January 13, 2015

SENT VIA E-MAIL (OGC EFOIA@BOP.GOV) and U.S. MAIL:

Freedom of Information Act/Privacy Act Section
Office of General Counsel, Room 841
Federal Bureau of Prisons
320 First Street, N.W.
Washington, DC 20534

Re: FOIA Request Related to BOP Inspection of CIA Detention Site COBALT

Dear Freedom of Information Officer:

This letter constitutes a request (Request) pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). The Request is submitted on behalf of the American Civil Liberties Union (ACLU). The ACLU is also requesting a fee waiver, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11(k).

THE REQUESTOR

The ACLU is a nationwide, nonprofit, nonpartisan organization dedicated to protecting human rights and civil rights in the U.S. It is the largest civil liberties organization in the country, with offices in 50 states and over 500,000 members. The ACLU is specifically dedicated to holding the U.S. government accountable to universal human rights principles in addition to rights guaranteed by the U.S. Constitution.

Though the ACLU has been involved in prison reform since its founding, in 1972 the organization consolidated various prisoners’ rights efforts around the United States into the National Prison Project (NPP). The NPP promotes a fair and effective criminal justice system in which incarceration is used only as a last resort, and its purpose is to prepare prisoners for release and a productive, law-abiding life at the earliest possible time. Through litigation, advocacy, and public education, the NPP works to ensure that conditions of confinement are consistent with health, safety, and human dignity, and that prisoners retain all rights of free persons that are not inconsistent with incarceration. The NPP’s current docket includes class action civil rights suits on behalf of prisoners in thirteen states and the U.S. Virgin Islands.
RECORDS REQUESTED

As used herein, the term “DETENTION SITE COBALT” means the detention facility identified by the codename COBALT in the executive summary of the Senate Select Committee on Intelligence Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program (relevant excerpts from which are attached as Exhibit A\(^1\)), regardless of whether BOP records refer to the facility by the codename COBALT or by some other name(s). For convenience of reference, this facility was located in Afghanistan, and news reports indicate that it was also named the “Salt Pit.”

As used herein, the term “COMMUNICATIONS” means any transmittal of information from one person or entity to another by any means, including letters, correspondence, notes, memoranda, records, reports, papers, facsimiles, electronic mail (whether to, from, copied or blind copied), electronic mail generated from a hand held personal device including a Blackberry or iPhone, instant messaging, electronic mail generated from business or personal email accounts, internet relay chat, news group, group or collaboration servers, electronic bulletin boards, electronic discussion boards, dictation tapes, video recordings, audio recordings, digital recordings, memoranda, telegrams, teleconferencing, collaboration servers (including share point servers), web-based or software virtual meetings including Web-X and any other meeting software and share point servers, and oral contact such as face-to-face discussions or meetings, telephone conversations, and voice mail messages.

As used herein, the term “DOCUMENTS” has the same scope used in Rule 34(a)(1) of the Federal Rules of Civil Procedure and shall encompass every writing or record of every type and description and every tangible thing that is or has been in the possession, custody, or control of the Federal Bureau of Prisons (“BOP”) and its employees, to which they have access, or of which they have knowledge, including, but not limited to, newspaper articles, magazine articles, correspondence, letters, contracts, files, electronic mail, memoranda, stenographic notes, handwritten notes, drafts, studies, publications, books, pamphlets, catalogs, purchase orders, receipts, advertisements, direct mail solicitations, point-of-sale and point-of-purchase materials, notebooks, diaries, models, devices, pictures, photographs, films, audiotapes, videotapes, computer records, voice recordings, maps, reports, surveys, minutes, data compilations, and statistical compilations, regardless of whether a particular DOCUMENT is privileged or confidential, and regardless of the form of storage (including, but not limited to, paper, microfiche, magnetic tape, magnetic disk (hard disk or floppy disk), CD-ROM, DVD, optical disk, or electronic storage device).

---

\(^1\) The complete executive summary is available online at http://www.intelligence.senate.gov/study2014/executive-summary.pdf.
The ACLU requests the following:

1. Any and all COMMUNICATIONS relating to DETENTION SITE COBALT, between the Federal Bureau of Prisons (“BOP”) and any other Federal agency or agencies, from January 1, 2002 to January 1, 2005.

2. Any and all COMMUNICATIONS relating to DETENTION SITE COBALT, between BOP personnel, from January 1, 2002 to January 1, 2005.

3. Any and all DOCUMENTS identifying BOP personnel who visited DETENTION SITE COBALT on or about November 2002. For convenience of reference, these activities are described on page 60 of Exhibit A.

4. Any and all DOCUMENTS relating to any and all visits, meetings, inspections, assessments, recommendations, or training conducted by BOP personnel relating to DETENTION SITE COBALT on or about November 2002. For convenience of reference, these activities are described on page 60 of Exhibit A.

5. Any and all DOCUMENTS relating to any and all briefings or meetings between BOP and Central Intelligence (“CIA”) personnel relating to DETENTION SITE COBALT on or about December 2002. For convenience of reference, these activities are described on page 60 of Exhibit A.

6. Any and all DOCUMENTS relating to the death of a detainee at DETENTION SITE COBALT on or about November 2002. For convenience of reference, this death is described as occurring “at the end of the Federal Bureau of Prisons visit to the CIA detention site” in Footnote 297 of Exhibit A, and the circumstances of the death are described on pages 54-55 and 59-60 of Exhibit A.

**FEE WAIVER**

The ACLU requests a total waiver of document search, review, and duplication fees on the grounds that disclosure of the requested records is in the public interest and because disclosure “is likely to contribute significantly to the public understanding of the activities or operations of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). See also 6 C.F.R. § 5.11(k).

---

2 In the alternative, the ACLU requests a limitation on fees pursuant to 6 C.F.R. § 5.11(d).
impunity”). Illuminating the role that BOP played in evaluating and approving the conditions of confinement at DETENTION SITE COBALT is an important part of this public discussion; by approving conditions of confinement at DETENTION SITE COBALT as “not in humane” in late 2002, BOP failed to do what it could to prevent the CIA’s subsequent abuses. The requested records will contribute substantially to the public’s understanding of the BOP’s role in this matter of great public concern.

In addition, disclosure is not in the ACLU’s commercial interest. Any information disclosed by the ACLU as a result of this FOIA request will be available to the public at no cost. See 6 C.F.R. § 5.11(k)(1)(ii); 6 C.F.R. § 5.11(k)(3). The ACLU publishes newsletters, news briefings, right-to-know handbooks, and other materials that are disseminated to the public. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, law students and faculty, for no cost or for a nominal fee through its public education department. The ACLU also disseminates information through its heavily subscribed website, http://www.aclu.org. The website addresses civil liberties issues in depth, provides features on civil liberties issues in the news, and contains hundreds of documents that relate to the issues addressed by the ACLU. The website also specifically includes features on information obtained through the FOIA. See, e.g., http://www.aclu.org/torturefoia; http://www.aclu.org/spyfiles; http://www.aclu.org/patriot_foia/index.html; http://www.aclu.org/exclusion; http://www.aclu.org/safefree/nationalsecurityletters/32088res20071014.html.

The ACLU also publishes an electronic newsletter, which is distributed to subscribers by e-mail.3 Depending on the results of this Request, the ACLU will likely disseminate the information obtained to the public through these kinds of publications in these kinds of channels.

Thus, a fee waiver would fulfill Congress’s legislative intent in amending FOIA. See Judicial Watch, Inc. v. Rossotti, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be ‘liberally construed in favor of waivers for noncommercial requestors.’”) (citation omitted); Citizens for Responsibility and Ethics in Washington v. U.S. Dept. of Educ., 593 F. Supp. 2d 261, 268 (D.D.C. 2009) (“[FOIA’s] purpose . . . is to remove the roadblocks and technicalities which have been used by . . . agencies to deny waivers.”) (internal quotation marks and citation omitted).

3 In addition to the national ACLU offices, there are 53 ACLU affiliate and national chapter offices located throughout the United States and Puerto Rico. These offices further disseminate ACLU material to local residents, schools, and organizations through a variety of means, including their own websites, publications, and newsletters. The ACLU also makes archived material available at the American Civil Liberties Union Archives at Princeton University Library. Additionally, ACLU publications are often disseminated to relevant groups across the country, which then further distribute them to their members or to other parties.
On account of these factors, the ACLU has not been charged fees associated with responding to FOIA requests on numerous occasions.  

In any event, as discussed supra, the ACLU qualifies as a “representative of the news media” and the records are not sought for commercial use. Accordingly, should fees be assessed for the processing of this Request, such fees should be “limited to reasonable standard charges for document duplication.” 5 U.S.C. § 552(a)(4)(A)(ii)(II). See also 6 C.F.R. § 5.11(d).

The ACLU is therefore entitled to a total waiver of fees associated with this request and should, in no event, be required to pay more than reasonable standard charges for document duplication alone.

*   *   *

Thank you for your consideration of this request. If this request is denied in whole or part, the ACLU asks that you justify all deletions by reference to specific exemptions of the FOIA. We expect you to release all segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information, or to deny a waiver of fees. We look forward to your reply to the records request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(I).

---

4 The following are recent examples of requests for which agencies did not charge the ACLU fees associated with responding to a FOIA request: (1) In March 2012, the Department of Justice Criminal Division granted a fee waiver to the ACLU for a FOIA request seeking records about the government’s access to the contents of individuals’ private electronic communications. (2) In June 2011, the National Security Division of the Department of Justice granted a fee waiver to the ACLU with respect to a request for documents relating to the interpretation and implementation of a section of the PATRIOT Act. (3) In November 2010, the Federal Emergency Management Agency (FEMA) granted a fee waiver to the ACLU for a FOIA request seeking documents concerning the FEMA-funded rebuilding of Orleans Parish Prison following Hurricane Katrina. (4) In October 2010, the Department of the Navy granted a fee waiver to the ACLU with respect to a request for documents regarding the deaths of detainees in U.S. custody. (5) In January 2010, U.S. Immigration and Customs Enforcement (ICE) granted a fee waiver to the ACLU for a FOIA request seeking documents concerning the deaths of detainees in ICE custody. (6) In January 2009, the CIA granted a fee waiver with respect to the same request. (7) In March 2009, the State Department granted a fee waiver to the ACLU with regard to a FOIA request submitted in December 2008. The Department of Justice granted a fee waiver to the ACLU with regard to the same FOIA request. (8) In November 2006, the Department of Health and Human Services granted a fee waiver to the ACLU with regard to a FOIA request submitted in November of 2006.
Thank you for your prompt attention to this matter. We eagerly await your response, and thank you for your assistance. Please furnish all responsive records to:

Carl Takei
Staff Attorney
ACLU National Prison Project
915 15th St. NW, 7th Floor
Washington, DC 20005

* * *

Sincerely,

Carl Takei
Staff Attorney
ACLU National Prison Project
915 15th Street, NW
7th Floor
Washington, DC 20005
Tel: (202) 393-4930
Fax: (202) 393-4931
ctakei@aclu.org
EXHIBIT A

Excerpts from the Senate Select Committee on Intelligence Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program
Senate Select Committee on Intelligence

Committee Study of the CIA’s Detention and Interrogation Program

Executive Summary

Approved December 13, 2012

Updated for Release April 3, 2014

Declassification Revisions December 3, 2014
Table of Contents

I. Background on the Committee Study ............................................................................................................8

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 Charge ........................................................................................................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 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 ....................50
      3. CIA Headquarters Recommends That Untrained Interrogators in Country Use the CIA's Enhanced Interrogation Techniques on Ridha al-Najjar .......................................................................51
      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

UNCLASSIFIED
8. The CIA Places CIA Detainees in Country 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 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 and DETENTION SITE VIOLET in Country ........................................................................97
3. At Least 17 CIA Detainees Subjected to the CIA’s Enhanced Interrogation Techniques Without CIA Headquarters Authorization.................................................................97
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 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 Officials Inform 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 Official 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 L 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 L .................................................................................................................... 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 L and L .................................................................................. 151
III. Intelligence Acquired and CIA Representations on the Effectiveness of the CIA’s Enhanced Interrogation Techniques to Multiple Constituencies .................................................................................................................. 172

A. Background on CIA Effectiveness Representations ............................................................................................................................... 172

B. Past Efforts to Review the Effectiveness of the CIA’s Enhanced Interrogation Techniques ................................................................................................................................. 178

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 Detainees ................................................................................................................................................. 204

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 Lyman 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
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 Briefed ........................................................................................................ 402
   C. CIA Attorneys Caution that Classified Information Provided to the Media Should Not Be Attributed to the CIA ........................................................................................................................................ 404
   D. The CIA Engages with Journalists and Conveys an Inaccurate Account of the Interrogation of Abu Zubaydah ........................................................................................................................................ 405

V. Review of CIA Representations to the Department of Justice ................................................................. 409
   A. August 1, 2002, OLC Memorandum Relies on Inaccurate Information Regarding Abu Zubaydah .......... 409
   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 OLC ...................................................................................................... 411
   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 Techniques ........................................................................................................ 419
   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 Justice ........................................................................................................ 431

VI. Review of CIA Representations to the Congress ......................................................................................... 437
   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 Information ........................................................................................................................................ 437
   C. No Detailed Records Exist of CIA Briefings of Committee Leadership; the CIA Declines to Answer Questions from Committee Members or Provide Requested Materials ........................................................................ 439
   D. Vice Chairman Rockefeller Seeks Committee Investigation ........................................................................................................ 441
   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 Videotapes ........................................................................................................ 443
F. CIA Director Goss Seeks Committee Support for the Program After the Detainee Treatment Act; CIA Declines to Answer Questions for the Record.

G. Full Committee First Briefed on the CIA’s Interrogation Program Hours Before It Is Publicly Acknowledged on September 6, 2006.

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 Manual.

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 Program.

VII. CIA Destruction of Interrogation Videotapes Leads to Committee Investigation; Committee Votes 14-1 Expansive Terms of Reference to Study the CIA’s Detention and Interrogation Program.

VIII. Appendix 1: Terms of Reference.


X. Appendix 3: Example of Inaccurate CIA Testimony to the Committee- April 12, 2007.
specific requests for additional information on the CIA’s Detention and Interrogation Program. Internal CIA emails include discussion of how the CIA could “get... off the hook on the cheap” regarding Chairman Graham’s requests for additional information. In the end, CIA officials simply did not respond to Graham’s requests prior to his departure from the Committee in January 2003.

C. Interrogation in Country  and the January 2003 Guidelines

1. The CIA Establishes DETENTION SITE COBALT, Places Inexperienced First-Tour Officer in Charge

(TS//\REDACTED//NF) Plans for a specialized CIA detention facility in Country began in April 2002, with the intention that it would be “totally under /\Station Control.” On June 6, 2002, CIA Headquarters approved more than $200,000 for the construction of the facility, identified in this summary as “DETENTION SITE COBALT.” In a 2003 interview with the CIA Office of Inspector General, Associate Deputy Director for Operations described his views of this facility and “stated that [DETENTION SITE COBALT]... was opened because there needed to be a detention site in [Country ] for those detainees enroute to [DETENTION SITE GREEN]. It was not a place for the use of EITs.”

(DIRECTOR (062212Z JUN 02)) DETENTION SITE COBALT, constructed with CIA funding, opened in Country in September 2002. According to CIA records, the windows at DETENTION SITE COBALT were blacked out and detainees were kept in total darkness. The guards monitored detainees using headlamps and loud music was played constantly in the facility. While in their cells, detainees were shackled to the wall and given buckets for human waste. Four of the twenty cells at the facility included a bar across the top of the cell. Later reports describe detainees being shackled to the bar with their hands above their heads, forcing them to stand, and therefore not allowing the detainees to sleep.

234 Email from: Stanley Moskowitz; to: John H. Moseman; cc: Scott Muller and James Pavitt; subject: [attached document] Re: Graham request on interrogations; date: December 9, 2002, at 05:46:11 PM.
235 By June 2002 the CIA had taken custody of five detainees who were captured outside of Country and placed these CIA detainees in Country detention facilities. The detainees were held at the Country facilities at request of the CIA and the CIA had unlimited access to them. See 21147
236 DIRECTOR (062212Z JUN 02)
238 For additional information on DETENTION SITE COBALT, see Volume I and Volume III. The specific date has been generalized at the request of the CIA.
239 Email from: [REDACTED]; to: [REDACTED], [REDACTED], [REDACTED]; subject: Meeting with SO & Federal Bureau of Prisons; date: December 4, 2002; email from: [REDACTED]; to: [REDACTED]; subject: Meeting with SO & Federal Bureau of Prisons; date: December 5, 2002; Special Review, Counterterrorism Detention and Interrogation Activities (September 2001 - October 2003) (2003-7123-IG), May 7, 2004; Memorandum for Deputy Director of Operations, from [REDACTED], January 28, 2003, Subject: TOP SECRET//\REDACTED//NF
The CIA officer in charge of DETENTION SITE COBALT, [CIA OFFICER 1], was a junior officer on his first overseas assignment with no previous experience or training in handling prisoners or conducting interrogations. [CIA OFFICER 1] was the DETENTION SITE COBALT manager during the period in which a CIA detainee died and numerous CIA detainees were subjected to unapproved coercive interrogation techniques. A review of CIA records found that prior to [CIA OFFICER 1’s] deployment and assignment as the CIA’s DETENTION SITE COBALT manager, other CIA officers recommended [CIA OFFICER 1] not have continued access to classified information due to a “lack of honesty, judgment, and maturity.” According to records, “the chief of CTC told [CIA OFFICER 1] that he would not want [him] in his overseas station.”

“has issues with judgment and maturity, [and his] potential behavior in the field is also worrisome. [The officer] further advised that [CIA OFFICER 1] was only put into processing for an overseas position so that someone would evaluate all of the evidence of this situation all together. [The officer further noted that] [CIA OFFICER 1] might not listen to his chief of station when in the field.”

2. CIA Records Lack Information on CIA Detainees and Details of Interrogations in Country I

Detainees held in Country I were detained under the authority of the MON; however, CIA officers conducted no written assessment of whether these detainees...
"pose[d] a continuing, serious threat of violence or death to U.S. persons and interests or... [we]re planning terrorist activities." The CIA maintained such poor records of its detainees in Country I during this period that the CIA remains unable to determine the number and identity of the individuals it detained. The full details of the CIA interrogations there remain largely unknown, as DETENTION SITE COBALT was later found to have not reported multiple uses of sleep deprivation, required standing, loud music, sensory deprivation, extended isolation, reduced quantity and quality of food, nudity, and "rough treatment" of CIA detainees.245

3. CIA Headquarters Recommends That Untrained Interrogators in Country I Use the CIA's Enhanced Interrogation Techniques on Ridha al-Najjar

(RS//FIS//NF) Ridha al-Najjar was the first CIA detainee to be held at DETENTION SITE COBALT. Al-Najjar, along with Hassan Muhammad Abu Bakr and a number of other individuals, was arrested in Karachi, Pakistan, after raids conducted by Pakistan in late May 2002.246 Al-Najjar was identified by the CIA as a former bodyguard for Usama bin Laden247 and was rendered with Abu Bakr to CIA custody at a Country I detention facility on June 1, 2002.248 Ridha al-Najjar was transferred to DETENTION SITE COBALT on September 11, 2002.249

(RS//FIS//NF) While the CIA was describing to the Department of Justice why it needed to use the CIA's enhanced interrogation techniques against Abu Zubaydah, a parallel internal discussion at the CIA was taking place regarding Ridha al-Najjar. An ALEC Station cable from a CTC officer stated that, on June 27, 2002:

"ALEC/HQS held a strategy session regarding the interrogation of high priority [Country I] detainee Ridha Ahmed al-Najjar in [Country I]. The goal of the session was to review the progress of the interrogation to date and to devise a general plan as to how best to proceed once the new [Country I] detention/debriefing facility [i.e., DETENTION SITE COBALT] is completed."250

(RS//FIS//NF) The meeting participants included individuals who were also involved in discussions related to Abu Zubaydah's interrogation, including deputy chief of ALEC Station, , CTC Legal , and the chief of

245 The full Committee Study includes a CIA photograph of a waterboard at DETENTION SITE COBALT. While there are no records of the CIA using the waterboard at COBALT, the waterboard device in the photograph is surrounded by buckets, with a bottle of unknown pink solution (filled two thirds of the way to the top) and a watering can resting on the wooden beams of the waterboard. In meetings between the Committee Staff and the CIA in the summer of 2013, the CIA was unable to explain the details of the photograph, to include the buckets, solution, and watering can, as well as the waterboard’s presence at COBALT.

246 11357 111443
247 178155 11443
248 11542
249 27054
250 ALEC (162135Z JUL 02). Although the plans at the time were for DETENTION SITE COBALT to be owned and operated by the Country I government, the detention site was controlled and overseen by the CIA and its officers from the day it became operational in September 2002.
a cable followed on July 16, 2002, to the CIA Station in Country  suggesting possible interrogation techniques to use against Ridha al-Najjar, including:

- utilizing “Najjar’s fear for the well-being of his family to our benefit,” with the cable explicitly stating that interrogators could not “threaten his family with imminent death”;
- using “vague threats” to create a “mind virus” that would cause al-Najjar to believe that his situation would continue to get worse until he cooperated;  
- manipulating Ridha al-Najjar’s environment using a hood, restraints, and music; and
- employing sleep deprivation through the use of round-the-clock interrogations.

(TS//NOFORN) The cable went on to note that the “possibility that [al-Najjar] may have current threat or lead information demands that we keep up the pressure on him.” With the exception of a brief mention of “diminished returns from the most recent interviews of al-Najjar,” and references to the detainee’s complaints about physical ailments, the cable offers no evidence al-Najjar was actively resisting CIA interrogators.

(TS//NOFORN) Ten days later, on July 26, 2002, CIA officers in Country  none of whom had been trained in the use of the CIA’s enhanced interrogation techniques, proposed putting al-Najjar in isolation and using “sound disorientation techniques,” “sense of time deprivation,” limited light, cold temperatures, and sleep deprivation. The CIA officers added that they felt they had a “reasonable chance of breaking Najjar” to get “the intelligence and locator lead information on UBL and Bin Ladin’s family.” The plan for al-Najjar was circulated to senior CIA officers as part of the Daily DCI Operations Update.
On August 5, 2002, the day after Abu Zubaydah’s interrogation using the CIA’s enhanced interrogation techniques at DETENTION SITE GREEN began, CIA Headquarters authorized the proposed interrogation plan for al-Najjar, to include the use of loud music (at less than the level that would cause physical harm such as permanent hearing loss), worse food (as long as it was nutritionally adequate for sustenance), sleep deprivation, and hooding.  

More than a month later, on September 21, 2002, CIA interrogators described al-Najjar as “clearly a broken man” and “on the verge of complete breakdown” as a result of the isolation. The cable added that al-Najjar was willing to do whatever the CIA officer asked.

In October 2002, officers from the U.S. military conducted a short debriefing of al-Najjar at DETENTION SITE COBALT and subsequently expressed an interest in a more thorough debriefing. On November 1, 2002, a U.S. military legal advisor visited DETENTION SITE COBALT and described it as a “CIA detention facility,” noting that “while CIA is the only user of the facility they contend it is a [Country ********] facility.” The U.S. military officer also noted that the junior CIA officer designated as warden of the facility “has little to no experience with interrogating or handling prisoners.” With respect to al-Najjar specifically, the legal advisor indicated that the CIA’s interrogation plan included “isolation in total darkness; lowering the quality of his food; keeping him at an uncomfortable temperature (cold); [playing music] 24 hours a day; and keeping him shackled and hooded.” In addition, al-Najjar was described as having been left hanging—which involved handcuffing one or both wrists to an overhead bar which would not allow him to lower his arms—for 22 hours each day for two consecutive days, in order to “break” his resistance.” It was also noted al-Najjar was wearing a diaper and had no access to toilet facilities.

The U.S. military legal advisor concluded that, because of al-Najjar’s treatment, and the concealment of the facility from the ICRC, military participation in al-Najjar’s interrogation would involve risks for the U.S. military. The legal advisor recommended briefing the CIA’s detention and interrogation activities to U.S. military personnel.

[REDACTED], [REDACTED]; subject: ABU ZUBAYDah - SENSITIVE ADDENDUM TO DCI DAILY 1630 OPS UPDATE - 26 JULY; date: July 26, 2002.

DIRECTOR [REDACTED] (052309Z AUG 02). The OLC opinion that reviewed and approved the use of CIA’s enhanced interrogation techniques, signed on August 1, 2002, was specific to Abu Zubaydah. The Office of Legal Counsel did not produce legal opinions for al-Najjar or other detainees held by or for the CIA until August 2004.


[combatant command] to alert the command of the risks prior to the U.S. military being involved in any aspect of the interrogation of al-Najjar. According to the CIA inspector general, the detention and interrogation of Ridha al-Najjar "became the model" for handling other CIA detainees at DETENTION SITE COBALT. The CIA disseminated one intelligence report from its detention and interrogation of Ridha al-Najjar.


In November 2002, ALEC Station officers requested that CIA contract interrogator Hammond DUNBAR, one of the two primary interrogators of Abu Zubaydah in August 2002, travel to DETENTION SITE COBALT to assess a detainee for the possible use of the CIA's enhanced interrogation techniques. While DUNBAR was present at DETENTION SITE COBALT, he assisted [CIA OFFICER 1] in the interrogations of Gul Rahman, a suspected Islamic extremist. As reported to CIA Headquarters, this interrogation included "48 hours of sleep deprivation, auditory overload, total darkness, isolation, a cold shower, and rough treatment." CIA Headquarters did not approve these interrogation techniques in advance. Upon receipt of these cables, however, officers at CIA Headquarters responded that they were "motivated to extract any and all operational information on al-Qa’ida and Hezbi Islami from Gul Rahman" and suggested that "enhanced measures" might be needed to gain Gul Rahman's compliance. CIA Headquarters also requested that a psychological assessment of Rahman be completed. Prior to DUNBAR’s departure from the detention site on November 11, 2002, [a few days before the death of Gul Rahman] DUNBAR proposed the use of the CIA’s enhanced interrogation techniques on other detainees and offered suggestions to [CIA OFFICER 1], the site manager, on the use of such techniques.

On November 11, 2002, [CIA OFFICER 1] ordered that Gul Rahman be shackled to the wall of his cell in a position that required the detainee to rest on the bare concrete floor. Rahman was wearing only a sweatshirt, as [CIA OFFICER 1] had ordered that Rahman’s clothing be removed when he had been judged to be uncooperative during an earlier interrogation. The next day, the guards found Gul Rahman’s dead body. An internal CIA review and autopsy assessed that Rahman likely died from hypothermia—in part

---

266 November 1, 2002, Memorandum for [REDACTED], Subject: Legal Analysis of Personnel Participating in Interrogation at the CIA Detention Facility in [REDACTED] (aka "DETENTION SITE COBALT").
267 According to the IG report, "in late July or early August 2002, a senior operations officer on TDY to [REDACTED] interrogated a particularly obstinate detainee [Ridha al-Najjar] at [REDACTED] detention facility that was used before [COBALT] was opened. The officer drafted a cable that proposed techniques that, ultimately, became the model for [COBALT]." See April 27, 2005, report by the CIA Inspector General, Death of a Detainee (2003-7402-IG). See also Interview Report, 2003-7123-IG, Review of Interrogations for Counterterrorism Purposes, April 30, 2003; Interview Report, 2003-7123-IG, Review of Interrogations for Counterterrorism Purposes, April 2, 2003.
268 See Volume II and Volume III for additional information.
269 ALEC
270 ALEC
271
from having been forced to sit on the bare concrete floor without pants.\textsuperscript{272} [CIA OFFICER 1’s] initial cable to CIA Headquarters on Rahman’s death included a number of misstatements and omissions that were not discovered until internal investigations into Rahman’s death.\textsuperscript{273}

\textbf{(TS//\textsuperscript{\(\textcircled{S}\)}}\textsuperscript{\textit{EF})} The death of Gul Rahman resulted in increased attention to CIA detention and interrogation activities in Country \(\textcircled{I}\) by CIA Headquarters. The CTC formally designated the CTC’s Renditions Group\textsuperscript{274} as the responsible entity for the management and maintenance of all CIA interrogation facilities, including DETENTION SITE COBALT, in early December 2002.\textsuperscript{275} Despite this change, many of the same individuals within the CIA—including DUNBAR, officers at DETENTION SITE COBALT, and officers within ALEC Station who had recommended the use of the CIA’s enhanced interrogation techniques against Gul Rahman—remained key figures in the CIA interrogation program and received no reprimand or sanction for Rahman’s death. Instead, in March 2003, just four months after the death of Gul Rahman, the CIA Station in Country \(\textcircled{I}\) recommended that [CIA OFFICER 1] receive a “cash award” of $2,500 for his “consistently superior work.”\textsuperscript{276} [CIA OFFICER 1] remained in his position as manager of the detention site until July 2003 and continued to be involved in the interrogations of other CIA detainees. He was formally certified as a CIA interrogator in April 2003 after the practical portion of his training requirement was waived because of his past experience with interrogations at DETENTION SITE COBALT.\textsuperscript{277}

\textsuperscript{272} Memorandum for Deputy Director of Operations, from [CIA] January 28, 2003, Subject: Death Investigation – Gul Rahman. Other contributing factors were identified as dehydration, lack of food, and immobility due to “short chaining.”

\textsuperscript{273} See Volume I and III for additional details.

\textsuperscript{274} As noted, the Renditions Group was also known during the program as the “Renditions and Interrogations Group,” as well as the “Rendition, Detention, and Interrogation Group,” and by the initials, “RDG” and “RDI.”

\textsuperscript{275} DIRECTOR (032336Z DEC 02)

\textsuperscript{276} [CIA OFFICER 1] remained in his position as manager of the detention site until July 2003 and continued to be involved in the interrogations of other CIA detainees. He was formally certified as a CIA interrogator in April 2003 after the practical portion of his training requirement was waived because of his past experience with interrogations at DETENTION SITE COBALT.\textsuperscript{277}

\textsuperscript{277} See Memorandum for Executive Director from [CIA] Deputy Director for Science and Technology, re: Report and Recommendations of the Special Accountability Board Regarding the Death of Afghan Detainee Gul Rahman.) On February 10, 2006, however, the CIA Executive Director K.B. Foggo notified [CIA OFFICER 1] that he intended to take no disciplinary action against him. In his memo describing that decision, the executive director stated: “While not condoning your actions, it is imperative, in my view, that they... be judged within the operational context that existed at the time of Rahman’s detention. Cable traffic reviewed by the board shows conclusively that Headquarters generally was aware of, and posed no objections to, the confinement conditions and interrogation techniques being imposed on Rahman as late as November. On that date, Headquarters notified [the CIA Station in COUNTRY \(\textcircled{I}\)] that it was ‘motivated to extract any and all operational information’ from Rahman, that it ratified achieving Rahman’s cooperation to be of ‘great importance’ and that it acknowledged that Rahman ‘may need to be subjected to enhanced interrogation measures to induce him to comply.’ (See February 10, 2006, Memorandum for [CIA OFFICER 1], CounterTerrorist Center, National Clandestine Service, from Executive Director, re: “Accountability Decision.”) With regard to the death of Gul Rahman, the CIA’s June 2013 Response states: “Most egregiously, we believe that CIA leaders erred in not holding anyone formally accountable for the actions and failure of management related to the death of Gul Rahman at [COBALT] in 2002. We understand the reasoning underlying CIA management’s decision to overturn an accountability board recommendation that would have imposed sanctions on the least...
Later investigations of DETENTION SITE COBALT conducted by the CIA inspector general and the deputy director of operations following the death of Gul Rahman found that the use of the CIA’s enhanced interrogation techniques—and other coercive interrogation techniques—was more widespread than was reported in contemporaneous CIA cables. Specifically, the interrogation techniques that went unreported in CIA cables included standing sleep deprivation in which a detainee’s arms were shackled above his head, nudity, dietary manipulation, exposure to cold temperatures, cold showers, “rough takedowns,” and, in at least two instances, the use of mock executions.278

On November 18, 2002, staff from the CIA’s Office of Inspector General contacted CTC Legal, to indicate their interest in being briefed by CTC on the detention facility in Country . At their meeting with the DDO and the chief of CTC on November 18, 2002, the OIG staff explained that, while in that country on a separate matter, the staff had overheard a conversation that included references to “war crimes” and “torture” at a CIA detention facility and were therefore seeking to follow-up on this information. According to notes from the meeting, the DDO described the “most recent event concerning Gul Rahman”—his death, which occurred on November 11, 2002.279

experienced officer involved. The most junior in the chain of command should not have to bear the full weight of accountability when larger, systemic problems exist and when they are thrust into difficult battlefield situations by their supervisors and given a risky and difficult task and little preparation or guidance. Still, it is hard to accept that a CIA officer does not bear at least some responsibility for his or her actions, even under trying circumstances.”

278 Special Review, Counterterrorism Detention and Interrogation Activities (September 2001 - October 2003) (2003-7123-IG), May 7, 2004; Memorandum for Deputy Director of Operations, from [REDACTED], January 28, 2003, Subject: Death Investigation - Gul RAHMAN; CIA Inspector General, Report of Investigation, Death of a Detainee (2003-7402-IG), April 27, 2005. Inspector General records of the interview of a senior CIA debriefer indicated that, “[d]uring the two weeks of interrogation training, she heard stories of [COBALT] detainees being ‘hung for days on end,’ not being fed, mock assassinations, and at least one case of a detainee being repeatedly choked.” The senior debriefer also informed the Office of Inspector General that, “[s]he heard that while at [COBALT] [REDACTED], aka “CIA OFFICER 2”), had hung detainees up for long periods with their toes barely touching the ground.” (See interview report, 2003-7123-IG, Review of Interrogations for Counterterrorism Purposes, [REDACTED], April 5, 2003.) DUNBAR described a “rough takedown” following the death of Gul Rahman at COBALT. “According to [DUNBAR], there were approximately five CIA officers from the renditions team. Each one had a role during the takedown and it was thoroughly planned and rehearsed. They opened the door of Rahman’s cell and rushed in screaming and yelling for him to ‘get down.’ They dragged him outside, cut off his clothes and secured him with Mylar tape. They covered his head with a hood and ran him up and down a long corridor adjacent to his cell. They slapped him and punched him several times. [DUNBAR] stated that although it was obvious they were not trying to hit him as hard as they could, a couple of times the punches were forceful. As they ran him along the corridor, a couple of times he fell and they dragged him through the dirt (the floor outside of the cells is dirt). Rahman did acquire a number of abrasions on his face, legs, and hands, but nothing that required medical attention. (This may account for the abrasions found on Rahman’s body after his death. Rahman had a number of surface abrasions on his shoulders, pelvis, arms, legs, and face.) At this point, Rahman was returned to his cell and secured. [DUNBAR] stated that [REDACTED] [CIA OFFICER 1] [the CIA officer in charge of DETENTION SITE COBALT] may have spoken to Rahman for a few moments, but he did not know what [REDACTED] [CIA OFFICER 1] said. [DUNBAR] stated that after something like this is done, interrogators should speak to the prisoner to ‘give them something to think about.’” (See Memorandum for Deputy Director of Operations, from [REDACTED], January 28, 2003, Subject: Death Investigation - Gul RAHMAN, pp. 21-22.)
In January 2003, CIA Inspector General John Helgerson began a formal review of the death of Gul Rahman and began a separate review of the entire CIA Detention and Interrogation Program. The resulting Special Review of Counterterrorism Detention and Interrogation Activities ("Special Review") found that there were no guidelines for the use of the CIA's enhanced interrogation techniques at DETENTION SITE COBALT prior to December 2002, and that interrogators, some with little or no training, were "left to their own devices in working with detainees." 280

The Inspector General's Special Review also revealed the lack of oversight of DETENTION SITE COBALT by CIA leadership. DCI Tenet stated that he was "not very familiar" with DETENTION SITE COBALT and "what the CIA is doing with medium value targets." 281 Associate Deputy Director of Operations stated that he was unaware that the CIA's enhanced interrogation techniques were being used there. 282 In August 2003, CIA General Counsel Scott Muller relayed that he was under the impression that DETENTION SITE COBALT was only a holding facility and that he had "no idea who is responsible for [COBALT]." 283 Senior Deputy General Counsel John Rizzo informed the OIG that he knew little about DETENTION SITE COBALT and that his focus was on DETENTION SITE GREEN and DETENTION SITE BLUE. 284 CTC Chief of Operations stated that he had much less knowledge of operations at DETENTION SITE COBALT, and that the CIA's GREEN and BLUE detention sites were much more important to him. 285 Finally, Chief of CTC Jose Rodriguez stated that he did not focus on DETENTION SITE COBALT because he had "other higher priorities." 286

5. The CIA Begins Training New Interrogators; Interrogation Techniques Not Reviewed by the Department of Justice Included in the Training Syllabus

---


281 Interview of George Tenet, by [REDACTED], [REDACTED], Office of the Inspector General, memorandum dated, September 8, 2003.


283 Interview of Scott Muller, by [REDACTED], [REDACTED], and [REDACTED], Office of the Inspector General, August 20, 2003.

284 Interview of John Rizzo, by [REDACTED], [REDACTED] and [REDACTED], Office of the Inspector General, August 14, 2003.


The CIA’s CTC Renditions Group began preparing for the first CIA interrogator training course in August 2002—during the period in which Abu Zubaydah was being interrogated using the CIA’s enhanced interrogation techniques at DETENTION SITE GREEN. The CIA’s chief of interrogations, and the CIA officer with OTS who had spent years as a SERE Instructor with JPRA, led the interrogation training. The first interrogation training, conducted with the assistance of JPRA personnel, occurred from November 12, 2002, to November 18, 2002. The class included eight students who were seeking to become CIA interrogators and three students seeking to support the CIA interrogation process. The CIA training program involved 65 hours of instruction and training on the CIA’s enhanced interrogation techniques, including at least two interrogation techniques whose legality had not been evaluated by the Department of Justice: the “abdominal slap” and the “finger press.” Although a number of personnel at CIA Headquarters reviewed the training materials, there are no CIA records of any CIA officer raising objections to the techniques being included in the syllabus.

6. Despite Recommendation from CIA Attorneys, the CIA Fails to Adequately Screen Potential Interrogators in 2002 and 2003

On November 1, 2002, after the completion of the first formal training class, CTC Legal, asked CTC attorney to “make it known that from now on, CTC/LGL must vet all personnel who are enrolled in, observing or teaching – or otherwise associated with – the class.”

Moreover, we will be forced to DISapprove [sic] the participation of specific personnel in the use of enhanced techniques unless we have ourselves vetted.

---

287 December 4, 2002, Training Report, High Value Target Interrogation and Exploitation (HVTIE) Training Seminar 12-18 Nov 02 (pilot running) at 4. See also email from: [REDACTED], to: [REDACTED], [REDACTED]; subject: Formation of a High Value Target Interrogation team (describing initial training plan and requirements); date: August 30, 2002, at 8:30 AM.


290 See, for example, email from: [REDACTED]; to: [REDACTED], [REDACTED]; subject: HVT training; date: October 10, 2002; email from: [REDACTED]; to: [REDACTED], [REDACTED], [REDACTED]; cc: [REDACTED], [REDACTED], [REDACTED]; subject: HVT training; date: October 10, 2002; November 1, 2002, Memorandum for: Director, DCI Counterterrorist Center, from [REDACTED], Chief, Renditions Group, CTC, re: Request for use of Military Trainers in Support of Agency Interrogation Course, REFERENCE: Memo for DJ/CTC from C/SG/CTC, dtd 26 Aug 02, Same Subject.

291 Email from: [REDACTED]; to: [REDACTED], [REDACTED], [REDACTED]; subject: EYES ONLY; date: November 3, 2002, at 03:13:01 PM. As described above, Gul Rahman likely froze to death at DETENTION SITE COBALT sometime in the morning of November 3, 2002. [REDACTED]’s email, however, appears to have been drafted before the guards had found Gul Rahman’s body and before that death was reported to CIA Headquarters. See [REDACTED] 30211, describing the guards observing Gul Rahman alive in the morning of November 3, 2002. Gul Rahman’s death appeared in cable traffic at least after [REDACTED]’s email. No records could be identified to provide the impetus for [REDACTED]’s email.
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 vetting process will not be that dissimilar from the checks that are provided by the OIG, OS, etc. in certain cases before individuals are promoted or receive awards, and the selection and training of aggressive interrogators certainly warrants a similar vetting process." 292

(TS/NOFO/NOF) The chief of CTC, Jose Rodriguez, objected to this approach, stating:

"I do not think that CTC/LGL should or would want to get into the business of vetting participants, observers, instructors or others that are involved in this program. It is simply not your job. Your job is to tell all what are the acceptable legal standards for conducting interrogations per the authorities obtained from Justice and agreed upon by the White House." 293

(TS/NOFO/NOF) Contrary to statements later made by CIA Director Michael Hayden and other CIA officials that "[a]ll those involved in the questioning of detainees are carefully chosen and screened for demonstrated professional judgment and maturity," 294 CIA records suggest that the vetting sought by [REDACTED] did not take place. The Committee reviewed CIA records related to several CIA officers and contractors involved in the CIA's Detention and Interrogation Program, most of whom conducted interrogations. The Committee identified a number of personnel whose backgrounds include notable derogatory information calling into question their eligibility for employment, their access to classified information, and their participation in CIA interrogation activities. In nearly all cases, the derogatory information was known to the CIA prior to the assignment of the CIA officers to the Detention and Interrogation Program. 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. 295

7. Bureau of Prisons “WOW’ed” by Level of Deprivation at CIA’s COBALT Detention Site

(TS/NOFO/NOF) In December 2002, the CIA’s Renditions Group sent a team of recently trained interrogators to DETENTION SITE COBALT to engage in interrogations. The interrogation plans proposed by that team for at least three detainees at DETENTION SITE

---

292 Email from: [REDACTED], [REDACTED]; to: [REDACTED]; cc: Jose Rodriguez, [REDACTED], [REDACTED], [REDACTED]; subject: EYES ONLY; date: November 11, 2002, at 03:13:01 PM.
293 Email from: Jose Rodriguez; to: [REDACTED], [REDACTED]; cc: [REDACTED], [REDACTED], [REDACTED]; subject: EYES ONLY; date: November 11, 2002, at 04:27 PM.
294 Transcript of hearing, April 12, 2007 (DTS #2007-1563).
295 The information [REDACTED] is described at length in the Committee Study in Volume III.
COBALT included the use of interrupted sleep, loud music, and reduction in food quality and quantity. Less than a month after the death of Gui Rahman from suspected hypothermia, the plans also called for detainees’ clothes to be removed in a facility that was described to be 45 degrees Fahrenheit. CIA Headquarters approved the proposals for these detainees, whom the CIA described as “Medium Value.”

Prior to this, in November 2002, a delegation of several officers from the Federal Bureau of Prisons conducted an assessment of DETENTION SITE COBALT. Following the November 2002, through November 2002, visit, CIA officers in Country remarked that the Federal Bureau of Prisons assessments, along with recommendations and training, had “made a noticeable improvement on how the day to day operations at the facility are performed,” and made the detention site a “more secure and safer working environment for officers.”

On December 4, 2002, officers at CIA Headquarters met with individuals from the Federal Bureau of Prisons to learn more about their inspection of DETENTION SITE COBALT and their training of security staff. During that meeting, the Federal Bureau of Prisons personnel described DETENTION SITE COBALT and stated that there was “absolutely no talking inside the facility,” that the guards do not interact with the prisoners, and that “[e]verything is done in silence and [in] the dark.” According to a CIA officer, the Federal Bureau of Prisons staff also commented that “they were ‘WOW’ed’” at first by the facility, because:

“They have never been in a facility where individuals are so sensory deprived, i.e., constant white noise, no talking, everyone in the dark, with the guards wearing a light on their head when they collected and escorted a detainee to an interrogation cell, detainees constantly being shackled to the wall or floor, and the starkness of each cell (concrete and bars). There is nothing like this in the Federal Bureau of Prisons. They then explained that they understood the mission and it was their collective assessment that in spite of all this sensory deprivation, the detainees were not being treated in humanely [sic]. They explained that the facility was sanitary, there was medical care and the guard force and our staff did not mistreat the detainee[s].”

By the end of December 2002, the CIA Renditions Group that had visited DETENTION SITE COBALT had concluded that the detention facility’s initial “baseline conditions” involved so much deprivation that any further deprivation would have limited impact
on the interrogations. The team thus recommended that “experts and authorities other than the individuals who crafted the process” review the interrogation process and conditions, and that a legal review be conducted.\textsuperscript{302} CIA Headquarters does not appear to have taken action on these recommendations.

8. The CIA Places CIA Detainees in Country I Facilities Because They Did Not Meet the MON Standard for Detention

\begin{quote}
(TS//SCI//REL) In the spring of 2003, the CIA continued to hold detainees at facilities in Country I who were known not to meet the MON standard for detention. CIA officer [CIA OFFICER 1] described the arrangement he had with Country I officers in an email, writing:

"They also happen to have 3 or 4 rooms where they can lock up people discretely [sic]. I give them a few hundred bucks a month and they use the rooms for whoever I bring over - no questions asked. It is very useful for housing guys that shouldn’t be in [DETENTION SITE COBALT] for one reason or another but still need to be kept isolated and held in secret detention."\textsuperscript{303}
\end{quote}

\begin{quote}
(TS//SCI//REL) CIA cables indicate that CIA officers transferred at least four detainees to these Country I facilities because they did not meet the standard for CIA detention under the MON.\textsuperscript{304}
\end{quote}

\begin{quote}
(TS//SCI//REL) In total, four CIA detention facilities were established in Country I. CIA records indicate that DETENTION SITE COBALT held a total of 64 detainees during the period of its operation between September 2002 and December 2004, while DETENTION SITE GRAY held eight detainees between \textsuperscript{367682}2003 and \textsuperscript{38836}2003. The CIA later established two other CIA facilities in Country I: DETENTION SITE ORANGE, which held 34 detainees between \textsuperscript{341204}2004 and \textsuperscript{34}2006; and DETENTION SITE BROWN, which held 12 detainees between \textsuperscript{36682}2006 and \textsuperscript{38836}2008.\textsuperscript{305}
\end{quote}

\begin{footnotes}
\begin{enumerate}
\item\textsuperscript{302} CIA document entitled Renditions Group Interrogation Team (RGIT), Baseline assessment for MVT, Detainee/Prisoner management, December 30, 2002. The CIA does not appear to have taken action on this recommendation.
\item\textsuperscript{303} Email from: [CIA OFFICER 1]; to: [REDACTED]; subject: Thanks and Query re: List of DETAINEES; date: March 14, 2003.
\item\textsuperscript{304} The cables did not explain any legal basis for detaining individuals who did not meet the detention requirements of the September 17, 2001, MON. HEADQUARTERS 36682 (\textsuperscript{367682}); 38836 (\textsuperscript{38836}); ALEC 41204 (\textsuperscript{41204}).
\item\textsuperscript{305} See Volume III for additional information.
\end{enumerate}
\end{footnotes}