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*Central Intelligence Agency
Inspector General*

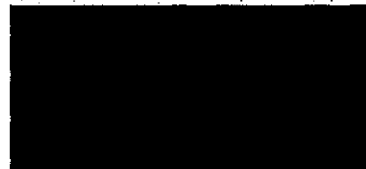
SPECIAL REVIEW



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

7 May 2004

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OFFICE OF INSPECTOR GENERAL

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INTRODUCTION

1. [REDACTED]

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

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

OIG investigate. Separately, OIG received information that some employees were concerned that certain covert Agency activities at an overseas detention and interrogation site might involve violations of human rights. In January 2003, OIG initiated a review of Agency counterterrorism detention and interrogation activities [REDACTED] and the incident with Al-Nashiri.¹ This Review covers the period September 2001 to mid-October 2003.² [REDACTED]

SUMMARY

3. (TS) [REDACTED]

[REDACTED] the DCI assigned responsibility for implementing capture and detention authority to the DDO and to the Director of the DCI Counterterrorist Center (D/CTC). When U.S. military forces began detaining individuals in Afghanistan and at Guantanamo Bay, Cuba, [REDACTED]

4. (TS) [REDACTED]

[REDACTED] the Agency began to detain and interrogate directly a number of suspected terrorists. The capture and initial Agency interrogation of the first high value detainee, Abu Zubaydah,

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

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

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

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

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

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

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

7. (TS [REDACTED]) By November 2002, the Agency had Abu Zubaydah and another high value detainee, 'Abd Al-Rahim Al-Nashiri, in custody [REDACTED]

[REDACTED] and the Office of Medical Services (OMS) provided medical care to the detainees.

8. [REDACTED]

[REDACTED]

9. (TS) [REDACTED]

[REDACTED]

From the beginning, OGC briefed DO officers assigned to these [REDACTED] facilities on their legal authorities, and Agency personnel staffing these facilities documented interrogations and the condition of detainees in cables.

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

11. [REDACTED]

[REDACTED]

12. [REDACTED]

[REDACTED]

[REDACTED]

13. [REDACTED]

[REDACTED] there were instances of improvisation and other undocumented interrogation techniques [REDACTED]

14. [REDACTED]

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

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

on 28 January 2003 signed "Guidelines on Confinement Conditions for CIA Detainees" and "Guidelines on Interrogations Conducted Pursuant [REDACTED]

[REDACTED] The DCI Guidelines require individuals engaged in or supporting interrogations [REDACTED] be made aware of the guidelines and sign an acknowledgment that they have read them. The DCI Interrogation Guidelines make formal the existing CTC practice of requiring the field to obtain specific Headquarters approvals prior to the application of all EITs. Although the DCI Guidelines are an improvement over the absence of such DCI Guidelines in the past, they still leave substantial room for misinterpretation and do not cover all Agency detention and interrogation activities.

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

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

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

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

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

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

21. [REDACTED]

BACKGROUND

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

23. (S) In 1984, OIG investigated allegations of misconduct on the part of two Agency officers who were involved in interrogations and the death of one individual [REDACTED]. Following that investigation, the Agency took steps to ensure Agency personnel understood its policy on

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

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

[REDACTED]

DO Handbook

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

[REDACTED]

DISCUSSION

GENESIS OF POST 9/11 AGENCY DETENTION AND INTERROGATION ACTIVITIES

25. (TS [REDACTED]) The statutory basis for CIA's involvement in detentions and interrogations is [REDACTED] the National Security Act of 1947, as amended.⁷

[REDACTED]

26. (TS [REDACTED])

[REDACTED]

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

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

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

28. (TS [REDACTED]) To assist Agency officials in understanding the scope and implications [REDACTED] [REDACTED] OGC researched, analyzed, and wrote "draft" papers on multiple legal issues. These included discussions of the [REDACTED]

[REDACTED] OGC shared these "draft" papers with Agency officers responsible [REDACTED]

29. [REDACTED]

THE CAPTURE OF ABU ZUBAYDAH AND DEVELOPMENT OF EITS

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

[REDACTED]

31. (TS [REDACTED]) To treat the severe wounds that Abu Zubaydah suffered upon his capture, the Agency provided him intensive medical care from the outset and deferred his questioning for several weeks pending his recovery. The Agency then assembled a team that interrogated Abu Zubaydah using non-aggressive, non-physical elicitation techniques. [REDACTED]

[REDACTED] The Agency believed that Abu Zubaydah was withholding imminent threat information.

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

12 [REDACTED]

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

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

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

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

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

Enhanced Interrogation Techniques

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

DOJ LEGAL ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) the threat of imminent death; or

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

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

¹⁸ (U//FOUO) 18 U.S.C. 2340(1).

¹⁹ (U//FOUO) 18 U.S.C. 2340(2).

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

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

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

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

²¹ (U//FOUO) *Ibid.*, p. 1.

²² (U//FOUO) *Ibid.*, p. 39.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTICE TO AND CONSULTATION WITH EXECUTIVE AND CONGRESSIONAL OFFICIALS

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

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

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

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

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

GUIDANCE ON CAPTURE, DETENTION, AND INTERROGATION

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

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

²⁸ [REDACTED]

²⁹ (U//FOUO) Memorandum for the Record, [REDACTED] (5 August 2003).

Pursuant to [REDACTED]

[REDACTED] (Appendix E), which are discussed below. Prior to the DCI Guidelines, Headquarters provided guidance via informal briefings and electronic communications, to include cables from CIA Headquarters, to the field. [REDACTED]

[REDACTED]

51. (TS [REDACTED]) In November 2002, CTC initiated training courses for individuals involved in interrogations. [REDACTED]

[REDACTED]

[REDACTED]

52. [REDACTED]

[REDACTED]

53. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

54.

[REDACTED]

55.

[REDACTED]

56.

[REDACTED]

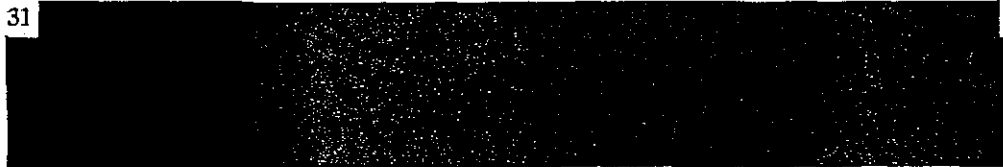
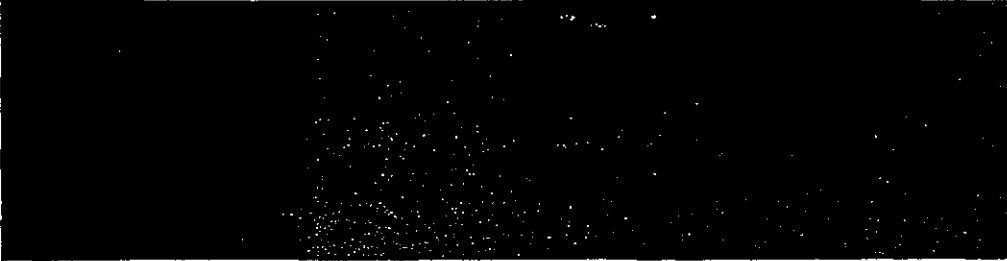
[REDACTED]



DCI Confinement Guidelines

57. (TS) [REDACTED] Before January 2003, officers assigned to manage detention facilities developed and implemented confinement condition procedures. [REDACTED]

[REDACTED] The January 2003 DCI Guidelines govern the conditions of confinement for CIA detainees held in detention facilities [REDACTED]



58. [REDACTED]

[REDACTED] They must review the Guidelines and sign an acknowledgment that they have done so. [REDACTED]

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

[REDACTED]

Further, the guidelines provide that:

[REDACTED]

DCI Interrogation Guidelines

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

61. (~~S//NF~~) [REDACTED]

The DCI

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

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

³² (~~S//NF~~) See [REDACTED] relevant text of DO Handbook [REDACTED]

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

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

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

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

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

³⁵ (TS, [REDACTED]) Before EITs are administered, a detainee must receive a detailed psychological assessment and physical exam. [REDACTED]

Medical Guidelines

65. (TS [REDACTED]) OMS prepared draft guidelines for medical and psychological support to detainee interrogations.

[REDACTED]

(Appendix F.)

Training for Interrogations

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

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

³⁷ [REDACTED]

including a former SERE instructor, designed the curriculum, which included a week of classroom instruction followed by a week of "hands-on" training in EITs. [REDACTED]

[REDACTED]

67. (TS) [REDACTED]

[REDACTED]

Once certified, an interrogator is deemed qualified to conduct an interrogation employing EITs. [REDACTED]

[REDACTED]

68. (S//NF) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Students completing the Interrogation Course are required to sign an acknowledgment that they have read, understand, and will comply with the DCI's Interrogation Guidelines.

69. (TS [REDACTED]) In June 2003, CTC established a debriefing course for Agency substantive experts who are involved in questioning detainees after they have undergone interrogation and have been deemed "compliant." The debriefing course was established to train non-interrogators to collect actionable intelligence from high value detainees in CIA custody. The course is intended to familiarize non-interrogators with key aspects of the Agency interrogation Program, to include the Program's goals and legal authorities, the DCI Interrogation Guidelines, and the roles and responsibilities of all who interact with a high value detainee. [REDACTED]

DETENTION AND INTERROGATION OPERATIONS AT [REDACTED]

70. [REDACTED]

[REDACTED]

[REDACTED]

71.

[REDACTED]

72.

[REDACTED]

73.

[REDACTED]

[REDACTED]

74. (TS) [REDACTED] psychologist/interrogators [REDACTED] led each interrogation of Abu Zubaydah and Al-Nashiri where EITs were used. The psychologist/interrogators conferred with [REDACTED] team members before each interrogation session. Psychological evaluations were performed by [REDACTED] psychologists. [REDACTED]

[REDACTED]

75. [REDACTED]

[REDACTED]

76. (TS) [REDACTED]

[REDACTED] 15 November 2002. The interrogation of Al-Nashiri proceeded after [REDACTED] the necessary Headquarters authorization. [REDACTED]

[REDACTED]

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

[REDACTED]

Videotapes of Interrogations

77. (TS [REDACTED]) Headquarters had intense interest in keeping abreast of all aspects of Abu Zubaydah's interrogation [REDACTED] including compliance with the guidance provided to the site relative to the use of EITs. Apart from this, however, and before the use of EITs, the interrogation teams [REDACTED] decided to videotape the interrogation sessions. One initial purpose was to ensure a record of Abu Zubaydah's medical condition and treatment should he succumb to his wounds and questions arise about the medical care provided to him by CIA. Another purpose was to assist in the preparation of the debriefing reports, although the team advised CTC/Legal that they rarely, if ever, were used for that purpose. There are 92 videotapes, 12 of which include EIT applications. An OGC attorney reviewed the videotapes in November and December 2002 to ascertain compliance with the August 2002 DoJ opinion and compare what actually happened with what was reported to Headquarters. He reported that there was no deviation from the DoJ guidance or the written record.

78. (TS [REDACTED]) OIG reviewed the videotapes, logs, and cables [REDACTED] in May 2003. OIG identified 83 waterboard applications, most of which lasted less than 10 seconds.⁴¹ [REDACTED]

[REDACTED]

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

[REDACTED]
[REDACTED] OIG found 11 interrogation videotapes to be blank. Two others were blank except for one or two minutes of recording. Two others were broken and could not be reviewed. OIG compared the videotapes to [REDACTED] logs and cables and identified a 21-hour period of time, which included two waterboard sessions, that was not captured on the videotapes.

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

[REDACTED]

80. (TS) [REDACTED] From December 2002 until [REDACTED] September 2003, [REDACTED]

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

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

Background and Detainees

81. [REDACTED]

82. [REDACTED]

83. [REDACTED]

[REDACTED]

84.

[REDACTED]

85.

[REDACTED]

86.

[REDACTED]

87.

[REDACTED]

88. [REDACTED]

Guidance Prior to DCI Guidelines

89. [REDACTED]

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

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

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

Specific Unauthorized or Undocumented Techniques

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

Handgun and Power Drill

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

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

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

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

Threats

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

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

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

⁴⁶ ~~(S//NF)~~ Unauthorized Interrogation Techniques [REDACTED] 29 October 2003.

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

95. (TS) [REDACTED] An experienced Agency interrogator reported that the [REDACTED] interrogators threatened Khalid Shaykh Muhammad [REDACTED]. According to this interrogator, the [REDACTED] interrogators said to Khalid Shaykh Muhammad that if anything else happens in the United States, "We're going to kill your children." According to the interrogator, one of the [REDACTED] interrogators said [REDACTED]

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

Smoke

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

Stress Positions

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

Stiff Brush and Shackles

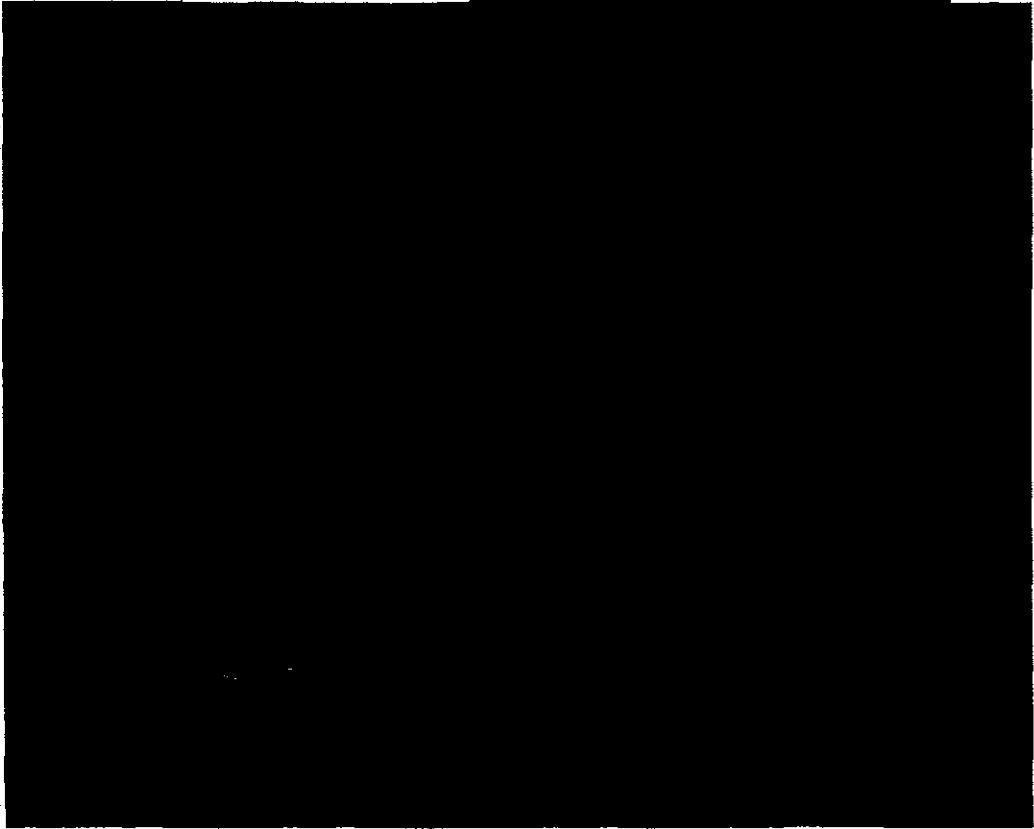
98. (TS [REDACTED]) [REDACTED] interrogator reported that he witnessed other techniques used on Al-Nashiri that the interrogator knew were not specifically approved by DoJ. These included the use of a stiff brush that was intended to induce pain on Al-Nashiri and standing on Al-Nashiri's shackles, which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

Waterboard Technique

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

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]



[REDACTED]

[REDACTED]

101.

[REDACTED]

102.

[REDACTED]

48 (TS) [REDACTED] The OLC opinion dated 1 August 1946 states: "You have also orally informed us that it is likely that this procedure [water] would not last more than 20 minutes in any one application."

[REDACTED]

[REDACTED]

103. [REDACTED]

104. [REDACTED]

105. [REDACTED]

106. [REDACTED]



[REDACTED]

107.

[REDACTED]

108.

[REDACTED]

[REDACTED]

109.

[REDACTED]

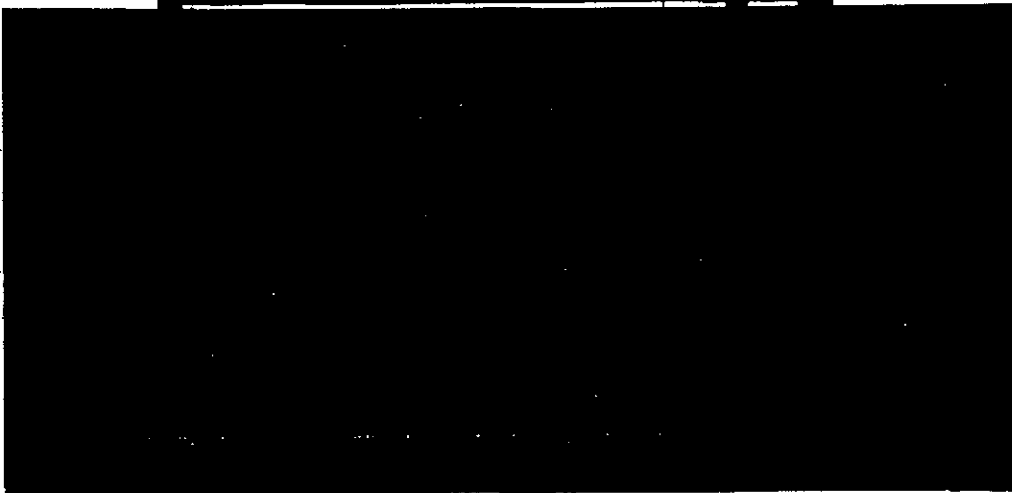
110.

[REDACTED]

[REDACTED]



111.



112.



113. [REDACTED]

114. [REDACTED]

115. [REDACTED]

[REDACTED]

116.

[REDACTED]

117.

[REDACTED]

[REDACTED]

[REDACTED]

118. [REDACTED]

[REDACTED]

119. [REDACTED]

[REDACTED]

120. [REDACTED]

[REDACTED]

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



[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]

[REDACTED]

[REDACTED]

124.

[REDACTED]

125.

[REDACTED]

126.

[REDACTED]

[REDACTED]

[REDACTED]

127.

[REDACTED]

128.

[REDACTED]

129.

[REDACTED]

54

[REDACTED]

[REDACTED]

130. [REDACTED]

131. [REDACTED]

132. [REDACTED]

133. [REDACTED]

134. [REDACTED]

135. [REDACTED]

136. [REDACTED]

[REDACTED]

[REDACTED]

137.

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

140.

[REDACTED]

141.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

142.

[REDACTED]

143.

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145.

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146.

[REDACTED]

147.

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[REDACTED]

[REDACTED]

148. [REDACTED]

149. [REDACTED]

150. [REDACTED]

151.

[REDACTED]

152.

[REDACTED]

[REDACTED]

[REDACTED]

153.

[REDACTED]

154.

[REDACTED]

155.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

156.

[REDACTED]

157.

[REDACTED]

158.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

159.

[REDACTED]

160.

[REDACTED]

[REDACTED]

[REDACTED]

161. [REDACTED]

[REDACTED]

162. [REDACTED]

[REDACTED]

163. [REDACTED]

[REDACTED]

[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] 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.

167. (TS) [REDACTED] [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. (TS) [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.

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. (S//NF) 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]

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] [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,

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]

[REDACTED]

180.

[REDACTED]

181

[REDACTED]

182.

[REDACTED]

[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.

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."

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]

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. ~~(S)~~ [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. ~~(S)~~ [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]

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.