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Senate Select Committee on Intelligence

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



Foreword by Senate Select Committee on Intelligence Chairman Dianne Feinstein

Findings and Conclusions

Executive Summary

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

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

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

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

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

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

¹⁰⁰ [REDACTED] 10026 (131233Z APR 02)

¹⁰¹ [REDACTED] 10026 (131233Z APR 02)

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

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

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

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

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

²¹⁷ [REDACTED] 10644 (201235Z AUG 02)

²¹⁸ [REDACTED] 10644 (201235Z AUG 02)

²¹⁹ [REDACTED] 10644 (201235Z AUG 02)

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

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

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

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

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

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

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

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

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

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

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

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

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

[REDACTED], [REDACTED]

[REDACTED],

For more information, see Volume III.

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

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

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

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

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

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

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

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

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