program with State Department officials, preventing the ambassadors from seeking guidance on the policy implications of establishing CIA detention facilities in the countries in which they served.

In two countries, U.S. ambassadors were informed of plans to establish a CIA detention site in the countries where they were serving after the CIA had already entered into agreements with the

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countries to host the detention sites. In two other countries where negotiations on hosting new CIA detention facilities were taking place,²² the CIA told local government officials not to inform the U.S. ambassadors.²³

The ODNI was provided with inaccurate and incomplete information about the program, preventing the director of national intelligence from effectively carrying out the director's statutory responsibility to serve as the principal advisor to the president on intelligence matters. The inaccurate information provided to the ODNI by the CIA resulted in the ODNI releasing inaccurate information to the public in September 2006.

#9: The CIA impeded oversight by the CIA's Office of Inspector General.

The CIA avoided, resisted, and otherwise impeded oversight of the CIA's Detention and Interrogation Program by the CIA's Office of Inspector General (OIG). The CIA did not brief the OIG on the program until after the death of a detainee, by which time the CIA had held at least 22 detainees at two different CIA detention sites. Once notified, the OIG reviewed the CIA's Detention and Interrogation Program and issued several reports, including an important May 2004 "Special Review" of the program that identified significant concerns and deficiencies.

During the OIG reviews, CIA personnel provided OIG with inaccurate information on the operation and management of the CIA's Detention and Interrogation Program, as well as on the effectiveness of the CIA's enhanced interrogation techniques. The inaccurate information was included in the final May 2004 Special Review, which was later declassified and released publicly, and remains uncorrected.

In 2005, CIA Director Goss requested in writing that the inspector general not initiate further reviews of the CIA's Detention and Interrogation Program until reviews already underway were completed. In 2007, Director Hayden ordered an unprecedented review of the OIG itself in response to the OIG's inquiries into the CIA's Detention and Interrogation Program.

#10: The CIA coordinated the release of classified information to the media, including inaccurate information concerning the effectiveness of the CIA's enhanced interrogation techniques.

The CIA's Office of Public Affairs and senior CIA officials coordinated to share classified information on the CIA's Detention and Interrogation Program to select members of the media to counter public criticism, shape public opinion, and avoid potential congressional action to restrict the CIA's detention and interrogation authorities and budget. These disclosures occurred when the program was a classified covert action program, and before the CIA had briefed the full Committee membership on the program.

The deputy director of the CIA's Counterterrorism Center wrote to a colleague in 2005, shortly before being interviewed by a media outlet, that "we either get out and sell, or we get hammered, which has implications beyond the media. [C]ongress reads it, cuts our authorities, messes up

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our budget... we either put out our story or we get eaten. [T]here is no middle ground.”²⁴ The same CIA officer explained to a colleague that “when the [Washington Post]/[New York Times] quotes ‘senior intelligence official,’ it’s us... authorized and directed by opa [CIA’s Office of Public Affairs].”²⁵

Much of the information the CIA provided to the media on the operation of the CIA’s Detention and Interrogation Program and the effectiveness of its enhanced interrogation techniques was inaccurate and was similar to the inaccurate information provided by the CIA to the Congress, the Department of Justice, and the White House.

#11: The CIA was unprepared as it began operating its Detention and Interrogation Program more than six months after being granted detention authorities.

On September 17, 2001, the President signed a covert action Memorandum of Notification (MON) granting the CIA unprecedented counterterrorism authorities, including the authority to covertly capture and detain individuals “posing a continuing, serious threat of violence or death to U.S. persons and interests or planning terrorist activities.” The MON made no reference to interrogations or coercive interrogation techniques.

The CIA was not prepared to take custody of its first detainee. In the fall of 2001, the CIA explored the possibility of establishing clandestine detention facilities in several countries. The CIA’s review identified risks associated with clandestine detention that led it to conclude that U.S. military bases were the best option for the CIA to detain individuals under the MON authorities. In late March 2002, the imminent capture of Abu Zubaydah prompted the CIA to again consider various detention options. In part to avoid declaring Abu Zubaydah to the International Committee of the Red Cross, which would be required if he were detained at a U.S. military base, the CIA decided to seek authorization to clandestinely detain Abu Zubaydah at a facility in Country [REDACTED]—a country that had not previously been considered as a potential host for a CIA detention site. A senior CIA officer indicated that the CIA “will have to acknowledge certain gaps in our planning/preparations,”²⁶ but stated that this plan would be presented to the president. At a Presidential Daily Briefing session that day, the president approved CIA’s proposal to detain Abu Zubaydah in Country [REDACTED].

The CIA lacked a plan for the eventual disposition of its detainees. After taking custody of Abu Zubaydah, CIA officers concluded that he “should remain incommunicado for the remainder of his life,” which “may preclude [Abu Zubaydah] from being turned over to another country.”²⁷

The CIA did not review its past experience with coercive interrogations, or its previous statement to Congress that “inhumane physical or psychological techniques are counterproductive because they do not produce intelligence and will probably result in false answers.”²⁸ The CIA also did not contact other elements of the U.S. Government with interrogation expertise.

In July 2002, on the basis of consultations with contract psychologists, and with very limited internal deliberation, the CIA requested approval from the Department of Justice to use a set of coercive interrogation techniques. The techniques were adapted from the training of U.S.

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military personnel at the U.S. Air Force Survival, Evasion, Resistance and Escape (SERE) school, which was designed to prepare U.S. military personnel for the conditions and treatment to which they might be subjected if taken prisoner by countries that do not adhere to the Geneva Conventions.

As it began detention and interrogation operations, the CIA deployed personnel who lacked relevant training and experience. The CIA began interrogation training more than seven months after taking custody of Abu Zubaydah, and more than three months after the CIA began using its “enhanced interrogation techniques.” CIA Director George Tenet issued formal guidelines for interrogations and conditions of confinement at detention sites in January 2003, by which time 40 of the 119 known detainees had been detained by the CIA.

#12: The CIA’s management and operation of its Detention and Interrogation Program was deeply flawed throughout the program’s duration, particularly so in 2002 and early 2003.

The CIA’s COBALT detention facility in Country ■ began operations in September 2002 and ultimately housed more than half of the 119 CIA detainees identified in this Study. The CIA kept few formal records of the detainees in its custody at COBALT. Untrained CIA officers at the facility conducted frequent, unauthorized, and unsupervised interrogations of detainees using harsh physical interrogation techniques that were not—and never became—part of the CIA’s formal “enhanced” interrogation program. The CIA placed a junior officer with no relevant experience in charge of COBALT. On November ■, 2002, a detainee who had been held partially nude and chained to a concrete floor died from suspected hypothermia at the facility. At the time, no single unit at CIA Headquarters had clear responsibility for CIA detention and interrogation operations. In interviews conducted in 2003 with the Office of Inspector General, CIA’s leadership and senior attorneys acknowledged that they had little or no awareness of operations at COBALT, and some believed that enhanced interrogation techniques were not used there.

Although CIA Director Tenet in January 2003 issued guidance for detention and interrogation activities, serious management problems persisted. For example, in December 2003, CIA personnel reported that they had made the “unsettling discovery” that the CIA had been “holding a number of detainees about whom” the CIA knew “very little” at multiple detention sites in Country ■.²⁹

Divergent lines of authority for interrogation activities persisted through at least 2003. Tensions among interrogators extended to complaints about the safety and effectiveness of each other’s interrogation practices.

The CIA placed individuals with no applicable experience or training in senior detention and interrogation roles, and provided inadequate linguistic and analytical support to conduct effective questioning of CIA detainees, resulting in diminished intelligence. The lack of CIA personnel available to question detainees, which the CIA inspector general referred to as “an ongoing problem,”³⁰ persisted throughout the program.

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In 2005, the chief of the CIA's BLACK detention site, where many of the detainees the CIA assessed as "high-value" were held, complained that CIA Headquarters "managers seem to be selecting either problem, underperforming officers, new, totally inexperienced officers or whomever seems to be willing and able to deploy at any given time," resulting in "the production of mediocre or, I dare say, useless intelligence...."³¹

Numerous CIA officers had serious documented personal and professional problems—including histories of violence and records of abusive treatment of others—that should have called into question their suitability to participate in the CIA's Detention and Interrogation Program, their employment with the CIA, and their continued access to classified information. In nearly all cases, these problems were known to the CIA prior to the assignment of these officers to detention and interrogation positions.

#13: Two contract psychologists devised the CIA's enhanced interrogation techniques and played a central role in the operation, assessments, and management of the CIA's Detention and Interrogation Program. By 2005, the CIA had overwhelmingly outsourced operations related to the program.

The CIA contracted with two psychologists to develop, operate, and assess its interrogation operations. The psychologists' prior experience was at the U.S. Air Force Survival, Evasion, Resistance and Escape (SERE) school. Neither psychologist had any experience as an interrogator, nor did either have specialized knowledge of al-Qa'ida, a background in counterterrorism, or any relevant cultural or linguistic expertise.

On the CIA's behalf, the contract psychologists developed theories of interrogation based on "learned helplessness,"³² and developed the list of enhanced interrogation techniques that was approved for use against Abu Zubaydah and subsequent CIA detainees. The psychologists personally conducted interrogations of some of the CIA's most significant detainees using these techniques. They also evaluated whether detainees' psychological state allowed for the continued use of the CIA's enhanced interrogation techniques, including some detainees whom they were themselves interrogating or had interrogated. The psychologists carried out inherently governmental functions, such as acting as liaison between the CIA and foreign intelligence services, assessing the effectiveness of the interrogation program, and participating in the interrogation of detainees in held in foreign government custody.

In 2005, the psychologists formed a company specifically for the purpose of conducting their work with the CIA. Shortly thereafter, the CIA outsourced virtually all aspects of the program.

In 2006, the value of the CIA's base contract with the company formed by the psychologists with all options exercised was in excess of \$180 million; the contractors received \$81 million prior to the contract's termination in 2009. In 2007, the CIA provided a multi-year indemnification agreement to protect the company and its employees from legal liability arising out of the program. The CIA has since paid out more than \$1 million pursuant to the agreement.

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In 2008, the CIA's Rendition, Detention, and Interrogation Group, the lead unit for detention and interrogation operations at the CIA, had a total of [REDACTED] positions, which were filled with [REDACTED] CIA staff officers and [REDACTED] contractors, meaning that contractors made up 85% of the workforce for detention and interrogation operations.

#14: CIA detainees were subjected to coercive interrogation techniques that had not been approved by the Department of Justice or had not been authorized by CIA Headquarters.

Prior to mid-2004, the CIA routinely subjected detainees to nudity and dietary manipulation. The CIA also used abdominal slaps and cold water dousing on several detainees during that period. None of these techniques had been approved by the Department of Justice.

At least 17 detainees were subjected to CIA enhanced interrogation techniques without authorization from CIA Headquarters. Additionally, multiple detainees were subjected to techniques that were applied in ways that diverged from the specific authorization, or were subjected to enhanced interrogation techniques by interrogators who had not been authorized to use them. Although these incidents were recorded in CIA cables and, in at least some cases were identified at the time by supervisors at CIA Headquarters as being inappropriate, corrective action was rarely taken against the interrogators involved.

#15: The CIA did not conduct a comprehensive or accurate accounting of the number of individuals it detained, and held individuals who did not meet the legal standard for detention. The CIA's claims about the number of detainees held and subjected to its enhanced interrogation techniques were inaccurate.

The CIA never conducted a comprehensive audit or developed a complete and accurate list of the individuals it had detained or subjected to its enhanced interrogation techniques. CIA statements to the Committee and later to the public that the CIA detained fewer than 100 individuals, and that less than a third of those 100 detainees were subjected to the CIA's enhanced interrogation techniques, were inaccurate. The Committee's review of CIA records determined that the CIA detained at least 119 individuals, of whom at least 39 were subjected to the CIA's enhanced interrogation techniques.

Of the 119 known detainees, at least 26 were wrongfully held and did not meet the detention standard in the September 2001 Memorandum of Notification (MON). These included an "intellectually challenged" man whose CIA detention was used solely as leverage to get a family member to provide information, two individuals who were intelligence sources for foreign liaison services and were former CIA sources, and two individuals whom the CIA assessed to be connected to al-Qa'ida based solely on information fabricated by a CIA detainee subjected to the CIA's enhanced interrogation techniques. Detainees often remained in custody for months after the CIA determined that they did not meet the MON standard. CIA records provide insufficient information to justify the detention of many other detainees.

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CIA Headquarters instructed that at least four CIA detainees be placed in host country detention facilities because the individuals did not meet the MON standard for CIA detention. The host country had no independent reason to hold the detainees.

A full accounting of CIA detentions and interrogations may be impossible, as records in some cases are non-existent, and, in many other cases, are sparse and insufficient. There were almost no detailed records of the detentions and interrogations at the CIA's COBALT detention facility in 2002, and almost no such records for the CIA's GRAY detention site, also in Country [REDACTED]. At CIA detention facilities outside of Country [REDACTED], the CIA kept increasingly less-detailed records of its interrogation activities over the course of the CIA's Detention and Interrogation Program.

#16: The CIA failed to adequately evaluate the effectiveness of its enhanced interrogation techniques.

The CIA never conducted a credible, comprehensive analysis of the effectiveness of its enhanced interrogation techniques, despite a recommendation by the CIA inspector general and similar requests by the national security advisor and the leadership of the Senate Select Committee on Intelligence.

Internal assessments of the CIA's Detention and Interrogation Program were conducted by CIA personnel who participated in the development and management of the program, as well as by CIA contractors who had a financial interest in its continuation and expansion. An "informal operational assessment" of the program, led by two senior CIA officers who were not part of the CIA's Counterterrorism Center, determined that it would not be possible to assess the effectiveness of the CIA's enhanced interrogation techniques without violating "Federal Policy for the Protection of Human Subjects" regarding human experimentation. The CIA officers, whose review relied on briefings with CIA officers and contractors running the program, concluded only that the "CIA Detainee Program" was a "success" without addressing the effectiveness of the CIA's enhanced interrogation techniques.³³

In 2005, in response to the recommendation by the inspector general for a review of the effectiveness of each of the CIA's enhanced interrogation techniques, the CIA asked two individuals not employed by the CIA to conduct a broader review of "the entirety of" the "rendition, detention and interrogation program."³⁴ According to one individual, the review was "heavily reliant on the willingness of [CIA Counterterrorism Center] staff to provide us with the factual material that forms the basis of our conclusions." That individual acknowledged lacking the requisite expertise to review the effectiveness of the CIA's enhanced interrogation techniques, and concluded only that "the program," meaning all CIA detainee reporting regardless of whether it was connected to the use of the CIA's enhanced interrogation techniques, was a "great success."³⁵ The second reviewer concluded that "there is no objective way to answer the question of efficacy" of the techniques.³⁶

There are no CIA records to indicate that any of the reviews independently validated the "effectiveness" claims presented by the CIA, to include basic confirmation that the intelligence cited by the CIA was acquired from CIA detainees during or after the use of the CIA's enhanced

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interrogation techniques. Nor did the reviews seek to confirm whether the intelligence cited by the CIA as being obtained "as a result" of the CIA's enhanced interrogation techniques was unique and "otherwise unavailable," as claimed by the CIA, and not previously obtained from other sources.

#17: The CIA rarely reprimanded or held personnel accountable for serious and significant violations, inappropriate activities, and systemic and individual management failures.

CIA officers and CIA contractors who were found to have violated CIA policies or performed poorly were rarely held accountable or removed from positions of responsibility.

Significant events, to include the death and injury of CIA detainees, the detention of individuals who did not meet the legal standard to be held, the use of unauthorized interrogation techniques against CIA detainees, and the provision of inaccurate information on the CIA program did not result in appropriate, effective, or in many cases, any corrective actions. CIA managers who were aware of failings and shortcomings in the program but did not intervene, or who failed to provide proper leadership and management, were also not held to account.

On two occasions in which the CIA inspector general identified wrongdoing, accountability recommendations were overruled by senior CIA leadership. In one instance, involving the death of a CIA detainee at COBALT, CIA Headquarters decided not to take disciplinary action against an officer involved because, at the time, CIA Headquarters had been "motivated to extract any and all operational information" from the detainee.³⁷ In another instance related to a wrongful detention, no action was taken against a CIA officer because, "[t]he Director strongly believes that mistakes should be expected in a business filled with uncertainty," and "the Director believes the scale tips decisively in favor of accepting mistakes that over connect the dots against those that under connect them."³⁸ In neither case was administrative action taken against CIA management personnel.

#18: The CIA marginalized and ignored numerous internal critiques, criticisms, and objections concerning the operation and management of the CIA's Detention and Interrogation Program.

Critiques, criticisms, and objections were expressed by numerous CIA officers, including senior personnel overseeing and managing the program, as well as analysts, interrogators, and medical officers involved in or supporting CIA detention and interrogation operations.

Examples of these concerns include CIA officers questioning the effectiveness of the CIA's enhanced interrogation techniques, interrogators disagreeing with the use of such techniques against detainees whom they determined were not withholding information, psychologists recommending less isolated conditions, and Office of Medical Services personnel questioning both the effectiveness and safety of the techniques. These concerns were regularly overridden by CIA management, and the CIA made few corrective changes to its policies governing the

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program. At times, CIA officers were instructed by supervisors not to put their concerns or observations in written communications.

In several instances, CIA officers identified inaccuracies in CIA representations about the program and its effectiveness to the Office of Inspector General, the White House, the Department of Justice, the Congress, and the American public. The CIA nonetheless failed to take action to correct these representations, and allowed inaccurate information to remain as the CIA's official position.

The CIA was also resistant to, and highly critical of more formal critiques. The deputy director for operations stated that the CIA inspector general's draft Special Review should have come to the "conclusion that our efforts have thwarted attacks and saved lives,"³⁹ while the CIA general counsel accused the inspector general of presenting "an imbalanced and inaccurate picture" of the program.⁴⁰ A February 2007 report from the International Committee of the Red Cross (ICRC), which the CIA acting general counsel initially stated "actually does not sound that far removed from the reality,"⁴¹ was also criticized. CIA officers prepared documents indicating that "critical portions of the Report are patently false or misleading, especially certain key factual claims..."⁴² CIA Director Hayden testified to the Committee that "numerous false allegations of physical and threatened abuse and faulty legal assumptions and analysis in the [ICRC] report undermine its overall credibility."⁴³

#19: The CIA's Detention and Interrogation Program was inherently unsustainable and had effectively ended by 2006 due to unauthorized press disclosures, reduced cooperation from other nations, and legal and oversight concerns.

The CIA required secrecy and cooperation from other nations in order to operate clandestine detention facilities, and both had eroded significantly before President Bush publicly disclosed the program on September 6, 2006. From the beginning of the program, the CIA faced significant challenges in finding nations willing to host CIA clandestine detention sites. These challenges became increasingly difficult over time. With the exception of Country [REDACTED], the CIA was forced to relocate detainees out of every country in which it established a detention facility because of pressure from the host government or public revelations about the program. Beginning in early 2005, the CIA sought unsuccessfully to convince the U.S. Department of Defense to allow the transfer of numerous CIA detainees to U.S. military custody. By 2006, the CIA admitted in its own talking points for CIA Director Porter Goss that, absent an Administration decision on an "endgame" for detainees, the CIA was "stymied" and "the program could collapse of its own weight."⁴⁴

Lack of access to adequate medical care for detainees in countries hosting the CIA's detention facilities caused recurring problems. The refusal of one host country to admit a severely ill detainee into a local hospital due to security concerns contributed to the closing of the CIA's detention facility in that country. The U.S. Department of Defense also declined to provide medical care to detainees upon CIA request.

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In mid-2003, a statement by the president for the United Nations International Day in Support of Victims of Torture and a public statement by the White House that prisoners in U.S. custody are treated “humanely” caused the CIA to question whether there was continued policy support for the program and seek reauthorization from the White House. In mid-2004, the CIA temporarily suspended the use of its enhanced interrogation techniques after the CIA inspector general recommended that the CIA seek an updated legal opinion from the Office of Legal Counsel. In early 2004, the U.S. Supreme Court decision to grant certiorari in the case of *Rasul v. Bush* prompted the CIA to move detainees out of a CIA detention facility at Guantanamo Bay, Cuba. In late 2005 and in 2006, the Detainee Treatment Act and then the U.S. Supreme Court decision in *Hamdan v. Rumsfeld* caused the CIA to again temporarily suspend the use of its enhanced interrogation techniques.

By 2006, press disclosures, the unwillingness of other countries to host existing or new detention sites, and legal and oversight concerns had largely ended the CIA’s ability to operate clandestine detention facilities.

After detaining at least 113 individuals through 2004, the CIA brought only six additional detainees into its custody: four in 2005, one in 2006, and one in 2007. By March 2006, the program was operating in only one country. The CIA last used its enhanced interrogation techniques on November 8, 2007. The CIA did not hold any detainees after April 2008.

#20: The CIA’s Detention and Interrogation Program damaged the United States’ standing in the world, and resulted in other significant monetary and non-monetary costs.

The CIA’s Detention and Interrogation Program created tensions with U.S. partners and allies, leading to formal *demarches* to the United States, and damaging and complicating bilateral intelligence relationships.

In one example, in June 2004, the secretary of state ordered the U.S. ambassador in Country [REDACTED] to deliver a *demarche* to Country [REDACTED], “in essence demanding [Country [REDACTED] Government] provide full access to all [Country [REDACTED] [REDACTED]] detainees” to the International Committee of the Red Cross. At the time, however, the detainees Country [REDACTED] was holding included detainees being held in secret at the CIA’s behest.⁴⁵

More broadly, the program caused immeasurable damage to the United States’ public standing, as well as to the United States’ longstanding global leadership on human rights in general and the prevention of torture in particular.

CIA records indicate that the CIA’s Detention and Interrogation Program cost well over \$300 million in non-personnel costs. This included funding for the CIA to construct and maintain detention facilities, including two facilities costing nearly \$[REDACTED] million that were never used, in part due to host country political concerns.

To encourage governments to clandestinely host CIA detention sites, or to increase support for existing sites, the CIA provided millions of dollars in cash payments to foreign government

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officials. CIA Headquarters encouraged CIA Stations to construct “wish lists” of proposed financial assistance to [REDACTED] [entities of foreign governments], and to “think big” in terms of that assistance.⁴⁶

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¹ As measured by the number of disseminated intelligence reports. Therefore, zero intelligence reports were disseminated based on information provided by seven of the 39 detainees known to have been subjected to the CIA's enhanced interrogation techniques.

² May 30, 2005, Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice, re: Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May Be Used in the Interrogation of High Value al Qaeda Detainees.

³ Transcript of Senate Select Committee on Intelligence briefing, September 6, 2006.

⁴ This episode was not described in CIA cables, but was described in internal emails sent by personnel in the CIA Office of Medical Services and the CIA Office of General Counsel. A review of the videotapes of the interrogations of Abu Zubaydah by the CIA Office of Inspector General (OIG) did not note the incident. A review of the catalog of videotapes, however, found that recordings of a 21-hour period, which included two waterboarding sessions, were missing.

⁵ April 10, 2003, email from [REDACTED]; to [REDACTED]; cc: [REDACTED]; re More. Throughout the Committee Study, last names in all capitalized letters are pseudonyms.

⁶ ALEC [REDACTED] (182321Z JUL 02)

⁷ At the time, confining a detainee in a box with the dimensions of a coffin was an approved CIA enhanced interrogation technique.

⁸ [REDACTED] 1324 (161750Z SEP 03), referring to Hambali.

⁹ Interview of [REDACTED], by [REDACTED] and [REDACTED], Office of the Inspector General, June 17, 2003

¹⁰ In one case, interrogators informed a detainee that he could earn a bucket if he cooperated.

¹¹ Interview Report, 2003-7123-IG, Review of Interrogations for Counterterrorism Purposes, [REDACTED], April 7, 2003, p. 12.

¹² Interview Report, 2003-7123-IG, Review of Interrogations for Counterterrorism Purposes, [REDACTED], May 8, 2003, p. 9.

¹³ November 26, 2001, Draft of Legal Appendix, Paragraph 5, "Hostile Interrogations: Legal Considerations for CIA Officers," at 1.

¹⁴ May 30, 2005, Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice, re: Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May Be Used in the Interrogation of High Value al Qaeda Detainees. July 20, 2007, Memorandum for John A. Rizzo, Acting General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice, re: Application of War Crimes Act, the Detainee Treatment Act, and Common Article 3 of the Geneva Conventions to Certain Techniques that May be Used by the CIA in the Interrogation of High Value al Qaeda Detainees.

¹⁵ The CIA's June 27, 2013, Response to the Committee Study of the CIA's Detention and Interrogation Program states that these limitations were dictated by the White House. The CIA's June 2013 Response then acknowledges that the CIA was "comfortable" with this decision.

¹⁶ DIRECTOR [REDACTED] (152227Z MAR 07)

¹⁷ The Committee's conclusion is based on CIA records, including statements from CIA Directors George Tenet and Porter Goss to the CIA inspector general, that the directors had not briefed the president on the CIA's interrogation program. According to CIA records, when briefed in April 2006, the president expressed discomfort with the "image of a detainee, chained to the ceiling, clothed in a diaper, and forced to go to the bathroom on himself." The CIA's June 2013 Response does not dispute the CIA records, but states that "[w]hile Agency records on the subject are admittedly incomplete, former President Bush has stated in his autobiography that he discussed the program, including the use of enhanced techniques, with then-DCIA Tenet in 2002, prior to application of the techniques on Abu Zubaydah, and personally approved the techniques." A memoir by former Acting CIA General Counsel John Rizzo disputes this account.

¹⁸ CIA records indicate that the CIA had not informed policymakers of the presence of CIA detention facilities in Countries [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. It is less clear whether policymakers were aware of the detention facilities in Country [REDACTED] and at Guantanamo Bay, Cuba. The CIA requested that country names and information directly or indirectly

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identifying countries be redacted. The Study therefore lists the countries by letter. The Study uses the same designations consistently, so "Country J," for example, refers to the same country throughout the Study.

¹⁹ July 31, 2003, email from John Rizzo to [REDACTED] re Rump PC on interrogations.

²⁰ Lotus Notes message from Chief of the CIA Station in Country [REDACTED] to D/CTC, COPS; copied in: email from [REDACTED] to [REDACTED], [REDACTED], cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED], subj: ADCI Talking Points for Call to DepSec Armitage, date 9/23/2004, at 7:40:43 PM

²¹ Briefing slides, CIA Interrogation Program, July 29, 2003

²² No CIA detention facilities were established in these two countries.

²³ U.S. law (22 U.S.C. § 3927) requires that chiefs of mission "shall be kept fully and currently informed with respect to all activities and operations of the Government within that country," including the activities and operations of the CIA.

²⁴ Sametime communication, between John P. Mudd and [REDACTED], April 13, 2005.

²⁵ Sametime communication, between John P. Mudd and [REDACTED], April 13, 2005.

²⁶ March 29, 2002, email from [REDACTED] to [REDACTED], re A-Z Interrogation Plan.

²⁷ ALEC [REDACTED] (182321Z JUL 02)

²⁸ January 8, 1989, Letter from John L. Helgeson, Director of Congressional Affairs, to Vice Chairman William S. Cohen, Senate Select Committee on Intelligence, re: SSCI Questions on [REDACTED], at 7-8.

²⁹ [REDACTED] 1528 (191903Z DEC 03)

³⁰ Report of Audit, CIA-controlled Detention Facilities Operated Under the 17 September 2001 Memorandum of Notification, Report No. 2005-0017-AS, June 14, 2006.

³¹ April 15, 2005, email from [REDACTED] (Chief of Base of DETENTION SITE BLACK), to [REDACTED], [REDACTED], [REDACTED], re General Comments.

³² "Learned helplessness" in this context was the theory that detainees might become passive and depressed in response to adverse or uncontrollable events, and would thus cooperate and provide information. Memo from Grayson SWIGERT, Ph.D., February 1, 2003, "Qualifications to provide special mission interrogation consultation."

³³ They also concluded that the CIA "should not be in the business of running prisons or 'temporary detention facilities.'" May 12, 2004, Memorandum for Deputy Director for Operations from [REDACTED], Chief, Information Operations Center, and Henry Crumpton, Chief, National Resources Division via Associate Deputy Director for Operations, with the subject line, "Operational Review of CIA Detainee Program."

³⁴ March 21, 2005, Memorandum for Deputy Director for Operations from Robert L. Grenier, Director DCI Counterterrorism Center, re Proposal for Full-Scope Independent Study of the CTC Rendition, Detention, and Interrogation Programs.

³⁵ September 2, 2005, Memorandum from [REDACTED] to Director Porter Goss, CIA, "Assessment of EIT's Effectiveness."

³⁶ September 23, 2005, Memorandum from [REDACTED] to The Honorable Porter Goss, Director, Central Intelligence Agency, "Response to request from Director for Assessment of EIT effectiveness."

³⁷ February 10, 2006, Memorandum for [REDACTED] CIA OFFICER 1], CounterTerrorist Center, National Clandestine Service, from Executive Director re: Accountability Decision.

³⁸ Congressional notification, CIA Response to OIG Investigation Regarding the Rendition and Detention of German Citizen Khalid al-Masri, October 9, 2007.

³⁹ Memorandum for Inspector General; from: James Pavitt, Deputy Director for Operations; subject: re Comments to Draft IG Special Review, "Counterterrorism Detention and Interrogation Program" (2003-7123-IG); date: February 27, 2004; attachment: February 24, 2004, Memorandum re Successes of CIA's Counterterrorism Detention and Interrogation Activities.

⁴⁰ February 24, 2004, Memorandum from Scott W. Muller, General Counsel, to Inspector General re Interrogation Program Special Review (2003-7123-IG).

⁴¹ November 9, 2006, email from John A. Rizzo, to Michael V. Hayden, Stephen R. Kappes, cc: Michael Morell, [REDACTED], [REDACTED], [REDACTED], Subject: Fw: 5 December 2006 Meeting with ICRC Rep.

⁴² CIA Comments on the February 2007 ICRC Report on the Treatment of Fourteen "High Value Detainees" in CIA Custody."

⁴³ Senate Select Committee on Intelligence hearing transcript for April 12, 2007.

⁴⁴ DCIA Talking Points for 12 January 2006 Meeting with the President, re: Way Forward on Counterterrorist Rendition, Detention and Interrogation Program.

⁴⁵ HEADQUARTERS [REDACTED] (071742Z JUN 04)

⁴⁶ [REDACTED] 5759 ([REDACTED] 03); ALEC [REDACTED] ([REDACTED] 03); ALEC [REDACTED] ([REDACTED] 03)

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Senate Select Committee on Intelligence

Committee Study of the CIA's Detention and Interrogation Program

Executive Summary

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Page 1 of 499

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Table of Contents

- I. Background on the Committee Study8
- II. Overall History and Operation of the CIA’s Detention and Interrogation Program.....11
 - A. September 17, 2001, Memorandum of Notification (MON) Authorizes the CIA to Capture and Detain a Specific Category of Individuals 11
 - 1. After Considering Various Clandestine Detention Locations, the CIA Determines That a U.S. Military Base Is the “Best Option”; the CIA Delegates “Blanket” Detention Approvals to CIA Officers in [REDACTED] 11
 - 2. The CIA Holds at Least 21 More Detainees Than It Has Represented; At Least 26 CIA Detainees Wrongly Detained 14
 - B. The Detention of Abu Zubaydah and the Development and Authorization of the CIA’s Enhanced Interrogation Techniques..... 17
 - 1. Past Experience Led the CIA to Assess that Coercive Interrogation Techniques Were “Counterproductive” and “Ineffective”; After Issuance of the MON, CIA Attorneys Research Possible Legal Defense for Using Techniques Considered Torture; the CIA Conducts No Research on Effective Interrogations, Relies on Contractors with No Relevant Experience..... 17
 - 2. The CIA Renders Abu Zubaydah to a Covert Facility, Obtains Presidential Approval Without Inter-Agency Deliberation..... 21
 - 3. Tensions with Host Country Leadership and Media Attention Foreshadow Future Challenges 23
 - 4. FBI Officers Are the First to Question Abu Zubaydah, Who States He Intends to Cooperate; Abu Zubaydah is Taken to a Hospital Where He Provides Information the CIA Later Describes as “Important” and “Vital” 24
 - 5. While Abu Zubaydah is Hospitalized, CIA Headquarters Discusses the Use of Coercive Interrogation Techniques Against Abu Zubaydah 25
 - 6. New CIA Interrogation Plan Focuses on Abu Zubaydah’s “Most Important Secret”; FBI Temporarily Barred from the Questioning of Abu Zubaydah; Abu Zubaydah then Placed in Isolation for 47 Days Without Questioning..... 27
 - 7. Proposal by CIA Contract Personnel to Use SERE-Based Interrogation Techniques Leads to the Development of the CIA’s Enhanced Interrogation Techniques; The CIA Determines that “the Interrogation Process Takes Precedence Over Preventative Medical Procedures” 31
 - 8. The CIA Obtains Legal and Policy Approval for Its Enhanced Interrogation Techniques; The CIA Does Not Brief the President..... 37
 - 9. The CIA Uses the Waterboard and Other Enhanced Interrogation Techniques Against Abu Zubaydah 40
 - 10. A CIA Presidential Daily Brief Provides Inaccurate Information on the Interrogation of Abu Zubaydah..... 47
 - 11. The CIA Does Not Brief the Committee on the Interrogation of Abu Zubaydah..... 48
 - C. Interrogation in Country [REDACTED] and the January 2003 Guidelines 49
 - 1. The CIA Establishes DETENTION SITE COBALT, Places Inexperienced First-Tour Officer in Charge 49
 - 2. CIA Records Lack Information on CIA Detainees and Details of Interrogations in Country [REDACTED] 50
 - 3. CIA Headquarters Recommends That Untrained Interrogators in Country [REDACTED] Use the CIA’s Enhanced Interrogation Techniques on Ridha al-Najjar 51
 - 4. Death of Gul Rahman Leads CIA Headquarters to Learn of Unreported Coercive Interrogation Techniques at DETENTION SITE COBALT; CIA Inspector General Review Reveals Lack of Oversight of the Detention Site 54
 - 5. The CIA Begins Training New Interrogators; Interrogation Techniques Not Reviewed by the Department of Justice Included in the Training Syllabus 57
 - 6. Despite Recommendation from CIA Attorneys, the CIA Fails to Adequately Screen Potential Interrogators in 2002 and 2003 58
 - 7. Bureau of Prisons “WOW’ed” by Level of Deprivation at CIA’s COBALT Detention Site..... 59

8. *The CIA Places CIA Detainees in Country [REDACTED] Facilities Because They Did Not Meet the MON Standard for Detention*.....61

9. *DCI Tenet Establishes First Guidelines on Detention Conditions and Interrogation; Formal Consolidation of Program Administration at CIA Headquarters Does Not Resolve Disagreements Among CIA Personnel*.....62

D. *The Detention and Interrogation of ‘Abd al-Rahim al-Nashiri*66

1. *CIA Interrogators Disagree with CIA Headquarters About Al-Nashiri’s Level of Cooperation; Interrogators Oppose Continued Use of the CIA’s Enhanced Interrogation Techniques*.....66

2. *CIA Headquarters Sends Untrained Interrogator to Resume Al-Nashiri’s Interrogations; Interrogator Threatens al-Nashiri with a Gun and a Drill*.....68

3. *CIA Contractor Recommends Continued Use of the CIA’s Enhanced Interrogation Techniques Against Al-Nashiri; Chief Interrogator Threatens to Quit Because Additional Techniques Might “Push [Al-Nashiri] Over The Edge Psychologically,” Refers to the CIA Program As a “Train Wreck [sic] Waiting to Happen”*70

E. *Tensions with Country [REDACTED] Relating to the CIA Detention Facility and the Arrival of New Detainees*73

F. *The Detention and Interrogation of Ramzi Bin Al-Shibh*75

1. *Ramzi Bin Al-Shibh Provides Information While in Foreign Government Custody, Prior to Rendition to CIA Custody*.....75

2. *Interrogation Plan for Ramzi Bin Al-Shibh Proposes Immediate Use of Nudity and Shackling with Hands Above the Head; Plan Becomes Template for Future Detainees*.....76

3. *CIA Headquarters Urges Continued Use of the CIA’s Enhanced Interrogation Techniques, Despite Interrogators’ Assessment That Ramzi Bin Al-Shibh Was Cooperative*.....78

4. *Information Already Provided by Ramzi Bin Al-Shibh in the Custody of a Foreign Government Inaccurately Attributed to CIA Interrogations; Interrogators Apply the CIA’s Enhanced Interrogation Techniques to Bin Al-Shibh When Not Addressed As “Sir” and When Bin Al-Shibh Complains of Stomach Pain*79

G. *The Detention and Interrogation of Khalid Shaykh Muhammad*81

1. *KSM Held in Pakistani Custody, Provides Limited Information; Rendered to CIA Custody at DETENTION SITE COBALT, KSM Is Immediately Subjected to the CIA’s Enhanced Interrogation Techniques*.....81

2. *The CIA Transfers KSM to DETENTION SITE BLUE, Anticipates Use of the Waterboard Prior to His Arrival*83

3. *The CIA Waterboards KSM at Least 183 Times; KSM’s Reporting Includes Significant Fabricated Information*.....85

4. *After the Use of the CIA’s Enhanced Interrogation Techniques Against KSM Ends, the CIA Continues to Assess That KSM Is Withholding and Fabricating Information*.....93

H. *The Growth of the CIA’s Detention and Interrogation Program*.....96

1. *Fifty-Three CIA Detainees Enter the CIA’s Detention and Interrogation Program in 2003*96

2. *The CIA Establishes DETENTION SITE BLACK in Country [REDACTED] and DETENTION SITE VIOLET in Country [REDACTED]*.....97

3. *At Least 17 CIA Detainees Subjected to the CIA’s Enhanced Interrogation Techniques Without CIA Headquarters Authorization*.....99

4. *CIA Headquarters Authorizes Water Dousing Without Department of Justice Approval; Application of Technique Reported as Approximating Waterboarding*105

5. *Hambali Fabricates Information While Being Subjected to the CIA’s Enhanced Interrogation Techniques*.....108

6. *After the Use of the CIA’s Enhanced Interrogation Techniques, CIA Headquarters Questions Detention of Detainee and Recommends Release; Detainee Transferred to U.S. Military Custody and Held for An Additional Four Years*109

- 7. *A Year After DETENTION SITE COBALT Opens, the CIA Reports "Unsettling Discovery That We Are Holding a Number of Detainees About Whom We Know Very Little"* 110
- 8. *CIA Detention Sites in Country [REDACTED] Lack Sufficient Personnel and Translators to Support the Interrogations of Detainees.....* 111
- I. *Other Medical, Psychological, and Behavioral Issues.....* 111
 - 1. *CIA Interrogations Take Precedence Over Medical Care* 111
 - 2. *CIA Detainees Exhibit Psychological and Behavioral Issues* 113
- J. *The CIA Seeks Reaffirmation of the CIA's Detention and Interrogation Program in 2003.....* 115
 - 1. *Administration Statements About the Humane Treatment of Detainees Raise Concerns at the CIA About Possible Lack of Policy Support for CIA Interrogation Activities* 115
 - 2. *The CIA Provides Inaccurate Information to Select Members of the National Security Council, Represents that "Termination of This Program Will Result in Loss of Life, Possibly Extensive"; Policymakers Reauthorize Program.....* 117
- K. *Additional Oversight and Outside Pressure in 2004: ICRC, Inspector General, Congress, and the U.S. Supreme Court.....* 119
 - 1. *ICRC Pressure Leads to Detainee Transfers; Department of Defense Official Informs the CIA that the U.S. Government "Should Not Be in the Position of Causing People to Disappear"; the CIA Provides Inaccurate Information on CIA Detainee to the Department of Defense* 119
 - 2. *CIA Leadership Calls Draft Inspector General Special Review of the Program "Imbalanced and Inaccurate," Responds with Inaccurate Information; CIA Seeks to Limit Further Review of the CIA's Detention and Interrogation Program by the Inspector General.....* 121
 - 3. *The CIA Does Not Satisfy Inspector General Special Review Recommendation to Assess the Effectiveness of the CIA's Enhanced Interrogation Techniques* 124
 - 4. *The CIA Wrongfully Detains Khalid Al-Masri; CIA Director Rejects Accountability for Officer Involved.....* 128
 - 5. *Hassan Ghul Provides Substantial Information—including Information on a Key UBL Facilitator—Prior to the CIA's Use of Enhanced Interrogation Techniques* 130
 - 6. *Other Detainees Wrongfully Held in 2004; CIA Sources Subjected to the CIA's Enhanced Interrogation Techniques; CIA Officer Testifies that the CIA Is "Not Authorized" "to Do Anything Like What You Have Seen" in Abu Ghraib Photographs.....* 133
 - 7. *The CIA Suspends the Use of its Enhanced Interrogation Techniques, Resumes Use of the Techniques on an Individual Basis; Interrogations are Based on Fabricated, Single Source Information* 134
 - 8. *Country [REDACTED] Detains Individuals on the CIA's Behalf.....* 139
 - 9. *U.S. Supreme Court Action in the Case of Rasul v. Bush Forces Transfer of CIA Detainees from Guantanamo Bay to Country [REDACTED].....* 140
- L. *The Pace of CIA Operations Slows; Chief of Base Concerned About "Inexperienced, Marginal, Underperforming" CIA Personnel; Inspector General Describes Lack of Debriefers As "Ongoing Problem"* 143
- M. *Legal and Operational Challenges in 2005.....* 145
 - 1. *Department of Justice Renews Approval for the Use of the CIA's Enhanced Interrogation Techniques in May 2005.....* 145
 - 2. *Abu Faraj Al-Libi Subjected to the CIA's Enhanced Interrogation Techniques Prior to Department of Justice Memorandum on U.S. Obligations Under the Convention Against Torture; CIA Subjects Abu Faraj Al-Libi to the CIA's Enhanced Interrogation Techniques When He Complains of Hearing Problems* 146
 - 3. *CIA Acquires Two Detainees from the U.S. Military* 148
 - 4. *The CIA Seeks "End Game" for Detainees in Early 2005 Due to Limited Support From Liaison Partners.....* 149
 - 5. *Press Stories and the CIA's Inability to Provide Emergency Medical Care to Detainees Result in the Closing of CIA Detention Facilities in Countries [REDACTED] and [REDACTED].....* 151



- 6. *The CIA Considers Changes to the CIA Detention and Interrogation Program Following the Detainee Treatment Act, Hamdan v. Rumsfeld*.....157
- N. The Final Disposition of CIA Detainees and the End of the CIA’s Detention and Interrogation Program...159
 - 1. *President Bush Publicly Acknowledges the Existence of the CIA’s Detention and Interrogation Program*159
 - 2. *The International Committee of the Red Cross (ICRC) Gains Access to CIA Detainees After Their Transfer to U.S. Military Custody in September 2006*160
 - 3. *The CIA Considers Future of the Program Following the Military Commissions Act*.....161
 - 4. *The CIA Develops Modified Enhanced Interrogation Program After Passage of the Military Commissions Act*162
 - 5. *Muhammad Rahim, the CIA’s Last Detainee, is Subjected to Extensive Use of the CIA’s Enhanced Interrogation Techniques, Provides No Intelligence*.....163
 - 6. *CIA After-Action Review of Rahim Interrogation Calls for Study of Effectiveness of Interrogation Techniques and Recommends Greater Use of Rapport-Building Techniques in Future CIA Interrogations*.....167
 - 7. *CIA Contracting Expenses Related to Company Formed by SWIGERT and DUNBAR*.....168
 - 8. *The CIA’s Detention and Interrogation Program Ends*170
- III. Intelligence Acquired and CIA Representations on the Effectiveness of the CIA’s Enhanced Interrogation Techniques to Multiple Constituencies172
 - A. Background on CIA Effectiveness Representations172
 - B. Past Efforts to Review the Effectiveness of the CIA’s Enhanced Interrogation Techniques178
 - C. The Origins of CIA Representations Regarding the Effectiveness of the CIA’s Enhanced Interrogation Techniques As Having “Saved Lives,” “Thwarted Plots,” and “Captured Terrorists”179
 - D. CIA Representations About the Effectiveness of Its Enhanced Interrogation Techniques Against Specific CIA Detainees204
 - 1. *Abu Zubaydah*204
 - 2. *Khalid Shaykh Muhammad (KSM)*.....210
 - E. CIA Effectiveness Claims Regarding a “High Volume of Critical Intelligence”216
 - F. The Eight Primary CIA Effectiveness Representations—the Use of the CIA’s Enhanced Interrogation Techniques “Enabled the CIA to Disrupt Terrorist Plots” and “Capture Additional Terrorists”217
 - 1. *The Thwarting of the Dirty Bomb/Tall Buildings Plot and the Capture of Jose Padilla*.....225
 - 2. *The Thwarting of the Karachi Plots*239
 - 3. *The Thwarting of the Second Wave Plot and the Discovery of the Al-Ghuraba Group*246
 - 4. *The Thwarting of the United Kingdom Urban Targets Plot and the Capture of Dhiren Barot, aka Issa al-Hindi*258
 - 5. *The Identification, Capture, and Arrest of Iyman Faris*276
 - 6. *The Identification, Capture, and Arrest of Sajid Badat*.....284
 - 7. *The Thwarting of the Heathrow Airport and Canary Wharf Plotting*294
 - 8. *The Capture of Hambali*.....301
 - G. CIA Secondary Effectiveness Representations—Less Frequently Cited Disrupted Plots, Captures, and Intelligence that the CIA Has Provided As Evidence for the Effectiveness of the CIA’s Enhanced Interrogation Techniques.....311
 - 1. *The Identification of Khalid Shaykh Mohammad (KSM) as the Mastermind of the September 11, 2001, Attacks*.....312
 - 2. *The Identification of KSM’s “Mukhtar” Alias*315
 - 3. *The Capture of Ramzi bin al-Shibh*316
 - 4. *The Capture of Khalid Shaykh Mohammad (KSM)*.....326
 - 5. *The Capture of Majid Khan*.....334

6. *The Thwarting of the Camp Lemonier Plotting*.....336

7. *The Assertion that CIA Detainees Subjected to Enhanced Interrogation Techniques Help Validate CIA Sources*.....342

8. *The Identification and Arrests of Uzhair and Saiyfullah Paracha*.....352

9. *Critical Intelligence Alerting the CIA to Jaffar al-Tayyar*358

10. *The Identification and Arrest of Saleh al-Marri*.....366

11. *The Collection of Critical Tactical Intelligence on Shkai, Pakistan*368

12. *Information on the Facilitator that Led to the UBL Operation*.....378

IV. Overview of CIA Representations to the Media While the Program Was Classified.....401

A. The CIA Provides Information on the Still-Classified Detention and Interrogation Program to Journalists Who then Publish Classified Information; CIA Does Not File Crimes Reports in Connection with the Stories
401

B. Senior CIA Officials Discuss Need to “Put Out Our Story” to Shape Public and Congressional Opinion Prior to the Full Committee Being Briefed402

C. CIA Attorneys Caution that Classified Information Provided to the Media Should Not Be Attributed to the CIA404

D. The CIA Engages with Journalists and Conveys an Inaccurate Account of the Interrogation of Abu Zubaydah405

V. Review of CIA Representations to the Department of Justice.....409

A. August 1, 2002, OLC Memorandum Relies on Inaccurate Information Regarding Abu Zubaydah409

B. The CIA Interprets the August 1, 2002, Memorandum to Apply to Other Detainees, Despite Language of the Memorandum; Interrogations of Abu Zubaydah and Other Detainees Diverge from the CIA’s Representations to the OLC411

C. Following Suspension of the Use of the CIA’s Enhanced Interrogation Techniques, the CIA Obtains Approval from the OLC for the Interrogation of Three Individual Detainees.....413

D. May 2005 OLC Memoranda Rely on Inaccurate Representations from the CIA Regarding the Interrogation Process, the CIA’s Enhanced Interrogation Techniques, and the Effectiveness of the Techniques419

E. After Passage of the Detainee Treatment Act, OLC Issues Opinion on CIA Conditions of Confinement, Withdraws Draft Opinion on the CIA’s Enhanced Interrogation Techniques After the U.S. Supreme Court Case of *Hamdan v. Rumsfeld*428

F. July 2007 OLC Memorandum Relies on Inaccurate CIA Representations Regarding CIA Interrogations and the Effectiveness of the CIA’s Enhanced Interrogation Techniques; CIA Misrepresents Congressional Views to the Department of Justice431

VI. Review of CIA Representations to the Congress437

A. After Memorandum of Notification, the CIA Disavows Torture and Assures the Committee Will Be Notified of Every Individual Detained by the CIA.....437

B. The CIA Notifies Committee of the Detention of Abu Zubaydah, but Makes No Reference to Coercive Interrogation Techniques; the CIA Briefs Chairman and Vice Chairman After the Use of the CIA’s Enhanced Interrogation Techniques; the CIA Discusses Strategy to Avoid the Chairman’s Request for More Information437

C. No Detailed Records Exist of CIA Briefings of Committee Leadership; the CIA Declines to Answer Questions from Committee Members or Provide Requested Materials439

D. Vice Chairman Rockefeller Seeks Committee Investigation441

E. In Response to Detainee Treatment Act, the CIA Briefs Senators Not on the Committee; Proposal from Senator Levin for an Independent Commission Prompts Renewed Calls Within the CIA to Destroy Interrogation Videotapes443

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- F. CIA Director Goss Seeks Committee Support for the Program After the Detainee Treatment Act; CIA Declines to Answer Questions for the Record.....444
- G. Full Committee First Briefed on the CIA’s Interrogation Program Hours Before It Is Publicly Acknowledged on September 6, 2006.....446
- H. The CIA Provides Additional Information to the Full Committee and Staff, Much of It Inaccurate; Intelligence Authorization Act Passes Limiting CIA Interrogations to Techniques Authorized by the Army Field Manual449
- I. President Vetoes Legislation Based on Effectiveness Claims Provided by the CIA; CIA Declines to Answer Committee Questions for the Record About the CIA Interrogation Program452
- VII. CIA Destruction of Interrogation Videotapes Leads to Committee Investigation; Committee Votes 14-1 for Expansive Terms of Reference to Study the CIA’s Detention and Interrogation Program.....455**
- VIII. Appendix 1: Terms of Reference.....457**
- IX. Appendix 2: CIA Detainees from 2002 – 2008458**
- X. Appendix 3: Example of Inaccurate CIA Testimony to the Committee- April 12, 2007.....462**

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Investigation (FBI) who spoke Arabic and had experience interrogating members of al-Qa'ida. Abu Zubaydah confirmed his identity to the FBI officers, informed the FBI officers he wanted to cooperate, and provided background information on his activities. That evening, Abu Zubaydah's medical condition deteriorated rapidly and he required immediate hospitalization. Although Abu Zubaydah was largely unable to communicate because of a breathing tube, he continued to provide information to FBI and CIA officials at the hospital using an Arabic alphabet chart. According to records, the FBI officers remained at Abu Zubaydah's bedside throughout this ordeal and assisted in his medical care. When Abu Zubaydah's breathing tube was removed on April 8, 2002, Abu Zubaydah provided additional intelligence and reiterated his intention to cooperate.⁸⁶

(TS//~~NOFORN~~) During an April 10, 2002, debriefing session, conducted in the hospital's intensive care unit, Abu Zubaydah revealed to the FBI officers that an individual named "Mukhtar" was the al-Qa'ida "mastermind" of the 9/11 attacks. Abu Zubaydah identified a picture of Mukhtar provided by the FBI from the FBI's Most Wanted list. The picture was of Khalid Shaykh Mohammad (KSM), who had been indicted in 1996 for his role in Ramzi Yousef's terrorist plotting to detonate explosives on 12 United States-flagged aircraft and destroy them mid-flight over the Pacific Ocean.⁸⁷ Abu Zubaydah told the interrogators that "Mukhtar" was related to Ramzi Yousef, whom Abu Zubaydah said was in an American jail (Yousef had been convicted for the aforementioned terrorist plotting and was involved in the 1993 World Trade Center terrorist attack).⁸⁸

(TS//~~NOFORN~~) Abu Zubaydah told the FBI officers that "Mukhtar" trained the 9/11 hijackers and also provided additional information on KSM's background, to include that KSM spoke fluent English, was approximately 34 years old, and was responsible for al-Qa'ida operations outside of Afghanistan.⁸⁹ Subsequent representations on the success of the CIA's Detention and Interrogation Program consistently describe Abu Zubaydah's identification of KSM's role in the September 11, 2001, attacks, as well as his identification of KSM's alias ("Mukhtar"), as being "important" and "vital" information.⁹⁰ A review of CIA records found that this information was corroborative of information already in CIA databases.⁹¹

5. *While Abu Zubaydah is Hospitalized, CIA Headquarters Discusses the Use of Coercive Interrogation Techniques Against Abu Zubaydah*

⁸⁶ ~~TOP SECRET//NOFORN~~ 10005 (092316Z APR 02). See Abu Zubaydah detainee review in Volume III for additional information.

⁸⁷ See United States Court of Appeals, August Term, 2001, *U.S. v Ramzi Ahmed Yousef*, and DIRECTOR ~~TOP SECRET//NOFORN~~ JAN 02). See also ~~TOP SECRET//NOFORN~~ CIA ~~TOP SECRET//NOFORN~~ MAR 02).

⁸⁸ ~~TOP SECRET//NOFORN~~ 10022 (121216Z APR 02). CIA records include the variant spelling, "Muhktar." KSM was placed on the FBI's public "Most Wanted Terrorist" list on October 10, 2001. See also U.S. Department of Justice materials related to Ramzi Ahmed Yousef.

⁸⁹ ~~TOP SECRET//NOFORN~~ 10022 (121216Z APR 02); ~~TOP SECRET//NOFORN~~ 18334 (261703Z MAR 02)

⁹⁰ See, for example, President Bush's September 6, 2006, speech, based on CIA information and vetted by the CIA, which stated that Abu Zubaydah provided "quite important" information and "disclosed Khalid Sheikh Mohammed, or KSM, was the mastermind behind the 9/11 attacks and used the alias Mukhtar. This was a vital piece of the puzzle that helped our intelligence community pursue KSM."

⁹¹ See information later in this summary and Volume II for additional details.

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(TS// [REDACTED] //NF) While Abu Zubaydah was still hospitalized, personnel at CIA Headquarters began discussing how CIA officers would interrogate Abu Zubaydah upon his return to DETENTION SITE GREEN. The initial CIA interrogation proposal recommended that the interrogators engage with Abu Zubaydah to get him to provide information, and suggested that a “hard approach,” involving foreign government personnel, be taken “only as a last resort.”⁹² At a meeting about this proposal, [REDACTED] CTC Legal, [REDACTED], recommended that a psychologist working on contract in the CIA’s Office of Technical Services (OTS), Grayson SWIGERT, be used by CTC to “provide real-time recommendations to overcome Abu Zubaydah’s resistance to interrogation.”⁹³ SWIGERT had come to [REDACTED]’s attention through [REDACTED], who worked in OTS. Shortly thereafter, CIA Headquarters formally proposed that Abu Zubaydah be kept in an all-white room that was lit 24 hours a day, that Abu Zubaydah not be provided any amenities, that his sleep be disrupted, that loud noise be constantly fed into his cell, and that only a small number of people interact with him. CIA records indicate that these proposals were based on the idea that such conditions would lead Abu Zubaydah to develop a sense of “learned helplessness.”⁹⁴ CIA Headquarters then sent an interrogation team to Country [REDACTED], including SWIGERT, whose initial role was to consult on the psychological aspects of the interrogation.⁹⁵

(TS// [REDACTED] //NF) DCI Tenet was provided an update on the Abu Zubaydah interrogation plans on April 12, 2002. The update stated that the CIA team was preparing for Abu Zubaydah’s transfer back to DETENTION SITE GREEN, and noted the CIA interrogation team intended to “set the stage” and increase control over Abu Zubaydah.⁹⁶ The update stated:

“Our [CIA] lead interrogator will require Abu Zubaydah to reveal the most sensitive secret he knows we are seeking; if he dissembles or diverts the conversation, the interview will stop and resume at a later time... In accordance with the strategy, and with concurrence from FBI Headquarters, the two on-site FBI agents will no longer directly participate in the interview/debriefing sessions.”⁹⁷

⁹² Attachment to email from: [REDACTED] [REDACTED]; to: [REDACTED]; subject: Interrogation Strategy, Powerpoint on [REDACTED] [Abu Zubaydah] Interrogation Strategy, 01 April 2002; date: March 31, 2002.

⁹³ Email from [REDACTED] to [REDACTED], cc: [REDACTED], April 1, 2002, re: POC for [Grayson SWIGERT]— consultant who drafted al-Qa’ida resistance to interrogation backgrounder (noting that CTC/LGL would reach out to SWIGERT). According to the email, after the meeting, [REDACTED] CTC Legal, [REDACTED], provided SWIGERT’s contact information to ALEC Station officers, noting that it was SWIGERT who composed an OTS assessment on al-Qa’ida resistance techniques.

⁹⁴ On the evening of April 1, 2002, “at the request of CTC/OPS and ALEC” Station, a cable from OTS with a proposed interrogation strategy was sent to Country [REDACTED] ([REDACTED] 178955 (012236Z APR 02)). The information in this cable was consistent with a subsequent cable, which was coordinated with SWIGERT, that proposed “several environmental modifications to create an atmosphere that enhances the strategic interrogation process.” The cable noted, “[t]he deliberate manipulation of the environment is intended to cause psychological disorientation, and reduced psychological wherewithal for the interrogation,” as well as “the deliberate establishment of psychological dependence upon the interrogator,” and “an increased sense of learned helplessness.” (See [REDACTED] 69500 (070009Z APR 02).) For detailed information, see Volume I and the Abu Zubaydah detainee review in Volume III.

⁹⁵ DIRECTOR [REDACTED] [REDACTED] APR 02)

⁹⁶ CIA Sensitive Addendum “Update on the Abu Zubaydah Operation,” dated 12 April 2002, “1630 Hours.”

⁹⁷ CIA Sensitive Addendum “Update on the Abu Zubaydah Operation,” dated 12 April 2002, “1630 Hours.”

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(TS// [REDACTED] //NF) The FBI special agents questioning Abu Zubaydah at the hospital objected to the CIA's plans. In a message to FBI Headquarters, an FBI special agent wrote that the CIA psychologists had acquired "tremendous influence."⁹⁸ The message further stated:

"AZ's health has improved over the last two days and Agency [CIA] is ready to move [Abu Zubaydah] out of the hospital and back to [REDACTED] on [REDACTED] in an elaborate plan to change AZ's environment. Agency [CIA] advised this day that they will be immediately changing tactics in all future AZ interviews by having only there [sic] [CIA officer] interact with AZ (there will be no FBI presence in interview room). This change contradicts all conversations had to date.... They believe AZ is offering, 'throw away information' and holding back from providing threat information (It should be note [sic] that we have obtained critical information regarding AZ thus far and have now got him speaking about threat information, albeit from his hospital bed and not [an] appropriate interview environment for full follow-up (due to his health). Suddenly the psychiatric team here wants AZ to only interact with their [CIA officer, and the CIA sees this] as being the best way to get the threat information.... We offered several compromise solutions... all suggestions were immediately declined without further discussion. ... This again is quite odd as all information obtained from AZ has come from FBI lead interviewers and questioning.... I have spent an un-calculable amount of hours at [Abu Zubaydah's] bedside assisting with medical help, holding his hand and comforting him through various medical procedures, even assisting him in going [to] the bathroom.... We have built tremendous report [sic] with AZ and now that we are on the eve of 'regular' interviews to get threat information, we have been 'written out' of future interviews."⁹⁹

6. *New CIA Interrogation Plan Focuses on Abu Zubaydah's "Most Important Secret"; FBI Temporarily Barred from the Questioning of Abu Zubaydah; Abu Zubaydah then Placed in Isolation for 47 Days Without Questioning*

(TS// [REDACTED] //NF) On April 13, 2002, while Abu Zubaydah was still at the hospital, the CIA implemented the "new interrogation program."¹⁰⁰ This initial meeting was held with just one interrogator in the room and lasted 11 minutes. A cable stated that the CIA interrogator was coached by the "psychological team."¹⁰¹ The CIA interrogator advised Abu Zubaydah that he (Abu Zubaydah) "had a most important secret that [the interrogator] needed to know." According to the cable, Abu Zubaydah "amazingly" nodded in agreement about the secret, but

⁹⁸ Federal Bureau of Investigation documents pertaining "to the interrogation of detainee Zayn Al Abideen Abu Zabaidah" and provided to the Senate Select Committee on Intelligence by cover letter dated July 20, 2010 (DTS #2010-2939).

⁹⁹ Federal Bureau of Investigation documents pertaining "to the interrogation of detainee Zayn Al Abideen Abu Zabaidah" and provided to the Senate Select Committee on Intelligence by cover letter dated July 20, 2010 (DTS #2010-2939).

¹⁰⁰ [REDACTED] 10026 (131233Z APR 02)

¹⁰¹ [REDACTED] 10026 (131233Z APR 02)

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(~~TS//~~ [REDACTED] ~~//NF~~) CIA records indicate that the first CIA briefing for the president on the CIA's enhanced interrogation techniques occurred on April 8, 2006.¹⁷⁹ CIA records state that when the president was briefed, he expressed discomfort with the "image of a detainee, chained to the ceiling, clothed in a diaper, and forced to go to the bathroom on himself."¹⁸⁰

9. *The CIA Uses the Waterboard and Other Enhanced Interrogation Techniques Against Abu Zubaydah*

(~~TS//~~ [REDACTED] ~~//NF~~) On August 3, 2002, CIA Headquarters informed the interrogation team at DETENTION SITE GREEN that it had formal approval to apply the CIA's enhanced interrogation techniques, including the waterboard, against Abu Zubaydah. According to CIA records, only the two CIA contractors, SWIGERT and DUNBAR, were to have contact with Abu Zubaydah. Other CIA personnel at DETENTION SITE GREEN – including CIA medical personnel and other CIA "interrogators with whom he is familiar" – were only to observe.¹⁸¹

(~~TS//~~ [REDACTED] ~~//NF~~) From August 4, 2002, through August 23, 2002, the CIA subjected Abu Zubaydah to its enhanced interrogation techniques on a near 24-hour-per-day basis. After Abu Zubaydah had been in complete isolation for 47 days, the most aggressive interrogation phase began at approximately 11:50 AM on August 4, 2002.¹⁸² Security personnel entered the cell, shackled and hooded Abu Zubaydah, and removed his towel (Abu Zubaydah was then naked). Without asking any questions, the interrogators placed a rolled towel around his neck as a collar, and backed him up into the cell wall (an interrogator later acknowledged the collar was

This included important, new roles for CIA in detaining and questioning terrorists. [He was periodically updated by CIA Directors on significant captures of terrorists, and information obtained that helped stop attacks and led to capture of other terrorists.] [The President was not of course involved in CIA's day to day operations – including who should be held by CIA and how they should be questioned – these decisions are made or overseen by CIA Directors].” See Draft Questions and Proposed Answers, attached to Memorandum from National Security Advisor Stephen J. Hadley; for: the Vice President, Secretaries of State and Defense, the Attorney General, Director of National Intelligence and Chairman of the Joint Chiefs of Staff; cc: chief of staff to the President, Counsel to the President, Assistant to the President for National Security, White House Spokesman, dated September 2, 2006. Brackets in the original.

¹⁷⁹ See April 16, 2008, CIA “Backgrounder: Chronology of Interrogation Approvals, 2001-2003” (noting that “CIA documentation and discussions with Presidential briefers and individuals involved with the interrogation program at the time suggest that details on enhanced interrogation techniques (EITs) were not shared with the President” in the 2001-2003 timeframe); CIA Q&A, Topic: Waterboarding (“The information we have indicates the President was not briefed by CIA regarding the specific interrogation techniques until April 2006, and at that time DCIA Goss briefed him on the seven EITs proposed at that time for the post-Detainee Treatment Act CIA interrogation program.”). As described, in the April 2006 briefing the President “expressed discomfort” with the “image of a detainee, chained to the ceiling, clothed in a diaper, and forced to go to the bathroom on himself.” See email from: Grayson SWIGERT; to: [REDACTED]; cc: [REDACTED]; subject: Dr. SWIGERT’s 7 June meeting with DCI; date: June 7, 2006.

¹⁸⁰ Email from: Grayson SWIGERT; to: [REDACTED]; cc: [REDACTED]; subject: Dr. SWIGERT’s 7 June meeting with DCI; date: June 7, 2006.

¹⁸¹ Increased Pressure in the Next Phase of the Abu Zubaydah Interrogations, Attachment to email from: [REDACTED]; to: [REDACTED]; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: Increased Pressure Phase – for DCI Sensitive Addendum; date: July 10, 2002.

¹⁸² [REDACTED] 10586 (041559Z AUG 02)

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used to slam Abu Zubaydah against a concrete wall).¹⁸³ The interrogators then removed the hood, performed an attention grab, and had Abu Zubaydah watch while a large confinement box was brought into the cell and laid on the floor.¹⁸⁴ A cable states Abu Zubaydah “was unhooded and the large confinement box was carried into the interrogation room and paced [sic] on the floor so as to appear as a coffin.”¹⁸⁵ The interrogators then demanded detailed and verifiable information on terrorist operations planned against the United States, including the names, phone numbers, email addresses, weapon caches, and safe houses of anyone involved. CIA records describe Abu Zubaydah as appearing apprehensive. Each time Abu Zubaydah denied having additional information, the interrogators would perform a facial slap or face grab.¹⁸⁶ At approximately 6:20 PM, Abu Zubaydah was waterboarded for the first time. Over a two-and-a-half-hour period, Abu Zubaydah coughed, vomited, and had “involuntary spasms of the torso and extremities” during waterboarding.¹⁸⁷ Detention site personnel noted that “throughout the process [Abu Zubaydah] was asked and given the opportunity to respond to questions about threats” to the United States, but Abu Zubaydah continued to maintain that he did not have any additional information to provide.¹⁸⁸ In an email to OMS leadership entitled, “So it begins,” a medical officer wrote:

“The sessions accelerated rapidly progressing quickly to the water board after large box, walling, and small box periods. [Abu Zubaydah] seems very resistant to the water board. Longest time with the cloth over his face so far has been 17 seconds. This is sure to increase shortly. NO useful information

¹⁸³ See email from: [REDACTED]; to: [REDACTED]; subject: Subject detainee allegation – per our telcon of today; date: March 28, 2007, at 04:42 PM, which states Abu Zubaydah claims “a collar was used to slam him against a concrete wall. While we do not have a record that this occurred, one interrogator at the site at the time confirmed that this did indeed happen. For the record, a plywood ‘wall’ was immediately constructed at the site after the walling on the concrete wall.”

¹⁸⁴ [REDACTED] 10644 (201235Z AUG 02)

¹⁸⁵ [REDACTED] 10586 (041559Z AUG 02)

¹⁸⁶ [REDACTED] 10586 (041559Z AUG 02); [REDACTED] 10644 (201235Z AUG 02)

¹⁸⁷ [REDACTED] 10644 (201235Z AUG 02)

¹⁸⁸ [REDACTED] 10586 (041559Z AUG 02). CIA contractor DUNBAR later told the CIA OIG that “[t]heir instructions from [chief of Base] were to focus on only one issue, that is, Zubaydah’s knowledge of plans to attack the U.S.” According to the OIG’s record of the interview, “[DUNBAR] and [SWIGERT] could ask that question in a number of ways, but it was the only theme they were authorized by [chief of Base] to use with [Abu] Zubaydah.” (See February 10, 2003, interview report of Hammond DUNBAR, Office of the Inspector General.) The acting chief of Station in Country [REDACTED], in an interview with the CIA OIG, stated that “there were days at [DETENTION SITE GREEN] when the team had no requirements from Headquarters,” and that CTC did not give the chief of Base (COB) the “flexibility as COB to ask other questions” besides those related to threats to the United States. (See May 28, 2003, interview report of [REDACTED], Office of the Inspector General.) The chief of Support Services at the CIA Station stated that “[SWIGERT] and [DUNBAR] were frustrated that they kept beating Zubaydah up on the same question while getting the same physiologic response from him.” (See May 21, 2003, interview report of [REDACTED], Office of the Inspector General.) Other interviewees described how analytical assumptions about Abu Zubaydah drove the interrogation process. (See May 22, 2003, interview report of [REDACTED], Office of the Inspector General; and February 27, 2003, interview report of [REDACTED], Office of the Inspector General.) Chief of CTC, Jose Rodriguez, told the OIG that “CTC subject matter experts” pointed to intelligence that they said indicated that Abu Zubaydah knew more than he was admitting and thus disagreed with the assessment from DETENTION SITE GREEN that Abu Zubaydah was “compliant.” According to the OIG’s record of the Jose Rodriguez interview, “disagreement between the analysts and interrogators can be healthy, but in this case Rodriguez believes that the analysts were wrong.” (See interview of Jose Rodriguez, Office of the Inspector General, March 6, 2003.)

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so far...He did vomit a couple of times during the water board with some beans and rice. It's been 10 hours since he ate so this is surprising and disturbing. We plan to only feed Ensure for a while now. I'm head[ing] back for another water board session."¹⁸⁹

(TS//~~NOFORN~~) The use of the CIA's enhanced interrogation techniques—including “walling, attention grasps, slapping, facial hold, stress positions, cramped confinement, white noise and sleep deprivation”—continued in “varying combinations, 24 hours a day” for 17 straight days, through August 20, 2002.¹⁹⁰ When Abu Zubaydah was left alone during this period, he was placed in a stress position, left on the waterboard with a cloth over his face, or locked in one of two confinement boxes. According to the cables, Abu Zubaydah was also subjected to the waterboard “2-4 times a day...with multiple iterations of the watering cycle during each application.”¹⁹¹

(TS//~~NOFORN~~) The “aggressive phase of interrogation” continued until August 23, 2002.¹⁹² Over the course of the entire 20 day “aggressive phase of interrogation,” Abu Zubaydah spent a total of 266 hours (11 days, 2 hours) in the large (coffin size) confinement box and 29 hours in a small confinement box, which had a width of 21 inches, a depth of 2.5 feet, and a height of 2.5 feet. The CIA interrogators told Abu Zubaydah that the only way he would leave the facility was in the coffin-shaped confinement box.¹⁹³

(TS//~~NOFORN~~) According to the daily cables from DETENTION SITE GREEN, Abu Zubaydah frequently “cried,” “begged,” “pleaded,” and “whimpered,” but continued to deny that he had any additional information on current threats to, or operatives in, the United States.¹⁹⁴

(TS//~~NOFORN~~) By August 9, 2002, the sixth day of the interrogation period, the interrogation team informed CIA Headquarters that they had come to the “collective preliminary assessment” that it was unlikely Abu Zubaydah “had actionable new information about current threats to the United States.”¹⁹⁵ On August 10, 2002, the interrogation team stated that it was “highly unlikely” that Abu Zubaydah possessed the information they were seeking.¹⁹⁶ On the same day, the interrogation team reiterated a request for personnel from CIA Headquarters to

¹⁸⁹ Emphasis in the original. Email from: [REDACTED]; to: [REDACTED] and [REDACTED]; subject: Re: So it begins; date: August 4, 2002, at 09:45:09AM. CIA Director Hayden informed the Committee in 2007 that “in the section [of the ICRC report] on medical care, the report omits key contextual facts. For example, Abu Zubaydah’s statement that he was given only Ensure and water for two to three weeks fails to mention the fact that he was on a liquid diet quite appropriate because he was recovering from abdominal surgery at the time.”

¹⁹⁰ [REDACTED] 10644 (201235Z AUG 02). For the first 17 days, the CIA’s enhanced interrogation techniques were used against Abu Zubaydah in “varying combinations, 24 hours a day.” The “aggressive phase,” as defined by the CIA, continued for an additional three days. The CIA continued to use its enhanced interrogation techniques against Abu Zubaydah until August 30, 2002.

¹⁹¹ [REDACTED] 10644 (201235Z AUG 02)

¹⁹² [REDACTED] 10667 (231206Z AUG 02); [REDACTED] 10672 (240229Z AUG 02)

¹⁹³ [REDACTED] 10615 (120619Z AUG 02)

¹⁹⁴ [REDACTED] 10644 (201235Z AUG 02)

¹⁹⁵ [REDACTED] 10604 (091624Z AUG 02)

¹⁹⁶ [REDACTED] 10607 (100335Z AUG 02)

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travel to the detention site to view the interrogations. A cable stated that the team believed that a “first-hand, on-the-ground look is best,” but if CIA Headquarters personnel could not visit, a video teleconference would suffice.¹⁹⁷ DETENTION SITE GREEN personnel also informed CIA Headquarters that it was their assessment that the application of the CIA’s enhanced interrogation techniques was “approach[ing] the legal limit.”¹⁹⁸ The chief of CTC, Jose Rodriguez, responded:

“Strongly urge that any speculative language as to the legality of given activities or, more precisely, judgment calls as to their legality vis-à-vis operational guidelines for this activity agreed upon and vetted at the most senior levels of the agency, be refrained from in written traffic (email or cable traffic). Such language is not helpful.”¹⁹⁹

(~~TS//~~ [REDACTED] ~~//NF~~) DETENTION SITE GREEN cables describe Abu Zubaydah as “compliant,” informing CIA Headquarters that when the interrogator “raised his eyebrow, without instructions,” Abu Zubaydah “slowly walked on his own to the water table and sat down.”²⁰⁰ When the interrogator “snapped his fingers twice,” Abu Zubaydah would lie flat on the waterboard.²⁰¹ Despite the assessment of personnel at the detention site that Abu Zubaydah was compliant, CIA Headquarters stated that they continued to believe that Abu Zubaydah was withholding threat information and instructed the CIA interrogators to continue using the CIA’s enhanced interrogation techniques.²⁰²

(~~TS//~~ [REDACTED] ~~//NF~~) At times Abu Zubaydah was described as “hysterical”²⁰³ and “distressed to the level that he was unable to effectively communicate.”²⁰⁴ Waterboarding sessions “resulted in immediate fluid intake and involuntary leg, chest and arm spasms” and “hysterical pleas.”²⁰⁵ In at least one waterboarding session, Abu Zubaydah “became completely

¹⁹⁷ [REDACTED] 10607 (100335Z AUG 02). On August [REDACTED], 2002, a video-conference between DETENTION SITE GREEN and CIA Headquarters occurred, which included an interrogation video described by the interrogation team as “quite graphic” and possibly “disturbing to some viewers.” After the video-conference, CIA Headquarters instructed DETENTION SITE GREEN to continue the use of the CIA’s enhanced interrogation techniques against Abu Zubaydah, but agreed to send two CIA Headquarters officers to the detention site to observe the interrogations first-hand. On August [REDACTED], 2002, a team from CIA Headquarters, including [REDACTED] CTC Legal [REDACTED] and Deputy Chief of ALEC Station [REDACTED], visited DETENTION SITE GREEN and observed the use of the CIA’s enhanced interrogation techniques, including waterboarding. The “aggressive phase of interrogation” ended [REDACTED] days after the arrival of the officers from CIA Headquarters. See [REDACTED] 10616 ([REDACTED] AUG 02); ALEC [REDACTED] ([REDACTED] AUG 02); [REDACTED] 10643 ([REDACTED] AUG 02); [REDACTED] 10667 (231206Z AUG 02); and [REDACTED] 10672 (240229Z AUG 02).

¹⁹⁸ [REDACTED] 10607 (100335Z AUG 02)

¹⁹⁹ Email from: Jose Rodriguez; to: [REDACTED]; subject: [DETENTION SITE GREEN]; date: August 12, 2002, with attachment of earlier email from: [REDACTED]; to: [REDACTED].

²⁰⁰ [REDACTED] 10614 (111633Z AUG 02)

²⁰¹ [REDACTED] 10614 (111633Z AUG 02)

²⁰² See, for example, ALEC [REDACTED] (101728 AUG 02); ALEC [REDACTED] (130034Z AUG 02); ALEC [REDACTED] [REDACTED] AUG 02); and [REDACTED] 10700 (280820Z AUG 02).

²⁰³ [REDACTED] 10644 (201235Z AUG 02)

²⁰⁴ [REDACTED] 10643 (191518Z AUG 02)

²⁰⁵ [REDACTED] 10643 (191518Z AUG 02)

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unresponsive, with bubbles rising through his open, full mouth.”²⁰⁶ According to CIA records, Abu Zubaydah remained unresponsive until medical intervention, when he regained consciousness and expelled “copious amounts of liquid.” This experience with the waterboard was referenced in emails, but was not documented or otherwise noted in CIA cables.²⁰⁷ When two CIA Headquarters officers later compared the Abu Zubaydah interrogation videotapes to the cable record, neither commented on this session. A review of the catalog of videotapes, however, found that recordings of a 21-hour period, which included two waterboarding sessions, were missing.²⁰⁸

(TS// [REDACTED] //NF) CIA personnel at DETENTION SITE GREEN reported being disturbed by the use of the CIA’s enhanced interrogation techniques against Abu Zubaydah. CIA records include the following reactions and comments by CIA personnel:

- August 5, 2002: “want to caution [medical officer] that this is almost certainly not a place he’s ever been before in his medical career...It is visually and psychologically very uncomfortable.”²⁰⁹
- August 8, 2002: “Today’s first session...had a profound effect on all staff members present...it seems the collective opinion that we should not go much further...everyone seems strong for now but if the group has to continue...we cannot guarantee how much longer.”²¹⁰
- August 8, 2002: “Several on the team profoundly affected...some to the point of tears and choking up.”²¹¹

²⁰⁶ The description of the episode stated that “on being righted, he failed to respond until the interrogators gave him a xyphoid thrust (with our medical folks edging toward the room).” This passage was included in multiple emails, to include emails from the [REDACTED] OMS, [REDACTED]. See email from: [REDACTED]; to: [DETENTION SITE BLUE] and [REDACTED]; subject: Re: Departure; date: March 6, 2003, at 7:11:59 PM; email from: [REDACTED] OMS; to: [REDACTED] and [REDACTED]; subject: Re: Acceptable lower ambient temperatures; date: March 7, 2003, at 8:22 PM; email from: [REDACTED] OMS; to: [REDACTED] and [REDACTED]; subject: Re: Talking Points for review and comment; date: August 13, 2004, at 10:22 AM; and email from: [REDACTED]; to: [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]; subject: Re: Discussion with Dan Levin- AZ; date: October 26, 2004, at 6:09 PM.

²⁰⁷ Email from: [REDACTED] OMS; to: [REDACTED] and [REDACTED]; subject: Re: Acceptable lower ambient temperatures; date: March 7, 2003, at 8:22 PM; email from: [REDACTED] OMS; to: [REDACTED] and [REDACTED]; subject: Re: Talking Points for review and comment; date: August 13, 2004, at 10:22 AM; email from: [REDACTED]; to: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]; subject: Re: Discussions with Dan Levin – AZ; date: October 26, 2004, at 6:09 PM.

²⁰⁸ CIA Inspector General’s Special Review on Counterterrorism Detention and Interrogation Activities issued on May 7, 2004.

²⁰⁹ Email from: [REDACTED]; to: [REDACTED] and [REDACTED]; subject: Re: Monday; date: August 5, 2002, at 05:35AM.

²¹⁰ Email from: [REDACTED]; to: [REDACTED], [REDACTED], and [REDACTED]; subject: Update; date: August 8, 2002, at 06:50 AM.

²¹¹ Email from: [REDACTED]; to: [REDACTED], [REDACTED], and [REDACTED]; subject: Update; date: August 8, 2002, at 06:50 AM.

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- August 9, 2002: “two, perhaps three [personnel] likely to elect transfer” away from the detention site if the decision is made to continue with the CIA’s enhanced interrogation techniques.²¹²
- August 11, 2002: Viewing the pressures on Abu Zubaydah on video “has produced strong feelings of futility (and legality) of escalating or even maintaining the pressure.” Per viewing the tapes, “prepare for something not seen previously.”²¹³

(~~TS//NOFORN~~) After the use of the CIA’s enhanced interrogation techniques ended, CIA personnel at the detention site concluded that Abu Zubaydah had been truthful and that he did not possess any new terrorist threat information.²¹⁴

(~~TS//NOFORN~~) As noted, CIA records indicate that Abu Zubaydah never provided the information for which the CIA’s enhanced interrogation techniques were justified and approved: information on the next terrorist attack and operatives in the United States. Furthermore, as compared to the period prior to August 2002, the quantity and type of intelligence produced by Abu Zubaydah remained largely unchanged during and after the August 2002 use of the CIA’s enhanced interrogation techniques.²¹⁵ Nonetheless, CIA Headquarters informed the National Security Council that the CIA’s enhanced interrogation techniques used against Abu Zubaydah were effective and were “producing meaningful results.”²¹⁶ A cable from

²¹² Email from: [REDACTED]; to: [REDACTED] and [REDACTED]; subject: Re: 9 August Update; date: August 9, 2002, at 10:44:16 PM.

²¹³ Email from: [REDACTED]; to: [REDACTED] and [REDACTED]; subject: Greetings; date: August 11, 2002, at 09:45AM.

²¹⁴ See, for example, [REDACTED] 10672 (240229Z AUG 02).

²¹⁵ See Abu Zubaydah detainee review in Volume III for details on Abu Zubaydah’s intelligence production. As noted, Abu Zubaydah was taken into CIA custody on March [REDACTED], 2002, and was hospitalized until April 15, 2002. During the months of April and May 2002, which included a period during which Abu Zubaydah was on life support and unable to speak, the interrogations of Abu Zubaydah produced 95 intelligence reports. Abu Zubaydah spent much of June 2002 and all of July 2002 in isolation, without being asked any questions. The CIA reinstated contact with Abu Zubaydah on August 4, 2002, and immediately began using the CIA’s enhanced interrogation techniques—including the waterboard. During the months of August and September 2002, Abu Zubaydah produced 91 intelligence reports, four fewer than the first two months of his CIA detention. CIA records indicate that the type of intelligence Abu Zubaydah provided remained relatively constant prior to and after the use of the CIA’s enhanced interrogation techniques. According to CIA records, Abu Zubaydah provided information on “al-Qa’ida activities, plans, capabilities, and relationships,” in addition to information on “its leadership structure, including personalities, decision-making processes, training, and tactics.” See also CIA paper entitled “Abu Zubaydah,” dated March 2005, as well as “Abu Zubaydah Bio” document, “Prepared on 9 August 2006.”

²¹⁶ On August 30, 2002, [REDACTED] CTC Legal, [REDACTED] met with NSC Legal Adviser John Bellinger to discuss Abu Zubaydah’s interrogation. See email from: John Rizzo; to: John Moseman; subject: Meeting with NSC Legal Adviser; date: August 30, 2002; ALEC [REDACTED] (052227Z SEP 02). In his email documenting the meeting, [REDACTED] “noted that we had employed the walling techniques, confinement box, waterboard, along with some of the other methods which also had been approved by the Attorney General,” and “reported that while the experts at the site and at Headquarters were still assessing the product of the recent sessions, it did appear that the current phase was producing meaningful results.” (See email from: John Rizzo; to: John Moseman; subject: Meeting with NSC Legal Adviser; date: August 30, 2002.) The email did not provide any additional detail on what was described to Bellinger with respect to either the use of the techniques or the “results” of the interrogation. It is unclear from CIA records whether the CIA ever informed the NSC Legal Adviser or anyone else at the NSC or the Department of Justice that Abu Zubaydah failed to provide information about future attacks against the United States or operatives tasked to commit attacks in the U.S. during or after the use of the CIA’s enhanced interrogation techniques.

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DETENTION SITE GREEN, which CIA records indicate was authored by SWIGERT and DUNBAR, also viewed the interrogation of Abu Zubaydah as a success. The cable recommended that “the aggressive phase at [DETENTION SITE GREEN] should be used as a template for future interrogation of high value captives,”²¹⁷ not because the CIA’s enhanced interrogation techniques produced useful information, but rather because their use confirmed that Abu Zubaydah did not possess the intelligence that CIA Headquarters had assessed Abu Zubaydah to have. The cable from the detention site stated:

“Our goal was to reach the stage where we have broken any will or ability of subject to resist or deny providing us information (intelligence) to which he had access. We additionally sought to bring subject to the point that we confidently assess that he does not/not possess undisclosed threat information, or intelligence that could prevent a terrorist event.”²¹⁸

(~~TS~~ [REDACTED] ~~//NF~~) The cable further recommended that psychologists—a likely reference to contractors SWIGERT and DUNBAR — “familiar with interrogation, exploitation and resistance to interrogation should shape compliance of high value captives prior to debriefing by substantive experts.”²¹⁹

(~~TS~~ [REDACTED] ~~//NF~~) From Abu Zubaydah’s capture on March 28, 2002, to his transfer to Department of Defense custody on September 5, 2006, information provided by Abu Zubaydah resulted in 766 disseminated intelligence reports.²²⁰ According to CIA documents, Abu Zubaydah provided information on “al-Qa’ida activities, plans, capabilities, and relationships,” in addition to information on “its leadership structure, including personalities, decision-making processes, training, and tactics.”²²¹ As noted, this type of information was provided by Abu Zubaydah before, during, and after the use of the CIA’s enhanced interrogation techniques. At no time during or after the use of the CIA’s enhanced interrogation techniques

According to CIA records, on September 27, 2002, the CIA briefed the chairman and the vice chairman of the Committee, Senators Graham and Shelby, as well as the Committee staff directors, on Abu Zubaydah’s interrogation. The CIA’s memorandum of the briefing indicates that the chairman and vice chairman were briefed on “the enhanced techniques that had been employed,” as well as “the nature and quality of reporting provided by Abu Zubaydah.” See (DIRECTOR [REDACTED] (252018Z OCT 02).

²¹⁷ [REDACTED] 10644 (201235Z AUG 02)

²¹⁸ [REDACTED] 10644 (201235Z AUG 02)

²¹⁹ [REDACTED] 10644 (201235Z AUG 02)

²²⁰ The Committee uses sole-source intelligence reporting in this summary. While CIA multi-source intelligence reports are included in the full Committee Study, the focus of the Committee analysis is on sole-source intelligence reporting, as these reports were deemed to more accurately reflect useful reporting from individual CIA detainees. As background, multi-source intelligence reports are reports that contain data from multiple detainees. For example, a common multi-source report would result from the CIA showing a picture of an individual to all CIA detainees at a specific CIA detention site. A report would be produced regardless if detainees were or were not able to identify or provide information on the individual. As a specific example, see HEADQUARTERS [REDACTED] (202255Z JUN 06), which states that from January 1, 2006 – April 30, 2006, information from Hambali was “used in the dissemination of three intelligence reports, two of which were non-recognitions of Guantanamo Bay detainees,” and the third of which “detailed [Hambali’s] statement that he knew of no threats or plots to attack any world sporting events.” Sole-source reports, by contrast, are based on specific information provided by one CIA detainee.

²²¹ CIA paper entitled, “Abu Zubaydah,” dated March 2005. Same information included in an “Abu Zubaydah Bio” document “Prepared on 9 August 2006.”

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did Abu Zubaydah provide information about operatives in, or future attacks against, the United States.²²²

10. A CIA Presidential Daily Brief Provides Inaccurate Information on the Interrogation of Abu Zubaydah

(TS// [REDACTED] //NF) Although CIA personnel at DETENTION SITE GREEN agreed that Abu Zubaydah was compliant and cooperative, personnel at CIA Headquarters prepared a Presidential Daily Brief (PDB) in October 2002 that, according to a cable, “accurately reflect[ed] the collective HQS view of the information provided [by Abu Zubaydah] to date.”²²³ The October 2002 PDB stated Abu Zubaydah was still withholding “significant threat information,” including information on operatives in the United States, and that Abu “Zubaydah resisted providing useful information until becoming more cooperative in early August, probably in the hope of improving his living conditions.”²²⁴ The PDB made no reference to the CIA’s enhanced interrogation techniques or the counter-assessment from the detention site interrogation team indicating that Abu Zubaydah was cooperative and not withholding information.²²⁵

(TS// [REDACTED] //NF) CIA documents identified the “key intelligence” acquired from Abu Zubaydah as information related to suspected terrorists Jose Padilla and Binyam Mohammad, information on English-speaking al-Qa’ida member Jaffar al-Tayyar, and information identifying KSM as the mastermind of the September 11, 2001, attacks who used the alias “Mukhtar.”²²⁶ All of this information was acquired by FBI special agents shortly after Abu Zubaydah’s capture.²²⁷

(TS// [REDACTED] //NF) The CIA has consistently represented that Abu Zubaydah stated that the CIA’s enhanced interrogation techniques were necessary to gain his cooperation. For example, the CIA informed the OLC that:

“As Zubaydah himself explained with respect to enhanced techniques,
‘brothers who are captured and interrogated are permitted by Allah to provide

²²² See Abu Zubaydah detainee review in Volume III for additional details.

²²³ ALEC [REDACTED] (181439Z OCT 02)

²²⁴ ALEC [REDACTED] (181439Z OCT 02)

²²⁵ Among other documents, see [REDACTED] 10667 (231206Z AUG 02); [REDACTED] 10672 (240229Z AUG 02); and email from: [REDACTED] ([REDACTED] chief of Base at DETENTION SITE GREEN); to: CIA Headquarters; subject: “Assessment to Date” of Abu Zubaydah; date: October 6, 2002, at 05:36:46 AM.

²²⁶ See “Key Intelligence and Reporting Derived from Abu Zubaydah and KSM,” dated February 2008, updated for briefings on several dates, including for a 2009 briefing to Director Leon Panetta, as well as the “Effectiveness Memo” provided to the Department of Justice, testimony provided by CIA Director Michael Hayden, and other documents discussed in detail in Volume II. For example, see ODNI September 2006 press release stating: “During initial interrogation, Abu Zubaydah gave some information that he probably viewed as nominal. Some was important, however, including that Khalid Shaykh Mohammad (KSM) was the 9/11 mastermind and used the moniker ‘Mukhtar.’ This identification allowed us to comb previously collected intelligence for both names, opening up new leads to this terrorist plotter—leads that eventually resulted in his capture. It was clear to his interrogators that Abu Zubaydah possessed a great deal of information about al-Qa’ida; however, he soon stopped all cooperation. Over the ensuing months, the CIA designed a new interrogation program that would be safe, effective, and legal.”

²²⁷ See Abu Zubaydah detainee review in Volume III for additional details.

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9. *DCI Tenet Establishes First Guidelines on Detention Conditions and Interrogation; Formal Consolidation of Program Administration at CIA Headquarters Does Not Resolve Disagreements Among CIA Personnel*

(~~TS~~ ~~//NF~~) In late January 2003, in response to the death of CIA detainee Gul Rahman and the use of a gun and a drill in the CIA interrogations of ‘Abd al-Rahim al-Nashiri (described later in this summary), DCI Tenet signed the first formal interrogation and confinement guidelines for the program.³⁰⁶ In contrast to proposals from late 2001, when CIA personnel expected that any detention facility would have to meet U.S. prison standards, the confinement guidelines signed in January 2003 set forth minimal standards for a detention facility. The confinement guidelines required only that the facility be sufficient to meet basic health needs, meaning that even a facility like DETENTION SITE COBALT, in which detainees were kept shackled in complete darkness and isolation, with a bucket for human waste, and without notable heat during the winter months, met the standard.³⁰⁷

(~~TS~~ ~~//NF~~) The guidelines also required quarterly assessments of the conditions at the detention facilities. The first quarterly review of detention facilities covered the period from January 2003 to April 2003, and examined conditions at DETENTION SITE COBALT, as well as at DETENTION SITE BLUE in a different country, Country █.³⁰⁸ At that time, DETENTION SITE BLUE, which was initially designed for two detainees, was housing five detainees. Nonetheless, the site review team found that conditions at DETENTION SITE BLUE—including the three purpose-built “holding units”—met “the minimum standards set by the CIA” in the January 2003 guidance. Detainees received bi-weekly medical evaluations, brushed their teeth once a day, washed their hands prior to each meal, and could bathe once a week. Amenities such as solid food, clothing (sweatshirts, sweatpants, and slippers), reading materials, prayer rugs, and Korans were available depending on the detainee’s degree of cooperation with interrogators.³⁰⁹

(~~TS~~ ~~//NF~~) The first quarter 2003 review also found that conditions at DETENTION SITE COBALT satisfied the January 2003 guidance, citing “significant improvements” such as space heaters and weekly medical evaluations. The review noted that a new facility was under construction in Country █ to replace DETENTION SITE COBALT, and that this new detention facility, DETENTION SITE ORANGE, “will be a quantum leap forward” because “[it] will incorporate heating/air conditioning, conventional plumbing, appropriate lighting, shower, and laundry facilities.”³¹⁰ DETENTION SITE ORANGE opened in █ 2004. Although some of the cells at DETENTION SITE ORANGE included plumbing,

³⁰⁶ Guidelines on Interrogations Conducted Pursuant to the Presidential Memorandum of Notification of 17 September 2001, signed by George Tenet, Director of Central Intelligence, January 28, 2003.

³⁰⁷ Guidelines on Interrogations Conducted Pursuant to the Presidential Memorandum of Notification of 17 September 2001, signed by George Tenet, Director of Central Intelligence, January 28, 2003.

³⁰⁸ CIA document titled, Quarterly Review of Confinement Conditions for CIA Detainees, 1/28/03 - 4/30/03, May 22, 2003.

³⁰⁹ CIA document titled, Quarterly Review of Confinement Conditions for CIA Detainees, 1/28/03 - 4/30/03, May 22, 2003.

³¹⁰ CIA document titled, Quarterly Review of Confinement Conditions for CIA Detainees, 1/28/03 - 4/30/03, May 22, 2003.

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detainees undergoing interrogation were kept in smaller cells, with waste buckets rather than toilet facilities.³¹¹

(TS// [REDACTED] //NF) The DCI's January 2003 interrogation guidelines listed 12 "enhanced techniques" that could be used with prior approval of the director of CTC, including two—use of diapers for "prolonged periods" and the abdominal slap—that had not been evaluated by the OLC. The "enhanced techniques" were only to be employed by "approved interrogators for use with [a] specific detainee." The guidelines also identified "standard techniques"—including sleep deprivation up to 72 hours, reduced caloric intake, use of loud music, isolation, and the use of diapers "generally not to exceed 72 hours"—that required advance approval "whenever feasible," and directed that their use be documented. The "standard techniques" were described as "techniques that do not incorporate physical or substantial psychological pressure." The guidelines provided no description or further limitations on the use of either the enhanced or standard interrogation techniques.³¹²

(TS// [REDACTED] //NF) Although the DCI interrogation guidelines were prepared as a reaction to the death of Gul Rahman and the use of unauthorized interrogation techniques on 'Abd al-Rahim al-Nashiri, they did not reference all interrogation practices that had been employed at CIA detention sites. The guidelines, for example, did not address whether interrogation techniques such as the "rough take down,"³¹³ the use of cold water showers,³¹⁴ and prolonged light deprivation were prohibited. In addition, by requiring advance approval of "standard techniques" "whenever feasible," the guidelines allowed CIA officers a significant amount of discretion to determine who could be subjected to the CIA's "standard" interrogation techniques, when those techniques could be applied, and when it was not "feasible" to request advance approval from CIA Headquarters. Thus, consistent with the interrogation guidelines, throughout much of 2003, CIA officers (including personnel not trained in interrogation) could, at their discretion, strip a detainee naked, shackle him in the standing position for up to 72 hours, and douse the detainee repeatedly with cold water³¹⁵—without approval from CIA Headquarters if those officers judged CIA Headquarters approval was not "feasible." In practice, CIA personnel routinely applied these types of interrogation techniques without obtaining prior approval.³¹⁶

³¹¹ [REDACTED] 3741 [REDACTED]

³¹² Guidelines on Interrogations Conducted Pursuant to the Presidential Memorandum of Notification of 17 September 2001, signed by George Tenet, Director of Central Intelligence, January 28, 2003.

³¹³ For a description of the "rough takedown," see Memorandum for Deputy Director of Operations, from [REDACTED], January 28, 2003, Subject: Death Investigation – Gul RAHMAN, pp. 21-22.

³¹⁴ One cold water shower was described by a CIA linguist: "Rahman was placed back under the cold water by the guards at [REDACTED] [CIA OFFICER 1]]'s direction. Rahman was so cold that he could barely utter his alias. According to [the on-site linguist], the entire process lasted no more than 20 minutes. It was intended to lower Rahman's resistance and was not for hygienic reasons. At the conclusion of the shower, Rahman was moved to one of the four sleep deprivation cells where he was left shivering for hours or overnight with his hand chained over his head." See CIA Inspector General, Report of Investigation, Death of a Detainee [REDACTED] (2003-7402-IG), April 27, 2005.

³¹⁵ Water dousing was not designated by the CIA as a "standard" interrogation technique until June 2003. In January 2004 water dousing was recategorized by the CIA as an "enhanced" interrogation technique.

³¹⁶ See Volume III for additional information.

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(TS//[REDACTED]//NF) The DCI interrogation guidelines also included the first requirements related to recordkeeping, instructing that, for “each interrogation session in which an enhanced technique is employed,” the field prepare a “substantially contemporaneous record... setting forth the nature and duration of each such technique employed, the identities of those present, and a citation to the required Headquarters approval cable.”³¹⁷ In practice, these guidelines were not followed.³¹⁸

(TS//[REDACTED]//NF) There were also administrative changes to the program. As noted, on December 3, 2002, CTC’s Renditions Group formally assumed responsibility for the management and maintenance of all CIA detention and interrogation facilities.³¹⁹ Prior to that time, the interrogation program was “joined at the hip” with CTC’s ALEC Station, according to [REDACTED] CTC Legal, although another CTC attorney who was directly involved in the program informed the CIA OIG that she “was never sure what group in CTC was responsible for interrogation activities.”³²⁰ Even after the formal designation of the CIA’s Renditions Group,³²¹ tensions continued, particularly between CTC personnel who supported SWIGERT and DUNBAR’s continued role, and the Renditions Group, which designated [REDACTED] as the

³¹⁷ DIRECTOR [REDACTED] (302126Z JAN 03); DIRECTOR [REDACTED] (311702Z JAN 03). Despite the formal record keeping requirement, the CIA’s June 2013 Response argues that detailed reporting on the use of the CIA’s enhanced interrogation techniques at CIA detention sites was not necessary, stating: “First, the decline in reporting over time on the use of enhanced techniques, which the *Study* characterizes as poor or deceptive record keeping, actually reflects the maturation of the program. In early 2003, a process was put in place whereby interrogators requested permission in advance for interrogation plans. The use of these plans for each detainee obviated the need for reporting in extensive detail on the use of specific techniques, unless there were deviations from the approved plan.” As detailed in the *Study*, the process put in place by the CIA in early 2003 explicitly required record keeping, including “the nature and duration of each such technique employed, the identities of those present, and a citation to the required Headquarters approval cable.” That requirement was never revised.

³¹⁸ Subsequent to the January 2003 guidance, many cables reporting the use of the CIA’s enhanced interrogation techniques listed the techniques used on a particular day, but did not describe the frequency with which those techniques were employed, nor did they integrate the specific techniques into narratives of the interrogations. As the CIA interrogation program continued, descriptions of the use of the CIA’s enhanced interrogation techniques were recorded in increasingly summarized form, providing little information on how or when the techniques were applied during an interrogation. There are also few CIA records detailing the rendition process for detainees and their transportation to or between detention sites. CIA records do include detainee comments on their rendition experiences and photographs of detainees in the process of being transported. Based on a review of the photographs, detainees transported by the CIA by aircraft were typically hooded with their hands and feet shackled. The detainees wore large headsets to eliminate their ability to hear, and these headsets were typically affixed to a detainee’s head with duct tape that ran the circumference of the detainee’s head. CIA detainees were placed in diapers and not permitted to use the lavatory on the aircraft. Depending on the aircraft, detainees were either strapped into seats during the flights, or laid down and strapped to the floor of the plane horizontally like cargo. See CIA photographs of renditions among CIA materials provided to the Committee pursuant to the Committee’s document requests, as well as CIA detainee reviews in Volume III for additional information on the transport of CIA detainees.

³¹⁹ DIRECTOR [REDACTED] (032336Z DEC 03)

³²⁰ Interview of [REDACTED], by [REDACTED], [REDACTED] and [REDACTED], Office of the Inspector General, August 20, 2003. Interview of [REDACTED], by [REDACTED] and [REDACTED], Office of the Inspector General, February 14, 2003. CTC Chief of Operations told the Inspector General that the program was handled by the Abu Zubaydah Task Force. See February 11, 2003, interview report of [REDACTED], Office of the Inspector General.

³²¹ As noted, the CIA’s Rendition Group is variably known as the “Renditions Group,” the “Renditions and Detainees Group,” the “Renditions, Detentions, and Interrogations Group,” and by the initials, “RDI” and “RDG.”

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CIA's chief interrogator.³²² As late as June 2003, SWIGERT and DUNBAR, operating outside of the direct management of the Renditions Group, were deployed to DETENTION SITE BLUE to both interrogate and conduct psychological reviews of detainees.³²³ The dispute extended to interrogation practices. The Renditions Group's leadership considered the waterboard, which Chief of Interrogations [REDACTED] was not certified to use, as "life threatening," and complained to the OIG that some CIA officers in the Directorate of Operations believed that, as a result, the Renditions Group was "running a 'sissified' interrogation program."³²⁴ At the same time, CIA CTC personnel criticized the Renditions Group and [REDACTED] for their use of painful stress positions, as well as for the conditions at DETENTION SITE COBALT.³²⁵

(TS// [REDACTED] //NF) There were also concerns about possible conflicts of interest related to the contractors, SWIGERT and DUNBAR. On January 30, 2003, a cable from CIA Headquarters stated that "the individual at the interrogation site who administers the techniques is not the same person who issues the psychological assessment of record," and that only a staff psychologist, not a contractor, could issue an assessment of record."³²⁶ In June 2003, however, SWIGERT and DUNBAR were deployed to DETENTION SITE BLUE to interrogate KSM, as well as to assess KSM's "psychological stability" and "resistance posture."³²⁷ As described later in this summary, the contractors had earlier subjected KSM to the waterboard and other CIA enhanced interrogation techniques. The decision to send the contract psychologists to DETENTION SITE BLUE prompted an OMS psychologist to write to OMS leadership that

³²² Interview of [REDACTED], by [REDACTED] and [REDACTED], Office of the Inspector General, April 3, 2003. February 21, 2003, interview report, [REDACTED], Office of the Inspector General. Hammond DUNBAR told the Office of Inspector General that there was "intrigue" between the RDG and him and SWIGERT, and "there were emails coming to [DETENTION SITE BLUE] that questioned [his] and [SWIGERT]'s qualifications." See Interview of Hammond DUNBAR, by [REDACTED] and [REDACTED], Office of the Inspector General, February 4, 2003.

³²³ Email from: [REDACTED]; to: [REDACTED]; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: Re: [REDACTED] RDG Tasking for IC Psychologists [DUNBAR] and [SWIGERT]; date: June 20, 2003, at 5:23:29 PM. [REDACTED] OMS expressed concern that "no professional in the field would credit [SWIGERT and DUNBAR's] later judgments as psychologists assessing the subjects of their enhanced measures." (See email from: [REDACTED]; to: [REDACTED]; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: Re: [REDACTED] RDG Tasking for IC Psychologists DUNBAR and SWIGERT; date: June 20, 2003, at 2:19:53 PM.) The CIA's June 2013 Response states that CIA "Headquarters established CTC's Renditions and Detentions Group CTC/RDG as the responsible entity for all CIA detention and interrogation sites in December 2002, removing any latent institutional confusion."

³²⁴ Interview of [REDACTED], by [REDACTED] and [REDACTED], Office of the Inspector General, February 21, 2003. The chief of interrogations, [REDACTED], told the Inspector General that the waterboard was overused with Abu Zubaydah and KSM and was ineffective in the interrogations of KSM. (See Interview of [REDACTED], by [REDACTED] and [REDACTED] of the Office of the Inspector General, March 27, 2003.) One doctor involved in CIA interrogations using the waterboard interrogation technique stated that [REDACTED] "has a huge bias against the waterboard b/c he's not approved to use it. The reverse is true of the contract psy guys [SWIGERT and DUNBAR] who have a vested interest in favor of it." See email from: [REDACTED]; to: [REDACTED]; cc: [REDACTED]; subject: re: More; date: April 11, 2003, at 08:11:07 AM.

³²⁵ March 10, 2003, interview report of [REDACTED], Office of the Inspector General. Interview of [REDACTED], by [REDACTED] and [REDACTED], Office of the Inspector General, February 27, 2003. Interview of [REDACTED], by [REDACTED] and [REDACTED], Office of the Inspector General, April 3, 2003. March 24, 2003, interview report of [REDACTED], Office of the Inspector General.

³²⁶ DIRECTOR [REDACTED] (301835Z JAN 03)

³²⁷ [REDACTED] 12168 (301822Z JUN 03)

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“[a]ny data collected by them from detainees with whom they previously interacted as interrogators will always be suspect.”³²⁸ [REDACTED] OMS then informed the management of the Renditions Group that “no professional in the field would credit [SWIGERT and DUNBAR’s] later judgments as psychologists assessing the subjects of their enhanced measures.”³²⁹ At the end of their deployment, in June 2003, SWIGERT and DUNBAR provided their assessment of KSM and recommended that he should be evaluated on a monthly basis by “an experienced interrogator known to him” who would assess how forthcoming he is and “remind him that there are differing consequences for cooperating or not cooperating.”³³⁰ In his response to the draft Inspector General Special Review, [REDACTED] OMS noted that “OMS concerns about conflict of interest... were nowhere more graphic than in the setting in which the same individuals applied an EIT which only they were approved to employ, judged both its effectiveness and detainee resilience, and implicitly proposed continued use of the technique – at a daily compensation reported to be \$1800/day, or four times that of interrogators who could not use the technique.”³³¹

D. The Detention and Interrogation of ‘Abd al-Rahim al-Nashiri

1. CIA Interrogators Disagree with CIA Headquarters About Al-Nashiri’s Level of Cooperation; Interrogators Oppose Continued Use of the CIA’s Enhanced Interrogation Techniques

(TS// [REDACTED] //NF) ‘Abd al-Rahim al-Nashiri,³³² assessed by the CIA to be an al-Qa’ida “terrorist operations planner” who was “intimately involved” in planning both the *USS Cole* bombing and the 1998 East Africa U.S. Embassy bombings, was captured in the United Arab Emirates in mid-October 2002.³³³ He provided information while in the custody of a foreign government, including on plotting in the Persian Gulf,³³⁴ and was then rendered by the

³²⁸ The email, which expressed concern that SWIGERT and DUNBAR would interfere with on-site psychologists, stated that, “[a]lthough these guys believe that their way is the only way, there should be an effort to define roles and responsibilities before their arrogance and narcissism evolve into unproductive conflict in the field.” See email from: [REDACTED]; to: [REDACTED]; subject: [REDACTED] RDG Tasking for IC Psychologists DUNBAR and SWIGERT; date: June 16, 2003, at 4:54:32 PM.

³²⁹ Email from: [REDACTED]; to: [REDACTED]; cc: [REDACTED]; subject: Re: [REDACTED] RDG Tasking for IC Psychologists DUNBAR and SWIGERT; date: June 20, 2003, at 2:19:53 PM.

³³⁰ [REDACTED] 12168 (301822Z JUN 03). The CIA’s June 2013 Response states: “In practice, by April 2003, [CIA] staff psychologists had taken over almost all of the provisions of support to the RDI program. As it concerned [SWIGERT] and [DUNBAR], however, the appearance of impropriety continued, albeit to a lesser degree, because they were occasionally asked to provide input to assessments on detainees whom they had *not* interrogated” (emphasis added). The CIA’s June 2013 Response is inaccurate. For example, in June 2003, SWIGERT and DUNBAR provided an assessment on KSM, a detainee whom they *had* interrogated.

³³¹ Memorandum for Inspector General, Attention: Assistant IG for Investigations, [REDACTED], from [REDACTED], M.D., [REDACTED] Medical Services [REDACTED] re Draft Special Review-Counterterrorism Detention and Interrogation Program (2003-7123-IG), at 13.

³³² For more information on al-Nashiri, see detainee review of ‘Abd al-Rahim al-Nashiri in Volume III.

³³³ ALEC [REDACTED]; [REDACTED] 11357 (021242Z DEC 02); [REDACTED] 36710 [REDACTED].

³³⁴ See [REDACTED] 36595 [REDACTED]; [REDACTED] 36726 [REDACTED]; ALEC [REDACTED].

For disseminated intelligence, see [REDACTED] CIA [REDACTED]; [REDACTED] CIA [REDACTED]; [REDACTED] CIA [REDACTED]. For other reporting from al-Nashiri while he was in foreign government custody, see

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source.²³⁵³ Like Janat Gul, Ghailani and al-Masri were subjected to extended sleep deprivation and experienced hallucinations.²³⁵⁴

D. May 2005 OLC Memoranda Rely on Inaccurate Representations from the CIA Regarding the Interrogation Process, the CIA's Enhanced Interrogation Techniques, and the Effectiveness of the Techniques

(TS// [REDACTED] //NF) On May 4, 2005, Acting Assistant Attorney General Steven Bradbury faxed to CIA Associate General Counsel [REDACTED] a set of questions related to the CIA's enhanced interrogation techniques, in which Bradbury referenced medical journal articles. The following day, [REDACTED] sent a letter to Bradbury stating that the CIA's responses had been composed by the CIA's Office of Medical Services (OMS). The CIA response stated that any lowering of the threshold of pain caused by sleep deprivation was "not germane" to the program, because studies had only identified differences in sensitivity to heat, cold, and pressure, and the CIA's enhanced interrogation techniques "do not involve application of heat, cold, pressure, any sharp objects (or indeed any objects at all)."²³⁵⁵ With regard to the effect of sleep deprivation on the experience of water dousing, the CIA response stated that "at the temperatures of water we have recommended for the program the likelihood of induction of pain by water dousing is very low under any circumstances, and not a phenomenon we have seen in detainees subject to this technique."²³⁵⁶ In response to Bradbury's query as to when edema or shackling would become painful as a result of standing sleep deprivation, the CIA responded, "[w]e have not observed this phenomenon in the interrogations performed to date, and have no reason to believe on theoretical grounds that edema or shackling would be more painful," provided the shackles are maintained with "appropriate slack" and "interrogators follow medical officers' recommendation to end standing sleep deprivation and use an alternate technique when the medical officer judges that edema is significant in any way." The CIA response added that the medical officers' recommendations "are always followed," and that "[d]etainees have not complained about pain from edema." Much of this information was inaccurate.²³⁵⁷

²³⁵³ [REDACTED] 1411 ([REDACTED] 04)

²³⁵⁴ [REDACTED] 3221 [REDACTED]; [REDACTED] 3242 ([REDACTED] 04)

²³⁵⁵ Letter from [REDACTED], Associate General Counsel, CIA, to Steve Bradbury, Acting Assistant Attorney General, Office of Legal Counsel, May 4, 2005. Multiple interrogation plans for CIA detainees called for "uncomfortably" cool temperatures along with sleep deprivation. See [REDACTED] 10361 [REDACTED]; [REDACTED] 1758 [REDACTED]; [REDACTED] 10654 (030904Z MAR 03).

²³⁵⁶ Letter from [REDACTED], Associate General Counsel, CIA, to Steve Bradbury, Acting Assistant Attorney General, Office of Legal Counsel, May 4, 2005. The CIA had subjected detainees to cold water baths during periods of sleep deprivation. As a CIA psychologist noted, "I heard [Abu Hudhaifa] gasp out loud several times as he was placed in the tub." (See email from: [REDACTED]; to: [REDACTED]; subject: Memo; date: March 15, 2004.) The inspector general later reported that, as a result of being bathed in ice water, Abu Hudhaifa was "shivering" and interrogators were concerned about his body temperature dropping (2005-8085-IG, at 12). See also [REDACTED] 42025 [REDACTED].

²³⁵⁷ Letter from [REDACTED], Associate General Counsel, CIA, to Steve Bradbury, Acting Assistant Attorney General, Office of Legal Counsel, May 4, 2005. Numerous detainees subjected to standing sleep deprivation suffered from edema. (See [REDACTED] 34098 [REDACTED]; [REDACTED] (12502 (011309Z AUG 03); [REDACTED] 40847 (251619Z JUN 03); [REDACTED] 1246 (171946Z AUG 03); [REDACTED] 10492 (161529Z FEB 03); [REDACTED] 10429 (101215Z FEB 03); [REDACTED] 10909 (201918Z MAR 03); [REDACTED] 42206 (191513Z JUL 03).) Detainees sometimes complained of pain and swelling

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(TS// [REDACTED] //NF) Bradbury further inquired whether it was “possible to tell reliably (e.g. from outward physical signs like grimaces) whether a detainee is experiencing severe pain.” The CIA responded that “all pain is subjective, not objective,”²³⁵⁸ adding:

“Medical officers can monitor for evidence of condition or injury that most people would consider painful, and can observe the individual for outward displays and expressions associated with the experience of pain. Medical officer [sic] can and do ask the subject, after the interrogation session has concluded, if he is in pain, and have and do provide analgesics, such as Tylenol and Aleve, to detainees who report headache and other discomforts during their interrogations. We reiterate, that an interrogation session would be stopped if, in the judgment of the interrogators or medical personnel, medical attention was required.”²³⁵⁹

(TS// [REDACTED] //NF) As described elsewhere, multiple CIA detainees were subjected to the CIA’s enhanced interrogation techniques despite their medical conditions.²³⁶⁰

(TS// [REDACTED] //NF) Bradbury’s fax also inquired whether monitoring and safeguards “will effectively avoid severe physical pain or suffering for detainees,” which was a formulation of the statutory definition of torture under consideration. Despite concerns from OMS that its assessments could be used to support a legal review of the CIA’s enhanced interrogation techniques,²³⁶¹ the CIA’s response stated:

in their lower extremities. (See, for example, [REDACTED] 2615 (201528Z AUG 07); [REDACTED] 2619 (211349Z AUG 07); [REDACTED] 2620 (221303Z AUG 07); [REDACTED] 2623 (231234Z AUG 07); [REDACTED] 2629 (251637Z AUG 07); [REDACTED] 2642 (271341Z AUG 07); [REDACTED] 2643 (271856Z AUG 07).) As noted, standing sleep deprivation was not always discontinued with the onset of edema.

²³⁵⁸ Letter from [REDACTED], Associate General Counsel, CIA, to Steve Bradbury, Acting Assistant Attorney General, Office of Legal Counsel, May 4, 2005.

²³⁵⁹ Letter from [REDACTED], Associate General Counsel, CIA, to Steve Bradbury, Acting Assistant Attorney General, Office of Legal Counsel, May 4, 2005.

²³⁶⁰ See, for example, [REDACTED] 10536 (151006Z JULY 02); ALEC [REDACTED] (182321Z JUL 02); [REDACTED] 10647 (201331Z AUG 02); [REDACTED] 10618 (121448Z AUG 02); [REDACTED] 10679 (250932Z AUG 02); DIRECTOR [REDACTED] MAY 03); [REDACTED] 37754 [REDACTED]; [REDACTED] 38161 (131326Z MAY 03); DIRECTOR [REDACTED] MAY 03); DIRECTOR [REDACTED] MAY 03); [REDACTED] 34098 [REDACTED]; [REDACTED] 34294 [REDACTED]; [REDACTED] 34310 [REDACTED]. See also detainee reports and reviews in Volume III.

²³⁶¹ On April 11, 2005, after reviewing a draft OLC opinion, OMS personnel wrote a memorandum for [REDACTED] that stated, “[s]imply put, OMS is not in the business of saying what is acceptable in causing discomfort to other human beings, and will not take on that burden.... OMS did not review or vet these techniques prior to their introduction, but rather came into this program with the understanding of your office and DOJ that they were already determined as legal, permitted and safe. We see this current iteration [of the OLC memorandum] as a reversal of that sequence, and a relocation of those decisions to OMS. If this is the case, that OMS has now the responsibility for determining a procedure’s legality through its determination of safety, then we will need to review all procedures in that light given this new responsibility.” See email from: [REDACTED]; to [REDACTED]; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: 8 April Draft Opinion from DOJ – OMS Concerns, date: April 11, 2005, at 10:12 AM.

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Page 420 of 499

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“[i]t is OMS’s view that based on our limited experience and the extensive experience of the military with these techniques, the program in place has effectively avoided severe physical pain and suffering, and should continue to do so. Application of the thirteen techniques²³⁶² has not to date resulted in any severe or permanent physical injury (or any injury other than transient bruising), and we do not expect this to change.”²³⁶³

(~~TS//~~ [REDACTED] ~~//NF~~) In May 2005, Principal Deputy Assistant Attorney General Steven Bradbury signed three memoranda that relied on information provided by the CIA that was inconsistent with CIA’s operational records. On May 10, 2005, Bradbury signed two memoranda analyzing the statutory prohibition on torture with regard to the CIA’s enhanced interrogation techniques and to the use of the interrogation techniques in combination.²³⁶⁴ On May 30, 2005, Bradbury signed another memorandum examining U.S. obligations under the Convention Against Torture.²³⁶⁵ The memoranda approved 13 techniques: (1) dietary manipulation, (2) nudity, (3) attention grasp, (4) walling, (5) facial hold, (6) facial slap or insult slap, (7) abdominal slap, (8) cramped confinement, (9) wall standing, (10) stress positions, (11) water dousing, (12) sleep deprivation (more than 48 hours), and (13) the waterboard. The three memoranda relied on numerous CIA representations that, as detailed elsewhere, were incongruent with CIA records, including: (1) the CIA’s enhanced interrogation techniques would be used only when the interrogation team “considers them necessary because a detainee is withholding important, actionable intelligence or there is insufficient time to try other techniques,” (2) the use of the techniques “is discontinued if the detainee is judged to be consistently providing accurate intelligence or if he is no longer believed to have actionable intelligence,” (3) the “use of the techniques usually ends after just a few days when the detainee begins participating,” (4) the interrogation techniques “would not be used on a detainee not reasonably thought to possess important, actionable intelligence that could not be obtained otherwise,” and (5) the interrogation process begins with “an open, non-threatening approach” to discern if the CIA detainee would be cooperative.²³⁶⁶

²³⁶² The OLC was, at the time, analyzing the legality of 13 techniques, including the 10 techniques outlined in the OLC’s August 1, 2002, memorandum, and additional techniques for which the CIA sought OLC approval in 2004.

²³⁶³ Letter from [REDACTED], Associate General Counsel, CIA, to Steve Bradbury, Acting Assistant Attorney General, Office of Legal Counsel, May 4, 2005.

²³⁶⁴ Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 10, 2005, Re: Application of 18 U.S.C. Sections 2340-2340A to Certain Techniques That May be Used in the Interrogation of a High Value al Qaeda Detainee (DTS #2009-1810, Tab 9); Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 10, 2005, Re: Application of 18 U.S.C. Sections 2340-2340A to the Combined Use of Certain Techniques in the Interrogation of High Value al Qaeda Detainees (DTS #2009-1810, Tab 10).

²³⁶⁵ Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 30, 2005, Re: Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May be Used in the Interrogation of High Value Al Qaeda Detainees (DTS #2009-1810, Tab 11).

²³⁶⁶ All of these assertions were inaccurate. See Volume III for examples of CIA detainees being immediately subjected to the CIA’s enhanced interrogation techniques, including [REDACTED] 34491 (051400Z MAR 03). See also Volume III for details on other interrogations in 2003, when at least six detainees that year were stripped and shackled, nude, in the standing stress position for sleep deprivation or subjected to other enhanced interrogation techniques prior to being questioned. They included Asadullah (DIRECTOR [REDACTED] ([REDACTED] FEB

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(TS// [REDACTED] //NF) The OLC memoranda also relied on CIA representations regarding specific interrogation techniques that were incongruent with the operational history of the program. For example, the CIA informed the OLC that it maintained a 75 degree minimum room temperature for nude detainees as “a matter of policy,” with a minimum of 68 degrees in the case of technical problems. This information was inconsistent with CIA practice both before and after the CIA’s representations to the OLC.²³⁶⁷ The OLC relied on the CIA representation that standing sleep deprivation would be discontinued in the case of significant swelling of the lower extremities (edema), whereas in practice the technique was repeatedly not stopped when edema occurred.²³⁶⁸ The OLC also repeated CIA representations that constant light was necessary for security, even though the CIA had subjected detainees to constant darkness.²³⁶⁹ Additional CIA representations accepted by the OLC—and found to be inconsistent with CIA practice—related to: (1) the exposure of nude detainees to other detainees and detention facility staff,²³⁷⁰ (2) the use of water dousing—specifically the inaccurate representation that the technique did not involve immersion, (3) the use of shackles in standing sleep deprivation, (4) the likelihood of hallucinations during sleep deprivation, (5) the responsibility of medical personnel to intervene when standing sleep deprivation results in hallucinations, and (6) the purpose and the use of diapers on CIA detainees.²³⁷¹

(TS// [REDACTED] //NF) The OLC repeated the CIA’s representations that “the effect of the waterboard is to induce a sensation of drowning,” that “the detainee experiences this sensation even if he is aware that he is not actually drowning,” and that “as far as can be determined, [Abu

03)); Abu Yasir al-Jaza’iri ([REDACTED] 35558 ([REDACTED] MAR 03)); Suleiman Abdullah ([REDACTED] 35787 ([REDACTED] MAR 03)); ([REDACTED] 36023 ([REDACTED] APR 03)); Abu Hudhaifa ([REDACTED] 38576 ([REDACTED] MAY 03)); Hambali ([REDACTED] 1241 [REDACTED]); and Majid Khan ([REDACTED] 46471 (241242Z MAY 03), [REDACTED] 39077 (271719Z MAY 03)).

²³⁶⁷ Letter from [REDACTED] CTC Legal [REDACTED] to Acting Assistant Attorney General Levin, December 30, 2004 (DTS #2009-1809). See, for example, [REDACTED] 31118 [REDACTED]; [REDACTED] 31429 (161303Z DEC 02); [REDACTED] 10006 (070902Z DEC 02); [REDACTED] 33962 (211724Z FEB 03); [REDACTED] 34031 (231242Z FEB 03); [REDACTED] 34575 [REDACTED]; [REDACTED] 34354 [REDACTED] MAR 03); DIRECTOR [REDACTED] [REDACTED] MAR 03). Email to: [REDACTED]; from: [REDACTED]; subject: Medical Evaluation/Update [REDACTED] (047); date: March 8, 2004. Email to: [REDACTED]; from: [REDACTED]; subject: Medical Evaluation/Update [REDACTED] (047); date: March 8, 2004. Email to: [REDACTED]; from: [REDACTED]; subject: Medical Evaluation/Update [REDACTED] (047); date: March 9, 2004. [REDACTED] 2347 (300624Z MAY 05); [REDACTED] 1797 (021612Z DEC 05).

²³⁶⁸ See, for example, [REDACTED] 10909 (201918Z MAR 03); [REDACTED] 2622 (230851Z AUG 07).

²³⁶⁹ According to a CIA cable, cells at DETENTION SITE COBALT were “blacked out at all times using curtains plus painted exterior windows. And double doors. The lights are never turned on.” (See [REDACTED] 28246 [REDACTED]). Upon finding Ramzi bin al-Shibh “cowering in the corner, shivering” when the light in his cell burned out, interrogators decided to use darkness as an interrogation technique. He was then placed in sleep deprivation “standing, shackled feet and hands, with hands over his head, naked, in total darkness.” See [REDACTED] 10521 (191750Z FEB 03); [REDACTED] 10525 (200840Z FEB 03).

²³⁷⁰ [REDACTED] interview of [REDACTED] [CIA OFFICER 1], December 19, 2002. CIA Interrogation Program Draft Course Materials, March 11, 2003, p. 28. CTC/RDG Interrogation Program, December 15, 2003. DIRECTOR [REDACTED] (251609Z JUL 02). See also “Standard Interrogation Techniques,” attachment to email from: [REDACTED]; to: Scott W. Muller, John Rizzo, [REDACTED], [REDACTED]; subject: revised interrogation discussion; date: July 19, 2004.

²³⁷¹ Letter from [REDACTED] CTC Legal [REDACTED] to Acting Assistant Attorney General Levin, December 30, 2004 (DTS #2009-1809).

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Zubaydah and KSM] did not experience physical pain or, in the professional judgment of doctors, is there any medical reason to believe they would have done so.” The OLC further accepted that physical sensations associated with waterboarding, such as choking, “end when the application ends.”²³⁷² This information is incongruent with CIA records. According to CIA records, Abu Zubaydah’s waterboarding sessions “resulted in immediate fluid intake and involuntary leg, chest and arm spasms” and “hysterical pleas.”²³⁷³ A medical officer who oversaw the interrogation of KSM stated that the waterboard technique had evolved beyond the “sensation of drowning” to what he described as a “series of near drownings.”²³⁷⁴ Physical reactions to waterboarding did not necessarily end when the application of water was discontinued, as both Abu Zubaydah and KSM vomited after being subjected to the waterboard.²³⁷⁵ Further, as previously described, during at least one waterboard session, Abu Zubaydah “became completely unresponsive, with bubbles rising through his open, full mouth.” He remained unresponsive after the waterboard was rotated upwards. Upon medical intervention, he regained consciousness and expelled “copious amounts of liquid.”²³⁷⁶ The CIA also relayed information to the OLC on the frequency with which the waterboard could be used that was incongruent with past operational practice.²³⁷⁷

(TS//~~NOFORN~~) The May 10, 2005, memorandum analyzing the individual use of the CIA’s enhanced interrogation techniques accepted the CIA’s representations that CIA interrogators are trained for “approximately four weeks,” and that “all personnel directly engaged in the interrogation of persons detained... have been appropriately screened (from the

²³⁷² Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 10, 2005, Re: Application of 18 U.S.C. Sections 2340-2340A to Certain Techniques That May be Used in the Interrogation of a High Value al Qaeda Detainee (DTS #2009-1810, Tab 9); Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 10, 2005, Re: Application of 18 U.S.C. Sections 2340-2340A to the Combined Use of Certain Techniques in the Interrogation of High Value al Qaeda Detainees (DTS #2009-1810, Tab 10); Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 30, 2005, Re: Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May be Used in the Interrogation of High Value Al Qaeda Detainees (DTS #2009-1810, Tab 11).

²³⁷³ [REDACTED] 10643 [REDACTED] AUG 02); [REDACTED] 10644 (201235Z AUG 02)

²³⁷⁴ See email from: [REDACTED]; to: [REDACTED]; cc: [REDACTED]; subject: More; date: April 10, 2003, at 5:59: 27 PM.

²³⁷⁵ [REDACTED] 10644 (201235Z AUG 02); email from: [REDACTED]; to: [REDACTED] and [REDACTED]; subject: Re: So it begins; date: August 4, 2002, at 09:45:09 AM; [REDACTED] 10803 (131929Z MAR 03).

²³⁷⁶ See Abu Zubaydah and KSM detainee reviews in Volume III, including [REDACTED] 10803 (131929Z MAR 03). See email from: [REDACTED], OMS; to: [REDACTED] and [REDACTED]; subject: Re: Departure; date: March 6, 2003, at 7:11:59 PM; email from: [REDACTED], OMS; to: [REDACTED] and [REDACTED]; subject: Re: Acceptable lower ambient temperatures; date: March 7, 2003, at 8:22 PM; email from: [REDACTED], OMS; to: [REDACTED] and [REDACTED]; subject: Re: Talking Points for review and comment; date: August 13, 2004, at 10:22 AM; email from: [REDACTED]; to: [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]; subject: Re: Discussion with Dan Levin- AZ; date: October 26, 2004, at 6:09 PM.

²³⁷⁷ Letter from [REDACTED] CTC Legal [REDACTED] to Acting Assistant Attorney General Dan Levin, August 19, 2004 (DTS# 2009-1809). The OLC, having been informed by the CIA that 40 seconds was the maximum length of a single waterboard application, noted that “you have informed us that this maximum has rarely been reached.” This is inaccurate. KSM was subjected to 40-second exposures at least 19 times.

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medical, psychological and security standpoints).²³⁷⁸ The CIA representations about training and screening were incongruent with the operational history of the CIA program. CIA records indicate that CIA officers and contractors who conducted CIA interrogations in 2002 did not undergo any interrogation training. The first interrogator training course did not begin until November 12, 2002, by which time at least 25 detainees had been taken into CIA custody.²³⁷⁹ Numerous CIA interrogators and other CIA personnel associated with the program had either suspected or documented personal and professional problems that raised questions about their judgment and CIA employment. This group of officers included individuals who, among other issues, had engaged in inappropriate detainee interrogations, had workplace anger management issues, and had reportedly admitted to sexual assault.²³⁸⁰

²³⁷⁸ Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 10, 2005, Re: Application of 18 U.S.C. Sections 2340-2340A to Certain Techniques That May be Used in the Interrogation of a High Value al Qaeda Detainee (DTS #2009-1810, Tab 9). As described in this summary, when [REDACTED] CTC Legal, [REDACTED], insisted that CTC Legal vet and review the background of CIA personnel involved in the CIA's interrogations, he directly linked this review to the legality of the CIA's enhanced interrogation techniques. [REDACTED] wrote: "we will be forced to DISapprove [sic] the participation of specific personnel in the use of enhanced techniques unless we have ourselves vetted them and are satisfied with their qualifications and suitability for what are clearly unusual measures that are lawful only when practiced correctly by personnel whose records clearly demonstrate their suitability for that role." The chief of CTC, Jose Rodriguez, objected to this proposal. See email from: [REDACTED], CTC/LGL; to: [REDACTED]; cc: Jose Rodriguez, [REDACTED], [REDACTED]; subject: EYES ONLY; date: November [REDACTED], 2002, at 03:13:01 PM; email from: Jose Rodriguez; to: [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: EYES ONLY; date: November [REDACTED], 2002, at 04:27 PM.

²³⁷⁹ The training to conduct the CIA's enhanced interrogation techniques required only approximately 65 hours of classroom and operational instruction. December 4, 2002, Training Report, High Value Target Interrogation and Exploitation (HVTIE) Training Seminar 12-18 Nov 02, (pilot running).

²³⁸⁰ Among other abuses, [REDACTED] had engaged in "Russian Roulette" with a detainee. (See Memorandum for Chief, Staff and Operations Branch from [REDACTED], [REDACTED], April 3, 1980, Subject: [REDACTED]; [REDACTED] 1984, Memorandum for Inspector General from [REDACTED], Inspector, via Deputy Inspector General, re [REDACTED], IG- [REDACTED] 84.) [REDACTED] [CIA OFFICER 2], who threatened 'Abd al-Rahim al-Nashiri with a gun and a power drill, [REDACTED]

[REDACTED] He was sent home short of tour twice—once for and again, a few months before interrogating al-Nashiri, for engaging in [REDACTED] [REDACTED], [REDACTED], from [REDACTED], [REDACTED] DIRECTOR [REDACTED], [REDACTED] 60500 [REDACTED], [REDACTED] 59478 [REDACTED], [REDACTED] 59479 [REDACTED], [REDACTED] See also Report to CIA Headquarters, [REDACTED], [REDACTED], [REDACTED], by [REDACTED], [REDACTED]. See email from: [REDACTED]; to [REDACTED], [REDACTED], [REDACTED], and [REDACTED]; subject: [REDACTED]

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(TS//NF) Finally, the OLC accepted a definition of “High Value Detainee” conveyed by the CIA²³⁸¹ that limited the use of the CIA’s enhanced interrogation techniques to “senior member[s]” of al-Qa’ida or an associated terrorist group who have “knowledge of imminent terrorist threats” or “direct involvement in planning and preparing” terrorist actions. However, at the time of the OLC opinion, the CIA had used its enhanced interrogation techniques on CIA detainees who were found neither to have knowledge of imminent threats nor to have been directly involved in planning or preparing terrorist actions. Some were not senior al-Qa’ida members,²³⁸² or even members of al-Qa’ida.²³⁸³ Others were never suspected of having information on, or a role in, terrorist plotting and were suspected only of having information on the location of UBL or other al-Qa’ida figures,²³⁸⁴ or were simply believed to have been present at a suspected al-Qa’ida guesthouse.²³⁸⁵ A year later, [REDACTED] CTC Legal wrote to Acting Assistant Attorney General Steven Bradbury suggesting a new standard that more closely reflected actual practice by allowing for the CIA detention and interrogation of detainees to be based on the belief that the detainee had information that could assist in locating senior al-Qa’ida leadership.²³⁸⁶ The OLC modified the standard in a memorandum dated July 20, 2007.²³⁸⁷ By then, the last CIA detainee, Muhammad Rahim, had already entered CIA custody.²³⁸⁸

(TS//NF) The May 30, 2005, OLC memorandum analyzing U.S. obligations under the Convention Against Torture relied heavily on CIA representations about the intelligence obtained from the program. Many of these representations were provided in a March 2, 2005, CIA memorandum known as the “Effectiveness Memo,” in which the CIA advised that the CIA program “works and the techniques are effective in producing foreign intelligence.” The “Effectiveness Memo” stated that “[w]e assess we would not have succeeded in overcoming the resistance of Khalid Shaykh Muhammad (KSM), Abu Zubaydah, and other equally resistant high-value terrorist detainees without applying, in a careful, professional and

[REDACTED],

[REDACTED],

. For more information, *see* Volume III.

²³⁸¹ Fax to Acting Assistant Attorney General Levin from [REDACTED], January 4, 2005 (DTS #2009-1809).

²³⁸² *See* detainee reviews for Suleiman Abdullah and Janat Gul in Volume III for additional information.

²³⁸³ *See* detainee review for Rafiq bin Bashir bin Halul Al-Hami in Volume III for additional information.

²³⁸⁴ *See* detainee review for Ridha Ahmad al-Najjar in Volume III for additional information.

²³⁸⁵ *See* detainee reviews for Tawfiq Nasir Awad al-Bihani and Arsala Khan in Volume III for additional information.

²³⁸⁶ Letter from [REDACTED] CTC Legal [REDACTED] to Acting Assistant Attorney General Bradbury, May 23, 2006 (DTS #2009-1809).

²³⁸⁷ Memorandum for John A. Rizzo, Acting General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, July 20, 2007, Re: Application of the War Crimes Act, the Detainee Treatment Act, and Common Article 3 of the Geneva Conventions to Certain Techniques that May Be Used by the CIA in the Interrogation of High Value al Qaeda Detainees (DTS #2009-1810, Tab 14).

²³⁸⁸ [REDACTED] 6439 ([REDACTED]); [REDACTED] 7516 ([REDACTED]). Muhammad Rahim entered CIA custody on July [REDACTED], 2007.

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safe manner, the full range of interrogation techniques.”²³⁸⁹ The CIA “Effectiveness Memo” further stated that “[p]rior to the use of enhanced techniques against skilled resisters [sic] like KSM and Abu Zubaydah—the two most prolific intelligence producers in our control—CIA acquired little threat information or significant actionable intelligence information.” As described in this summary, the key information provided by Abu Zubaydah that the CIA attributed to the CIA’s enhanced interrogation techniques was provided prior to the use of the CIA’s enhanced interrogation techniques. KSM was subjected to CIA’s enhanced interrogation techniques within minutes of his questioning, and thus had no opportunity to divulge information prior to their use. As described elsewhere, CIA personnel concluded the waterboard was not an effective interrogation technique against KSM.²³⁹⁰

(TS//~~UNCLASSIFIED~~//NF) Under a section entitled, “Results,” the CIA “Effectiveness Memo” represented that the “CIA’s use of DOJ-approved enhanced interrogation techniques, as part of a comprehensive interrogation approach, has enabled CIA to disrupt terrorist plots, capture additional terrorists, and collect a high volume of critical intelligence on al-Qa’ida.” It then listed 11 examples of “critical intelligence” acquired “*after* applying enhanced interrogation techniques”:²³⁹¹ the “Karachi Plot,” the “Heathrow Plot,” the “Second Wave,” the “Guraba Cell,” “Issa al-Hindi,” “Abu Talha al-Pakistani,” “Hambali’s Capture,” “Jafaar al-Tayyar,” the “Dirty Bomb Plot,” the “Shoe Bomber,” and intelligence obtained on “Shkai, Pakistan.” These representations of “effectiveness” were almost entirely inaccurate and mirrored other inaccurate information provided to the White House, Congress, and the CIA inspector general.²³⁹² In addition, on April 15, 2005, the CIA provided the OLC with an eight-page document entitled, “Briefing Notes on the Value of Detainee Reporting.” The CIA “Briefing Notes” document repeats many of the same CIA representations in the “Effectiveness Memo,” but added additional inaccurate information related to the capture of Iyman Faris.²³⁹³

(TS//~~UNCLASSIFIED~~//NF) The OLC’s May 30, 2005, memorandum relied on the CIA’s inaccurate representations in the “Effectiveness Memo” and the “Briefing Notes” document in determining that the CIA’s enhanced interrogation techniques did not violate the Fifth Amendment’s prohibition on executive conduct that “shocks the conscience,” indicating that this analysis was a “highly context-specific and fact-dependent question.” The OLC also linked its

²³⁸⁹ CIA Memorandum for Steve Bradbury at the Department of Justice, dated March 2, 2005, from ~~UNCLASSIFIED~~, ~~UNCLASSIFIED~~ Legal Group, DCI Counterterrorist Center, subject “Effectiveness of the CIA Counterterrorist Interrogation Techniques.”

²³⁹⁰ Interview of ~~UNCLASSIFIED~~, by [REDACTED] and [REDACTED], Office of the Inspector General, May 15, 2003; Interview of ~~UNCLASSIFIED~~, by [REDACTED] and [REDACTED], Office of the Inspector General, October 22, 2003; ~~UNCLASSIFIED~~ 11715 (201047Z MAY 03); Sametime Communication, ~~UNCLASSIFIED~~ and ~~UNCLASSIFIED~~, 15/Aug/06, 10:28:38 to 10:58:00; Interview of ~~UNCLASSIFIED~~, by [REDACTED] and [REDACTED], Office of the Inspector General, April 3, 2003; Sametime Communication, ~~UNCLASSIFIED~~ and [REDACTED], 02/May/05, 14:51:48 to 15:17:39; Interview of ~~UNCLASSIFIED~~, by [REDACTED], [REDACTED], and [REDACTED], Office of the Inspector General, August 20, 2003.

²³⁹¹ Emphasis in the original.

²³⁹² See list of 20 CIA representations included in this summary and additional details in Volume II. Representations regarding Abu Talha al-Pakistani, which were less frequent, are also described this summary and in greater detail in Volumes II and III.

²³⁹³ April 15, 2005, 10:47AM, fax to DOJ Command Center for ~~UNCLASSIFIED~~, Office of Legal Counsel, U.S. Department of Justice, from ~~UNCLASSIFIED~~, ~~UNCLASSIFIED~~ Legal Group, DCI Counterterrorist Center. Cover note: “~~UNCLASSIFIED~~, Answers to some of your questions,” with attachment entitled “Briefing Notes on the Value of Detainee Reporting.”

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analysis of whether the use of the CIA's enhanced interrogation techniques was "constitutionally arbitrary" to the representation by the CIA that its interrogation program produced "substantial quantities of otherwise unavailable actionable intelligence."²³⁹⁴ The CIA's representations to the OLC that it obtained "otherwise unavailable actionable intelligence" from the use of the CIA's enhanced interrogation techniques were inaccurate.²³⁹⁵

(TS// [REDACTED] //NF) The OLC memorandum repeated specific inaccurate CIA representations, including that the waterboard was used against Abu Zubaydah and KSM "only after it became clear that standard interrogation techniques were not working"; that the information related to the "Guraba Cell" in Karachi was "otherwise unavailable actionable intelligence"; that Janat Gul was a "high value detainee"; and that information provided by Hassan Ghul regarding the al-Qa'ida presence in Shkai, Pakistan, was attributable to the CIA's enhanced interrogation techniques.²³⁹⁶ Citing CIA information, the OLC memorandum also stated that Abu Zubaydah was al-Qa'ida's "third or fourth highest ranking member" and had been involved "in every major terrorist operation carried out by al Qaeda," and that "again, once enhanced techniques were employed," Abu Zubaydah "provided significant information on two operatives... who planned to build and detonate a 'dirty bomb' in the Washington DC area." The OLC repeated additional inaccurate information from the CIA related to KSM's reporting, including representations about the "Second Wave" plotting, the Heathrow Airport plotting, and the captures of Hambali, Iyman Faris, and Sajid Badat.²³⁹⁷ The OLC relied on CIA representations that the use of the CIA's enhanced interrogation techniques against 'Abd al-Rahim al-Nashiri produced "notable results as early as the first day," despite al-Nashiri providing reporting on the same topics prior to entering CIA custody. The OLC also repeated inaccurate CIA representations about statements reportedly made by Abu Zubaydah and KSM.²³⁹⁸

²³⁹⁴ Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 30, 2005, Re: Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May be Used in the Interrogation of High Value Al Qaeda Detainees.

²³⁹⁵ See specific CIA examples of the "Results" of using the "CIA's use of DOJ-approved enhanced interrogation techniques" in March 2, 2005, Memorandum for Steve Bradbury from [REDACTED], [REDACTED] Legal Group, DCI Counterterrorist Center, "Effectiveness of the CIA Counterterrorist Interrogation Techniques." The specific representations in the "Briefing Notes" document were similar to those in the CIA's "Effectiveness Memo" and included references to detainee reporting on Jose Padilla, Hambali, Dhiren Barot, Sajid Badat, Iyman Faris, Jaffar al-Tayyar, the Heathrow Airport plotting, and the Karachi plotting.

²³⁹⁶ For example, as detailed elsewhere in this review, Hassan Gul provided detailed information on al-Qa'ida's presence in Shkai, Pakistan, prior to the use of the CIA's enhanced interrogation techniques.

²³⁹⁷ Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 30, 2005, Re: Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May be Used in the Interrogation of High Value Al Qaeda Detainees.

²³⁹⁸ The OLC memorandum stated that "[b]oth KSM and Zubaydah had 'expressed their belief that the general US population was 'weak,' lacked resilience, and would be unable to 'do what was necessary' to prevent the terrorists from succeeding in their goals.'" As described elsewhere in this summary, and in more detail in the full Committee Study, CIA records indicate that KSM and Abu Zubaydah did not make these statements. The memorandum also repeated CIA representations about KSM's comment, "Soon, you will know," and Abu Zubaydah's reported statements about being "permitted by Allah" to provide information. As described in this summary, these representations are not supported by CIA records.

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(TS// [REDACTED] //NF) Finally, the May 30, 2005, OLC memorandum referenced the CIA Inspector General May 2004 Special Review, stating: “we understand that interrogations have led to specific, actionable intelligence as well as a general increase in the amount of intelligence regarding al Qaeda and its affiliates.”²³⁹⁹ The OLC memorandum cited pages in the Special Review that included inaccurate information provided by CIA personnel to the CIA’s OIG, including representations related to Jose Padilla and Binyam Muhammad, Hambali and the “Al-Qa’ida cell in Karachi,” the Parachas, Iyman Faris, Saleh al-Marri, Majid Khan, the Heathrow Airport plotting, and other “plots.”²⁴⁰⁰

E. After Passage of the Detainee Treatment Act, OLC Issues Opinion on CIA Conditions of Confinement, Withdraws Draft Opinion on the CIA’s Enhanced Interrogation Techniques After the U.S. Supreme Court Case of *Hamdan v. Rumsfeld*

(TS// [REDACTED] //NF) On December 19, 2005, anticipating the passage of the Detainee Treatment Act, Acting CIA General Counsel John Rizzo requested that the OLC review whether the CIA’s enhanced interrogation techniques, as well as the conditions of confinement at CIA detention facilities, would violate the Detainee Treatment Act.²⁴⁰¹ In April 2006, attorneys at OLC completed initial drafts of two legal memoranda addressing these questions.²⁴⁰² In June 2006, however, the U.S. Supreme Court case of *Hamdan v. Rumsfeld* prompted the OLC to withdraw its draft memorandum on the impact of the Detainee Treatment Act on the CIA’s enhanced interrogation techniques. As [REDACTED] CTC Legal explained, the OLC would prepare “a written opinion ‘if we want’... but strongly implied we shouldn’t seek it.”²⁴⁰³ As described in a July 2009 report of the Department of Justice Office of Professional Responsibility, the Administration determined that, after the *Hamdan* decision, it would need new legislation to support the continued use of the CIA’s enhanced interrogation techniques.²⁴⁰⁴

(TS// [REDACTED] //NF) Even as it withdrew its draft opinion on the CIA’s enhanced interrogation techniques, the OLC continued to analyze whether the CIA’s conditions of confinement violated the Detainee Treatment Act. To support this analysis, the CIA asserted to the OLC that loud music and white noise, constant light, and 24-hour shackling were all for

²³⁹⁹ Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 30, 2005, Re: Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May be Used in the Interrogation of High Value Al Qaeda Detainees.

²⁴⁰⁰ Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 30, 2005, Re: Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May be Used in the Interrogation of High Value Al Qaeda Detainees, pp. 10-11, citing IG Special Review, pp. 85-91.

²⁴⁰¹ The Detainee Treatment Act passed on December 30, 2005. Letter from Senior Deputy General Counsel John Rizzo to Acting Assistant Attorney General Bradbury, December 19, 2005 (DTS #2009-1809).

²⁴⁰² April 19, 2006, Fax from [REDACTED], [REDACTED] Legal Group, CIA Counterterrorism Center to DOJ Command Center for Steve Bradbury (DTS #2009-1809).

²⁴⁰³ Email from: [REDACTED]; to: [REDACTED]; cc: [REDACTED], John Rizzo; subject: FW: Summary of *Hamdan* Decision; date: June 30, 2006, at 4:44 PM.

²⁴⁰⁴ Department of Justice Office of Professional Responsibility; Report, Investigation into the Office of Legal Counsel’s Memoranda Concerning Issues Relating to the Central Intelligence Agency’s Use of ‘Enhanced Interrogation Techniques’ on Suspected Terrorists, July 29, 2009 (DTS #2010-1058).

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