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*Central Intelligence Agency
Inspector General*

SPECIAL REVIEW



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(TS) [redacted] COUNTERTERRORISM DETENTION AND
INTERROGATION ACTIVITIES
(SEPTEMBER 2001 – OCTOBER 2003)
(2003-7123-IG)

7 May 2004

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SPECIAL REVIEW

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~~(TS)~~ [redacted] **COUNTERTERRORISM DETENTION AND
INTERROGATION ACTIVITIES
(SEPTEMBER 2001 - OCTOBER 2003)
(2003-7123-IG)**

7 May 2004

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INTRODUCTION

1. [redacted] On 17 September 2001, the President signed a Memorandum of Notification (MON) [redacted] (b)(1)
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One of the key weapons in the war on terror was the MON authorization for CIA to "undertake operations designed to capture and detain persons who pose a continuing, serious threat of violence or death to U.S. persons and interests or who are planning terrorist activities."

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2. ~~(TS)~~ [redacted] In November 2002, the Deputy Director for Operations (DDO) informed the Office of Inspector General (OIG) that the Agency had established a program in the Counterterrorist Center to detain and interrogate terrorists at sites abroad ("the CTC Program"). He also informed OIG that he had just learned of and had dispatched a team to investigate the death of a detainee, Gul

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Rahman, [redacted] In January 2003, the DDO informed OIG that he had received allegations that Agency personnel had used unauthorized interrogation techniques with a detainee, 'Abd Al-Rahim Al-Nashiri, at another foreign site, and requested that

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OIG investigate. Separately, OIG received information that some employees were concerned that certain covert Agency activities at an overseas detention and interrogation site might involve violations of human rights. In January 2003, OIG initiated a review of Agency counterterrorism detention and interrogation activities and investigations into the death of Gul Rahman and the incident with Al-Nashiri.¹ This Review covers the period September 2001 to mid-October 2003.² Results of the Gul Rahman and Al-Nashiri-related investigations are the subject of separate reports.

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SUMMARY

3. (TS/ [redacted] After the President signed the 17 September 2001 MON, the DCI assigned responsibility for implementing capture and detention authority to the DDO and to the Director of the DCI Counterterrorist Center (D/CTC). When U.S. military forces began detaining individuals in Afghanistan and at Guantanamo Bay, Cuba,

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4. (TS/ [redacted] Following the approval of the MON on 17 September 2001, the Agency began to detain and interrogate directly a number of suspected terrorists. The capture and initial Agency interrogation of the first high value detainee, Abu Zubaydah,

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¹ (S/ [redacted] /NF) Appendix A addresses the Procedures and Resources that OIG employed in conducting this Review. The Review does not address renditions conducted by the Agency or interrogations conducted jointly with [redacted] the U.S. military.

² (U) Appendix B is a chronology of significant events that occurred during the period of this Review.

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in March 2002, presented the Agency with a significant dilemma.⁴ The Agency was under pressure to do everything possible to prevent additional terrorist attacks. Senior Agency officials believed Abu Zubaydah was withholding information that could not be obtained through then-authorized interrogation techniques. Agency officials believed that a more robust approach was necessary to elicit threat information from Abu Zubaydah and possibly from other senior Al-Qa'ida high value detainees.

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5. (TS/ [redacted]) The conduct of detention and interrogation activities presented new challenges for CIA. These included determining where detention and interrogation facilities could be securely located and operated, and identifying and preparing qualified personnel to manage and carry out detention and interrogation activities. With the knowledge that Al-Qa'ida personnel had been trained in the use of resistance techniques, another challenge was to identify interrogation techniques that Agency personnel could lawfully use to overcome the resistance. In this context, CTC, with the assistance of the Office of Technical Service (OTS), proposed certain more coercive physical techniques to use on Abu Zubaydah. All of these considerations took place against the backdrop of pre-September 11, 2001 CIA avoidance of interrogations and repeated U.S. policy statements condemning torture and advocating the humane treatment of political prisoners and detainees in the international community.

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6. (TS/ [redacted]) The Office of General Counsel (OGC) took the lead in determining and documenting the legal parameters and constraints for interrogations. OGC conducted independent research

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⁴ (TS/ [redacted]) The use of "high value" or "medium value" to describe terrorist targets and detainees in this Review is based on how they have been generally categorized by CTC. CTC distinguishes targets according to the quality of the intelligence that they are believed likely to be able to provide about current terrorist threats against the United States. Senior Al-Qa'ida planners and operators, such as Abu Zubaydah and Khalid Shaykh Muhammad, fall into the category of "high value" and are given the highest priority for capture, detention, and interrogation. CTC categorizes those individuals who are believed to have lesser direct knowledge of such threats, but to have information of intelligence value, as "medium value" targets/detainees.

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and consulted extensively with Department of Justice (DoJ) and National Security Council (NSC) legal and policy staff. Working with DoJ's Office of Legal Counsel (OLC), OGC determined that in most instances relevant to the counterterrorism detention and interrogation activities under the MON, the criminal prohibition against torture, 18 U.S.C. 2340-2340B, is the controlling legal constraint on interrogations of detainees outside the United States. In August 2002, DoJ provided to the Agency a legal opinion in which it determined that 10 specific "Enhanced Interrogation Techniques" (EITs) would not violate the torture prohibition. This work provided the foundation for the policy and administrative decisions that guide the CTC Program.

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7. (TS/ [redacted] By November 2002, the Agency had Abu Zubaydah and another high value detainee, 'Abd Al-Rahim

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^1-Nashiri, in custody at an overseas facility [redacted] In December 2002, the Agency rendered these two detainees to another country to a facility [redacted] Until [redacted] 2003 when it was closed, [redacted] was the location for the detention and interrogation of eight high value detainees.⁵

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Agency employees and contractors staffed [redacted] Directorate of Operations (DO) provided a Chief of Base (COB) and interrogation personnel, the Office of Security (OS) provided security personnel, and the Office of Medical Services (OMS)

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provided medical care to the detainees.

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8. (TS/ [redacted] In addition to [redacted]

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September 2002, the Agency has operated a detention facility in [redacted] known as [redacted] has 20 cells and is guarded by [redacted] has served a number of purposes. [redacted] functions as a detention, debriefing, and interrogation facility for high and medium value targets. [redacted]

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serves as a holding facility at which the Agency assesses the potential

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value of detainees before making a decision on their disposition. It served as a transit point for detainees going to

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(b)(1) [redacted]
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9. (TS/ [redacted] With respect to site management and Headquarters oversight of the Program, the distinctions between the detention and interrogation activities at [redacted] on the one hand, and detention and inte ogation activities [redacted] on the other, are significant. The Agency devoted far

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(b)(1) [redacted]
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greater human resources and management attention to [redacted] From the beginning, OGC briefed DO officers assigned to these two facilities on their legal authorities, and Agency personnel staffing these facilities documented interrogations and the condition of detainees in cables.

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10. (TS/ [redacted] There were few instances of deviations from approved procedures [redacted] with one notable exception described in this Review. With respect to two detainees at those sites, the use and frequency of one EIT, the waterboard, went beyond the projected use of the technique as originally desc ibed to DoJ. The Agency, on 29 July 2003, secured oral DoJ concurrence that certain deviations are not significant for purposes of DoJ's legal opinions.

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(b)(1) [redacted]
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(b)(1) [redacted]
(b)(3) NatSecAct [redacted]

11. (TS/ [redacted] By contrast, the Agency's conduct of detention and interrogation activities in [redacted] in particular, raises a host of issues. The first Site Manager at [redacted] was a first-tour [redacted] officer who had no experience or training to run a detention facility. He had not received interrogations training and ran the facility with scant guidance from Headquarters [redacted] Station.

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(b)(6) [redacted]
(b)(7)(c) [redacted]

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12. (TS/ [redacted] [redacted] presents a number of specific concerns. [redacted]

[redacted] Agency staff and independent contractors [redacted] then go to the facility to [redacted]

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conduct interrogations, but there is little continuity except for the Site Manager. (b)(1) (b)(3) NatSecAct has responsibility for the facility.

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13. (TS/ (b)(1) (b)(3) NatSecAct) During the period covered by this

Review, (b)(1) (b)(3) NatSecAct did not uniformly document or report the treatment of detainees, their conditions, or medical care provided.

Because of the lack of guidance, limited personnel resources, and limited oversight, there were instances of improvisation and other documented interrogation techniques (b)(1) (b)(3) NatSecAct In November 2002, one individual—Gul Rahman—died as a result of the way he was detained there.

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14. (TS/ (b)(1) (b)(3) NatSecAct) There is no indication that the CTC

Program has been inadequately funded. Across the board, however, staffing has been and continues to be the most difficult resource challenge for the Agency. This is largely attributable to the lack of personnel with interrogations experience or requisite language skills and the heavy personnel demands for other counterterrorism assignments.

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15. (TS/ (b)(1) (b)(3) NatSecAct) Agency efforts to provide systematic, clear and timely guidance to those involved in the CTC Detention and Interrogation Program was inadequate at first but have improved considerably during the life of the Program as problems have been identified and addressed. CTC implemented training programs for interrogators and debriefers.⁶ Moreover, building upon operational and legal guidance previously sent to the field, the DCI

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⁶ (TS/ (b)(1) (b)(3) NatSecAct) Before 11 September (9/11) 2001, Agency personnel sometimes used the terms *interrogation/interrogator* and *debriefing/debriefer* interchangeably. The use of these terms has since evolved and, today, CTC more clearly distinguishes their meanings. A debriefer engages a detainee solely through question and answer. An interrogator is a person who completes a two-week interrogations training program, which is designed to train, qualify, and certify a person to administer EITs. An interrogator can administer EITs during an interrogation of a detainee only after the field, in coordination with Headquarters, assesses the detainee as withholding information. An interrogator transitions the detainee from a non-cooperative to a cooperative phase in order that a debriefer can elicit actionable intelligence through non-aggressive techniques during debriefing sessions. An interrogator may debrief a detainee during an interrogation; however, a debriefer may not interrogate a detainee.

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on 28 January 2003 signed "Guidelines on Confinement Conditions for CIA Detainees" and "Guidelines on Interrogations Conducted Pursuant to the Presidential Memorandum of Notification of 17 September 2001." The DCI Guidelines require individuals engaged in or supporting interrogations pursuant to programs implementing the MON of September 2001 be made aware of the guidelines and sign an acknowledgment that they have read them. The DCI Interrogation Guidelines make formal the existing CTC practice of requiring the field to obtain specific Headquarters approvals prior to the application of all EITs. Although the DCI Guidelines are an improvement over the absence of such DCI Guidelines in the past, they still leave substantial room for misinterpretation and do not cover all Agency detention and interrogation activities.

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16. (TS/ [redacted]) The Agency's detention and interrogation of terrorists has provided intelligence that has enabled the identification and apprehension of other terrorists and warned of terrorist plots planned for the United States and around the world. The CTC Program has resulted in the issuance of thousands of individual intelligence reports and analytic products supporting the counterterrorism efforts of U.S. policymakers and military commanders.

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17. (TS/ [redacted]) The current CTC Detention and Interrogation Program has been subject to DoJ legal review and Administration approval but diverges sharply from previous Agency policy and rules that govern interrogations by U.S. military and law enforcement officers. Officers are concerned that public revelation of the CTC Program will seriously damage Agency officers' personal reputations, as well as the reputation and effectiveness of the Agency itself.

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18. (TS/ [redacted]) recognized that detainees may be held in U.S. Government custody indefinitely if appropriate law enforcement jurisdiction is not asserted. Although there has been ongoing discussion of the issue inside the Agency and among NSC,

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Defense Department, and Justice Department officials, no decisions on any "endgame" for Agency detainees have been made. Senior Agency officials see this as a policy issue for the U.S. Government rather than a CIA issue. Even with Agency initiatives to address the endgame with policymakers, some detainees who cannot be prosecuted will likely remain in CIA custody indefinitely.

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19. (TS/ [redacted]) The Agency faces potentially serious long-term political and legal challenges as a result of the CTC Detention and Interrogation Program, particularly its use of EITs and the inability of the U.S. Government to decide what it will ultimately do with terrorists detained by the Agency.

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20. (TS/ [redacted]) This Review makes a number of recommendations that are designed to strengthen the management and conduct of Agency detention and interrogation activities. Although the DCI Guidelines were an important step forward, they were only designed to address the CTC Program, rather than all Agency debriefing or interrogation activities.

[redacted]

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[redacted] the Agency should evaluate the effectiveness of the EITs and the necessity for the continued use of each.

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21. (TS)

[Redacted]

the General

Counsel should seek an updated legal opinion from DOJ revalidating and modifying, consistent with actual practice, the legal authority for the continued application of EITs. If such approval is not forthcoming, the DCI should direct that EITs be implemented only within the parameters of the existing written DOJ authorization. The DCI should brief the President on the use of EITs and the fact that detainees have died.

[Redacted]

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BACKGROUND

22. (S) The Agency has had intermittent involvement in the interrogation of individuals whose interests are opposed to those of the United States. After the Vietnam War, Agency personnel experienced in the field of interrogations left the Agency or moved to other assignments. In the early 1980s, a resurgence of interest in teaching interrogation techniques developed as one of several methods to foster foreign liaison relationships. Because of political sensitivities the then-Deputy Director of Central Intelligence (DDCI) forbade Agency officers from using the word "interrogation." The Agency then developed the Human Resource Exploitation (HRE) training program designed to train foreign liaison services on interrogation techniques.

23. (S) In 1984, OIG investigated allegations of misconduct on the part of two Agency officers who were involved in interrogations and the death of one individual [Redacted]

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[Redacted] Following that investigation, the Agency took steps to ensure Agency personnel understood its policy on

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interrogations, debriefings, and human rights issues. Headquarters sent officers to brief Stations and Bases and provided cable guidance to the field.

24. (S) In 1986, the Agency ended the HRE training program because of allegations of human rights abuses in Latin America.

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DO Handbook 50-2 (b)(3) CIAAct

which remains in effect, explains the Agency's general interrogation policy:

It is CIA policy to neither participate directly in nor encourage interrogation that involves the use of force, mental or physical torture, extremely demeaning indignities or exposure to inhumane treatment of any kind as an aid to interrogation.

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DISCUSSION**GENESIS OF POST 9/11 AGENCY DETENTION AND INTERROGATION
ACTIVITIES**

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25. (TS/ [redacted]) The statutory basis for CIA's involvement in detentions and interrogations is the DCI's covert action responsibilities under the National Security Act of 1947, as amended.⁷ Under the Act, a covert action must be based on a Presidential "finding that the action is necessary to support identifiable foreign policy objectives and is important to the national security."⁸ Covert action findings must be in writing and "may not authorize any action that would violate the Constitution or any statute of the United States."⁹ These findings are implemented through Memoranda of Notification.

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26. (TS/ (b)(1) [redacted] (b)(3) NatSecAct [redacted]) The 17 September 2001 MON [redacted] authorizes the DCI, acting through CIA, to undertake operations "designed to capture and detain persons who pose a continuing, serious threat of violence or death to U.S. persons and interests or who are planning terrorist activities." Although the MON does not specifically mention interrogations of those detained, this aspect of the CTC Program can be justified as part of CIA's general authority and responsibility to collect intelligence.¹⁰

27. (S//NF) The DCI delegated responsibility for implementation of the MON to the DDO and D/CTC. Over time, CTC also solicited assistance from other Agency components, including OGC, OMS, OS, and OTS.

⁷ (U//FOUO) DoJ takes the position that as Commander-in-Chief, the President independently has the Article II constitutional authority to order the detention and interrogation of enemy combatants to gain intelligence information.

⁸ (U//FOUO) 50 U.S.C. 413b(a).

⁹ (U//FOUO) 50 U.S.C. 413b(a)(1), (5).

¹⁰ (U//FOUO) 50 U.S.C. 403-1, 403-3(d)(1).

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28. (TS/[redacted]) To assist Agency officials in understanding the scope and implications of the MON, between 17 September and 7 November 2001, OGC researched, analyzed, and wrote "draft" papers on multiple legal issues. These included discussions of the applicability of the U.S. Constitution overseas, applicability of Habeas Corpus overseas, length of detention, potential civil liability under the Federal Tort Claims Act and employee liability actions, liaison with law enforcement, interrogations, Guantanamo Bay detention facility, short-term detention facilities, and disposition of detainees. OGC shared these "draft" papers with Agency officers responsible for implementing the MON.

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[redacted] existing Agency policy guidance remained that detainees, whether in U.S. or foreign custody, would be treated humanely and that Agency personnel would not be authorized to participate in extremely demeaning indignities or exposure to inhumane treatment of any kind.¹¹

THE CAPTURE OF ABU ZUBAYDAH AND DEVELOPMENT OF EIT'S

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30. (TS/[redacted]) The capture of senior Al-Qa'ida operative Abu Zubaydah on 27 March 2002 presented the Agency with the opportunity to obtain actionable intelligence on future threats to the United States from the most senior Al-Qa'ida member in U.S. custody at that time. This accelerated CIA's development of an interrogation program and establishment of an interrogation site.

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(b)(3) NatSecAct 31. (TS/ [redacted]) To treat the severe wounds that Abu Zubaydah suffered upon his capture, the Agency provided him intensive medical care from the outset and deferred his questioning for several weeks pending his recovery. The Agency then assembled a team that interrogated Abu Zubaydah using non-aggressive, non-physical elicitation techniques. Between June and July 2002, the (b)(1)
(b)(3) NatSecAct team [redacted] and Abu Zubaydah was placed in isolation. The Agency believed that Abu Zubaydah was withholding imminent threat information.

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(b)(3) NatSecAct 32. (TS/ [redacted]) Several months earlier, in late 2001, CIA had tasked an independent contractor psychologist, who had 13 years of experience in the U.S. Air Force's Survival, Evasion, Resistance, and Escape (SERE) training program, to research and write a paper on Al-Qa'ida's resistance to interrogation techniques.¹³ This psychologist collaborated with a Department of Defense (DoD) psychologist who had 19 years of SERE experience in the U.S. Air Force and DoD to produce the paper, "Recognizing and Developing Countermeasures to Al-Qa'ida Resistance to Interrogation Techniques: A Resistance Training Perspective." Subsequently, the two psychologists developed a list of new and more aggressive EITs that they recommended for use in interrogations.

¹² (S) CTC had previously identified locations for "covert" sites but had not established facilities.

¹³ (U//FOUO) The SERE training program falls under the DoD Joint Personnel Recovery Agency (JPRA). JPRA is responsible for missions to include the training for SERE and Prisoner of War and Missing In Action operational affairs including repatriation. SERE Training is offered by the U.S. Army, Navy, and Air Force to its personnel, particularly air crews and special operations forces who are of greatest risk of being captured during military operations. SERE students are taught how to survive in various terrain, evade and endure captivity, resist interrogations, and conduct themselves to prevent harm to themselves and fellow prisoners of war.

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33. (TS/[redacted]) CIA's OTS obtained data on the use of the proposed EITs and their potential long-term psychological effects on detainees. OTS input was based in part on information solicited from a number of psychologists and knowledgeable academics in the area of psychopathology.

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34. (TS/[redacted]) OTS also solicited input from DoD/Joint Personnel Recovery Agency (JPRA) regarding techniques used in its SERE training and any subsequent psychological effects on students. DoD/JPRA concluded no long-term psychological effects resulted from use of the EITs, including the most taxing technique, the waterboard, on SERE students.¹⁴ The OTS analysis was used by OGC in evaluating the legality of techniques.

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35. (TS/[redacted]) Eleven EITs were proposed for adoption in the CTC Interrogation Program. As proposed, use of EITs would be subject to a competent evaluation of the medical and psychological state of the detainee. The Agency eliminated one proposed technique—the mock burial—after learning from DoJ that this could delay the legal review. The following textbox identifies the 10 EITs the Agency described to DoJ.

¹⁴ (S) According to individuals with authoritative knowledge of the SERE program, the waterboard was used for demonstration purposes on a very small number of students in a class. Except for Navy SERE training, use of the waterboard was discontinued because of its dramatic effect on the students who were subjects.

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(b)(3) NatSecAct**Enhanced Interrogation Techniques**

- ◆ The **attention grasp** consists of grasping the detainee with both hands, with one hand on each side of the collar opening, in a controlled and quick motion. In the same motion as the grasp, the detainee is drawn toward the interrogator.
- ◆ During the **walling technique**, the detainee is pulled forward and then quickly and firmly pushed into a flexible false wall so that his shoulder blades hit the wall. His head and neck are supported with a rolled towel to prevent whiplash.
- ◆ The **facial hold** is used to hold the detainee's head immobile. The interrogator places an open palm on either side of the detainee's face and the interrogator's fingertips are kept well away from the detainee's eyes.
- ◆ With the **facial or insult slap**, the fingers are slightly spread apart. The interrogator's hand makes contact with the area between the tip of the detainee's chin and the bottom of the corresponding earlobe.
- ◆ In **cramped confinement**, the detainee is placed in a confined space, typically a small or large box, which is usually dark. Confinement in the smaller space lasts no more than two hours and in the larger space it can last up to 18 hours.
- ◆ **Insects placed in a confinement box** involve placing a harmless insect in the box with the detainee.
- ◆ During **wall standing**, the detainee may stand about 4 to 5 feet from a wall with his feet spread approximately to his shoulder width. His arms are stretched out in front of him and his fingers rest on the wall to support all of his body weight. The detainee is not allowed to reposition his hands or feet.
- ◆ The application of **stress positions** may include having the detainee sit on the floor with his legs extended straight out in front of him with his arms raised above his head or kneeling on the floor while leaning back at a 45 degree angle.
- ◆ **Sleep deprivation** will not exceed 11 days at a time.
- ◆ The application of the **waterboard technique** involves binding the detainee to a bench with his feet elevated above his head. The detainee's head is immobilized and an interrogator places a cloth over the detainee's mouth and nose while pouring water onto the cloth in a controlled manner. Airflow is restricted for 20 to 40 seconds and the technique produces the sensation of drowning and suffocation.

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DoJ LEGAL ANALYSIS

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36. (TS/[redacted] CIA's OGC sought guidance from DoJ regarding the legal bounds of EITs vis-à-vis individuals detained under the MON authorization. The ensuing legal opinions focus on the Convention Against Torture and Other Cruel, Inhumane and Degrading Treatment or Punishment (Torture Convention),¹⁵ especially as implemented in the U.S. criminal code, 18 U.S.C. 2340-2340A.

37. (U//~~FOUO~~) The Torture Convention specifically prohibits "torture," which it defines in Article 1 as:

any act by which *severe* pain or suffering, whether physical or mental, is *intentionally* inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanction. [Emphasis added.]

Article 4 of the Torture Convention provides that states party to the Convention are to ensure that all acts of "torture" are offenses under their criminal laws. Article 16 additionally provides that each state party "shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to acts of torture as defined in Article 1."

¹⁵ (U//~~FOUO~~) Adopted 10 December 1984, S. Treaty Doc. No. 100-20 (1988) 1465 U.N.T.S. 85 (entered into force 26 June 1987). The Torture Convention entered into force for the United States on 20 November 1994.

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38. (U//~~FOUO~~) The Torture Convention applies to the United States only in accordance with the reservations and understandings made by the United States at the time of ratification.¹⁶ As explained to the Senate by the Executive Branch prior to ratification:

Article 16 is arguably broader than existing U.S. law. The phrase "cruel, inhuman or degrading treatment or punishment" is a standard formula in international instruments and is found in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the European Convention on Human Rights. To the extent the phrase has been interpreted in the context of those agreements, "cruel" and "inhuman" treatment or punishment appears to be roughly equivalent to the treatment or punishment barred in the United States by the Fifth, Eighth and Fourteenth Amendments. "Degrading" treatment or punishment, however, has been interpreted as potentially including treatment that would probably not be prohibited by the U.S. Constitution. [Citing a ruling that German refusal to recognize individual's gender change might be considered "degrading" treatment.] To make clear that the United States construes the phrase to be coextensive with its constitutional guarantees against cruel, unusual, and inhumane treatment, the following understanding is recommended:

"The United States understands the term 'cruel, inhuman or degrading treatment or punishment,' as used in Article 16 of the Convention, to mean the cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth and/or Fourteenth Amendments to the Constitution of the United States."¹⁷ [Emphasis added.]

¹⁶ (U) Vienna Convention on the Law of Treaties, 23 May 1969, 1155 U.N.T.S. 331 (entered into force 27 January 1980). The United States is not a party to the Vienna Convention on treaties, but it generally regards its provisions as customary international law.

¹⁷ (U//~~FOUO~~) S. Treaty Doc. No. 100-20, at 15-16.

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39. (U//~~FOUO~~) In accordance with the Convention, the United States criminalized acts of torture in 18 U.S.C. 2340A(a), which provides as follows:

Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

The statute adopts the Convention definition of "torture" as "an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control."¹⁸ "Severe physical pain and suffering" is not further defined, but Congress added a definition of "severe mental pain or suffering:"

[T]he prolonged mental harm caused by or resulting from—

(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

(C) the threat of imminent death; or

(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality. . . .¹⁹

These statutory definitions are consistent with the understandings and reservations of the United States to the Torture Convention.

¹⁸ (U//~~FOUO~~) 18 U.S.C. 2340(1).

¹⁹ (U//~~FOUO~~) 18 U.S.C. 2340(2).

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40. (U//~~FOUO~~) DoJ has never prosecuted a violation of the torture statute, 18 U.S.C. §2340, and there is no case law construing its provisions. OGC presented the results of its research into relevant issues under U.S. and international law to DoJ's OLC in the summer of 2002 and received a preliminary summary of the elements of the torture statute from OLC in July 2002. An unclassified 1 August 2002 OLC legal memorandum set out OLC's conclusions regarding the proper interpretation of the torture statute and concluded that "Section 2340A proscribes acts inflicting, and that are specifically intended to inflict, severe pain or suffering whether mental or physical."²⁰ Also, OLC stated that the acts must be of an "extreme nature" and that "certain acts may be cruel, inhuman, or degrading, but still not produce pain and suffering of the requisite intensity to fall within Section 2340A's proscription against torture." Further describing the requisite level of intended pain, OLC stated:

Physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death. For purely mental pain or suffering to amount to torture under Section 2340, it must result in significant psychological harm of significant duration, e.g., lasting for months or even years.²¹

OLC determined that a violation of Section 2340 requires that the infliction of severe pain be the defendant's "precise objective." OLC also concluded that necessity or self-defense might justify interrogation methods that would otherwise violate Section 2340A.²² The August 2002 OLC opinion did not address whether any other provisions of U.S. law are relevant to the detention, treatment, and interrogation of detainees outside the United States.²³

²⁰ (U//~~FOUO~~) Legal Memorandum, Re: Standards of Conduct for Interrogation under 18 U.S.C. 2340-2340A (1 August 2002).

²¹ (U//~~FOUO~~) Ibid., p. 1.

²² (U//~~FOUO~~) Ibid., p. 39.

²³ (U//~~FOUO~~) OLC's analysis of the torture statute was guided in part by judicial decisions under the Torture Victims Protection Act (TVPA) 28 U.S.C. 1350, which provides a tort remedy for victims of torture. OLC noted that the courts in this context have looked at the entire course

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41. (U//~~FOUO~~) A second unclassified 1 August 2002 OLC opinion addressed the international law aspects of such interrogations.²⁴ This opinion concluded that interrogation methods that do not violate 18 U.S.C. 2340 would not violate the Torture Convention and would not come within the jurisdiction of the International Criminal Court.

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42. (TS/ [redacted]) In addition to the two unclassified opinions, OLC produced another legal opinion on 1 August 2002 at the request of CIA.²⁵ (Appendix C.) This opinion, addressed to CIA's Acting General Counsel, discussed whether the proposed use of EITs in interrogating Abu Zubaydah would violate the Title 18 prohibition on torture. The opinion concluded that use of EITs on Abu Zubaydah would not violate the torture statute because, among other things, Agency personnel: (1) would not specifically intend to inflict severe pain or suffering, and (2) would not in fact inflict severe pain or suffering.

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43. (TS/ [redacted]) This OLC opinion was based upon specific representations by CIA concerning the manner in which EITs would be applied in the interrogation of Abu Zubaydah. For example, OLC was told that the EIT "phase" would likely last "no more than several days but could last up to thirty days." The EITs would be used on "an as-needed basis" and all would not necessarily be used. Further, the EITs were expected to be used "in some sort of escalating fashion, culminating with the waterboard though not necessarily ending with this technique." Although some of the EITs

of conduct; although a single incident could constitute torture. OLC also noted that courts may be willing to find a wide range of physical pain can rise to the level of "severe pain and suffering." Ultimately, however, OLC concluded that the cases show that only acts "of an extreme nature have been redressed under the TVPA's civil remedy for torture." White House Counsel Memorandum at 22 - 27.

²⁴ (U//~~FOUO~~) OLC Opinion by John C. Yoo, Deputy Assistant Attorney General, OLC (1 August 2002).

²⁵ (TS/ [redacted]) Memorandum for John Rizzo, Acting General Counsel of the Central Intelligence Agency, "Interrogation of al Qaida Operative" (1 August 2002) at 15.

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might be used more than once, "that repetition will not be substantial because the techniques generally lose their effectiveness after several repetitions." With respect to the waterboard, it was explained that:

... the individual is bound securely to an inclined bench The individual's feet are generally elevated. A cloth is placed over the forehead and eyes. Water is then applied to the cloth in a controlled manner. As this is done, the cloth is lowered until it covers both the nose and mouth. Once the cloth is saturated and completely covers the mouth and nose, the air flow is slightly restricted for 20 to 40 seconds due to the presence of the cloth. This causes an increase in carbon dioxide level in the individual's blood. This increase in the carbon dioxide level stimulates increased effort to breathe. This effort plus the cloth produces the perception of "suffocation and incipient panic," i.e., the perception of drowning. The individual does not breathe water into his lungs. During those 20 to 40 seconds, water is continuously applied from a height of [12 to 24] inches. After this period, the cloth is lifted, and the individual is allowed to breathe unimpeded for three or four full breaths. The sensation of drowning is immediately relieved by the removal of the cloth. The procedure may then be repeated. The water is usually applied from a canteen cup or small watering can with a spout. . . . [T]his procedure triggers an automatic physiological sensation of drowning that the individual cannot control even though he may be aware that he is in fact not drowning. [I]t is likely that this procedure would not last more than 20 minutes in any one application.

Finally, the Agency presented OLC with a psychological profile of Abu Zubaydah and with the conclusions of officials and psychologists associated with the SERE program that the use of EITs would cause no long term mental harm. OLC relied on these representations to support its conclusion that no physical harm or prolonged mental harm would result from the use on him of the EITs, including the waterboard.²⁶

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²⁶ (TS) [redacted] According to the Chief, Medical Services, OMS was neither consulted nor involved in the initial analysis of the risk and benefits of EITs, nor provided with the OTS report cited in the OLC opinion. In retrospect, based on the OLC extracts of the OTS report, OMS contends that the reported sophistication of the preliminary EIT review was exaggerated, at least as it related to the waterboard, and that the power of this EIT was appreciably overstated in the report. Furthermore, OMS contends that the expertise of the SERE psychologist/interrogators on

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44. (TS) [redacted] OGC continued to consult with DoJ as the CTC Interrogation Program and the use of EITs expanded beyond the interrogation of Abu Zubaydah. This resulted in the production of an undated and unsigned document entitled, "Legal Principles Applicable to CIA Detention and Interrogation of Captured Al-Qa'ida Personnel."²⁷ According to OGC, this analysis was fully coordinated with and drafted in substantial part by OLC. In addition to reaffirming the previous conclusions regarding the torture statute, the analysis concludes that the federal War Crimes statute, 18 U.S.C. 2441, does not apply to Al-Qa'ida because members of that group are not entitled to prisoner of war status. The analysis adds that "the [Torture] Convention permits the use of [cruel, inhuman, or degrading treatment] in exigent circumstances, such as a national emergency or war." It also states that the interrogation of Al-Qa'ida members does not violate the Fifth and Fourteenth Amendments because those provisions do not apply extraterritorially, nor does it violate the Eighth Amendment because it only applies to persons upon whom criminal sanctions have been imposed. Finally, the analysis states that a wide range of EITs and other techniques would not constitute conduct of the type that would be prohibited by the Fifth, Eighth, or Fourteenth Amendments even were they to be applicable:

The use of the following techniques and of comparable, approved techniques does not violate any Federal statute or other law, where the CIA interrogators do not specifically intend to cause the detainee to undergo severe physical or mental pain or suffering (i.e., they act with the good faith belief that their conduct will not cause such pain or suffering): isolation, reduced caloric intake (so long as the amount is calculated to maintain the general health of the detainees), deprivation of reading material, loud music or white

the waterboard was probably misrepresented at the time, as the SERE waterboard experience is so different from the subsequent Agency usage as to make it almost irrelevant. Consequently, according to OMS, there was no *a priori* reason to believe that applying the waterboard with the frequency and intensity with which it was used by the psychologist/interrogators was either efficacious or medically safe.

²⁷ (TS) [redacted] "Legal Principles Applicable to CIA Detention and Interrogation of Captured Al-Qa'ida Personnel," attached to [redacted] (16 June 2003).

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noise (at a decibel level calculated to avoid damage to the detainees' hearing), the attention grasp, walling, the facial hold, the facial slap (insult slap), the abdominal slap, cramped confinement, wall standing, stress positions, sleep deprivation, the use of diapers, the use of harmless insects, and the water board.

According to OGC, this analysis embodies DoJ agreement that the reasoning of the classified 1 August 2002 OLC opinion extends beyond the interrogation of Abu Zubaydah and the conditions that were specified in that opinion.

NOTICE TO AND CONSULTATION WITH EXECUTIVE AND CONGRESSIONAL OFFICIALS

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45. (TS/ [redacted]) At the same time that OLC was reviewing the legality of EITs in the summer of 2002, the Agency was consulting with NSC policy staff and senior Administration officials. The DCI briefed appropriate senior national security and legal officials on the proposed EITs. In the fall of 2002, the Agency briefed the leadership of the Congressional Intelligence Oversight Committees on the use of both standard techniques and EITs.

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46. (TS/ [redacted]) In early 2003, CIA officials, at the urging of the General Counsel, continued to inform senior Administration officials and the leadership of the Congressional Oversight Committees of the then-current status of the CTC Program. The Agency specifically wanted to ensure that these officials and the Committees continued to be aware of and approve CIA's actions. The General Counsel recalls that he spoke and met with White House Counsel and others at the NSC, as well as DoJ's Criminal Division and Office of Legal Counsel beginning in December 2002 and briefed them on the scope and breadth of the CTC's Detention and Interrogation Program.

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47. (TS/ [redacted]) Representatives of the DO, in the presence of the Director of Congressional Affairs and the General Counsel, continued to brief the leadership of the Intelligence Oversight Committees on the use of EITs and detentions in February

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and March 2003. The General Counsel says that none of the participants expressed any concern about the techniques or the Program.

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48. (TS/ [redacted]) On 29 July 2003, the DCI and the General Counsel provided a detailed briefing to selected NSC Principals on CIA's detention and interrogation efforts involving "high value detainees," to include the expanded use of EITs.²⁸ According to a Memorandum for the Record prepared by the General Counsel following that meeting, the Attorney General confirmed that DOJ approved of the expanded use of various EITs, including multiple applications of the waterboard.²⁹ The General Counsel said he believes everyone in attendance was aware of exactly what CIA was doing with respect to detention and interrogation, and approved of the effort. According to OGC, the senior officials were again briefed regarding the CTC Program on 16 September 2003, and the Intelligence Committee leadership was briefed again in September 2003. Again, according to OGC, none of those involved in these briefings expressed any reservations about the program.

(b)(1) **GUIDANCE ON CAPTURE, DETENTION, AND INTERROGATION**
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49. (TS/ [redacted]) Guidance and training are fundamental to the success and integrity of any endeavor as operationally, politically, and legally complex as the Agency's Detention and Interrogation Program. Soon after 9/11, the DDO issued guidance on the standards for the capture of terrorist targets.

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50. (TS/ [redacted]) The DCI, in January 2003 approved formal "Guidelines on Confinement Conditions for CIA Detainees" (Appendix D) and "Guidelines on Interrogations Conducted

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²⁸ (TS/ [redacted]) The briefing materials referred to 24 high value detainees interrogated at CIA-controlled sites and identified 13 interrogated using EITs.

²⁹ (U//FOUO) Memorandum for the Record (b)(3) CIAAct (5 August 2003).

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Pursuant to the Presidential Memorandum of Notification of 17 September 2001" (Appendix E), which are discussed below. Prior to the DCI Guidelines, Headquarters provided guidance via informal briefings and electronic communications, to include cables from CIA Headquarters, to the field. Because the level of guidance was largely site-specific, this Report discusses the pre-January 2003 detention and interrogation guidance in the sections addressing specific detention facilities.

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51. (TS) [redacted] In November 2002, CTC initiated training courses for individuals involved in interrogations. In April 2003, OMS consolidated and added to its previously issued informal guidance for the OMS personnel responsible for monitoring the medical condition of detainees.³⁰

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³⁰ (U//FOUO) OMS reportedly issued four revisions of these draft guidelines, the latest of which is dated 4 September 2003. The guidelines remain in draft.

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DCI Confinement Guidelines

57. (TS/ [redacted] Before January 2003, officers assigned to manage detention facilities developed and implemented confinement condition procedures. Because these procedures were site-specific and not uniform, this Review discusses them in connection with the review of specific sites, rather than in this section. The January 2003 DCI Guidelines govern the conditions of confinement for CIA detainees held in detention facilities [redacted]

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58. (TS/ [redacted]) The DCI Guidelines specify that D/CTC shall ensure that a specific Agency staff employee is designated as responsible for each specific detention facility. Agency staff employees responsible for the facilities and participating in the questioning of individuals detained pursuant to the 17 September 2001 MON must receive a copy of the DCI Guidelines. They must review the Guidelines and sign an acknowledgment that they have done so.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct

59. (TS/ [redacted]) The DCI Guidelines specify legal "minimums" and require that "due provision must be taken to protect the health and safety of all CIA detainees." The Guidelines do not require that conditions of confinement at the detention facilities conform to U.S. prison or other standards. At a minimum, however, detention facilities are to provide basic levels of medical care:

... (which need not comport with the highest standards of medical care that is provided in U.S.-based medical facilities); food and drink which meets minimum medically appropriate nutritional and sanitary standards; clothing and/or a physical environment sufficient to meet basic health needs; periods of time within which detainees are free to engage in physical exercise (which may be limited, for example, to exercise within the isolation cells themselves); for sanitary facilities (which may, for example, comprise buckets for the relief of personal waste)...

Further, the guidelines provide that:

Medical and, as appropriate, psychological personnel shall be physically present at, or reasonably available to, each Detention

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(b)(3) NatSecAct

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(b)(3) NatSecAct

Facility. Medical personnel shall check the physical condition of each detainee at intervals appropriate to the circumstances and shall keep appropriate records.

DCI Interrogation Guidelines

60. ~~(S//NF)~~ Prior to January 2003, CTC and OGC disseminated guidance via cables, e-mail, or orally on a case-by-case basis to address requests to use specific interrogation techniques. Agency management did not require those involved in interrogations to sign an acknowledgement that they had read, understood, or agreed to comply with the guidance provided. Nor did the Agency maintain a comprehensive record of individuals who had been briefed on interrogation procedures.

61. ~~(TS)~~

(b)(1)
(b)(3) NatSecAct

The DCI

Interrogation Guidelines require that all personnel directly engaged in the interrogation of persons detained have reviewed these Guidelines, received appropriate training in their implementation, and have completed the applicable acknowledgement.

62. ~~(S//NF)~~ The DCI Interrogation Guidelines define "Permissible Interrogation Techniques" and specify that "unless otherwise approved by Headquarters, CIA officers and other personnel acting on behalf of CIA, may use only Permissible Interrogation Techniques. Permissible Interrogation Techniques consist of both (a) Standard Techniques and (b) Enhanced

(b)(3) CIAAct

32 ~~(S//NF)~~ See [redacted] for relevant text of DO Handbook 50-2.

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(b)(3) NatSecAct

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(b)(3) NatSecAct

Techniques."³³ EITs require advance approval from Headquarters, as do standard techniques whenever feasible. The field must document the use of both standard techniques and EITs.

(b)(1)

(b)(3) NatSecAct

63. (TS/ [redacted]) The DCI Interrogation Guidelines define "standard interrogation techniques" as techniques that do not incorporate significant physical or psychological pressure. These techniques include, but are not limited to, all lawful forms of questioning employed by U.S. law enforcement and military interrogation personnel. Among standard interrogation techniques are the use of isolation, sleep deprivation not to exceed 72 hours,³⁴ reduced caloric intake (so long as the amount is calculated to maintain the general health of the detainee), deprivation of reading material, use of loud music or white noise (at a decibel level calculated to avoid damage to the detainee's hearing), the use of diapers for limited periods (generally not to exceed 72 hours, or during transportation where appropriate), and moderate psychological pressure. The DCI Interrogation Guidelines do not specifically prohibit improvised actions. A CTC/Legal officer has said, however, that no one may employ any technique outside specifically identified standard techniques without Headquarters approval.

(b)(1)

(b)(3) NatSecAct

64. (TS/ [redacted]) EITs include physical actions and are defined as "techniques that do incorporate physical or psychological pressure beyond Standard Techniques." Headquarters must approve the use of each specific EIT in advance. EITs may be employed only by trained and certified interrogators for use with a specific detainee and with appropriate medical and psychological monitoring of the process.³⁵

(b)(1)

(b)(3) NatSecAct

³³ (S) The 10 approved EITs are described in the textbox on page 15 of this Review.

³⁴ (TS/ [redacted]) According to the General Counsel, in late December 2003, the period for sleep deprivation was reduced to 48 hours.

³⁵ (TS/ [redacted]) Before EITs are administered, a detainee must receive a detailed psychological assessment and physical exam. Daily physical and psychological evaluations are continued throughout the period of EIT use.

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(b)(3) NatSecAct

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(b)(3) NatSecAct

(b)(1)
Medical Guidelines (b)(3) NatSecAct

65. (TS/ [redacted]) OMS prepared draft guidelines for medical and psychological support to detainee interrogations. The Chief, Medical Services disseminated the undated OMS draft guidelines in April 2003 to OMS personnel assigned to detention facilities. According to OMS, these guidelines were a compilation of previously issued guidance that had been disseminated in a piecemeal fashion. The guidelines were marked "draft" based on the advice of CTC/Legal.³⁶ These guidelines quote excerpts from the DCI Interrogation Guidelines. They include a list of sanctioned interrogation techniques, approval procedures, technique goals, and staff requirements. The OMS draft guidelines also expand upon the practical medical implications of the DCI Interrogation Guidelines, addressing: general evaluation, medical treatment, uncomfortably cool environments, white noise or loud music, shackling, sleep deprivation, cramped confinement (confinement boxes), and the waterboard. According to the Chief, Medical Services, the OMS Guidelines were intended solely as a reference for the OMS personnel directly supporting the use of EITs and were not intended to be Agency authorizations for the techniques discussed. OMS most recently updated these draft guidelines in September 2003, and, according to the Chief, Medical Services, they were disseminated to all OMS field personnel involved in the Detention and Interrogation Program. (Appendix F.)

(b)(1)
(b)(3) NatSecAct

Training for Interrogations

66. (TS/ [redacted]) In November 2002, CTC/Renditions and Detainees Group (RDG) initiated a pilot running of a two-week Interrogator Training Course designed to train, qualify, and certify individuals as Agency interrogators.³⁷ Several CTC officers,

³⁶ (U//~~FOUO~~) A 28 March 2003 Lotus Note from C/CTC/Legal advised Chief, Medical Services that the "Seventh Floor" "would need to approve the promulgation of any further formal guidelines. . . . For now, therefore, let's remain at the discussion stage. . . ."

³⁷ [redacted] (b)(1)
(b)(3) NatSecAct

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(b)(3) NatSecAct

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(b)(3) NatSecAct

including a former SERE instructor, designed the curriculum, which included a week of classroom instruction followed by a week of "hands-on" training in EITs. In addition to standard and enhanced interrogation techniques, course material included apprehension and handling of subjects, renditions, management of an interrogation site, interrogation team structure and functions, planning an interrogation, the conditioning process, resistance techniques, legal requirements, Islamic culture and religion, the Arab mind, and Al-Qa'ida networks. Training using physical pressures was conducted via classroom academics, guided discussion, demonstration-performance, student practice and feedback.

(b)(1)
(b)(3) NatSecAct

67. (S//NF) Three of the 16 attendees of the pilot course, including a senior Agency interrogator and two independent contractor/psychologists, were certified by CTC/RDG as interrogators.³⁸ Their certification was based on their previous operational experience. The two psychologist/interrogators, who were at [redacted] during the pilot course, were deemed certified based on their experience as SERE instructors and their interrogations of Abu Zubaydah and Al-Nashiri. Once certified, an interrogator is deemed qualified to conduct an interrogation employing EITs. Seven other individuals were designated as "trained and qualified," meaning they would have to apprentice under a certified interrogator in the field for 20 hours in order to become eligible for their certifications.

(b)(1)
(b)(3) NatSecAct

68. (S//NF) By September 2003, four Interrogation Training Courses had been completed, resulting in [redacted] trained interrogators. Three of these are certified to use the waterboard. Additionally, a

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct

[redacted]
(b)(1)
(b)(3) NatSecAct

³⁸ (S//NF) These certifications were for "Enhanced Pressures," which involved all of the EITs except the waterboard. Only the two psychologist/interrogators were certified to use the waterboard based on their previous JPRA/SERE experience. Subsequently, another independent contractor, who had been certified as an interrogator, became certified in the use of the waterboard.

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(b)(3) NatSecAct

number of psychologists, physicians, Physician's Assistants,³⁹ and COBs completed the training for familiarization purposes. Students completing the Interrogation Course are required to sign an acknowledgment that they have read, understand, and will comply with the DCI's Interrogation Guidelines.

(b)(1)
(b)(3) NatSecAct

69. (TS) [redacted] In June 2003, CTC established a debriefing course for Agency substantive experts who are involved in questioning detainees after they have undergone interrogation and have been deemed "compliant." The debriefing course was established to train non-interrogators to collect actionable intelligence from high value detainees in CIA custody. The course is intended to familiarize non-interrogators with key aspects of the Agency interrogation Program, to include the Program's goals and legal authorities, the DCI Interrogation Guidelines, and the roles and responsibilities of all who interact with a high value detainee. As of September 2003, three of these training sessions had been conducted, with a total of [redacted] individuals completing the training. CTC/RDG was contemplating establishing a similar training regimen for Security Protective Officers and linguists who will be assigned to interrogation sites.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct **DETENTION AND INTERROGATION OPERATIONS AT** (b)(1) [redacted]
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct 70. (TS) [redacted] The detention and interrogation activity examined during this Review occurred primarily at three facilities encrypted as [redacted] and [redacted] was the facility at which two prominent Al-Qa'ida detainees, Abu Zubaydah and Al-Nashiri, were held with the foreign host government's knowledge and approval, until it was closed for operational security reasons in December 2002. The two detainees at that location were

(b)(1)
(b)(3) NatSecAct

³⁹ (U) Physician's Assistants are formally trained to provide diagnostic, therapeutic, and preventative health care services. They work under the supervision of a physician, record progress notes, and may prescribe medications.

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(b)(3) NatSecAct

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(b)(3) NatSecAct

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(b)(1)
(b)(3) NatSecAct

then moved to [redacted] located in another foreign country. Eight individuals were detained and interrogated at [redacted] including Abu Zubaydah and Al-Nashiri.

(b)(1)
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct

Staffing and Operations (b)(1)
(b)(3) NatSecAct

71. (TS/ [redacted] CTC initially established [redacted] to detain and interrogate Abu Zubaydah. [redacted] was operational between [redacted] December 2002. [redacted] had no permanent positions and was staffed with temporary duty (TDY) officers. Initially, Abu Zubaydah's Agency interrogators at [redacted] included an [redacted] officer, who also served as COB, and a senior Agency security officer. They were assisted by various security, medical, and communications personnel detailed to [redacted] to support the interrogation mission. An independent contractor psychologist with extensive experience as an interrogation instructor at the U.S. Air Force SERE School also assisted the team.

(b)(1)
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct

72. (TS/ [redacted] Once the Agency approved the use of EITs [redacted] in August 2002, a second independent contractor psychologist with 19 years of SERE experience joined the team. This followed a determination by the CIA personnel involved in debriefing that the continuation of the existing methods would not produce the actionable intelligence that the Intelligence Community believed Abu Zubaydah possessed. The team was supervised by the COB and supported by the on-site team of security, medical, and communications personnel.

(b)(1)
(b)(3) NatSecAct

73. (TS/ [redacted] The responsibility of the COB [redacted] was to ensure the facility and staff functioned within the authorities that govern the mission. In conjunction with those duties, the COB was responsible for the overall management and security of the site and the personnel assigned to support activities there. The COB oversaw interrogations and released operational and intelligence.

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³⁴(b)(1)
(b)(3) NatSecAct

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(b)(3) NatSecAct

cables and situation reports. The COB coordinated activities with the Station and Headquarters and reported to the CTC Chief of Renditions Group.⁴⁰

(b)(1)

(b)(3) NatSecAct

74. (TS/ [redacted])

The two psychologist/interrogators at [redacted] led each interrogation of Abu Zubaydah and Al-Nashiri where EITs were used. The psychologist/interrogators conferred with the COB and other team members before each interrogation session. Psychological evaluations were performed by both Headquarters and on-site psychologists. Early on in the development of the interrogation Program, Agency OMS psychologists objected to the use of on-site psychologists as interrogators and raised conflict of interest and ethical concerns. This was based on a concern that the on-site psychologists who were administering the EITs participated in the evaluations, assessing the effectiveness and impact of the EITs on the detainees.

(b)(1)

(b)(3) NatSecAct

75. (TS/ [redacted])

The interrogation intelligence requirements for Abu Zubaydah were generally developed at Headquarters by CTC/Usama Bin Laden (UBL) Group and refined at [redacted] CTC/RDG, CTC/LGL, CTC/UBL, and [redacted] [redacted] provided input into the rendition and interrogation process.

(b)(1)

(b)(3) NatSecAct

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

[redacted] staff maintained daily dialogue with Headquarters management by cable and secure telephone, and [redacted] officers initiated a video conference with Headquarters to discuss the efficacy of proceeding with EITs.

(b)(1)

(b)(3) NatSecAct

76. (TS/ [redacted])

Abu Zubaydah was the only detainee at [redacted] until 'Abd Al-Rahim Al-Nashiri arrived on 15 November 2002. The interrogation of Al-Nashiri proceeded after [redacted] received the necessary Headquarters authorization. The two

(b)(1)

(b)(3) NatSecAct

⁴⁰ (TS/ [redacted]) In August 2002, the group name became Renditions and Detainees Group, indicative of its new responsibilities for running detention facilities and interrogations. For consistency purposes in this Review, OIG subsequently refers to this group as CTC/RDG.

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(b)(3) NatSecAct

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(b)(3) NatSecAct

psychologist/interrogators began Al-Nashiri's interrogation using EITs immediately upon his arrival. Al-Nashiri provided lead information on other terrorists during his first day of interrogation. On the twelfth day of interrogation, the two psychologist/interrogators administered two applications of the waterboard to Al-Nashiri during two separate interrogation sessions. Enhanced interrogation of Al-Nashiri continued through 4 December 2002.

(b)(1)

(b)(3) NatSecAct

(b)(1)

(b)(3) NatSecAct

Videotapes of Interrogations

77. (TS/ [redacted] Headquarters had intense interest in

(b)(1)

(b)(3) NatSecAct

keeping abreast of all aspects of Abu Zubaydah's interrogation [redacted]

[redacted] including compliance with the guidance provided to the site relative to the use of EITs. Apart from this, however, and before the use of EITs, the interrogation teams at [redacted] decided to

(b)(1)

(b)(3) NatSecAct

videotape the interrogation sessions. One initial purpose was to ensure a record of Abu Zubaydah's medical condition and treatment should he succumb to his wounds and questions arise about the medical care provided to him by CIA. Another purpose was to assist in the preparation of the debriefing reports, although the team advised CTC/Legal that they rarely, if ever, were used for that purpose. There are 92 videotapes, 12 of which include EIT applications. An OGC attorney reviewed the videotapes in November and December 2002 to ascertain compliance with the August 2002 DOJ opinion and compare what actually happened with what was reported to Headquarters. He reported that there was no deviation from the DOJ guidance or the written record.

(b)(1)

(b)(3) NatSecAct

78. (TS/ [redacted] OIG reviewed the videotapes, logs, and cables [redacted] in May 2003. OIG identified 83 waterboard applications, most of which lasted less than 10 seconds.⁴¹ OIG also identified one instance where a psychologist/interrogator verbally

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(b)(3) NatSecAct

⁴¹ (TS/ [redacted] For the purpose of this Review, a waterboard application constituted each discrete instance in which water was applied for any period of time during a session.

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(b)(3) NatSecAct

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(b)(3) NatSecAct

threatened Abu Zubaydah by stating, "If one child dies in America, and I find out you knew something about it, I will personally cut your mother's throat."⁴² OIG found 11 interrogation videotapes to be blank. Two others were blank except for one or two minutes of recording. Two others were broken and could not be reviewed. OIG compared the videotapes to [redacted] logs and cables and identified a 21-hour period of time, which included two waterboard sessions, that was not captured on the videotapes.

(b)(1)
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct

79. (TS/ [redacted] OIG's review of the videotapes revealed that the waterboard technique employed at [redacted] was different from the technique as described in the DoJ opinion and used in the SERE training. The difference was in the manner in which the detainee's breathing was obstructed. At the SERE School and in the DoJ opinion, the subject's airflow is disrupted by the firm application of a damp cloth over the air passages; the interrogator applies a small amount of water to the cloth in a controlled manner. By contrast, the Agency interrogator [redacted] continuously applied large volumes of water to a cloth that covered the detainee's mouth and nose. One of the psychologists/interrogators acknowledged that the Agency's use of the technique differed from that used in SERE training and explained that the Agency's technique is different because it is "for real" and is more poignant and convincing.

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(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct [redacted]

80. (TS/ [redacted] From December 2002 until [redacted] September 2003, [redacted] was used to detain and interrogate eight individuals. [redacted]

(b)(1)
(b)(3) NatSecAct

[redacted] During this time, Headquarters issued the formal DCI Confinement Guidelines, the DCI Interrogation Guidelines, and the additional draft guidelines specifically

⁴² (U//FOUO) See discussion in paragraphs 92-93 regarding threats.

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(b)(1)
(b)(3) NatSecAct

addressing requirements for OMS personnel. This served to strengthen the command and control exercised over the CTC Program.

Background and Detainees

81.

(b)(1)
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct

82. (TS/ [redacted] was originally intended to hold

(b)(1) a maximum of two high value detainees [redacted]

(b)(3) NatSecAct [redacted] because the Agency had not established another detention

(b)(1) facility for these detainees, five cells had been constructed to

(b)(3) NatSecAct accommodate five detainees—Abu Zubaydah, Al-Nashiri, (b)(1)

(b)(3) NatSecAct

Several Agency personnel expressed concern to OIG that [redacted] had become overcrowded.

83.

(b)(1)
(b)(3) NatSecAct

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(b)(3) NatSecAct

Staffing

(b)(1)
(b)(3) NatSecAct

84. (S//NF) Like [redacted] had no permanent positions and was staffed with TDY officers. It had the same general staffing complement as [redacted]

(b)(1)
(b)(3) NatSecAct

85. (S//NF) DO managers told OIG that in selecting a COB at [redacted] they considered a combination of factors, to include grade and managerial experience. A senior DO officer said that, by March 2003, because of a lack of available, experienced DO officers who could travel to [redacted] the selection criteria were limited to selecting CTC candidates based on their grade. Like most TDY personnel who traveled to [redacted] the COB was generally expected to remain for a 30-day TDY.

(b)(1)
(b)(3) NatSecAct

86. (TS/ [redacted] The duties of the COB [redacted] to manage the facility, its security, and its personnel were the same as those of the COB at [redacted]. The COB [redacted] also oversaw interrogations and debriefings, released cables and reports, and communicated daily with the local Station and Headquarters.

(b)(1)
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct

87. (TS/ [redacted] Although the COB [redacted] was ultimately responsible for on-site security, the daily responsibilities for security matters fell to security personnel who, in addition to monitoring the detainees around-the-clock, also monitored [redacted] perimeter via audio and video cameras. Security personnel at [redacted] maintained records of vital detainee information, to include medical information, prescribed medications, bathing schedules, menus, and eating schedules. They prepared three meals daily for each detainee, which generally consisted of beans, rice, cheese sandwiches, vitamins, fruit, water, and Ensure nutritional supplement.

(b)(1)
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct

~~TOP SECRET~~ / [redacted] (b)(1)
[redacted] (b)(3) NatSecAct

88. (TS/[redacted] At [redacted] psychologists' roles did not immediately change. They continued to psychologically assess and interrogate detainees and were identified as "psychologist/interrogators." Headquarters addressed the conflict of interest concern when, on 30 January 2003, it sent a cable to [redacted] (b)(1) that stated: [redacted] (b)(3) NatSecAct

It has been and continues to be [Agency] practice that the individual at the interrogation site who administers the techniques is not the same person who issues the psychological assessment of record. . . . In this respect, it should be noted that staff and IC psychologists who are approved interrogators may continue to serve as interrogators and physically participate in the administration of enhanced techniques, so long as at least one other psychologist is present who is not also serving as an interrogator, and the appropriate psychological interrogation assessment of record has been completed.

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

[redacted] Medical Services believes this problem still exists because the psychologists/interrogators continue to perform both functions.

(b)(1)
(b)(3) NatSecAct

Guidance Prior to DCI Guidelines

89. (TS [redacted] By the time [redacted] became operational, the Agency was providing legal and operational briefings and cables [redacted] that contained Headquarters' guidance and discussed the torture statute and the DoJ legal opinion. CTC had also established a precedent of detailed cables between [redacted] and Headquarters regarding the interrogation and debriefing of detainees. The written guidance did not address the four standard interrogation techniques that, according to CTC/Legal, the Agency had identified as early as November 2002.⁴³ Agency personnel were authorized to employ standard interrogation techniques on a detainee without Headquarters' prior approval. The guidance did not specifically

(b)(1)
(b)(3) NatSecAct

⁴³ (S//NF) The four standard interrogation techniques were: (1) sleep deprivation not to exceed 72 hours, (2) continual use of light or darkness in a cell, (3) loud music, and (4) white noise (background hum).

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[redacted] (b)(3) NatSecAct

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(b)(3) NatSecAct

address the use of props to imply a physical threat to a detainee, nor did it specifically address the issue of whether or not Agency officers could improvise with any other techniques. No formal mechanisms were in place to ensure that personnel going to the field were briefed on the existing legal and policy guidance.

(b)(1)
(b)(3) NatSecAct **Specific Unauthorized or Undocumented Techniques**

90. (TS/ [redacted] This Review heard allegations of the use of unauthorized techniques [redacted] The most significant, the handgun and power drill incident, discussed below, is the subject of a separate OIG investigation. In addition, individuals interviewed during the Review identified other techniques that caused concern because DoJ had not specifically approved them. These included the making of threats, blowing cigar smoke, employing certain stress positions, the use of a stiff brush on a detainee, and stepping on a detainee's ankle shackles. For all of the instances, the allegations were disputed or too ambiguous to reach any authoritative determination regarding the facts. Thus, although these allegations are illustrative of the nature of the concerns held by individuals associated with the CTC Program and the need for clear guidance, they did not warrant separate investigations or administrative action.

(b)(1)
(b)(3) NatSecAct **Handgun and Power Drill** (b)(6)
(b)(7)(c)

91. (TS/ [redacted] and interrogation team members, whose purpose it was to interrogate Al-Nashiri and debrief Abu Zubaydah, initially staffed [redacted] The interrogation team continued EITs on Al-Nashiri for two weeks in December 2002 until they assessed him to be "compliant." Subsequently, CTC officers at Headquarters disagreed with that assessment and sent a (b)(1) [redacted] senior operations officer (the debriefer) (b)(3) NatSecAct [redacted] to debrief and assess Al-Nashiri.

(b)(1)
(b)(3) NatSecAct

92. (TS/ [redacted] The debriefer assessed Al-Nashiri as withholding information, at which point [redacted] reinstated sleep deprivation, hooding, and handcuffing. Sometime between

(b)(6)
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28 December 2002 and 1 January 2003, the debriefer used an unloaded semi-automatic handgun as a prop to frighten Al-Nashiri into disclosing information.⁴⁴ After discussing this plan with [redacted] the debriefer entered the cell where Al-Nashiri sat shackled and racked the handgun once or twice close to Al-Nashiri's head.⁴⁵ On what was probably the same day, the debriefer used a power drill to frighten Al-Nashiri. With [redacted] consent, the debriefer entered the detainee's cell and revved the drill while the detainee stood naked and hooded. The debriefer did not touch Al-Nashiri with the power drill.

(b)(6)
(b)(7)(c)

(b)(6)
(b)(7)(c)

93. (S//NF) The [redacted] and debriefer did not request authorization or report the use of these unauthorized techniques to Headquarters. However, in January 2003, newly arrived TDY officers [redacted] who had learned of these incidents reported them to Headquarters. OIG investigated and referred its findings to the Criminal Division of DoJ. On 11 September 2003, DoJ declined to prosecute and turned these matters over to CIA for disposition. These incidents are the subject of a separate OIG Report of Investigation.⁴⁶

(b)(6)
(b)(7)(c)

(b)(1) **Threats**
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct

94. (TS/[redacted]) During another incident [redacted] the same Headquarters debriefer, according to a [redacted] who was present, threatened Al-Nashiri by saying that if he did not talk, "We could get your mother in here," and, "We can bring your family in here." The [redacted] debriefer reportedly wanted Al-Nashiri to infer, for psychological reasons, that the debriefer might be [redacted] intelligence officer based on his Arabic dialect, and that Al-Nashiri was in [redacted] custody because it was widely believed in Middle East circles that [redacted] interrogation technique involves

(b)(1)
(b)(3) NatSecAct

⁴⁴ (S//NF) This individual was not a trained interrogator and was not authorized to use EITs.

⁴⁵ (U//FOUO) Racking is a mechanical procedure used with firearms to chamber a bullet or simulate a bullet being chambered.

⁴⁶ (S//NF) Unauthorized Interrogation Techniq[redacted] 29 October 2003.
(b)(1)
(b)(3) NatSecAct

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(b)(1)
(b)(3) NatSecAct

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(b)(3) NatSecAct

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[redacted] (b)(3) NatSecAct

sexually abusing female relatives in front of the detainee. The debriefer denied threatening Al-Nashiri through his family. The debriefer also said he did not explain who he was or where he was from when talking with Al-Nashiri. The debriefer said he never said he was [redacted] intelligence officer but let Al-Nashiri draw his own conclusions.

(b)(1)
(b)(3) NatSecAct

95. (TS/ [redacted] An experienced Agency interrogator reported that the psychologists/interrogators threatened Khalid Shaykh Muhammad [redacted] According to this interrogator, the psychologists/interrogators said to Khalid Shaykh Muhammad that if anything else happens in the United States, "We're going to kill your children." According to the interrogator, one of the psychologists/interrogators said [redacted] CTC/Legal had advised that threats are permissible so long as they are "conditional."

(b)(1)
(b)(3) NatSecAct

(b)(3) CIAAct
(b)(6)
(b)(7)(c)

(b)(3) CIAAct
(b)(5)
(b)(6)
(b)(7)(c)

[redacted] With respect to the report provided to him of the threats [redacted] that report did not indicate that the law had been violated.

(b)(1)
(b)(3) NatSecAct

Smoke

(b)(1)
(b)(3) NatSecAct

96. (TS/ [redacted] An Agency independent contractor interrogator admitted that, in December 2002, he and another independent contractor smoked cigars and blew smoke in Al-Nashiri's face during an interrogation. The interrogator claimed they did this to "cover the stench" in the room and to help keep the interrogators alert late at night. This interrogator said he would not do this again based on "perceived criticism." Another Agency interrogator admitted that he also smoked cigars during two sessions with Al-Nashiri to mask the stench in the room. He claimed he did not deliberately force smoke into Al-Nashiri's face.

~~TOP SECRET~~ [redacted]

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~~TOP SECRET~~ / [redacted] (b)(1)
[redacted] (b)(3) NatSecAct(b)(1)
(b)(3) NatSecAct **Stress Positions**

97. (TS/ [redacted]) (b)(6)
(b)(7)(c) OIG received reports that interrogation team members employed potentially injurious stress positions on Al-Nashiri. Al-Nashiri was required to kneel on the floor and lean back. On at least one occasion, an Agency officer reportedly pushed Al-Nashiri backward while he was in this stress position. On another occasion, [redacted] (b)(6)
(b)(7)(c) said he had to intercede after [redacted] expressed concern that Al-Nashiri's arms might be dislocated from his shoulders. [redacted] explained that, at the time, the interrogators were attempting to put Al-Nashiri in a standing stress position. Al-Nashiri was reportedly lifted off the floor by his arms while his arms were bound behind his back with a belt.

Stiff Brush and Shackles

(b)(1)
(b)(3) NatSecAct 98. (TS/ [redacted]) (b)(1)
(b)(3) NatSecAct A psychologist/interrogator reported that he witnessed other techniques used on Al-Nashiri that the interrogator knew were not specifically approved by DoJ. These included the use of a stiff brush that was intended to induce pain on Al-Nashiri and standing on Al-Nashiri's shackles, which resulted in (b)(1)
(b)(3) NatSecAct and bruises. When questioned, an interrogator who was at [redacted] acknowledged that they used a stiff brush to bathe Al-Nashiri. He described the brush as the kind of brush one uses in a bath to remove stubborn dirt. A CTC manager who had heard of the incident attributed the abrasions on Al-Nashiri's ankles to an Agency officer accidentally stepping on Al-Nashiri's shackles while repositioning him into a stress position.

(b)(1)
(b)(3) NatSecAct **Waterboard Technique**

99. (TS/ [redacted]) The Review determined that the interrogators used the waterboard on Khalid Shaykh Muhammad in a manner inconsistent with the SERE application of the waterboard and the description of the waterboard in the DoJ OLC opinion, in that the technique was used on Khalid Shaykh Muhammad a large number of times. According to the General Counsel, the Attorney

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[redacted] (b)(1)
[redacted] (b)(3) NatSecAct

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(b)(3) NatSecAct

General acknowledged he is fully aware of the repetitive use of the waterboard and that CIA is well within the scope of the DoJ opinion and the authority given to CIA by that opinion. The Attorney General was informed the waterboard had been used 119 times on a single individual.

(b)(1)

(b)(3) NatSecAct

100. (TS) [redacted] Cables indicate that Agency interrogators [redacted] applied the waterboard technique to Khalid Shaykh Muhammad 183 times during 15 sessions over a period of 14 days. The application of this technique to Khalid Shaykh Muhammad evolved because of this detainee's ability to counter the technique by moving his lips to the side to breathe while water was being poured. To compensate, the interrogator administering the waterboard technique reportedly held Khalid Shaykh Muhammad's lips with one hand while pouring water with the other. Khalid Shaykh Muhammad also countered the technique by holding his breath and drinking as much of the water being administered as he could. An on-site physician monitoring the waterboard sessions estimated that Khalid Shaykh Muhammad was capable of ingesting up to two liters of water. Cables indicate that an average of 19 liters (5 gallons) of water were used per waterboard session, with some of the water being splashed onto Khalid Shaykh Muhammad's chest and abdomen to evoke a visceral response from him. On the advice of the presiding physician, water was replaced with normal saline to prevent water intoxication and dilution of electrolytes. In addition, one of the interrogators reportedly formed his hands over Khalid Shaykh Muhammad's mouth to collect approximately one inch of standing water.⁴⁷ Cables reflect that, during six waterboard

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(b)(3) CIAAct

(b)(6)

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⁴⁷ (TS) [redacted] According to the [redacted] while Khalid Shaykh Muhammad proved to be remarkably resilient to waterboard applications, the "unprecedented intensity of its use" led OMS to advise CTC/SMD that OMS considered the ongoing process "both excessive and pointless." This concern was the impetus for OMS to juxtapose explicitly the SERE waterboard experience with that of the Agency's in the OMS Guidelines then being assembled.

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(b)(1)

(b)(3) NatSecAct

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~~TOP SECRET~~ / [redacted] (b)(1) (b)(3) NatSecAct

sessions with Khalid Shaykh Muhammad, the interrogation team exceeded the contemplated duration of 20 minutes per session with the most notable session lasting 40 minutes.⁴⁸

(b)(1) (b)(3) NatSecAct ~~ATTENTION AND INTERROGATION ACTIVITIES~~ (b)(1) (b)(3) NatSecAct

101. (TS/ [redacted] The Agency provided less management attention to detention and interrogation activities [redacted] than it gave to [redacted] and [redacted] took the lead on these activities [redacted] using [redacted] as the primary detention and interrogation facility.

(b)(1) (b)(3) NatSecAct

(b)(1) (b)(3) NatSecAct

102. (TS/ [redacted] the Station [redacted] existed until summer 2002 as a de facto extension of CTC, essentially singularly focused on the counter-terrorism mission.

(b)(1) (b)(3) NatSecAct

[redacted] the respective roles of CTC [redacted] regarding the Station and [redacted] became less clear and remained largely unaddressed at the Headquarters level. At the same time, the Agency began taking a more active role in detention but focused on the most high value detainees and the application of EITs.

(b)(3) CIAAct (b)(6) (b)(7)(c)

(b)(1) (b)(3) NatSecAct

Headquarters considered [redacted] and did not focus on the facility's role and broader scope of activities.

(b)(1) (b)(3) NatSecAct

⁴⁸ (TS/ [redacted] The OLC opinion dated 1 August 2002 states, "You have also orally informed us that it is likely that this procedure [waterboard] would not last more than 20 minutes in any one application." Although this 20-minute threshold was used as one basis for the formation of the OLC opinion regarding acceptable use of the waterboard, it does not appear that the limitation was ever promulgated to the field as guidance.

[redacted] (b)(1) (b)(3) NatSecAct

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(b)(3) NatSecAct

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(b)(1)

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(b)(1) (b)(3) NatSecAct

107. (TS/ [redacted] In April 2002, [redacted] (b)(1) Station proposed the creation of [redacted] (b)(3) NatSecAct to meet the Station's requirement for "secure, safe, and separated handling of terrorist detainees." The Station stated that the facility was to be used in the "screening and interrogation phase" of detention, when Station personnel would determine the best disposition of the detainees.

(b)(1) (b)(3) NatSecAct [redacted] Station described the proposed facility as one designed to hold 12 high-profile detainees, with the capacity of holding up to 20. The Station viewed the proposed facility as a way to maximize its efforts to exploit priority targets for intelligence and imminent threat

(b)(1) (b)(3) CIAAct (b)(3) NatSecAct [redacted] information. In June 2002, Headquarters [redacted] (b)(1) [redacted] (b)(1) approved the funds to create the (b)(3) NatSecAct detention facility. (b)(3) NatSecAct

108. (TS/ [redacted] received its first detainee on [redacted] September 2002. After the first month of operation, [redacted] detainee population had grown to 20. Since then, the detainee population ranged from 8 to 20.

(b)(1) (b)(3) NatSecAct

Headquarters Oversight

(b)(3) NatSecAct

109. (S/ [redacted] /NF) The disconnect between the field and Headquarters regarding [redacted] (b)(1) arose early. After [redacted] (b)(3) NatSecAct opened, the Station acknowledged that, in practical terms, [redacted] (b)(3) NatSecAct

(b)(1) (b)(3) NatSecAct

110.

(b)(1) (b)(3) NatSecAct

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[redacted]

[redacted] Agency personnel also made all decisions about who was to be detained at the facility. [redacted]

[redacted]

111. ~~(S//NF)~~ OIG also found confusion among DO components regarding which Headquarters element was responsible for [redacted] prior to September 2003.⁵⁰ The proposal for opening [redacted] originated with [redacted] and many of the decisions regarding [redacted] e.g., selection of the Site Manager, were made in the field. The confusion stemmed in part from the fact that [redacted]

(b)(1)
(b)(3) NatSecAct

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(b)(3) NatSecAct

[redacted] Despite the transition, however, the focus of activities in [redacted] in general, and [redacted] in particular, was counterterrorism, and those activities were supported by counterterrorism funds. As a result, at Headquarters, [redacted] monitored the activities but did not attempt to provide management oversight. [redacted]

(b)(1)
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct

112. ~~(TS//NF)~~ [redacted] Initially, [redacted] was the author of most cables concerning the [redacted] facility. [redacted] officers, however, maintained that [redacted] was not a [redacted] responsibility, but a CTC/RDG responsibility. CTC/RDG did not share this view. [redacted] viewed its mission as the capture of Al-Qa'ida, not exploitation of the captured terrorists. Senior CTC officials acknowledged that [redacted] was far less important to them than [redacted] and they focused little attention on activities there. [redacted]

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

(b)(1)
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50 [redacted] (b)(1)
(b)(3) NatSecAct

49 [redacted] (b)(1)
(b)(3) NatSecAct

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(b)(3) NatSecAct

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(b)(1)
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct 113. (S//NF) In December 2002, [redacted] Station made a programmatic assessment of the [redacted] staffing requirements. The Station stated its view that the staffing should include

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(b)(3) NatSecAct
(b)(1)
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct 114. (TS//NF) Also in December 2002, after CTC/RDG assumed responsibility for [redacted] a CTC/RDG assessment team traveled to the site. The assessment team made recommendations ranging from administrative improvements, such as installation of thermometers in the facility and the use of a logbook, to programmatic changes, such as the need for additional personnel and determining the endgame for each detainee. Subsequently, there were some improvements in interrogation support. A September 2003 assessment from [redacted] Station indicated that staffing remained insufficient to support the detention program. In response, CTC/RDG proposed to add three positions to the [redacted] to address regional interrogation requirements.

(b)(1)
(b)(3) NatSecAct

Facility and Procedures

115. (TS//NF) [redacted] (b)(1)
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct

[redacted] The detention facility inside the warehouse consists of 20 individual concrete structures used as cells, three interrogation rooms, a staff room, and a guardroom. [redacted] is not insulated and there is no central air conditioning or heating. Individual cells were designed with a recess for electrical space heaters; however, electrical heaters were not placed in the cells. The Site Manager estimated there were between 6 and 12 gas heaters in the cell block in November 2002 at the time a detainee, Gul Rahman,

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(b)(3) NatSecAct

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(b)(3) NatSecAct

died from hypothermia.⁵¹ This was increased to 40 to 60 heaters after the death. Throughout its occupancy, [redacted] guards and a small [redacted] cooking/cleaning cadre have staffed [redacted]

(b)(1)

(b)(3) NatSecAct

116. (TS/ [redacted]) had no written standard operating procedures until January 2003 when the DCI Confinement Guidelines were issued. A psychologist/interrogator visiting the facility before Gul Rahman's death in November 2002 noted this deficiency, stating that the procedures should be so detailed as to specify who is responsible for turning the lights on and off, or what the temperature should be in the facility. Although the [redacted] (b)(1) psychologist/interrogator relayed this opinion to the [redacted] (b)(3) NatSecAct Site Manager and planned to author procedures, before he could do so, he was sent to [redacted] for the interrogation of a high value detainee.

(b)(1)

(b)(3) NatSecAct

117. (TS/ [redacted]) The customary practice at [redacted] was to shave each detainee's head and beard and conduct a medical examination upon arrival. Detainees were then given uniforms and moved to a cell. All detainees were subjected to total darkness and loud music. Photographs were taken of each detainee for identification purposes. While in the cells, detainees were shackled to the wall. The guards fed the detainees on an alternating schedule of one meal on one day and two meals the next day. As the temperature decreased in November and December 2002, the Site Manager made efforts to acquire additional supplies, such as warmer uniforms, blankets, and heaters.⁵² If a detainee was cooperative, he was afforded improvements in his environment to include a mat, blankets, a Koran, a lamp, and additional food choices. Detainees who were not cooperative were subjected to austere conditions and aggressive interrogations until they became "compliant."

⁵¹ (S//NF) The facts and circumstances of Gul Rahman's death are discussed later in this Review.

⁵² (U) In November 2002, the temperature ranged from a high of 70 to a low of 31 degrees Fahrenheit.

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(b)(3) NatSecAct

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(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct

118. (TS/ [redacted] Prior to December 2002, [redacted] had no written interrogation procedures. According to [redacted] Station officer, Headquarters' approval in July 2002 of the handling of a detainee with techniques of sleep deprivation, solitary confinement, and noise served as the basis for the standard operating procedures

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

According to [redacted] [redacted] had no definitive guidance regarding interrogations until a CTC officer came to [redacted] in late July 2002. He sent a cable to CTC/Legal proposing techniques, such as the use of darkness, sleep deprivation, solitary confinement, and noise, that ultimately became the model for [redacted] Other interrogation techniques adopted at [redacted] which were reported to Headquarters included standing sleep deprivation, nakedness, and cold showers.

(b)(1)
(b)(3) NatSecAct

119. [redacted] Interrogators at [redacted] were left to their own devices in working with the detainees. One new CTC operations officer explained that he received no training or guidance related to interrogations before he arrived in [redacted] mid-November 2002.⁵³ According to the operations officer, the Site Manager said to route all cables through him and to do the job without "harming or killing" the detainees. Other officers provided similar accounts.

(b)(1)
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct

Several officers who observed or participated in the activities at [redacted] in the early months expressed concern about the lack of procedures.

(b)(1)
(b)(3) NatSecAct

120. (TS/ [redacted] receive little general guidance regarding detention and interrogation until after the death of Rahman on [redacted] November 2002. In the perceived absence of specific guidance from Headquarters, one officer who spent several months at [redacted] said he used common sense and his imagination to devise techniques. It was not until December 2002, three months after opening, that [redacted] received official written guidance from Headquarters. Some of that guidance, for example the instruction that only those who had taken the interrogator training that

(b)(1)
(b)(3) NatSecAct

⁵³ (TS/ [redacted] The first session of the interrogation course began in November 2002. See paragraphs 64-65.

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(b)(3) NatSecAct

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commenced in November 2002 should conduct interrogations, was met with surprise by officers who had been operating prior to November 2002 under other de facto procedures.

(b)(1)

(b)(3) NatSecAct

(b)(1)

(b)(3) NatSecAct

121. (TS/ [redacted] The interrogation process [redacted] evolved after the death of Gul Rahman. On [redacted] December 2002, CTC/RDG announced it would assume the responsibility for the management and maintenance of all CIA custodial interrogation facilities. An assessment team traveled to [redacted] in December 2002 and prepared a list of recommendations. [redacted] stated he was comfortable with the level of guidance the Station received after the a [redacted] (b)(1) ment team's visit.

(b)(1)

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(3) NatSecAct

122. (TS/ [redacted] the employment of EITs is now reportedly well codified. According to the Site Manager, when interrogators arrive, he provides them with a folder containing written security issues and the procedures for using EITs. Interrogators are required to sign a statement certifying they have read and understand the contents of the folder. Written interrogation plans are prepared and sent to Headquarters for each detainee. Directorate of Intelligence analysts are not used as interrogators; they are the substantive experts. Psychologists are also monitoring the detainees and a Physician's Assistant is now at [redacted] whenever EITs are being employed. The [redacted] staff is watching the temperature and detainee diets more carefully. Headquarters monitors medical, hygiene and other health, safety and related issues by, among other things, daily cable traffic and quarterly written reports. The Agency plans to open a new facility [redacted]

(b)(1)

(b)(3) NatSecAct

[redacted] in 2004. At that point, CTC/RDG plans to move detainees from [redacted]

(b)(1)

(b)(3) NatSecAct

123. (TS/ [redacted] High value detainees Al-Nashiri and Khalid Shaykh Muhammad transited [redacted] enroute to other facilities. Several medium value detainees have been detained and interrogated at [redacted] For example, Ridda Najjar, a purported UBL bodyguard; Mustafa Ahmad Adam al-Hawsawi, an Al-Qa'ida

(b)(1)

(b)(3) NatSecAct

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