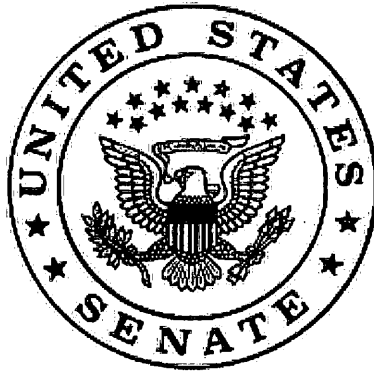


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Senate Select Committee on Intelligence

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) In May 2003, a senior CIA interrogator would tell personnel from the CIA's Office of Inspector General that SWIGERT and DUNBAR's SERE school model was based on resisting North Vietnamese "physical torture" and was designed to extract "confessions for propaganda purposes" from U.S. airmen "who possessed little actionable intelligence." The CIA, he believed, "need[ed] a different working model for interrogating terrorists where confessions are not the ultimate goal."¹³⁹

(TS// [REDACTED] //NF) After the July 2002 meetings, the CIA's [REDACTED] CTC Legal, [REDACTED], drafted a letter to Attorney General John Ashcroft asking the Department of Justice for "a formal declination of prosecution, in advance, for any employees of the United States, as well as any other personnel acting on behalf of the United States, who may employ methods in the interrogation of Abu Zubaydah that otherwise might subject those individuals to prosecution."¹⁴⁰ The letter further indicated that "the interrogation team had concluded" that "the use of more aggressive methods is required to persuade Abu Zubaydah to provide the critical information we need to safeguard the lives of innumerable innocent men, women and children within the United States and abroad." The letter added that these "aggressive methods" would otherwise be prohibited by the torture statute, "apart from potential reliance upon the doctrines of necessity or of self-defense."¹⁴¹ This letter was circulated internally at the CIA, including to SWIGERT; however, there are no records to indicate it was provided to the attorney general.¹⁴²

(TS// [REDACTED] //NF) On July 13, 2002, [REDACTED] CTC Legal, [REDACTED], and the CIA's acting general counsel, John Rizzo, met with attorneys from the National Security Council and the Department of Justice Office of Legal Counsel (OLC), as well as with Michael Chertoff, the head of the Department of Justice Criminal Division, and Daniel Levin, the chief of staff to the FBI director, to provide an overview of the CIA's proposed interrogation techniques and to ask for a formal, definitive DOJ opinion regarding the lawfulness of employing the specific CIA interrogation techniques against Abu Zubaydah.¹⁴³

(TS// [REDACTED] //NF) The CIA attorneys described the 12 proposed interrogation techniques and told the Department of Justice and National Security Council attorneys that Abu Zubaydah continued to withhold critical intelligence on the identities of al-Qa'ida personnel in the United States and planned al-Qa'ida attacks. The CIA attorneys also told the group that CIA officers were complemented by:

"expert personnel retained on contract who possess extensive experience, gained within the Department of Defense, on the psychological and physical

¹³⁹ Interview of [REDACTED], by [REDACTED] and [REDACTED], Office of the Inspector General, October 22, 2003. The senior interrogator had participated in the use of the CIA's enhanced interrogation techniques with SWIGERT and DUNBAR.

¹⁴⁰ Email from: [REDACTED]; to: [REDACTED]; subject: EYES ONLY- DRAFT; date: July 8, 2002.

¹⁴¹ Email from: [REDACTED]; to: [REDACTED]; subject: EYES ONLY- DRAFT; date: July 8, 2002.

¹⁴² Email from: [REDACTED]; to: [REDACTED]; subject: EYES ONLY- DRAFT; date: July 8, 2002.

¹⁴³ DIRECTOR [REDACTED] (031357Z AUG 02)

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- August 9, 2002: “two, perhaps three [personnel] likely to elect transfer” away from the detention site if the decision is made to continue with the CIA’s enhanced interrogation techniques.²¹²
- August 11, 2002: Viewing the pressures on Abu Zubaydah on video “has produced strong feelings of futility (and legality) of escalating or even maintaining the pressure.” Per viewing the tapes, “prepare for something not seen previously.”²¹³

(TS// [REDACTED] //NF) After the use of the CIA’s enhanced interrogation techniques ended, CIA personnel at the detention site concluded that Abu Zubaydah had been truthful and that he did not possess any new terrorist threat information.²¹⁴

(TS// [REDACTED] //NF) As noted, CIA records indicate that Abu Zubaydah never provided the information for which the CIA’s enhanced interrogation techniques were justified and approved: information on the next terrorist attack and operatives in the United States. Furthermore, as compared to the period prior to August 2002, the quantity and type of intelligence produced by Abu Zubaydah remained largely unchanged during and after the August 2002 use of the CIA’s enhanced interrogation techniques.²¹⁵ Nonetheless, CIA Headquarters informed the National Security Council that the CIA’s enhanced interrogation techniques used against Abu Zubaydah were effective and were “producing meaningful results.”²¹⁶ A cable from

²¹² Email from: [REDACTED]; to: [REDACTED] and [REDACTED]; subject: Re: 9 August Update; date: August 9, 2002, at 10:44:16 PM.

²¹³ Email from: [REDACTED]; to: [REDACTED] and [REDACTED]; subject: Greetings; date: August 11, 2002, at 09:45AM.

²¹⁴ See, for example, [REDACTED] 10672 (240229Z AUG 02).

²¹⁵ See Abu Zubaydah detainee review in Volume III for details on Abu Zubaydah’s intelligence production. As noted, Abu Zubaydah was taken into CIA custody on March [REDACTED], 2002, and was hospitalized until April 15, 2002. During the months of April and May 2002, which included a period during which Abu Zubaydah was on life support and unable to speak, the interrogations of Abu Zubaydah produced 95 intelligence reports. Abu Zubaydah spent much of June 2002 and all of July 2002 in isolation, without being asked any questions. The CIA reinstated contact with Abu Zubaydah on August 4, 2002, and immediately began using the CIA’s enhanced interrogation techniques—including the waterboard. During the months of August and September 2002, Abu Zubaydah produced 91 intelligence reports, four fewer than the first two months of his CIA detention. CIA records indicate that the type of intelligence Abu Zubaydah provided remained relatively constant prior to and after the use of the CIA’s enhanced interrogation techniques. According to CIA records, 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.” See also CIA paper entitled “Abu Zubaydah,” dated March 2005, as well as “Abu Zubaydah Bio” document, “Prepared on 9 August 2006.”

²¹⁶ On August 30, 2002, [REDACTED] CTC Legal, [REDACTED] met with NSC Legal Adviser John Bellinger to discuss Abu Zubaydah’s interrogation. See email from: John Rizzo; to: John Moseman; subject: Meeting with NSC Legal Adviser; date: August 30, 2002; ALEC [REDACTED] (052227Z SEP 02). In his email documenting the meeting, [REDACTED] “noted that we had employed the walling techniques, confinement box, waterboard, along with some of the other methods which also had been approved by the Attorney General,” and “reported that while the experts at the site and at Headquarters were still assessing the product of the recent sessions, it did appear that the current phase was producing meaningful results.” (See email from: John Rizzo; to: John Moseman; subject: Meeting with NSC Legal Adviser; date: August 30, 2002.) The email did not provide any additional detail on what was described to Bellinger with respect to either the use of the techniques or the “results” of the interrogation. It is unclear from CIA records whether the CIA ever informed the NSC Legal Adviser or anyone else at the NSC or the Department of Justice that Abu Zubaydah failed to provide information about future attacks against the United States or operatives tasked to commit attacks in the U.S. during or after the use of the CIA’s enhanced interrogation techniques.

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[REDACTED] [combatant command] to alert the command of the risks prior to the U.S. military being involved in any aspect of the interrogation of al-Najjar.²⁶⁶ According to the CIA inspector general, the detention and interrogation of Ridha al-Najjar “became the model” for handling other CIA detainees at DETENTION SITE COBALT.²⁶⁷ The CIA disseminated one intelligence report from its detention and interrogation of Ridha al-Najjar.²⁶⁸

4. *Death of Gul Rahman Leads CIA Headquarters to Learn of Unreported Coercive Interrogation Techniques at DETENTION SITE COBALT; CIA Inspector General Review Reveals Lack of Oversight of the Detention Site*

(TS// [REDACTED] //NF) In November 2002, ALEC Station officers requested that CIA contract interrogator Hammond DUNBAR, one of the two primary interrogators of Abu Zubaydah in August 2002, travel to DETENTION SITE COBALT to assess a detainee for the possible use of the CIA’s enhanced interrogation techniques.²⁶⁹ While DUNBAR was present at DETENTION SITE COBALT, he assisted [REDACTED] [CIA OFFICER 1] in the interrogations of Gul Rahman, a suspected Islamic extremist. As reported to CIA Headquarters, this interrogation included “48 hours of sleep deprivation, auditory overload, total darkness, isolation, a cold shower, and rough treatment.” CIA Headquarters did not approve these interrogation techniques in advance. Upon receipt of these cables, however, officers at CIA Headquarters responded that they were “motivated to extract any and all operational information on al-Qa’ida and Hezbi Islami from Gul Rahman” and suggested that “enhanced measures” might be needed to gain Gul Rahman’s compliance. CIA Headquarters also requested that a psychological assessment of Rahman be completed.²⁷⁰ Prior to DUNBAR’s departure from the detention site on November [REDACTED], 2002, [a few days before the death of Gul Rahman] DUNBAR proposed the use of the CIA’s enhanced interrogation techniques on other detainees and offered suggestions to [REDACTED] [CIA OFFICER 1], the site manager, on the use of such techniques.²⁷¹

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

²⁶⁶ November [REDACTED], 2002, Memorandum for [REDACTED], Subject: Legal Analysis of [REDACTED] Personnel Participating in Interrogation at the CIA Detention Facility in [REDACTED] (aka “[DETENTION SITE COBALT]”).

²⁶⁷ According to the IG report, “in late July or early August 2002, a senior operations officer on TDY to [REDACTED] [REDACTED] interrogated a particularly obstinate detainee [Ridha al-Najjar] at [REDACTED] detention facility that was used before [COBALT] was opened. The officer drafted a cable that proposed techniques that, ultimately, became the model for [COBALT].” See April 27, 2005, report by the CIA Inspector General, Death of a Detainee [REDACTED] (2003-7402-IG). See also Interview Report, 2003-7123-IG, Review of Interrogations for Counterterrorism Purposes, [REDACTED], April 30, 2003; Interview Report, 2003-7123-IG, Review of Interrogations for Counterterrorism Purposes, [REDACTED], April 2, 2003.

²⁶⁸ See Volume II and Volume III for additional information.

²⁶⁹ ALEC [REDACTED]

²⁷⁰ ALEC [REDACTED]

²⁷¹ [REDACTED]

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	<p>on its leadership structure, including personalities, decision-making processes, training, and tactics. Abu Zubaydah provided this type of information prior to, during, and after the utilization of the CIA's enhanced interrogation techniques.²⁵⁵⁴</p> <p>Abu Zubaydah's inability to provide information on the next attack in the United States and operatives in the United States was the basis for CIA representations that Abu Zubaydah was "uncooperative," and for the CIA's determination that Abu Zubaydah required the use of the CIA's enhanced interrogation techniques to become "compliant" and reveal the information the CIA believed he was withholding. At no point during or after the use of the CIA's enhanced interrogation techniques did Abu Zubaydah provide the information sought.²⁵⁵⁵</p>
<p>DIRECTOR HAYDEN: "This really began in the spring of 2002 with the capture of Abu Zubaydah. At that time we deployed a psychologist who had been under contract to CIA [Dr. SWIGERT], to provide real-time recommendations to help us overcome what seemed to be Abu Zubaydah's very strong resistance to interrogation... We also made arrangements for [Dr. DUNBAR]. [Dr. DUNBAR] was the [REDACTED] psychologist for the Department of Defense's SERE program, DOD's Survival, Escape, Recovery and Evasion program, the program of training we put our troops, particularly our airmen, through so that they can withstand a hostile environment."</p>	<p>The CIA testimony that SWIGERT was deployed to "overcome what seemed to be Abu Zubaydah's very strong resistance to interrogation" is not supported by internal CIA records. Rather, CIA records indicate that CIA CTC officers anticipated Abu Zubaydah would resist providing information and contracted with SWIGERT prior to any meaningful assessment of Abu Zubaydah and his level of cooperation.</p> <ul style="list-style-type: none"> On April 1, 2002, at a meeting on the interrogation of Abu Zubaydah, [REDACTED] CTC Legal [REDACTED] recommended that SWIGERT—who was working under contract in the CIA's OTS—be brought in to "provide real-time recommendations to overcome Abu Zubaydah's resistance to interrogation." (Abu Zubaydah had been in CIA custody for [REDACTED].) That evening, SWIGERT, and the CIA OTS officer who had recommended SWIGERT to [REDACTED], prepared a cable with suggestions for the interrogation of Abu Zubaydah. SWIGERT had monitored the U.S. Air Force's Survival, Evasion, Resistance, and Escape (SERE) training. SWIGERT, who had never conducted an actual interrogation, encouraged the CIA

²⁵⁵⁴ See intelligence reporting charts in Abu Zubaydah detainee review in Volume III, as well as a CIA paper entitled, "Abu Zubaydah," dated March 2005. Similar information was included in, "Abu Zubaydah Bio," a CIA document "Prepared on 9 August 2006."

²⁵⁵⁵ See Abu Zubaydah detainee review in Volume III.

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	<p>to focus on developing “learned helplessness” in CIA detainees.²⁵⁵⁶</p> <ul style="list-style-type: none"> • Following the suggestion of [REDACTED] CTC Legal, CTC contracted with SWIGERT to assist in the interrogation of Abu Zubaydah. • As described in the Abu Zubaydah detainee review in Volume III, almost immediately after Abu Zubaydah’s transfer to CIA custody on March [REDACTED], 2002, Abu Zubaydah’s medical condition deteriorated and Abu Zubaydah was transferred to the intensive care unit of a [REDACTED] hospital in Country [REDACTED]. During this time, FBI personnel continued to collect significant intelligence from Abu Zubaydah. According to an FBI report, during the period when Abu Zubaydah was still “connected to the intubator” at the hospital and unable to speak, he “indicated that he was willing to answer questions of the interviewers via writing in Arabic.” While in the intensive care unit of the hospital, Abu Zubaydah first discussed “Mukhtar” (KSM) and identified a photograph of KSM. • When Abu Zubaydah was discharged from the [REDACTED] hospital and returned to the CIA’s DETENTION SITE GREEN on April 15, 2002, he was kept naked, sleep deprived, and in a cell with bright lights with white noise or loud music playing. The FBI personnel objected to the coercive aspects of Abu Zubaydah’s interrogation at this time, as they believed they were making substantial progress building rapport with Abu Zubaydah and developing intelligence without these measures. (During their questioning of Abu Zubaydah, the FBI officers provided a towel for Abu Zubaydah to cover himself and continued to use rapport building techniques with the detainee.²⁵⁵⁷)
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²⁵⁵⁶ See Volume I, including [REDACTED] 178955 (012236Z APR 02); April 1, 2002 email from [REDACTED] to [REDACTED], re: Please coord on cable attached; and email from [REDACTED] to [REDACTED], cc: [REDACTED], April 1, 2002, re: POC for [SWIGERT]— consultant who drafted Al-Qa’ida resistance to interrogation backgrounder (noting that CTC/LGL would contact SWIGERT).

²⁵⁵⁷ See Abu Zubaydah detainee review in Volume III.

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<p>DIRECTOR HAYDEN: “We wanted [SWIGERT’s and DUNBAR’s] ideas about what approaches might be useful to get information from people like Abu Zubaydah and <i>other uncooperative al-Qa’ida detainees that we judged were withholding time-sensitive, perishable intelligence.</i> Keep in mind, as a backdrop for all of this, this wasn’t interrogating a snuffly that’s picked up on the battlefield. The <i>requirement to be in the CIA detention program is knowledge of [an] attack against the United States or its interests or knowledge about the location of Usama bin Ladin or Ayman al-Zawahiri.</i>”</p>	<p>The representation that the “requirement to be in the CIA detention program is knowledge of [an] attack against the United States or its interests or knowledge about the location of Usama bin Ladin or Ayman al-Zawahiri” is inconsistent with how the CIA’s Detention and Interrogation Program operated from its inception.²⁵⁵⁸ As detailed elsewhere, numerous individuals had been detained and subjected to the CIA’s enhanced interrogation techniques, despite doubts and questions surrounding their knowledge of terrorist threats and the location of senior al-Qa’ida leadership.</p>
<p>DIRECTOR HAYDEN: “We began in 2002, in the spring of 2002. We had one very high value detainee, Abu Zubaydah. <i>We knew he knew a lot. He would not talk. We were going nowhere with him.</i> The decision was made, we’ve got to do something. We’ve got to have an intervention here. What is it we can do?”</p>	<p>The representation that Abu Zubaydah “would not talk” is incongruent with CIA interrogation records. The CIA representation that the CIA “knew [Abu Zubaydah] knew a lot” reflected an inaccurate assessment of Abu Zubaydah from 2002, prior to his capture, and did not represent the CIA’s assessment of Abu Zubaydah as of the April 2007 testimony.</p> <ul style="list-style-type: none"> • Prior to Abu Zubaydah’s capture, the CIA had intelligence stating that Abu Zubaydah was the “third or fourth” highest ranking al-Qa’ida leader. This information was based on single-source reporting that was retracted in July 2002—prior to Abu Zubaydah being subjected to the CIA’s enhanced interrogation techniques. Other intelligence in CIA databases indicated that Abu Zubaydah was not a senior member of al-Qa’ida, but assisted al-Qa’ida members in acquiring false passports and other travel documents. Still other reporting indicated that, while Abu Zubaydah served as an administrator at terrorist training camps, he was not the central figure at these camps.

²⁵⁵⁸ See Volume I for additional details.

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