REPORT OF INVESTIGATION

(§) UNAUTHORIZED INTERROGATION TECHNIQUES AT

(2003-7123-IG)  (b)(3) NatSecAct

29 October 2003

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Central Intelligence Agency
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INVESTIGATIONS STAFF  

REPORT OF INVESTIGATION  

(§) UNAUTHORIZED INTERROGATION TECHNIQUES AT  
(2003-7123-IG)  
29 October 2003  

INTRODUCTION  

1. In response to the 11 September 2001 (9/11) terrorist attacks, President Bush signed a Memorandum of Notification (MON) on 17 September 2001, It authorizes the Director of Central Intelligence (DCI), acting through the CIA, to undertake capture and detention operations. Subsequent to the signing of the MON, the Agency developed a program to capture terrorists and detain them at facilities established and overseen by CIA overseas.  

2. In March 2002, the Agency detained a senior Al-Qa'ida official and initially interviewed him using non-aggressive, non-physical elicitation techniques. However, the Agency determined the detainee was withholding imminent threat information. The Agency then determined to move to new and more aggressive interrogation techniques. In July 2002, CIA requested an opinion from the Department of Justice (DoJ) on whether enhanced interrogation techniques (EITs) proposed by the Agency would violate the criminal prohibition against torture found at Section
2340A of Title 18 of the United States Code. DoJ determined that the application of ten particular EITs would not violate the prohibition against torture. The Agency began employing EITs in August 2002.

3. (SF/7NF) On 23 January 2003, the Office of Inspector General (OIG) initiated a review of Agency practices regarding the interrogation of individuals for counterterrorism purposes. That review is nearing completion and OIG will publish a report of findings, conclusions, and recommendations. Apart from that review, OIG is investigating specific allegations of misconduct by individuals involved in this program.

4. (SF/7NF) This Report of Investigation examines one allegation that an operations officer serving in the Counterterrorist Center, Directorate of Operations (DO/CTC), employed unauthorized interrogation techniques on a detainee with the approval of the OIG referred the matter to the Criminal Division of DoJ for a determination of whether or not may have violated any federal criminal laws. On 11 September 2003, DoJ declined to prosecute after reviewing the findings of this investigation.

SUMMARY

5. (TS//REL) In the Agency readied an overseas site, to serve as a facility to interrogate certain individuals believed to have potentially significant information about terrorism threats against the U.S. These individuals came to be known as High Value Targets (HVTs). On December 2002, traveled to accompanied by an interrogation team trained and certified in EITs. CTC rendered two HVTs, including 'Abd al-Rahman Al-Nashiri, to from another location on December 2002. After initial interrogations, in which the team employed approved standard and enhanced interrogation techniques, reported that
Al-Nashiri was not actively resisting and was responding to questions directly. Headquarters officers disagreed with assessment because Headquarters analysts thought Al-Nashiri was withholding imminent threat information. Consequently, on December 2002, CTC management held a meeting to discuss the issue of Al-Nashiri's cooperation at which it was decided to send to _______ to debrief Al-Nashiri. _______ was to determine if Al-Nashiri was being truthful and cooperative, or lying and withholding information.

6. (TS/ __________) arrived at _______ on December 2002. After initial debriefings, _______ assessed Al-Nashiri as withholding information. Accordingly, _______ reinstated sleep deprivation, hooding, and handcuffing.

7. (TS/ __________) At one point between 28 December 2002 and 1 January 2003, _______ decided to use an unloaded handgun as a prop to frighten Al-Nashiri into disclosing information. _______ discussed his plan to use a handgun in advance with _______ who concurred. _______ entered the cell where Al-Nashiri sat shackled and racked\(^1\) an unloaded handgun once or twice close to Al-Nashiri's head.

8. (TS/ __________) On what was probably the same day, but after the use of the handgun, _______ decided to use a power drill to frighten Al-Nashiri, also in furtherance of obtaining information. Although the drill was an impromptu idea, _______ did broach its proposed use with _______ who gave his consent. _______ entered Al-Nashiri's cell with the drill, which he later said did not house a bit, and revved it while Al-Nashiri stood naked and hooded. _______ did not touch Al-Nashiri with the drill.

\(^1\) Racking is a mechanical procedure used with firearms to chamber a bullet or simulate a bullet being chambered.
9. (TS/SCI) ______ and ______ did not report their intent to use, or their use of, the handgun and power drill subsequently reported the incidents to Headquarters.

10. (S) 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 liaison relationships. Because of political sensitivities, the then-Deputy Director of Central Intelligence (DDCI), John N. McMahon, forbade Agency officers from using the word "interrogation." Hence, the Agency developed the Human Resource Exploitation (HRE) training program designed to train liaison on interrogation techniques.²

11. (S) Following a 1984 OIG investigation into allegations of misconduct on the part of two Agency officers involved in interrogations of individuals the Agency began to take proactive steps to ensure Agency personnel understood policy on interrogations, debriefings, and human rights issues. The Agency sent officers to brief Stations and Bases and provided guidance to the field in the form of DO Station and Base cables.

12. (S) Circa 1986, the Agency terminated the HRE training program because of allegations of human rights abuses.

Handbook 50-2 documents the Agency's interrogation policy:

It is CIA policy to neither participate directly in nor encourage interrogation which involves the use of force, mental or physical torture, extremely demeaning indignities or exposure to inhumane treatment of any kind as an aid to interrogation.

On 8 October 2001, the DCI delegated responsibility to the Deputy Director for Operations (DDO) and the Director of CTC (D/CTC). CTC initially assigned management of the interrogation program to its Usama Bin Ladin (UBL) and groups and called on a number of Agency components for support, including the Office of General Counsel (OGC), the Office of Technical Service (OTS), the Office of Security (OS), and the Office of Medical Services (OMS). OGC was responsible for developing legal guidance, and OTS was responsible for providing expert advice and resources relative to the use of EITs. At HVT sites, OMS monitors the medical condition of detainees whom the Agency subjects to EITs, and OS monitors and secures detainees.4

4 (S/NF) OIG will publish additional information on the roles of these offices in the report on the overall review of the interrogation program.
14. The capture of an HVT in Lahore, Pakistan, in March 2002 hastened the need for CIA to develop an interrogation program. The Agency put together a team that interviewed the detainee using non-aggressive, non-physical elicitation techniques. However, between June and July 2002, the team at which point the Agency determined the detainee was deliberately withholding imminent threat information. The Agency then determined to move to new and more aggressive interrogation techniques. This determination led to consultations with DoJ and other officials in the Executive Branch to determine if EITs could lawfully be used without subjecting Agency officers to the vulnerability of violating the prohibition against torture as defined in Section 2340A of Title 18.

15. DoJ determined that, based on facts provided by CIA, ten specifically described EITs would not violate Section 2340A. The mildest of the approved EITs is the attention grasp, which is a technique used to hold the detainee’s head immobile by placing an open palm on either side of their face while keeping the fingertips well away from their eyes. An interrogator generally applies EITs in an escalating fashion culminating with the waterboard, although an interrogator might not use every technique on each detainee. The waterboard is the severest of the ten techniques. In this procedure, the detainee is bound to a bench with his feet elevated above his head. The detainee’s head is immobile and

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6 The ten interrogation techniques are: (1) attention grasp, (2) walling, (3) facial hold, (4) facial slap (insult slap), (5) cramped confinement, (6) wall standing, (7) stress positions, (8) sleep deprivation, (9) insects placed in a confinement box, and (10) the waterboard.
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 suffocation. DoJ cautioned that DoJ’s opinion would not
necessarily apply if the Agency deviated from the techniques as
proposed by CIA and approved by DoJ.

16. (S//NF) In September 2002, CTC put into operation the
and transferred responsibility
for the interrogation program to Renditions and Detainees Group
(RDG) RDG developed a two-week interrogation
program that employees or independent contractors must
successfully complete before the Agency will approve their use of
EITs. (b)(3) CIA Act

17. (S//NF) Before 9/11, Agency personnel used the terms
interrogation/interrogator and debriefing/debriefer interchangeably.
The use of these terms has since evolved and, today, the Agency
more clearly distinguishes their meaning. An interrogator is a person
who completes the 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.

18. (STS/ ) In 2002, the Agency readied a site
overseas encrypted as to serve as an interrogation facility
for HVTs. Before the establishment of the Agency
operated two facilities in two other countries. CIA established
interrogation and debriefing procedures at one of these two facilities
following the capture of the first HVT. (b)(1)

(b)(1) (b)(3) CIA Act
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19. (TS//M) 'Abd al-Rahman Al-Nashiri. Al-Nashiri, the second HVT detained by the Agency, is a Saudi Arabian national and recognized senior UBL lieutenant. Al-Nashiri is associated with the planning of the attack on the USS Cole, the 1998 East Africa U.S. Embassy bombings, and a 1997 attempt to smuggle Sagger anti-tank missiles into Saudi Arabia to attack U.S. forces based there. The investigation of the USS Cole bombing attack revealed Al-Nashiri oversaw an Al-Qa‘ida cell based in Yemen. Following his capture in the United Arab Emirates on November 2002, CIA held him briefly in two other countries before moving him to on December 2002.
PROCEDURES AND RESOURCES

(b)(3) NatSecAct

22. (S/□□□□□□□NF) An Investigator and an Inspector, assigned to the OIG team responsible for the overall review of CIA practices regarding the interrogation of individuals for counterterrorism purposes, conducted this investigation. The OIG review team led by the Deputy Inspector General supported this investigation.

(b)(3) NatSecAct

23. (S/□□□□□□□NF) The investigation team reviewed the MON, legal authorities, relevant DoJ opinion, cables, memoranda, notes, briefing books, detention facility records, photographs, e-mail, and official files including personnel and security records.

(b)(3) NatSecAct

24. (S/□□□□□□□NF) The investigation team conducted interviews of current Agency staff employees and contractors, including senior CTC officials, managers, interrogators, psychologists, and working level officers. Those interviewed included and all who witnessed the application of the unauthorized interrogation techniques, and all or most of those involved in the decision-making process surrounding the events.

25. (TP/□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□?????????
QUESTIONS PRESENTED

26. [TS/]

This Report of Investigation addresses the following questions:

♦ What are the procedures for the interrogation and debriefing of detainees by CIA?

♦ Why did the Agency send [ ] to [ ] and what guidance did he receive in connection with his responsibilities?

♦ Why did the Agency send [ ] to [ ] and what guidance did he receive before his deployment?

♦ Did [ ] use unauthorized techniques and, if so, what transpired?

♦ When and how did Headquarters learn about the use of unauthorized techniques and what action did Headquarters take?

♦ Did the use of unauthorized techniques violate federal statutes or Agency policy?

FINDINGS

[ST (NF)] WHAT ARE THE PROCEDURES FOR THE INTERROGATION AND DEBRIEFING OF DETAINES BY CIA?

27. [TS/]

Immediately after the signing of the MON, the Agency did not provide written guidelines for the interrogation and debriefing of detainees. After the Agency detained the first HVT, Agency personnel at the first detainee facility
documented proposed interrogation or debriefing plans in advance in detailed cables to Headquarters. Agency personnel at the first detainee facility also documented the execution of approved plans in cable traffic.

28. By the time became operational, the Agency had established a precedent of detailed cable traffic between the first detainee facility and Headquarters regarding the interrogation and debriefing of detainees. Headquarters also established procedures in a cable to that provided with guidance on approvals and limitations of any specific approval granted. Headquarters reminded to seek Headquarters' approval in advance before employing techniques other than those that Headquarters had approved in that cable.

8 (S//NF) The four standard techniques are: (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).
32. **(S//NF) Responsibilities.**

The primary responsibility of a detainee facility is to make certain the facility and staff are functioning properly and within the authorities that govern the mission.

9 (S//NF) dated December 2002. (b)(1) (b)(3) NatSecAct
35. (TS/□□□□□□□□□□) said he received three separate briefings before he deployed to ____________, none of which provided guidance on the use of props. According to ____________, briefed him on the legalities of EITs. He stated that _______ RDG, and _______ RDG, provided him with operational guidance. _______ said he also met briefly with _______ but that their briefing was short and not substantive. _______ told OIG that he understood what he was told at each of the briefings and he understood the content of the documents he read in connection with those briefings. _______ also told OIG that he read cable traffic from the first detainee facility before he deployed to _______. 

36. (TS/□□□□□□□□□□□□□□□□) CTC/Legal Guidance. According to _______ during _______ briefing _______ gave him three documents to read. These included the statute prohibiting torture; a document that identified, defined, and explained EITs; and another document _______ believed might have been the DoJ authorization for EITs. _______ said he understood he could not authorize anyone to employ EITs, and EITs had to be approved by Headquarters in advance for individuals specifically identified and trained to administer EITs on detainees. According to _______ informed him during _______ briefing that he could approve standard techniques without conferring with Headquarters. According to _______ described standard techniques to him as a gray area of interrogation techniques that fall below EITs, but did not otherwise describe these techniques because they were vague and not documented.
39. (TS/\) demonstrated his understanding of procedures when on December 2002, as he released the following cable,\(^{10}\) the subject of which is Confirmation of Authority to Use Employ Enhanced Measures."

\(^{10}\) This Report substitutes true names for the pseudonyms used in the cable.
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40. (TS//) responded to request on December 2002 with limited approval for the application of the requested techniques. In response, wrote:

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12 dated December 2002. (b)(1)
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41. [TS] Notwithstanding the guidance he received did not request additional guidance or approval for the use of a handgun or power drill in cable traffic or during daily telephone conversations with or AND WHAT GUIDANCE DID HE RECEIVE BEFORE HIS DEPLOYMENT?

42. [TS] Selection. By mid-December 2002 Headquarters and were at odds regarding assessment on Al-Nashiri and how to proceed with his interrogation or debriefing. On several occasions throughout December 2002, reported via cables and secure telephone calls that Al-Nashiri was not actively resisting and was responding to questions directly. Headquarters disagreed with assessment because Headquarters analysts thought Al-Nashiri was withholding imminent threat information. Consequently, CTC management held a meeting on December 2002, to discuss the issue of Al-Nashiri's cooperation and the next steps in his interrogation or debriefing.

43. [TS] said and selected him to go to said he was supposed to "interrogate"
Al-Nashiri and assess whether or not Al-Nashiri was cooperative, or lying and withholding information about imminent threats. He said he had not completed the two-week interrogations training program and he turned down three opportunities to attend the interrogations training program because he is opposed to the use of EITs. He said he believes more information is obtainable through psychological means than the application of EITs.

44. (TS/FO) Guidance. He said he briefed him once approximately two or three months before his transfer. This briefing was prompted by another detainee facility. He said he provided an oral briefing without much detail and did not give him anything to read or review. According to him, the briefing touched on legal guidelines of EITs, but not in detail. He explained that mentioned confinement in a box and that Headquarters approval was needed before EITs could be used; however, did not provide any guidance on measures that could or could not be used outside the criteria of a few EITs. He said he never saw written guidelines before he went to and no one gave him specific guidance on how to accomplish his task at

was limited to comments from and who reportedly said, "We are depending on you," and "Go with God," respectively. He also said he did not receive any guidance regarding the use of props, to include handguns, drills, or other equipment.
(S//SI) Did [REDACTED] use unauthorized techniques and, if so, what transpired?

(b)(1) NatSecAct
(b)(3) NatSecAct
(b)(1) NatSecAct
(b)(3) NatSecAct
(b)(1) NatSecAct
(b)(3) NatSecAct

48. [REDACTED] arrived at [REDACTED] on [REDACTED] December 2002 and, after discussions with the COB, held his first session with Al-Nashiri that evening. By the following evening, [REDACTED] had assessed Al-Nashiri as withholding information and that [REDACTED] was keeping Al-Nashiri hooded and handcuffed to the wall. Al-Nashiri was also initially kept nude. [REDACTED] OIG that he directed that Al-Nashiri’s clothing be removed because he wanted to withdraw all the privileges he had given Al-Nashiri, during which Al-Nashiri’s cooperation had declined. On [REDACTED] December 2002, [REDACTED] reported to Headquarters in cable traffic that Al-Nashiri was again kept hooded and handcuffed to the wall overnight. On [REDACTED] December 2002, [REDACTED] reported that, after multiple sessions with Al-Nashiri between [REDACTED] and [REDACTED] December 2002, he was becoming submissive and [REDACTED] had begun to improve his standard of living by giving him things, including additional layers of clothes. [REDACTED] then reported having given Al-Nashiri another article of clothing on [REDACTED] December 2002.
49. (TS/)(S//SI) At one point between December 2002 and January 2003, [redacted] proposed a plan to [redacted] to use a handgun to frighten Al-Nashiri into disclosing information. [redacted] explained to [redacted] that he had seen a handgun used at another facility to frighten a detainee. According to [redacted] at that facility, a Station officer with managerial responsibilities used a handgun during a staged incident to frighten a detainee whom the field assessed as withholding information. The Station officer reportedly openly discussed the staged incident at the Station without consequence. 17

50. (TS/)(S//SI) approved the plan on the basis that [redacted] said he had seen a handgun used elsewhere and he thought the use of a handgun, and later the power drill, fell into the gray area of standard techniques, which he could approve. [redacted] believed a handgun and power drill, used as props, were less fear provoking than EITs, in particular, the waterboard. [redacted] also said he assumed had Headquarters' approval because Headquarters sent to resolve the matter of Al-Nashiri's cooperation. [redacted] said he made a judgment call that, in hindsight, was incorrect but was based on the pressure he felt from Headquarters to obtain imminent threat information from Al-Nashiri on 9/11-style attacks. Both said they did not intend for Al-Nashiri to fear for his life; their intent was to get Al-Nashiri to cooperate and provide information.

51. (TS/)(S//SI) Because [redacted] secure the detainees and control all detainee movements, [redacted] briefed them on the plan to use a handgun. He instructed them to clear a handgun and move Al-Nashiri to another cell in a rougher manner intended to mentally jolt him from the previous routine.
52. [TS] roughly moved Al-Nashiri to another cell where he sat hooded, naked, and shackled. said he entered the cell and racked the unloaded handgun close to Al-Nashiri’s hooded head. said he instructed remove Al-Nashiri’s hood after he racked the handgun so that Al-Nashiri could see the handgun.

53. [TS] said they observed point the barrel of the handgun at Al-Nashiri’s right temple. said either pointed the handgun at Al-Nashiri’s head or laid it alongside his head; he could not tell from his angle. One said he thought Al-Nashiri was unhooded when the handgun touched his head. said Al-Nashiri began to cry when racked or pointed the handgun at his head, a point disputed by denied pointing the barrel of the handgun at Al-Nashiri or otherwise touching him with it.

54. [TS] On what was probably the same day, but after the use of the handgun, decided to use a power drill to frighten Al-Nashiri, also in furtherance of obtaining information. It was an impromptu idea, but one he proposed to who consented. entered Al-Nashiri’s cell while were shackling him in the standing position. He revved the power drill, by surprise. According to and who was in the cell during the power drill incident, the power drill did not house a bit.

said the power drill housed a bit or had an attachment that looked like a screwdriver. During the power drill incident, Al-Nashiri stood naked and hooded; he flinched and shook, but did not cry. By all accounts, did not touch Al-Nashiri with the power drill and Al-Nashiri could not see the power drill.
said he justified the use of the handgun and power drill because concurred when asked; and, because he had seen a handgun used as a prop during a staged incident at another detainee facility. Also said he did not receive any guidance regarding improvisation with props and he thought the use of props for psychological effect fell below the EIT threshold.
(SH/NF) When and how did Headquarters learn about the use of unauthorized techniques and what action did Headquarters take? (b)(1) (b)(3) NatSecAct

58. (TS//SI) said he did not report the use of the handgun or power drill because he thought their use fell below the EIT reporting threshold, and he did not receive guidance on reporting requirements. said he did not report the proposed plan to use the handgun or power drill, or the subsequent implementation of these tools, because he assumed had Headquarters’ approval. also said and instructed him to scale back on reporting. According to he did not give guidance on the use of props during an interrogation; however, no one may threaten a detainee with death, including pointing a handgun at them. said the field must document new techniques in a cable and receive approval before implementation. said he instructed to report important information and limit minutiae to avoid lengthy cables, however, it was unreasonable for to infer from his briefing that he should not report the use of a handgun or power drill because their use qualifies as important and reportable. According to he told to provide specific and detailed reporting.

59. (TS) In early January 2003, and arrived at to replace and told about the use of the handgun and power drill, who had also recently arrived at, they reported the incidents to on January 2003. interviewed who were on duty during the incidents and forwarded the results of their interviews to

18 (SH/NF) Lotus Notes from to dated 22 January 2003.
60. *(TS, Confidential) Upon return to Headquarters, [redacted] and [redacted] interviewed [redacted] and [redacted] documented those interviews in memoranda. Their memoranda report [redacted] and [redacted] denied that [redacted] pointed the handgun at Al-Nashiri's head. On [redacted] instructions, [redacted] re-interviewed each [redacted] who remained at [redacted] on the issue of whether or not [redacted] pointed the handgun at Al-Nashiri's temple; their accounts remained consistent with their original interviews. On January 2003, James Pavitt, DDO, agreed with a recommendation from [redacted] Associate DDO (ADDO), to convene an accountability board, however, Pavitt subsequently suspended the board's review pending completion of OIG's investigation.

**Did the Use of Unauthorized Techniques Violate Federal Statutes or Agency Policy?**

61. *(TS/Confidential) In response to the authorities granted by the MON after the terrorist acts of 9/11, the Agency developed an interrogation program and associated policies for the direct conduct of interrogation. The DCI did not formally codify those policies until January 2003; however, interrogation policies were in effect before deployed to [redacted] and CTC disseminated them through briefings at Headquarters and cables.

62. *(TS/Confidential) Although [redacted] said CTC/Legal did not clearly identify standard interrogation techniques, [redacted] acknowledged that CTC/Legal briefed him and gave him copies of the torture statute and DoJ opinion, which he said he read and understood. Likewise, [redacted] acknowledged CTC/Legal briefed him on legal guidelines of enhanced interrogation techniques, but without much detail.

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19 Lotus Notes from the ADDO to the DDO, dated January 2003.
63. (S//NF) On 6 February 2003, OIG referred this matter to the Counterterrorism Section, Criminal Division at DOJ, for a determination on whether or not [redacted] violated any federal statutes. Subsequently, OIG briefed DOJ, provided DOJ with access to Agency records, and responded to DOJ's requests for additional information. On 11 September 2003, DOJ declined to prosecute [redacted] and [redacted].

CONCLUSIONS

64. [TS] [redacted] actions in suggesting and implementing the use of a handgun and power drill to frighten Al-Nashiri went beyond anything approved by or consistent with Agency policies. He failed to confer with Headquarters and failed to report the use of the handgun and power drill to Headquarters.

65. (S/ //NF) [redacted] actions in approving [redacted] use of the handgun and power drill, and failure to report their use to Headquarters, were inconsistent with Agency policies and specific guidance he had received at Headquarters. [redacted] exceeded his authorities and failed to make certain [redacted] operated within the authorities that govern the use of interrogation techniques.

66. [TS] [redacted] Before the incidents involving unauthorized interrogation techniques, Agency policy existed in the form of legal and operational briefings, and cables to [redacted] that contained Headquarters' guidance and discussed the torture statute and DOJ opinion. Guidance was not comprehensive, however, and did not document the four standard techniques nor address improvisation with props that could reasonably constitute a physical threat. There were no mechanisms in place to ensure that the Agency had adequately briefed personnel and no records of individuals who had been briefed.
67. **(TS/**) OIG found no evidence to suggest Headquarters officers knew or intended to use unauthorized interrogation techniques on Al-Nashiri. The use of unauthorized interrogation techniques at resulted from two Agency employees. and acting independently.

68. **(S/**) On 30 January 2003, the DCI formally codified interrogation policy, however, that policy does not address improvisation utilizing props during interrogation or debriefing of detainees.
RECOMMENDATION

The Deputy Director for Operations should request that a Personnel Evaluation Board (PEB) be convened to review the actions of [ ] and [ ]. Alternatively, if compartmentation concerns suggest that the regular PEB should not be used for this case, an accountability board appointed by the Executive Director should consider the actions of [ ] and [ ].

CONCUR:

John L. Helgerson
Inspector General

10/29/03 Date

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20 (C) Recommendations related to processes used for ensuring proper briefings and guidance are given to Agency officers involved with interrogations and debriefings will be addressed in OIG's forthcoming report on the Agency's practices regarding interrogation of individuals for counterterrorism purposes.