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(b)(3) NatSecAct

Central Intelligence Agency
Inspector General

REPORT OF INVESTIGATION



(S) UNAUTHORIZED INTERROGATION TECHNIQUES AT

[redacted]
(2003-7123-IG)

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

29 October 2003

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Investigators

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TABLE OF CONTENTS

Page

INTRODUCTION..... 1

SUMMARY..... 2

BACKGROUND..... 4

PROCEDURES AND RESOURCE (b)(1) (b)(3) CIAAct (b)(3) NatSecAct..... 9

QUESTIONS PRESENTED (b)(6) (b)(7)(c) (b)(7)(f)..... 10

FINDINGS (b)(3) NatSecAct..... 10

(b)(1) (b)(3) NatSecAct (S// [redacted] WHAT ARE THE PROCEDURES FOR THE INTERROGATION AND DEBRIEFING OF DETAINEES BY CIA? 10

(b)(1) (b)(3) NatSecAct (TS// [redacted] WHY DID THE AGENCY SEND [redacted] TO [redacted] AND WHAT GUIDANCE DID HE RECEIVE IN CONNECTION WITH HIS RESPONSIBILITIES? 12

(b)(1) (b)(3) NatSecAct (TS// [redacted] WHY DID THE AGENCY SEND [redacted] TO [redacted] AND WHAT GUIDANCE DID HE RECEIVE BEFORE HIS DEPLOYMENT? 18

(b)(1) (b)(3) CIAAct (b)(3) NatSecAct (S//NF) DID [redacted] USE UNAUTHORIZED TECHNIQUES AND, IF SO, WHAT TRANSPIRED? 20

(b)(6) (b)(7)(c) (b)(7)(f) (S//NF) WHEN AND HOW DID HEADQUARTERS LEARN ABOUT THE USE OF UNAUTHORIZED TECHNIQUES AND WHAT ACTION DID HEADQUARTERS TAKE? 24

(S//NF) DID THE USE OF UNAUTHORIZED TECHNIQUES VIOLATE FEDERAL STATUTES OR AGENCY POLICY? (b)(1) (b)(3) CIAAct (b)(3) NatSecAct 25

CONCLUSIONS (b)(6) (b)(7)(c) (b)(7)(f)..... 26

RECOMMENDATION..... 28

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**OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF**

REPORT OF INVESTIGATION

(S) UNAUTHORIZED INTERROGATION TECHNIQUES AT

(b)(1) (b)(3) NatSecAct (2003-7123-IG)

29 October 2003

(b)(1) (b)(3) NatSecAct **INTRODUCTION**

1. (TS) In response to the 11 September 2001 (9/11) terrorist attacks, President Bush signed a Memorandum of Notification (MON) on 17 September 2001,

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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.

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2. (S) /NF 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

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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.

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3. (S/ [redacted] /NF) 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.

(b)(3) NatSecAct

4. (S/ [redacted] /NF) This Report of Investigation examines one allegation that [redacted] operations officer serving in the Counterterrorist Center, Directorate of Operations (DO/CTC), employed unauthorized interrogation techniques on a detainee with the approval of the [redacted]

[redacted] OIG referred the matter to the Criminal Division of DoJ for a determination of whether or not [redacted] may have violated any federal criminal laws. On 11 September 2003, DoJ declined to prosecute after reviewing the findings of this investigation.

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SUMMARY

5. (TS/ [redacted]) In [redacted] the Agency readied an overseas site, [redacted] 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 [redacted] December 2002, [redacted] traveled to [redacted] accompanied by an interrogation team trained and certified in EITs. CTC rendered two HVTs, including 'Abd al-Rahman Al-Nashiri, to [redacted] from another location on [redacted] December 2002. After initial interrogations, in which the [redacted] team employed approved standard and enhanced interrogation techniques, [redacted] reported that

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Al-Nashiri was not actively resisting and was responding to questions directly. Headquarters officers disagreed with [redacted] assessment because Headquarters analysts thought Al-Nashiri was withholding imminent threat information. Consequently, on [redacted] December 2002, CTC management held a meeting to discuss the issue of Al-Nashiri's cooperation at which it was decided to send [redacted] to [redacted] to debrief Al-Nashiri. [redacted] was to determine if Al-Nashiri was being truthful and cooperative, or lying and withholding information.

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

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7. (TS/ [redacted] At one point between 28 December 2002 and 1 January 2003, [redacted] decided to use an unloaded handgun as a prop to frighten Al-Nashiri into disclosing information. [redacted] discussed his plan to use a handgun in advance with [redacted] who concurred. [redacted] entered the cell where Al-Nashiri sat shackled and racked¹ an unloaded handgun once or twice close to Al-Nashiri's head.

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8. (TS/ [redacted] On what was probably the same day, but after the use of the handgun, [redacted] decided to use a power drill to frighten Al-Nashiri, also in furtherance of obtaining information. Although the drill was an impromptu idea, [redacted] did broach its proposed use with [redacted] who gave his consent. [redacted] 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. [redacted] did not touch Al-Nashiri with the drill.

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¹ (U) Racking is a mechanical procedure used with firearms to chamber a bullet or simulate a bullet being chambered.

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9. (TS) [redacted] and [redacted] did not report their intent to use, or their use of, the handgun and power drill.

[redacted] subsequently reported the incidents to Headquarters. (b)(1) (b)(3) NatSecAct

BACKGROUND

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. McMahan, 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 [redacted] [redacted] 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. [redacted]

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² (S) Paragraph 27 of OIG Report (IG-14/88), dated 24 August 1988.

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

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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.

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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 [redacted] 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

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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.

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14. (TS/ [redacted]) 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 [redacted] 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.

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15. (TS/ [redacted]) DOJ determined that, based on facts provided by CIA, ten specifically described EITs would not violate Section 2340A.⁶ 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 (S//NF) 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.

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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 (b)(3) CIAAct [redacted] and transferred responsibility for the interrogation program to Renditions and Detainees Group (RDG) [redacted] [redacted] 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) CIAAct

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.

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18. ~~(TS//)~~ [redacted] In [redacted] 2002, the Agency readied a site overseas encrypted as [redacted] to serve as an interrogation facility for HVTs. Before the establishment of [redacted] 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)

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19. (TS/ [redacted] *'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 [redacted] November 2002, CIA held him briefly in two other countries before moving him to [redacted] on [redacted] December 2002.

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PROCEDURES AND RESOURCES

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22. (~~S~~/ [redacted] /~~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.

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23. (~~S~~/ [redacted] /~~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.

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24. (~~S~~/ [redacted] /~~NF~~) The investigation team conducted [redacted] interviews of current Agency staff employees and contractors, including senior CTC officials, managers, interrogators, psychologists, and working level officers. Those interviewed included [redacted] and [redacted] 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. (~~TS~~/ [redacted] /~~NF~~) In May 2003, OIG traveled to the Station and [redacted] for discussions with the COS, COBs (incoming and outgoing), debriefers, an interrogator, a linguist, a communicator, CTC Security, and [redacted] and to examine the [redacted] facility. OIG did not interview Al-Nashiri because of his lack of credibility and because [redacted] and [redacted] accounts of events were nearly indistinguishable from those reported by credible witnesses.

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QUESTIONS PRESENTED

26. (TS/ [redacted] This Report of Investigation addresses the following questions:

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- ◆ What are the procedures for the interrogation and debriefing of detainees by CIA? (b)(1) (b)(3) NatSecAct
- ◆ Why did the Agency send [redacted] to [redacted] and what guidance did he receive in connection with his responsibilities? (b)(1) (b)(3) NatSecAct
- ◆ Why did the Agency send [redacted] to [redacted] and what guidance did he receive before his deployment?
- ◆ Did [redacted] 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?

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FINDINGS

(S/ [redacted] /NF) **WHAT ARE THE PROCEDURES FOR THE INTERROGATION AND DEBRIEFING OF DETAINEES BY CIA?**

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27. (TS/ [redacted] 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

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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.

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28. (TS/ [redacted] By the time [redacted] 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 [redacted] that provided [redacted] with guidance on approvals and limitations of any specific approval granted. Headquarters reminded [redacted] to seek Headquarters' approval in advance before employing techniques other than those that Headquarters had approved in that cable.

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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).

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32. **(S//NF) Responsibilities.** [redacted] of a detainee facility is to make certain the facility and staff are functioning properly and within the authorities that govern the mission. (b)(1)
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⁹ **(S//NF)** [redacted] dated [redacted] December 2002. (b)(1)
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35. (TS/ [redacted] said he received three separate briefings before he deployed to [redacted] none of which provided guidance on the use of props. According to [redacted] briefed him on the legalities of EITs. He stated that [redacted] [redacted] RDG, and [redacted] RDG, provided him with operational guidance. [redacted] said he also met briefly with [redacted] and [redacted] but that their briefing was short and not substantive. [redacted] 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. [redacted] also told OIG that he read cable traffic from the first detainee facility before he deployed to [redacted]

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36. (TS/ [redacted] CTC/Legal Guidance. According to [redacted] during [redacted] briefing [redacted] gave him three documents to read. These included the statute prohibiting torture; a document that identified, defined, and explained EITs; and another document [redacted] believed might have been the DoJ authorization for EITs. [redacted] 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 [redacted] [redacted] informed him during [redacted] briefing that he could approve standard techniques without conferring with Headquarters. According to [redacted] [redacted] 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.

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39. (TS/ [redacted] [redacted] demonstrated his understanding of procedures when on [redacted] December 2002, as [redacted] he released the following cable,¹⁰ the subject of which is [redacted] (b)(3) NatSecAct
 Confirmation of Authority to Use Employ Enhanced Measures."

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(5)
 (b)(6)
 (b)(7)(c)
 (b)(7)(f)

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

10 [redacted]

11 (C) This Report substitutes true names for the pseudonyms used in the cable.

~~TOP SECRET~~ (b)(1) 15 (b)(3) NatSecAct

~~NOFORN//X1~~

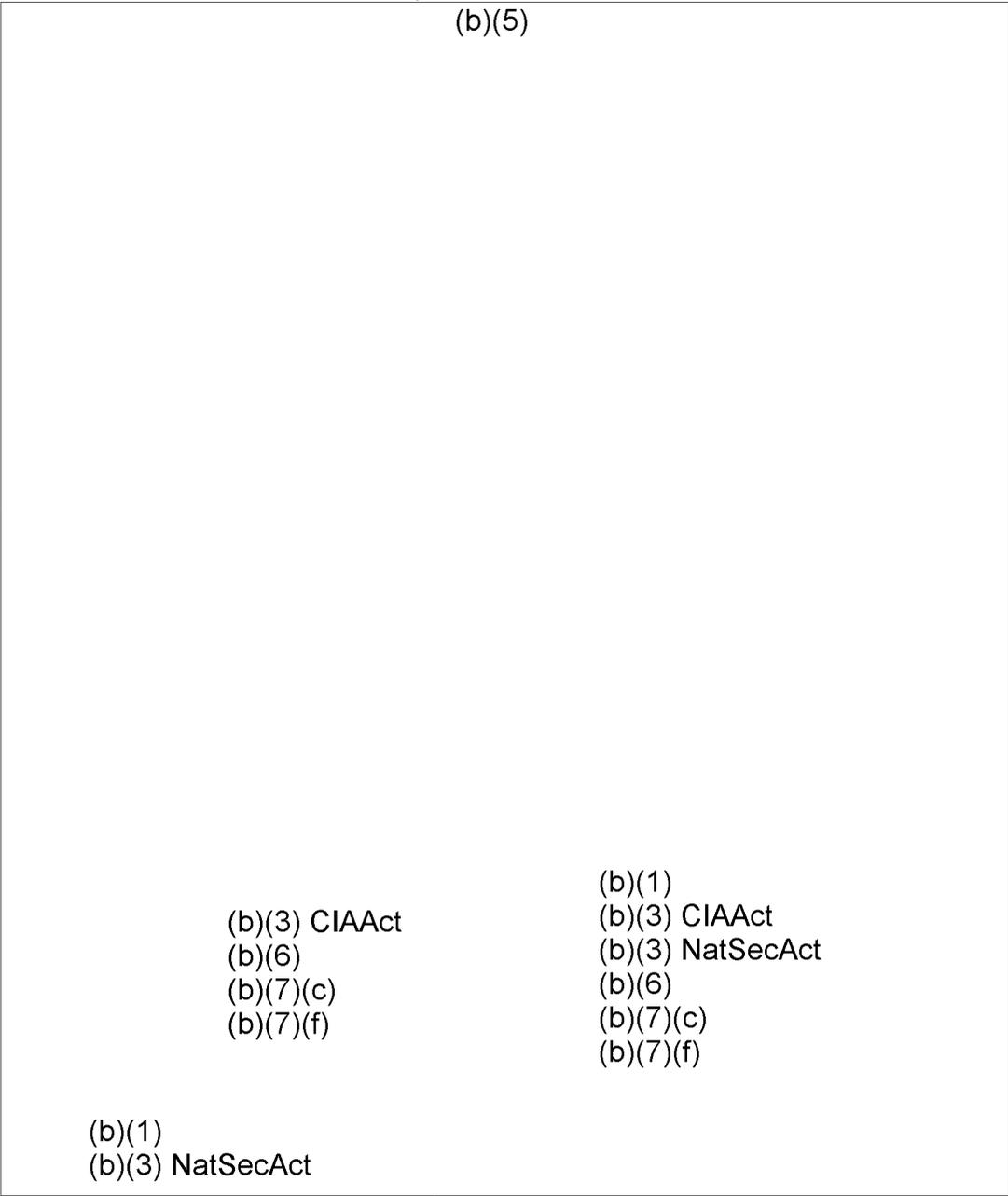
(b)(1)

(b)(3) NatSecAct

~~TOP SECRET~~

~~NOFORN//X1~~

(b)(5)



(b)(3) CIAAct
(b)(6)
(b)(7)(c)
(b)(7)(f)

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(f)

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

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

40. (TS/ [redacted] [redacted] responded to [redacted] request on [redacted] December 2002 with limited approval for the application of the requested techniques.¹² In [redacted] response, [redacted] wrote:

(b)(3) CIAAct
(b)(6)
(b)(7)(c)
(b)(7)(f)

[redacted] (b)(6) (b)(5) [redacted]
(b)(7)(c)

(b)(3) CIAAct

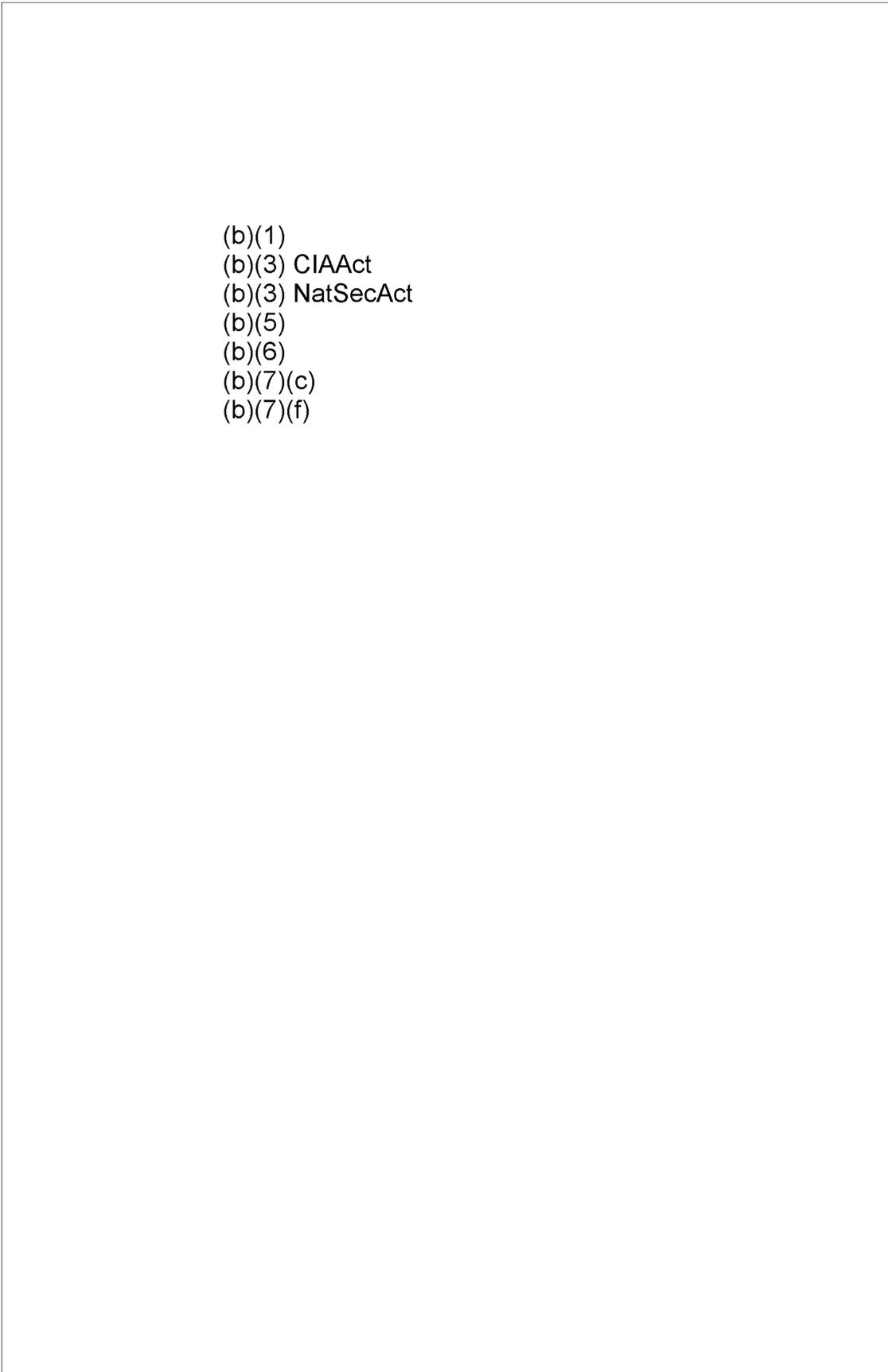
¹² (S//NF) [redacted] dated [redacted] December 2002. (b)(1)
(b)(3) NatSecAct

~~TOP SECRET~~

(b)(3) NatSecAct

~~NOFORN//X1~~

~~TOP SECRET~~ (b)(1) (b)(3) NatSecAct ~~NOFORN//X1~~



(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(f)

~~TOP SECRET~~ (b)(1) 17 (b)(3) NatSecAct ~~NOFORN//X1~~

~~TOP SECRET~~ (b)(1) (b)(3) NatSecAct ~~NOFORN//X1~~

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

(b)(5)

41. (TS// [redacted]) Notwithstanding the guidance he received [redacted] 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 [redacted] or [redacted]

(b)(1) (b)(3) CIAAct (b)(3) NatSecAct (b)(6) (b)(7)(c) (b)(7)(f)

(TS// [redacted]) WHY DID THE AGENCY SEND [redacted] TO [redacted] AND WHAT GUIDANCE DID HE RECEIVE BEFORE HIS DEPLOYMENT?

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

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

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

[redacted]

(b)(1) (b)(3) CIAAct (b)(3) NatSecAct (b)(6) (b)(7)(c) (b)(7)(d) (b)(7)(f)

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

43. (TS// [redacted]) said [redacted] and [redacted] selected him to go to [redacted]

(b)(1) (b)(3) CIAAct (b)(3) NatSecAct (b)(6) (b)(7)(c) (b)(7)(f)

[redacted] said he was supposed to "interrogate"

(b)(1) 18 (b)(3) NatSecAct ~~TOP SECRET~~ ~~NOFORN//X1~~

~~TOP SECRET~~ (b)(1) (b)(3) NatSecAct ~~NOFORN//X1~~

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(f)
Al-Nashiri and assess whether or not Al-Nashiri was cooperative, or lying and withholding information about imminent threats. [redacted]

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. [redacted] said he believes more information is obtainable through psychological means than the application of EITs.

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

44. (TS/ [redacted] Guidance. [redacted] said [redacted] briefed him

once approximately two or three months before his [redacted]

This briefing was prompted by [redacted] to another detainee facility. [redacted] said [redacted] provided an oral briefing without much detail and did not give him anything to read or review. According to [redacted] briefing touched on legal guidelines of EITs, but not in detail. [redacted] explained that [redacted] mentioned confinement in a box and that Headquarters approval was needed before EITs could be

used; however, [redacted] did not provide any guidance on measures that could or could not be used outside the criteria of a few EITs. [redacted] said he never saw written guidelines before he went to [redacted] and

no one gave him specific guidance on how to accomplish his task at [redacted] [redacted] said the only guidance he received [redacted] to [redacted] was limited to comments from [redacted] and [redacted] who reportedly said, "We are depending on you," and "Go with God," respectively. [redacted] also said he did not receive any guidance regarding the use of props, to include handguns, drills, or other equipment.

[redacted]

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

~~TOP SECRET~~ (b)(1) (b)(3) NatSecAct ~~NOFORN//X1~~

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

~~(S//NF)~~ DID [redacted] USE UNAUTHORIZED TECHNIQUES AND, IF SO, WHAT TRANSPIRED?

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

48. (TS/ [redacted] arrived at [redacted] on

(b)(1) [redacted] December 2002 and, after discussions with the COB, held his first
(b)(3) NatSecAct session with Al-Nashiri that evening. By the following evening,
[redacted] reported to Headquarters in cable traffic¹³ that [redacted] had
assessed Al-Nashiri as withholding information and that [redacted]
was keeping Al-Nashiri hooded and handcuffed to the wall.

(b)(1) Al-Nashiri was also initially kept nude. [redacted] told OIG that he
(b)(3) CIAAct directed that Al-Nashiri's clothing be removed because he wanted to
(b)(3) NatSecAct withdraw all the privileges he had given Al-Nashiri, during which
(b)(6) Al-Nashiri's cooperation had declined. On [redacted] December 2002,
(b)(7)(c) [redacted] reported to Headquarters in cable traffic¹⁴ that Al-Nashiri
(b)(7)(f) 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.¹⁵

(b)(1) [redacted] then reported having given Al-Nashiri another article of
(b)(3) NatSecAct clothing on [redacted] December 2002.¹⁶

13 ~~(S//NF)~~ [redacted] December 2002. (b)(1)
14 ~~(S//NF)~~ [redacted] December 2002. (b)(3) CIAAct
15 ~~(S//NF)~~ [redacted] December 2002. (b)(3) NatSecAct
16 ~~(S//NF)~~ [redacted] December 2002.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(f)

~~TOP SECRET~~ (b)(1)
(b)(3) NatSecAct ~~NOFORN//X1~~
(b)(1)
(b)(3) NatSecAct

49. (TS// [redacted] At one point between [redacted] December 2002 and [redacted] 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 (b)(1)

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

(b)(3) NatSecAct

50. (TS// [redacted] [redacted] approved the plan on the basis that [redacted] said he had seen a handgun used elsewhere and he [redacted] 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 [redacted] had Headquarters' approval because Headquarters sent [redacted] 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. [redacted] 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. (b)(1)

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

(b)(3) NatSecAct

51. (TS// [redacted] 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 [redacted] handgun and move Al-Nashiri to another cell in a rougher manner intended to mentally jolt him from the previous routine.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(f)

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

[redacted]
(b)(1)
(b)(3) NatSecAct

~~TOP SECRET~~ (b)(1) 21
(b)(3) NatSecAct ~~NOFORN//X1~~

~~TOP SECRET~~ (b)(1) (b)(3) NatSecAct ~~NOFORN//X1~~

(b)(1) (b)(3) CIAAct (b)(3) NatSecAct 52. (TS/ [redacted] roughly moved Al-Nashiri to another cell where he sat hooded, naked, and shackled. [redacted] said he entered the cell and racked the unloaded handgun close to Al-Nashiri's hooded head. [redacted] said he instructed [redacted] to remove Al-Nashiri's hood after he racked the handgun so that Al-Nashiri could see the handgun.

(b)(1) (b)(3) CIAAct (b)(3) NatSecAct 53. (TS/ [redacted] [redacted] said they observed [redacted] point the barrel of the handgun at Al-Nashiri's right temple. [redacted] said [redacted] either pointed the handgun at Al-Nashiri's head or laid it alongside his head; he could not tell from his angle. One [redacted] said he thought Al-Nashiri was unhooded when the handgun touched his head. [redacted] said Al-Nashiri began to cry when [redacted] racked or pointed the handgun at his head, a point disputed by [redacted] [redacted] denied pointing the barrel of the handgun at Al-Nashiri or otherwise touching him with it.

(b)(1) (b)(3) NatSecAct 54. (TS/ [redacted] On what was probably the same day, but after the use of the handgun, [redacted] 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 [redacted] who consented. [redacted] entered Al-Nashiri's cell while [redacted] were shackling him in the standing position. He revved the power drill, catching [redacted] by surprise. According to [redacted] and [redacted] who was in the cell during the power drill incident, the power drill did not house a bit. [redacted]

(b)(1) (b)(3) CIAAct (b)(3) NatSecAct [redacted] 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, [redacted] did not touch Al-Nashiri with the power drill and Al-Nashiri could not see the power drill.

(b)(1) (b)(3) NatSecAct ~~TOP SECRET~~ ~~NOFORN//X1~~

~~TOP SECRET~~ (b)(1) [redacted] ~~NOFORN//X1~~
(b)(3) NatSecAct

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

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(f)

55. (TS/ [redacted] [redacted] said he justified the use of the handgun and power drill because [redacted] concurred when asked; and, because he [redacted] had seen a handgun used as a prop during a staged incident at another detainee facility. [redacted] 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.

[Large redacted area]

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

~~TOP SECRET~~ (b)(1) 73 [redacted] ~~NOFORN//X1~~
(b)(3) NatSecAct

~~TOP SECRET~~ (b)(1) (b)(3) NatSecAct ~~NOFORN//X1~~

(S//NF) WHEN AND HOW DID HEADQUARTERS LEARN ABOUT THE USE OF UNAUTHORIZED TECHNIQUES AND WHAT ACTION DID HEADQUARTERS TAKE?

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

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

58. (TS// [redacted] [redacted] 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. [redacted] 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 [redacted] had Headquarters' approval. [redacted] also said [redacted] and [redacted] instructed him to scale back on reporting. According to [redacted] he did not give [redacted] guidance on the use of props during an interrogation; however, no one may threaten a detainee with death, including pointing a handgun at them. [redacted] said the field must document new techniques in a cable and receive approval before implementation.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

[redacted] said he instructed [redacted] to report important information and limit minutiae to avoid lengthy cables, however, it was unreasonable for [redacted] 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 [redacted] he told [redacted] to provide specific and detailed reporting.

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

59. (TS// [redacted] In early January 2003, [redacted] and [redacted] arrived at [redacted] to replace [redacted] and [redacted] told [redacted] about the use of the handgun and power drill.¹⁸ [redacted] conferred with [redacted] who had also recently arrived at [redacted] they reported the incidents to [redacted] on [redacted] January 2003. [redacted] interviewed [redacted] who were on duty during the incidents and forwarded the results of their interviews to [redacted]

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(f)

(b)(1) (b)(1)
(b)(3) CIAAct (b)(3) CIAAct
(b)(3) NatSecAct (b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(f)

¹⁸ (S//NF) Lotus Notes from [redacted] to [redacted] dated 22 January 2003.

~~TOP SECRET~~ (b)(1) 24 (b)(3) NatSecAct ~~NOFORN//X1~~

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

(b)(1)
(b)(3) NatSecAct
~~TOP SECRET~~ [redacted] ~~NOFORN//X1~~

(b)(1)
(b)(3) NatSecAct
60. (TS/ [redacted] Upon [redacted] and [redacted] return to

Headquarters, [redacted] and [redacted] interviewed [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 [redacted] January 2003, James Pavitt, DDO, agreed with a recommendation from [redacted] Associate DDO (ADDO), to convene an accountability board;¹⁹ however, Pavitt subsequently suspended the board's review pending completion of OIG's investigation.

(b)(1)
(b)(3) NatSecAct
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)

~~(S//NF)~~ DID THE USE OF UNAUTHORIZED TECHNIQUES VIOLATE FEDERAL STATUTES OR AGENCY POLICY?

(b)(1)
(b)(3) NatSecAct
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(f)

61. (TS/ [redacted] 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, [redacted] (b)(1) [redacted] (b)(3) NatSecAct [redacted] The DCI did not formally codify those policies until January 2003; however, interrogation policies were in effect before [redacted] deployed to [redacted] and CTC (b)(1) disseminated them through briefings at Headquarters and cables (b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct
(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

62. (TS/ [redacted] 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.

¹⁹ (S) Lotus Notes from the ADDO to the DDO, dated [redacted] January 2003. (b)(1)
(b)(3) NatSecAct

~~TOP SECRET~~ (b)(1) (b)(3) NatSecAct ~~NOFORN//X1~~

(b)(6)
(b)(7)(c)

63. (~~S//NF~~) On 6 February 2003, OIG referred this matter to [redacted] Counterterrorism Section, Criminal Division at DoJ, for a determination on whether or not [redacted] or [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]

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(f)

(b)(1)
(b)(3) NatSecAct **CONCLUSIONS**

64. (~~TS~~/ [redacted] [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.
(b)(3) NatSecAct

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(f)

65. (~~S~~/ [redacted] /~~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.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(f)

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.

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

(b)(1) ~~TOP SECRET~~ (b)(1) (b)(3) NatSecAct ~~NOFORN//X1~~ (b)(1)
(b)(3) NatSecAct (b)(3) NatSecAct

67. (~~TS~~/ [redacted]) OIG found no evidence to suggest Headquarters officers knew [redacted] or [redacted] intended to use unauthorized interrogation techniques on Al-Nashiri. The use of unauthorized interrogation techniques at [redacted] resulted from two Agency employees, [redacted] and [redacted] acting independently.
(b)(1) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(f)
(b)(3) NatSecAct

68. (~~S~~/ [redacted] /NF) 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.

[redacted] (b)(3) CIAAct
(b)(6)

~~TOP SECRET~~ (b)(1) (b)(3) NatSecAct ~~NOFORN//X1~~

RECOMMENDATION

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct of [redacted] and [redacted]²⁰ Alternatively, if
(b)(6)
(b)(7)(c)
(b)(7)(f) 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 [redacted] and [redacted]

CONCUR:

[redacted]
(b)(6)

John L. Helgerson
Inspector General

10/29/03
Date

²⁰ (e) 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.

~~TOP SECRET~~ (b)(1) 28 (b)(3) NatSecAct ~~NOFORN//X1~~

~~TOP SECRET~~ (b)(1) (b)(3) NatSecAct ~~NOFORN//X1~~

~~TOP SECRET~~ (b)(1) (b)(3) NatSecAct ~~NOFORN//X1~~