


EXHIBIT 2

Part 2 of 2

~~TOP SECRET~~ [REDACTED]

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

100. (TS [REDACTED]) Cables indicate that Agency interrogators [REDACTED] applied the waterboard technique to Khalid Shaykh Muhammad 183 [REDACTED]



47 [REDACTED]

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

[REDACTED]

103.

[REDACTED]

104.

[REDACTED]

105.

[REDACTED]

106.

[REDACTED]

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[REDACTED]

[REDACTED]

107.

[REDACTED]

108.

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

111

[REDACTED]

112

[REDACTED]

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[REDACTED]

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[REDACTED]

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113.

114.

115.

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~~TOP SECRET~~ [REDACTED]

[REDACTED]

116

[REDACTED]

117

[REDACTED]

[REDACTED]

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TOP SECRET

[REDACTED]

118

[REDACTED]

[REDACTED]

119

[REDACTED]

[REDACTED]

120

[REDACTED]

[REDACTED]

53 (TS) [REDACTED] the first session of the 11th regular course began in November 1952. See paragraph 64-65.

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[REDACTED]

TOP SECRET [REDACTED]

[REDACTED]

121.

[REDACTED]

122.

[REDACTED]

Interrogators are required to sign a statement certifying they have read and understand the contents of the folder.

[REDACTED]

123.

[REDACTED]

TOP SECRET [REDACTED]

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[REDACTED]

[REDACTED]

124.

[REDACTED]

125.

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126.

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[REDACTED]

127.

[REDACTED]

128.

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129.

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[REDACTED]

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130. [REDACTED]

131. [REDACTED]

132. [REDACTED]

133. [REDACTED]

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[REDACTED]

134

[REDACTED]

[REDACTED]

135.

[REDACTED]

136.

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

137

[REDACTED]

[REDACTED]

138.

[REDACTED]

139.

[REDACTED]

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[REDACTED]

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[REDACTED]

140

[REDACTED]

141

[REDACTED]

[REDACTED]

TOP SECRET

[REDACTED]

TOP SECRET

[REDACTED]

142

[REDACTED]

143

[REDACTED]

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TOP SECRET

[REDACTED]

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[REDACTED]

[REDACTED]

115

[REDACTED]

[REDACTED]

TOP SECRET

11

[REDACTED]

~~TOP SECRET~~ [REDACTED]

[REDACTED]

16. [REDACTED]

[REDACTED]

17. [REDACTED]

[REDACTED]

[REDACTED]

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148.

149.

150.

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TOP SECRET [REDACTED]

151. [REDACTED]

152. [REDACTED]

TOP SECRET [REDACTED]

TOP SECRET [REDACTED]

[REDACTED]

153. [REDACTED]

[REDACTED]

154. [REDACTED]

[REDACTED]

155. [REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

156.

[REDACTED]

157.

[REDACTED]

158.

[REDACTED]

[REDACTED]

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[REDACTED]

~~TOP SECRET~~ [REDACTED]

[REDACTED]

[REDACTED]

159.

[REDACTED]

160.

[REDACTED]

[REDACTED]

~~TOP SECRET~~ [REDACTED]

TOP SECRET [REDACTED]

[REDACTED]

161 [REDACTED]

[REDACTED]

162 [REDACTED]

[REDACTED]

163 [REDACTED]

[REDACTED]

[REDACTED]

TOP SECRET [REDACTED]

~~TOP SECRET~~ [REDACTED]

Specific Unauthorized or Undocumented Techniques

164. [TS] [REDACTED] was but one event in the early months of [REDACTED] Agency activity in [REDACTED] that involved the use of interrogation techniques that DoJ and Headquarters had not approved. Agency personnel reported a range of improvised actions that interrogators and debriefers reportedly used at that time to assist in obtaining information from detainees. The extent of these actions is illustrative of the consequences of the lack of clear guidance at that time and the Agency's insufficient attention to interrogations in [REDACTED]

165. [TS] [REDACTED] OIG opened separate investigations into two incidents: [REDACTED] and the death of a detainee at a military base in Northeast Afghanistan (discussed further in paragraph 192). These two cases presented facts that warranted criminal investigations. Some of the techniques discussed below were used with [REDACTED] and will be further addressed in connection with a Report [REDACTED]. In other cases of undocumented or unauthorized techniques, the facts are ambiguous or less serious, not warranting further investigation. Some actions discussed below were taken by employees or contractors no longer associated with the Agency. Agency management has also addressed administratively some of the actions.

Pressure Points

166. [TS] [REDACTED] In July 2002, [REDACTED] operations officer, participated with another operations officer in a custodial interrogation of a detainee [REDACTED]. [REDACTED] reportedly used a "pressure point" technique: with both of his hands on the detainee's neck, [REDACTED] manipulated his fingers to restrict the detainee's carotid artery.

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

167. (S) [REDACTED] who was facing the shackled detainee, reportedly watched his eyes to the point that the detainee would nod and start to pass out; then, the [REDACTED] shook the detainee to wake him. This process was repeated for a total of three applications on the detainee. The [REDACTED] acknowledged to OIG that he laid hands on the detainee and may have made him think he was going to lose consciousness. The [REDACTED] also noted that he has [REDACTED] years of experience debriefing and interviewing people and until recently had never been instructed how to conduct interrogations.

168. (S//NF) CTC management is now aware of this reported incident, the severity of which was disputed. The use of pressure points is not, and had not been, authorized, and CTC has advised the [REDACTED] that such actions are not authorized.

Mock Executions

169. (S) [REDACTED] The debriefer who employed the handgun and power drill on Al-Nashir [REDACTED] advised that those actions were predicated on a technique he had participated in [REDACTED]. The debriefer stated that when he was [REDACTED] between September and October 2002, [REDACTED] offered to fire a handgun outside the interrogation room while the debriefer was interviewing a detainee who was thought to be withholding information.⁶⁸ [REDACTED] staged the incident, which included screaming and yelling outside the cell by other CIA officers and [REDACTED] guards. When the guards moved the detainee from the interrogation room, they passed a guard who was dressed as a hooded detainee, lying motionless on the ground, and made to appear as if he had been shot to death.

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

170. (TS) [REDACTED] The debriefer claimed he did not think he needed to report this incident because the [REDACTED] had openly discussed this plan [REDACTED] several days prior to and after the incident. When the debriefer was later [REDACTED] and believed he needed a non-traditional technique to induce the detainee to cooperate, he told [REDACTED] he wanted to wave a handgun in front of the detainee to scare him. The debriefer said he did not believe he was required to notify Headquarters of this technique, citing the earlier, unreported mock execution [REDACTED]

171. (TS) [REDACTED] A senior operations officer [REDACTED] recounted that around September 2002 [REDACTED] heard that the debriefer had staged a mock execution. [REDACTED] was not present but understood it went badly; it was transparently a ruse and no benefit was derived from it. [REDACTED] observed that there is a need to be creative as long as it is not considered torture. [REDACTED] stated that if such a proposal were made now, it would involve a great deal of consultation. It would begin with [REDACTED] management and would include CTC/Legal, [REDACTED] and the CTC [REDACTED]

172. (S7/NE) The [REDACTED] admitted staging a "mock execution" in the first days that [REDACTED] was open. According to the [REDACTED] the technique was his idea but was not effective because it came across as being staged. It was based on the concept, from SERE school, of showing something that looks real, but is not. The [REDACTED] recalled that a particular CTC interrogator later told him about employing a mock execution technique. The [REDACTED] did not know when this incident occurred or if it was successful. He viewed this technique as ineffective because it was not believable.

[REDACTED]

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~~TOP SECRET~~ [REDACTED]

173. (TS) [REDACTED] Four [REDACTED] [REDACTED] who were interviewed admitted to either participating in one of the above-described incidents or hearing about them. [REDACTED]

[REDACTED] described staging a mock execution of a detainee. Reportedly, a detainee who witnessed the "body" in the aftermath of the ruse "sang like a bird."

174. (TS) [REDACTED] revealed that approximately four days before his interview with OIG, the [REDACTED] stated he had conducted a mock execution [REDACTED] in October or November 2002. Reportedly, the firearm was discharged outside of the building, and it was done because the detainee reportedly possessed critical threat information. [REDACTED] stated that he told the [REDACTED] not to do it again. He stated that he has not heard of a similar act occurring [REDACTED] since then.

Use of Smoke

175. (TS) [REDACTED] A CIA officer [REDACTED] revealed that cigarette smoke was once used as an interrogation technique in October 2002. Reportedly, at the request of [REDACTED] an interrogator, the officer, who does not smoke, blew the smoke from a thin cigarette/cigar in the detainee's face for about five minutes. The detainee started talking so the smoke ceased. [REDACTED] heard that a different officer had used smoke as an interrogation technique. OIG questioned numerous personnel who had worked [REDACTED] about the use of smoke as a technique. None reported any knowledge of the use of smoke as an interrogation technique.

176. (TS) [REDACTED] [REDACTED] admitted that he has personally used smoke inhalation techniques on detainees to make them ill to the point where they would start to "purge." After this, in a weakened state,

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

these detainees would then provide [REDACTED] with information.⁷⁰ [REDACTED] denied ever physically abusing detainees or knowing anyone who has.

Use of Cold

177. [REDACTED]

178. (TS) [REDACTED] In late July to early August 2002, a detainee was being interrogated [REDACTED] Prior to proceeding with any of the proposed methods, [REDACTED] officer responsible for the detainee [REDACTED] requesting Headquarters authority to employ a prescribed interrogation plan over a two-week period. The plan included the following:

Physical Comfort Level Deprivation: With use of a window air conditioner and a judicious provision/deprivation of warm clothing/blankets, believe we can increase [the detainee's] physical discomfort level to the point where we may lower his mental/trained resistance abilities.

CTC/Legal responded and advised, "[C]aution must be used when employing the air conditioning/blanket deprivation so that [the detainee's] discomfort does not lead to a serious illness or worse."

179. [REDACTED]

⁷⁰ (S) This was substantiated in part by the CIA officer who participated in this act with the [REDACTED]

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[REDACTED]

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[REDACTED]

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182.

[REDACTED]

[REDACTED]

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[REDACTED]

TOP SECRET [REDACTED]

183. (TS) [REDACTED] Many of the officers interviewed about the use of cold showers as a technique cited that the water heater was inoperable and there was no other recourse except for cold showers. However, [REDACTED] explained that if a detainee was cooperative, he would be given a warm shower. He stated that when a detainee was uncooperative, the interrogators accomplished two goals by combining the hygienic reason for a shower with the unpleasantness of a cold shower.

184. (TS) [REDACTED] In December 2002, [REDACTED] cable reported that a detainee was left in a cold room, shackled and naked, until he demonstrated cooperation.

185. (TS) [REDACTED] When asked in February 2003, if cold was used as an interrogation technique, the [REDACTED] responded, "not per se." He explained that physical and environmental discomfort was used to encourage the detainees to improve their environment. [REDACTED] observed that cold is hard to define. He asked rhetorically, "How cold is cold? How cold is life threatening?" He stated that cold water was still employed [REDACTED] however, showers were administered in a heated room. He stated there was no specific guidance on it from Headquarters, and [REDACTED] was left to its own discretion in the use of cold. [REDACTED] added there is a cable from [REDACTED] documenting the use of "manipulation of the environment."

186. (TS) [REDACTED] Although the DCI Guidelines do not mention cold as a technique, the September 2003 draft OMS Guidelines on Medical and Psychological Support to Detainee Interrogations specifically identify an "uncomfortably cool environment" as a standard interrogation measure. (Appendix F.) The OMS Guidelines provide detailed instructions on safe temperature ranges, including the safe temperature range when a detainee is wet or unclothed.

TOP SECRET [REDACTED]

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Water Dousing

187. (TS/ [REDACTED] According to [REDACTED] and others who have worked [REDACTED] "water dousing" has been used [REDACTED] since early 2003 when [REDACTED] officer introduced this technique to the facility. Dousing involves laying a detainee down on a plastic sheet and pouring water over him for 10 to 15 minutes. Another officer explained that the room was maintained at 70 degrees or more; the guards used water that was at room temperature while the interrogator questioned the detainee.

188. (TS/ [REDACTED] A review [REDACTED] from April and May 2003 revealed that [REDACTED] sought permission from CTC [REDACTED] to employ specific techniques for a number of detainees. Included in the list of requested techniques was water dousing.⁷² Subsequent cables reported the use and duration of the techniques by detainee per interrogation session.⁷³ One certified interrogator, noting that water dousing appeared to be a most effective technique, requested CTC to confirm guidelines on water dousing. A return cable directed that the detainee must be placed on a towel or sheet, may not be placed naked on the bare cement floor, and the air temperature must exceed 65 degrees if the detainee will not be dried immediately.

189. (TS/ [REDACTED] The DCI Guidelines do not mention water dousing as a technique. The 4 September 2003 draft OMS Guidelines, however, identify "water dousing" as one of 12 standard measures that OMS listed, in ascending degree of intensity, as the 11th standard measure. OMS did not further address "water dousing" in its guidelines.

⁷³ (TS/ [REDACTED] reported water dousing as a technique used, but in a later paragraph used the term "cold water bath."

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

Hard Takedown

190. [REDACTED]

[REDACTED]

191. (TS) [REDACTED] According to [REDACTED] the hard takedown was used often in interrogations at [REDACTED] as "part of the atmospherics." For a time, it was the standard procedure for moving a detainee to the sleep deprivation cell. It was done for shock and psychological impact and signaled the transition to another phase of the interrogation. The act of putting a detainee into a diaper can cause abrasions if the detainee struggles because the floor of the facility is concrete. The [REDACTED] stated he did not discuss the hard takedown with [REDACTED] managers, but he thought they understood what techniques were being used at [REDACTED]. [REDACTED] stated that the hard takedown had not been used recently [REDACTED]. After taking the interrogation class, he understood that if

[REDACTED]

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

he was going to do a hard takedown, he must report it to Headquarters. Although the DCI and OMS Guidelines address physical techniques and treat them as requiring advance Headquarters approval, they do not otherwise specifically address the "hard takedown."

192. ~~(TS/~~ [REDACTED] stated that he was generally familiar with the technique of hard takedowns. He asserted that they are authorized and believed they had been used one or more times at [REDACTED] in order to intimidate a detainee. [REDACTED] stated that he would not necessarily know if they have been used and did not consider it a serious enough handling technique to require Headquarters approval. Asked about the possibility that a detainee may have been dragged on the ground during the course of a hard takedown, [REDACTED] responded that he was unaware of that and did not understand the point of dragging someone along the corridor in [REDACTED]

Abuse [REDACTED] at Other Locations Outside of the CTC Program

193. ~~(TS/~~ [REDACTED] Although not within the scope of the CTC Program, two other incidents [REDACTED] were reported in 2003. [REDACTED]

[REDACTED] As noted above, one resulted in the death of a detainee at Asadabad Base⁷⁶ [REDACTED]

194. ~~(S//NF)~~ In June 2003, the U.S. military sought an Afghan citizen who had been implicated in rocket attacks on a joint U.S. Army and CIA position in Asadabad located in Northeast Afghanistan. On 18 June 2003, this individual appeared at Asadabad Base at the urging of the local Governor. The individual was held in a detention facility guarded by U.S. soldiers from the Base. During

⁷⁶ ~~(S)~~ For more than a year, CIA referred to Asadabad Base as [REDACTED]

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~~TOP SECRET~~ [REDACTED]

the four days the individual was detained, an Agency independent contractor, who was a paramilitary officer, is alleged to have severely beaten the detainee with a large metal flashlight and kicked him during interrogation sessions. The detainee died in custody on 21 June; his body was turned over to a local cleric and returned to his family on the following date without an autopsy being performed. Neither the contractor nor his Agency staff supervisor had been trained or authorized to conduct interrogations. The Agency did not renew the independent contractor's contract, which was up for renewal soon after the incident. OIG is investigating this incident in concert with DoJ.⁷⁷

195. ~~(S//NF)~~ In July 2003, [REDACTED] officer assigned to [REDACTED] assaulted a teacher at a religious school [REDACTED]. This assault occurred during the course of an interview during a joint operation [REDACTED].

[REDACTED] The objective was to determine if anyone at the school had information about the detonation of a remote-controlled improvised explosive device that had killed eight border guards several days earlier.

196. ~~(S//NF)~~ A teacher being interviewed [REDACTED] reportedly smiled and laughed inappropriately, whereupon [REDACTED] used the butt stock of his rifle to strike or "buttstroke" the teacher at least twice in his torso, followed by several knee kicks to his torso. This incident was witnessed by 200 students. The teacher was reportedly not seriously injured. In response to his actions, Agency management returned the [REDACTED] to Headquarters. He was counseled and given a domestic assignment.

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[REDACTED]

[REDACTED]

197.

[REDACTED]

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[REDACTED]

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[REDACTED]

202. [REDACTED]

[REDACTED]

203. [REDACTED]

[REDACTED]

ANALYTICAL SUPPORT TO INTERROGATIONS

204. (TS [REDACTED]) Drove [REDACTED] of intelligence analysts assigned to CTC provide analytical support to interrogation teams in the field. Analysts are responsible for developing requirements for the questioning of detainees as well as conducting debriefings in some cases. [REDACTED]

[REDACTED] Analysts, however, do not participate in the application of interrogation techniques.

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~~TOP SECRET~~ [REDACTED]

205. ~~(TS)~~ [REDACTED] According to a number of those interviewed for this Review, the Agency's intelligence on Al-Qa'ida was limited prior to the initiation of the CTC Interrogation Program. The Agency lacked adequate linguists or subject matter experts and had very little hard knowledge of what particular Al-Qa'ida leaders—who later became detainees—knew. This lack of knowledge led analysts to speculate about what a detainee "should know," vice information the analyst could objectively demonstrate the detainee did know. [REDACTED]
[REDACTED]

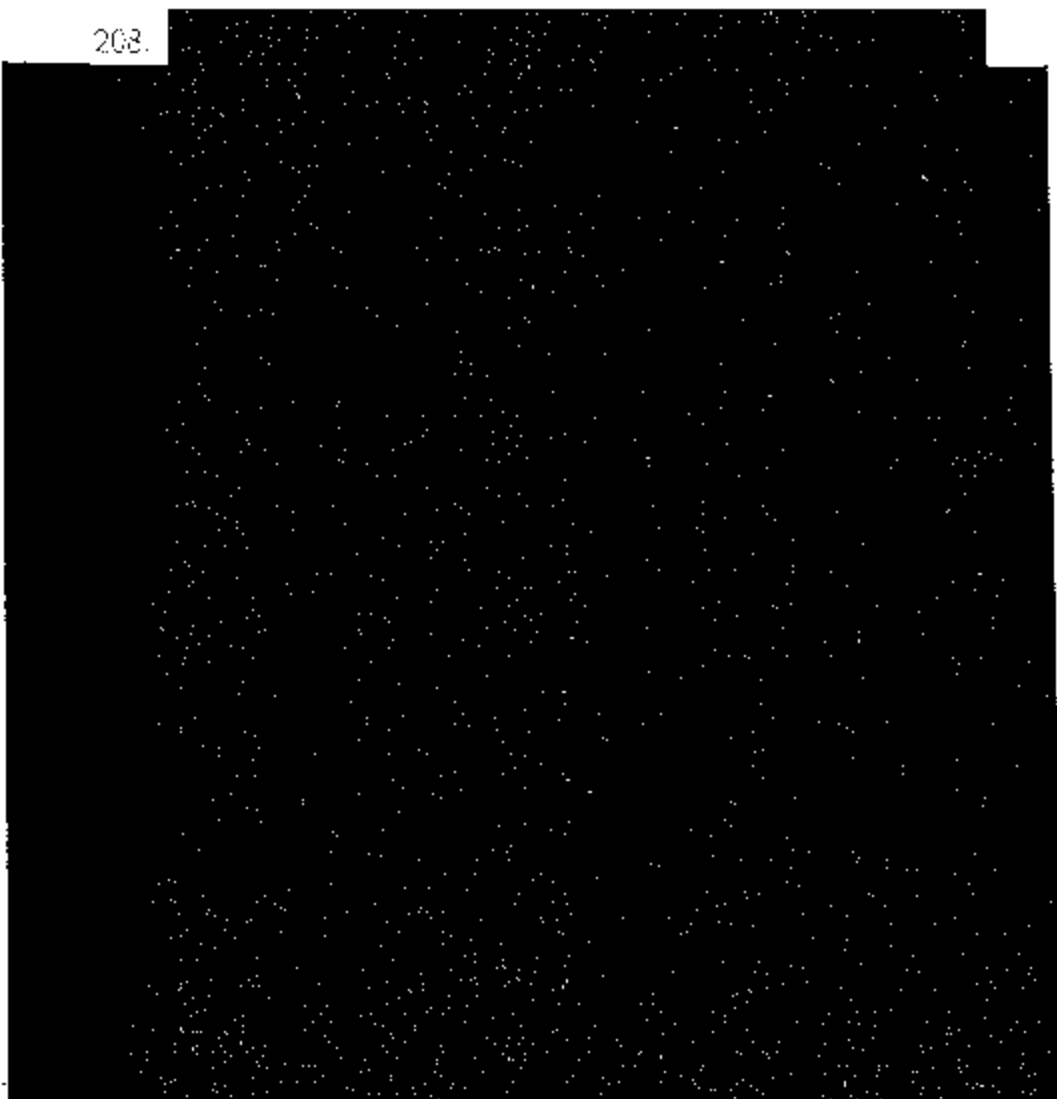
206. ~~(TS)~~ [REDACTED]
[REDACTED] When a detainee did not respond to a question posed to him, the assumption at Headquarters was that the detainee was holding back and knew more; consequently, Headquarters recommended resumption of EITs.

207. [REDACTED]
[REDACTED]

~~TOP SECRET~~ [REDACTED]

TOP SECRET [REDACTED]

208. [REDACTED]



209. [REDACTED]

[REDACTED] evidenced in the final waterboard session of Abu Zubaydah. According to a senior CIC officer, the interrogation team [REDACTED] considered Abu Zubaydah to be compliant and wanted to terminate III's [REDACTED] believes Abu Zubaydah continued to withhold information. [REDACTED] at the time of [REDACTED]

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generated substantial pressure from Headquarters to continue use of the EITs. According to this senior officer, the decision to resume use of the waterboard on Abu Zubaydah was made by senior officers of the DO [REDACTED]

[REDACTED] to assess Abu Zubaydah's compliance and witnessed the final waterboard session, after which, they reported back to Headquarters that the EITs were no longer needed on Abu Zubaydah.

210. [REDACTED]

EFFECTIVENESS

211. (TS, [REDACTED]) The detention of terrorists has prevented them from engaging in further terrorist activity, and their interrogation has provided intelligence that has enabled the identification and apprehension of other terrorists, warned of terrorists plots planned for the United States and around the world, and supported articles frequently used in the finished intelligence publications for senior policymakers and war fighters. In this regard, there is no doubt that the Program has been effective. Measuring the effectiveness of EITs, however, is a more subjective process and not without some concern.

212. (TS, [REDACTED]) When the Agency began capturing terrorists, management judged the success of the effort to be getting them off the streets, [REDACTED]

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~~TOP SECRET~~ [REDACTED]

[REDACTED]

With the capture of terrorists who had access to much more significant, actionable information, the measure of success of the Program increasingly became the intelligence obtained from the detainees.

213. (TS [REDACTED]) Quantitatively, the DO has significantly increased the number of counterterrorism intelligence reports with the inclusion of information from detainees in its custody. Between 9/11 and the end of April 2003, the Agency produced over 3,000 intelligence reports from detainees. Most of the reports came from intelligence provided by the high value detainees at [REDACTED]

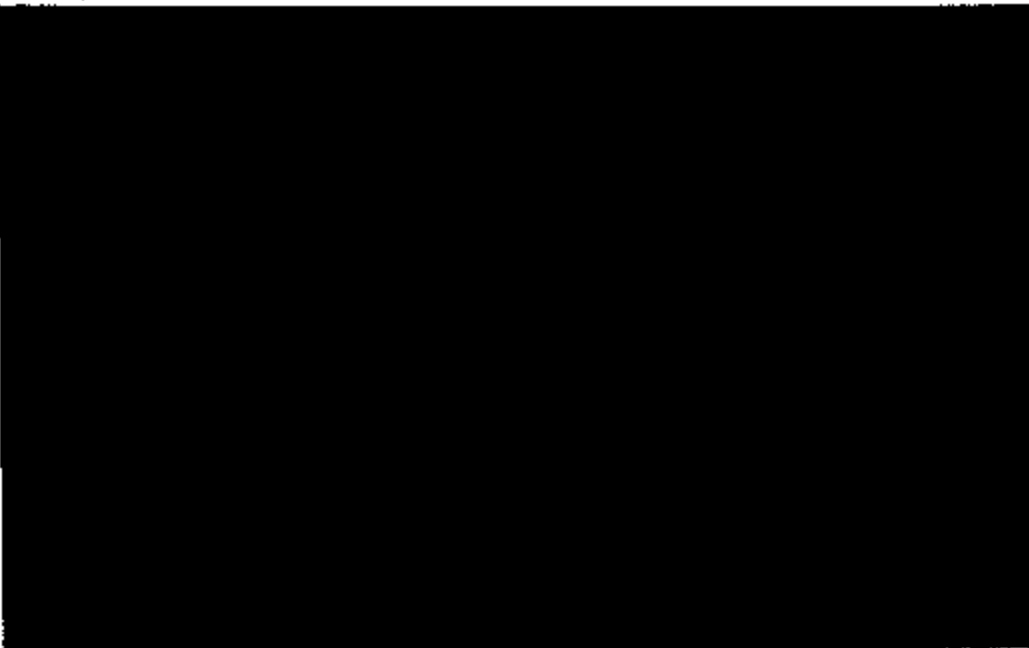
214. (TS [REDACTED]) CTC frequently uses the information from one detainee, as well as other sources, to vet the information of another detainee. Although lower-level detainees provide less information than the high value detainees, information from these detainees has, on many occasions, supplied the information needed to probe the high value detainees further.

[REDACTED] the triangulation of intelligence provides a fuller knowledge of Al-Qa'ida activities than would be possible from a single detainee. For example, Mustafa Ahmad Adam al-Hawsawi, the Al-Qa'ida financier who was captured with Khalid Shaykh Muhammad, provided the Agency's first intelligence pertaining to [REDACTED]—another participant in the 9/11 terrorist plot. [REDACTED] Hawsawi's information to obtain additional details about [REDACTED] role from Khalid Shaykh Muhammad [REDACTED]

215. (TS [REDACTED]) Detainees have provided information on Al-Qa'ida and other terrorist groups. Information of note includes: the modus operandi of Al-Qa'ida, [REDACTED] terrorists who are capable of mounting attacks in the United States, [REDACTED]

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]



216. (TS [REDACTED]) Detainee information has assisted in the identification of terrorists. For example, information from Abu Zubaydah helped lead to the identification of Jose Padilla and Binayn Muhammed—operatives who had plans to detonate a uranium-topped dirty bomb in either Washington, D.C., or New York City. Riduan "Hambali" Isomuddin provided information that led to the arrest of previously unknown members of an Al-Qa'ida cell in Karachi. They were designated as pilots for an aircraft attack inside the United States. Many other detainees, including lower-level detainees such as Zabayr and Majid Khan, have provided leads to other terrorists, but probably the most prolific has been Khalid Shaykh Muhammad. He provided information that helped lead to the arrests of terrorists including Sayfullah Paracha and his son Uzair Paracha, businessmen whom Khalid Shaykh Muhammad planned to use to smuggle explosives into the United States; Salch Almari, a sleeper operative in New York; and Majid Khan, an operative who could enter the United States easily and was tasked to research attacks [REDACTED]. Khalid Shaykh Muhammad's information also led to the investigation and prosecution of Iyman Farris, the truck driver arrested in early 2003 in Ohio. [REDACTED]

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[REDACTED]

217. (TS) [REDACTED] Detainees, both planners and operatives, have also made the Agency aware of several plots planned for the United States and around the world. The plots identify plans to [REDACTED] attack the U.S. Consulate in Karachi, Pakistan; hijack aircraft to fly into Heathrow Airport [REDACTED] loosen track spikes in an attempt to derail a train in the United States; [REDACTED] blow up several U.S. gas stations to create panic and havoc; hijack and fly an airplane into the tallest building in California in a west coast version of the World Trade Center attack; cut the lines of suspension bridges in New York in an effort to make them collapse; [REDACTED]

[REDACTED] This Review did not uncover any evidence that these plots were imminent. Agency senior managers believe that lives have been saved as a result of the capture and interrogation of terrorists who were planning attacks, in particular Khalid Shaykh Muhammad, Abu Zubaydah, Hambali, and Al-Nashiri.

218. (TS) [REDACTED] judge the reporting from detainees as one of the most important sources for finished intelligence. [REDACTED] viewed analysts' knowledge of the terrorist target as having much more depth as a result of information from detainees and estimated that detainee reporting is used in all counterterrorism articles produced for the most senior policymakers. [REDACTED]

[REDACTED] In an interview, the DCI

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~~TOP SECRET~~ [REDACTED]

said he believes the use of EITs has proven to be extremely valuable in obtaining enormous amounts of critical threat information from detainees who had otherwise believed they were safe from any harm in the hands of Americans.

219. [REDACTED]

220. (TS [REDACTED]) Inasmuch as EITs have been used only since August 2002, and they have not all been used with every high value detainee, there is limited data on which to assess their individual effectiveness. This Review identified concerns about the use of the waterboard, specifically whether the risks of its use were justified by the results, whether it has been unnecessarily used in some instances, and whether the fact that it is being applied in a manner different from its use in SERE training brings into question the continued applicability of the DoJ opinion to its use. Although the waterboard is the most intrusive of the EITs, the fact that precautions have been taken to provide on-site medical oversight in the use of all EITs is evidence that their use poses risks.

221. (TS [REDACTED]) Determining the effectiveness of each EIT is important in facilitating Agency management's decision as to which techniques should be used and for how long. Measuring the overall effectiveness of EITs is challenging for a number of reasons including: (1) the Agency cannot determine with any certainty the totality of the intelligence the detainee actually possesses; (2) each detainee has different fears of and tolerance for EITs; (3) the application of the same EITs by different interrogators may have

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~~TOP SECRET~~ [REDACTED]

different results; and [REDACTED]
[REDACTED]

222. (TS, [REDACTED]) The waterboard has been used on three detainees: Abu Zubaydah, Al-Nashiri, and Khalid Shaykh Muhammad. [REDACTED]
[REDACTED]

[REDACTED] with the belief that each of the three detainees possessed perishable information about imminent threats against the United States.

223. (TS, [REDACTED]) Prior to the use of EITs, Abu Zubaydah provided information for [REDACTED] intelligence reports. Interrogators applied the waterboard to Abu Zubaydah at least 83 times during August 2002. During the period between the end of the use of the waterboard and 30 April 2003, he provided information for approximately [REDACTED] additional reports. It is not possible to say definitively that the waterboard is the reason for Abu Zubaydah's increased production, or if another factor, such as the length of detention, was the catalyst. Since the use of the waterboard, however, Abu Zubaydah has appeared to be cooperative. [REDACTED]
[REDACTED]

224. (TS, [REDACTED]) With respect to Al-Nashiri, [REDACTED] reported two waterboard sessions in November 2002, after which the psychologist/interrogators determined that Al-Nashiri was compliant. However, after being moved [REDACTED]
[REDACTED]

[REDACTED] Al-Nashiri was thought to be withholding information. Al-Nashiri subsequently received additional EITs, [REDACTED] but not the waterboard. The Agency then determined Al-Nashiri to be "compliant." Because of the litany of

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techniques used by different interrogators over a relatively short period of time, it is difficult to identify exactly why Al-Nashiri became more willing to provide information. However, following the use of EITs, he provided information about his most current operational planning and [REDACTED] as opposed to the historical information he provided before the use of EITs.

225. (TS [REDACTED]) On the other hand, Khalid Shaykh Muhammad, an accomplished resistor, provided only a few intelligence reports prior to the use of the waterboard, and analysis of that information revealed that much of it was outdated, inaccurate, or incomplete. As a means of less active resistance, at the beginning of their interrogation, detainees routinely provide information that they know is already known. Khalid Shaykh Muhammad received 183 applications of the waterboard in March 2003 [REDACTED]

[REDACTED]

POLICY CONSIDERATIONS AND CONCERNS REGARDING THE DETENTION AND INTERROGATION PROGRAM

226. (TS [REDACTED]) The EITs used by the Agency under the CTC Program are inconsistent with the public policy positions that the United States has taken regarding human rights. This divergence has been a cause of concern to some Agency personnel involved with the Program.

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

Policy Considerations

227. (U//FOUO) Throughout its history, the United States has been an international proponent of human rights and has voiced opposition to torture and mistreatment of prisoners by foreign countries. This position is based upon fundamental principles that are deeply embedded in the American legal structure and jurisprudence. The Fifth and Fourteenth Amendments to the U.S. Constitution, for example, require due process of law, while the Eighth Amendment bars "cruel and unusual punishments."

228. (U//FOUO) The President advised the Senate when submitting the Torture Convention for ratification that the United States would construe the requirement of Article 16 of the Convention to "undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman, or degrading treatment or punishment which do not amount to torture" as "roughly equivalent to" and "coextensive with the Constitutional guarantees against cruel, unusual, and inhumane treatment."⁸¹ To this end, the United States submitted a reservation to the Torture Convention stating that the United States considers itself bound by Article 16 "only insofar as the term 'cruel, inhuman or degrading treatment or punishment' means the cruel, unusual, and inhumane treatment or punishment prohibited by the 5th, 8th and/or 14th Amendments to the Constitution of the United States." Although the Torture Convention expressly provides that no exceptional circumstances whatsoever, including war or any other public emergency, and no order from a superior officer, justifies torture, no similar provision was included regarding acts of "cruel, inhuman or degrading treatment or punishment."

⁸¹ (U//FOUO) See Message from the President of the United States Transmitting the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Sen. Treaty Doc. 100-20, 100th Cong., 2d Sess., at 15, May 23, 1988; Senate Committee on Foreign Relations, Executive Report 101-30, August 30, 1990, at 25, 29, quoting summary and analysis submitted by President Ronald Reagan, as revised by President George H.W. Bush.

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

229. (U//FOUO) Annual U.S. State Department Country Reports on Human Rights Practices have repeatedly condemned harsh interrogation techniques utilized by foreign governments. For example, the 2002 Report, issued in March 2003, stated:

{The United States} have been given greater opportunity to make good on our commitment to uphold standards of human dignity and liberty [N]o country is exempt from scrutiny, and all countries benefit from constant striving to identify their weaknesses and improve their performance [T]he Reports serve as a gauge for our international human rights efforts, pointing to areas of progress and drawing our attention to new and continuing challenges.

In a world marching toward democracy and respect for human rights, the United States is a leader, a partner and a contributor. We have taken this responsibility with a deep and abiding belief that human rights are universal. They are not grounded exclusively in American or western values. But their protection worldwide serves a core U.S. national interest.

The State Department Report identified objectionable practices in a variety of countries including, for example; patterns of abuse of prisoners in Saudi Arabia by such means as "suspension from bars by handcuffs, and threats against family members, . . . [being] forced constantly to lie on hard floors [and] deprived of sleep" Other reports have criticized hooding and stripping prisoners naked.

230. (U//FOUO) In June 2003, President Bush issued a statement in observance of "United Nations International Day in Support of Victims of Torture." The statement said in part:

The United States declares its strong solidarity with torture victims across the world. Torture anywhere is an affront to human dignity everywhere. We are committed to building a world where human rights are respected and protected by the rule of law.

~~TOP SECRET~~ [REDACTED]

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Freedom from torture is an inalienable human right Yet torture continues to be practiced around the world by rogue regimes whose cruel methods match their determination to crush the human spirit

Notorious human rights abusers . . . have sought to shield their abuses from the eyes of the world by staging elaborate deceptions and denying access to international human rights monitors

The United States is committed to the worldwide elimination of torture and we are leading this fight by example. I call on all governments to join with the United States and the community of law-abiding nations in prohibiting, investigating, and prosecuting all acts of torture and in undertaking to prevent other cruel and unusual punishment

Concerns Over Participation in the CTC Program

231. ~~(S//NF)~~ During the course of this Review, a number of Agency officers expressed unsolicited concern about the possibility of recrimination or legal action resulting from their participation in the CTC Program. A number of officers expressed concern that a human rights group might pursue them for activities [REDACTED]. Additionally, they feared that the Agency would not stand behind them if this occurred.

232. ~~(S//NF)~~ One officer expressed concern that one day, Agency officers will wind up on some "wanted list" to appear before the World Court for war crimes stemming from activities [REDACTED]. Another said, "Ten years from now we're going to be sorry we're doing this . . . [but] it has to be done." He expressed concern that the CTC Program will be exposed in the news media and cited particular concern about the possibility of being named in a leak.

233. [REDACTED]

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[REDACTED]

234.

[REDACTED]

235.

[REDACTED]

ENDGAME

236.

[REDACTED]

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~~TOP SECRET~~ [REDACTED]

[REDACTED]

237. (TS) [REDACTED] the number of detainees in CIA custody is relatively small by comparison with those in U.S. military custody. Nevertheless, the Agency, like the military, has an interest in the disposition of detainees and particular interest in those who, if not kept in isolation, would likely divulge information about the circumstances of their detention.

238. [REDACTED]

[REDACTED]

239. [REDACTED]

[REDACTED]

82 [REDACTED]

~~TOP SECRET~~ [REDACTED]

TOP SECRET [REDACTED]

240. [REDACTED]

241. [REDACTED]

242. [REDACTED]

243. [REDACTED]

244. [REDACTED]

TOP SECRET [REDACTED]

~~TOP SECRET~~ [REDACTED]

[REDACTED]

248. [REDACTED]

[REDACTED]

249. [REDACTED]

[REDACTED]

[REDACTED]

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

CONCLUSIONS

250. (TS, [REDACTED]) The Agency's detention and interrogation of terrorists has provided intelligence that has enabled the identification and apprehension of other terrorists and warned of terrorist plots planned for the United States and around the world. The CTC Detention and Interrogation Program has resulted in the issuance of thousands of individual intelligence reports and analytic products supporting the counterterrorism efforts of U.S. policymakers and military commanders. The effectiveness of particular interrogation techniques in eliciting information that might not otherwise have been obtained cannot be so easily measured, however.

251. (TS, [REDACTED]) After 11 September 2001, numerous Agency components and individuals invested immense time and effort to implement the CTC Program quickly, effectively, and within the law. The work of the Directorate of Operations, Counterterrorist Center (CTC), Office of General Counsel (OGC), Office of Medical Services (OMS), Office of Technical Service (OTS) [REDACTED] [REDACTED] has been especially notable. In effect, they began with almost no foundation, as the Agency had discontinued virtually all involvement in interrogations after encountering difficult issues with earlier interrogation programs in Central America and the Near East. Inevitably, there also have been some problems with current activities.

252. (S//NF) OGC worked closely with DoJ to determine the legality of the measures that came to be known as enhanced interrogation techniques (EITs). OGC also consulted with White House and National Security Council officials regarding the proposed techniques. Those efforts and the resulting DoJ legal opinion of 1 August 2002 are well documented. That legal opinion was based, in substantial part, on OTS analysis and the experience and expertise of non-Agency personnel and academics concerning whether long-term psychological effects would result from use of the proposed techniques.

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253. ~~(S//NF)~~ The DoJ legal opinion upon which the Agency relies is based upon technical definitions of "severe" treatment and the "intent" of the interrogators, and consists of finely detailed analysis to buttress the conclusion that Agency officers properly carrying out EITs would not violate the Torture Convention's prohibition of torture, nor would they be subject to criminal prosecution under the U.S. torture statute. The opinion does not address the separate question of whether the application of standard or enhanced techniques by Agency officers is consistent with the undertaking, accepted conditionally by the United States regarding Article 16 of the Torture Convention, to prevent "cruel, inhuman or degrading treatment or punishment."

254. ~~(TS)~~ [REDACTED] Periodic efforts by the Agency to elicit reaffirmation of Administration policy and DoJ legal backing for the Agency's use of EITs—as they have actually been employed—have been well advised and successful. However, in this process, Agency officials have neither sought nor been provided a written statement of policy or a formal signed update of the DoJ legal opinion, including such important determinations as the meaning and applicability of Article 16 of the Torture Convention. In July 2003, the DCI and the General Counsel briefed senior Administration officials on the Agency's expanded use of EITs. At that time, the Attorney General affirmed that the Agency's conduct remained well within the scope of the 1 August 2002 DoJ legal opinion.

255. ~~(TS)~~ [REDACTED] A number of Agency officers of various grade levels who are involved with detention and interrogation activities are concerned that they may at some future date be vulnerable to legal action in the United States or abroad and that the U.S. Government will not stand behind them. Although the current detention and interrogation Program has been subject to DoJ legal review and Administration political approval, it diverges sharply from previous Agency policy and practice, rules that govern interrogations by U.S. military and law enforcement officers, statements of U.S. policy by the Department of State, and public

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statements by very senior U.S. officials, including the President, as well as the policies expressed by Members of Congress, other Western governments, international organizations, and human rights groups. In addition, some Agency officers are aware of interrogation activities that were outside or beyond the scope of the written DoJ opinion. Officers are concerned that future public revelation of the CTC Program is inevitable and will seriously damage Agency officers' personal reputations, as well as the reputation and effectiveness of the Agency itself.

256. (TS, [REDACTED]) The Agency has generally provided good guidance and support to its officers who have been detaining and interrogating high value terrorists using EITs pursuant to [REDACTED]

[REDACTED] In particular, CTC did a commendable job in directing the interrogations of high value detainees at [REDACTED]. At these foreign locations, Agency personnel—with one notable exception described in this Review—followed guidance and procedures and documented their activities well.

257. (TS, [REDACTED]) By distinction, the Agency—especially in the early months of the Program—failed to provide adequate staffing, guidance, and support to those involved with the detention and interrogation of detainees in [REDACTED]

258. (TS, [REDACTED]) Unauthorized, improvised, inhumane, and undocumented detention and interrogation techniques were used [REDACTED] referred to the Department of Justice (DoJ) for potential prosecution. [REDACTED] incident will be the [REDACTED]

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subject of a separate Report of Investigation by the Office of Inspector General. [REDACTED]

unauthorized techniques were used in the interrogation of an individual who died at Asadabad Base while under interrogation by an Agency contractor in June 2003. Agency officers did not normally conduct interrogations at that location [REDACTED] the Agency officers involved lacked timely and adequate guidance, training, experience, supervision, or authorization, and did not exercise sound judgment.

259. (TS [REDACTED]) The Agency failed to issue in a timely manner comprehensive written guidelines for detention and interrogation activities. Although ad hoc guidance was provided to many officers through cables and briefings in the early months of detention and interrogation activities, the DCI Confinement and Interrogation Guidelines were not issued until January 2003, several months after initiation of interrogation activity and after many of the unauthorized activities had taken place. [REDACTED]

260. (TS [REDACTED]) Such written guidance as does exist to address detentions and interrogations undertaken by Agency officers [REDACTED] is inadequate. The Directorate of Operations Handbook contains a single paragraph that is intended to guide officers [REDACTED]. Neither this dated guidance nor general Agency guidelines on routine intelligence collection is adequate to instruct and protect Agency officers involved in contemporary interrogation activities. [REDACTED]

261. (TS [REDACTED]) During the interrogations of two detainees, the waterboard was used in a manner inconsistent with the written DoJ legal opinion of 1 August 2002. DoJ had stipulated that

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~~TOP SECRET~~ [REDACTED]

its advice was based upon certain facts that the Agency had submitted to DoJ, observing, for example, that "... you (the Agency) have also orally informed us that although some of these techniques may be used with more than once [sic], that repetition will not be substantial because the techniques generally lose their effectiveness after several repetitions." One key Al-Qa'ida terrorist was subjected to the waterboard at least 183 times [REDACTED] and was denied sleep for a period of 180 hours. In this and another instance, the technique of application and volume of water used differed from the DoJ opinion.

262. (TS, [REDACTED]) OMS provided comprehensive medical attention to detainees [REDACTED] where EITs were employed with high value detainees, [REDACTED]

[REDACTED] OMS did not issue formal medical guidelines until April 2003. Per the advice of CTC/Legal, the OMS Guidelines were then issued as "draft" and remain so even after being re-issued in September 2003.

263: [REDACTED]

264. (TS, [REDACTED]) Agency officers report that reliance on analytical assessments that were unsupported by credible intelligence may have resulted in the application of EITs without justification. Some participants in the Program, particularly field interrogators, judge that CTC assessments to the effect that detainees are withholding information are not always supported by an objective

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evaluation of available information and the evaluation of the interrogators but are too heavily based, instead, on presumptions of what the individual might or should know.

265. [REDACTED]

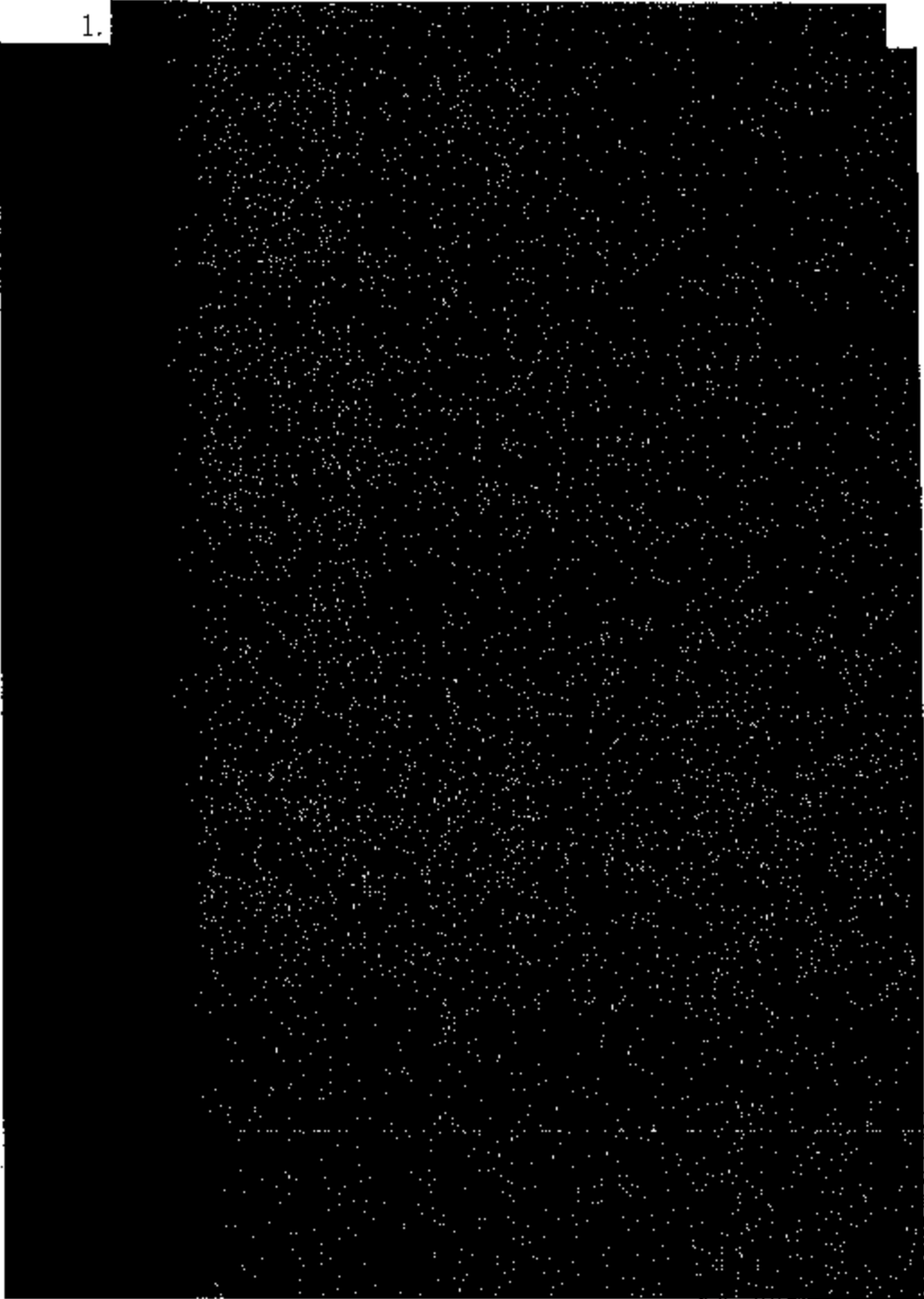
266. (TS [REDACTED]) The Agency faces potentially serious long-term political and legal challenges as a result of the CTC Detention and Interrogation Program, particularly its use of EITs and the inability of the U.S. Government to decide what it will ultimately do with terrorists detained by the Agency.

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RECOMMENDATIONS

1. [REDACTED]



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FOIA b(7) - [REDACTED]

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8.

[REDACTED]

9.

[REDACTED]

10.

[REDACTED]

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Appendix A