



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 5th Floor
New York, New York 10007*

May 10, 2010

BY FEDERAL EXPRESS

Alexander A. Abdo, Esq.
American Civil Liberties Union
125 Broad Street, 18th Floor
New York, N.Y. 10004

Re: ACLU, et al., v. Department of Defense, et al., No. 04 Civ. 4151 (AKH)

Dear Mr. Abdo:

As discussed, enclosed please find an additional copy of the documents we originally released to you on behalf of the CIA on April 15, 2010 (the "April 15 Release"). For your convenience, we are providing you with a second copy of the April 15 Release, this time with the Vaughn indexes associated with each document placed on top of each document.

The CIA has revised the enclosed Vaughn indexes to update the bases for withholding the information that is redacted in the April 15 Release, and to identify which of the declarations previously submitted by the CIA explain those bases. The most recent of those declarations are the declarations of Wendy Hilton dated September 19, 2009, November 20, 2009, and January 8, 2010, and the line entitled "Document Number" on the enclosed Vaughn indexes now notes which of those three declarations corresponds with the document associated with each Vaughn index. Finally, the CIA has made minor revisions to the enclosed Vaughn indexes for the sake of consistency between the indexes.

Alexander A. Abdo, Esq.
May 10, 2010
Page 2

If you have any questions about the enclosures please contact us.

Very truly yours,

PREET BHARARA
United States Attorney
Southern District of New York

By:



SEAN H. LANE
TARA LAMORTE
AMY A. BARCELO
Assistant United States Attorneys
Telephone: (212) 637-6559

Enclosures

OIG Documents

FOIA/PA Request No.: F-2004-01456
Document Number: 1 (20 November 2009 Hilton Declaration)
Date of Document: 4/27/2002
Document Type: Email
Classification: Secret
From/To: CIA/CIA
Subject: AZ Interrogations
Document Pages: 1

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a one-page email from a CIA officer to another CIA officer, with several additional CIA officers and attorneys copied. The email contains information relating to the interrogation of Abu Zubaydah, including information relating to classified counter-terrorism operations. The email also contains information relating to intelligence sources and methods and the identities of personnel engaged in counter terrorism operations. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2009) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

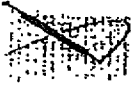
Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)
Judge's Initials: AKH

~~SECRET~~

[REDACTED]

[REDACTED]



04/27/2002 09:05 PM

To: [REDACTED]
cc: [REDACTED]

Subject: AZ interrogations

[REDACTED] I would like to take advantage of your first-hand observations of the AZ interrogations to review them with [REDACTED]. Please see [REDACTED] to discuss the nuances of the interrogations. When will the tapes of the interrogations arrive here? They should all be catalogued and made into official record copies. The CIA has not had such a responsibility for a long time, so we want to make sure we know how to keep "in bounds." We may need to get some guidance to the field [REDACTED].
[REDACTED] Thank you!

~~SECRET~~

000556

[SEPARATOR PAGE]

OIG Documents

FOIA/PA Request No.: F-2004-01456
Document Number: 15 (20 November 2009 Hilton Declaration)
Date of Document: 10/25/2002
Document Type: Cable
Classification: Secret
From/To: HQ/Field
Subject: Disposition of videotapes
Document Pages: 2

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This is a two-page cable from CIA headquarters to the field concerning the disposition of the videotapes. The document contains information relating to classified intelligence operations and methods, as well as the identities of personnel engaged in counter-terrorism operations. The document is withheld in part on the basis of FOIA exemptions b(1), (3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

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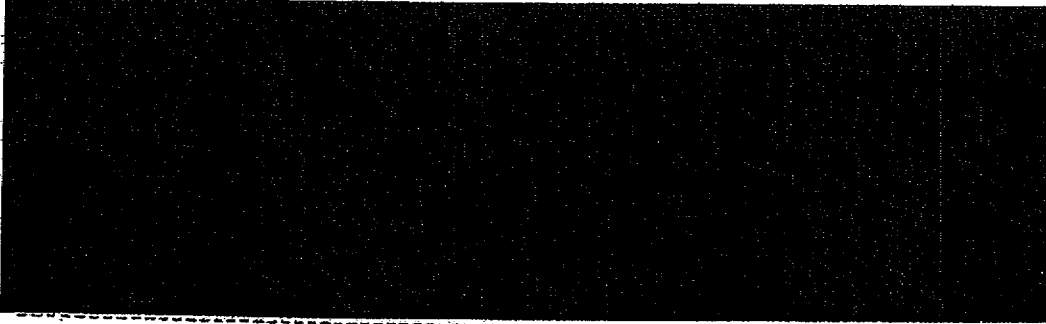
Exemption b(6) - This document contains information relating to the identities of personnel engaged in

counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)
Judge's Initials: AKH

~~SECRET~~

ROUTE COMMENTS:



PAGE 001
TOT: 251945Z OCT 02

~~SECRET~~

STAFF

TO: IMMEDIATE [REDACTED] INFO [REDACTED] DIRECTOR.

FROM: DDO INFO [REDACTED]

SLUGS: [REDACTED]

SUBJECT: EYES ONLY - DISPOSITION OF VIDEOTAPES [REDACTED]

REF: A. [REDACTED]

B. [REDACTED]

TEXT:

1. ACTION REQUIRED: PLEASE REVIEW BELOW GUIDANCE.

2. THIS CABLE HAS BEEN COORDINATED WITH [REDACTED]

[REDACTED] ON 05 SEPTEMBER 2002, HQS ELEMENTS DISCUSSED THE DISPOSITION OF THE VIDEOTAPES DOCUMENTING INTERROGATION SESSIONS WITH ((ABU ZUBAYDAH)) THAT ARE CURRENTLY BEING STORED AT [REDACTED] WITH PARTICULAR CONSIDERATION TO THE MATTERS DESCRIBED IN REF A PARAS 2 AND 3 AND REF B PARA 4. AS REFLECTED IN REFS, THE PARTICIPANTS OF THIS MEETING CONCLUDED THAT THE CONTINUED RETENTION OF THESE TAPES, WHICH IS NOT/NOT REQUIRED BY LAW, REPRESENTS A SERIOUS SECURITY RISK FOR [REDACTED] OFFICERS RECORDED ON THEM, AND FOR ALL [REDACTED] OFFICERS PRESENT AND PARTICIPATING IN [REDACTED] OPERATIONS; THEY ALSO RECOGNIZED THE ADDITIONAL CONCERNS DESCRIBED IN REFS, SUCH AS THE DANGER TO ALL AMERICANS SHOULD THE TAPES BE COMPROMISED. IN THIS POSSIBLE CIRCUMSTANCE, THERE ALSO EXISTS A CLEAR DANGER THAT THE OFFICERS PICTURED ON THE TAPES COULD BE SUBJECT TO RETRIBUTION FROM AL-QA'IDA ELEMENTS. ACCORDINGLY, THE PARTICIPANTS DETERMINED THAT THE BEST ALTERNATIVE TO ELIMINATE THOSE SECURITY AND ADDITIONAL RISKS IS TO DESTROY THESE TAPES [REDACTED] THE BEST MECHANISM FOR DESTROYING THE TAPES FOLLOWS:

A. DEPLOYMENT OF [REDACTED] A

~~SECRET~~

(12/28/07) TCG:00392

~~SECRET~~

[REDACTED] WILL BE DEPLOYED [REDACTED] AT THE EARLIEST OPPORTUNITY TO BE PRESENT AND ASSIST IN DESTROYING THE TAPES COMPLETELY.

B. POLICY ON USAGE OF TAPES: STARTING IMMEDIATELY, IT IS NOW HQS POLICY THAT [REDACTED] RECORD ONE DAY'S WORTH OF SESSIONS ON ONE VIDEOTAPE FOR OPERATIONAL CONSIDERATIONS, UTILIZE THE TAPE WITHIN THAT SAME DAY FOR PURPOSES OF REVIEW AND NOTE TAKING, AND RECORD THE NEXT DAY'S SESSIONS ON THE SAME TAPE. THUS, IN EFFECT, THE SINGLE TAPE IN USE [REDACTED] WILL CONTAIN ONLY ONE DAY'S WORTH OF INTERROGATION SESSIONS. (A SPECIFIC EXCEPTION TO THIS TIMETABLE MAY BE MADE WHERE REQUIRED IN THE CASE OF A PARTICULAR DAY'S SESSION.)

C. [REDACTED]

3. HQS IS CONFIDENT THAT [REDACTED] UNDERSTANDS THE REASONING BEHIND ABOVE POLICY FOR THE VIDEOTAPES. THIS WILL ENSURE THE PROTECTION AND SAFETY OF [REDACTED] OFFICERS AT [REDACTED] HQS WILL ADVISE DETAILS OF THE DEPLOYMENT OF THE [REDACTED] SEPARATELY. THANK YOU AND BEST REGARDS.

4. [REDACTED]

END OF MESSAGE

~~SECRET~~~~SECRET~~

(12/28/07) TCG: 00393

[SEPARATOR PAGE]

ACLU v. DOD Final Production

FOIA/PA Request No.: F-2004-01456
Document Number: 132 (8 January 2010 Hilton Declaration)
Date of Document: 10/25/2002
Document Type: Cable
Classification: Secret
From/To: HQ/Field
Subject: Disposition of videotapes
Document Pages: 2

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This is a two-page cable from CIA Headquarters to the field concerning the disposition of the videotapes. The document contains information relating to classified intelligence operations and methods, as well as the identities of personnel engaged in counter-terrorism operations. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

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~~SECRET~~

2/15/18

STAFF

PAGE 001

TOT: 251945Z OCT 02

TO: IMMEDIATE INFO DIRECTOR.

FROM: DDO INFO

SLUGS:

SUBJECT: EYES ONLY - DISPOSITION OF VIDEOTAPES

REF: A.

B.

TEXT:

1. ACTION REQUIRED: PLEASE REVIEW BELOW GUIDANCE.

2. THIS CABLE HAS BEEN COORDINATED WITH

ON 05 SEPTEMBER 2002, HQS ELEMENTS DISCUSSED THE DISPOSITION OF THE VIDEOTAPES DOCUMENTING INTERROGATION SESSIONS WITH ((ABU ZUBAYDAH)) THAT ARE CURRENTLY BEING STORED AT WITH PARTICULAR CONSIDERATION TO THE MATTERS DESCRIBED IN REF A PARAS 2 AND 3 AND REF B PARA 4. AS REFLECTED IN REFS, THE PARTICIPANTS OF THIS MEETING CONCLUDED THAT THE CONTINUED RETENTION OF THESE TAPES, WHICH IS NOT/NOT REQUIRED BY LAW, REPRESENTS A SERIOUS SECURITY RISK FOR OFFICERS RECORDED ON THEM, AND FOR ALL OFFICERS PRESENT AND PARTICIPATING IN OPERATIONS; THEY ALSO RECOGNIZED THE ADDITIONAL CONCERNS DESCRIBED IN REFS, SUCH AS THE DANGER TO ALL AMERICANS SHOULD THE TAPES BE COMPROMISED. IN THIS POSSIBLE CIRCUMSTANCE, THERE ALSO EXISTS A CLEAR DANGER THAT THE OFFICERS PICTURED ON THE TAPES COULD BE SUBJECT TO RETRIBUTION FROM AL-QA'IDA ELEMENTS. ACCORDINGLY, THE PARTICIPANTS DETERMINED THAT THE BEST ALTERNATIVE TO ELIMINATE THOSE SECURITY AND ADDITIONAL RISKS IS TO DESTROY THESE TAPES THE BEST MECHANISM OR DESTROYING THE TAPES FOLLOWS:

~~SECRET~~

2007-8808-1G007836

000671

~~SECRET~~

A. DEPLOYMENT OF [REDACTED] A [REDACTED] WILL BE DEPLOYED [REDACTED] AT THE EARLIEST OPPORTUNITY TO BE PRESENT AND ASSIST IN DESTROYING THE TAPES COMPLETELY.

2/079

B. POLICY ON USAGE OF TAPES: STARTING IMMEDIATELY, IT IS NOW HQS POLICY THAT [REDACTED] RECORD ONE DAY'S WORTH OF SESSIONS ON ONE VIDEOTAPE FOR OPERATIONAL CONSIDERATIONS, UTILIZE THE TAPE WITHIN THAT SAME DAY FOR PURPOSES OF REVIEW AND NOTE TAKING, AND RECORD THE NEXT DAY'S SESSIONS ON THE SAME TAPE. THUS, IN EFFECT, THE SINGLE TAPE IN USE [REDACTED] WILL CONTAIN ONLY ONE DAY'S WORTH OF INTERROGATION SESSIONS. (A SPECIFIC EXCEPTION TO THIS TIMETABLE MAY BE MADE WHERE REQUIRED IN THE CASE OF A PARTICULAR DAY'S SESSION.)

C. [REDACTED]

3. HQS IS CONFIDENT THAT [REDACTED] UNDERSTANDS THE REASONING BEHIND ABOVE POLICY FOR THE VIDEOTAPES. THIS WILL ENSURE THE PROTECTION AND SAFETY OF [REDACTED] OFFICERS AT [REDACTED] HQS WILL ADVISE DETAILS OF THE DEPLOYMENT OF THE [REDACTED] SEPARATELY. THANK YOU AND BEST REGARDS.

4. [REDACTED]

END OF MESSAGE

~~SECRET~~

~~SECRET~~

2007-8808-16007837

000672

[SEPARATOR PAGE]

ACLU v. DOD Final Production

FOIA/PA Request No.: F-2004-01456
Document Number: 133 (8 January 2010 Hilton Declaration)
Date of Document: 10/27/2002
Document Type: Cable
Classification: Top Secret
From/To:
Subject: Disposition of videotapes
Document Pages: 1

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document consists of one-page of excerpts from two cables concerning the disposition of the videotapes. The document contains information related to classified intelligence operations and methods as well as the identities of personnel engaged in counterterrorism activities. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

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Exemption b(6) - This document contains information relating to the identities of personnel

engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

~~TOP SECRET~~ / ~~ORCON/NOFORN//MR~~

30/137 48

PICTURED ON THE TAPES COULD BE SUBJECT TO RETRIBUTION FROM AL-QA'IDA ELEMENTS. ACCORDINGLY, THE PARTICIPANTS DETERMINED THAT THE BEST ALTERNATIVE TO ELIMINATE THOSE SECURITY AND ADDITIONAL RISKS IS TO DESTROY THESE TAPES. THE BEST MECHANISM FOR DESTROYING THE TAPES FOLLOWS:

A. DEPLOYMENT OF [REDACTED] WILL BE DEPLOYED AT THE EARLIEST OPPORTUNITY TO BE PRESENT AND ASSIST IN DESTROYING THE TAPES COMPLETELY.

B. POLICY ON USAGE OF TAPES: STARTING IMMEDIATELY, IT IS NOW HQS POLICY THAT [REDACTED] RECORD ONE DAY'S WORTH OF SESSIONS ON ONE VIDEOTAPE FOR OPERATIONAL CONSIDERATIONS. UTILIZE THE TAPE WITHIN THAT SAME DAY FOR PURPOSES OF REVIEW AND NOTE TAKING, AND RECORD THE NEXT DAY'S SESSIONS ON THE SAME TAPE. THUS, IN EFFECT, THE SINGLE TAPE IN USE [REDACTED] WILL CONTAIN ONLY ONE DAY'S WORTH OF INTERROGATION SESSIONS. (A SPECIFIC EXCEPTION TO THIS TIMETABLE MAY BE MADE WHERE REQUIRED IN THE CASE OF A PARTICULAR DAY'S SESSION.)

C. [REDACTED]

3. HQS IS CONFIDENT THAT [REDACTED] UNDERSTANDS THE REASONING BEHIND ABOVE POLICY FOR THE VIDEOTAPES. THIS WILL ENSURE THE PROTECTION AND SAFETY OF [REDACTED] OFFICERS AT [REDACTED]. HQS WILL ADVISE DETAILS OF THE DEPLOYMENT OF THE [REDACTED] SEPARATELY. THANK YOU AND BEST REGARDS.

4. FILE [REDACTED]

[REDACTED]

END OF MESSAGE

~~SECRET~~

// [REDACTED] ~~SECRET~~ [REDACTED]

STAFF

[REDACTED]

~~SECRET~~ 270657Z OCT 02 STAFF

CITE [REDACTED]

TO: IMMEDIATE [REDACTED] INFO [REDACTED] DIRECTOR.

FOR: [REDACTED]

~~TOP SECRET~~ / ~~ORCON/NOFORN//MR~~

[SEPARATOR PAGE]

ACLU v. DOD Final Production

FOIA/PA Request No.: F-2004-01456
Document Number: 149 (8 January 2010 Hilton Declaration)
Date of Document: 12/03/2002
Document Type: Cable
Classification: Secret
From/To: HQ/Field
Subject: Proposed destruction of classified material
Document Pages: 2

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a two-page cable from CIA headquarters to the field discussing the proposed destruction of the videotapes. The document contains information relating to classified intelligence operations and methods, as well as the identities of personnel engaged in counterterrorism operations. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), and b(6).

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~~SECRET~~

10B/5

ROUTE COMMENTS:

[REDACTED]

[REDACTED]

PAGE 001 -
TOT: 032345Z DEC 02

[REDACTED]

[REDACTED]

TO: [REDACTED]

FROM: [REDACTED]

SLUGS: [REDACTED]

SUBJECT: EYES ONLY - [REDACTED] AND DESTRUCTION OF
CLASSIFIED MATERIAL [REDACTED]REF: A. [REDACTED]
B. [REDACTED]
C. [REDACTED]

TEXT:

1. ACTION REQUIRED: PLEASE SEE BELOW AND PARA SIX. REQUEST [REDACTED] REPLY, VIA IMMEDIATE PRECEDENCE, THAT YOU HAVE READ AND UNDERSTAND MY INSTRUCTIONS AS DETAILED BELOW.

2. IT WAS A MISTAKE TO MOVE [REDACTED] TAPES [REDACTED] IN LIGHT OF REF C GUIDANCE. I AM PROVIDING YOU WITH THE PRECISE AND DETAILED INSTRUCTIONS BELOW CONCERNING THE DISPOSITION OF THE [REDACTED] TAPES. I EXPECT THESE TO BE FOLLOWED WITHOUT DEVIATION.

3. WITH REGARD TO THE [REDACTED] TAPES NOW HELD [REDACTED] THE FOLLOWING PROCEDURES WILL BE FOLLOWED:

- A. NO TAPES ARE TO BE DESTROYED UNTIL SPECIFIC AUTHORIZATION IS SENT [REDACTED] BY HQS.
- B. EACH TAPE IS TO BE LOGGED IN BY TAPE NUMBER AND DATE.
- C. AFTER THE [REDACTED]

~~SECRET~~

(01/24/08) TCG: 10463

~~SECRET~~

108/6

[REDACTED]

D. [REDACTED]

[REDACTED]

5. I WILL FORWARD, VIA SEPARATE MESSAGE, ADDITIONAL INSTRUCTIONS CONCERNING [REDACTED]

6. IN THE EVENT YOU REQUIRE ADDITIONAL ASSISTANCE [REDACTED] THE HANDLING OF THE TAPES, I HAVE IDENTIFIED A SENIOR HQS OFFICER I AM PREPARED TO IMMEDIATELY DEPLOY TO [REDACTED] TO ASSIST IN THESE MATERS. PLEASE ADVISE.

7. [REDACTED]

[REDACTED]

END OF MESSAGE

~~SECRET~~

~~SECRET~~

(01/24/08) TCG:10464

[SEPARATOR PAGE]

ACLU v. DOD Final Production

FOIA/PA Request No.: F-2004-01456
Document Number: 148 (8 January 2010 Hilton Declaration)
Date of Document: 12/03/2002
Document Type: Cable
Classification: Top Secret
From/To: HQ/Field and Field/HQ
Subject: Proposed destruction of classified material
Document Pages: 2

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This is a two-page document with excerpts from two cables discussing the proposed destruction of the videotapes. The document contains information relating to classified intelligence operations and methods, as well as the identities of personnel engaged in counterterrorism operations. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), and b(6).

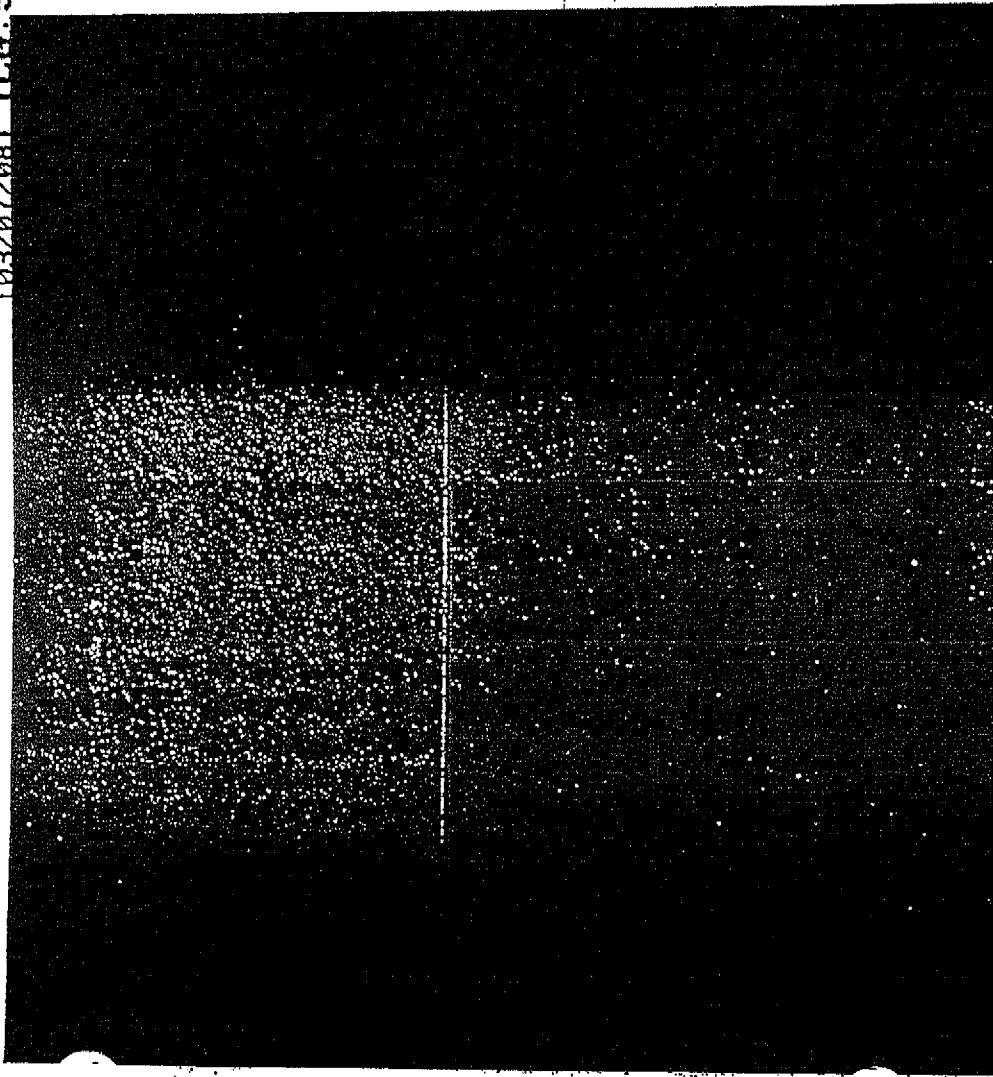
Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2009) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Exemption b(6) - This document contains information relating to the identities of personnel

engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

103/07/081 TCG:50307 30/10/83



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

107

[REDACTED]

[REDACTED]

FROM

SLUGS

SUBJECT EYES ONLY
CLASSIFIED MATERIAL

[REDACTED]

[REDACTED]

38/1094B

~~TOP SECRET~~ / [REDACTED] / ORCON/NOFORN//MR

REF: [REDACTED]
B [REDACTED]
C [REDACTED]

TEXT:

1. ACTION REQUIRED: PLEASE SEE BELOW AND PARA SIX. REQUEST REPLY, VIA IMMEDIATE PRECEDENCE, THAT YOU HAVE READ AND UNDERSTAND MY INSTRUCTIONS AS DETAILED BELOW.

2. IT WAS A MISTAKE TO MOVE [REDACTED] TAPES [REDACTED] IN LIGHT OF REF C GUIDANCE. I AM PROVIDING YOU WITH THE PRECISE AND DETAILED INSTRUCTIONS BELOW CONCERNING THE DISPOSITION OF THE [REDACTED] TAPES. I EXPECT THESE TO BE FOLLOWED WITHOUT DEVIATION.

3. WITH REGARD TO THE [REDACTED] TAPES NOW HELD [REDACTED] THE FOLLOWING PROCEDURES WILL BE FOLLOWED:

- A. NO TAPES ARE TO BE DESTROYED UNTIL SPECIFIC AUTHORIZATION IS SENT [REDACTED] BY HQS.
- B. EACH TAPE IS TO BE LOGGED IN BY TAPE NUMBER AND DATE.
- C. AFTER THE [REDACTED]

[REDACTED]

5. I WILL FORWARD, VIA SEPARATE MESSAGE, ADDITIONAL INSTRUCTIONS CONCERNING [REDACTED]

6. IN THE EVENT YOU REQUIRE ADDITIONAL ASSISTANCE [REDACTED] THE HANDLING OF THE TAPES, I HAVE IDENTIFIED A SENIOR HQS OFFICER I AM PREPARED TO IMMEDIATELY DEPLOY TO [REDACTED] TO ASSIST IN THESE MATTERS. PLEASE ADVISE.

7. [REDACTED]

END OF MESSAGE

~~SECRET~~

// [REDACTED]

~~TOP SECRET~~ / [REDACTED] / ORCON/NOFORN//MR

[SEPARATOR PAGE]

OIG Documents

FOIA/PA Request No.: F-2004-01456
Document Number: 8 (20 November 2009 Hilton Declaration)
Date of Document: 12/3/2002
Document Type: Cable
Classification: Secret
From/To: HQ/Field
Subject: Proposed destruction of classified information
Document Pages: 2

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a two-page cable from CIA headquarters to the field discussing the proposed destruction of the videotapes. The document contains information relating to classified intelligence operations and methods, as well as the identities of personnel engaged in counterterrorism operations. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2009) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Exemption b(6) - This document contains information relating to the identities of personnel

engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)
Judge's Initials: AKH

~~SECRET~~

2/V88

[REDACTED]

[REDACTED]

PAGE 001
TOT: 032345Z DEC 02

[REDACTED]

[REDACTED]

TO:

[REDACTED]

[REDACTED]

FROM:

[REDACTED]

SLUGS:

[REDACTED]

SUBJECT: EYES ONLY - [REDACTED] AND DESTRUCTION OF
CLASSIFIED MATERIAL [REDACTED]

REF: A.
B.
C.

[REDACTED]

TEXT:

1. ACTION REQUIRED: PLEASE SEE BELOW AND PARA SIX. REQUEST
REPLY, VIA IMMEDIATE PRECEDENCE, THAT YOU HAVE READ AND
UNDERSTAND MY INSTRUCTIONS AS DETAILED BELOW.

2. IT WAS A MISTAKE TO MOVE [REDACTED] TAPES [REDACTED] IN
LIGHT OF REF C GUIDANCE. I AM PROVIDING YOU WITH THE PRECISE AND
DETAILED INSTRUCTIONS BELOW CONCERNING THE DISPOSITION OF THE
TAPES. I EXPECT THESE TO BE FOLLOWED WITHOUT DEVIATION.

3. WITH REGARD TO THE [REDACTED] TAPES NOW HELD [REDACTED] THE
FOLLOWING PROCEDURES WILL BE FOLLOWED:

- A. NO TAPES ARE TO BE DESTROYED UNTIL SPECIFIC AUTHORIZATION
IS SENT [REDACTED] BY HQS.
- B. EACH TAPE IS TO BE LOGGED IN BY TAPE NUMBER AND DATE.
- C. AFTER THE [REDACTED]

D.

[REDACTED]

~~SECRET~~

2007-8808-IG007846

000653

~~SECRET~~

2/089



5. I WILL FORWARD, VIA SEPARATE MESSAGE, ADDITIONAL INSTRUCTIONS CONCERNING [REDACTED]

6. IN THE EVENT YOU REQUIRE ADDITIONAL ASSISTANCE [REDACTED] THE HANDLING OF THE TAPES, I HAVE IDENTIFIED A SENIOR HQS OFFICER I AM PREPARED TO IMMEDIATELY DEPLOY TO [REDACTED] TO ASSIST IN THESE MATTERS. PLEASE ADVISE.

7



END OF MESSAGE

~~SECRET~~



~~SECRET~~

000654

2007-8808-IG007847

[SEPARATOR PAGE]

OIG Documents

FOIA/PA Request No.: F-2004-01456
Document Number: 16 (20 November 2009 Hilton Declaration)
Date of Document: 12/20/2002
Document Type: Email
Classification: Secret
From/To:
Subject: Source material on videotapes
Document Pages: 3

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This is a three-page memo with a cable attached from CIA headquarters to the field regarding the policies on tape usage and destruction. The document contains information that relates to locations of CIA facilities, as well as intelligence sources and methods. The document also contains attorney-client, work product, pre-decisional, and deliberative information, as well as information relating to the identities of personnel engaged in counter-terrorism activities. The document is withheld in part on the basis of FOIA exemptions b(1), (3), and b(5).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2009) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains confidential communications between a CIA attorney and CIA officer relating to a matter for which the officer sought legal advice. It was prepared by the CIA attorney with the joint expectation of the attorney and employee that it would be held in confidence, and it has been held in confidence. This document also contains information, legal analysis, and opinion prepared by a CIA attorney in contemplation of criminal, civil, and administrative proceedings. It was prepared by the CIA attorney with the expectation of the attorney that it would be held in confidence, and it has been held in confidence. This document contains information relating to intra-agency predecisional deliberations, including preliminary evaluations, opinions, and recommendations of CIA employees. Therefore, this document is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)
Judge's Initials: AKH

~~SECRET//X1~~

Tapes



20 December 2002

MEMORANDUM FOR: [REDACTED]

FROM: [REDACTED]

OFFICE: [REDACTED] / CTC [REDACTED]

SUBJECT: Source Material on Videotapes (1 of 3)

REFERENCE:

Document displayed with Full Zones using the Master form.

This document was categorized or routed on 10/25/2002.

CATEGORIES: info

ROUTE SUBJECT: EYES ONLY - DISPOSITION OF VIDEOTAPES [REDACTED]

ROUTE COMMENTS:

[REDACTED]

CONF: DDO

INFO: [REDACTED]

PAGE 001

TOT: 251945Z OCT 02

00264

~~SECRET//X1~~

2007-8808-IG004425

000673

~~SECRET//X1~~

TO: [REDACTED] INFO [REDACTED] DIRECTOR.

FROM: [REDACTED]

SLUGS: [REDACTED]

SUBJECT: BYSS ONLY - DISPOSITION OF VIDOTAPES [REDACTED]

REF: A. [REDACTED]

B. [REDACTED]

TEXT:

1. ACTION REQUIRED: PLEASE REVIEW BELOW GUIDANCE.

2. THIS CABLE HAS BEEN COORDINATED WITH [REDACTED]

[REDACTED] ON 05 SEPTEMBER 2002, HQS ELEMENTS DISCUSSED THE DISPOSITION OF THE VIDOTAPES DOCUMENTING INTERROGATION SESSIONS WITH ((ABU ZUBAYDAH)) THAT ARE CURRENTLY BEING STORED AT [REDACTED] WITH PARTICULAR CONSIDERATION TO THE MATTERS DESCRIBED IN REF A PARAS 2 AND 3 AND REF B PARA 4. AS REFLECTED IN REFS, THE PARTICIPANTS OF THIS MEETING CONCLUDED THAT THE CONTINUED RETENTION OF THESE TAPES, WHICH IS NOT/NOT REQUIRED BY LAW, REPRESENTS A SERIOUS SECURITY RISK FOR [REDACTED] OFFICERS RECORDED ON THEM, AND FOR ALL [REDACTED] OFFICERS PRESENT AND PARTICIPATING IN [REDACTED] OPERATIONS; THEY ALSO RECOGNIZED THE ADDITIONAL CONCERNS DESCRIBED IN REFS, SUCH AS THE DANGER TO ALL AMERICANS SHOULD THE TAPES BE COMPROMISED. IN THIS POSSIBLE CIRCUMSTANCE, THERE ALSO EXISTS A CLEAR DANGER THAT THE OFFICERS PICTURED ON THE TAPES COULD BE SUBJECT TO RETRIBUTION FROM AL-QA'IDA ELEMENTS. ACCORDINGLY, THE PARTICIPANTS DETERMINED THAT THE BEST ALTERNATIVE TO ELIMINATE THOSE SECURITY AND ADDITIONAL RISKS IS TO DESTROY THESE TAPES [REDACTED] THE BEST MECHANISM FOR DESTROYING THE TAPES FOLLOWS:

A. DEPLOYMENT OF [REDACTED] A [REDACTED] WILL BE DEPLOYED [REDACTED] AT THE EARLIEST OPPORTUNITY TO BE PRESENT AND ASSIST IN DESTROYING THE TAPES COMPLETELY.

B. POLICY ON USAGE OF TAPES: STARTING IMMEDIATELY, IT IS NOW HQS POLICY THAT [REDACTED] RECORD ONE DAY'S WORTH OF SESSIONS ON ONE VIDOTAPE FOR OPERATIONAL CONSIDERATIONS, UTILIZE THE TAPE WITHIN THAT SAME DAY FOR PURPOSES OF REVIEW AND NOTE TAKING, AND RECORD THE NEXT DAY'S SESSIONS ON THE SAME TAPE. THUS, IN EFFECT, THE SINGLE TAPE IN USE AT [REDACTED] WILL CONTAIN ONLY ONE DAY'S WORTH OF INTERROGATION SESSIONS. (A SPECIFIC EXCEPTION TO THIS TIMETABLE MAY BE MADE WHERE REQUIRED IN THE CASE OF A PARTICULAR

~~SECRET//X1~~

00265

2007-8808-IG004426
000674

~~SECRET//X1~~

DAY'S SESSION.)

C. [REDACTED]

3. HQS IS CONFIDENT THAT [REDACTED] UNDERSTANDS THE REASONING BEHIND ABOVE POLICY FOR THE VIDEOTAPES. THIS WILL ENSURE THE PROTECTION AND SAFETY OF [REDACTED] OFFICERS. [REDACTED] HQS WILL ADVISE DETAILS OF THE DEPLOYMENT OF THE [REDACTED] SEPARATELY. THANK YOU AND BEST REGARDS.

4. [REDACTED]

END OF MESSAGE

~~SECRET~~

CC:

Scott W. Muller [REDACTED]
John A. Rizzo [REDACTED]

Sent on 20 December 2002 at 09:44:34 AM

~~SECRET//X1~~

00266
2007-8808-IG004427
000675

[SEPARATOR PAGE]

ACLU v. DOD Vaughn Index

Case Number: 04-CV-4151

Document Number: 60 (19 September 2009 Hilton Declaration)

Date of Document: 01/09/03

Document Type: Memo

Classification: Top Secret

From/To: Attorney/Record

Subject: Review of Interrogation Videotapes

Document Pages: 5

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release

Document Description: This document is a five-page memorandum for the record written by a CIA attorney. The document contains information relating to the contents of the destroyed videotapes, pre-decisional information pertaining to policy and legal guidance, confidential communications between the attorney and CIA personnel, and attorney work-product. The memorandum also includes CIA organizational information, CIA filing information, CIA facilities, and the names and/or identifying information of personnel engaged in counterterrorism operations.

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2009) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains privileged attorney-client communications, privileged attorney work-product, and evaluations, opinions, and recommendations of CIA legal counsel, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

~~TOP SECRET~~

~~/NOFORN//X1~~

PRIVILEGED ATTORNEY-CLIENT COMMUNICATIONS AND WORK PRODUCT

9 January 2003

~~(TS)~~ Review of Interrogation
Videotapes

1. ~~(TS)~~ A review of the videotapes of the interrogations of two al-Qa'ida detainees confirms that the cable traffic accurately describes the interrogation methods employed

2. ~~(TS)~~ confirm that the cable traffic accurately describes the interrogation methods

PRIVILEGED ATTORNEY-CLIENT COMMUNICATIONS AND WORK PRODUCT

~~TOP SECRET~~

~~/NOFORN//X1~~

2873

~~TOP SECRET~~ [REDACTED] ~~//NOFORN//X1~~

PRIVILEGED ATTORNEY-CLIENT COMMUNICATIONS AND WORK PRODUCT

SUBJECT: ~~(TS)~~ [REDACTED] - Review of Interrogation
Videotapes

[REDACTED]

5. ~~(TS)~~ [REDACTED] I inventoried
all the interrogation materials [REDACTED]
In addition to the 31 videotapes [REDACTED]
the materials [REDACTED]
included 61 videotapes [REDACTED]
a logbook of [REDACTED] notes: [REDACTED]

[REDACTED]

7. ~~(TS)~~ [REDACTED]

PRIVILEGED ATTORNEY-CLIENT COMMUNICATIONS AND WORK PRODUCT

~~TOP SECRET~~ [REDACTED] ~~//NOFORN//X1~~

~~TOP SECRET~~ ~~/NOFORN//X1~~

PRIVILEGED ATTORNEY-CLIENT COMMUNICATIONS AND WORK PRODUCT

SUBJECT: ~~(TS)~~ Review of Interrogation
Videotapes

used a logbook to record notes.

9. ~~(TS)~~

I reviewed every minute of the
videotapes in either the "play" or
"play/fast forward" mode. My review of the videotapes
confirms the cable traffic description that this

PRIVILEGED ATTORNEY-CLIENT COMMUNICATIONS AND WORK PRODUCT

~~TOP SECRET~~ ~~/NOFORN//X1~~

~~TOP SECRET~~ [REDACTED] ~~/NOFORN//X1~~

PRIVILEGED ATTORNEY-CLIENT COMMUNICATIONS AND WORK PRODUCT

SUBJECT: ~~(TS)~~ [REDACTED] Review of Interrogation
Videotapes

[REDACTED]

There is nothing remarkable about
the interrogation and debriefing [REDACTED]

10. ~~(TS)~~ [REDACTED] I reviewed every minute of the
videotapes [REDACTED] in the "play" mode [REDACTED]

[REDACTED]

My review confirms that the cable transcript
accurately describes the interrogation methods employed [REDACTED]

[REDACTED]

[REDACTED]

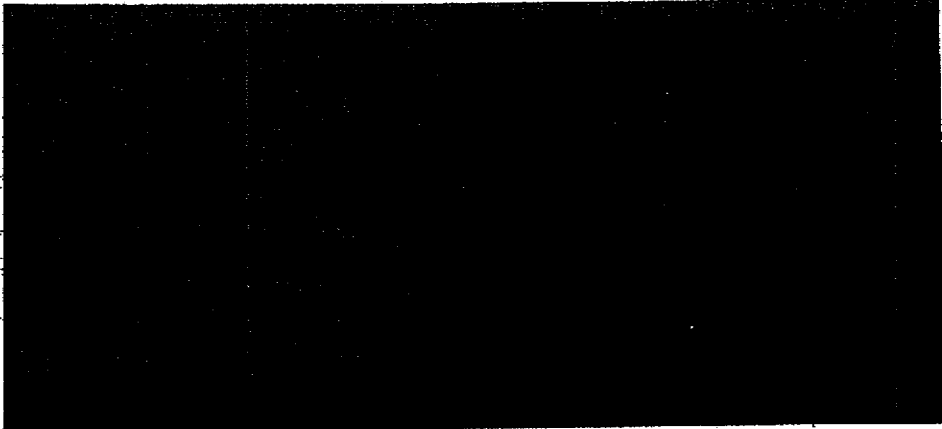
PRIVILEGED ATTORNEY-CLIENT COMMUNICATIONS AND WORK PRODUCT

~~TOP SECRET~~ [REDACTED] ~~/NOFORN//X1~~

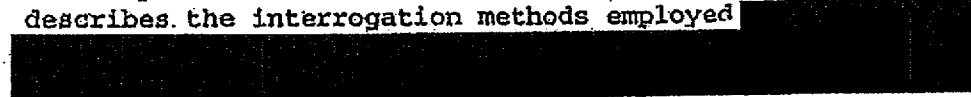
~~TOP SECRET~~ ~~/NOFORN//X1~~

PRIVILEGED ATTORNEY-CLIENT COMMUNICATIONS AND WORK PRODUCT

SUBJECT: ~~(TS)~~ Review of Interrogation
Videotapes



13. ~~(TS)~~ In summary, my review of the videotapes confirms that the cable traffic accurately describes the interrogation methods employed



PRIVILEGED ATTORNEY-CLIENT COMMUNICATIONS AND WORK PRODUCT

~~TOP SECRET~~ ~~/NOFORN//X1~~

[SEPARATOR PAGE]

OIG Documents

FOIA/PA Request No.: F-2004-01456
Document Number: 18 (20 November 2009 Hilton Declaration)
Date of Document: 1/13/2003
Document Type: Email
Classification: Top Secret
From/To:
Subject: Guidance on retention of videotapes
Document Pages: 2

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This is a two-page email, with the cable attached from CIA headquarters to field, providing guidance on the procedures for retention of the Abu Zubaydah videotapes. This document contains information relating to classified locations of CIA facilities, intelligence, operations, sources, and methods, as well as information relating to the identities of personnel engaged in counter-terrorism activities. The document is withheld in part on the basis of FOIA exemptions b(1), (3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2009) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Exemption b(6) - This document contains information relating to [describe nature of information] derived from the [personnel, medical, or similar] files of a CIA employee the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of this information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)
Judge's Initials: AKH

~~TOP SECRET~~

01/13/03 11:42 AM

To: Scott W. Muller@DCI, John A. Rizzo@DCI

Subject: FYI - Early Background on Videotapes (Four Cables): EYES ONLY - GUIDANCE ON RETENTION OF VIDEO TAPES OF ABU ZUBAYDAH



[REDACTED]

CONF [REDACTED] INFO: [REDACTED]

PAGE 001
TOT: 061452Z MAY 02

TO: [REDACTED]

FROM: [REDACTED]

SLUGS: [REDACTED]

SUBJECT: EYES ONLY - GUIDANCE ON RETENTION OF VIDEO TAPES OF ABU ZUBAYDAH

REF: A [REDACTED]
B. [REDACTED]
C. [REDACTED]

TEXT:

1. ACTION REQUIRED: 1) PLEASE DO NOT TAPE OVER OR EDIT VIDEOS OF ABU ZUBAYDAH'S INTERROGATIONS. 2) PLEASE PRESERVE ALL VIDEOS.
2. HQS [REDACTED] APPRECIATES REF A COMMENTS AND THANKS [REDACTED] FOR WORKING TO OVERCOME THE DIFFICULTIES INHERENT IN ESTABLISHING AND MAINTAINING VIDEO RECORDING OF ((ABU ZUBAYDAH))'S INTERROGATION SESSIONS. WE REITERATE REF B GUIDANCE, HOWEVER, AND ASK THAT [REDACTED] RETAIN ALL VIDEOS OF AZ'S INTERROGATIONS, AND THAT [REDACTED] LEAVE THOSE VIDEOS UNEDITED. THOUGH WE RECOGNIZE THAT THE TAPES MAY BE CUMBERSOME TO STORE, THEY OFFER EVIDENCE OF

~~TOP SECRET~~

00269
2007-8808-IG004430
000681

[SEPARATOR PAGE]

ACLU v. DOD Vaughn Index

Case Number: 04-CV-4151

Document Number: 59A (19 September 2009 Hilton Declaration)

Date of Document: 06/18/03

Document Type: Memo

Classification: Top Secret

From/To: HQ/Record

Subject: Notes of CIA attorney discussion

Document Pages: 5

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release

Document Description:

This document is a five-page interview report from an interview of a CIA attorney regarding the interrogation videotapes. The notes include details concerning the destroyed videotapes, communications between the attorney and Agency management, and attorney work-product. It also includes CIA organizational information, and the names and/or identifying information of personnel engaged in counterterrorism operations.

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2009) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to Agency predecisional deliberations; privileged attorney-client communications; and privileged attorney work-product protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

18 June 2003

INTERVIEW REPORT

INTERVIEWEE: [REDACTED]

PREPARED BY: [REDACTED]

CASE: (U) [REDACTED] Review of Interrogations for Counterterrorism Purposes.

(U//A//FO) On 17 June 2003 [REDACTED]
Office of Inspector General interviewed [REDACTED]

[REDACTED] in conjunction with a review of Agency practices regarding the interrogation of individuals for counterterrorism purposes.

[REDACTED]

This interview began at 0930 and concluded at 1115.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5. (TS) [REDACTED] said the labeling of the videotapes was "spotty", with some tape labels having dates with start/stop times, and others having only start times. [REDACTED] observed that the tapes were numbered, but not sequentially. [REDACTED] just about all the tapes had dates or were numbered. In addition, there were some "miscellaneous" tapes. [REDACTED] lined the tapes up chronologically, and numbered them 1 through 92 with a black magic marker. [REDACTED]

[REDACTED] would play each tape and check [REDACTED] observing, "Yes, they're doing that. Yes, yes, it corresponds." [REDACTED] watched the video of [REDACTED] in play mode, listening to the audio for the tenor of the session, then watching the balance of the tape in "play/fast forward." [REDACTED] observed "no touching," "no threatening gestures," and "no body language" that would suggest hostility or any untoward activity, "just questions and answers."

6. (TS) [REDACTED]

[REDACTED] When asked if it was consistent with guidance [REDACTED] would have to check guidance before

[REDACTED]

answering. [REDACTED]

7. (TS)

When the session was complete, [REDACTED] compare [REDACTED] with what had been reported [REDACTED] acknowledged that there was no time or date stamp on the video and that the tapes do not cover the whole period stating "the tapes alone would not give you a complete picture." Nevertheless, [REDACTED] compared [REDACTED] on the tapes with the description in the cable and "they corresponded." [REDACTED] "Everything else about the description is accurate. It tends to confirm the cable."

8. (TS)

[REDACTED] viewed "every minute in play mode."

explained that in some cases there was only one-half hour of video recording on a tape, noting that [REDACTED] personnel did not just change tapes when they ran to the end of the spool. [REDACTED] when a taped interrogation session ended on a videotape, [REDACTED] play/fast forward through the remaining static or "blue screen" to the end of the tape. [REDACTED] for many of the tapes, on 1/2 or 3/4 of the tape "there was nothing." [REDACTED] on some tapes it was apparent that the VCR had been turned off and then turned back on right away.

[REDACTED] on other tapes, the video quality was poor and on others the tape had been reused (taped over) or not recorded at all. [REDACTED] the label on some tapes read "interrogation session," but when viewed there was just snow. [REDACTED] did not make note of this in [REDACTED] report. [REDACTED] estimated that a "half dozen" of the videotapes had been taped over or were "snowy."

9. (TS)

[REDACTED] the audio on some of the tapes was difficult to hear [REDACTED] did not

[REDACTED]

detect any mechanical problems with the tapes [REDACTED] checked each one
visually to see that it was rewound [REDACTED] not aware of any
tapes that were broken

[REDACTED]

[REDACTED]

[REDACTED]

13. (TS) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] did not mention in his report the number of blank tapes [REDACTED] "didn't feel it was noteworthy."

14. (TS/ [REDACTED] review of the interrogation videotapes saying [REDACTED] "all aggressive sessions" [REDACTED] were conducted with videotaping, adding, "I'm satisfied I saw tapes of the entire aggressive phase." [REDACTED] everything the cables reported "I can verify. I do verify." [REDACTED] report is accurate and [REDACTED] did not feel pressured to reach a particular conclusion with respect to the tapes.

When asked whether [REDACTED] conclusion that the tapes "confirm" the cable traffic was overstated, [REDACTED] replied that the tapes "tend to confirm what is in the cables," and "do nothing to discredit any of the cables."

[REDACTED] added that [REDACTED] received no pressure from management to report in a certain way.

[REDACTED]

[REDACTED]

[SEPARATOR PAGE]

OIG Documents

FOIA/PA Request No.: F-2004-01456
Document Number: 6 (20 November 2009 Hilton Declaration)
Date of Document: 8/04/2003
Document Type: Cable
Classification: Top Secret
From/To:
Subject: Disposition of videotapes
Document Pages: 13

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a thirteen page cable that discusses the disposition of the 92 videotapes. The document contains information that relates to classified counter-terrorism operations, as well as intelligence sources and methods. The document also contains pre-decisional, deliberative information. The document is withheld in part on the bases of FOIA exemptions b(1), (3), b(5), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2009) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to intra-agency predecisional

deliberations, including preliminary evaluations, opinions, and recommendations of CIA personnel, and thus is protected from disclosure by Exemption b(5).

Case Number: 04-cv-4151 (SDNY)
Judge's Initials: AKH

[REDACTED]
[REDACTED]
END OF MESSAGE [REDACTED]
[REDACTED]

DESTRUCTION OF [REDACTED] VIDEOTAPES

[REDACTED] located the following correspondence relating to the destruction of the [REDACTED] videotapes. (in reverse chronological order)

[REDACTED] (09Nov05) Confirmation that all 92 [REDACTED] video tapes were destroyed on 09 November [REDACTED] please check and provide to [REDACTED] if you have access)

[REDACTED] (08Nov05) DDO approves [REDACTED] request to destroy [REDACTED] videotapes [REDACTED] please check and provide to [REDACTED] if you have access)

[REDACTED] (08Nov05) [REDACTED] requests approval to destroy [REDACTED] video tapes [REDACTED] please check and provide to [REDACTED] if you have access)

[REDACTED] (02Jan03) [REDACTED] requests HQS' decision regarding videotapes [REDACTED]

(04Aug03) EYES ONLY - DISPOSITION OF MAGNETIC MEDIA

(04Aug03) EYES ONLY - DISPOSITION OF MAGNETIC MEDIA

PAGE 001

TOT: 042200Z AUG 03 [REDACTED]

TO: [REDACTED]

FROM: [REDACTED]

SLUGS: [REDACTED]

SUBJECT: EYES ONLY - DISPOSITION OF MAGNETIC MEDIA

REF: [REDACTED]

TEXT:

1. ACTION REQUIRED: PLEASE SEE INSTRUCTIONS IN PARA 2 BELOW.
 2. APPRECIATE [REDACTED] MAINTAINING CONTROL OF ALL MAGNETIC MEDIA LISTED IN REF. PLEASE FORWARD INVENTORY DOCUMENT TO [REDACTED] AND [REDACTED] UPON RECEIPT AND REVIEW OF INVENTORY LIST HQS WILL PROVIDE GUIDANCE FOR FINAL DISPOSITION OF MATERIAL. PLEASE NOTE THAT INVENTORY LIST SHOULD ONLY CONTAIN LISTING OF MAGNETIC MEDIA FROM [REDACTED] PROJECT AND NOT/NOT THE VIDEOTAPES IN [REDACTED] POSSESSION. THANKS AND REGARDS.

3. FILE: [REDACTED]

[REDACTED]

END OF MESSAGE [REDACTED]

[REDACTED] (18Jul03) EYES ONLY - DISPOSITION INSTRUCTIONS FOR [REDACTED] MEDIA
 [REDACTED] (18Jul03) EYES ONLY - DISPOSITION INSTRUCTIONS FOR [REDACTED] MEDIA
 [REDACTED] (18Jul03) EYES ONLY - DISPOSITION INSTRUCTIONS FOR [REDACTED] MEDIA

PAGE 001 [REDACTED]

[REDACTED] 180751Z JUL 03 [REDACTED]

CITE [REDACTED]

TO: IMMEDIATE DIRECTOR [REDACTED]

FOR: [REDACTED]

[REDACTED]
SLUGS: [REDACTED]
SUBJECT: EYES ONLY - DISPOSITION INSTRUCTIONS FOR [REDACTED] MEDIA

REF: NONE

TEXT:

1. ACTION REQUIRED: PLEASE PROVIDES INSTRUCTIONS FOR DISPOSITION OF HARD DRIVES AND MAGNETIC MEDIA.

2. [REDACTED]

3. FILE: NONE. [REDACTED]

CABLETYPE: [REDACTED]

END OF MESSAGE [REDACTED]

[REDACTED] (04Aug03) EYES ONLY - DISPOSITION OF MAGNETIC MEDIA

[REDACTED] (04Aug03) EYES ONLY - DISPOSITION OF MAGNETIC MEDIA

TO: IMMEDIATE DIRECTOR INFO IMMEDIATE [REDACTED]

FOR: [REDACTED]
[REDACTED]

SLUGS: [REDACTED]
SUBJECT: EYES ONLY - DISPOSITION OF MAGNETIC MEDIA

REF: A. [REDACTED]
B. [REDACTED]

TEXT:

1. ACTION REQUIRED: NONE. FYI ONLY.
2. PER PREVIOUS DISCUSSIONS, PLEASE PROVIDE [REDACTED] WITH A CABLE FROM THE INSPECTOR GENERAL AUTHORIZING REF ACTION.
3. FILE: NONE. [REDACTED]

CABLETYPE: [REDACTED]

END OF MESSAGE [REDACTED]

[REDACTED] (09Dec02) EYES ONLY - INVENTORY AND REVIEW OF INTERROGATION
[REDACTED] (09Dec02) EYES ONLY - INVENTORY AND REVIEW OF
INTERROGATION
VIDEOTAPES

PAGE 001

TOR: [REDACTED]

[REDACTED] 090707Z DEC 02 [REDACTED]

CITE [REDACTED]

TO: [REDACTED]
[REDACTED]

FOR: [REDACTED]

[REDACTED]
SLUGS: [REDACTED]
SUBJECT: EYES ONLY - INVENTORY AND REVIEW OF INTERROGATION
VIDEOTAPES

REF: A. [REDACTED]

B: [REDACTED]
C. [REDACTED]
D. [REDACTED]
E. [REDACTED]
F. [REDACTED]

TEXT:

COMBINE: COMPLETE

1. ACTION REQUIRED: NONE; FYI ONLY.

2. ON 03 DEC 02, [REDACTED]

[REDACTED]
CONDUCTED AN INVENTORY OF ALL VIDEOTAPES AND OTHER RELATED
MATERIALS
CREATED AT [REDACTED] DURING THE INTERROGATIONS OF AL-QA'IDA
DETAINEES
ZAYN AL-'ABIDIN MUHAMMAD ((HUSAYN)) AKA ABU ((ZUBAYDAH)) AND 'ABD
AL-RAHIM AL-((NASHIRI)) AKA MULLAH ((BILAL)) [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] IN SUMMARY, [REDACTED] CURRENTLY POSSESSES A
TOTAL [REDACTED]
OF 92 REPEAT 92 TAPES AND THREE OTHER ITEMS (ONE EACH: [REDACTED]
OFFICER LOGBOOK; PORTFOLIO OF AZ NOTES AND DRAWINGS; AND ENVELOPE
[REDACTED] NOTES). [REDACTED]
[REDACTED]
[REDACTED]

DETAILED
INVENTORY FOLLOWS IN PARA 4, BELOW.

3. IN ACCORDANCE WITH REF A, [REDACTED] COMPLETED HIS REVIEW OF
THE
VIDEOTAPES AND THE RELATED CABLES [REDACTED] [REDACTED]
[REDACTED] IN ACCORDANCE WITH REF D ITINERARY.

4. INVENTORY OF VIDEOTAPES

(ALL DATES ARE 2002)

1ST SHIPMENT [REDACTED]

BOX 1 OF 4

DETAINEE #1

TAPE	LABEL	DATE/TIME	DESCRIPTION
------	-------	-----------	-------------

1	1	[REDACTED]	[REDACTED]
---	---	------------	------------

DO NOT TAPE OVER

2	2	[REDACTED]	[REDACTED]
---	---	------------	------------

3	3	[REDACTED]	[REDACTED]
---	---	------------	------------

4	4	[REDACTED]	[REDACTED]
---	---	------------	------------

5	5	[REDACTED]	[REDACTED]
---	---	------------	------------

6	6	[REDACTED]	[REDACTED]
---	---	------------	------------

7	7	[REDACTED]	[REDACTED]
---	---	------------	------------

8	8	[REDACTED]	[REDACTED]
---	---	------------	------------

9	9	[REDACTED]	[REDACTED]
---	---	------------	------------

10	10	[REDACTED]	[REDACTED]
----	----	------------	------------

11 11 [REDACTED]
12 [REDACTED] 12 [REDACTED]
13 13 [REDACTED]
14 [REDACTED] 14 [REDACTED]
15 [REDACTED] 15 [REDACTED]
16 [REDACTED] 16 [REDACTED]
17 [REDACTED] 17 [REDACTED]

END BOX 1 OF 4

BEGIN BOX 2 OF 4

TAPE	LABEL	DATE/TIME	DESCRIPTION
18 [REDACTED]	18 [REDACTED]	[REDACTED]	[REDACTED]
19	19	[REDACTED]	[REDACTED]
20	20	[REDACTED]	[REDACTED]
21 [REDACTED]	21 [REDACTED]	[REDACTED]	[REDACTED]
22 [REDACTED]	22 [REDACTED]	[REDACTED]	[REDACTED]
23	23	[REDACTED]	[REDACTED]
24	24	[REDACTED]	[REDACTED]
25 [REDACTED]	25 [REDACTED]	[REDACTED]	[REDACTED]
26	26	[REDACTED]	[REDACTED]
27 [REDACTED]	27 [REDACTED]	[REDACTED]	[REDACTED]

END: [REDACTED]

28 28 [REDACTED]

29 29 [REDACTED]

30 30 [REDACTED]

31 31 [REDACTED]

32 32 [REDACTED]

33 33 [REDACTED]

34 34 [REDACTED]

35 35 [REDACTED]

36 36 [REDACTED] AZ [REDACTED]

37 37 ABU Z. [REDACTED]

38 38 [REDACTED]

39 39 [REDACTED]

END BOX 2 OF 4

BEGIN BOX 3 OF 4

TAPE	LABEL	DATE/TIME DESCRIPTION
------	-------	-----------------------

40	40	[REDACTED]
----	----	------------

41	41	[REDACTED]
----	----	------------

42	42	[REDACTED] AZ [REDACTED]
----	----	--------------------------

43 43 [REDACTED]
44 44 [REDACTED]
45 45 [REDACTED]
46 46 [REDACTED]
47 47 [REDACTED]

48 [REDACTED]
49 [REDACTED]
50 [REDACTED]
51 [REDACTED]
52 [REDACTED]
53 [REDACTED]
54 [REDACTED]

55 [REDACTED]
56 [REDACTED]
57 [REDACTED]
58 [REDACTED]
59 [REDACTED]

60 AZ [REDACTED]

61 [REDACTED]

END BOX 3 OF 4

[REDACTED]

BEGIN BOX 4 OF 4

DETAINEE #1

TAPE LABEL DATE/TIME DESCRIPTION

TAPE	LABEL	DATE/TIME DESCRIPTION
62	1	[REDACTED]
63	2	[REDACTED]
64	3	[REDACTED]
65	4	[REDACTED]
66	1	[REDACTED]
67	2	[REDACTED]
68	3	[REDACTED]
69		[REDACTED]
70	4	[REDACTED]
71	5	[REDACTED]
72	6	[REDACTED]
73	7	[REDACTED]
74	8	[REDACTED]

75 9 [REDACTED]
H2O
76 10 [REDACTED]
77 11 [REDACTED]
78 12 [REDACTED]
79 13 [REDACTED]
80 14 [REDACTED]
81 15 [REDACTED]
82 16 [REDACTED]
83 [REDACTED]
84 [REDACTED]
85 [REDACTED]
86 [REDACTED]

87 [REDACTED]

88 NO VIDEO BUT THERE IS
SOUND

89 1 USE AND REWIND #1
90 2 USE AND REWIND #2

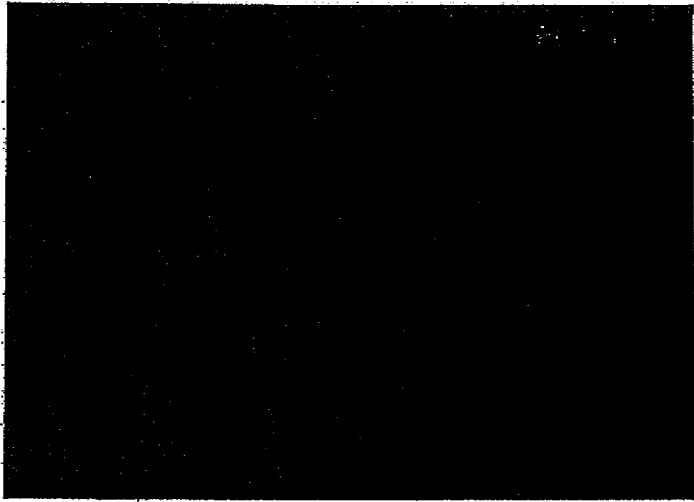
DETAINEE #2

TAPE	LABEL	DATE/TIME	DESCRIPTION
91	[REDACTED]		TAPE AND REWIND #2
92	3	[REDACTED]	USE AND REWIND #3
	[REDACTED]		FINAL

END BOX 4 OF 4

OTHER MATERIALS

BEGIN OTHER MATERIALS



END OTHER MATERIALS

5. FILE: NONE. [REDACTED]

CABLETYPE: [REDACTED]

END OF MESSAGE [REDACTED]

[REDACTED] (28Nov02) EYES ONLY [REDACTED]

[REDACTED] (28Nov02) EYES ONLY [REDACTED]

VIDEOTAPES

PAGE 001

NOV 02

STAFF

TO: [REDACTED]

[SEPARATOR PAGE]

ACLU v. DOD Final Production

FOIA/PA Request No.: F-2004-01456
Document Number: 153 (8 January 2010 Hilton Declaration)
Date of Document: 11/08/2005
Document Type: Cable
Classification: Secret
From/To: Field/HQ
Subject: Request for approval to destroy videotapes
Document Pages: 1

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a one-page cable from the field to CIA headquarters requesting permission to destroy the videotapes. The document contains information relating to classified intelligence operations and methods, as well as the identities of personnel engaged in counterterrorism operations. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2009) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Exemption b(6) - This document contains information relating to the identities of personnel

engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

ROUTE COMMENTS:

ACTION: [REDACTED]

[REDACTED] ASI 080304Z NOV 05 [REDACTED]

CITE [REDACTED]

TO: IMMEDIATE DIRECTOR.

FOR: [REDACTED]

SUBJECT: EYES ONLY FOR [REDACTED] - REQUEST APPROVAL TO DESTROY
[REDACTED] VIDEO TAPES

REF: [REDACTED]

TEXT:

1. ACTION REQUIRED: REQUEST APPROVAL FOR [REDACTED] TO FOLLOW THROUGH ON REF ORIGINAL AUTHORITY TO DESTROY REF [REDACTED] VIDEO TAPES.

2. FOR THE REASONS CITED IN REF, THE FACT THAT THE INSPECTOR GENERAL HAD ADVISED [REDACTED] THAT REF VIDEO TAPES WERE NO LONGER REQUIRED FOR HIS INVESTIGATION AND THE DETERMINATION BY THE OFFICE OF THE GENERAL COUNSEL THAT THE [REDACTED] CABLE TRAFFIC ACCURATELY DOCUMENTED [REDACTED] ACTIVITIES RECORDED ON VIDEO TAPE; [REDACTED] REQUESTS HQS AUTHORIZATION FOR [REDACTED] TO DESTROY REF [REDACTED] VIDEO TAPES. PENDING HQS APPROVAL, [REDACTED] WILL OVERSEE [REDACTED] DESTRUCTION OF [REDACTED] VIDEO TAPES. ON COMPLETION OF THE DESTRUCTION, A CABLE WILL BE FORWARDED TO HQS NOTING THE DATE/TIME OF THE [REDACTED] VIDEO TAPE DESTRUCTION.

3. FILE: NONE.

CABLETYPE: [REDACTED]

END OF MESSAGE

~~SECRET~~~~SECRET~~

(01/11/08) TCG:01994

[SEPARATOR PAGE]

ACLU v. DOD Final Production

FOIA/PA Request No.: F-2004-01456
Document Number: 154 (8 January 2010 Hilton Declaration)
Date of Document: 11/08/2005
Document Type: Cable
Classification: Secret
From/To: HQ/Field
Subject: Approval to destroy videotapes
Document Pages: 2

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a two-page cable from CIA headquarters to the field granting permission to destroy the videotapes. The document contains information relating to classified intelligence operations and methods, as well as the identities of personnel engaged in counter-terrorism activities. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2009) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Exemption b(6) - This document contains information relating to the identities of personnel

engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

56

~~SECRET~~

TCG-000ADES-1992-2

ROUTE COMMENTS:

~~CONF~~

[REDACTED]

[REDACTED] ASP 081855Z NOV 05 [REDACTED]

~~SECRET~~

STAFF

081855ZNOV05

[REDACTED]

TO:

[REDACTED]

FROM: DDO

[REDACTED]

[REDACTED]

SUBJECT: EYES ONLY FOR [REDACTED] - DDO APPROVAL TO DESTROY [REDACTED]

VIDEO TAPES

REF:

[REDACTED]

TEXT:

1. ACTION REQUIRED: RESPONSE TO REF A.

2. DDO APPROVES REF A REQUEST TO DESTROY [REDACTED] VIDEO TAPES AS PROPOSED REF A AND FOR THE REASONS CITED THEREIN (THERE IS NO LEGAL OR OIG REQUIREMENT TO CONTINUE TO RETAIN THE TAPES.) REQUEST THAT [REDACTED] ADVISE WHEN DESTRUCTION HAS BEEN COMPLETED. APPRECIATE [REDACTED] ASSISTANCE.

3. FILE:

[REDACTED]

CABLETYPE:

[REDACTED]

END OF MESSAGE

[REDACTED]

~~SECRET~~

(01/11/08) TCG:01992

~~SECRET~~



END OF MESSAGE

~~SECRET~~

[SEPARATOR PAGE]

OIG Documents

FOIA/PA Request No.: F-2004-01456
Document Number: 5 (20 November 2009 Hilton Declaration)
Date of Document: 11/8/2005
Document Type: Cable
Classification: Secret
From/To: Field/HQ
Subject: Request for approval to destroy videotapes
Document Pages: 1

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a one-page cable from the field to CIA headquarters requesting permission to destroy the videotapes. The document contains information relating to classified intelligence operations and methods, as well as the identities of personnel engaged in counterterrorism operations. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2009) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Exemption b(6) - This document contains information relating to the identities of personnel

engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)
Judge's Initials: AKH

~~CLASSIFICATION: SECRET~~

ACTION: [REDACTED]

~~SECRET~~ 080304Z NOV 05 [REDACTED]

TO: IMMEDIATE DIRECTOR.

FOR: [REDACTED]

SUBJECT: EYES ONLY FOR [REDACTED] REQUEST APPROVAL TO DESTROY
[REDACTED] VIDEO TAPES

REF: [REDACTED]

TEXT:

[REDACTED]

1. ACTION REQUIRED: REQUEST APPROVAL FOR [REDACTED] TO FOLLOW THROUGH ON REF ORIGINAL AUTHORITY TO DESTROY REF [REDACTED] VIDEO TAPES.

2. FOR THE REASONS CITED IN REF, THE FACT THAT THE INSPECTOR GENERAL HAD ADVISED [REDACTED] THAT REF VIDEO TAPES WERE NO LONGER REQUIRED FOR HIS INVESTIGATION AND THE DETERMINATION BY THE OFFICE OF THE GENERAL COUNSEL THAT THE [REDACTED] CABLE TRAFFIC ACCURATELY DOCUMENTED [REDACTED] ACTIVITIES RECORDED ON VIDEO TAPE [REDACTED] REQUESTS HQS AUTHORIZATION FOR [REDACTED] TO DESTROY REF [REDACTED] VIDEO TAPES. PENDING HQS APPROVAL [REDACTED] WILL OVERSEE [REDACTED] DESTRUCTION OF ALL [REDACTED] VIDEO TAPES. ON COMPLETION OF THE DESTRUCTION, A CABLE WILL BE FORWARDED TO HQS NOTING THE DATE/TIME OF THE [REDACTED] VIDEO TAPE DESTRUCTION.

3. FILE: NONE.

[REDACTED]

CABLETYPE: [REDACTED]

END OF MESSAGE

~~SECRET~~

2007-8808-IG000237

000625

[SEPARATOR PAGE]

OIG Documents

FOIA/PA Request No.: F-2004-01456
Document Number: 3 (20 November 2009 Hilton Declaration)
Date of Document: 11/08/2005
Document Type: Cable
Classification: Secret
From/To: Field/HQ
Subject: Request for approval to destroy videotapes
Document Pages: 1

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a one-page cable from the field to CIA headquarters requesting permission to destroy the videotapes. The document contains information relating to classified intelligence operations and methods, as well as the identities of personnel engaged in counterterrorism operations. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2009) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Exemption b(6) - This document contains information relating to the identities of personnel

engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)

Judge's Initials: AKH

~~SECRET~~

2/1/99

ROUTE COMMENTS:

ACTION: [REDACTED]

[REDACTED] 080304Z NOV 05 [REDACTED]

~~SECRET~~ 080304Z NOV 05 [REDACTED]

CITE: [REDACTED]

TO: IMMEDIATE DIRECTOR.

FOR: [REDACTED]

SUBJECT: EYES ONLY FOR [REDACTED] - REQUEST APPROVAL TO DESTROY [REDACTED] VIDEO TAPES

REF: [REDACTED]

TEXT:

[REDACTED]

1. ACTION REQUIRED: REQUEST APPROVAL [REDACTED] TO FOLLOW THROUGH ON REF ORIGINAL AUTHORITY TO DESTROY REF [REDACTED] VIDEO TAPES.

2. FOR THE REASONS CITED IN REF, THE FACT THAT THE INSPECTOR GENERAL HAD ADVISED [REDACTED] THAT REF VIDEO TAPES WERE NO LONGER REQUIRED FOR HIS INVESTIGATION AND THE DETERMINATION BY THE OFFICE OF THE GENERAL COUNSEL THAT THE [REDACTED] CABLE TRAFFIC ACCURATELY DOCUMENTED [REDACTED] ACTIVITIES RECORDED ON VIDEO TAPE, [REDACTED] REQUESTS HQS AUTHORIZATION FOR [REDACTED] TO DESTROY REF [REDACTED] VIDEO TAPES. PENDING HQS APPROVAL, [REDACTED] WILL OVERSEE [REDACTED] DESTRUCTION OF ALL [REDACTED] VIDEO TAPES. ON COMPLETION OF THE DESTRUCTION, A CABLE WILL BE FORWARDED TO HQS NOTING THE DATE/TIME OF THE [REDACTED] VIDEO TAPE DESTRUCTION.

3. FILE: NONE.

[REDACTED]

CABLETYPE: [REDACTED]

END OF MESSAGE

~~SECRET~~

~~SECRET~~

2007-8808-1G007857

000627

[SEPARATOR PAGE]

ACLU v. DOD Final Production

FOIA/PA Request No.: F-2004-01456
Document Number: 60 (8 January 2010 Hilton Declaration)
Date of Document: 11/9/2005
Document Type: Email
Classification: Top Secret
From/To:
Subject: Destruction of videotapes
Document Pages: 2

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This is a two-page email with an embedded cable confirming destruction of the videotapes that were stored at a field location. This document contains information that relates to the Agency's organizational structure, as well as intelligence activities, sources, methods, and information relating to the identities of personnel engaged in counter-terrorism activities. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2009) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

~~TOP SECRET~~ / [REDACTED] / ~~NOFORN~~ // MR

[REDACTED]

[REDACTED]

To [REDACTED]

[REDACTED]

cc

11/09/2005 05:19 AM

bcc

Subject DESTRUCTION OF [REDACTED] VIDEO TAPES

Sir, FYI.

Forwarded by [REDACTED] on 11/09/2005 05:18 AM

~~SECRET~~

Document displayed with Full Zones using the Master form.

Edit cable

Categorize cable

Print this cable

Reply To Cable

CATEGORIES:

ROUTE SUBJECT: EYES ONLY FOR [REDACTED] DESTRUCTION OF [REDACTED] VIDEO TAPES
ROUTE COMMENTS:

ACTION:

[REDACTED]

090627Z NOV 05 [REDACTED]

~~SECRET~~ 090627Z NOV 05 STAFF

CITE [REDACTED]

TO: PRIORITY DIRECTOR.

FOR: [REDACTED]

~~TOP SECRET~~ / [REDACTED] / ~~NOFORN~~ // MR

(03/13/08) TCG:54297

TCG-0000C3C9-54296-211031

~~TOP SECRET~~/ [REDACTED] /~~NOFORN~~//MR

SLUGS: [REDACTED]

SUBJECT: EYES ONLY FOR [REDACTED] - DESTRUCTION OF [REDACTED] VIDEO TAPES

REF: A. [REDACTED]
B. [REDACTED]

TEXT:

[REDACTED]

1. ACTION REQUIRED: FYI
2. PER REF A, ALL 92 [REDACTED] VIDEO TAPES WERE DESTROYED ON 09 NOVEMBER. DESTRUCTION ACTIVITY WAS INITIATED AT 0910HRS AND COMPLETED AT 1230HRS.

3. FILE: [REDACTED]

[REDACTED]

CABLETYPE: [REDACTED]

END OF MESSAGE

~~SECRET~~

~~TOP SECRET~~/ [REDACTED] /~~NOFORN~~//MR

[SEPARATOR PAGE]

OIG Documents

FOIA/PA Request No.: F-2004-01456
Document Number: 4 (20 November 2009 Hilton Declaration)
Date of Document: 11/9/2005
Document Type: Cable
Classification: Secret
From/To: Field/HQ
Subject: Destruction of videotapes
Document Pages: 1

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a one page cable from the field to CIA Headquarters, confirming the destruction of the videotapes. The cable contains information relating to classified intelligence operations. The document is withheld in part on the basis of FOIA exemptions b(1) and b(3).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2009) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Case Number: 04-cv-4151 (SDNY)
Judge's Initials: AKH

CLASSIFICATION: ~~SECRET~~
codeword:
caveats: [REDACTED] EYES ONLY

[REDACTED]
~~SECRET~~ 090827Z NOV 05 [REDACTED]
[REDACTED]

TO: PRIORITY DIRECTOR.

FOR: [REDACTED]
[REDACTED]

SUBJECT: EYES ONLY FOR [REDACTED] - DESTRUCTION OF [REDACTED] VIDEO TAPES

REF: [REDACTED]

TEXT:

[REDACTED]
1. ACTION REQUIRED: FYI

2. PER REF A, ALL 92 [REDACTED] VIDEO TAPES WERE DESTROYED ON 09 NOVEMBER. DESTRUCTION ACTIVITY WAS INITIATED AT 0910HRS AND COMPLETED AT 1230HRS.

3. FILE: [REDACTED]
[REDACTED]

CABLETYPE: [REDACTED]

END OF MESSAGE

~~SECRET~~

2007-8808-1G000235

00062b

[SEPARATOR PAGE]

OIG Documents

FOIA/PA Request No.: F-2004-01456
Document Number: 2 (20 November 2009 Hilton Declaration)
Date of Document: 11/09/2005
Document Type: Email
Classification: Top Secret
From/To:
Subject: Destruction of videotapes
Document Pages: 14

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a fourteen-page email chain with six embedded cables. Three of the cables relate to the decision to destroy the 92 videotapes. The remaining cables discuss an unrelated counter-terrorism operation. The document contains information about classified intelligence operations, sources, and methods. The documents also contain identifying information of personnel engaged in counter-terrorism activities. The document is withheld in part on the basis of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2009) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)
Judge's Initials: AKH

~~TOP SECRET//SI//ORCON/NOFORN//MR~~

Document: [REDACTED] 09 NOV 2005
Subject: EYES ONLY FOR [REDACTED] - DESTRUCTION OF [REDACTED] VIDEO TAPES

ACTION: [REDACTED]
EYES ONLY, [REDACTED]
[REDACTED]
[REDACTED]

TO: PRIORITY DIRECTOR.

FOR: [REDACTED]
[REDACTED]

SUBJECT: EYES ONLY FOR [REDACTED] - DESTRUCTION OF [REDACTED] VIDEO TAPES

REF: A [REDACTED]

B. [REDACTED]

TEXT:

[REDACTED]

1. ACTION REQUIRED: FYI

2. PER REF A, ALL 92 [REDACTED] VIDEO TAPES WERE DESTROYED ON 09 NOVEMBER. DESTRUCTION ACTIVITY WAS INITIATED AT 0910HRS AND COMPLETED AT 1230HRS.

3. FILE: [REDACTED]
[REDACTED]

CABLETYPE: [REDACTED]

END OF MESSAGE [REDACTED]

Document: [REDACTED] 08 NOV 2005
Subject: EYES ONLY FOR [REDACTED] - DDO APPROVAL TO DESTROY [REDACTED] VIDEO TAPES

~~TOP SECRET//SI//ORCON/NOFORN//MR~~

2007-88084G001857

000611

~~TOP SECRET//SI//ORCON/NOFORN//MR~~

CONF: [REDACTED]

STAFF 081855ZNOV05 [REDACTED]

TO: [REDACTED]

FROM: DDO [REDACTED]

[REDACTED]

SUBJECT: EYES ONLY FOR [REDACTED] - DDO APPROVAL TO DESTROY [REDACTED]
VIDEO TAPES

REF: [REDACTED]

TEXT:

1. ACTION REQUIRED: RESPONSE TO REF A.
2. DDO APPROVES REF A REQUEST TO DESTROY [REDACTED] VIDEO TAPES AS PROPOSED REF A AND FOR THE REASONS CITED THEREIN (THERE IS NO LEGAL OR OIG REQUIREMENT TO CONTINUE TO RETAIN THE TAPES.) REQUEST THAT [REDACTED] ADVISE WHEN DESTRUCTION HAS BEEN COMPLETED. APPRECIATE STATION ASSISTANCE.

3. FILE: [REDACTED]

CABLETYPE: [REDACTED]
END OF MESSAGE
[REDACTED]

~~TOP SECRET//SI//ORCON/NOFORN//MR~~

000612

2007-8808-IG001888

~~TOP SECRET//SI//ORCON//NOFORN//MR~~

[REDACTED]
END OF MESSAGE

Document: [REDACTED] 08 NOV 2005
Subject: EYES ONLY FOR [REDACTED] - REQUEST APPROVAL TO DESTROY [REDACTED]
VIDEO TAPES

ACTION: [REDACTED]

CITE [REDACTED]

TO: IMMEDIATE DIRECTOR.

FOR: [REDACTED]
[REDACTED]

SUBJECT: EYES ONLY FOR [REDACTED] - REQUEST APPROVAL TO DESTROY
[REDACTED] VIDEO TAPES

REF: [REDACTED]

TEXT:

[REDACTED]

1. ACTION REQUIRED: REQUEST APPROVAL FOR [REDACTED] TO FOLLOW THROUGH ON REF ORIGINAL AUTHORITY TO DESTROY REF [REDACTED] VIDEO TAPES.

2. FOR THE REASONS CITED IN REF, THE FACT THAT THE INSPECTOR GENERAL HAD ADVISED [REDACTED] THAT REF VIDEO TAPES WERE NO LONGER REQUIRED FOR HIS INVESTIGATION AND THE DETERMINATION BY THE OFFICE OF THE GENERAL COUNSEL THAT THE [REDACTED] CABLE TRAFFIC ACCURATELY DOCUMENTED

[REDACTED] ACTIVITIES RECORDED ON VIDEO TAPE; [REDACTED] REQUESTS HQS AUTHORIZATION FOR [REDACTED] TO DESTROY REF [REDACTED] VIDEO TAPES. PENDING HQS APPROVAL, [REDACTED] WILL OVERSEE [REDACTED] DESTRUCTION OF [REDACTED] VIDEO TAPES. ON COMPLETION OF THE

~~TOP SECRET//SI//ORCON//NOFORN//MR~~

000613

2007-8808-IG001869

DESTRUCTION, A CABLE WILL BE FORWARDED TO HQS NOTING THE DATE/TIME OF THE [REDACTED] VIDEO TAPE DESTRUCTION.

3. FILE: NONE.

[REDACTED]

CABLETYPE: [REDACTED]

END OF MESSAGE [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12/20/2007 10:54 AM

To [REDACTED]

cc [REDACTED]

Subject Fw: ATTENTION: OIG Additional Cables Related to Videotape Destruction

[REDACTED] asked me to pull up the cables highlighted in red below, but, you are the only one with access to them. Can you pls. do the honors? Thank you, [REDACTED]

— Forwarded by [REDACTED] on 12/20/2007 10:52 AM —



[REDACTED]

12/20/2007 10:41 AM

To [REDACTED]

cc [REDACTED]

Subject ATTENTION: OIG Additional Cables Related to Videotape Destruction

[REDACTED]

Please see below documents from [REDACTED] list that you provided yesterday. We were able to access most. Some are controlled by [REDACTED] and I have asked [REDACTED] to provide them to you. Others that we have no access to are owned by [REDACTED]

[REDACTED]

Please see three cables in blue with red parenthetic comment to you below as [REDACTED] owns access to those cable. Please provide to [REDACTED] Thanks!

[REDACTED]


[REDACTED]

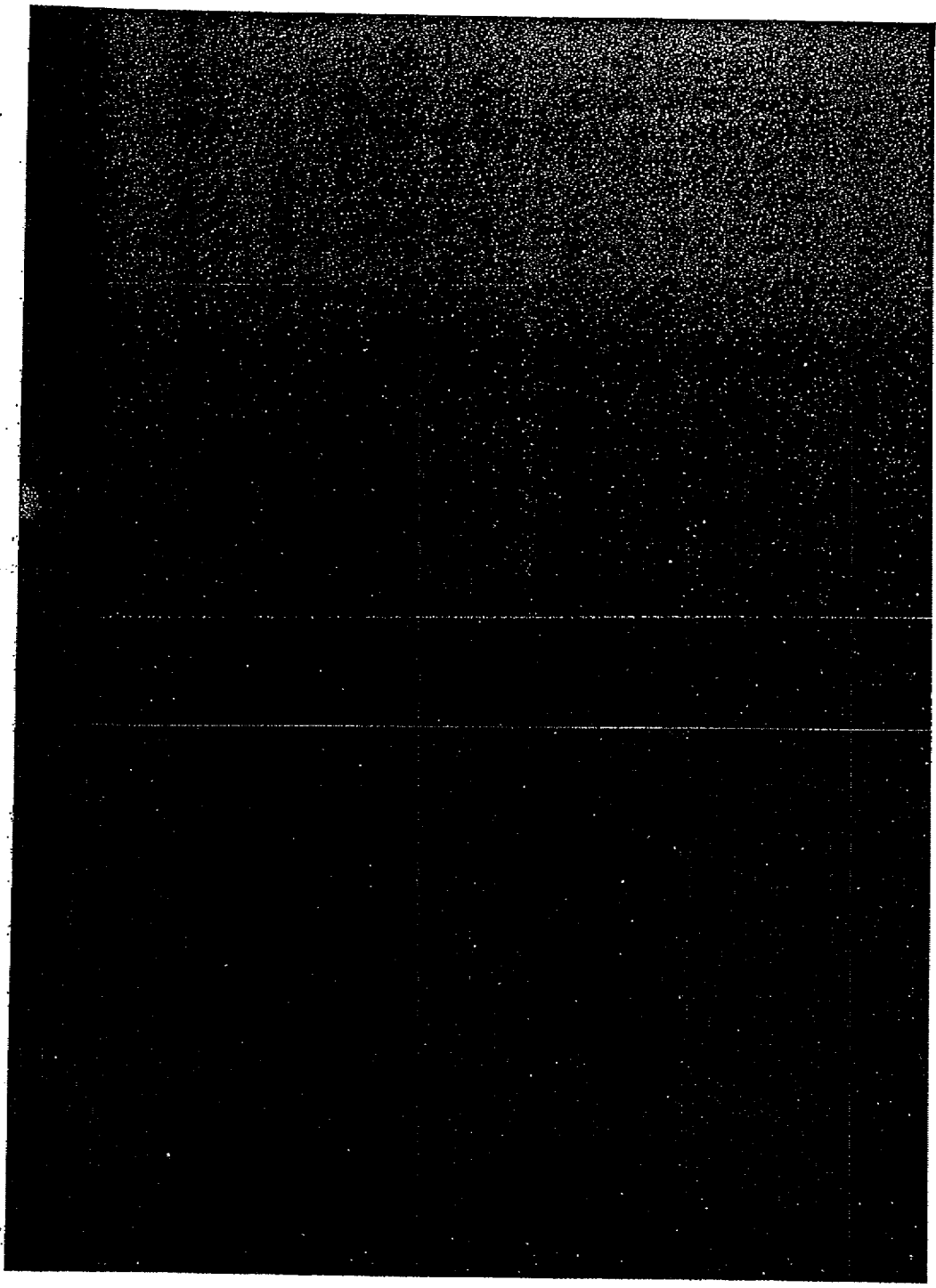
appears to be [REDACTED] [REDACTED] could not find the cable in its searches.


[REDACTED] (19Aug03)
[REDACTED] (19Aug03)
[REDACTED]

[REDACTED]

[REDACTED]

TOP SECRET////ORCON//NOFORN//MR

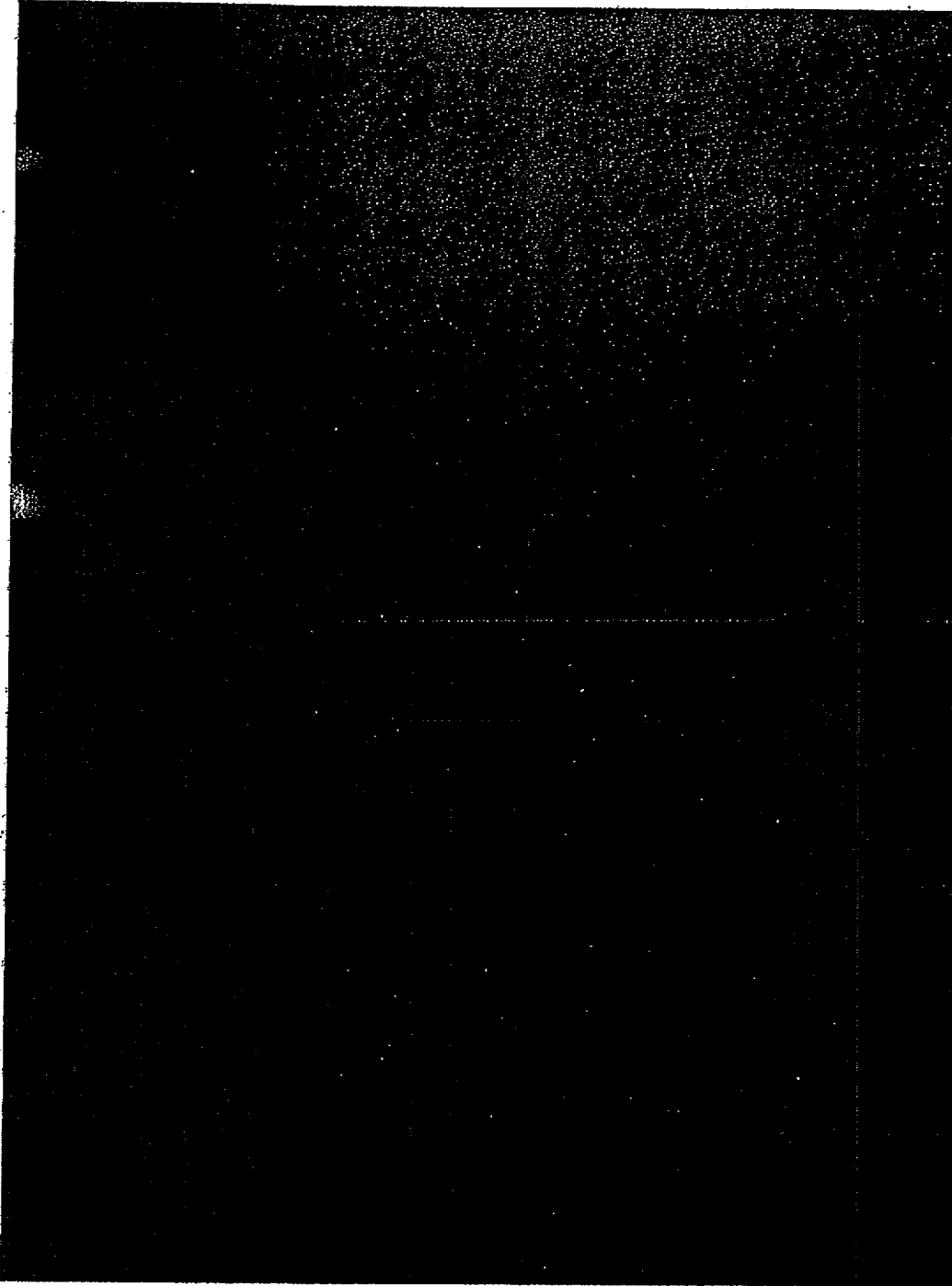


TOP SECRET////ORCON//NOFORN//MR

000616

2007 5808-1G001872

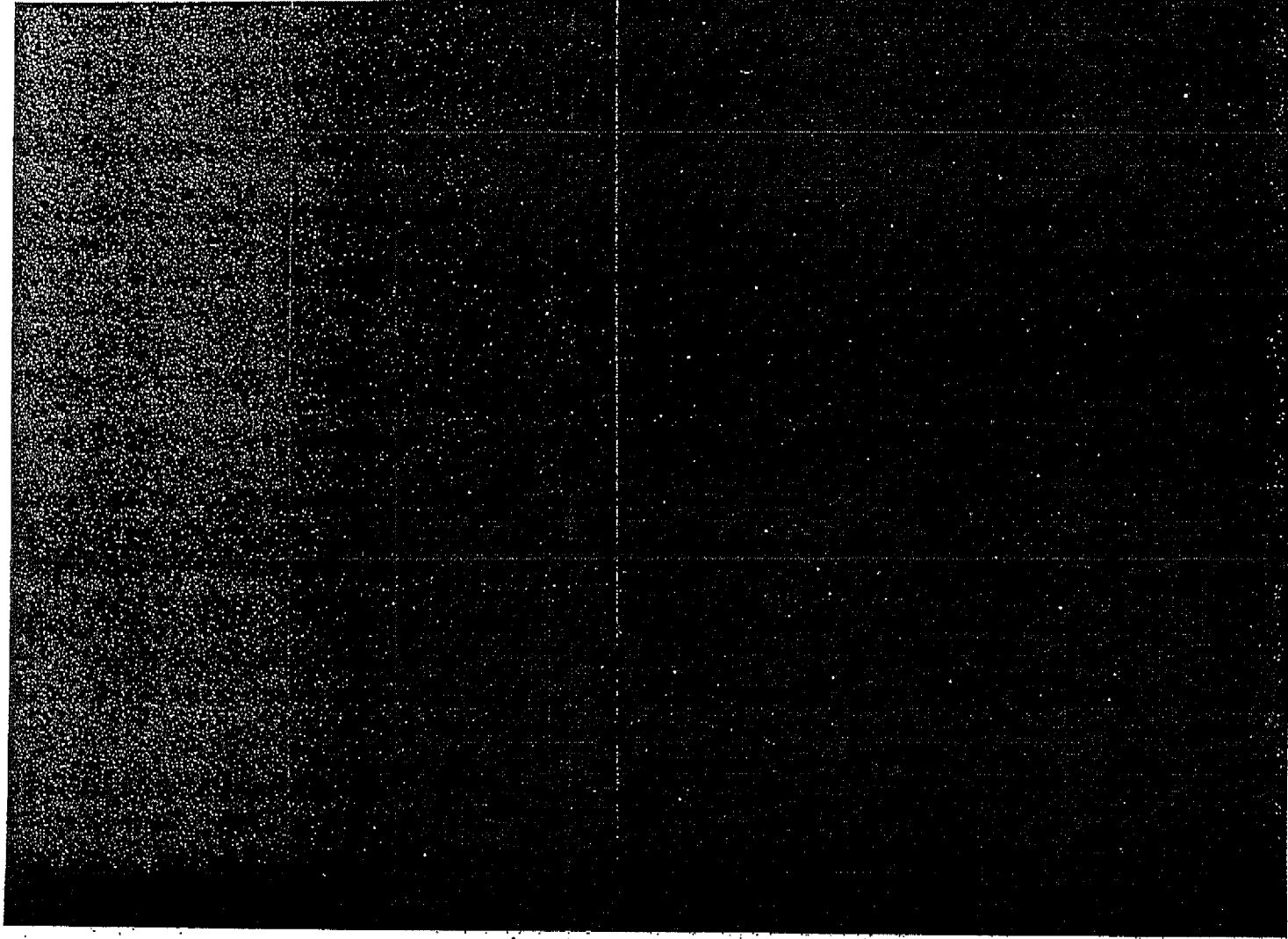
~~TOP SECRET//SI//ORCON//NOFORN//MR~~



~~TOP SECRET//SI//ORCON//NOFORN//MR~~

000617
2007-8808-IG001873

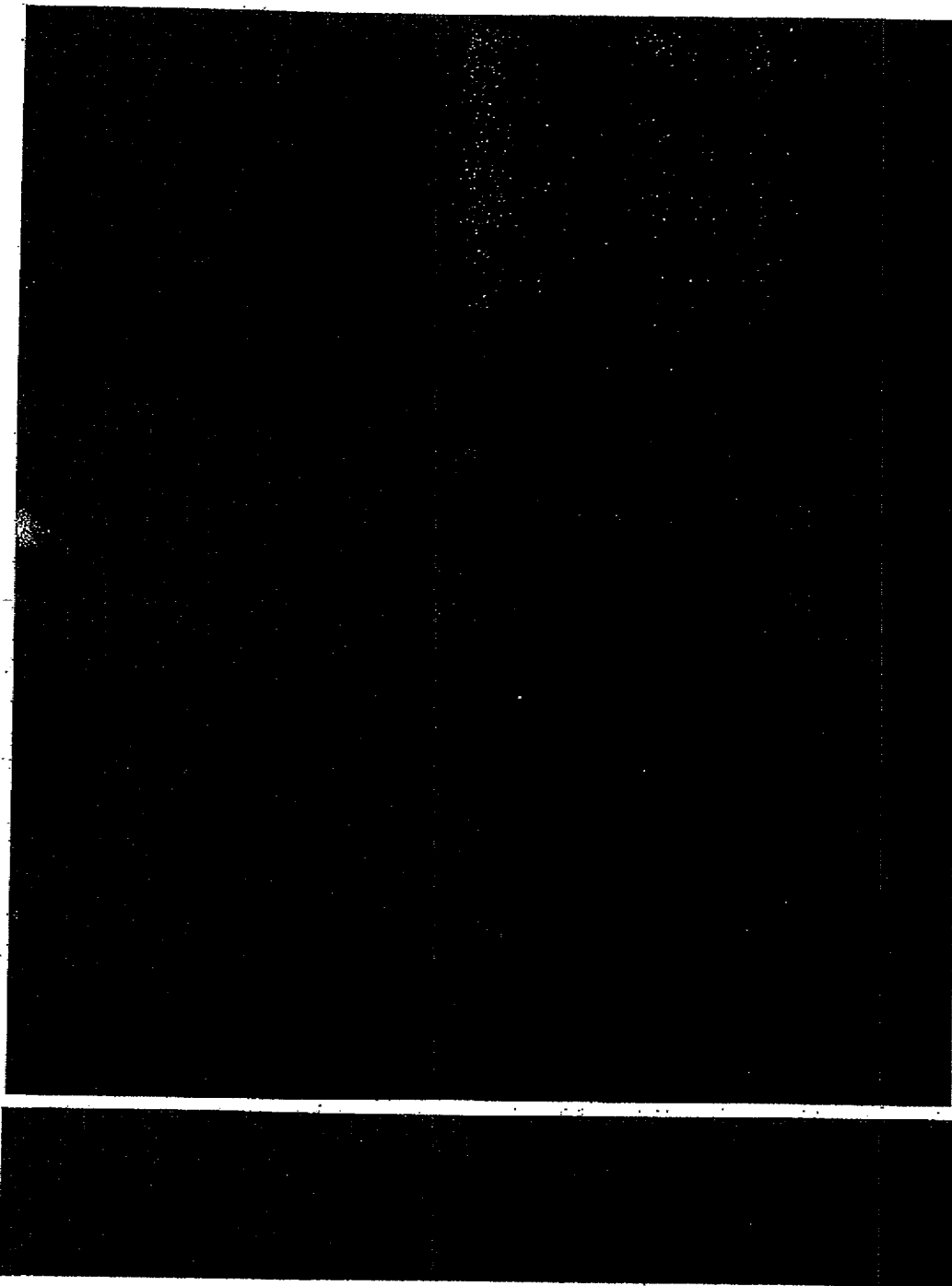
TOP SECRET [REDACTED] S177ORCON/NOFORN//MR



TOP SECRET [REDACTED] S177ORCON/NOFORN//MR

000615
2007-0808 16001874

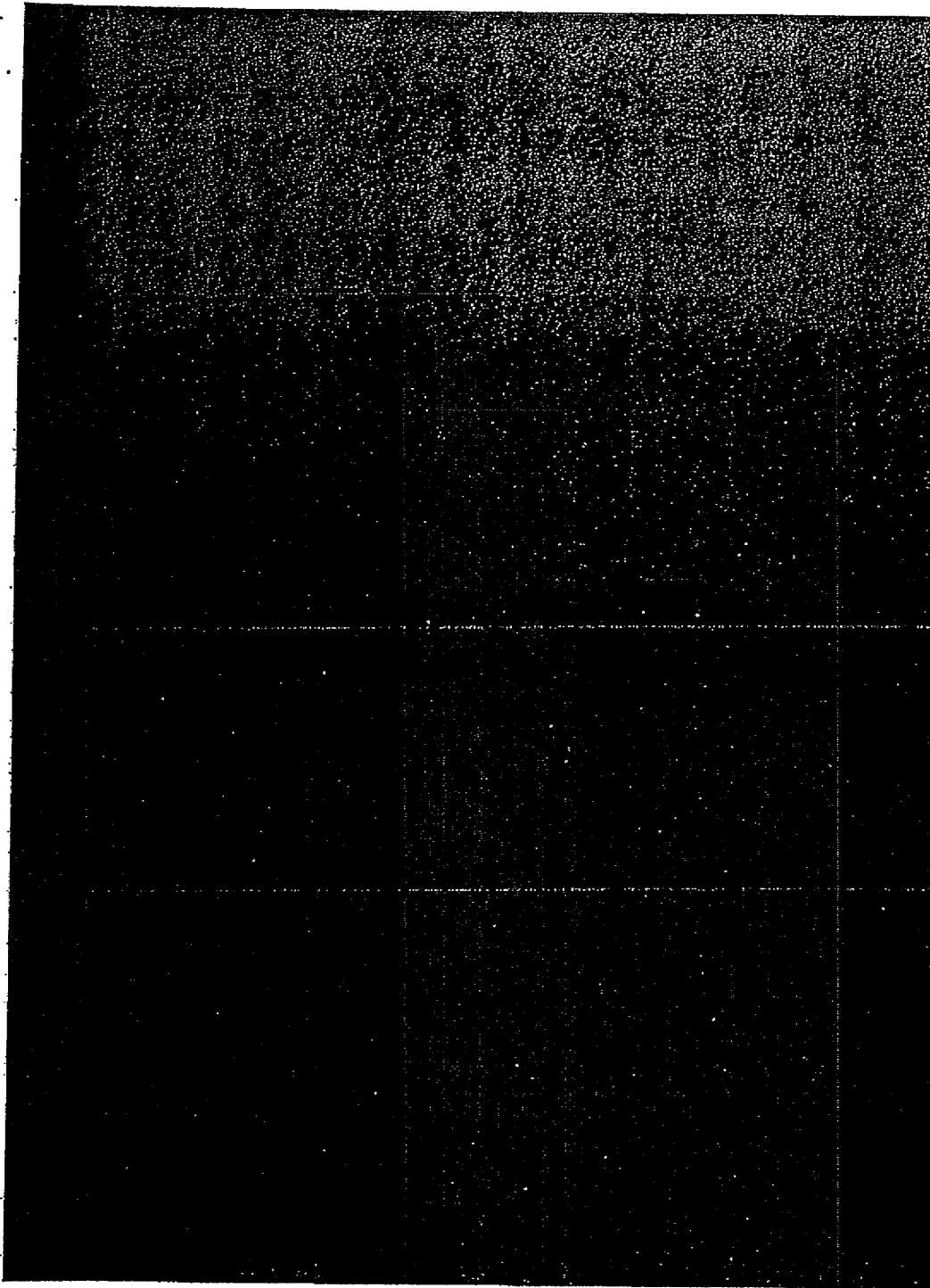
~~TOP SECRET//SI//ORCON/NOFORN//MR~~



~~TOP SECRET//SI//ORCON/NOFORN//MR~~

000619
2007-8808-IG001875

~~TOP SECRET//SI//ORCON/NOFORN//MR~~

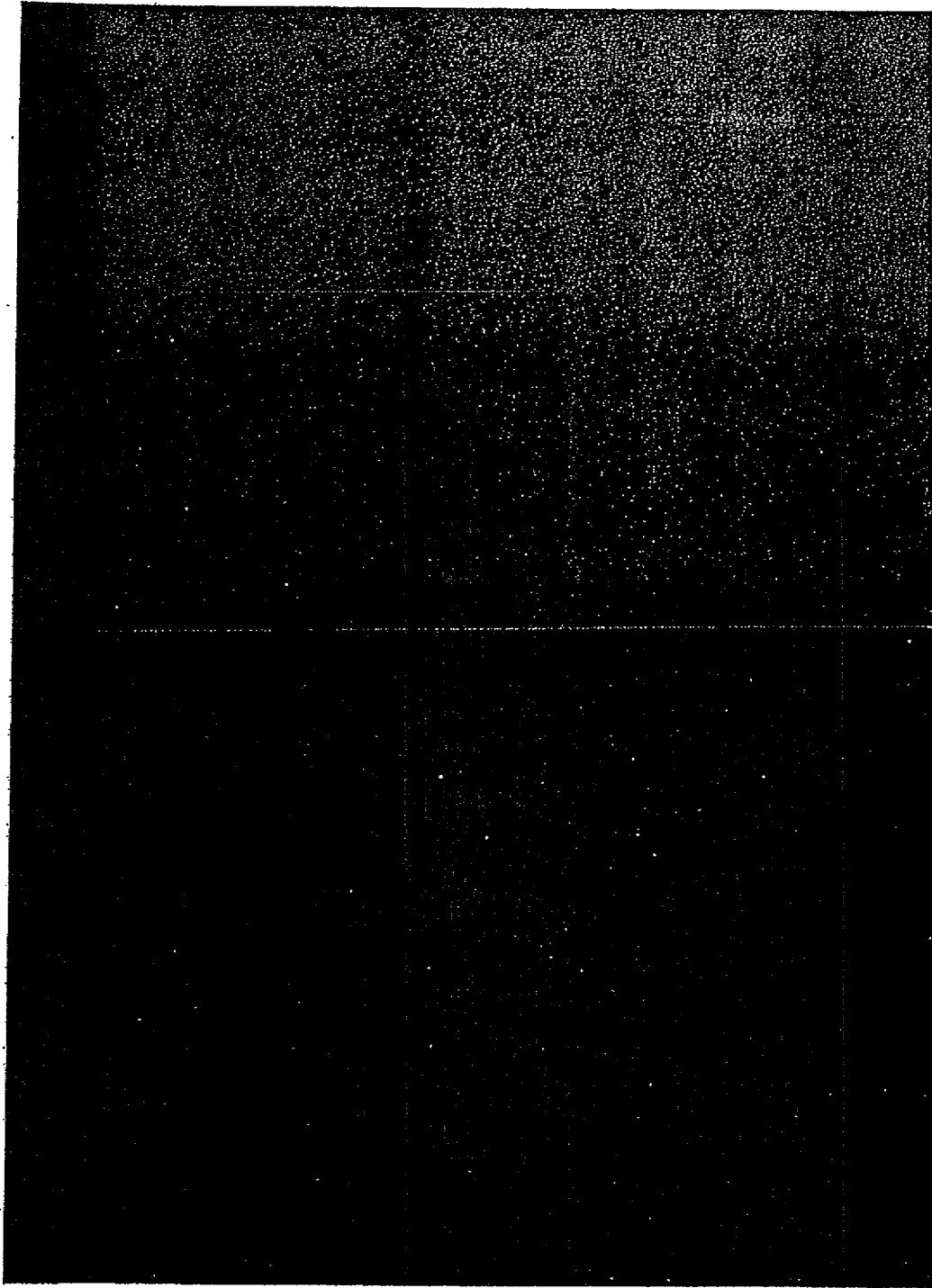


~~TOP SECRET//SI//ORCON/NOFORN//MR~~

000620

2007-8808-10001876

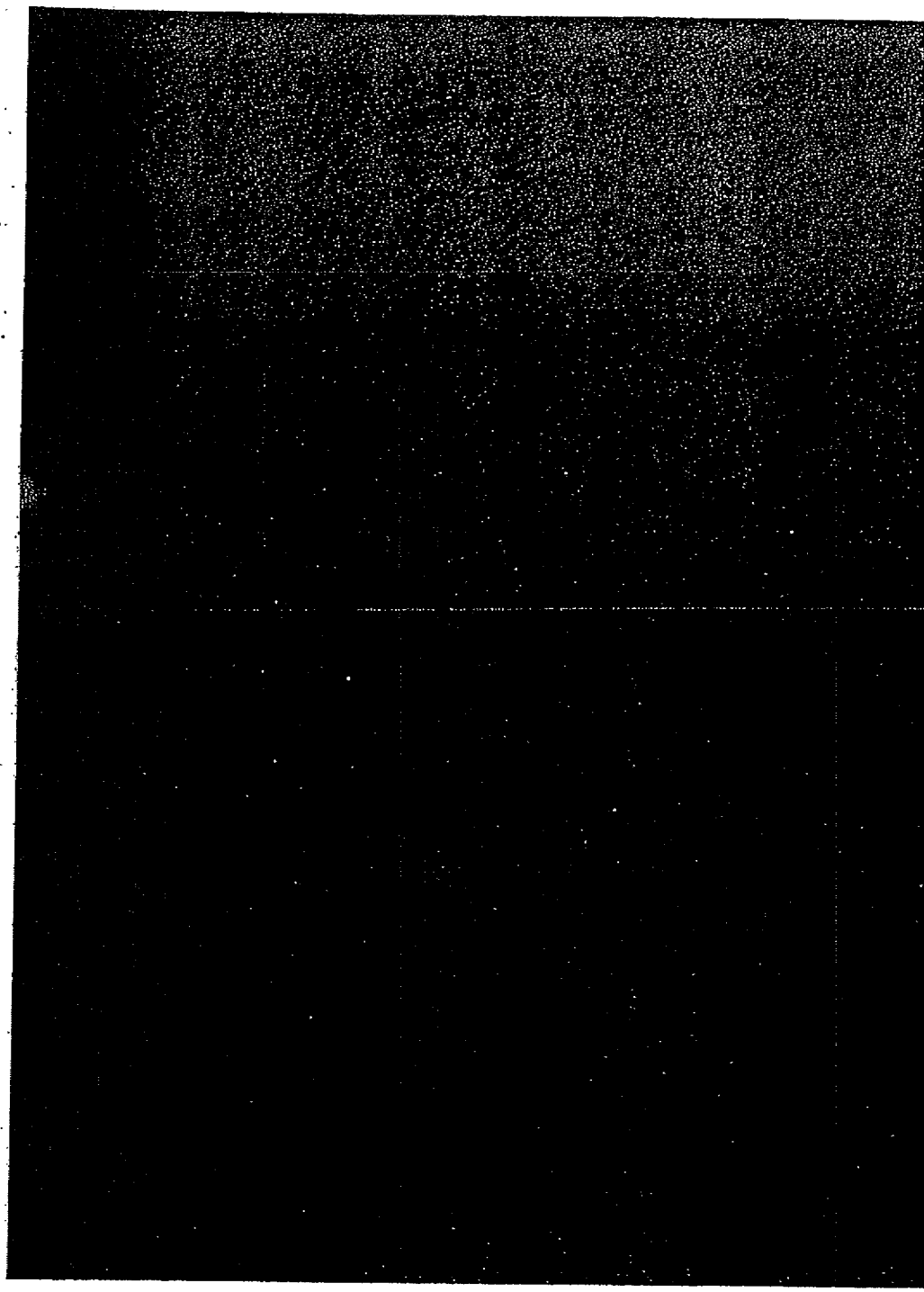
TOP SECRET/ [REDACTED] CI//ORCON/NOFORN//MR



TOP SECRET/ [REDACTED] CI//ORCON/NOFORN//MR

000621
2007-8808-IG001877

~~TOP SECRET/ [REDACTED] //ORCON//NOFORN//MR~~

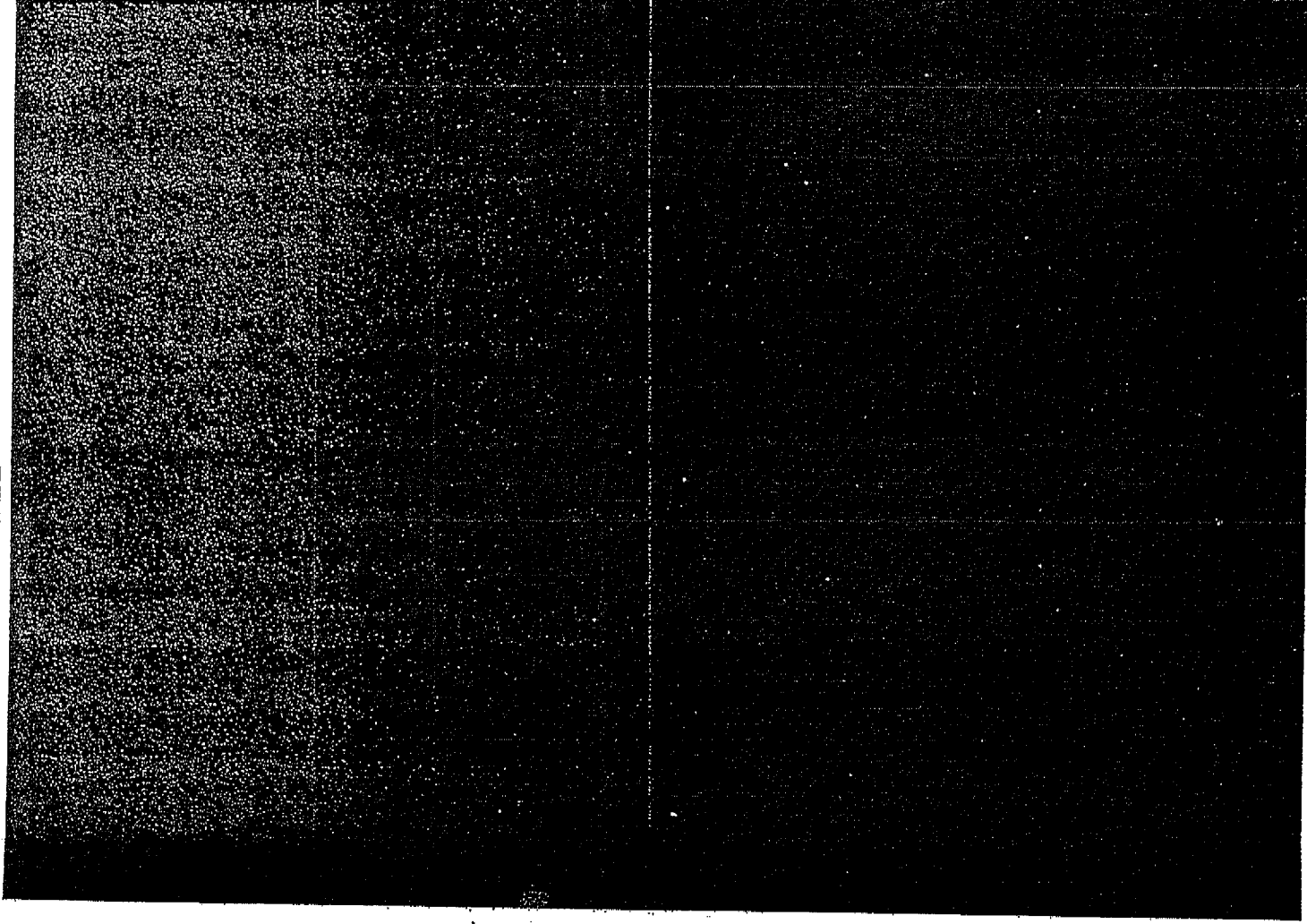


~~TOP SECRET/ [REDACTED] //SI//ORCON//NOFORN//MR~~

00062c

2007-8808-1G001678

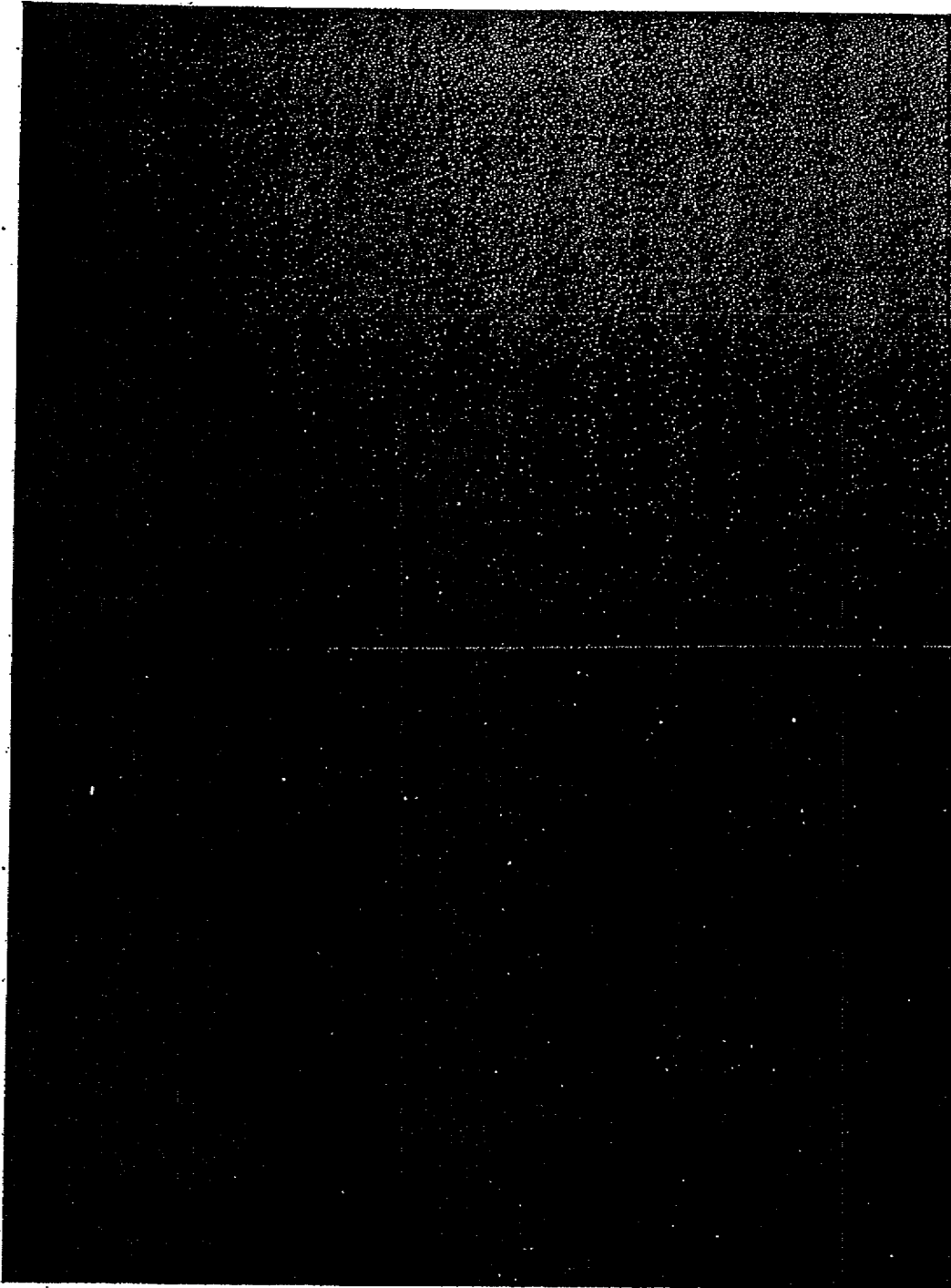
~~TOP SECRET~~ [REDACTED] S1//ORCON/NOFORN//HR



~~TOP SECRET~~ [REDACTED] S1//ORCON/NOFORN//HR

000623
2007-08-08-16001879

TOP SECRET//SI//ORCON//NOFORN//MR



TOP SECRET//SI//ORCON//NOFORN//MR

000624
2037-88084G001880



[SEPARATOR PAGE]

OIG Documents

FOIA/PA Request No.: F-2004-01456
Document Number: 23 (20 November 2009 Hilton Declaration)
Date of Document: 11/25/2005
Document Type: Email
Classification: Secret
From/To:
Subject: Short backgrounder of tape destruction
Document Pages: 3

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This is a three-page email chain that provides background information on the tape destruction. This document contains information relating to classified intelligence operations and methods, predecisional deliberations, information prepared by CIA attorneys in anticipation of litigation and communicated between CIA attorneys and their clients in connection with the provision of legal advice, and the identities of personnel engaged in counter-terrorism operations. The document is withheld in part on the basis of FOIA exemptions b(1), b(3), and b(6); the first page was withheld in full on the basis of FOIA exemption b(5).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document also contains information relating to the names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to intra-agency predecisional deliberations, including preliminary evaluations, opinions, and recommendations of CIA officers, and thus

is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)
Judge's Initials: AKH

SECRET//MR

11/10/2005 07:25 PM

To: Dusty Foggo

cc:

Subject: short backgrounder - part 2

Dusty - ok - on the Zabaydah tapes - - I am no longer feeling comfortable. While I understand Jose's 'decision' (and believe the tapes were bad news) I was just told by Rizzo that [REDACTED] DID NOT concur on the cable - It was never discussed with him (this is perhaps worse news, in that we may have 'improperly' destroyed something). In fact, it is unclear now whether the IG did as well. Cable was apparently drafted by [REDACTED] and released by Jose; they are only two names on it, so I am told by Rizzo. Either [REDACTED] lied to Jose about 'clearing' with [REDACTED] and IG (my bet) or Jose misstated the facts. (It is not without relevance that [REDACTED] figured prominently in the tapes, as [REDACTED] was in charge of [REDACTED] at the time and clearly would want the tapes destroyed.) Rizzo is clearly upset, because he was on the hook to notify Harriet Miers of the status of the tapes because it was she who had asked to be advised before any action was taken. Apparently, Rizzo called Harriet this afternoon and she was livid, which he said was actually unusual for her. Rizzo does not think this is likely to just go away. Rizzo has advised [REDACTED] of this latest 'wrinkle.' Sounds like we will regroup on Monday.

SECRET//MR

000819

2007-8808-IG000075

~~SECRET//MR~~

Attachment classified as above. Classification of transmittal document (when separated from attachment): ~~SECRET~~

[REDACTED]
11/10/2005 05:48 PM

To: Dusty Foggo [REDACTED]
cc:
Subject: short backgrounder

Dusty - at both the DO update and right after the G-7 the issue of the Abu.Zubaydah tapes were discussed. You may recall these concern the tapes which were made during his interrogations at [REDACTED] and being held by the [REDACTED] of that country. It was recommended to previous DO management that the tapes be destroyed. This was after the [REDACTED] had reviewed them and deemed that transcripts were an accurate reflection of what happened and they were no longer needed from their perspective [REDACTED]. For whatever reason it seems, previous DO asked (nfi) someone (nfi) downtown and as a result got told feel and did not order them destroyed. Current [REDACTED] not wanting - smartly - to continue to be custodian of these things was advised to send in a cable asking for guidance. He did so. Guidance just sent - cleared by [REDACTED], DDO and [REDACTED] - told him to destroy. He did so. Rizzo found out today this had occurred as was upset - apparently because he had not been consulted - not sure if there was another reason. He raised at DO update but was 'calmed' (only slightly) when told [REDACTED] had approved. Jose raised with Porter and myself and [REDACTED] after G-7 and explained that he (Jose) felt it was extremely important to destroy the tapes and that if there was any heat he would take it (PG laughed and said that actually, it would be he, PG, who would take the heat) PG, however, agreed with the decision. As Jose said, the heat from destroying is nothing compared to what it would be if the tapes ever got into public domain - he said that out of context, they would make us look terrible; it would be 'devastating' to us. All in the room agreed but noted that we needed to find out Rizzo's concern and whether it was substantive or just being 'left out'. Jose was going to pursue this. Believe this is end of it, but in case it comes up, you need the background. [REDACTED]

~~SECRET//MR~~

000820
2007-8808-IG000074

[SEPARATOR PAGE]

OIG Documents

FOIA/PA Request No.: F-2004-01456
Document Number: 22 (20 November 2009 Hilton Declaration)
Date of Document: 10/5/2007
Document Type: Email
Classification: Secret
From/To:
Subject: Videotapes-cable granting approval
Document Pages: 1

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This is a one-page email between CIA officers discussing the destruction of tapes. This document contains information relating to the names of CIA employees and organizational information. The document is withheld in part on the basis of FOIA exemptions b(1), (3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2009) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of

personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)
Judge's Initials: AKH

[REDACTED]

To [REDACTED]

cc [REDACTED]

bcc [REDACTED]

10/05/2007 02:31 PM

Subject: Fw: Video Tapes

--- Forwarded by [REDACTED] on 10/05/2007 02:31 PM ---

To [REDACTED]

cc [REDACTED]

09/25/2007 03:44 PM

Subject: Video Tapes

Below is the information for the cable granting approval to destroy the [REDACTED] tapes.

DIRECTOR [REDACTED]

Document Date: 08 NOV 2005

File Number: [REDACTED] - No clue about this file number, searched in [REDACTED] with zero returns.

Subject: EYES ONLY FOR [REDACTED] - DDO APPROVAL TO DESTROY [REDACTED] VIDEO TAPES

[REDACTED]

[SEPARATOR PAGE]

ACLU v. DOD Vaughn Index

Case Number: 04-CV-4151

Document Number: 54 (19 September 2009 Hilton Declaration)

Date of Document: 12/03/07

Document Type: Email

Classification: Top Secret

From/To: HQ/HQ

Subject: Review of Potential Public Statement

Document Pages: 5

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release

Document Description:

This document is a three-page email chain between CIA employees discussing comments on a two-page attachment that is a draft of an Agency statement regarding the destroyed videotapes. The email chain comments on the draft statement and the contents of the videotapes. The email also includes CIA organizational information, CIA filing information, and the names and/or identifying information of personnel engaged in counterterrorism operations.

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2009) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to intra-agency predecisional deliberations, including preliminary evaluations, opinions, and recommendations of CIA personnel, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of this information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

[REDACTED]

[REDACTED]

12/03/2007 09:12 AM

[REDACTED]

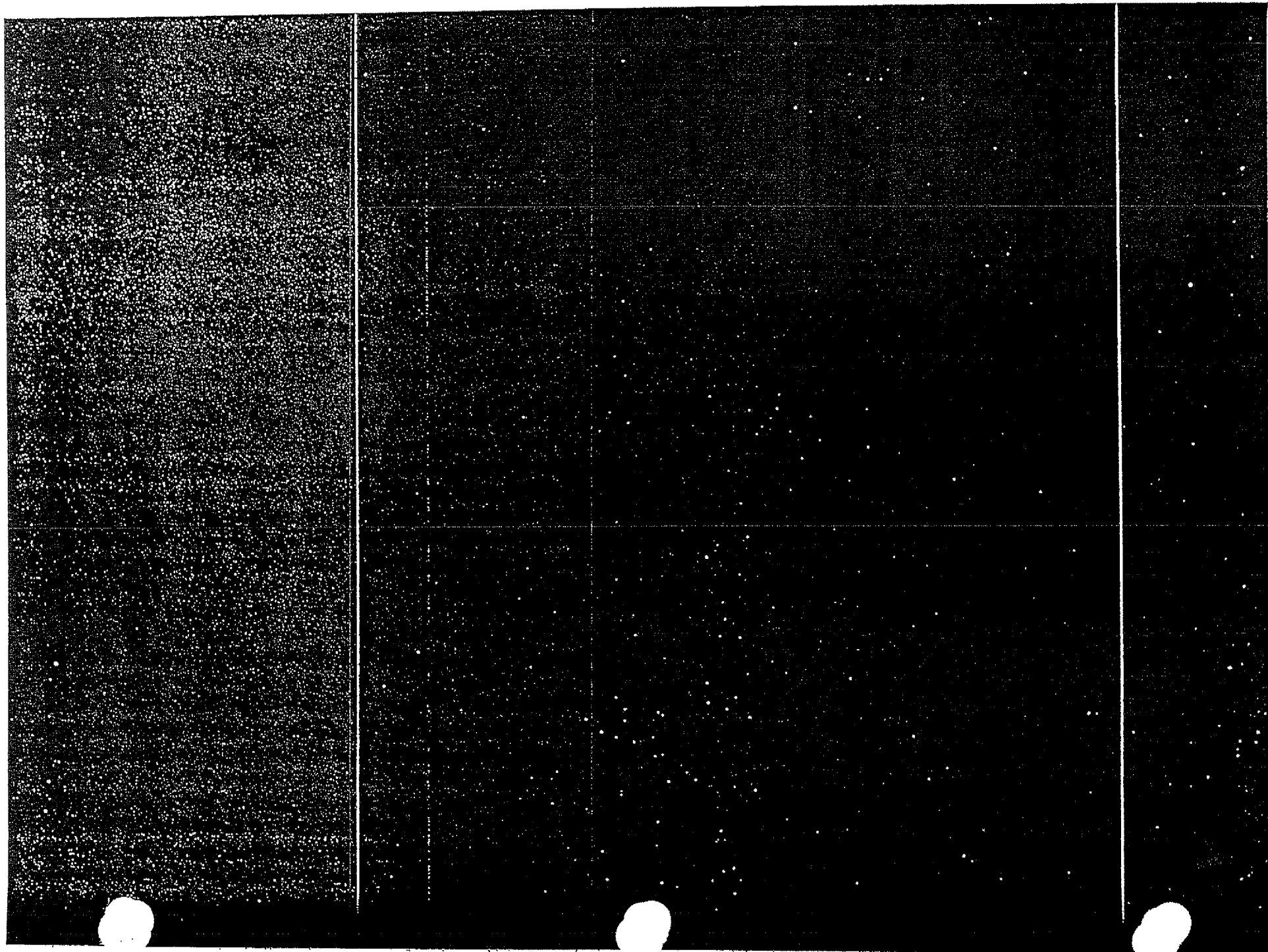
Subject Re: Fw: Potential Statement-Videotapes Story

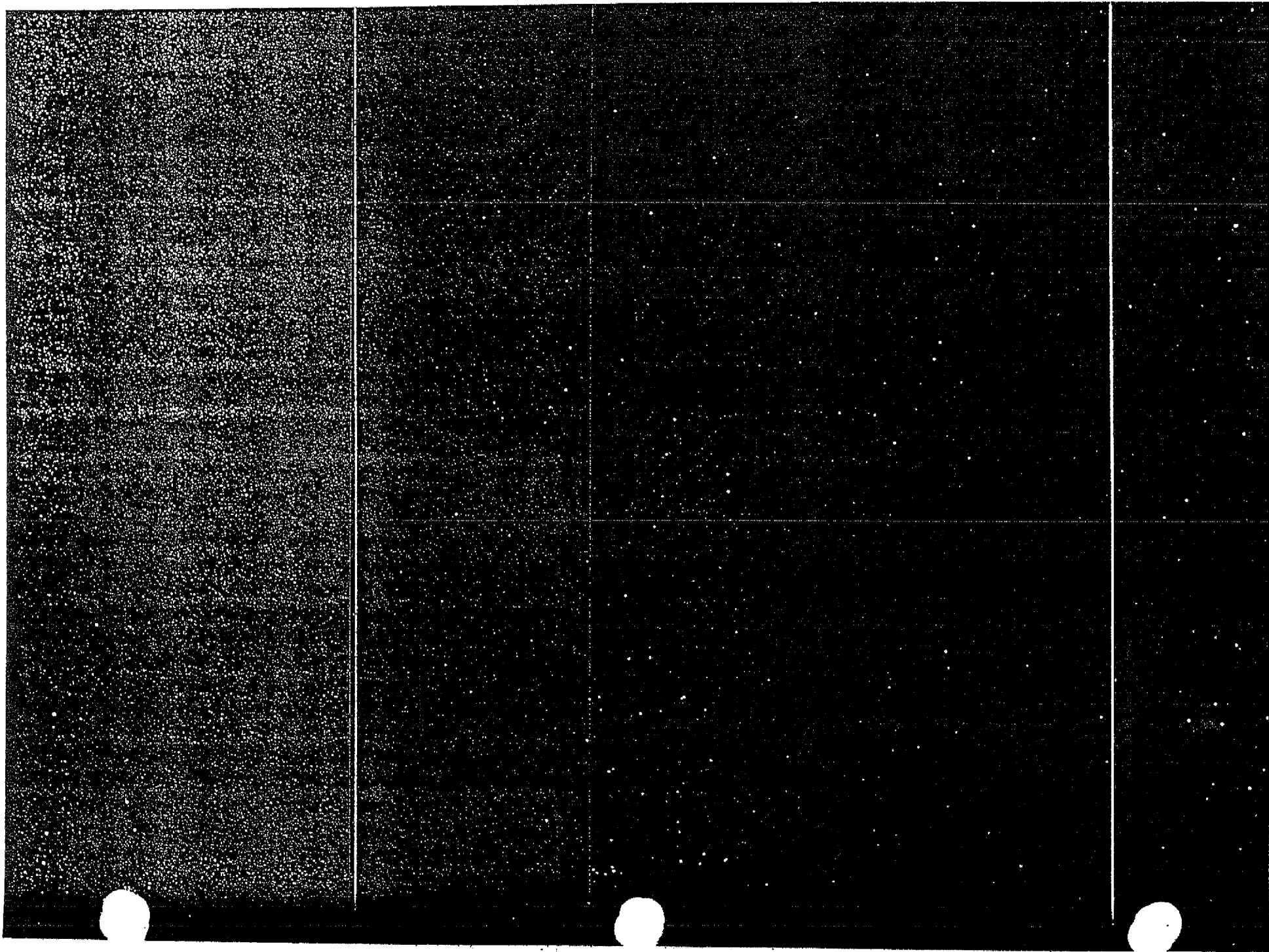
[REDACTED]

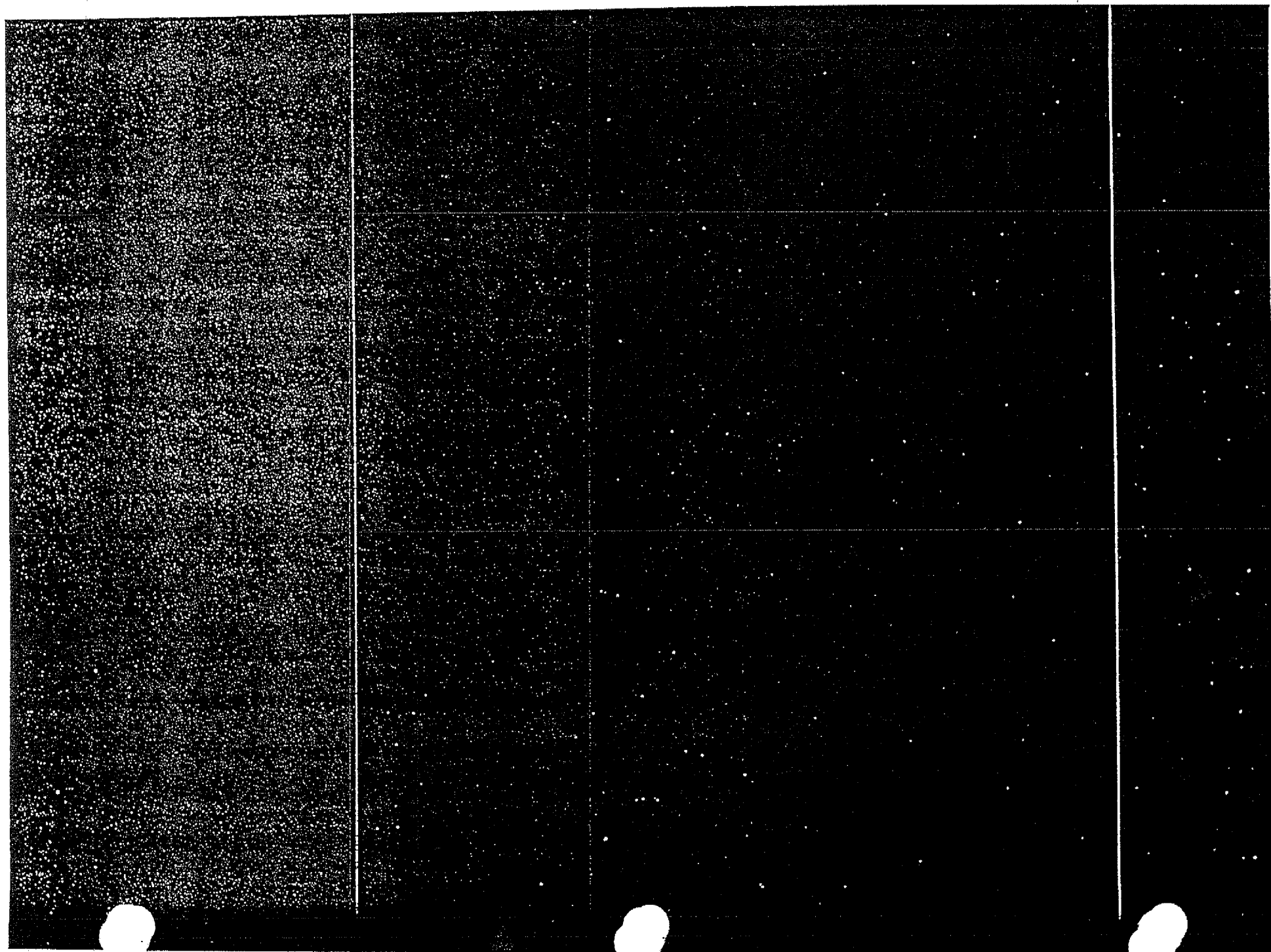
[REDACTED]

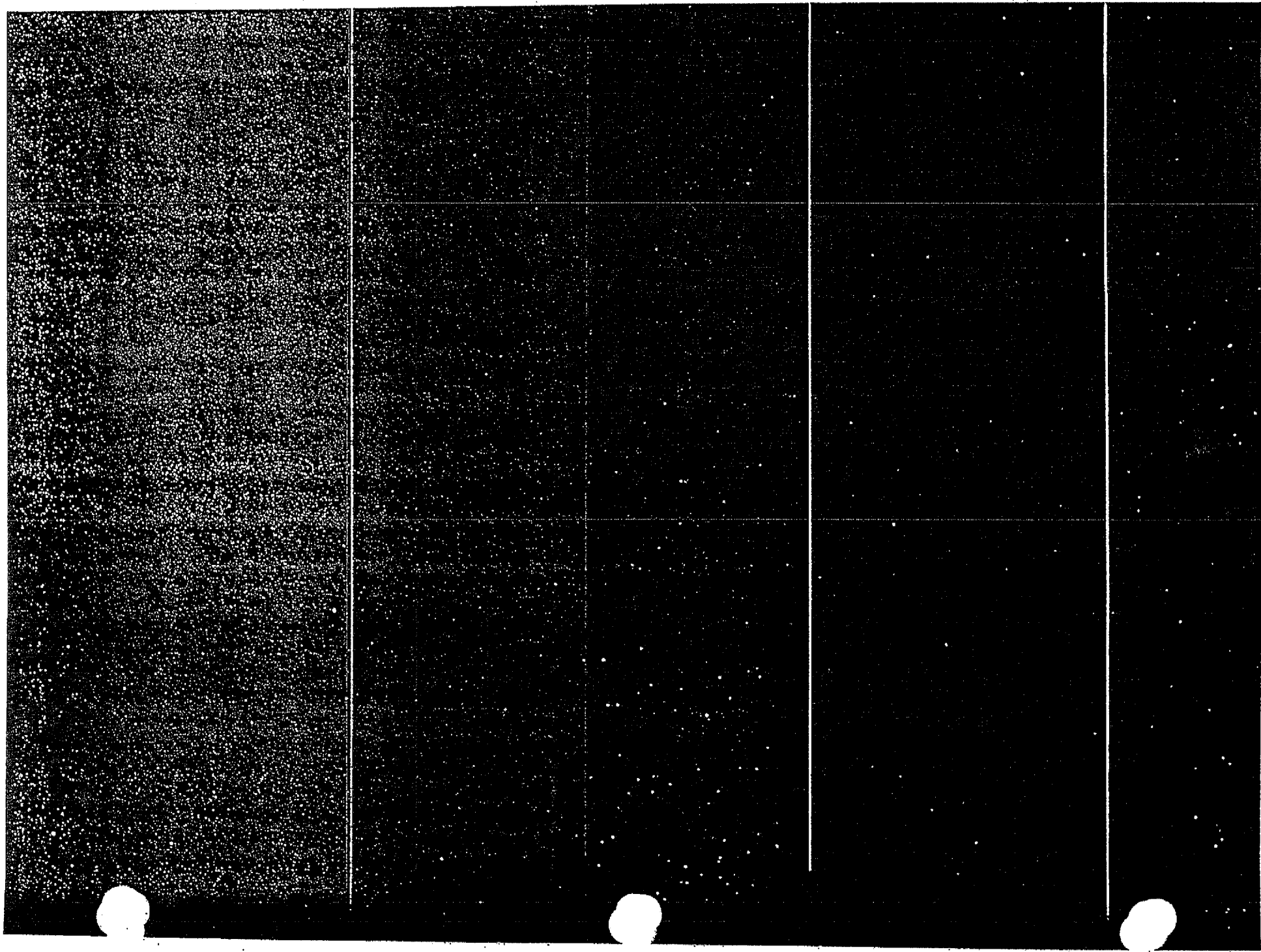
First, and most obvious, Jay Bybee's 1 Aug 2002 memo to John Rizzo stated, in part, "Moreover, you have also orally informed us that although some of these techniques may be used with more than once, that repetition will not be substantial because the techniques generally lose their effectiveness after several repetitions." (p. 2) and again, "You have indicated that these acts will not be used with substantial repetition, so that there is no possibility that severe physical pain could arise from such repetition." (p. 11). The OIG review determined that Abu Zubaydah was subjected to [REDACTED] waterboard sessions, consisting of at least 83 separate exposures [REDACTED] assured us that he gave regular updates to DoJ (i.e., John Yoo [REDACTED] at OLC) during this time frame, and DoJ was aware of the real numbers, but we were never able to verify this with DoJ, as INV management at the time elected not to interview witnesses outside the building. In addition to the disparity in numbers, the method of water application as recorded on the tapes was at odds with the Bybee opinion.

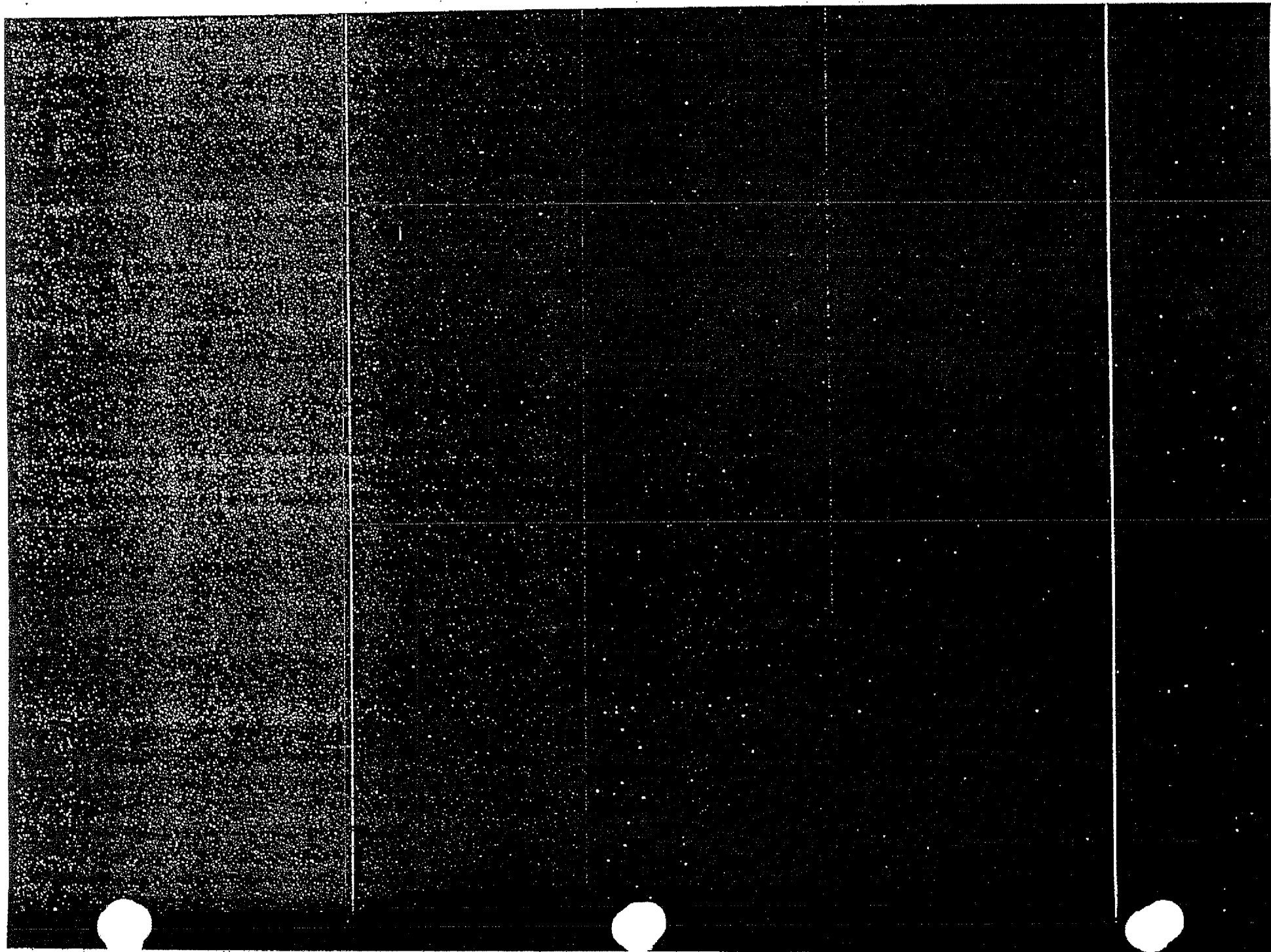
[REDACTED]

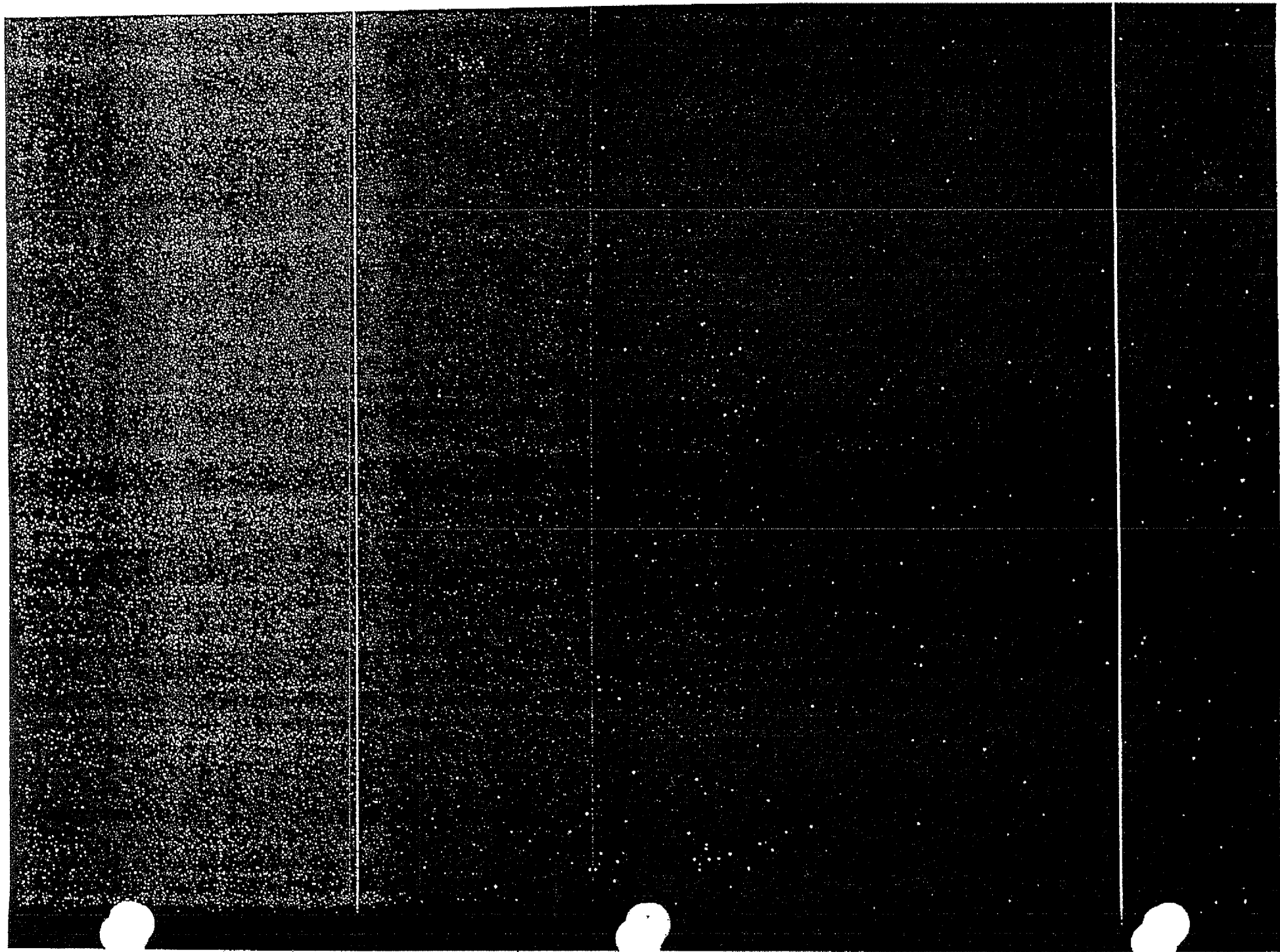


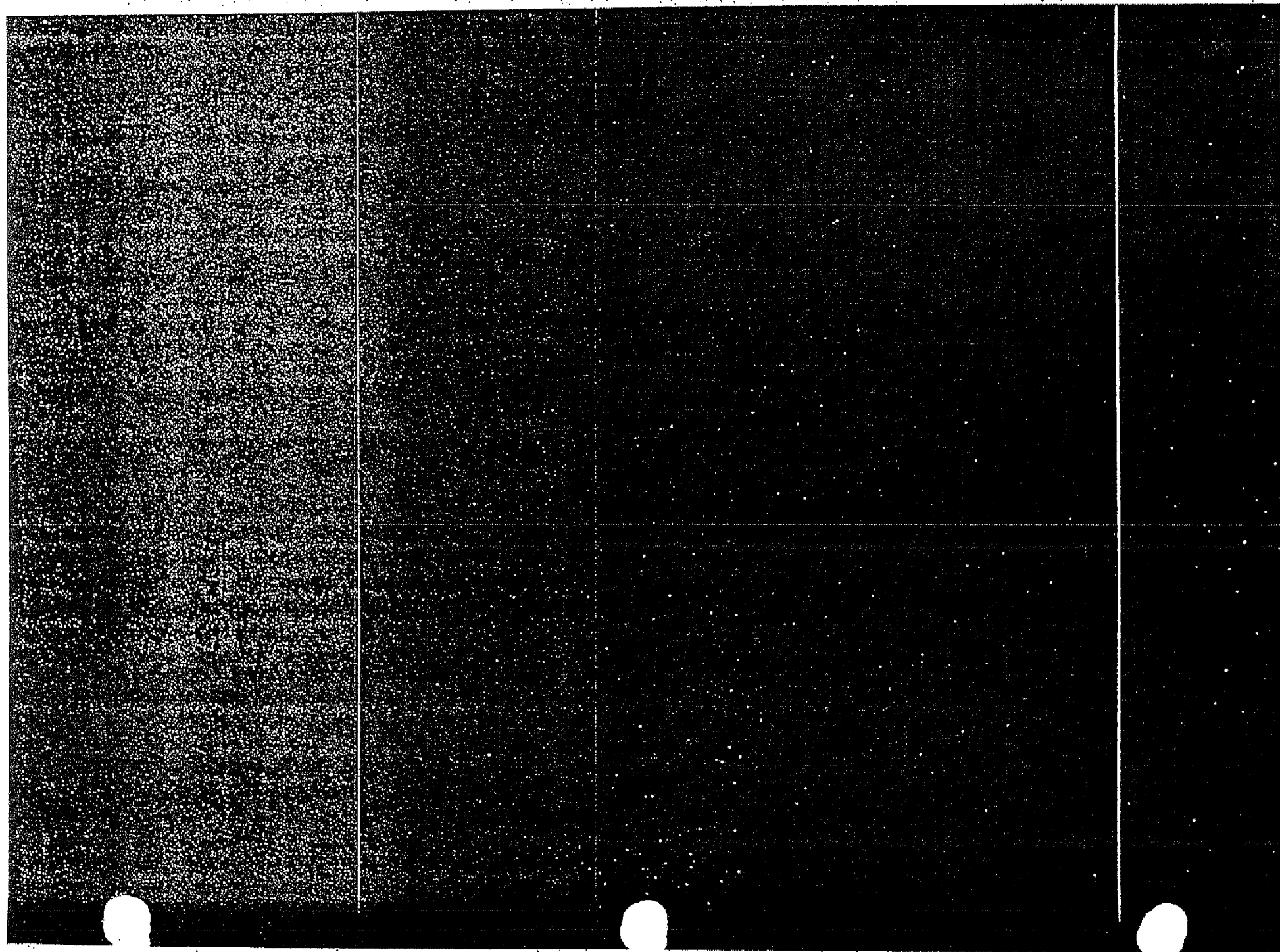












[SEPARATOR PAGE]

ACLU v. DOD Vaughn Index

Case Number: 04-CV-4151

Document Number: 56 (19 September 2009 Hilton Declaration)

Date of Document: 12/10/07

Document Type: Email

Classification: Top Secret

From/To: HQ/HQ

Subject: Trip Report

Document Pages: 5

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release

Document Description: This document is a one-page email from a CIA employee to his management, with a four-page attachment that is a memorandum for the record written by a CIA employee. The document contains information concerning the destroyed videotapes and preliminary recommendations and opinions of CIA employees. The document also includes CIA organizational information, CIA filing information, CIA locations, and the names and/or identifying information of personnel engaged in counterterrorism operations.

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2009) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains information relating to intra-agency predecisional deliberations, including preliminary evaluations; opinions, and recommendations of CIA personnel, and thus is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

~~TOP SECRET~~

~~/NOFORN//MR~~

[REDACTED]



[REDACTED]
12/10/2007 11:10 AM

Subject Trip Report

[REDACTED]
FYI, Attached is your very fine summary
summary table was subsequently refined

[REDACTED] One note—the attached
[REDACTED]

[REDACTED]

~~TOP SECRET~~

~~/NOFORN//MR~~

03/17/09 TCG 8417

[REDACTED]

[REDACTED] 187 Trip Report [REDACTED]

[REDACTED] (OIG) staff
conducted interrogation
review work [REDACTED]

[REDACTED]

[REDACTED] that the
interrogations, including the application of enhanced
interrogation techniques (EITs), were in compliance with
applicable statutes and Department of Justice legal
opinions. [REDACTED] intended to interview all
personnel who had assisted [REDACTED]
related to
supporting an interrogation field operation. [REDACTED]

[REDACTED] related to the medical effects of techniques and
methods applied. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Zubaydah's initial debriefings [REDACTED]
application of EITs, and his final debriefings. [REDACTED]

[REDACTED] Interviews were

[REDACTED]

[REDACTED]

conducted of [REDACTED]

[REDACTED]

[REDACTED]

waterboard applications.

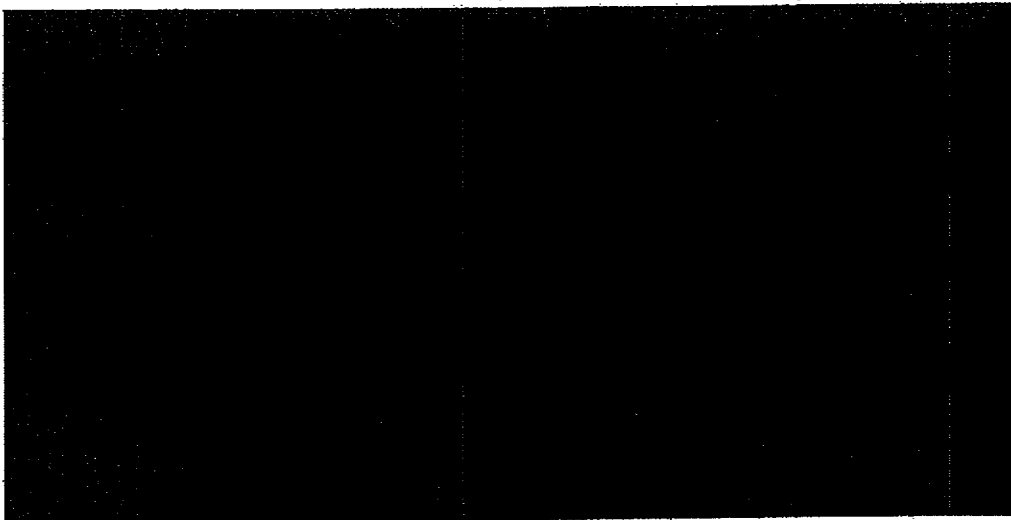
81

[REDACTED]

[REDACTED] Work conducted
included interviewing three [REDACTED]

[REDACTED] Regarding the interviews conducted
[REDACTED] reinforced the need to have a consistent approach
to the interrogation process. [REDACTED]
[REDACTED] the EIT methods employed, including the waterboard,
posed no real threat to the physical well being of the
detainees, [REDACTED]

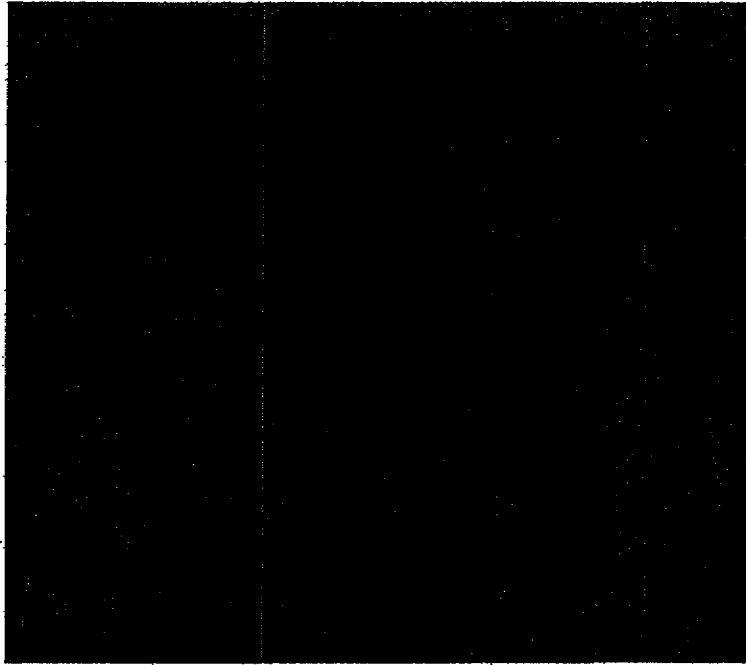
~~TOP SECRET~~ [REDACTED]



~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

Summary of Abu Zubaydah Waterboard Exposures



[REDACTED]

~~TOP SECRET~~ [REDACTED]

[SEPARATOR PAGE]

OIG Documents

FOIA/PA Request No.: F-2004-01456
Document Number: 29 (20 November 2009 Hilton Declaration)
Date of Document: UNDATED
Document Type: Email
Classification: Secret
From/To:
Subject: Meeting on disposition of AZ tapes
Document Pages: 1

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This is a one-page email that on scheduling a meeting to discuss the disposition of the videotapes. This document contains information related to the methods and organization of the CIA, as well as identifying information of personnel engaged in counter-terrorism activities. The document is withheld in part on the bases of FOIA exemptions b(3) and b(6).

Exemption b(3) - This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individual whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Case Number: 04-cv-4151 (SDNY)
Judge's Initials: AKH

~~SECRET / [REDACTED] / NOFORN / MR~~

Subject: DCI meeting on Disposition of AZ Tapes

From the Desk of [REDACTED]
[REDACTED]

We have set up a meeting for 1340 hours on Friday 10 Jan to discuss the disposition of the AZ tapes. In advance of that meeting, request CTC draft a short paper for the DCI that will describe our proposed plan of action. The paper will need to lay out our decision to move forward with the destruction of the tapes, and our plan to ensure that both the Hill and NSC will support this decision. If I can have the paper by COB Thurs, I will try to get it to the DCI to read in advance of the meeting. Many thanks! [REDACTED]

[REDACTED]

~~SECRET / [REDACTED] / NOFORN / MR~~

000871

[SEPARATOR PAGE]

ACLU v. DOD Final Production

FOIA/PA Request No.: F-2004-01456
Document Number: 160 (8 January 2010 Hilton Declaration)
Date of Document: UNDATED
Document Type: Memo
Classification: Top Secret
From/To: HQ/Unknown
Subject: Timeline regarding destruction of AZ tapes
Document Pages: 2

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a two-page timeline discussing the destruction of the videotapes. The document contains information relating to classified intelligence operations and methods, the identities of personnel engaged in counter-terrorism operations, attorney-client communications, attorney work product, and predecisional deliberations. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), b(5), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2009) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Exemption b(5) - This document contains confidential communications between a CIA attorney and CIA officer relating to a matter for which the officer sought legal advice. It was prepared by the CIA attorney with the joint expectation of the attorney and employee that it would be held in confidence, and it has been held in confidence. This document also contains information, legal analysis, and opinion prepared by a CIA attorney in contemplation of criminal, civil, and administrative proceedings. It was prepared by an attorney with the expectation of the attorney that it would be held in confidence, and it has been held in confidence. This document also contains information relating to intra-agency predecisional deliberations, including preliminary evaluations, opinions, and recommendations of CIA employees. Therefore, this document is protected from disclosure by Exemption b(5).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

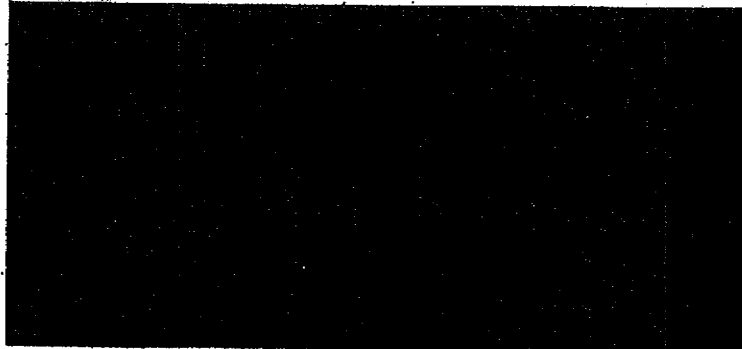
56/71

~~(S)~~ [REDACTED] Timeline Regarding Destruction of Abu Zubaydah Videotapes

30 November 2002 ~~(S)~~ OGC attorney [REDACTED] review the videotapes [REDACTED]

9 January 2003 ~~(S)~~ OGC attorney drafts MFR concluding that the cable traffic accurately described the interrogation methods employed and that the methods conform to the applicable legal and policy guidance.

1 April 2004:



11 May 2004 ~~(S)~~ [REDACTED] GC attends meeting at the White House and is told by Addington and Gonzales not to destroy the tapes. (NFI).

4 November 2005 ~~(S)~~ [REDACTED] At ODDO request, CTC [REDACTED] drafts language to be included in a cable from [REDACTED] requesting DDO approval to destroy the tapes. CTC [REDACTED] sends the language to [REDACTED] and the ODDO front office, as well as OGC for approval. The plan was for [REDACTED] to cut and paste the text into a cable and send it to HQs for approval.

5 November 2005 ~~(S)~~ [REDACTED] sends cable requesting approval to destroy the tapes.

8 November 2005 ~~(S)~~ [REDACTED] DDO releases cable authorizing the destruction of tapes.

10 November 2005 ~~(S)~~ [REDACTED] CTC [REDACTED] sends a note to [REDACTED] saying he has gotten [REDACTED] concurrence on the language for the cable. He also says that he understands [REDACTED] is



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going to call [REDACTED] with the language for the cable rather than email it to him.

(TS/ [REDACTED] receives the note and replies that the exchange with [REDACTED] has already taken place. He phoned the language to [REDACTED] sent the cable. He notes that DDO already approved the destruction of the tapes.

(TS/ [REDACTED] AGC learns that the tapes were destroyed and contacts DCIA Chief of Staff. AGC notes that DNI and Harriet Miers as recently as a few months ago opposed the idea of destroying the tapes. He states they need to be notified of the destruction as well as others.

[SEPARATOR PAGE]

ACLU v. DOD Final Production

FOIA/PA Request No.: F-2004-01456
Document Number: 161 (8 January 2010 Hilton Declaration)
Date of Document: UNDATED
Document Type: Memo
Classification: Top Secret
From/To:
Subject: Interview Questions
Document Pages: 3

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a three-page list of questions regarding the CIA's RDI program. The document contains information relating to classified intelligence operations and methods, as well as the identities of personnel engaged in counterterrorism operations. The document is withheld in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

Exemption b(3) - This document contains information relating to intelligence sources and intelligence methods that is specifically exempted from disclosure by section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C.A. § 403-1(i)(1) (West Supp. 2009) and section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3). This document also contains information relating to the organization, functions, and names of persons employed by the CIA that is specifically exempted from disclosure by section 6 of the Central Intelligence Act of 1949, as amended, 50 U.S.C.A. § 403g (West Supp. 2009), and thus is protected from disclosure by Exemption b(3).

Exemption b(6) - This document contains information relating to the identities of personnel engaged in

counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

Interview Questions for [REDACTED]

1. Provide background on your assignment to CTC and responsibilities related to interrogations.
2. Provide history of interrogation program from your perspective including legal authorities and approval of use of Enhanced Interrogation Techniques (EIT) including any parameters for EIT use.
3. What interrogation methods were employed at [REDACTED]
4. How were the interrogation methods used at [REDACTED] reviewed and vetted?
5. What was the process for ensuring compliance with the DOJ opinion?
6. What were your impressions of the [REDACTED] operation including management of the facility, care of the detainees, and methods used by the interrogators?
7. Were there any [REDACTED]
8. What is the background related to the decision to videotape interrogations [REDACTED]
[REDACTED]
9. What are your views regarding whether the tapes should be destroyed?
10. What was the rationale for transferring responsibility for interrogations from [REDACTED]
11. What interrogation methods were employed [REDACTED]
12. How were the interrogation methods used [REDACTED] reviewed and vetted?

13. What was the process for ensuring compliance with the DOJ opinion?
14. What were your impressions of the [REDACTED] operation including management of the facility, care of the detainees, and methods used by the interrogators?
15. Are there any [REDACTED]?
16. Were you aware that the "Hard Takedown" technique was used [REDACTED]?
17. [REDACTED]
18. [REDACTED]
19. What interrogation methods were employed [REDACTED]?
20. How were the interrogation methods used [REDACTED] reviewed and vetted?
21. What was the process for ensuring compliance with the DOJ opinion?
22. What were your impressions of the [REDACTED] operation including management of the facility, care of detainees, and methods used by the interrogators?
23. Are there any [REDACTED]?
24. Were you aware of the specific BIT used on Nashiri?
25. What were your communications with the interrogation teams at [REDACTED]?
26. When did you first become aware of [REDACTED]?
27. Provide background [REDACTED]

28. What is your working relationship with [REDACTED]
29. What are your responsibilities related to the screening process for people going to the field?
30. What policies and procedures have been provided for interrogations?
31. What controls are in place to prevent future problems?
32. How can the interrogation program be improved?
33. What training is now being provided?

[SEPARATOR PAGE]

ACLU v. DOD Final Production

FOIA/PA Request No.: F-2004-01456
Document Number: 162 (8 January 2010 Hilton Declaration)
Date of Document: UNDATED
Document Type: Memo
Classification: Top Secret
From/To:
Subject: The CIA Interrogation of Abu Zubaydah
Document Pages: 13

FOIA Exemptions:

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)
- (b) (7) (a)
- (b) (7) (c)
- (b) (7) (d)
- (b) (7) (e)
- (b) (7) (f)

Privacy Act Exemptions:

- (d) (5)
- (j) (1)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (5)

Disposition:

- Denied in Full
- Partial Release
- Released in Full
- Referred to Third Agency

Document Description:

This document is a thirteen-page memo with handwritten marginalia discussing the CIA's interrogation of Abu Zubaydah. The document contains information relating to classified intelligence operations and methods, as well as the identities of personnel engaged in counter-terrorism operations, and is withheld in part on the bases of FOIA exemptions b(1), b(3), and b(6).

Exemption b(1) - This document contains information relating to intelligence activities (including special activities), intelligence sources, intelligence methods, and foreign relations or foreign activities of the United States, including confidential sources, that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended, and is thus protected from disclosure by Exemption b(1).

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Exemption b(6) - This document contains information relating to the identities of personnel engaged in

counterterrorism operations, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The public interest in disclosure of the information does not outweigh the harm to the individuals whose privacy would be violated, and thus the information is protected from disclosure by Exemption b(6).

THE
CIA
INTERROGATION
OF
ABU ZUBAYDAH

March 2001 - Jan. 2003

CIA Interrogation Techniques: Abu Zubaydah

~~(S)~~ Abu Zubaydah: Terrorist Activities

- Abu Zubaydah was born a Palestinian and now holds Saudi citizenship. He was a senior lieutenant to Bin Ladin.
- At the time of his capture in Pakistan, he was heavily involved in al-Qa'ida's operational planning, and had previously been an external liaison and logistics coordinator.
- Taking him out of circulation has hurt al-Qa'ida operations in key nodes and helped disrupt a number of ongoing plots.

~~(S//NF)~~ Injuries at Time of Capture

- Abu Zubaydah was hit by two bullets during the arresting operation. [REDACTED]
A second bullet caused a large wound in his leg.
- [REDACTED]
- Abu Zubaydah was provided adequate and appropriate medical care.
- The medical treatment the Agency provided to Abu Zubaydah saved his life. He should now be considered healthy, other than some leg and knee pain.

~~(S//NF)~~ Highlights from Reporting by Abu Zubaydah

- Information from Abu Zubaydah—who was captured in late March—led to the capture of other operatives, and continues to provide some of our most valuable insights into the inner workings of al-Qa'ida. Over time, he has become more willing to cooperate on many issues, and his extensive familiarity with other al-Qa'ida terrorists and their methodologies daily helps us identify ways to exploit other detainees and to assess the credibility of reporting from a variety of sources.

- Abu Zubaydah identified Jose Padilla and Binyam Muhammad as al-Qa'ida operatives who had plans to detonate a uranium-topped "dirty bomb" in either Washington, DC, or New York City. Both have been captured.

- In addition, Abu Zubaydah identified [REDACTED] senior al Qa'ida operator in [REDACTED]

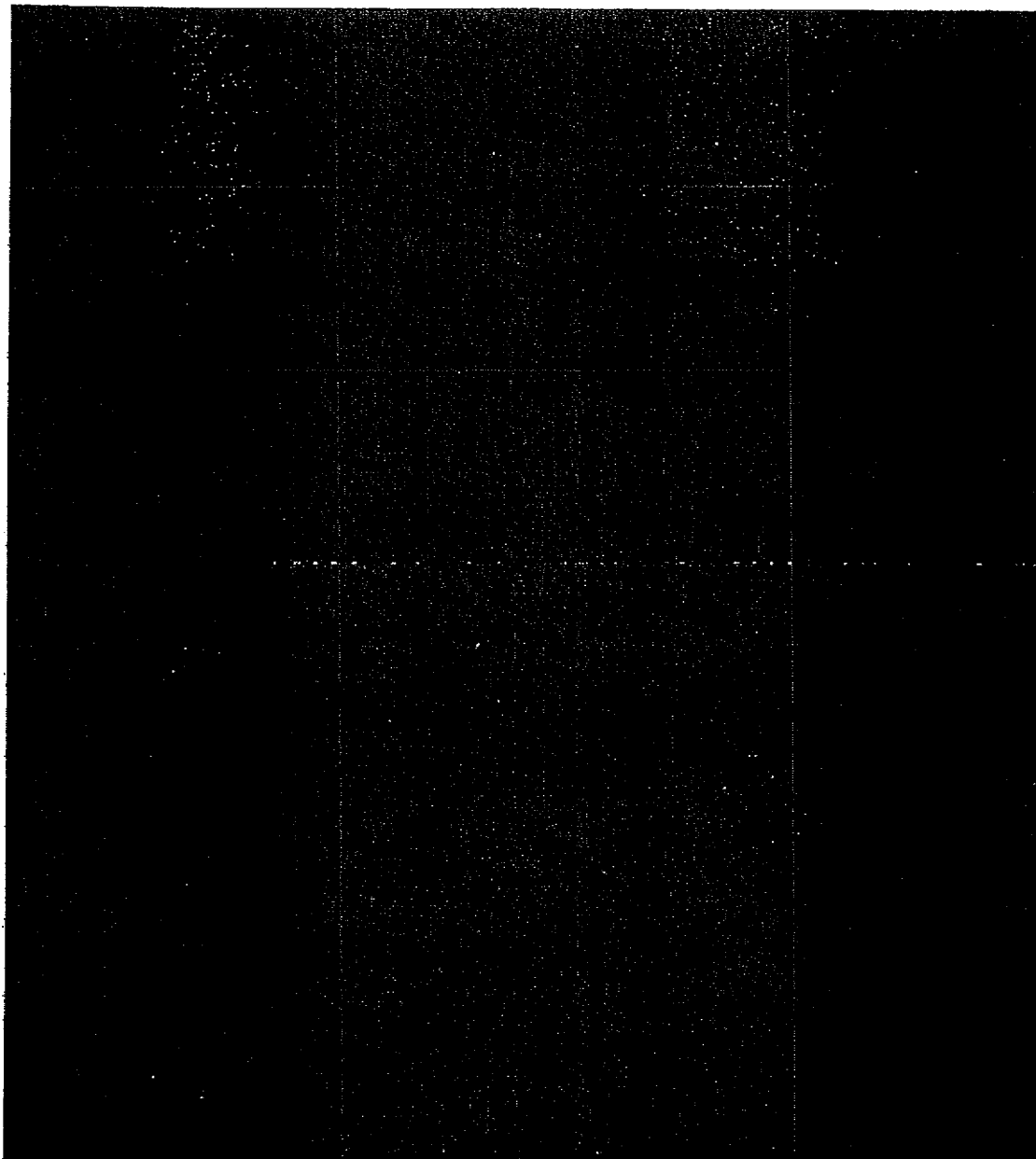
[REDACTED]

[REDACTED]

- As of mid-December 2002, Abu Zubaydah had been the source of over [REDACTED] disseminated counter-terrorism intelligence reports.

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[REDACTED]



(U) Interrogation Techniques Used on Abu Zubaydah

- The Agency used both routine and enhanced interrogation techniques against Abu Zubaydah.
- After consulting with the NSC and DOJ, CTC [REDACTED] originally approved 24-48 hours of sleep deprivation.

In April 2002, CTC [REDACTED] learned that due to a misunderstanding that time frame had been exceeded.

- However, CTC [REDACTED] advised that since the process did not have adverse medical effects or result in hallucination (thereby disrupting profoundly Abu Zubaydah's senses or personality) it was within legal parameters.
- After first using routine interrogation techniques, the interrogation team concluded that Abu Zubaydah continued to withhold critical threat information, including the identities of al Qaida operatives in the US, that in order to elicit those identities the use of more aggressive techniques was required and that the use of those techniques would not engender lasting and severe mental or physical harm.
- Abu Zubaydah has employed a host of resistance techniques. He is the author of a seminal al Qaida manual on resistance to interrogation methods.
- The Agency sought and received Department of Justice approval for the following [REDACTED] enhanced techniques, [REDACTED]
[REDACTED] the waterboard.
- Specific interrogation team members may request prior approval from Headquarters to employ any or all of the enhanced techniques.
- Where a specific time period was allowed for a particular technique, a timekeeper was used to ensure that the techniques was only employed within the timeframes authorized.
- Agency employees engaged in the interrogation are complemented by expert personnel who possess extensive experience, gained within the Department of Defense, on the psychological and physical methods of interrogation (SERE) and the resistance techniques employed as countermeasures to such interrogation. These expert medical personnel were present throughout the interrogations.
- It is not and has never been the Agency's intent to permit Abu Zubaydah to die in the course of interrogation and appropriately trained medical

personnel have been on-site in the event an emergency medical situation arises.

- DOJ approval for use of the enhanced techniques in specific instances relies on our representation that those techniques, when applied by appropriately trained personnel, should not produce severe mental or physical pain or suffering.
- Indeed, DOJ concluded that the use of enhanced techniques carefully applied by appropriate personnel pursuant to prior Headquarters approval would not have the "specific intent" to inflict severe mental or physical pain or suffering, and therefore would not violate the law.
- For these reasons, we fully document in advance any decision to employ any enhanced techniques, along with the criteria that have been employed in making those decisions.
- The use of enhanced interrogation techniques proved productive; Abu Zubaydah provided additional useful information.
- Medical evaluations were conducted on Abu Zubaydah before and during the interrogations. In addition, a psychological profile was conducted on him before the interrogations began.

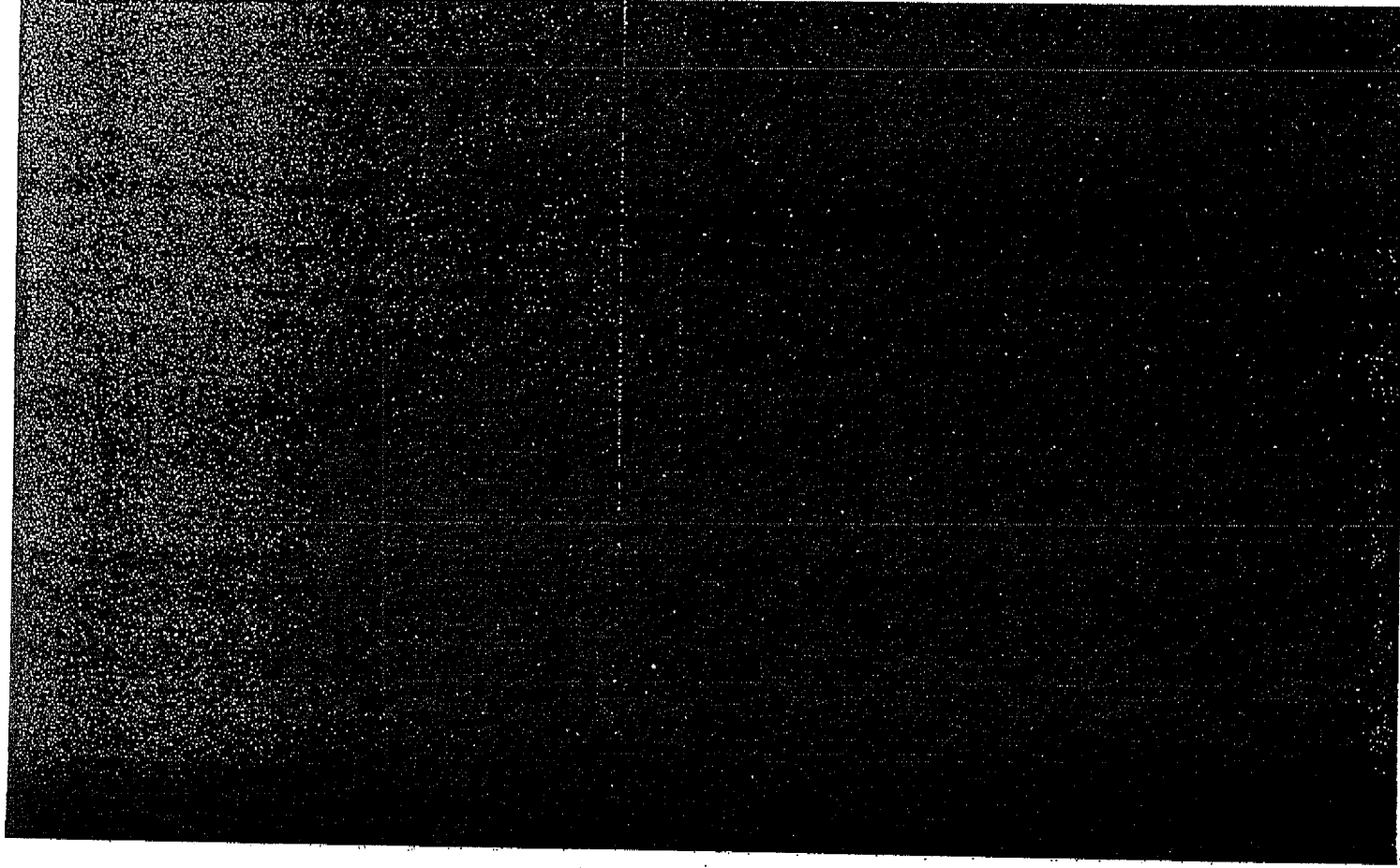
(S)

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

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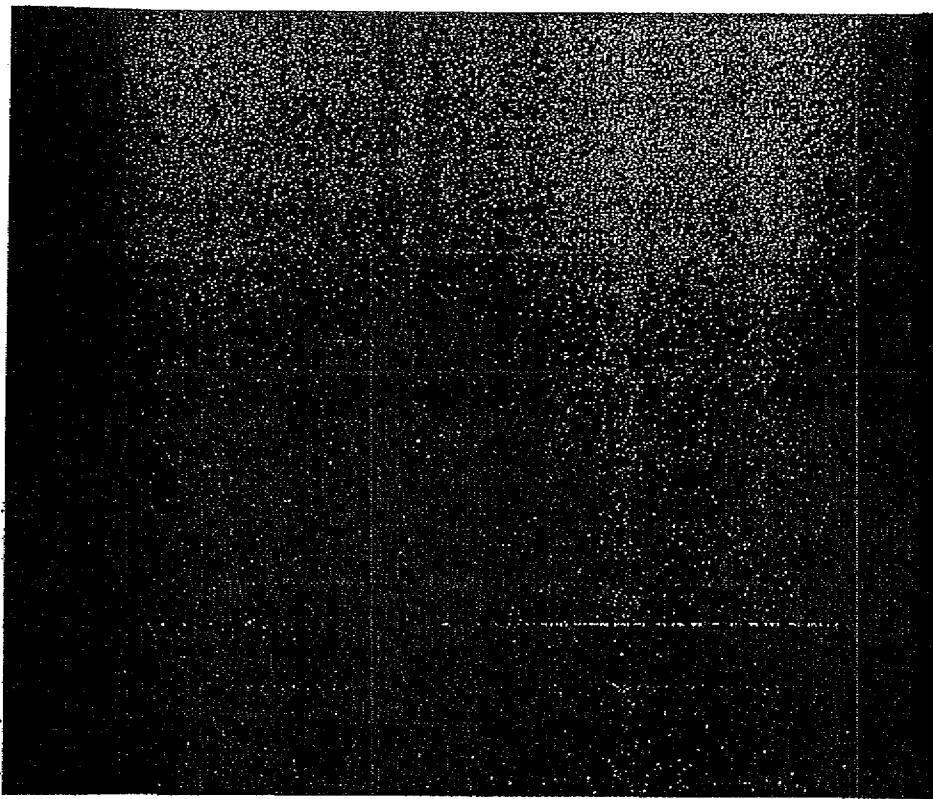
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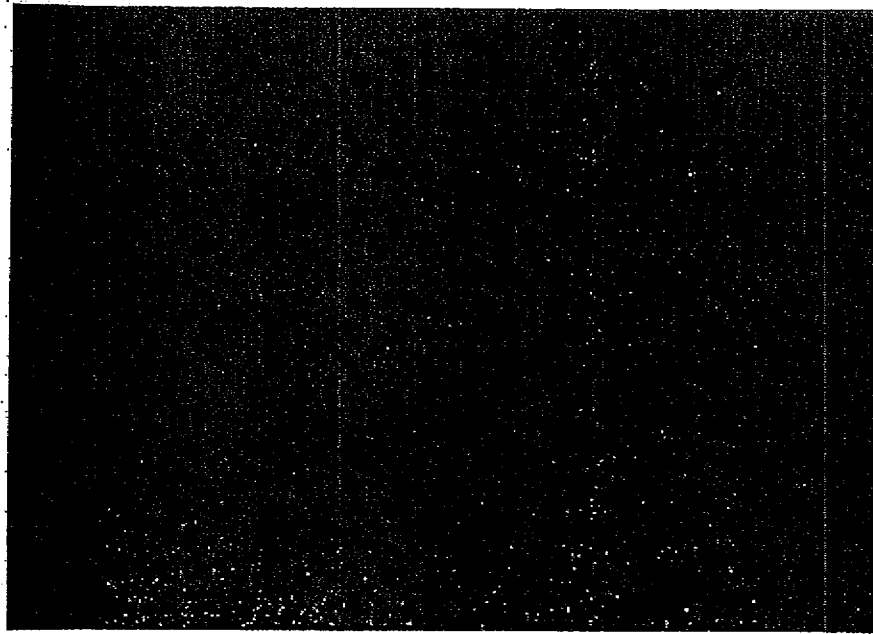
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- o [REDACTED]
- [REDACTED] Videotapes. In [REDACTED] 2002 an experienced OGC attorney [REDACTED] review interrogation videotapes of Abu Zubaydah and another detainee to confirm that the cable traffic accurately described the interrogation methods employed and that the methods conformed to the applicable legal and policy guidance.
 - o [REDACTED] the OGC attorney, who had not previously been involved in this matter, reviewed the applicable legal and policy guidance governing the permissible interrogation methods and the cable traffic, and interviewed CTC and [REDACTED] personnel knowledgeable about the matter.
 - o The attorney [REDACTED] inventoried the interrogation materials—videotapes, logbook, notebook, and psychologist's notes—[REDACTED] and reviewed the videotapes.
 - o The attorney concluded that the cable traffic did in fact accurately describe the interrogation methods employed and that the methods conformed to the applicable legal and policy guidance.
 - o After this review, the General Counsel advised the DCI that OGC had no objection to the destruction of the videotapes, but strongly recommended that the new leadership of the committees first be notified about the existence of the tapes and the reasons why the Agency has decided to destroy them.
- Guidelines. CTC [REDACTED] drafted "Guidelines on Interrogation Standards" and "Guidelines on Confinement Conditions for CIA Detainees". The guidelines are being coordinated. Once approved, all Agency personnel involved in interrogations or detentions will review these guidelines and acknowledge in writing that they have read and understand them.
- Training. CIA has established an interrogation program to train interrogators on techniques generally, enhanced techniques specifically, facilities, security, and the approval process.

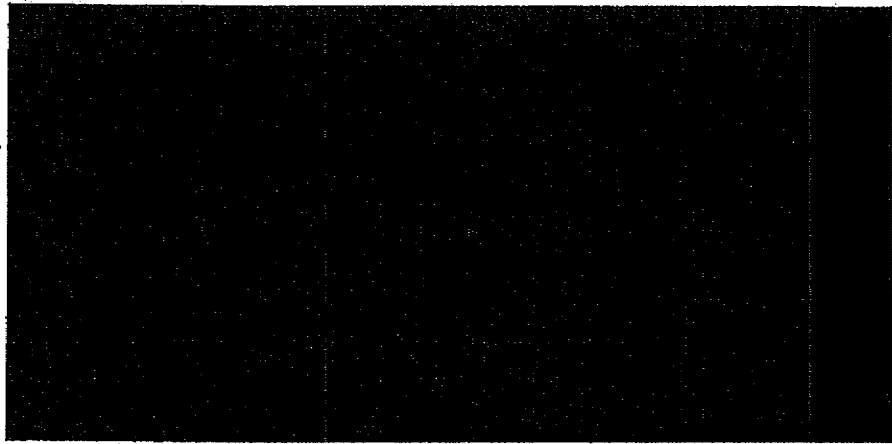


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- ~~(S//NF)~~ Abu Zubaydah (AZ) was born a Palestinian and now holds Saudi citizenship.
- ~~(S//NF)~~ AZ was a senior lieutenant to UBL. At the time of his capture in Pakistan he was heavily involved in Al Qa'ida's operational planning, and had previously been an external liaison and logistics coordinator.
- ~~(S//NF)~~ AZ has corroborated intelligence on key Al Qa'ida planners and facilitators, and has provided information on Al Qa'ida's CBRN program and on individuals associated with that program. Information from AZ was instrumental in the capture near Chicago of Jose Padilla, a "dirty bomb" plotter, explosives expert, and terrorist trainer at Qandahar. AZ also identified [REDACTED] a senior Al Qa'ida operator in [REDACTED]
- ~~(S//NF)~~ AZ was hit by two bullets during the arresting operation. [REDACTED]
[REDACTED]
[REDACTED] AZ should be considered healthy, other than some leg and knee pain.

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