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THE DIRECTOR
CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

27 June 2013

MEMORANDUM FOR: The Honorable Dianne Feinstein
The Honorable Saxby Chambliss

SUBJECT: (S) CIA Comments on the Senate Select Committee on Intelligence Report on the Rendition, Detention, and Interrogation Program

Chairman Feinstein,

1. ~~(S)~~ I appreciate the opportunity for the Central Intelligence Agency to comment on the Senate Select Committee on Intelligence's Study of the Agency's long-terminated Rendition, Detention, and Interrogation Program (hereafter referred to as the "Study"). As I noted during my confirmation hearing and in subsequent discussions with you and with Committee members, the lengthy Study deserved careful review by the Agency in light of the significance and sensitivity of the subject matter and, of particular concern, the serious charges made in the Study about the Agency's performance and record.

2. ~~(S)~~ As you know, one of the President's first acts in office more than four years ago was to sign Executive Order 13491, which brought to an end the program that is the subject of the Committee's work. In particular, the President directed that the CIA no longer operate detention facilities and banned the use of all interrogation techniques not in the Army Field Manual. Thus, before getting into the substance of the CIA's review of the Study, I want to reaffirm what I said during my confirmation hearing: I agree with the President's decision, and, while I am the Director of the CIA, this program will not under any circumstances be reinitiated. I personally remain firm in my belief that enhanced interrogation techniques are not an appropriate method to obtain intelligence and that their use impairs our ability to continue to play a leadership role in the world.

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3. ~~(S)~~ Nevertheless, as Director of the CIA, it is not my role to engage in a debate about the appropriateness of the decisions that were made in a previous Administration to conduct a detention and enhanced interrogation program of suspected terrorists following the attacks on 11 September 2001. Rather, it is my responsibility to review the performance of the CIA with regard to the program and to take whatever steps necessary to strengthen the conduct as well as the institutional oversight of CIA covert action programs. This is the perspective I took when reviewing CIA's comments on the Study.

4. ~~(S)~~ The CIA's comments on the Study were the result of a comprehensive and thorough review of the Study's 20 conclusions and 20 case studies. In fulfilling my pledge to you, I want you to have the full benefit of the overall findings and recommendations of the Agency review team (TAB A) as well as the team's analysis of each of the Study's 20 conclusions and 20 case studies (TABS B and C, respectively). I strongly encourage you as well as all Committee Members and Staff to read the entirety of the Agency's comments.

5. ~~(S)~~ I have carefully reviewed and concur with the Agency's comments, which I would like to summarize briefly. First of all, we agree with a number of the Study's conclusions. In particular, we agree that the Agency:

- Was unprepared and lacked core competencies to respond effectively to the decision made in the aftermath of the 9/11 attacks that the Agency undertake what would be an unprecedented program of detaining and interrogating suspected Al Qa'ida and affiliated terrorists. This lack of preparation and competencies resulted in significant lapses in the Agency's ability to develop and monitor its initial detention and interrogation activities. These initial lapses, most of which were corrected by 2003 and have been the subject of multiple internal and external investigations, were the result of a failure of management at multiple levels, albeit at a time when CIA management was stretched to the limit as the CIA led the U.S.

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Government's counterterrorism response to the 9/11 attacks against the Homeland;

- Struggled to formulate and gain policy approval for a viable plan to move detainees out of Agency-run detention facilities;

- Failed to perform a comprehensive and independent analysis on the effectiveness of enhanced interrogation techniques;

- Allowed a conflict of interest to exist wherein the contractors who helped design and employ the enhanced interrogation techniques also were involved in assessing the fitness of detainees to be subjected to such techniques and the effectiveness of those same techniques;

- Detained some individuals under a flawed interpretation of the authorities granted to CIA, and;

- Fell short when it came to holding individuals accountable for poor performance and management failures.

6. ~~(S)~~ Notwithstanding the above areas of agreement, there are several areas of disagreement as well. In particular, the Agency disagrees with the Study's unqualified assertions that the overall detention and interrogation program did not produce unique intelligence that led terrorist plots to be disrupted, terrorists to be captured, or lives to be saved. The Study's claims on this score are inconsistent with the factual record, and we provide detailed comments in TAB C on where and why the Study's assertions and representations are wrong.

- The Agency takes no position on whether intelligence obtained from detainees who were subjected to enhanced interrogation techniques could have been obtained through other means or from other individuals. The answer to this question is and will forever remain unknowable.

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• After reviewing the Committee Study and the comments of the Agency review team, and as I indicated at the outset of this memorandum, I personally remain firm in my belief that enhanced interrogation techniques are an inappropriate method for obtaining intelligence. Moreover, it is my resolute intention never to allow any Agency officer to participate in any interrogation activity in which enhanced interrogation techniques would be employed.

7. (~~S~~) Regarding the Study's claim that the Agency resisted internal and external oversight and deliberately misrepresented the program to Congress, the Executive Branch, the media, and the American people, the factual record maintained by the Agency does not support such conclusions. In addition, the Study's conclusion regarding CIA's misrepresentations of the program rely heavily on its flawed conclusion regarding the lack of any intelligence that flowed from the program. Nevertheless, we do agree with the Study that there were instances where representations about the program that were used or approved by Agency officers were inaccurate, imprecise, or fell short of Agency tradecraft standards. Those limited number of misrepresentations and instances of imprecision never should have happened.

8. (~~S~~) As a result of the Committee's Study and our review, I have approved and the CIA has started to implement eight recommendations made by the Agency review team, which are included in TAB A. It is critically important that the Agency leadership team take immediate steps to prevent any shortcomings in Agency covert action programs, as flawed performance--on the part of the Agency as an institution or by individual Agency officers--can have devastating consequences. In addition, our review team is ready to brief Committee members as well as meet with Committee staff at any time to walk through our comments.

9. (U) I sincerely hope that, as a result of the Committee's work and our subsequent review and comments, we can take steps to enhance the Agency's ability to meet successfully the ever-growing array of intelligence and national security

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challenges that face our Nation. By learning from the past while focusing on the future, we will be able to best meet our mutual responsibility to protect and advance the national security interests of the American people. As always, I look forward to working with you and the entire Committee on these important matters.

John O. Brennan

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Attachment

cc: Denis McDonough, Assistant to the President and Chief of Staff
Kathy Ruemmler, Assistant to the President and Counsel to the President
The Honorable Mike Rogers
The Honorable Dutch Ruppersberger
Thomas Donilon, Assistant to the President for National Security Affairs
James R. Clapper, Director of National Intelligence

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Comments on the *Senate Select Committee on Intelligence's Study of the Central Intelligence Agency's Former Detention and Interrogation Program*

1. (U/~~FOUO~~) The comments presented in this paper on *The Senate Select Committee on Intelligence's Study of the Central Intelligence Agency's Detention and Interrogation Program* (hereinafter referred to as the *Study*), along with the more detailed discussion accompanying this paper, are the product of a review of the *Study* originally commissioned in December, after the Committee adopted the report, by then Acting Director Morell. The purpose of the review was to focus, as the *Study* does, on the Agency's conduct of the RDI program, in the interest of promoting historical accuracy and identifying lessons learned for the future, with the ultimate goal of improving the Agency's execution of other covert action programs. Indeed, as the former detention and interrogation program was ended as of 22 January 2009, and has been completely dismantled, forward focus on ongoing covert action activity is critically important. Accordingly, in this submission, we do not address the policy decision made to utilize coercive interrogation techniques as part of the RDI program, nor do we advocate or otherwise express any judgments concerning the wisdom or propriety of using those techniques.

2. (U/~~FOUO~~) We would like to note at the outset the limits on what we were able to accomplish, even with the additional time we took beyond the Committee's initial 15 February 2013 deadline. Recognizing the impossibility of poring over each of the *Study's* almost 6,000 pages in the time allotted, ADCIA Morell asked a select group of CIA analysts and managers, none of whom had decision-making responsibility for the former rendition, detention, and interrogation (RDI) program, to concentrate on the *Study's* 20 conclusions and to dive deep on a discrete portion of the main text. Specifically, he asked the group to focus on the portion of the *Study* that assesses the value of the information derived from CIA's RDI's activities. That portion of the *Study* is important because it serves as the basis for a number of assertions in the *Study's* conclusions as to the veracity of CIA's representations regarding the program.

3. (U/~~FOUO~~) ADCIA Morell then asked three senior officers to carefully review the group's work, to develop recommendations with regard to remedial measures that flowed from their review of the *Study,* and to provide their main findings and recommendations in this paper.

4. (U/~~FOUO~~) To be clear, although we did mount a serious effort to respond, we were not able to perform a comprehensive fact check or provide the "technical corrections" requested by the Committee. That proved impossible for two reasons. First, it was simply impractical to provide line-by-line comments on a document of such great length in such a short period of time. Second, and just as important, for those portions we were able to review in detail, we found that accuracy was encumbered as much by the

[redacted]

authors' interpretation, selection, and contextualization of the facts as it was by errors in their recitation of the facts, making it difficult to address its flaws with specific technical corrections.

5. (U/~~/FOUO~~) The *Study* has all the appearances of an authoritative history of CIA's RDI effort. As Chairman Feinstein announced to the press the day it was approved by the Committee, its authors had access to 6 million pages of records—most provided by CIA—and they cite more than 35,000 footnotes. However, although the *Study* contains an impressive amount of detail, it fails in significant and consequential ways to correctly portray and analyze that detail. Simply put, the *Study* tells part of the story of CIA's experience with RDI, but there are too many flaws for it to stand as the official record of the program. Those flaws stem from two basic limitations on the authors:

- (U/~~/FOUO~~) A methodology that relied exclusively on a review of documents with no opportunity to interview participants, owing to the Department of Justice investigation of the program; and

- (U/~~/FOUO~~) An apparent lack of familiarity with some of the ways the Agency analyzes and uses intelligence.

6. (U/~~/FOUO~~) Accompanying this paper are responses to each of the 20 examples in the *Study* of the value of the intelligence acquired during CIA interrogations of detainees and the Agency's representations of that intelligence. In addition, we provide responses to each of the *Study's* 20 conclusions. In each response we have identified those points in the relevant conclusion or supporting text with which we agree, and those we think are in error. These responses offer the fullest sense of our views on the *Study's* accuracy.

Key Themes

7. (U/~~/FOUO~~) For the purposes of this paper, the *Study's* findings have been consolidated into four key themes that emerged from our reading of the *Study's* conclusions. Those themes are:

a) (U) CIA was unprepared to conduct an RDI effort and inadequately developed and monitored its initial activities.

b) (U) The program was poorly managed and executed. Unqualified officers and contractors imposed brutal conditions, often used unapproved interrogation techniques, used approved techniques excessively, and were rarely held accountable.

c) (U) Contrary to CIA representations, the program failed to produce intelligence that was otherwise unavailable and that enabled CIA to disrupt plots, capture terrorists, or save lives.

d) (U) CIA resisted internal and external oversight, and it misrepresented the program to Congress, the Executive Branch, and the media.

A. (U) CIA was unprepared to conduct an RDI effort and inadequately developed and monitored its initial activities.

8. (U/~~/FOUO~~) We fully agree that CIA was unprepared to initiate an RDI effort. CIA did not have a cadre of trained interrogators, particularly with adequate foreign language skills. CIA had little experience handling, moving, and interrogating detainees and no core competency in detention facility management. Moreover, the Agency faced this challenge at a time when it was overwhelmed by the other aspects of its worldwide response to the threat of more mass casualty attacks.

- ~~(S//OC/NF)~~ At the same time that CIA encountered the need to hold and interrogate terrorists, it also was focused on redirecting substantial resources to the Counterterrorism Center (CTC), undertaking high-risk operations in [redacted] trying to find Usama Bin Ladin, and enlisting the aid of liaison partners across the globe in the fight against al-Qa'ida.

9. (U/~~/FOUO~~) We also agree with the *Study* that "CIA did not adequately develop and monitor its initial detention and interrogation activities." In agreeing with this statement, however, we draw particular attention to the word "initial." One of the main flaws of the *Study* is that, especially in its Summary and Conclusions, it tars CIA's entire RDI effort with the mistakes of the first few months, before that effort was consolidated and regulated under a single program management office.

10. (U/~~/FOUO~~) While we take issue with the way the *Study* conflates distinct chapters in the history of the program, we acknowledge that there were serious shortcomings in the first such chapter. Perhaps the single biggest mistake in carrying out the RDI effort was CIA's failure to immediately respond to the extraordinary and high-risk requirements of conducting RDI activities by establishing a dedicated, centrally managed office tasked with quickly promulgating operational guidelines for RDI activities. Such an office should have been properly resourced and empowered to take control of those activities worldwide and monitor them on a day-to-day basis. This happened, but not fast enough.

- ~~(TS/~~[redacted]~~NF)~~ As a result, although the confinement conditions and treatment of high profile detainees like Abu Zubaydah were closely scrutinized at all levels of management from the outset, the same cannot be said for the first few of months of CIA's handling of lower-profile detainees in [redacted]

11. ~~(S//OC/NF)~~ It was during those months that grim conditions and inadequate monitoring of detainees were allowed to exist at [redacted] culminating in the death of Gul Rahman in November 2002, two months after the first detainee arrived there. During

this time there were several instances of unauthorized, improvised techniques, including mock executions and "hard takedowns" at [redacted]

12. ~~(TS/~~[redacted]~~NF)~~ Contrary to the *Study*'s assertion that the confinement conditions during the early days of [redacted] were not "previously known," they were exhaustively reviewed by the Office of the Inspector General (OIG) and described in detail in its 2004 *Special Review*, as well as in its separate April 2005 *Report of Investigation: Death of a Detainee* [redacted] These reports were shared with the Chairman and Vice Chairman of the oversight committees.

13. ~~(S//OC/NF)~~ We believe this period represents a failure at all levels of management. CIA simply did not devote the kind of attention to managing the risk of this new challenge that it should have at the outset. However, in contrast to the impression left by the *Study*, the confusion over responsibility, lack of guidance, and excessively harsh conditions that detainees experienced in the early days of [redacted] did not characterize more than a few months of our RDI effort. Unfortunately, it took Rahman's death in CIA custody to focus management's attention.

- ~~(S//OC/NF)~~ In response to the problems on which Rahman's death shone a light, CIA centralized the management of and accountability for all detention facilities in a single program office, which endeavored to address the shortcomings at [redacted] as well as isolated problems elsewhere.

- ~~(S//OC/NF)~~ That office also developed standards and guidelines for operating all CIA-controlled detention and interrogation facilities and monitored adherence to those guidelines. The *Study* makes much of the fact that CIA did not issue such guidance until January 2003. It fails to note that this was only four months after [redacted] accepted its first detainee.

14. ~~(TS/~~[redacted]~~NF)~~ We are not suggesting CIA solved all its problems in early 2003. Resource constraints dogged the RDI program throughout its existence, especially in [redacted] and especially after the invasion of Iraq increased the competition for language-capable personnel. Although conditions at [redacted] improved after early 2003, CIA never did—as we believe it should have—put the facility under [redacted] the dedicated full-time management of a more senior CIA officer, as was standard practice at other Agency detention sites. CIA also was unable to fully bring the facility up to the standard of our other detention facilities by the time it was closed in [redacted]

- ~~(TS/~~[redacted]~~NF)~~ There were substantial practical and cover constraints on the Agency's ability to accomplish this in [redacted] that it eventually overcame by replacing [redacted] with a much better facility. We believe, however, CIA could have done more in the interim between Rahman's death and the closure of [redacted]

15. ~~(S//OC/NF)~~ Looking ahead, the lesson we draw from the Agency's initial handling of the RDI effort is that senior leadership must ensure that appropriate structures, lines of authority, and resources are available for major new initiatives, especially risky ones, from the outset. Responsible risk management must be a core competency for Agency leaders. In recent years, CIA has instituted carefully structured and detailed annual reviews [redacted] Our experience with RDI indicates that there may well be programs [redacted] that carry with them sufficient risk to merit similar reviews.

B. (U) The program was poorly managed and executed. Unqualified officers and contractors imposed brutal conditions, often used unapproved interrogation techniques, used approved techniques excessively, and were rarely held accountable.

16. (U/~~FOUO~~) Reviews by the OIG clearly show that, in contrast to the impression left by the conclusions of the *Study*, once responsibility for the program was consolidated, the oversight and management of CIA's RDI activities improved substantially. This was not a panacea—other mistakes were made, investigated, and corrected along the way—but the program was much better developed and managed after the initial months.

17. (U) Let us address briefly the most important management and execution issues raised in the *Study*, highlighting those of greatest concern:

18. ~~(TS/~~[redacted]~~NF)~~ **Legal Interpretation.** CIA clearly fell short when it detained some people under a flawed legal rationale, as discussed in the *Study*. Looking back on it now with the benefit of a dozen years of institutional experience interpreting and conducting operations under authorities granted in the 2001 Memorandum of Notification (MoN), it is hard to imagine how Agency lawyers could have developed and applied differing interpretations of the MoN's capture and detain authorities.

- ~~(TS/~~[redacted]~~NF)~~ Although it is a good thing that this seems inconceivable under the legal structures and lines of authority currently in place, we are concerned that it took the accountability exercise mounted after the improper detention of Khalid al-Masri to shed light on and correct this situation.

- ~~(TS/~~[redacted]~~NF)~~ A review that resulted from the accountability board considering the improper detention of al-Masri showed that others detained under the incorrect MoN standard would have met the correct standard, had it been applied correctly. Nevertheless, these incidents remain a blemish on CIA's record of interpreting and working within its counterterrorism authorities.

19. ~~(TS/~~[redacted]~~NF)~~ **Devising an Exit Strategy.** One aspect of the program that Agency managers recognized and struggled with was the inability to formulate

a plan, commensurate with protecting the secrecy of the program, for moving detainees out of Agency-run detention sites. One reason some detainees were held longer than they should have been, especially at [redacted] was that once they were exposed to the facility and the existence of a detention and interrogation program [redacted] the Agency's options for them became constrained by the need to maintain the secrecy of the facility and the program. Managers sought and eventually found solutions to this quandary, but along the way it caused problems. We view the potential challenge of being boxed in by similar cover concerns as something the Agency should consider as it plans future covert actions. However, we also believe the *Study* understates the extent to which CIA repeatedly sought endgame guidance from policymakers.

- ~~(S//OC/NF)~~ Throughout this period, CIA repeatedly sought guidance on the disposition of detainees. The White House and Attorney General had determined that CIA detainees would not be handed over to the US criminal justice system; the Department of Defense refused to accept custody of CIA detainees; and liaison partners were nervous about hosting detention facilities indefinitely.

20. ~~(S//OC/NF)~~ **Interrogation Techniques**. The *Study* is correct that some officers used unauthorized techniques. In contrast to the impression created by the *Study's* conclusions, however, after the initial period at [redacted] and the promulgation of DCI Guidelines, significant improvisation in interrogations occurred only in isolated cases that were reported to and investigated by the OIG and, in some cases, the Department of Justice. Moreover, the *Study* exaggerates how often unauthorized techniques were used because some of the techniques counted as such by the authors—such as cold water dousing and sleep deprivation—were categorized as standard techniques at the time and did not require Headquarters permission for each use.

21. ~~(S//OC/NF)~~ With regard to the waterboard, which was used on three detainees, we acknowledge, as was pointed out in the IG's 2004 *Special Review* and reiterated in the *Study*, that this technique was used with a frequency that exceeded CIA's representations to the Department of Justice's Office of Legal Counsel (OLC), and that this intensity raised serious concerns on the part of the Agency's own medical staff about the lack of available data upon which to draw conclusions about its safety.

- ~~(S//OC/NF)~~ The Attorney General later reaffirmed the legality of the technique despite the intensity of use, but the medical concerns, combined with CIA's increasing knowledge base, its improving skill using less coercive techniques, and the move of al-Qa'ida's senior leaders beyond its reach, ended the use of this technique.

- (U//~~FOUO~~) As a result, the waterboard was last used in March 2003—just over a decade ago.

22. (U//~~FOUO~~) In considering the manner in which enhanced techniques were used more broadly, we would fault the *Study* for discounting the discretion that officers

applied when the detainees were cooperative or were judged not to have valuable information. The *Study* portrays an Agency zealously seeking to apply enhanced techniques, a judgment that inaccurately characterizes CIA's own internal deliberations about the conduct of interrogations.

- ~~(S//OC/NF)~~ Contrary to the representation outlined in the *Study's* second conclusion, the Agency did not advocate "a novel application of the necessity defense" to justify interrogations. Rather, the draft internal memorandum the *Study* cites warned that invoking the "necessity defense" would be "novel," meaning tenuous or untested, because US courts had previously neither considered nor accepted such an argument.

- (U/~~/FOUO~~) CIA leadership twice suspended the use of enhanced techniques pending reaffirmation of legal clearance and policy approval from OLC and the White House.

- ~~(S//OC/NF)~~ In some cases where the *Study* criticizes CIA for immediately applying enhanced techniques too quickly, [redacted]

- ~~(S//OC/NF)~~ In some instances the only technique used was sleep deprivation, and there were multiple occasions—ignored by the *Study*—in which the Agency applied no enhanced techniques because officers judged detainees were cooperating as a result of standard interrogation and debriefing techniques, or opted to forego specific techniques because officers judged they would most likely only stiffen the resolve of the detainee.

- ~~(S//OC/NF)~~ The *Study's* conclusions also fail to note the general trend that, beginning in April 2003, as interrogators became more knowledgeable, as it became easier to use information from one detainee to get more from another, and as our understanding of the effectiveness of various techniques grew, CIA's interrogations gradually relied less on coercion.

23. ~~(TS/~~[redacted]~~NF)~~ **Study of Effectiveness.** Although CIA gradually became more knowledgeable about and selective in its use of enhanced interrogations techniques, we agree fully with the *Study's* critique of the Agency's failure to perform a comprehensive analysis of the effectiveness of those techniques. As we discuss in the next section, CIA did, for the most part, accurately assess the value of <u>what</u> it derived in its interrogations; but that does not equate to a robust assessment of the efficacy of <u>how</u> it derived that information relative to other possible approaches. The internal and external studies commissioned in response to an OIG recommendation offered some useful insights, but they fell well short of the kind of systematic, comprehensive, independent assessment of program effectiveness that the Agency should be looking for while assessing its covert actions in the future.

24. ~~(S//OC/NF)~~ **Personnel.** There is no doubt that the shortage of personnel able and willing to participate in the program was a huge challenge. Language-capable officers were in particularly short supply, even more so after the US invasion of Iraq. We agree with the *Study* that some officers with [redacted] issues were among the over [redacted] officers (managers, interrogators, debriefers, linguists, security officers, support and medical personnel), not including contractors, who carried out the program. In some cases, these individuals possessed unique, hard-to-find skills, such as regional languages or debriefing/paramilitary skills. We do not agree, however, with the *Study's* implication that Agency managers made a routine practice of knowingly sending [redacted] individuals to the field.

- [redacted]
- [redacted]

25. (U/~~FOUO~~) **Accountability.** We gave very careful consideration to the *Study's* assertion that CIA officers who violated policy were only rarely held accountable. Our review of this Conclusion did indeed indicate significant shortcomings in CIA's handling of accountability for problems in the conduct and management of CIA's RDI activities. As we note in our response to Conclusion 16, however, the *Study* lays out two supporting arguments that are best assessed separately, because we agree with—and have expanded on—the first, but the second appears unfounded.

- ~~(S//OC/NF)~~ The first argument is that in some important cases involving clearly evident misconduct, CIA did not in the end sufficiently hold officers accountable even after full investigation and adjudication. We largely concur, although we would take the *Study's* argument one step further. The *Study* focuses on the inadequate consequences meted out for line officers who acted improperly when conducting interrogations in the field or by providing insufficient rationales necessary to justify detentions. To us, an even more compelling concern is that the Agency did not sufficiently broaden and elevate the focus of its accountability efforts to include more senior officers who were responsible for organizing, guiding, staffing, and supervising RDI activities, especially in the beginning.

- ~~(S//OC/NF)~~ The Conclusion's second supporting argument is that there were many more instances of improper actions for which some form of accountability exercise should have been conducted but was not. We found problems with the factual basis for this argument, which we lay out in our response to Conclusion 16.

26. ~~(S//OC/NF)~~ With regard to the first argument, although considerable attention was paid to cases of wrongdoing, we acknowledge that, particularly in the cases cited in the *Study*, the narrow scope of the Agency's accountability efforts yielded outcomes that are, in retrospect, unsatisfying in view of the serious nature of the events. Most notably, we believe that CIA leaders erred in not holding anyone formally accountable for the actions and failure of management related to the death of Gul Rahman at [redacted] in 2002.

27. ~~(S//OC/NF)~~ In that case, we can appreciate the reasoning underlying CIA management's decision to overturn an accountability board recommendation that would have imposed sanctions on the least experienced officer involved. The most junior in the chain of command should not have to bear the full weight of accountability when larger, systemic problems exist and when they are thrust into difficult warzone situations by their supervisors and given a risky and difficult task with little preparation or guidance. Still, it is hard to accept that a CIA officer does not bear at least some responsibility for his or her actions, even under trying circumstances.

- ~~(S//OC/NF)~~ Moreover, deciding to minimize the punishment for a junior officer should not have been the end of the matter. CIA had an affirmative obligation to look more deeply into the leadership decisions that helped shape the environment in which the junior officer was required to operate, to examine what could have been done better, and to determine what responsibility, if any, should be fixed at a more senior level.

28. ~~(TS/~~[redacted]~~NF)~~ The Agency did better in that regard in the case of the improper capture and rendition of Khalid al-Masri, when it went on to hold those who offered flawed legal advice accountable. But in neither the [redacted] nor the al-Masri case—nor in the other cases for which the Agency conducted accountability exercises—were those with broader responsibility for the program held accountable for any management shortcomings that contributed to the outcome.

29. (U/~~/FOUO~~) Although we do not believe it would be practical or productive to revisit any RDI-related case so long after the events unfolded, we do believe that, looking forward, the Agency should ensure that leaders who run accountability exercises do not limit their sights to the perpetrators of the specific failure or misconduct, but look more broadly at management responsibility and more consistently at any systemic issues. At a minimum, no board should cite a broader issue as a mitigating factor in its accountability decision on an individual without addressing that issue head on, provided it remains practical to do so.

30. (U/~~/FOUO~~) Having said that, we believe the *Study* is too dismissive in general of the accountability measures taken when officers deviated from policy, regulations, or the law in their conduct of the program. As detailed in our responses to Conclusions 4 and 16, misconduct was reported to the IG, investigated, and if the allegations were substantiated, subjected to accountability review.

- ~~(S//OC/NF)~~ In addition to OIG investigations and criminal prosecutions—including an extensive, multi-year investigation of RDI activity by a Department of Justice special prosecutor, which involved the review of more than 100 detainee cases—CIA convened six accountability proceedings, either at the directorate or higher level, from 2003 to 2012.

- ~~(S//OC/NF)~~ In total, these reviews assessed the performance of 30 individuals (staff officers and contractors), and 16 were deemed accountable and sanctioned. This included administrative actions against CIA officers who engaged in unauthorized interrogation techniques as well as against officers involved in the detention of detainees who did not meet the required standard for Agency detention.

- ~~(S//OC/NF)~~ The OIG conducted two separate major reviews and at least 29 separate investigations of allegations of misconduct. Some of these reviews were self-initiated by Agency components responsible for managing the program. CIA made numerous referrals to the OIG relating to the conduct of Agency officers and their treatment of detainees, during the life of the program as well as after.

- ~~(U//FOUO)~~ CIA took corrective action both in response to OIG recommendations and on its own initiative. And when actions appeared to violate criminal prohibitions, referrals were made to the Department of Justice.

31. ~~(S//OC/NF)~~ All this oversight did, in fact, lead to tensions between CIA leaders and the OIG, owing to the sheer number of investigations underway and some concerns within the workforce about the impact on mission achievement and about the OIG's objectivity. But the dialogue that ensued did not inhibit the OIG from conducting its mission and resulted in recommended changes to the OIG's own practices that Inspector General Helgerson embraced in 2008.

32. **Contractors.** The *Study* correctly points out that the propriety of the multiple roles performed by contracted psychologists—particularly their involvement in performing interrogations as well as assessing the detainees' fitness and the effectiveness of the very techniques they had devised—raised concerns and prompted deliberation within CIA, but it fails to note that at least some of these concerns were addressed. Early in 2003, Headquarters promulgated guidance on the scope of the contractor psychologists' involvement in individual interrogations. It affirmed that no contractor could issue the psychological assessment of record.

- ~~(TS/~~[redacted]~~NF)~~ We acknowledge that the contract for the company that the two psychologists formed, [redacted] called on them to evaluate the effectiveness of the techniques they had devised, thereby creating a conflict. CIA has since taken steps to ensure that our

contracts do not have similar clauses with the contractors grading their own work.

- ~~(TS/~~[redacted]~~NF)~~ The *Study's* citation of the cost of [redacted] contract requires clarification. Although the *potential* "value" of the contract was in excess of $180 million if all options had been exercised, in fact the firm was actually paid less than half of that by the time the contract was terminated in 2009.

- ~~(TS/~~[redacted]~~NF)~~ The Study's assertion that the two psychologists had "no relevant experience" is incorrect. [redacted] had the closest proximate expertise available to CIA at the time the program was authorized. They had [redacted] years of experience, respectively, with the US Air Force's Survival Evasion Resistance and Escape training program, where each of them had served as [redacted] In addition, [redacted] had conducted academic research and written a number of research papers on such topics as resistance training, captivity familiarization, and learned helplessness.

33. ~~(TS/~~[redacted]~~NF)~~ **Monetary Costs.** The *Study* suggests that CIA acted improperly when it made lump-sum payments to foreign government officials to encourage governments to clandestinely host detention sites, in some cases without requiring [redacted] Inducement payments [redacted] are neither unusual nor improper.

- ~~(S//OC/NF)~~ CIA has statutory authority to make subsidy payments to foreign officials without requiring the receiving governments to provide [redacted] CIA accounted for funds in the RDI program internally according to required procedures.

34. ~~(S//OC/NF)~~ **Relations with Partners.** In its assessment of the costs of the program, the *Study* cites "tensions with US partners and allies" and "damage to bilateral intelligence relationships with nations unwilling to provide intelligence that might contribute to CIA detention and interrogation operations." It is certainly true that CIA, as did the US Government as a whole, called on allies and friends after 9/11 to assist in a variety of ways in the fight against international terrorism. It is also true that leaks resulted in varying amounts of domestic fallout in these countries. However, the assessment of our own political analysts who had no connection to the program, as well as contemporaneous diplomatic reporting, do not support the conclusion that the leaks "strained relations" between the US and its partners. [redacted]

35. ~~(S~~[redacted]~~NF)~~ The *Study* also incorrectly characterizes the impact on our relationship with liaison partners who could not help in this area. CIA is occasionally

faced with situations in which we have authorities to undertake activities that our partners cannot or in which our partners are permitted to undertake activities that we cannot. The *Study* correctly notes, for example, that [redacted] decided not to provide "information that could lead to the rendition or detention of al-Qa'ida or other terrorists to the US Government." This decision did inhibit some potential sharing of operational information. However, the *Study* exaggerates the overall negative impact on the Agency's intelligence relationship.

- ~~(S~~[redacted]~~NF)~~ The constraint on sharing lead information that might result in a rendition or detention did not prevent a substantial growth in overall sharing on counterterrorism after 9/11. [redacted]

36. (U/~~/FOUO)~~ Looking forward, we drew the following lessons from our review of the management and execution of the RDI program. We must:

- ~~(TS/~~[redacted]~~NF)~~ More robustly, objectively, and systematically evaluate the effectiveness of the various tools, techniques, and operations used in our covert actions.

- ~~(TS/~~[redacted]~~NF)~~ Design all covert actions under the assumption the action may eventually leak. Include an exit strategy in our planning and resist proceeding without careful policy consideration and approval of that strategy.

- ~~(S//OC/NF)~~ Try to better factor information [redacted] into the selection process for particularly sensitive assignments.

- (U/~~/FOUO~~) Further institutionalize the significant improvements made in recent years to our close relationship with OLC by establishing a formal mechanism for regularly reviewing OLC guidance to ensure that it reflects any material change in circumstance.

- (U/~~/FOUO)~~ Ensure that accountability adequately extends to those responsible for any broader, systemic or management failures, and that corrective actions are taken to address those failures.

C. (U) Contrary to CIA representations, the program failed to produce intelligence that was otherwise unavailable and that enabled CIA to disrupt plots, capture terrorists, or save lives.

37. (U/~~/FOUO)~~ Our group conducted a careful review of the *Study's* 20 examples of the value of the information CIA obtained as a result of the RDI effort, and

we have provided detailed responses to each in Tab C. We summarize below the results of our review, which are in fairly stark contrast to the *Study's* conclusions. In commenting on the value of the information derived from detainees, we are not arguing in favor of the decision to use the enhanced techniques to which these detainees were subjected. We are not endorsing those techniques, we are not making an "ends-justify-the-means" case for them, nor are we implying that those techniques were the only way to obtain the information from detainees. We only are assessing the accuracy of CIA's representations in response to the *Study's* allegations that those representations were false.

38. (U/~~FOUO~~) We concluded that all of the examples fit within and support CIA's overall representations that information obtained from its interrogations produced unique intelligence that helped the US disrupt plots, capture terrorists, better understand the enemy, prevent another mass casualty attack, and save lives. We must add, however, that in some of the Agency's representations it failed to meet its own standards for precision and accuracy of detail. An Agency whose reputation and value to the policymaker rests on the precision of the language it uses in intelligence reporting and analysis must ensure that such representations are as accurate as possible.

- (U/~~FOUO~~) Nonetheless, even in those cases, we found that the actual impact of the information acquired from interrogations was significant and still supported CIA's overall judgments about the value of the information acquired from detainees.

39. (U/~~FOUO~~) In one of the 20 examples, we found that CIA mischaracterized on several occasions, including in prominent representations such as President Bush's 2006 speech, the impact on specific terrorist plotting of information acquired from a set of CIA interrogations.

- (U/~~FOUO~~) CIA said the information "helped stop a planned attack on the US Consulate in Karachi," when it should have said it "revealed ongoing attack plotting against the US official presence in Karachi that prompted the Consulate to take further steps to protect its officers."

40. (U/~~FOUO~~) There were four instances in which CIA used imprecise language or made errors in some of its representations that, although regrettable, did not significantly affect the thrust of those representations.

41. (U/~~FOUO~~) In another four examples, we found single, isolated representations in which CIA was imprecise in describing the relative impact of the information or the manner in which it was acquired. These were not "frequently cited" or "repeatedly represented" as the *Study* asserts, and they did not appear in the President's speech.

42. (U/~~/FOUO~~) In the other 11 examples, we determined that CIA's representations were consistently accurate, contrary to the *Study's* assertion that the Agency misrepresented them all.

43. ~~(S//OC/NF)~~ One such example—the information that helped identify the courier who ultimately led CIA to Bin Ladin's compound in Abbottabad—is worth separate comment due to the Congressional and media attention it has garnered. The *Study* claims that "much of the critical intelligence on Abu Ahmed [sic] al-Kuwaiti was acquired prior to—and independently of—the CIA detention and interrogation program." We found that the intelligence the Agency had on Abu Ahmad before acquiring information on him from detainees in CIA custody was insufficient to distinguish him from many other Bin Ladin associates until additional information from detainees put it into context and allowed CIA to better understand his true role and potential in the hunt for Bin Ladin. As such, the information CIA obtained from these detainees did play a role—in combination with other streams of intelligence—in finding the al-Qa'ida leader.

- (U/~~/FOUO~~) As DCIA Panetta and ADCIA Morell have stated to Congress and publicly, it is impossible to know in hindsight whether CIA could have obtained from detainees without using enhanced techniques the same information that helped it find Bin Ladin. It is also unknowable whether the Agency eventually would have acquired other intelligence that would have allowed it to successfully pursue the Abu Ahmad lead or perhaps some other successful lead without the information acquired from detainees in CIA custody.

44. (U/~~/FOUO~~) Finally, we should note that our review showed that the *Study* failed to include instances of important information acquired from detainees that CIA cited more frequently and prominently in its representations than several of the examples the authors chose to include.

- (U/~~/FOUO~~) In the same set of documents from which the authors of the *Study* selected some representations we made only once, there are other examples we cited in those same documents seven times.

45. (U/~~/FOUO~~) In the *Study's* treatment of the 20 examples, we note a number of errors of fact, interpretation, and contextualization that appear to have led the authors to conclude that the information CIA derived in each instance had little-to-no unique value. It is just as important to note that the *Study* also discounts the <u>aggregate</u> impact of the intelligence derived from detainees in CIA custody.

- ~~(S//OC/NF)~~ Perhaps the most important context that the *Study* ignores in its assessment of the information obtained from detainees is how little CIA knew, despite considerable effort, about al-Qa'ida and its allies on 9/11 to inform efforts to prevent another terrorist attack. The sum total of information provided from detainees in CIA custody substantially advanced the Agency's

strategic and tactical understanding of the enemy in ways that continue to allow it to disrupt al-Qa'ida's leadership and its terrorist planning to this day.

46. (U/~~/FOUO~~) We do want to add, however, that in hindsight, we believe that assertions the Agency made to the effect that the information it acquired could not have been obtained some other way were sincerely believed but were also inherently speculative. Although it is indeed impossible for us to imagine how the same counterterrorism results could have been achieved without <u>any</u> information from detainees, we also believe—as we note above—that it is unknowable whether, without enhanced techniques, CIA or non-CIA interrogators could have acquired the same information from those detainees.

- ~~(S//OC/NF)~~ CIA officers who witnessed detainees' initial demeanor believed they would not have succumbed to less coercive approaches, at least not in time for their information to be operationally useful.

- ~~(S//OC/NF)~~ But CIA is a resourceful organization, and we believe it is unwise for its officers to make categorical and ultimately hypothetical assertions about what might or might not be accomplished using alternate means.

47. ~~(TS/~~[redacted]~~NF)~~ Looking forward, the lesson to be drawn under this theme is obvious: We must ensure that our representations of the effectiveness of covert action are drawn from assessments that are made at arm's length from the component running the program and that they adhere to the highest standards of analytic tradecraft, especially precision of language.

D. (U) CIA resisted internal and external oversight, and misrepresented the program to Congress, the Executive Branch, and the media.

48. (U/~~/FOUO~~) While we were able to find points in the preceding themes with which to both agree and disagree, the *Study* seems to most seriously diverge from the facts and, indeed, from simple plausibility in its characterizations of the manner in which CIA dealt with others with regard to the RDI program. The *Study* would have the reader believe that CIA "actively" avoided and interfered with oversight by the Executive Branch and Congress, impeded other agencies, withheld information from the President, and misled the American people.

- (U/~~/FOUO~~) We would observe that, to accomplish this, there would have had to have been a years-long conspiracy among CIA leaders at all levels, supported by a large number of analysts and other line officers. This conspiracy would have had to include three former CIA Directors, including one who led the Agency after the program had largely wound down.

49. (U/~~/FOUO~~) We cannot vouch for every individual statement that was made over the years of the program, and we acknowledge that some of those statements were

wrong. But the image portrayed in the *Study* of an organization that—on an institutional scale—intentionally misled and routinely resisted oversight from the White House, the Congress, the Department of Justice, and its own OIG simply does not comport with the record.

- (U//~~FOUO~~) Many of the *Study's* charges that CIA misrepresented are based on the authors' flawed analysis of the value of the intelligence obtained from detainees. But whether the Committee accepts their assessment or ours, we still must question a report that impugns the integrity of so many CIA officers when it implies—as it does clearly throughout the conclusions—that the Agency's assessments were willfully misrepresented in a calculated effort to manipulate.

50. ~~(TS/~~[redacted]~~NF)~~ With regard to how widely CIA briefed among other agencies and the Congress, there is no question that, for sound operational and liaison equity reasons, the RDI program was extremely sensitive. As a result, the White House, which has responsibility for determining need to know for covert action, placed significant restrictions on who could be read in, limiting the oversight committees to the Chair and Vice Chair only. We do not want to suggest that CIA chafed under these restrictions; on the contrary, it undoubtedly was comfortable with them. But as we have detailed in our responses to Conclusions 3, 5, 8, and 13, briefings did occur for those the White House determined had a need to know; and in the case of briefings for the leaders of the oversight committees, those briefings occurred regularly, to include briefings from the IG about problems in the program.

- [redacted]

51. ~~(C//OC/NF)~~ Looking forward, having engaged in an effort to piece together the record of our interactions with others on this sensitive program, a key lesson we took away is that recordkeeping in the Office of Congressional Affairs and in the Office of Public Affairs on CIA's interactions with Congress and the media, respectively, should be improved. We would note, however, that Agency records were sufficient to show that CIA did not, as the *Study* alleges, intentionally misrepresent to anyone the overall value of the intelligence acquired, the number of detainees, the propensity of detainees to withhold and fabricate, or other aspects of the program.

Recommendations

52. (U) In the foregoing discussion, we have identified a number of broad lessons learned that we believe still apply to CIA today, even though the Agency has made substantial progress in a number of areas since—and in part because of—its

experience with RDI. From these lessons learned, we developed recommendations for specific, concrete actions going forward.

~~(S//OC/NF)~~ **Recommendation 1: Improve management's ability to manage risk by submitting more covert action programs to the special review process** [redacted] Direct the Executive Director, [redacted] to expand the current process of conducting special annual reviews of the execution of CIA [redacted] to include the execution of authorities that cover other particularly sensitive activities, [redacted] At the inception of a new covert action program, [redacted] would consider and recommend to DCIA whether a special review is warranted. Such operations would include, but not be limited to, those that:

- ~~(S//OC/NF)~~ Have unusually high potential, if they are disclosed or fail, to damage important US Government foreign policy interests or entail other high costs;
- [redacted]
- [redacted]
- ~~(S//OC/NF)~~ Involve unusually large expenditures of resources;
- [redacted]

~~(S//OC/NF)~~ **Recommendation 2: Better plan covert actions by explicitly addressing at the outset the implications of leaks, an exit strategy, lines of authority, and resources.** Direct the Executive Director, [redacted] to ensure that the Agency submits for inclusion in all future covert action findings a section that fully addresses the implications of unauthorized public disclosure for the program and US foreign policy, as well as a section that lays out an exit strategy and the challenges that entering into the program will pose for ending that program. Also, direct that all findings are to be accompanied by an internal use memorandum that addresses program implementation, to include lines of authority, specific organizational responsibilities for key elements of the program, and how resource requirements will be met.

~~(S//OC/NF)~~ **Recommendation 3: Revamp the way in which CIA assesses the effectiveness of covert actions.** Direct the Executive Director, [redacted] to develop within 90 days concrete options and a recommendation for a structure and/or process that would be capable of producing regular, systematic, and analytically rigorous

assessments of the effectiveness of CIA covert action programs, and ensuring the accuracy and consistency of CIA representations of the same.

(U/~~/FOUO~~) **Recommendation 4: Ensure that all necessary information is factored into the selection process for officers being considered for the most sensitive assignments.** Direct the Executive Director, working with the General Counsel and Chief of Human Resources, to develop options within 90 days for better factoring into the selection process for sensitive covert action positions relevant information [redacted] and to make a recommendation as to whether or how to amend current procedures.

(U/~~/FOUO~~) **Recommendation 5: Create a mechanism for periodically revalidating OLC guidance on which the Agency continues to rely.** Recognizing that CIA maintains frequent communication with the Office of Legal Counsel (OLC) concerning counterterrorism and other covert action activities and the legal authorities and prohibitions governing them, direct the General Counsel to continue such communication and, working with the Executive Director, to develop a formal mechanism for triggering systematic reviews of OLC opinions regarding ongoing covert action programs with the goal of ensuring that OLC's legal analysis is confirmed or updated as warranted by material changes in facts and circumstances.

(U/~~/FOUO~~) **Recommendation 6: Broaden the scope of accountability reviews.** Direct that the Executive Director ensure that all memoranda establishing and laying out the scope of an accountability review board, including directorate level boards, explicitly call on the board to assess and make recommendations to address any systemic issues revealed by the case, and to expand the scope of the review as warranted to include officers responsible for those systemic problems.

~~(C//OC/NF)~~ **Recommendation 7: Improve recordkeeping for interactions with the media.** Direct the Director of the Office of Public Affairs (OPA) and the Chief Information Officer to develop a concrete plan to improve recordkeeping on CIA's interactions with the media. OPA's records going forward should reflect each interaction with the media and the content of that interaction. This plan should be completed within 90 days of the arrival of a new Director of OPA.

(U/~~/FOUO~~) **Recommendation 8: Improve recordkeeping for interactions with Congress.** Direct the Director of the Office of Congressional Affairs (OCA) and the Chief Information Officer to develop a concrete plan to improve recordkeeping on CIA's interactions with Congress. OCA's records going forward should reflect each interaction with Congress and the content of that interaction. OCA should work with the oversight committees to develop better access to transcripts of CIA testimony and briefings. This plan should be completed within 90 days of the arrival of a new Director of OCA.

(U) Conclusion 1: The CIA was unprepared as it initiated a program of indefinite, clandestine detention using coercive interrogation techniques. The CIA did not adequately develop and monitor its initial detention and interrogation activities.

(U) We fully agree with Conclusion 1 of *The Senate Select Committee on Intelligence's Study of the Central Intelligence Agency's Detention and Interrogation Program* (hereafter referred to as the *Study*), as the conclusion is broadly summarized above. We have a different perspective, however, on some of the points made in the *Study's* supporting discussion for Conclusion 1.

~~(S//OC/NF)~~ CIA was indeed unprepared to initiate a rendition, detention, and interrogation (RDI) program. In response to 9/11, with the expectation that more mass casualty attacks were in the offing, CIA quickly redirected substantial resources to counterterrorism, undertook high risk operations [redacted] and enlisted the aid of liaison partners across the globe in the fight against al-Qa'ida.

~~(TS/~~[redacted]~~NF)~~ Prior to 2001, CIA had only limited experience rendering detainees [redacted] and a 1998 Memorandum of Notification (MoN) limited the Agency's authorities to detain individuals, [redacted] Following the 9/11 attacks and the President's subsequent approval of the 2001 MoN, CIA was granted unprecedented, broad authority to render individuals who "pose continuing or serious threats of violence or death to U.S. persons or interests or who are planning terrorist attacks"

- ~~(TS/~~[redacted]~~NF)~~ Almost immediately, discussions with the National Security Council (NSC) began that covered the legal and policy parameters for how al-Qa'ida and Taliban prisoners would be managed and treated by DoD and CIA. Abu Zubaydah's 28 March 2002 capture provided the impetus to draw upon those discussions and formally structure a program to render, unilaterally detain and interrogate al-Qa'ida leaders.

- ~~(TS/~~[redacted]~~NF)~~ Simultaneously, in 2001 and 2002, CIA engaged in a variety of planning efforts to develop locations and guidelines for how it would execute detention authorities and explored options with contract psychologists for interrogating al-Qa'ida members.

- (U~~//FOUO)~~ CIA faced the need to stand up a program to house and interrogate al-Qa'ida leaders and operatives [redacted] with no cadre of trained and experienced interrogators, little experience handling and moving prisoners, and no core competency in prison management. The Agency had too few analysts and linguists with the expertise required to support an RDI program.

~~(S//OC/NF)~~ We also agree with the broad conclusion that "The CIA did not adequately develop and monitor its initial detention and interrogation activities." In agreeing with this statement, however, we draw particular attention to the word "initial." As we discuss further in response to other conclusions, one of the main flaws of the *Study* is that it tars the Agency's entire RDI effort with the mistakes of the first few months. We are not minimizing the early consequences of CIA's failure to adequately manage its *initial* RDI activities, consequences that include the initial conditions and treatment of detainees at [redacted] that culminated in the death of Gul Rahman in November 2002, two months after the first detainee arrived there. But the *Study* as

a whole leads the reader to believe that the management shortcomings that marked those initial months persisted throughout the program, which is historically inaccurate.

~~(S//OC/NF)~~ As noted in the *Study*, CIA sought to fill the vacuum in its RDI capabilities in part by turning to others inside and outside the government for expertise and manpower, and in part by leveraging liaison assistance. As we discuss in our response to Conclusion 15, what CIA failed to do at the outset was to immediately respond to the extraordinary and high-risk requirements of conducting RDI activities by establishing and giving adequate management attention and resources to a dedicated, centrally managed program office tasked with quickly promulgating operational guidelines for RDI activities, taking control of those activities worldwide, and monitoring those activities on a day-to-day basis.

- ~~(S//OC/NF)~~ As a result, although the confinement conditions and treatment of high profile detainees like Abu Zubaydah were closely scrutinized at all levels of management from the outset, the same cannot be said for the first couple of months of CIA's handling of lower-profile detainees in [redacted] It was during those months that grim confinement conditions and inadequate monitoring of detainees were allowed to exist at [redacted]

- While we do not minimize the gravity of the mistakes made early in the program, none of the Study's key observations relating to this period are new, but rather have been chronicled by multiple internal and external investigations

~~(TS/~~[redacted]~~NF)~~ Following the death of Gul Rahman, CIA centralized the management of and accountability for all detention facilities in a single program office, which endeavored to address the shortcomings at [redacted] as well as isolated problems elsewhere. That office also developed standards and guidelines for operating all CIA-controlled detention and interrogation facilities and monitored adherence to those guidelines.

- ~~(TS/~~[redacted]~~NF)~~ As discussed in our responses to Conclusions 15 and 19, we acknowledge that resource constraints dogged the program throughout its existence, especially in [redacted] and especially after the invasion of Iraq increased the competition for language-capable personnel. We also acknowledge that, although conditions at [redacted] improved, the Agency did not—as we believe it should have—put the facility under [redacted] the full-time management of a more senior CIA officer, as was standard practice elsewhere. The Agency was also unable to fully bring the facility up to the standard of our other detention facilities by the time it was closed in [redacted]

- ~~(S//OC/NF)~~ Nonetheless, IG reviews show that the program office substantially improved the oversight and management of the RDI program as a whole, including in [redacted] from early 2003 onward. This was not a panacea—other mistakes were made, investigated, and corrected along the way—but the program was much better developed and managed after the initial months of RDI activities.

(U/~~/FOUO)~~ With regard to some of the other claims in the *Study's* discussion of Conclusion 1:

- ~~(TS/~~[redacted]~~NF)~~ The *Study* implies that CIA's transfer of Abu Zubaydah to Country [redacted] was conducted without adequately consulting appropriate officials in the US

Government. After Abu Zubaydah was captured, CIA was forced to move quickly to identify and prepare a suitable location, and to do so with great secrecy. The Agency does not have records indicating exactly which US officials were consulted before the decision was made, but the *Study* cites documentation of Presidential approval for the plan to render Abu Zubaydah on 29 March. The *Study* also quotes from the paper CIA prepared for the Principals highlighting a range of options for his disposition. Once the plan was approved, but *before* Abu Zubaydah was transferred on [redacted] March 2002, CIA notified the Assistant Secretary of State [redacted] who pledged to brief the Secretary and Deputy Secretary, as well as [redacted] host country leaders in Country [redacted] As cited in the *Study*, no one who was briefed on the transfer objected, and several US officials were described as supportive.

- ~~(TS/~~[redacted]~~NF)~~ While we have acknowledged that CIA Headquarters in the initial months inadequately organized and monitored our RDI activities, the delegation of some select detention authorities from the DCI to Headquarters subordinates was a practical step necessitated by the pace of operations in 2002 and consistent with current practice. The Deputy Director of Operations (DDO) further delegated these authorities to CIA officers on the ground [redacted] because of the concern that situations would arise where officers could not delay action for Headquarters to deliberate and communicate capture and detention approval. That delegation was largely rescinded in June 2003, although it was recognized that unusual, exigent circumstances could still apply in isolated cases.

- ~~(TS/~~[redacted]~~NF)~~ We believe that the *Study* errs by implying that 60 individuals were detained without any review through 10 June 2003 . In fact, the vast majority of these 60 detainees were captured and initially detained [redacted] they were rendered for detention in [redacted] with Headquarters approvals. The case of Ibrahim Haqqani is also instructive. The U.S. Military captured him in Afghanistan on 4 May 2003 and brought him to [redacted] Following review at Headquarters and subsequent direction, [redacted] Station transferred him to [redacted] custody after eight days while working out approvals and logistics for subsequent transfer to U.S. Military custody, as the *Study* acknowledges, because Headquarters judged that he did not merit detention by the CIA.

~~(S//OC/NF)~~ Conclusion 2: Prior to the detention of the first CIA detainee, CIA officers began examining the legal implications of using interrogation techniques considered to be torture by foreign governments and non-governmental organizations. The CIA Office of General Counsel assessed that "a novel application of the necessity defense" could be used "to avoid prosecution of US officials who tortured to obtain information that saved many lives." After these determinations—beginning in July 2002 and continuing to the present day—the CIA has represented that the CIA's enhanced interrogation techniques were necessary to acquire "otherwise unavailable" intelligence that "saved lives."

~~(S//OC/NF)~~ We disagree with this conclusion. The draft research memorandum prepared by CIA Office of General Counsel (OGC) attorneys in 2001 (the "Draft Memo") outlined, among other things, the possibility of asserting necessity as a defense to potential criminal torture charges arising from RDI Program activities. But nothing in record indicates either that CIA relied upon the Draft Memo in implementing the RDI program or that the Draft Memo was the motivating force behind CIA's subsequent representations regarding the program.

~~(S//OC/NF)~~ First, the Draft Memo did not advise CIA to rely upon elements of the necessity defense either as a means to exonerate officers of potential criminal torture charges or as a legal basis for applying enhanced interrogation techniques to detainees. Instead, the Draft Memo pointedly stated: "In sum: US courts have not yet considered the necessity defense in the context of torture/murder/assault cases. . . . It would, therefore, be a novel application of the necessity defense to avoid prosecution of US officials who torture to obtain information that saved many lives; however, if we follow the Israeli example, CIA could argue that the torture was necessary to prevent imminent, significant, physical harm to persons, where there is no other available means to prevent the harm."

- ~~(S//OC/NF)~~ Rather than advocating reliance upon a necessity defense to exonerate officers charged with torture, the Draft Memo instead warned that no US court has ever considered—let alone accepted—such a "novel"[1] argument. Although the Draft Memo further stated that CIA "could argue" such a defense under certain circumstances, the Draft Memo cannot be read to advocate reliance on the necessity defense.

- ~~(S//OC/NF)~~ In addition, the Draft Memo made clear that with reference to the experience of Israel, legal authorities there "specifically note[] that although necessity can be used as a *post factum* defense, it cannot serve as a source of positive, *ab initio* authority for the systemic (even if rare) use of torture as a valid interrogation tool." This contradicts the implication of Conclusion 2 that the Draft Memo invited reliance upon availability of a necessity defense in designing or implementing the program.

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[1] (U) In the legal context, "novel" is generally not a laudatory characterization of an argument. To the contrary, lawyers and courts typically apply the term to connote skepticism of an argument that is tenuous or untested. *See, e.g.*, *Kingsland v. Dorsey*, 338 U.S. 318, 325 (1949) (Jackson, J., dissenting) ("If, however, a lawyer is to be called upon to be the first example of condemnation for an offense so tenuous, vague and *novel*, the least courts should require is that the case against him be clearly proved.") (emphasis added); *Mathur v. Board of Trustees of Southern Illinois University*, 317 F.3d 738, 744 (7th Cir. 2003) ("A client's case could present *novel* or untested legal theories which an attorney may not believe will be successful.") (emphasis added).

- The legal basis for the program was not a speculative "necessity defense," but rather paragraph 4 of the 17 September 2001 MoN. Enhanced techniques were one tool used to implement these authorities, and were reviewed by DoJ's Office of Legal Counsel (OLC) explicitly for the purpose of determining that they did not constitute torture or otherwise violate the law; the only conditions under which a "necessity defense" would ever, even theoretically, arise.

~~(S//OC/NF)~~ The *Study* also suggests that burnishing CIA's defense against potential criminal charges served as a motive to disseminate inaccurate information about the effectiveness of the program. In fact, the Draft Memo and CIA's research on potential criminal defenses had no bearing at all on CIA's disclosures or factual representations regarding the program, and the *Study* provides no factual support for this claim.

- ~~(S//OC/NF)~~ To support the contention that the Draft Memo motivated or colored CIA's subsequent disclosures, the *Study* quotes a 2004 email in which [redacted] CTC/LGL requested that personnel compile specific examples in which use of enhanced techniques directly led to information that saved lives. However, there is no causal link between the rather obscure 2001 Draft Memo, which set out a speculative, "novel" legal theory, and CIA's independent operational assessment that the program was effective and produced intelligence that enabled disruption of terror plots, thereby saving lives. Also absent from the *Study* is the further admonition contained in [redacted] CTC/LGL's email that any such examples provided must be "iron clad," "demonstrably supported by cable citations" or other sources, and "absolutely verifiable."

- (~~S//OC/NF~~) In addition, the *Study* critiques CIA—and the Draft Memo in particular—for failing to provide a "factual basis for the belief that the use of torture might be necessary to save 'thousands of lives.'" In fact, the Draft Memo professed no such belief, nor did it attempt to address the efficacy of torture as an interrogation tactic in any of its six pages. In context, the Draft Memo addressed torture "saving thousands of lives" only as a hypothetical scenario under which foreign states might be unlikely to condemn the act.

~~(TS/~~[redacted]~~NF)~~ In sum, the *Study* overstates the Draft Memo's significance. The Draft Memo and the associated MON draft legal appendix documents represented an effort by CIA to conduct initial legal research regarding the body of laws that could be applicable to the program. The Draft Memo served as an exercise to evaluate the prospect of asserting a necessity defense in the event criminal torture charges were ever asserted against CIA officers; it provided no analysis regarding the likelihood of such charges arising, the potential effectiveness of torture in obtaining intelligence, or whether particular enhanced interrogation techniques should be implemented as part of the RDI program. Moreover, it did not advocate reliance on the elements of the necessity defense to exonerate officers of potential criminal charges arising out of the RDI program or to justify the application of enhanced interrogation techniques. The Draft Memo is simply an example of Agency lawyers doing their jobs; examining all contingencies and producing legal analysis of issues of potential relevance to CIA programs.

(U) Conclusion 3: The CIA avoided Executive Branch oversight of its detention and interrogation activities by the White House and the National Security Council Principals and staff by withholding information related to the CIA detention and interrogation program and providing inaccurate information about the effectiveness and operation of the program.

(U) We disagree with the *Study's* conclusion that the Agency avoided Executive branch oversight or that it withheld or provided inaccurate information about the effectiveness and operation of the Program.

~~(S//OC/NF)~~ The record and the *Study* are replete with documentation of CIA's consultation and coordination with elements of the Executive branch, beginning as early as November 2001 with policy discussions among the various agencies on detention facilities, including multiple instances of Executive branch engagement on the detention and interrogation program. This coordination directly involved the Vice President; Counsel to the President and Vice President; the National Security Advisor and Deputy National Security Advisor; the National Security Legal Advisor; elements of the Department of Justice's Office of Legal Counsel and Criminal Division; and the Attorney General and Deputy Attorney General.

- ~~(S//OC/NF)~~The *Study* asserts that the President was not briefed in a timely way on program details. While Agency records on the subject are admittedly incomplete, former President Bush has stated in his autobiography that he discussed the program, including the use of enhanced techniques, with then-DCIA Tenet in 2002, prior to application of the techniques on Abu Zubaydah, and personally approved the techniques.

- ~~(S//OC/NF)~~The decision to delay briefing the Secretaries of State and Defense, referenced in the *Study*, was made by the White House, not CIA, which stood ready to brief them as directed. This was a Presidential program, authorized, coordinated, and administered through the President's National Security Advisor and staff. CIA did not have the unilateral authority to brief individuals or groups independent of Presidential direction as conveyed by the National Security Advisor.

(U) The Study also asserts that the CIA withheld and provided inaccurate information about the effectiveness and operation of the program. CIA's response to Conclusion 9 and Appendix A provides a detailed discussion of matters relating to the effectiveness of the program and Agency assertions regarding that issue.

(U) Conclusion 4: The CIA avoided effective oversight of its detention and interrogation activities by the CIA's Office of Inspector General. The CIA resisted efforts by the Inspector General to examine aspects of the CIA detention and interrogation program, and provided significant inaccurate information to the Office of Inspector General during the drafting of the Inspector General's Special Review of the program. The inaccurate information was included in the final May 2004 Special Review. In 2005, CIA Director Porter Goss directed the Inspector General not to initiate any new reviews of the program until it had completed the reviews already underway. In 2007, CIA Director Michael Hayden conducted an unprecedented review of the CIA's Office of Inspector General, largely in response to its inquiries into the CIA detention and interrogation program.

(U) We do not agree with the *Study's* assessment that it avoided effective oversight of its detention and interrogation activities by its Office of Inspector General (OIG). CIA engagement's with the OIG over the years was robust and the Agency did not block institutional or individual cooperation. Throughout the period, the OIG affirmed in its Semiannual Reports that it found full and direct access to all Agency information relevant to the performance of its duties. Had circumstances been otherwise, the IG would have been obligated to make that fact known to Congress. As further evidence of this access, the OIG produced a wealth of assessments, which were made available not only to CIA senior leadership but also to Congressional overseers from 2003, when the first OIG RDI-related review began, to 2012 when the last OIG RDI-related investigation was concluded. We acknowledge that two DCIA's did engage with the OIG with respect to its efforts on the RDI program, but, in both cases, this reflected an effort to find an appropriate balance between OIG's mission and those of other CIA components.

~~(S//OC/NF)~~ OIG oversight included counterterrorism audit, inspection, and numerous investigations that resulted in both positive and negative findings on the conduct of the RDI program.

- (U~~/FOUO~~)The comprehensive Special Review, *"Counterterrorism Detention and Interrogation Activities (September 2001-October 2003),"* was published in May 2004.

- ~~(S//OC/NF)~~ The OIG conducted nearly 60 investigations on RDI-related matters. In over 50, OIG found the initial allegations to be unsubstantiated or otherwise did not make findings calling for accountability review. Of the remaining cases, one resulted in a felony conviction, one resulted in termination of a contractor and revocation of his security clearances, and six led to Agency accountability reviews.

(U/~~/FOUO~~) The *Study* is correct in noting that the OIG's work resulted in some tension within CIA. However, on balance we concluded that, although CIA officers may not have been comfortable engaging with the IG on RDI-related matters, when they did so they nevertheless generally provided accurate information on the operation and effectiveness of the program.

- ~~(S//OC/NF)~~ Some CIA officers clearly did perceive a lack of objectivity on the part of some OIG officers who were evaluating the program. In a memorandum for the record dated 25 August 2005, a CTC officer stated that an OIG officer opined that Gul Rahman had been "killed" and that the OIG officer "appeared to have presumed ill intent" with regard to the role of CIA officers. [redacted]

- (U~~/FOUO~~) This is only a small part of the story, however. Many OIG investigations associated with the RDI program were initiated as a result of concerns expressed by Agency employees working in the program, evidence that employees believed they could reach out to OIG and have their views taken seriously. Many allegations were found to be unsubstantiated, and did not lead to OIG Reports of Investigation.

- ~~(S//OC/NF)~~ We assess that CIA officers, with rare exceptions, provided accurate assessments to the OIG. The *Study's* assertion to the contrary is simply reflective of its more general conclusion that CIA repeatedly misrepresented the effectiveness of the program. There were two factual errors conveyed to OIG by CIA officers for the 2004 Report that we did not rectify at the time. We address both of these issues in detail in our response to the *Study's* Conclusion 9 and in our comments on the Case Studies. As discussed there, we disagree with the *Study's* overall appraisal of our representations.

- ~~(S//OC/NF)~~ Finally, it is worth highlighting that OIG reviews included instances in which the OIG recommended that individuals be reviewed for lack of candor during the course of the investigations. In four of those instances, the review process confirmed there had been a lack of full cooperation and candor, and the individuals involved were given disciplinary sanctions. Accountability is further discussed in our response to Conclusion 16.

~~(S//OC/NF)~~ The *Study's* contention that actions by two DCIAs were intended to impede OIG's activities is also flawed. DCIA Goss did send a memo on 21 July 2005 with a request that the OIG not begin new reviews of the Counterterrorism Center and instead address the backlog of uncompleted OIG RDI work. He noted that he was "increasingly concerned about the cumulative impact of the OIG's work on CTC's performance." His request came at a time when OIG claims on CTC attention and resources were growing as a result of an increasing number of reviews, some of which were taking months or longer, even as intelligence indicated, and events on the ground demonstrated, that al Qa'ida was reconstituting itself. The DCIA's request thus sought to strike a balance between the critical missions both OIG and CTC had to perform.

- ~~(S//OC/NF)~~ It is worth underscoring that DCIA Goss's request ultimately had no impact on the OIG's role. A 25 July 2005 response memo from the Inspector General (IG), in which the IG resolutely held his ground, ended the matter. Our records indicate the OIG did not halt or reduce its efforts.

~~(S//OC/NF)~~ DCIA Hayden's engagement sought to address and clarify competing missions. OIG's active posture sparked debate regarding its role vis-a-vis other CIA components. As a result, Director Hayden in 2007 initially tasked Special Counselor Robert Dietz to assess how OIG and OGC interacted on legal issues. This was intended to address the issue of whether the CIA was being caught between OIG and OGC as differing sources of "final" legal guidance. Also at the time, an Accountability Board, convened in response to an OIG report of investigation on the death of detainee Manadal al-Jamaidi, received complaints of alleged OIG bias and unfair treatment of CIA officers. Dietz was subsequently asked to include those complaints as part of his review.

- ~~(S//OC/NF)~~ Dietz's review included a number of recommendations intended to strengthen the methodology and conduct of OIG investigations, and the results of the review were reported in writing to the HPSCI and SSCI Chairmen and Vice Chairmen in January 2008.

(U/~~/FOUO~~) The IG accepted over a dozen recommendations from the review, and implemented actions intended to clarify, document, strengthen and increase transparency, primarily related to the conduct of OIG investigations. These included:

- (U~~//FOUO~~) Establishing the position of a Quality Control Officer in the Investigations Staff and the creation of an OIG Ombudsman position separate from the Quality Control Officer.

- (U~~//FOUO~~) Establishing procedures allowing individuals or components to provide rebuttals for the purpose of establishing factual accuracy, and establishing a uniform procedure allowing the subjects of reports the opportunity to review their interview reports and subsequent draft investigation reports.

- (U~~//FOUO~~) Acquisition of audio/video equipment allowing for the taping of investigations interviews, to ensure accuracy and clarity, and protect both interviewees and investigators in the event of disagreements about interview content.

(U) Conclusion 5: The CIA detention and interrogation program impeded and undermined the national security missions of other Executive Branch Agencies—including the Federal Bureau of Investigation, the State Department, and the office of the Director of National Intelligence—by withholding information relevant to their missions and responsibilities, denying access to detainees, and by providing inaccurate information.

(U) We disagree with the assertion that CIA impeded or undermined the mission of other Executive Branch Agencies. In fact, intelligence derived from the detention and interrogation program greatly facilitated the work of other agencies in carrying out their national security missions. While we take no position on the decision to use enhanced techniques or on their necessity in acquiring information from detainees, we believe Conclusion 5 fails to sufficiently acknowledge the cumulative impact of intelligence obtained from those detainees on al-Qa'ida's capabilities, tradecraft, targeting priorities, and recruiting had in enabling other Executive branch agencies to develop countermeasures and disruption strategies that directly contributed to the security of the US and its interests abroad. CIA provided the interagency, including the FBI, with a wealth of information derived from detainee interrogations that was critical in shaping the whole of government response to the al-Qa'ida threat after the 9/11 attacks.

~~(S//OC/NF)~~ Prior to the capture of Abu Zubaydah in March 2002, the Intelligence Community had significant gaps in knowledge concerning al-Qa'ida's organizational structure, key members and associates, intentions and capabilities, recruitment practices and strategies, and potential targets for future attacks. To fill these gaps, CIA over the years serviced hundreds of requirements directed at detainee interrogations from the FBI, the Department of Homeland Security, the National Counterterrorism Center (NCTC), the Department of Defense, the Department of State, and the Department of Treasury, among others.

- ~~(S//OC/NF)~~ CIA shared thousands of intelligence reports obtained from detainees with the Intelligence Community, covering strategic and tactical matters related to al-Qa'ida and its militant allies and facilitators. Other agencies—including the FBI, whose cables indicate it used that information to support investigations—repeatedly made clear that it highly prized this detainee-derived intelligence.

- ~~(S//OC/NF)~~ For instance, over three quarters of the intelligence reports that the FBI cited in a paper assessing the activities of US-based al-Qa'ida sleeper operative Salih al-Marri and explaining the reach of al-Qa'ida's network in the US were sourced to Khalid Shaykh Muhammad (KSM), our first and most important source of information on al-Marri's role. Prior to KSM's information, CIA and the FBI were aware of al-Marri's links to al-Qa'ida but lacked the detail to more fully understand al-Qa'ida's plans for him.

- ~~(S//OC/NF)~~ [redacted] A separate [redacted] forwarded a CTC finished intelligence product on al-Qa'ida's evolving

[2] [redacted]

efforts to defeat US security measures—written based on detainee reporting—and requested all consular and DHS officers at overseas posts review the report.

~~(S//OC/NF)~~ The *Study's* allegations regarding CIA's relationship with the FBI in the context of the program require clarification. In the first instance, it was the FBI's decision to exclude its personnel from participation in the RDI program, based on a leadership decision that the FBI did not want to be involved with the use of coercive techniques at secret facilities. That said, we acknowledge CIA had significant concerns regarding the possibility that any FBI participation in an interrogation might unintentionally result in later disclosures in a legal forum regarding the program and the detention site locations.

~~(TS/~~[redacted]~~NF)~~ We disagree with the characterization that the FBI received "the most significant intelligence" information from Abu Zubaydah using only rapport building techniques. The FBI officers were part of an around-the-clock effort, in conjunction with CIA, to interrogate Abu Zubaydah in order to weaken his resolve to resist. This effort involved sleep deprivation for Abu Zubaydah, which was later characterized as an enhanced technique. The FBI learned about Jose Padilla during this period of sleep deprivation, which required interrogators to alternate (so they could rest). Even after the admission concerning Padilla, both FBI and CIA interrogators assessed that Abu Zubaydah was continuing to withhold important information; an assessment that served as the impetus for seeking a DOJ opinion on additional techniques which might further weaken Abu Zubaydah's resolve.

- ~~(S//OC/NF)~~ *The Study's* allegation that CIA was directed not to share intelligence from Khalid Shaykh Muhammad's interrogations unless it was "actionable" is simply wrong. Of course, all intelligence collected from KSM was shared with the FBI via disseminated reports and [redacted] from Headquarters. The cable cited by the report is not to the contrary. It's focus is on preserving the "status quo"—in which CIA had custody of physical materials captured with KSM and information he initially provided—pending interagency discussions on how to manage those materials and information. The intent was to avoid complicating criminal trials involving other terrorist detainees, who might seek access to the materials and information through the discovery process if they were provided to the FBI. Notwithstanding this, the cable explicitly states that CIA must "continue to provide [the FBI or other law enforcement agencies] immediate access to any information" or physical materials "that relates to imminent threats or is otherwise actionable."

- ~~(S//OC/NF)~~ Finally, with regard to the *Study's* claims that the State Department was "cut out" of information relating to the program, the record shows that the Secretary of State, Deputy Secretary of State and Ambassadors in detention site host countries were aware of the sites at the time they were operational. In addition, Station Chiefs in the respective countries informed their Ambassadors of developing media, legal, or policy issues as they emerged, and provided a secure communication channel for discussion of these matters with Washington.

- ~~(TS/~~[redacted]~~NF)~~ As detailed in our response to Conclusion 3, and as is the case with all covert action programs, the National Security Council established the parameters for when and how CIA could engage on the Program with other Executive branch agencies. The 2001 MoN compartmented the rendition, detention, and interrogation program, while it permitted CIA to enlist the assistance of other relevant

US Government agencies. The NSC, not CIA, controlled access to the [redacted] within the Executive branch.

~~(TS/~~[redacted]~~NF)~~ Overall, although we disagree with the premise that the RDI program impeded or undermined the national security missions of other Executive Branch agencies, we agree with the 9/11 Commission and others who have observed that, before 9/11, we could have been more closely linked with the FBI. Improving information sharing and operational ties in the wake of the attacks became not just a CIA priority, but a focus of the entire intelligence community. We have made great strides since then; to cite just one example, we have moved to embed significantly more FBI detailees within CIA's Counterterrorism Center (CTC)—moving from [redacted] detailees in 2003 to [redacted] today.

~~(S//OC/NF)~~ Conclusion 6: The CIA's detention and interrogation program required secrecy and cooperation from other nations in order to operate, and both had eroded significantly before the President publicly disclosed the CIA detention and interrogation program in September 2006. It was difficult for the CIA to find nations willing to host CIA clandestine detention sites, as well as to address emergency medical care for its detainees. By 2006, the CIA detention and interrogation program had largely ceased to operate due to press disclosures, reduced cooperation from nations hosting detention facilities, the inability to find new nations to host detention sites, as well as oversight and legal concerns. After detaining at least 113 individuals, the CIA brought on six additional detainees into its custody after 2004: four in 2005, one in 2006, and one in 2007.

~~(S//OC/NF)~~ We agree that secrecy had eroded significantly prior to the President's disclosure of the CIA detention and interrogation program in September 2006. We also share the view that identifying nations willing to host new facilities and provide emergency medical care for detainees in CIA custody grew more challenging after information about the program and other nations' participation in it leaked to the press. As information about the program became public, both CIA and our foreign partners faced worsening challenges to operational security. Further, we agree with the *Study* that by 2006 the interrogation program had largely ceased to operate, and that legal and oversight concerns were significant reasons for this.

~~(S//OC/NF)~~ We believe, however, that the *Study* omitted an additional important factor responsible for this situation: al-Qa'ida's relocation to the FATA, which was largely inaccessible to [redacted] Government of Pakistan, made it significantly more challenging to mount capture operations resulting in renditions and detentions by the RDI program.

- ~~(S//OC/NF)~~ By 2004 and especially by 2006, al-Qaida in the Afghanistan-Pakistan theater was under constant pressure from both military and intelligence operations, important leaders had been captured, cells had been neutralized, and almost all Afghan territory as well as the settled areas of Pakistan had been denied to the group. Consequently, by mid-decade the remaining senior al-Qa'ida leaders had already begun relocating to the tribal areas of Pakistan [redacted]

~~(S//OC/NF)~~ We agree with the *Study* that unauthorized disclosures about the program made it difficult for foreign governments to host detention sites, even when they were willing. However, foreign governments, including those that had hosted sites, continued to support CIA's overall counterterrorism efforts. By September 2006, CIA's program had also significantly changed from one focused on interrogation to one focused on long-term detention, due to the relative dearth of newly captured al-Qa'ida operatives. The Agency took seriously its responsibility to provide for the welfare of CIA's detainee population, including being able to address emergency and longer term medical and psychological needs. As such, when RDI managers were not confident that these needs could be met in a changing political environment in the countries where the detainees were interned, detainees were moved and facilities were closed or kept empty. (The impact of disclosures on both intelligence and foreign relations is reviewed in CIA's response to Conclusion 7).

~~(S//OC/NF)~~ Finally, the *Study* observes that CIA Directors on two occasions suspended the use of enhanced techniques, implying that these actions illustrated the tenuous nature of the legal foundation supporting the program. In fact, we believe these suspensions are further evidence of the care taken throughout the life of the program to ensure that all aspects of Agency activities remained in sync with an evolving legal and political landscape.

- ~~(S//OC/NF)~~ The first suspension occurred in May 2004 in response to the Inspector General's Special Review, as well as an internal review of the program. That internal review recommended continued use of 13 techniques, and in May 2005 DOJ provided an opinion that those 13 techniques were legal under US statutes and treaty obligations.[3]

- ~~(S//OC/NF)~~ The second suspension was in December 2005, when enactment of the Detainee Treatment Act of 2005 (DTA) was imminent. The DTA signaled Congress's declining support for this kind of program, so following an updated internal review the CIA limited to seven the types of techniques its officers could utilize. However, because of continued uncertainty over legal interpretations, use of those techniques did not immediately resume.

(U~~//FOUO)~~ As the *Study* notes, in the wake of the *Hamdan v. Rumsfeld* Supreme Court decision in 2006 and Executive Order 13440 on Common Article 3 in July 2007, DOJ issued a legal opinion finding six of the seven enhanced techniques that CIA had proposed in late 2005 were lawful. The DCIA then issued new guidelines on interrogations and allowed resumption of the permitted techniques.

~~(S//OC/NF)~~ Overall, we assess that the Agency acted prudently to voluntarily cease program operations at critical times, such as when legislation like the DTA indicated that Congress no longer supported the program, as well as when the IG identified important program shortcomings and recommended that CIA reaffirm its legal guidance.

[3] ~~(S//OC/NF)~~ Notwithstanding this general suspension, enhanced techniques were approved on a case-by-case basis for use in the interrogation of five detainees during this period through December 2005, with Department of Justice concurrence and NSC concurrence or—beginning in September 2004—notification after DOJ approval.

~~(S//OC/NF)~~ Conclusion 7: The CIA's detention and interrogation program had significant monetary costs to the United States. Those costs included funding for the CIA to build detention facilities, including two facilities for a stated cost of nearly $[redacted] million that were never used due to political or medical care concerns. To encourage governments to clandestinely host CIA detention sites, the CIA provided cash payments, in some cases with no [redacted] At least one lump sum payment amounted to $[redacted] million. The CIA detention and interrogation program also had non-monetary costs, such as tensions with US partners and allies, formal *demarches* to the United States, and damaged bilateral intelligence relationships with nations unwilling to provide intelligence that might contribute to CIA detention and interrogation operations.

~~(S//OC/NF)~~ We largely agree with the *Study's* conclusion that the program had significant monetary costs. Lump sum payments to several countries did facilitate their willingness to host detention sites, although there was nothing improper about such payments. While the RDI program also had non-monetary costs, we believe that the *Study* overstates the damage to US relations.

~~(TS/~~[redacted]~~/NF)~~ The *Study* correctly lays out some of the significant, monetary costs associated with the detention and interrogation program over its lifespan. Between FY2001 and FY2006 – the years the program was most active–CIA's RDI program cost approximately $246.4 million, excluding personal services. To put that into context, during this same period, [redacted]

~~(S//OC/NF)~~ To encourage governments to clandestinely host detention sites, CIA provided cash payments to foreign government officials, in some cases with no [redacted] The *Study* suggests we did not properly [redacted] or that they were made in violation of government [redacted] Through legislation, however, CIA has independent authority to make subsidy payments [redacted] Such non-standard [redacted] are governed by Agency regulations that detail special approval requirements before such payments are made. In the case of the RDI program, CIA accounted for disbursed funds internally according to these required procedures, and did so in a timely manner. The Agency has no responsibility to determine or assist in overseeing our partner services' adherence to [redacted] Such payments contributed greatly to CIA's ability to influence these countries to support the RDI program as well as other [redacted] operations.

(U/~~/FOUO~~) The *Study* also notes that there were non-monetary costs to the detention and interrogation program, citing tensions with partners and allies as well as damage to bilateral intelligence relationships. The leaks related to the detention and interrogation program at first presented challenges of varying degrees to the Agency's bilateral relationships with a number of partners, but this represents only a small part of the story.

~~(S//OC/NF)~~ As the *Study* accurately conveys, in the first years after 9/11, many foreign governments were enthusiastic about assisting CIA in prosecuting its counterterrorism mission, and most of those approached were willing to host detention facilities on the understanding

that CIA would keep their cooperation secret. It was only as leaks detailing the program began to emerge that foreign partners felt compelled to alter the scope of their involvement.

~~(TS//~~[redacted]~~NF)~~ Nevertheless, [redacted] in the countries that hosted detention facilities remained supportive partners of our overall counterterrorism efforts and [redacted] assisted CIA in numerous ways. Country [redacted] maintained its close operational collaboration with CIA across a range of intelligence objectives, including counterterrorism as well as unrelated [redacted] We found no evidence that the RDI program in any way negatively affected US relations overall with Country [redacted]. Country [redacted] continued to provide high-risk support to [redacted] collection operations [redacted] Country [redacted] increased its work with CIA on other [redacted] and deepened its support to [redacted] operations even after the exposure of its role [redacted] These relationships endure and prosper today.

~~(S/~~[redacted]~~/NF)~~ The *Study* also cites costs to relationships with other US partners and allies. The *Study* singles out [redacted] countries as examples of relationships damaged by the detention and interrogation program, overstating the impact in each instance:

[redacted]

[redacted]

(U) Conclusion 8: The CIA marginalized or ignored internal criticism from interrogators, analysts, the Office of Medical Services, the Office of Inspector General, and others regarding the CIA's representations on the effectiveness and operation of the CIA's detention and interrogation program. Contrary views provided to CIA leadership were excluded from representations to the CIA's Inspector General, the White House, and others; in other instances, CIA officers recognized inaccuracies, but failed to take action to report them.

(U) We do not agree that CIA "marginalized or ignored" internal criticism of the program or otherwise sought to stifle internal debate relating to its operation or effectiveness. The *Study* attempts to support the broad finding of Conclusion 8 by citing to a compilation of isolated e-mails and informal electronic "chat" sessions between officers, but virtually all of the cited evidence is out of context, anecdotal, or simply inaccurate.

~~(S//OC/NF)~~ First, the *Study* claims that in the course of reviewing a draft Presidential speech on the Program in 2006, some CTC officers questioned the accuracy of statements in the speech indicating that Abu Zubaydah had been "defiant" in response to initial interrogation, and had declared America "weak." The *Study* alleges that these officers failed to raise the concerns with their seniors. There is no evidence, however, that officers quoted in the *Study* restrained themselves from providing feedback on these or other speech-related issues. To the contrary, their concerns were evidently clearly heard, and on September 4, 2006, CTC specifically objected to the language in the speech that the officers questioned, and provided Agency seniors, including the Director, with nine pages of other comments and corrections.

- ~~(S//OC/NF)~~ With regard to the "defiant" and "weak" references, one officer the *Study* claims failed to raise concerns sent the following to her leadership : "CIA has no documentation to substantiate page 4, lines 9-11. Abu Zubaydah employed a number of counter-interrogation techniques—including feigning ignorance, feigning neurological problems, stalling, diversions, digressions and non-specific answers—but none of the documentation describes him as `defiant' nor can we find the quote from him cited above." Upon further review of the record, this officer appears to have later changed her mind and agreed that use of the word "defiant" would in fact be appropriate.

~~(S//OC/NF)~~ Second, the fact that one officer, speaking to another in a "chat" session, felt "ostracized" for expressing his belief that Zubaydah and KSM "did not tell us everything" falls well short of establishing that the Agency "marginalized" those who criticized the Program. We do not know why the officer felt "ostracized" at that moment, but the officer's view was neither unique nor controversial; CIA never represented that detainees told us all they knew. Indeed, numerous CIA officers, including the Director of CTC, have acknowledged that detainees often withheld information they considered the most valuable. Moreover, the comment is removed from its illuminating context. A complete review of the dialogue from which the quote is taken shows that the two officers are primarily focused on expressing their dismay over the decision

to cease applying enhanced techniques and the loss of important intelligence they believe will result.[4]

~~(S//OC/NF)~~ Third, we disagree with the *Study's* implication that statements made by Director Hayden to the effect that CIA held 98 detainees reflected an attempt to misrepresent the scope of the program to the incoming administration. Director Hayden did meet with CTC and other officers in January, 2009, to discuss his upcoming briefing to incoming officials. At that meeting, a CTC officer briefed the research he had performed on the number of total detainees through the life of the Program. Although this research, which indicates the total number of detainees could have been as high as 112, is heavily cited by the SSCI *Study*, SSCI neglects to point out that the findings were not final. As the briefing stated, "these numbers will continue to be refined as methodical reviews of operational records are completed and disparately compartmented information is researched and consolidated."

- ~~(TS/~~[redacted]~~NF)~~ At the time, uncertainty existed within CIA about whether a group of additional detainees were actually part of the program, partially because some of them had passed through [redacted] prior to the formal establishment of the program under CTC auspices on 3 December 2002. [redacted] was the only CIA detainee facility that housed transient [redacted] and the only one that [redacted] where complete recordkeeping was sometimes neglected. CTC's research was ultimately intended to provide a definitive answer as to how many additional detainees who passed through [redacted] in its early days, if any, should be considered to be part of the Program.

~~(S//OC/NF)~~ Officers we spoke to who were present at the 2009 meeting, including Director Hayden, recall that CTC's conclusions seemed somewhat speculative and incomplete, and that more work was required before a final number could be determined. Moreover, Hayden did not view the potential discrepancy, if it existed, as particularly significant given that, if true, it would increase the total number by just over 10 percent. The participants we spoke with who recalled the meeting agreed that there was an institutional need to bring the research into better focus and make a principled evaluation of which detainees should be considered formally part of the program, not to ignore the discrepancy or fix the number at 98 for all time.

- While it would have been more accurate to conclude at the time that the number of detainees was approximately 100, rather than falling unambiguously below that number, there was plainly no intent on the part of the Director to turn a blind eye to evidence or misrepresent the total.

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[4] ~~(S//OC/NF)~~ Immediately prior to the "ostracized" statement, one officer remarked that "if we actually capture someone important we think they are just going to tell us what they know because they like us, we are nice to them, or what? Just another example that people who make these decisions do not know what we are up against with these guys. They haven't told us all the important stuff with [EITs], they will definitely not tell us anything important without them." The other officer replied, "there are new 'influence and persuade' techniques. Essentially you're right—we're going to make them like us, and they'll tell us everything. How sophomoric!"

~~(S//OC/NF)~~ Fourth, the request by the Director of CTC (D/CTC) for officers in the field to refrain from speculating on the "legal limit" of authorized enhanced interrogation techniques was made in the context of keeping individual officers focused on their assigned tasks and areas of expertise. D/CTC relied on CIA lawyers to provide legal guidance and on CIA officers in the field and at Headquarters to implement the program within the approved guidelines set out by DOJ's OLC.

- ~~(S//OC/NF)~~ We know that some officers expressed concern about the "legal limit" of enhanced techniques, and we suspect that many more had similar reservations. CIA expects its professional cadre to be alert to potential concerns, to broadly construe their responsibilities, and to take ownership of problems. But as in any large organization, ultimately individuals must perform their assigned roles. D/CTC was simply reminding officers to permit those responsible for making legal judgments to do so.

~~(S//OC/NF)~~ Finally, the *Study* claims that CIA personnel objected to CIA's representation that the program produced intelligence leading to the thwarting of the "Dirty Bomb" plot, but Agency seniors failed to correct the record. As detailed in our Response to the Case Studies of Effectiveness, we regret that it took the Agency until 2007 to refer to Padilla without reference to the "Dirty Bomb" plot, but rather as a legitimate threat who had been directed to put together a plan to attack tall residential buildings. There was insufficient attention paid to clarifying this issue across the Agency. It does not follow, however, that there was a deliberate attempt to ignore the record or propagate misleading information.

- ~~(S//OC/NF)~~ For example, the *Study* ignores the fact that, in responding to the draft Presidential speech discussed above, the Agency proposed language that deleted the reference to Padilla as a program success story.

- ~~(S//OC/NF)~~ In addition, the evidence cited by the *Study*—including an email from the former Chief of the AZ Task Force that Zubaydah didn't provide "this is the plot" type of information—is taken out of context. The same officer also stated that Padilla's "identification would not have been made without the lead from Abu Zubaydah." Moreover, in the cited email the officer went on to describe Zubaydah as a strategically significant source of intelligence, stating that after Zubaydah received enhanced techniques, "he became one of our most valuable sources on information on al-Qa'ida players." The officer backs up that assertion with a detailed recitation of concrete ways in which Zubaydah facilitated interrogations of other detainees by providing specific information concerning their identities and plans.

~~(S//OC/NF)~~ CIA officers, who feel passionately about their mission, are not known to mince words or "keep silent," as the *Study* alleges. There is no evidence they did so here; to the contrary, some of the very emails and "chats" cited by the *Study* point to the existence of an atmosphere in which officers are unafraid to give voice to their dissenting views. Throughout the life of the program, a vibrant internal debate allowed senior CIA officers to consider and, as appropriate, accept the perspectives of field and Headquarters officers directly involved in the interrogations.

(U) Conclusion 9: The evidence the CIA provided for the effectiveness of the CIA's enhanced interrogation techniques was found to be inaccurate. From 2002 through at least 2011, the information the CIA provided to the White House, National Security Council, the Department of Justice , the Congress, the CIA Office of Inspector General, and the public on the operation and effectiveness of CIA's detention and interrogation program was consistently inaccurate. The CIA informed policymakers that the only measure of the effectiveness of the CIA's enhanced interrogation techniques was the 'otherwise unavailable' intelligence produced that 'saved lives' and enabled the CIA to 'disrupt specific terrorist plots' and 'capture' specific terrorists. A review of the 20 most frequent CIA examples provided to policymakers and others as evidence for the effectiveness of the CIA's interrogation program found all 20 representations to be inaccurate.

(U~~//FOUO~~) We conducted a careful review of the *Study's* 20 examples of the value of the information obtained as a result of CIA's RDI effort, and we have provided detailed responses to each in separate section. We have summarized our conclusions here. In commenting on the value of the information derived from detainees, we are not arguing in favor of the decision to use the enhanced techniques to which these detainees were subjected. We are not endorsing those techniques, we are not making an "ends-justify-the-means" case for them, nor are we implying that those techniques were the only way to obtain the information from detainees. We only are assessing the accuracy of CIA's representations in response to the *Study's* allegations that those representations were false.

(U~~//FOUO~~) We concluded that all the cases fit within and support the Agency's overall representations that information obtained from CIA interrogations produced unique intelligence that helped the US disrupt plots, capture terrorists, better understand the enemy, prevent another mass casualty attack, and save lives. We were dismayed to see that, in some of the Agency's representations, CIA failed to meet its own standards for precision of language and we acknowledge that this was unacceptable. However, even in those cases, we found that the actual impact of the information acquired from interrogations was significant and still supported CIA's judgments about the overall value of the information acquired from detainees, including detainees on whom the Agency used enhanced interrogation techniques.

(U~~//FOUO~~) **Summary of the 20 Examples**. In one of the 20 examples, we found that CIA mischaracterized on several occasions, including in prominent representations such as President Bush's 2006 speech, the impact of information on specific terrorist plotting acquired from a set of CIA interrogations.

- (U~~//FOUO~~) CIA said the information "helped stop a planned attack on the US Consulate in Karachi," when the Agency should have said it "revealed ongoing attack plotting against the US official presence in Karachi that prompted the Consulate to take further steps to protect its officers."

(U~~//FOUO~~) There were four cases in which CIA used imprecise language or made errors in some of its representations that, although deeply regrettable, did not significantly affect the thrust of those representations. Those cases were the arrest of Jose Padilla, the "Second Wave" plot, the arrest of Iaman Faris, and intelligence on Ja'far al-Tayyar.

(U/~~/FOUO~~) In another four examples, we found single, isolated representations in which CIA was imprecise in describing the relative impact of the information or the manner in which it was acquired.

- (U/~~/FOUO~~) In two of these examples, CIA made mistakes that caused the IG to incorrectly describe in its 2004 *Special Review* the precise role that information acquired from KSM played in the detention of two terrorists involved in plots against targets in the US. These were not "frequently cited" or "repeatedly represented" as *The Study* claims. Numerous other representations of one of these cases were accurate; we found no other representations for the other.

- (U/~~/FOUO~~) In two cases, we found a one-time error not noted in the *Study*. In a set of talking points prepared for DCIA, CIA incorrectly said enhanced interrogation techniques played a role in acquiring two important pieces of information about KSM. In the Agency's other representations, including our most prominent, we stated correctly that this information was acquired during initial interviews of Abu Zubaydah.

(U/~~/FOUO~~) In the other 11 examples, we determined that CIA's representations were consistently accurate, in contrast to the *Study*, which claims the Agency misrepresented them all.

(U//~~FOUO~~) Finally, we note that our review showed that the *Study* failed to include examples of important information acquired from detainees that CIA cited more frequently and prominently in its representations than several of the cases the authors chose to include.

- ~~(S//OC/NF)~~ In the same set of documents from which the authors of the *Study* selected their examples, some of which CIA only represented once, the Agency cited the disruption of the Gulf shipping plot seven times; learning important information about al-Qa'ida's anthrax plotting and the role of Yazid Sufaat seven times; and the detention of Abu Talha al-Pakistani seven times.

~~(S//OC/NF)~~ **Overall Value of Detainee Reporting.** Our judgment about the worth of the intelligence acquired from the RDI Program is based on the counterterrorism value that CIA, other US government agencies, and our foreign partners derived from it. Across the life of the program, detainee-derived intelligence was responsible for:

- ~~(S//OC/NF)~~ *Uncovering or discovering important new information.* While a [redacted] detainee had told us of an al-Qa'ida plot to attack the US West Coast, CIA first learned about Hambali's involvement in that plotting from KSM.

- ~~(S//OC/NF)~~ *Making vague information actionable.* Prior to debriefings from Abu Zubaydah, the CIA had a few vague reports on a US passport holder with links to al-Qa'ida external plotting, as well as a seemingly unrelated report on a potential illegal traveler in Pakistan. Abu Zubaydah's description of Jose Padilla allowed the Agency to link him to the other reporting on the al-Qa'ida external operative, [redacted] Similarly, inconclusive HUMINT and SIGINT had alerted CIA to the existence of an al-Qa'ida external operative by the name of Ja'far al-Tayyar who spoke American-accented English and had lived in the

United States, but it was not until KSM provided biographic information on him that CIA was able to work with the FBI to specifically identify the Ja'far al-Tayyar upon whom the Agency needed to focus.

- ~~(TS/~~[redacted]~~NF)~~ *Providing strategic, contextual information.* Even detainees who did not have perishable threat intelligence often provided intelligence that advanced CIA's understanding of terrorist networks. For example, Hassan Gul's information on al-Qa'ida presence and operations in Shkai, Pakistan, was the most definitive first-hand account of the identities, precise locations, and activities of senior al-Qa'ida members in Shkai at that time. Likewise, Abu Zubaydah, KSM, Zubair, and Hambali deepened the Agency's understanding of the structure, reach and capability of al-Qa'ida and its Southeast-Asian network.
- [redacted]

~~(S//OC/NF)~~ In our review of the Study's 20 examples, we note a number of errors of fact, interpretation, and contextualization that appear to have led the authors' to conclude that the information CIA derived in each case had little to no unique value. It is just as important to note that the *Study* also discounts the aggregate impact of the information derived from detainees in CIA custody. Perhaps the most important context that the *Study* ignores is how little CIA knew, despite considerable effort, about al-Qa'ida and its allies on 9/11. The sum total of information provided from detainees in CIA custody substantially advanced the Agency's strategic and tactical understanding of the enemy in ways that continue to inform counterterrorism efforts to this day.

~~(S//OC/NF)~~ **Otherwise Unobtainable.** In hindsight, we believe that assertions that the information CIA acquired, including the critical intelligence obtained from detainees on whom the Agency used enhanced interrogation techniques, could not have been obtained some other way were sincerely believed but inherently speculative. It is impossible to imagine how CIA could have achieved the same results in terms of disrupting plots, capturing other terrorists, and degrading al-Qa'ida without <u>any</u> information from detainees, but it is unknowable whether, without enhanced interrogation techniques, CIA or non-CIA interrogators could have acquired the same information from those detainees. Since 2011, when then-Director Panetta publicly outlined this view, it has stood as the official Agency position, and it remains so today.

~~(S//OC/NF)~~ Conclusion 10: The CIA never conducted its own comprehensive analysis of the effectiveness of the CIA's enhanced interrogation techniques, despite a recommendation from the Inspector General and requests to do so by the National Security Advisor and the Senate Select Committee on Intelligence. The sole external analysis of the CIA interrogation program relied on two reviewers; one admitted to lacking the requisite expertise to review the program, and the other noted that he did not have the requisite information to accurately assess the program. Informal internal assessments of the effectiveness of the CIA's enhanced interrogation techniques were provided to CIA leadership by CIA personnel who participated in the development or management of the interrogation program, as well as by CIA contractors who had a financial interest in the continuation and expansion of the CIA detention and interrogation program.

~~(TS/~~[redacted]~~NF)~~ We agree with Conclusion 10 in full. It underpins the most important lesson that we have drawn from *The Study*: CIA needs to develop the structure, expertise, and methodologies required to more objectively and systematically evaluate the effectiveness of our covert actions.

(U/~~/FOUO)~~ We draw this lesson going forward fully aware of how difficult it can be to measure the impact of a particular action or set of actions on an outcome in a real world setting. This was very much true for enhanced techniques. A systematic study over time of the effectiveness of the techniques would have been encumbered by a number of factors:

- (U/~~/FOUO)~~ The variability of each detainee's personality, state of mind at capture, ideological commitment, and the importance of the information he was attempting to conceal.
- (U/~~/FOUO)~~ Federal policy on the protection of human subjects and the impracticality of establishing an effective control group.
- (U/~~/FOUO)~~ The difficulty in isolating the impact of any given technique or set of techniques from the cumulative impact of the overall experience, which from the moment of capture was structured to induce compliance and resignation.
- (U/~~/FOUO)~~ Variations in the manner in which enhanced techniques were administered, the types of techniques favored over time, the skill with which they were used, the substantive expertise and interpersonal skills of the debriefers, as well as the baseline of intelligence pertinent to any given detainee.
- (U/~~/FOUO)~~ The need to devote to mission execution the analytic resources that might have been used in an evaluation program, especially during the years just after 9/11 when CIA was recovering from a depletion of its personnel resources during the 1990s.
- (U/~~/FOUO)~~ The need for secrecy and the consequent requirement for strict compartmentation of the information required to evaluate it.

~~(S//OC/NF)~~ These hindrances notwithstanding, we believe that CIA should have attempted to develop a more sustained, systematic, and independent means by which to evaluate the effectiveness of the approaches used with detainees.

- ~~(S//OC/NF)~~ CIA remains grateful to [redacted] and [redacted] who applied their considerable experience in program oversight as effectively as they could to the task of providing overviews of the effectiveness of enhanced techniques. Their reports offered important insights. We agree with the *Study*, however, that they were heavily reliant on the views of the practitioners, and that this short-term effort was no substitute for a more sustained and systematic evaluation of the program.

- ~~(S//OC/NF)~~ As discussed in our response to Conclusion 17, we agree that CIA should have done more from the beginning of the program to ensure there was no conflict of interest—real or potential—with regard to the contractor psychologists who designed and executed the techniques while also playing a role in evaluating their effectiveness, as well as other closely-related tasks.

~~(S//OC/NF)~~ Although no systematic, comprehensive assessment of the effectiveness of various techniques was performed, as it should have been, officers involved in the program did regularly make such assessments on an ad hoc basis in an effort to achieve the best results with the least coercion. Officers concluded that various enhanced techniques were effective based on their own "before and after" observations.[56] A number of officers, having witnessed detainees' initial demeanor, believed that they would not have succumbed to less coercive approaches, at least not in time for their information to be operationally useful. [78]

- ~~(S//OC/NF)~~ Corporately, however, CIA has concluded that is impossible in hindsight to know whether intelligence as valuable as that summarized in our response to Conclusion 9 and in our responses to the case studies could have derived by using less coercive techniques.

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[5] [CIA | [redacted]41373 | | [redacted] | | | | | ~~(TS/~~[redacted]~~/NF)~~ |]
[6] [CIA | [redacted]41484 | | [redacted] | | | | | ~~(TS/~~[redacted]~~NF)~~ |]
[7] [CIA | [redacted]10496 | | 16 February 2003 | | | | | ~~(TS/~~[redacted]~~NF)~~ |]
[8] [CIA | HEADQUARTERS [redacted] | | | | | ~~(TS/~~[redacted]~~/NF)~~ |]

(U) Conclusion 11: In its representations about its interrogation program the CIA did not inform policymakers and others that CIA detainees fabricated information during and after the use of the CIA's enhanced interrogation techniques. CIA detainees also withheld information, notwithstanding the use of such interrogation techniques. Multiple CIA personnel directly engaged in the CIA interrogation program stated that the CIA's enhanced interrogation techniques were ineffective in eliciting increased cooperation or obtaining accurate information from CIA detainees.

~~(S//OC/NF)~~ We believe the *Study* is wrong in asserting that CIA failed to inform policymakers and consumers of detainee-related intelligence about fabricated information. The CIA took pains to ensure that all involved were fully aware from the outset that detainees might fabricate and withhold information, and CIA reporting carried clear warnings of this possibility. Senior CIA officers also shared this assessment in meetings with Congressional overseers. Unsurprisingly, throughout the course of their detention, detainees frequently both lied and told the truth, and CIA worked diligently to discern the difference, engaging in detailed analysis of the data available from all streams of reporting.

~~(S//OC/NF)~~ CIA detainee reports clearly specified that the source was a detainee and that the information was gained during custodial debriefings. Reports included warnings that the detainees may have intended to influence as well as inform, intentionally withhold information, and employ counter-interrogation techniques. CIA included additional information as circumstances warranted—for example, when a detainee changed his claims over time. These caveats are attached at the bottom of our response to Conclusion 11.

~~(S//OC/NF)~~ Evaluating the truthfulness of sources is an integral part of HUMINT collection and analysis tradecraft. The reality that detainees lied or changed their accounts, with or without being subjected to enhanced techniques, did not come as a shock to anyone involved in the program or to consumers of detainee-derived intelligence. The *Study* generally appears to accept at face value detainees' accounts that they lied under enhanced techniques and told the truth afterwards. However, in some cases comparing information provided by a detainee to intelligence from other sources indicates that detainees told the truth after undergoing enhanced techniques and then, perhaps regretting what they had revealed, tried to rescind it later.

- ~~(S//OC/NF)~~ For example, after being subject to enhanced techniques, Hambali admitted that the 16 Malaysian students whom he had hand selected for participation in a cell in Karachi, Pakistan were being groomed as pilots—probably as part of a plot to attack the west coast of the United States, in response to KSM's request. Months later, Hambali claimed he lied about the pilots because he was "constantly asked about it and under stress" and stated that KSM never asked his assistance in identifying a pilot. CIA assesses that Hambali's recantation was a lie, because his claim directly contradicts information provided by KSM, Hambali verified his original admission in multiple instances, and because of independently-obtained intelligence confirming the cell members' interest in aircraft and aviation.

~~(S//OC/NF)~~ When detainees fabricated or retracted information, CIA issued new or revised reports with that information. However, the Agency's general practice was not to recall the original reports. IC terrorism analysts preferred that the original reports remain available,

because they gained important insights from understanding the choices detainees made in formulating their fabrications. In one case—Abu Faraj's false statement that he did not recognize a courier—analysis of the fabrication contributed to the hunt for Usama bin Laden.

(~~S//OC/NF~~) As we have stated elsewhere and publicly, CIA will never know whether use of enhanced techniques resulted in more actionable or truthful information than otherwise would have been available. But the fact that some detainees successfully withheld information does not, by itself, invalidate the program. As we noted in a 2004 monograph, "[t]he interrogation techniques. . . in and of themselves provide no silver bullet." The purpose of the program was to minimize what was withheld with the understanding that obtaining complete disclosures from detainees in every case was not possible.

Caveats and Corrections in Detainee Reporting

(~~S//NF~~) All disseminated reports from detainees clearly specified that the source was a detainee and carried a warning notice indicating specific caveats regarding potential unreliability. The report text always specified that the information was gained during a custodial debriefing. The bullets in the *Study* under Conclusion 11 also cite several cases where a detainee changed his information in the course of interrogation. We highlight a number of specific examples below:

- (~~S//NF~~) **General Caveat**. The following caveat was the basic version and was used on most reporting from detainees. This example is drawn from a report from Khalid Shaykh Muhammad:

  THE FOLLOWING COMMENTS FROM SENIOR AL-QA'IDA OPERATIONAL PLANNER KHALID SHAYKH ((MUHAMMAD)) AKA ((MUKHTAR)) MAY HAVE BEEN MEANT TO INFLUENCE AS WELL AS INFORM. MUKHTAR HAS ALSO BEEN KNOWN TO INTENTIONALLY WITHHOLD INFORMATION AND EMPLOY COUNTERINTERROGATION TECHNIQUES.

- (~~S//NF~~) **Samir Hilmi 'Abd al-Latif al-Barq.** The following caveat appeared even in the earliest reporting from Samir Hilmi 'Abd al-Latif al-Barq, who during his interviews frequently changed his account of his involvement with anthrax:

  THE FOLLOWING COMMENTS FROM A MID-LEVEL AL-QA'IDA ASSOCIATE MAY HAVE BEEN MEANT TO INFLUENCE AS WELL AS INFORM. THE DETAINEE ALSO MAY HAVE BEEN INTENTIONALLY WITHHOLDING INFORMATION. AS DEBRIEFINGS WITH THIS DETAINEE CONTINUE, HIS ACCOUNT OF EVENTS ARE AND MAY CONTINUE TO EVOLVE AND CHANGE.

- (~~S//NF~~) **'Abd al-Rahim al-Nashiri.** The *Study* notes, based on [redacted] 10216 [redacted] that 'Abd al-Rahim al-Nashiri recanted information on terrorist operations targeting Jeddah, Saudi Arabia. (NOTE: The footnote on p. 1404, Vol. 3, of the study incorrectly cites [redacted] 10220 as the source of the quotation.) The following language was added to a caveat in a revised report [redacted] alerting the IC to 'abd al-Rahim al-Nashiri's retraction of information on terrorist operations in Jeddah, Saudi Arabia.

  (~~S/~~[redacted]~~/NF~~) UPON FURTHER CUSTODIAL INTERVIEWS, THE SENIOR OPERATIVE RETRACTED HIS STATEMENTS REGARDING THE INVOLVEMENT OF TWO SAUDI AL-QA'IDA MEMBERS IN POSSIBLE ATTACKS AGAINST US VEHICLES IN JEDDAH.

- ~~(S/~~[redacted]~~/NF)~~ **Majid Khan.** The *Study* says that Majid Khan retracted "a lot of his earlier reporting."[redacted] provides an example of such a retraction.

  (CONTEXT STATEMENT: THE FOLLOWING COMMENTS ARE FROM DETAINED AL-QA'IDA OPERATIVE ((MAJID KHAN)), AKA ADNAN, WHO WAS CAPTURED IN MARCH 2003 AND WAS AWARE HIS STATEMENTS WOULD REACH US GOVERNMENT OFFICIALS AND MAY HAVE INTENDED HIS REMARKS TO INFLUENCE RATHER THAN INFORM. MAJID KHAN HAS BEEN UNCOOPERATIVE DURING DEBRIEFINGS AND ADMITTED TO WITHHOLDING INFORMATION. WHEN ASKED FOR FURTHER DETAILS REGARDING THIS PARTICULAR THREAT, MAJID STATED HIS IMPLICIT INTENTION TO LIE TO DEBRIEFERS. AS SUCH, WE ASSESS THAT THE FOLLOWING THREAT INFORMATION PROVIDED BY MAJID MAY LIKELY HAVE BEEN FABRICATED, HOWEVER BECAUSE WE CANNOT DISPROVE THIS INFORMATION WITH COMPLETE CERTAINTY, WE ARE REPORTING IT FOR THE RECORD. DUE TO MAJID'S LACK OF CREDIBILITY, WE DO NOT INTEND TO FURTHER DISSEMINATE THIS INFORMATION IN AN FOUO TEARLINE.)

- ~~(S//NF)~~ **Ramzi bin al-Shibh.** The *Study* notes, based on [redacted] 10633 (1 Mar 03), that Ramzi bin al-Shibh recanted information on al-Qa'ida nuclear projects. This information was disseminated on 18 October 2002 in [redacted] and was formally recalled on 7 May 2003 with the following notice:

  TEXT: NOTICE: AN INFORMATION REPORT WITH THE ABOVE HEADING AND SERIAL NUMBER [redacted] *WAS ISSUED ON 18 OCTOBER 2002 AS* [redacted] *529921,* [redacted] *BECAUSE THE SENIOR AL-QA'IDA OPERATIVE SUBSEQUENTLY SAID HE HAD LIED, THIS REPORT IS BEING RECALLED. RECIPIENTS SHOULD DESTROY ALL HARD COPIES OF THE REPORT AND REMOVE IT FROM ALL COMPUTER HOLDINGS. RECIPIENTS SHOULD ALSO PURGE ANY FINISHED INTELLIGENCE PUBLICATIONS WHICH DREW ON THIS REPORT.*

  - ~~(S//NF)~~ The following information was disseminated in [redacted]

    DURING AN EARLY OCTOBER 2004 CUSTODIAL INTERVIEW, BIN AL-SHIBH CLAIMED THAT HE HAD NO KNOWLEDGE OF ANY SPECIFIC AL-QA'IDA EFFORT TO ACQUIRE NUCLEAR MATERIAL OR WHETHER ANY INDIVIDUALS ASSOCIATED WITH AL-QA'IDA HAD EVER ACQUIRED NUCLEAR MATERIAL. BIN AL-SHIBH SAID HE HEARD OF ABU HAFS AL-MASRI'S DEATH THROUGH THE MEDIA AND KNEW NOTHING REGARDING THE EVACUATION OF HIS RESIDENCE. BIN AL-SHIBH STATED THAT PRIOR TO HIS RETURN TO GERMANY IN EARLY 2001, ABU HAFS AL-MASRI TASKED HIM TO FIND A PHYSICIST WHO WOULD BE WILLING TO HELP AL-QA';IDA. BIN AL-SHIBH SAID HE NEVER FOUND A PHYSICIST TO ASSIST AL-QA'IDA BECAUSE HE DID NOT LOOK FOR ONE. [redacted] *SEE* [redacted] *DATED 9 JULY 2004, FOR PREVIOUS REPORTING ON BIN AL-SHIBH'S COMMENTS ON ABU HAFS AL-MASRI'S TASKING TO RECRUIT A PHYSICIST IN GERMANY.)*

  - ~~(S/~~[redacted]~~/NF)~~ Furthermore, Ramzi's reliability was questioned in the very first report from him [redacted] which stated:

DURING A 13 SEPTEMBER 2002 INITIAL CUSTODIAL INTERVIEW, AL-QA'IDA OPERATIVE RAMZI BIN AL-SHIBH AKA UBAYDAH DENIED HAVING ANY KNOWLEDGE OF PLANNED FUTURE TERRORIST OPERATIONS. BIN AL-SHIBH WAS UNCOOPERATIVE THROUGHOUT THE INTERVIEW, APPEARED TO FABRICATE SOME DETAILS, AND WITHHELD SIGNIFICANT INFORMATION ON RELEVANT SUBJECTS.

~~(S/~~[redacted]~~/NF)~~ UPON FURTHER CUSTODIAL INTERVIEWS, THE SENIOR OPERATIVE RETRACTED HIS STATEMENTS REGARDING THE INVOLVEMENT OF TWO SAUDI AL-QA'IDA MEMBERS IN POSSIBLE ATTACKS AGAINST U.S. VEHICLES IN JEDDAH.*

- E. ~~(S/~~[redacted]~~/NF)~~ **Muhammad Sayyid Ibrahim.** The *Study* notes, based on [redacted] 1347 [redacted] that Ibrahim "retracted claims he had made about meeting with a senior al-Qa'ida leader… because 'interrogators forced him to lie.'" However, claiming to be "forced to lie" is a known counter-interrogation technique that is not unique to CIA's program. Only two days later [redacted] 1365 [redacted] recorded that:

  [IBRAHIM] CLAIMED THAT HE WAS PREPARED TO START TELLING THE TRUTH AFTER WARNINGS THAT HIS SITUATION WOULD CONTINUE TO DETERIORATE IF HIS UP AND DOWN ANTICS OF THE PAST WEEK CONTINUED. [HE] BEGAN TO RESPOND TO QUESTIONING BY INTERROGATORS AND SUBSTANTIVE EXPERT [NAME REDACTED], VOLUNTEERING BACKGROUND TO SUPPORT MANY OF HIS POINTS, APPEARING TO STRAIN ON OCCASION TO COME UP WITH A NAME OR TO RECALL DETAILS OF A CONVERSATION, AND OCCASIONALLY IDENTIFYING AREAS WHERE HE HAD PROVIDED FALSE INFORMATION IN THE PAST.

  - ~~(S/~~[redacted]~~/NF)~~ Information from Ibrahim was disseminated with the standard caveats.

- F. ~~(S/~~[redacted]~~/NF)~~ **Hambali.** The *Study* notes only that "Hambali stated that he fabricated information"; no specifics are given. An example of a corrected version of a Hambali report is [redacted] which contained the following language:

  THIS REPORT IS BEING REISSUED TO PROVIDE ADDITIONAL DETAILS OBTAINED DURING LATE NOVEMBER 2003 DEBRIEFINGS, SEE PARAGRAPH 11. IN LATE NOVEMBER, THE DETAINEE REVERSED PREVIOUS STATEMENTS AND CLAIMED THAT HE HAD NOT ATTEMPTED TO RECRUIT ABDUL KHOLIQ TO ASSIST IN DEVELOPING OR ACQUIRING WMD, NOR HAD HE AND YAZID SUFAAT EVER DISCUSSED WMD WITH KHOLIQ.

  [redacted]*WE ARE CONTINUING TO REVIEW THE BELOW ACCOUNTING FROM THE DETAINEE AND WILL PROVIDE FURTHER DETAILS AS THEY BECOME AVAILABLE.) DURING LATE NOVEMBER 2003 DEBRIEFINGS, THE DETAINEE CLAIMED THAT HE FABRICATED PREVIOUS INFORMATION CONCERNING THE INVOLVEMENT OF ABDUL KHOLIQ IN AL-QA'IDA'S EFFORTS TO ACQUIRE AND/OR DEVELOP WMD. SPECIFICALLY, THE DETAINEE STATED THAT HE HAD TWICE MET WITH KHOLIQ, SUBJECT OF PARAGRAPHS 3 AND 5, BUT THAT THESE MEETINGS TOOK PLACE IN SEPTEMBER 1999, VICE 2000. IN ADDITION, THE DETAINEE STATED THAT HE AND YAZID SUFAAT DID NOT USE*

EITHER VISIT TO EVALUATE KHOLIQ AS A POTENTIAL WMD ACCOMPLICE OR TO DISCUSS WMD, BUT RATHER HAD ONLY VISITED KHOLIQ TO TALK ABOUT BUSINESS OPPORTUNITIES. FINALLY, THE DETAINEE RECANTED ON THE INFORMATION CONTAINED IN PARAGRAPHS 4, 5, AND 6, STATING THAT HE HAD FABRICATED THE DISCUSSION OF SARIN GAS, TALK OF SETTING UP A LAB WITH ABDUL KHOLIQ, AND HIS PRIOR CLAIM THAT SUFAAT THOUGHT THAT KHOLIQ WAS "VERY CLOSE," IN TERMS OF CAPABILITIES, TO WHAT THEY NEEDED TO ESTABLISH WMD PRODUCTION. THE DETAINEE ALSO CLAIMED HE FABRICATED THE INFORMATION CONTAINED IN PARAGRAPH 10.)

- ~~(S/~~[redacted]~~/NF)~~ **Khalid Shaykh Muhammad.** With regard to Jaffar al-Tayyar, Majid Khan, and the Heathrow and gas station plots, the *Study* notes, based on [redacted] 10906 (20 Mar 03), that "...MUKHTAR RECANTED HIS PREVIOUS ASSERTIONS THAT AL-TAYYAR IS/WAS INVOLVED IN THE HEATHROW OPERATION AND THE MAJID KHAN PLOT TO BLOW UP GAS STATIONS..." The study also quoted [redacted] 10894 (22 Jun 03), which stated that "[KHALID SHYAKH MUHAMMAD] ALSO ADMITTED THAT HIS DECISION TO INCLUDE JAFFAR AL-TAYYAR IN THE MAJID ((KHAN)) PLOT INSIDE THE UNITED STATES...WAS A COMPLETE FABRICATION." Revised information on the Heathrow plot was disseminated in [redacted]

  DURING A CUSTODIAL INTERVIEW ON 18 MARCH 2003, MUKHTAR PROVIDED ADDITIONAL INFORMATION ON THE OPERATIVES HE IDENTIFIED TO PARTICIPATE IN THE ATTACK ON HEATHROW AIRPORT....ALTHOUGH MUKHTAR PREVIOUSLY STATED THAT JAFAR AL-((TAYYAR)) WAS INVOLVED IN THE LONDON CELL, HE RETRACTED THIS ASSERTION....

  - Revised information on the gas station plot was disseminated in [redacted]

    MUKHTAR REITERATED THAT HIS MAIN PLAN FOR MAJID KHAN WAS TO PURSUE THE PLOT OF BLOWING UP SEVERAL GASOLINE STATIONS IN THE UNITED STATES. HOWEVER, MUKHTAR ADMITTED THAT, IN FACT, HE NEVER INTENDED FOR AL-QA'IDA OPERATIVE JAFFAR AL-((TAYYAR)) TO PARTICIPATE IN THESE OPERATIONS.

  - With regard to Abu Issa, and Black Muslims in Montana: the *Study* states that Khalid Shaykh Muhammad recanted statements that he directed Abu Issa to convert Black Muslims in Montana. The report cites [redacted] 12198 (3 Jul 03) as the source of that information. The revised information was disseminated in [redacted] and [redacted]

    REGARDING THE ALLEGATION THAT ISSA HAD MENTIONED BLACK MUSLIM CONVERTS WITH FAMILY IN MONTANA WHO WORKED AS BODYGUARDS FOR SHAYKH ((ABU HAMZA AL-MASRI)), THE DETAINEE CONFIRMED THAT ISSA TOLD HIM ABOUT THE BODYGUARDS, AND SAID THAT HE BELIEVED THIS CAME UP WHEN HE SUGGESTED ISSA FIND SOMEONE IN THE UNITED KINGDOM WHO COULD HELP HIM SET UP THE MULTIPLE INCENDIARY DEVICES HE HAD CONCEIVED IN HIS PLAN. THE DETAINEE SAID THERE WAS NO

CONNECTION BETWEEN THE BODYGUARDS MENTIONED BY ISSA AND MONTANA.

THE DETAINEE CLARIFIED THAT HE DID NOT ASK ISSA TO RECRUIT AFRICAN-AMERICAN MUSLIMS IN MONTANA, BUT RATHER ISSA MENTIONED HE KNEW AN AFRICAN-AMERICAN MUSLIM IN MONTANA THROUGH HIS CONTACTS IN THE UNITED KINGDOM. THE DETAINEE SAID HE WAS ORIGINALLY CONFUSED ABOUT THIS ISSUE.

(U) Conclusion 12: The CIA provided inaccurate information to the Department of Justice on the way in which interrogations were conducted, the conditions of confinement, and the effectiveness of the CIA's enhanced interrogation techniques. The Department of Justice relied on CIA's factual representations to support its conclusions that the program was consistent with U.S. statutes, the U.S. Constitution, and U.S. treaty obligations, and warned the CIA that if facts were to change, its legal conclusions might not apply.

~~(S//OC/NF)~~ CIA did not consistently or intentionally provide inaccurate information to DOJ. While stronger communication and coordination between CIA and DOJ's Office of Legal Counsel (OLC) would have enabled OLC's legal guidance to reflect more up-to-date factual information, we found no evidence that any information was known to be false when it was provided or that additional or more frequent updates would have altered OLC's key judgments.

- ~~(S//OC/NF)~~ For example, prior to issuance of OLC's 1 August 2002 opinion, CIA represented that "[enhanced techniques] will not be used with substantial repetition" as applied to any one detainee. As the program evolved, in certain exceptional cases—particularly involving the waterboard, which was applied to three detainees—the number of repetitions was inconsistent with this assertion. However, OLC made clear that the precise number of applications of the waterboard did not contravene OLC's guidance. The *Study* itself, summarizing a 2004 memorandum from OLC to the CIA IG, states:

> The memorandum explained that the Attorney General had expressed the view that the legal principles in the OLC opinion would allow the same techniques to be used on detainees other than Abu Zubaydah and that the repetitions in the use of the waterboard on Khalid Shaykh Muhammad and Abu Zubaydah did not contravene the principles underlying the August 2002 opinion.

~~(S//OC/NF)~~ Similarly, the *Study* emphasizes that in seeking initial legal guidance from OLC regarding interrogation techniques, CIA represented that it believed Abu Zubaydah was al-Qa'ida's third- or fourth-ranking leader. The *Study* alleges that CIA learned Zubaydah was not actually a formal member of al-Qa'ida prior to issuance of the August 2002 opinion, and failed to share this new information with DOJ. The implication is that had this information been made available, the guidance provided would have been different. While we acknowledge the Agency should have kept OLC more fully informed, neither the documents cited in the *Study* nor CIA's contemporaneous analytic judgments support the *Study's* conclusion.

- ~~(S//OC/NF)~~ As a threshold matter, the *Study* incorrectly claims that CIA's view of Abu Zubaydah's importance to al-Qa'ida was based solely on a single source who recanted. In fact, CIA had multiple threads of reporting indicating that Zubaydah was a dangerous terrorist, close associate of senior al-Qa'ida leaders, and was aware of critical logistical and operational details of the organization, whether or not he held formal rank in al-Qa'ida. Analysts did not alter their fundamental assessment of Zubaydah's intelligence value as a result of anything said or later recanted by the single source cited by the *Study*.

- ~~(S//OC/NF)~~ Moreover, it is important to note that there are no facts suggesting that the conclusions in the August 2002 opinion were dependent on CIA's representation about Abu Zubaydah's rank. In fact, the Attorney General later extended the opinion to other

detainees for which no such representations were made. In 2003 he explicitly reaffirmed that the "legal principles reflected in DOJ's specific original advice could appropriately be extended to allow use of the same approved techniques (under the same conditions and subject to the same safeguards) to other individuals besides the subject of DOJ's specific original advice."

- (U/~~/FOUO~~) More generally, the *Study* seems to misunderstand the role of OLC and its interaction with CIA. OLC is not an oversight body, and it does not act as a day-to-day legal advisor for any executive agency. Further, OLC does not "approve" executive agency activities. Instead, when requested and otherwise appropriate, OLC provides legal guidance and analysis to executive agencies on specific questions of law applicable to specific and defined sets of facts. It then is incumbent upon Executive agencies to apply OLC legal guidance to their activities. In doing so, agencies, including CIA, will often apply the legal guidance provided in a particular OLC memorandum to other similar factual scenarios. It is neither practical nor required for an agency to seek prior OLC legal review of all possible factual scenarios.

~~(TS/~~[redacted]~~/NF)~~ In other instances cited by the *Study*, new or different information was only discovered *after* the issuance of applicable DOJ opinions. For example, the *Study* notes that CIA sought and obtained from DOJ authorization to use enhanced interrogation techniques on Janat Gul based on what turned out to be fabricated source reporting. As the *Study* itself acknowledges, however, this fabrication was not discovered until "[a]fter the CIA's use of its enhanced interrogation techniques on Gul."

~~(S//OC/NF)~~ The *Study* mischaracterizes as inaccurate certain other representations CIA provided to DOJ by either omitting or inaccurately describing the surrounding context.

- ~~(S//OC/NF)~~ With regard to Abu Zubaydah, the *Study* claims that CIA's representation to OLC that it was "certain" Abu Zubaydah was withholding information on planned attacks was inaccurate, pointing to an "interrogation team" cable in which the team describes their objective as merely to *ensure* Abu Zubaydah was not holding back. The *Study*, however, neglects to relate critical elements later in the cable that go on to say that "[t]here is information and analysis to indicate that subject has information on terrorist threats to the United States"; and "[h]e is an incredibly strong willed individual which is why he has resisted this long".

- ~~(S//OC/NF)~~ The *Study* also notes that CIA inaccurately informed OLC in September 2004 that Ahmed Khalfan Ghailani was believed to have intelligence on individuals trained for an attack and may have been involved in attack plotting, despite "an email sent almost a month before the OLC letter indicat[ing] that this was speculation." The email referenced states only that Ghailani's specific role in operational planning was unclear, and then goes on to add that, "[i]n particular, Ghailani may know the identities and locations of operatives who trained in Shkai. He also may know aliases and intended destinations for these operatives...." Read in full, the underlying email fully supports CIA's representation regarding the intelligence Ghailani was believed to possess.

- ~~(S//OC/NF)~~The *Study* points to alleged misstatements by CIA in late 2005 and early 2006 regarding conditions of confinement. It asserts CIA inaccurately represented that certain conditions—such as constant light, white noise, and the shaving of detainees—

were used for security purposes when, in fact, the record indicates they were also used for other purposes related to interrogation. These assertions take CIA's representations out of context, as they originated from communications with OLC regarding which measures would be *necessary* for security purposes, without excluding any other ancillary purposes they might serve. Indeed, we were unable to find any representation by CIA that security was the sole purpose of these measures. Moreover, in April 2006, CIA sought to specifically clarify this issue with OLC when it became clear this concept was not well understood. Responding to a draft OLC opinion, CIA stated, "Overarching issue. This opinion focuses exclusively on the use of these conditions for the security of the installation and personnel. However, these conditions are also used for other valid reasons, such as to create an environment conducive to transitioning captured and resistant terrorists to detainees participating in debriefings."

(U~~//FOUO~~) Finally, the *Study* generally alleges that representations made to OLC prior to its May 30, 2005 opinion regarding the importance of intelligence obtained as a result of the program in thwarting various terrorist plots were inaccurate. The Agency's refutation of charges that it misrepresented the value of program-derived intelligence is presented in Appendix B.

(U~~//FOUO~~) CIA at all times sought to obtain legal guidance from DOJ based on the best information then available. Nevertheless, it is clear the Agency could and should have taken greater steps to support the integrity of the process and guarantee transparency, both in fact and in appearance, by occasionally revisiting its factual representations and updating them as necessary—even when doing so would not have had a practical impact on the outcome.

(U) Conclusion 13: The CIA actively impeded Congressional oversight of the CIA detention and interrogation program. In 2002, the CIA avoided and denied then-Chairman Bob Graham's oversight requests for additional information about the program, and later resisted efforts by then-Vice Chairman John D. Rockefeller IV to investigate the program. The CIA restricted briefings of the CIA interrogation program to the Chairman and Vice Chairman of the Senate Select Committee on Intelligence until September 6, 2006, the day the President of the United States publicly acknowledged the program. Prior to that time, the CIA declined to answer all questions from other Committee members. Once the full membership of the Committee was briefed, the CIA continued to impede Committee oversight by restricting the members' staff from being "read-in" to the program, delaying and denying the provision of information on the program, and refusing to respond to formal Committee questions for the record. Information the CIA did provide on the operation and effectiveness of the CIA detention and interrogation program was largely inaccurate from 2002 through at least 2011. The CIA Director nonetheless represented that the CIA detention and interrogation program was "fully briefed" to "every member of our Intelligence Committees," relaying to foreign government leaders that therefore the interrogation program was not a CIA program, but "America's program." Ultimately, the Committee and both the Senate and the House of Representatives rejected the CIA program in bipartisan legislation.

~~(TS/~~[redacted]~~NF)~~ We disagree with the *Study's* conclusion that the Agency actively impeded Congressional oversight of the CIA detention and interrogation program. We believe the record demonstrates that CIA leaders made a good faith effort to keep oversight committee leaders fully briefed on the program within the strict limits on access that had been set by the White House. Within these parameters, Agency records indicate a fairly consistent engagement with Congressional oversight in the period prior to the public acknowledgment of the program. As discussed in our response to Conclusion 9, we also disagree with the assessment that the information CIA provided on the effectiveness of the program was largely inaccurate. Finally, we have reviewed DCIA Hayden's testimony before SSCI on 12 April, 2007 and do not find, as the *Study* claims, that he misrepresented virtually all aspects of the program, although a few aspects were in error.

~~(TS/~~[redacted]~~NF)~~ CIA acknowledges that it did not share all available information concerning the program with all members of the Committees—especially prior to 6 September, 2006—but this was in keeping with the guidance provided by the White House. Under the National Security Act of 1947 as amended, Section 503(c) (2), the President sets the parameters for how much information on covert action programs is shared with the Congress; CIA does not determine such access. While all oversight committee members were informed of the existence of the program, the White House decided that information on the enhanced interrogation techniques would be restricted to the chairman and the ranking minority members of the oversight committees, along with up to two additional staffers on each committee. Within this framework, the records show an effort to keep congressional oversight informed of developments, as a few key examples indicate.

- ~~(TS/~~[redacted]~~NF)~~ In total, CIA briefed SSCI members or staff on rendition, detention, or interrogation issues more than 35 times from 2002-2008. CIA provided more than 30 similar briefings to HPSCI members or staff during the same time period and provided more than 20 notifications.

- ~~(TS/~~[redacted]~~NF)~~ CIA began using enhanced techniques while Congress was in its August 2002 recess. The first briefing of HPSCI leadership followed on 4 September while SSCI leaders received the same briefing on 27 September. Both briefings for leaders covered background on the authorities to use the techniques, the coordination which had taken place with DoJ and the White House, a description of the enhanced techniques which had been employed, and some discussion of the intelligence that had been acquired.

- ~~(TS/~~[redacted]~~NF)~~ CIA's Inspector General was informed of a case of a deviation from approved techniques and of the death of Gul Rahman on 21 and 22 January 2003 respectively. CIA briefed those incidents to DoJ on 24 January and underscored its intention to notify the new leadership of the oversight committees as part of a previously planned briefing on interrogation practices. These briefings took place on 4 and 5 February, and covered what had happened in both cases, what intelligence was being collected in the debriefings, a detailed discussion of enhanced techniques, and CIA's intention to destroy tapes of the interrogation sessions.

- ~~(TS/~~[redacted]~~NF)~~ CIA's Inspector General initiated a review of CIA's counterterrorism detention and interrogation activities in January 2003. The review was completed in May 2004 and he and senior CIA officers briefed the results to the HPSCI and SSCI leadership on 13 and 15 July respectively. The HPSCI session lasted two hours and contemporaneous notes indicate it evolved into an in-depth discussion of the practical, political, legal, and moral issues involved. The Inspector General followed up with separate briefings for the SSCI leadership in early March 2005 on the cases and projects pending in his office.

- ~~(TS/~~[redacted]~~NF)~~ The leadership of both oversight committees were briefed in March 2005. The topics ranged from the legal justifications for enhanced techniques, internal controls and safeguards, the approach that was taken to employing the techniques, and interrogation results.

(U~~//FOUO)~~ We disagree with the *Study's* contention that limiting access is tantamount to impeding Congressional oversight. The *Study* cites a number of examples to bolster its contention; these involve points of process, refusal to provide documents, and selective provision of information to shape legal opinions. We assess all contain inaccuracies.

- (U~~//FOUO)~~ Conclusion 13 does not reflect mutually agreed upon past or current practices for handling restricted access programs. Indeed, the Committee codified, as part of the FY12 Intelligence Authorization Act, the practice of briefing sensitive matters to just the Chairman and Ranking Member, along with notice to the rest of the Committee that their leadership has received such a briefing.

- (U~~//FOUO)~~ We also disagree with the *Study's* contention that not "reading-in" additional Committee staffers in the post-2006 period equates to actively impeding oversight. Restricting staff access was consistent with current and long-standing practice as regards sensitive covert action programs.

- (U/~~/FOUO~~) The *Study's* statement that CIA denied Members' requests for a copy of the OLC Memoranda is incorrect. CIA did not have the authority to provide those memoranda to the Committee. The President and the Attorney General determine whether to grant direct access. In lieu of providing the memoranda, however, Acting Assistant Attorney General Bradbury testified and provided information about the OLC memoranda.

(~~TS/~~[redacted]~~/NF~~) Finally, we disagree with the *Study's* claim that DCIA Hayden's testimony before SSCI on 12 April 2007 misrepresented virtually all aspects of the program. The testimony contained some inaccuracies, and the Agency should have done better in preparing the Director, particularly concerning events that occurred prior to his tenure. However, there is no evidence that there was any intent on the part of the Agency or Director Hayden to misrepresent material facts. DCIA Hayden sought in the statements made during this session to discuss the history of the program, the safeguards that had been built into it, and the way ahead.

- (U~~//FOUO~~) Consistent with our response to Conclusion 9, we maintain that his characterization of the intelligence derived from the program as having helped the US disrupt plots, save lives, capture terrorists and, as a supplementary benefit, better understand the enemy, was correct.

- (~~TS/~~[redacted]~~NF~~) In his statement for the record, DCIA Hayden noted as an example of a safeguard CIA had built into the program that all those involved in the questioning of detainees are carefully selected and trained. We concede that prior to promulgation of DCIA guidance on interrogation in January 2003 and the establishment of interrogator training courses in November of the same year, not every CIA employee who debriefed detainees had been thoroughly screened or had received formal training. After that time, however—the period with which DCIA Hayden, who came to the Agency in 2005, was most familiar—the statement is accurate.

- (~~TS/~~[redacted]~~NF~~) DCIA Hayden stated that "punches" and "kicks" were not authorized techniques and had never been employed and that CIA officers never threatened a detainee or his family. Part of that assertion was an error. The DCIA would have been better served if the Agency had framed a response for him that discussed CIA's policy prohibiting such conduct, and how the Agency moved to address unsanctioned behavior which had occurred (including punches and kicks) and implement clear guidelines. He could have also reported that CIA's Inspector General investigated these incidents and recommended reviews of the employees' conduct as warranted. Several employees were removed from the program for the use of unsanctioned techniques.

- (~~TS//~~[redacted]~~NF~~) Director Hayden also expressed his view that CIA would not have been able to obtain the intelligence it did from 30 detainees who underwent enhanced interrogation techniques if the Agency had been restricted to the Army Field Manual alone. CIA's current view, as described elsewhere in our response, is that it is inherently unknowable whether the Agency could have acquired the same information without the use of enhanced techniques. That does not, however, suggest that Director Hayden sought to mislead when he expressed his opinion.

- ~~(TS/~~[redacted]~~NF)~~ We acknowledge that the location of the "blacksites" was withheld from the full Committee. As DCIA Hayden and others made clear, however, CIA was not authorized to share that information.

- ~~(S//NF//OC)~~ We disagree with the *Study's* claim that DCIA Hayden misled Congress on the videotapes. As noted above, CIA officials in January 2003 notified the leadership of both Congressional oversight committees of the existence of tapes of interrogations and of CIA's intent to destroy them. We acknowledge that DCIA did not volunteer past information on CIA's process of videotaping the interrogation sessions or of the destruction of the tapes, but note that by the time hearing took place, HPSCI and SSCI leaders had been notified of the tapes' destruction and had access to the 2004 CIA IG report that spoke in detail concerning the tapes' existence.

~~(C//OC/NF)~~ Conclusion 14: The CIA's Office of Public Affairs and senior CIA leadership coordinated to share classified information on the CIA detention and interrogation program to select members of the media to counter public criticism and avoid potential Congressional action to restrict the CIA's detention and interrogation authorities and budget. Much of the information the CIA provided to the media on the operation and effectiveness of the CIA detention and interrogation program was inaccurate. It was the policy of the CIA not to submit crimes reports on potential disclosures of classified information to the media when the CIA's Office of Public Affairs and the CIA leadership had sanctioned the cooperation with the media.

~~(C//OC/NF)~~ CIA did occasionally engage with the media on the RDI program, but the *Study* is wrong in asserting that it did so for the purpose of avoiding oversight or that there was a coordinated, systemic public relations campaign to garner support for the program. The Office of Public Affairs' (OPA) records from this period are fragmentary, but the documents that are available, as well as the recollections of those working in OPA at the time, indicate that the vast majority of CIA's engagement with the media on the program was the result of queries from reporters seeking Agency comment on information they had obtained *elsewhere*. As a result, the primary purpose of these interactions—as with many of our interaction with the media--was to persuade reporters to safeguard as much sensitive intelligence as possible and to minimize inaccuracies that might reflect badly on the US Government.

~~(C//OC/NF)~~ The Agency makes decisions to engage with journalists on press stories or book projects on a case-by-case basis after a review of the risks and potential benefits to the US Government, including the opportunities to mitigate or limit the disclosure of classified information. In general, when reporters come to OPA with stories on classified programs and sources and methods, Director OPA (D/OPA) will consult with CIA leadership and those components whose operational equities are at stake.

- ~~(C//OC/NF)~~ When faced with a reporter who already has classified information in hand, there are a number of potential options, including asking the reporter to hold the story or remove specific information, which sometimes has the effect of providing an off-the-record acknowledgement of the sensitive information; steering the reporter away from incorrect information that impinges on sources and methods without confirming any other information; providing a balanced perspective via a broad overview that does not provide additional detail; and declining to comment.

~~(C//OC/NF)~~ During this period, CIA's interaction with the media involved examples that fell into each of these categories. The Agency consistently tried to protect classified programs and, if necessary, provide context that would allow the program to be put into context. As is always the case, the reporters and their management ultimately decided what information to publish.

~~(C//OC/NF)~~ The supporting text to Conclusion 14 focuses on a single interaction between the CIA and the media in 2005, as evidence of a CIA plan to make unauthorized releases of classified information in order to increase public support for the program and blunt any Congressional opposition to program activities that could arise. The *Study's* account of this interaction omits key facts. We acknowledge that some CIA officers, including then-Director Porter Goss, met with Tom Brokaw of NBC news in April, 2005. Although Agency records from the period are

incomplete, the documentary record we do have as well as our conversations with former officers strongly indicate that it was NBC that initiated contact with the Agency, requesting information as part of a one-hour documentary to be hosted by Mr. Brokaw on the global war on terrorism.

- ~~(C//OC/NF)~~ The record shows a careful effort to create talking points for both the Director and the Deputy Director of CTC that referenced previously disclosed or reported material, with citations for each item to public sources such as the 9-11 Commission Report, court documents, and periodicals. We found no materials showing discussions about making first-time, classified disclosures.

- ~~(C//OC/NF)~~ The *Study* cites a portion of an electronic "chat" between the Deputy Director of CTC and another officer, construing it as evidence that the Agency intended to provide classified information to NBC in an effort to "sell" the program publically. As a threshold matter, the informal comments of any one CIA officer do not constitute Agency policy with regard to media interactions. More importantly, a review of the complete chat transcript and contemporaneous emails that were made available to the Committee shows that the officers were discussing the talking points mentioned above, which describe previously disclosed information relating to the program.

- (U) A review of the NBC broadcast, cited by the *Study*, shows that it contained no public disclosures of classified CIA information; indeed, *the RDI program was not discussed*.

~~(C//OC/NF)~~ We also disagree with the Study's allegation that the information that we provided to the public regarding the value of the intelligence derived from the program was inaccurate. Our response to Conclusion 9 makes clear that CIA's representations, as reflected in President Bush's 2006 speech, were, with one exception, accurate.

~~(C//OC/NF)~~ Conclusion 14 is incomplete with regard to its discussion of CIA policy on unauthorized disclosures. With regard to intelligence activities, Agency regulations empower the Director of Public Affairs, with the approval of one of the Agency's top three leaders (DCIA, DDCIA, and EXDIR), to authorize the disclosure of information to the media. With regard to information related to covert action, authorization rests with the White House. When such authorizations occur, there is self-evidently no need for a crimes report as the disclosure is fully in accord with the law.

- ~~(TS/~~[redacted]~~NF)~~ Records on the drafting of an unrealized public "rollout" of the RDI program, cited by the *Study*, are incomplete. But any such rollout would have been, by definition, an authorized disclosure implemented at the direction of and in concert with the White House, which owns all covert action programs. It would be nonsensical to file a crimes report on this or similar properly authorized disclosures.

~~(S//OC/NF)~~ Conclusion 15: The CIA's management and operation of the detention and interrogation program was deeply flawed. Despite the importance and significance of the authorities granted to the CIA to detain individuals outside of established law enforcement or military structures, the CIA did not keep accurate records on those it detained, placed individuals with no experience or training in senior detention and interrogation roles, and had inadequate linguistic and analytical support to conduct effective questioning of CIA detainees. The CIA also selected personnel to carry out sensitive detention and interrogation activities who had documented personal and professional problems which called into question the suitability of their participation in a sensitive CIA program, as well as their employment with the CIA and eligibility for access to classified information.

~~(TS/~~[redacted]~~NF)~~ We agree that the Agency made serious missteps in the management and operation of the program in its early days, as we discuss in Conclusion 1. However, by focusing almost exclusively on CIA's early efforts in [redacted] and at [redacted] we believe the *Study* significantly overstates CIA's shortcomings in managing the RDI program as a whole.

~~(TS/~~[redacted]~~NF)~~ As noted in our response to Conclusion 1, on September 12, 2001, CIA was unprepared to take on the operation of a worldwide detention program. It lacked key resources and expertise—particularly language-trained officers and personnel knowledgeable about detention facility management or interrogation. As CIA surged officers to the field in [redacted] the Agency's natural inclination was to focus on operations, analysis, and plot disruption. But even allowing for this mission-focused predisposition and the inherent difficulties [redacted] CIA failed to focus sufficient attention on creating standard operating procedures to manage detention facilities, provide officers in the field the resources they needed, or begin to keep adequate records until early 2003. As a direct consequence of these failings, CIA's operation of [redacted] was marred by serious flaws.

- ~~(TS/~~[redacted]~~NF)~~ In the earliest days of the program, CIA officers were unsure which CIA component was responsible for managing the [redacted] facility, [redacted] Multiple components at Headquarters monitored the facility, but no one actively "owned" it. There is no justification for this confusion, and its existence represents a failure of management. CIA leadership should have made clear from the outset which component and chain of command bore unambiguous responsibility for [redacted] and its detainees.

- ~~(S//OC/NF)~~ As the IG previously noted in its 2004 Special Review of the program, Headquarters officials did not act swiftly to respond to the field's concerns about inadequate staffing levels. As a result of staffing shortfalls, during the early months of [redacted] some detainees were not being questioned because the Agency lacked a sufficient number of debriefers in country. Moreover, CIA asked some officers to take on responsibilities for which they were neither prepared nor trained.

- ~~(S//OC/NF)~~ As a result of these severe shortfalls, a junior, "first tour" officer in [redacted] was asked to assume responsibilities for detainee interrogations only weeks after his arrival there. As the *Study* and two IG reports observed, that officer was later

involved in the death of detainee Gul Rahman at [redacted] Delegating management of the [redacted] facility and detainee affairs in [redacted] to a first tour officer was not a prudent managerial decision given the risks inherent in the program. The Agency could have and should have brought in a more experienced officer to assume these responsibilities. The death of Rahman, under conditions that could have been remediated by Agency officers, is a lasting mark on the Agency's record.

~~(S//OC/NF)~~ While we acknowledge these shortcomings, the *Study* fails to take note of significant improvements implemented at [redacted] following Rahman's death, as well as the far more stringent standards governing interrogations and safety applied at later detention sites. Headquarters established CTC's Renditions and Detentions Group CTC/RDG as the responsible entity for all CIA detention and interrogation sites in December 2002, removing any latent institutional confusion. CTC/RDG sent its first team to [redacted] to debrief and interrogate detainees that same month, and the team immediately established procedures for requesting approval for enhanced techniques. These procedures were further institutionalized following promulgation of the DCI's Detention and Interrogation Guidelines in January 2003. With the exception of water dousing and the use of a wooden dowel behind the knees of a detainee employed by the lead HVT interrogator (who was removed from the program as a consequence of employing the latter in July 2003), these adjustments eliminated the use of improvised techniques, which were criticized extensively in the 2004 IG's *Special Review* and in its investigation report on Gul Rahman's death, as they are in the *Study*.

- ~~(TS/~~[redacted]~~NF)~~ There were inherent limitations on Agency efforts to upgrade [redacted] Its location [redacted] made it difficult to implement facilities upgrades to bring it more in line with sites like [redacted] The program continued to face challenges in identifying sufficient, qualified staff—particularly language-qualified personnel—as requirements imposed by Agency involvement in Iraq increased. However, the first Quarterly Review of Confinement Conditions mandated by the 31 January 03 DCIA Guidelines on the Conditions of Confinement, produced in April 2003, cited significant improvements at [redacted] including space heaters, sanitation and hygiene enhancements, as well as better nutrition for the detainee population.

~~(S//OC/NF)~~ Indeed, from January 2003 through 2005 the program as a whole continuously improved. Certification of officers involved in interrogations continued; procedures and confinement conditions continued to be refined and upgraded. This is reflected in the CIA IG's 2005 audit of the program, which concluded that the overall program for operating detention and interrogation facilities was effective and that standards, guidelines, and recordkeeping were generally sufficient. As occasional errors occurred over the remaining life of the program, they were reviewed by supervisors and IG investigations, and sometimes resulted in accountability boards or, in appropriate cases, referrals to the Department of Justice.

~~(TS/~~[redacted]~~NF)~~ In [redacted] was eventually closed in accord with planning begun in [redacted] and necessitated by the site's inherent limitations with respect to operational security. [redacted] CIA decided that the risks of operating [redacted] outweighed the benefits of having a place to intern detainees who could no longer be housed in [redacted]

[redacted] The decision to close [redacted] reflected a maturation of CIA's approach to risk management in the program and better prioritization of longer term detention challenges.

~~(S//OC/NF)~~ The *Study* omits important additional facts and context relating to its critique of Agency recordkeeping and the selection of officers with questionable professional and personal track records to perform interrogations and other sensitive program tasks.

~~(S//OC/NF)~~ First, the decline in reporting over time on the use of enhanced techniques, which the *Study* characterizes as poor or deceptive recordkeeping, actually reflects the maturation of the program. In early 2003, a process was put in place whereby interrogators requested permission in advance for interrogation plans. The use of these plans for each detainee obviated the need for reporting in extensive detail on the use of specific techniques, unless there were deviations from the approved plan. Moreover, the use of certain techniques declined over time; the list of approved techniques dropped from a high of 13 in 2004 to six in 2007. The waterboard was not used after March 2003.

~~(S//OC/NF)~~ Second, the *Study* implies that Agency managers knowingly sent [redacted] individuals to the field, highlighting [redacted] officers with problematic service or personal histories. Overall, more than [redacted] officers were part of this program over its life. The vast majority were solid performers and were well trained. [redacted] some of the [redacted] officers mentioned in the *Study*—[redacted] should have been excluded—much of the derogatory information was not in fact available to senior managers making assignments [redacted]

~~(S//OC/NF)~~ For example, the junior officer assigned to oversee [redacted] was not placed in his position by a formal Headquarters assignment panel, but was given his responsibilities as a consequence of an on-the-scene decision by [redacted] COS [redacted] operating in a resource-constrained environment, [redacted]

- [redacted]

~~(S//OC/NF)~~ Conclusion 16: CIA officers and contractors involved in the CIA detention and interrogation program known to have violated CIA policy were rarely held accountable by the CIA, including those CIA officers who used unauthorized interrogation techniques against CIA detainees. Significant events, to include the death and injury of detainees and the detention of individuals who did not meet the legal standard to be held by the CIA, did not result in appropriate organizational lessons learned or effective corrective actions.

~~(S//OC/NF)~~ Our review of Conclusion 16 did indicate significant shortcomings in CIA's handling of accountability for problems in the conduct and management of CIA's RDI activities. However, the *Study* lays out two supporting arguments that are best assessed separately, because we agree—and have expanded on—the first, but the second appears unfounded.

- ~~(S//OC/NF)~~ The first argument is that in some important cases involving clearly evident misconduct, the CIA did not in the end sufficiently hold officers accountable even after full investigation and adjudication.[9] We largely concur, although we would take the *Study's* argument one step further. The *Study* focuses on the inadequate consequences meted out for line officers who acted contrary to policy in conducting interrogations in the field or in providing the rationale for captures from CTC. To us, an even more compelling concern is that the Agency did not sufficiently broaden and elevate the focus of its accountability efforts to include the more senior officers who were responsible for organizing, guiding, staffing, and supervising RDI activities, especially in the beginning.

- ~~(S//OC/NF)~~ The Conclusion's second supporting argument is that there were many more instances of improper actions for which some form of accountability exercise should have been conducted but was not. We found problems with the factual basis for this argument.

~~(S//OC/NF)~~ **Accountability Outcomes.** CIA's RDI activities engendered a significant number of accountability-related actions. The IG, often in response to CIA referrals, conducted at least 29 investigations of RDI-related conduct, plus two wide-ranging reviews of the program. Many cases were investigated by the IG and found to be without merit. Of the cases which were found to be supported by the facts, one involved the death of an Afghan national who was beaten by a contractor. The individual involved was prosecuted by the Department of Justice and convicted on a felony charge. Another case involved a contractor who slapped, kicked, and struck detainees when they were in military custody. Shortly after the IG concluded its investigation of that case, the contractor was terminated from the CIA, had his security clearances revoked, and was placed on a contractor watchlist.

~~(S//OC/NF)~~ In addition to IG investigations and criminal prosecutions—including an omnibus three-year investigation of all RDI activity by a DoJ special prosecutor, which involved the review of more than 100 detainee cases, involving those in both Agency and DoD custody—CIA convened six accountability proceedings, either at the directorate or higher level, from 2003 to

[9] The *Study's* main boldface conclusion states that those known to have violated policy were "*rarely* held accountable," but the first line of the discussion that follows states categorically that CIA "*did not* hold individuals accountable for abuses in the CIA detention and interrogation program" (emphasis added). For purposes of our response, and in light of the substantial documentation demonstrating the existence of numerous accountability exercises, we will assume that the authors intended to allege that we only "rarely" held officers accountable.

2012. These reviews assessed the performance of 30 individuals (staff officers and contractors), and 16 were deemed accountable and sanctioned. [10]

~~(S//OC/NF)~~ Although considerable attention was paid to cases of wrongdoing, we acknowledge that, particularly in the cases cited in the *Study's* Conclusion, the narrow scope of CIA's accountability efforts yielded outcomes that are, in retrospect, unsatisfying in view of the serious nature of the events. Most egregiously, we believe that CIA leaders erred in not holding anyone formally accountable for the actions and failure of management related to the death of **Gul Rahman** at [redacted] in 2002. We understand the reasoning underlying CIA management's decision to overturn an accountability board recommendation that would have imposed sanctions on the least experienced officer involved. The most junior in the chain of command should not have to bear the full weight of accountability when larger, systemic problems exist and when they are thrust into difficult battlefield situations by their supervisors and given a risky and difficult task and little preparation or guidance. Still, it is hard to accept that a CIA officer does not bear at least some responsibility for his or her actions, even under trying circumstances.

- ~~(S//OC/NF)~~ Moreover, deciding to minimize the punishment for a junior officer should not have been the end of the matter. CIA had an affirmative obligation to look more deeply into the leadership decisions that helped shape the environment in which the junior officer was required to operate, to examine what could have been done better, and to determine what responsibility, if any, should be fixed at a more senior level.

~~(TS/~~[redacted]~~NF)~~ In the case of **Khalid al-Masri** , our view of the accountability exercise is more mixed. As discussed in our response to Conclusion 18, the Agency applied the wrong interpretation of the MoN standard and plainly took too long to remediate its mistake. In that instance, an accountability review was undertaken and then-DCIA Hayden took significant steps to improve Agency practices in the wake of the error, directing that the Acting General Counsel review the legal guidance provided to CTC regarding renditions. The Director further called for a zero-based review of the operations officers and managers who were required to make analytic targeting judgments to determine the appropriate level of formal analytic training these officers needed to be effective in discharging their duties. That review was done, and it resulted in improved training for officers engaged in targeting work.

- ~~(S//OC/NF)~~ Nonetheless, we concede that it is difficult in hindsight to understand how the Agency could make such a mistake, take too long to correct it, determine that a flawed legal interpretation contributed, and in the end only hold accountable three CTC attorneys, two of whom received only an oral admonition.

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[10] In the RDI-related reviews, some of the officers assessed as accountable received disciplinary actions including one and two year prohibitions on promotion or any form of monetary recognition. Disciplinary actions at the level of Letters of Reprimand or above are permanently maintained in the security files of the disciplined officers. Other officers received oral admonitions and letters of warning; these individuals were those with a lesser degree of involvement in the matters under review. Some of the officers assessed as accountable were either not recommended for disciplinary action or recommended for lesser disciplinary actions, due to mitigating factors that included whether these officers had been provided appropriate guidance from CIA Headquarters; had sought, but not received, adequate guidance; or were not found to have acted with malice.

~~(S//OC/NF)~~ Accountability was more robust with regard to the incident in which an officer sought to frighten **Abd al-Rahim al-Nashiri** by threatening him with an unloaded handgun and a powerdrill. The senior officer present, who authorized use of the gun and drill as fear-inducers, retired [redacted] and was therefore beyond the reach of meaningful discipline. The subordinate officer involved, who had exhibited poor judgment but had obtained his supervisor's permission, received a letter of reprimand, was blocked from receiving pay increases or promotions for two years, suspended without pay for a week, and removed from the program.

- ~~(S//OC/NF)~~ However, we found no indication that the accountability process looked beyond the specific actions of these two officers to determine accountability for any management shortcomings related to such issues as the suitability of the officers involved or the paucity of guidance—the incident occurred prior to dissemination of DCI's formal guidance on interrogation techniques—under which they were operating.

~~(S//OC/NF)~~ Although we do not believe it would be practical or productive to revisit any RDI-related case so long after the events unfolded, looking forward the Agency should ensure that leaders who run accountability exercises do not limit their sights to the perpetrators of the specific wrongful action, but look more broadly at management responsibility and look more consistently at any systemic issues. At a minimum, no board should cite a broader issue as a mitigating factor in its accountability decision on an individual without addressing that issue head on, provided it remains practical to do so.

- (U~~//FOUO~~) In that regard we must note that such boards are sometimes encumbered by the excessive length of time that can lapse between the offending action and the convening of the board. Boards begun years after an event struggle just to sort out the basic facts, and they are not well positioned to expand the scope of inquiry or remedy management issues long in the past. Unfortunately, this problem can defy ready solution, because when it occurs, a contributing factor may be the time required for the DoJ to investigate and decide whether to prosecute any offenses.

~~(S//OC/NF)~~ Although we judge that the outcomes of these accountability exercises were inadequate, at least in scope, the record does show that, contrary to the claim in Conclusion 16, CIA often learned much from its mistakes and took corrective action. As we have discussed in responses to various *Study* conclusions, Gul Rahman's death catalyzed significant improvements in the organization, management, and conduct of the program. CIA made other significant adjustments in response to various internal and external reviews and investigations. For example, in response to the 2004 IG *Special Review*, CIA further refined its detention and interrogation guidelines; made improvements in CTC detainee record keeping; reviewed staffing plans for RDI facilities; issued additional Headquarters instructions to Chiefs of Station on their RDI responsibilities; worked to further ensure the timely dissemination of intelligence collected from detainees; and reviewed options available for eventual disposition of CIA detainees. The documentary record shows clearly that CIA took the recommendations seriously and that senior CIA leadership directed, and monitored, remedial actions as they were implemented.

(U~~//FOUO~~) **Alleged Additional Offenses.** As noted above, we were not persuaded by the *Study's* argument that there were multiple accountable offenses that CIA ignored. For instance, the *Study* alleges that 16 detainees were subjected to enhanced techniques without written authorization, and that officers participated in the use of enhanced techniques with at least

eight detainees without having received approval to do so. As discussed in our response to Conclusion 20, the *Study* is wrong on both counts and falls short in its attempt to make the case that greater accountability was warranted. No more than seven detainees received enhanced techniques prior to written Headquarters approval; the *Study* miscounts because it confuses the use of standard techniques that did not require prior approval at the time they were administered with enhanced techniques that did.

- ~~(S//OC/NF)~~ One of the seven was Gul Rahman; in the other cases no accountability review was warranted because of a variety of mitigating factors, such as the fact that the unauthorized techniques in question did not differ greatly from those which Headquarters had already approved, Headquarters approved use of the techniques shortly after their use, or the existence of evidence indicating that there was no intent to mislead Headquarters or to substantively alter the approved interrogation plans.

- ~~(S//OC/NF)~~ With regard to the participation of insufficiently trained interrogators, in reaching its total the *Study* ignores the fact that interrogators were required, as a predicate to receiving certification, to participate in the application of enhanced techniques under the supervision of an already-certified instructor. As a result, an accountability review would have been inappropriate.

~~(TS/~~[redacted]~~NF)~~ Similarly, the *Study* claims that 26 individuals were detained even though they did not meet the requisite MoN standard. As our response to Conclusion 18 makes clear, the precise number, while the subject of much debate, was far fewer. The *Study's* count rests on a lack of appreciation for the evolving nature of intelligence and the real-world realities of the battlefield.

- ~~(TS/~~[redacted]~~NF)~~ The fact that the intelligence case for detaining an individual is later shown to be less powerful than originally thought does not, in itself, render the original reasonably well-founded decision to detain "wrongful," and therefore deserving of accountability review. Most notably, we observe that in decisions to detain within the context [redacted] which represent a large percentage of the 26 cases cited by the *Study*— evidence indicates the MoN standard was in fact met. The decisions were prompted by a reasonable belief that an individual was "planning terrorist activities" or represented a "serious threat of violence or death to U.S persons." When it subsequently learned that a given detainee did not, in fact, meet this standard, CIA's general course of action was to remedy the error, release the detainee, and provide cash payments for lost wages and inconvenience.

~~(S//OC/NF)~~ Conclusion 17: The CIA improperly used two private contractors with no relevant experience to develop, operate, and assess the CIA detention and interrogation program. In 2005, the contractors formed a company specifically for the purpose of expanding their detention and interrogation work with the CIA. Shortly thereafter, virtually all aspects of the CIA's detention and interrogation program were outsourced to the company. By 2006, the value of the base contract with the company with all options exercised was in excess of $180 million. In 2007, the CIA signed a multi-year indemnification agreement protecting the company and its employees from legal liability.

(U~~//FOUO)~~ We agree that CIA should have done more from the outset to ensure there was no conflict of interest—either apparent or actual—in the role performed by the contractors selected to assist with the program. However, we disagree that the contractors lacked important and relevant experience, that we "outsourced" or somehow lost governmental control over the program, or that the Agency erred in entering into a relatively commonplace indemnification agreement with the contractors' company.

~~(TS/~~[redacted]~~NF)~~ Over the course of the detention and interrogation effort, the roles performed by [redacted] included interrogations, assessment of detainees' psychological fitness for interrogation, as well as assessment of the effectiveness of particular interrogation techniques, among other responsibilities. They performed these functions as part of an interrogation team in which decision-making authority rested with a CIA staff officer. As the *Study* correctly points out, the propriety of the wide-ranging nature of the psychologists' roles—particularly their involvement in 1) performing interrogations, 2) assessing the detainees' psychological fitness, and 3) assessing the techniques' effectiveness—raised concerns and prompted considerable discussion and deliberation within CIA.

- ~~(S//OC/NF)~~ As a result of these internal deliberations and reviews relating to the propriety of permitting one individual to play the dual role of psychologist and interrogator, CIA management promulgated guidance on the scope of the contractor psychologists' involvement in individual interrogations. On 30 January 2003, CIA Headquarters affirmed that CIA policy was to ensure that no contractor could issue the psychological assessment of record and that the staff psychologist responsible for this assessment could not be serving in a role which included the application of interrogation techniques on the same detainee nor focus their support on assisting the interrogators for the purpose of the interrogation instead of the detainee's psychological health.[11]

- ~~(TS/~~[redacted]~~NF)~~ In practice, by April 2003, staff psychologists had taken over almost all of the provision of support to the RDI program. As it concerned [redacted] however, the appearance of impropriety continued, albeit to a lesser degree, because they were occasionally asked to provide input to assessments on detainees whom they had not interrogated. CIA's policy on this score changed in May 2004, limiting them to an interrogation role only.

[11] DIRECTOR[redacted]

- ~~(S//OC/NF)~~ We acknowledge that the Agency erred in permitting the contractors to assess the effectiveness of enhanced techniques. They should not have been considered for such a role given their financial interest in continued contracts from CIA.

~~(TS/~~[redacted]~~NF)~~ Conclusion 17 is incorrect, however, in asserting that the contractors selected had no relevant experience. As the *Study* notes elsewhere, [redacted] had [redacted] years of experience, respectively, with the US Air Force's Survival Evasion Resistance and Escape (SERE) training program, where each of them had served as [redacted] In addition, [redacted] had conducted academic research and written a number of research papers on such topics as resistance training, captivity familiarization, and learned helplessness—all of which were relevant to the development of the program. [redacted] had the closest proximate expertise CIA sought at the beginning of the program, specifically in the area of *non-standard means of interrogation.* Experts on traditional interrogation methods did not meet this requirement. Non-standard interrogation methodologies were not an area of expertise of CIA officers or of the US Government generally. We believe their expertise was so unique that we would have been derelict had we <u>not</u> sought them out when it became clear that CIA would be heading into the uncharted territory of the program.

~~(TS/~~[redacted]~~NF)~~ Conclusion 17's assertion that we "outsourced" the program is likewise flawed. Although the company that the two psychologists formed, [redacted] did take on a fairly comprehensive set of responsibilities, including interrogation services, security teams for facilities, and training, all of that work was closely managed by CIA staff officers pursuant to policy guidelines and oversight from Headquarters managers. Their role also served as tacit acknowledgement that interrogating detainees and managing internment facilities would not be a long-term CIA core mission.

- ~~(TS/~~[redacted]~~NF)~~ The *Study's* citation of the value of [redacted] contract is requires clarification. Although the value of the contract would have been in excess of $180 million if all options had been exercised, in fact the firm was actually paid about $81 million by the time the contract was terminated in 2009.

~~(TS/~~[redacted]~~NF)~~ The *Study* implies that there was something unusual and nefarious in CIA's indemnification of [redacted] which protected the company and its employees from legal liability arising out of their work on the RDI program. In fact, the need and value of indemnification provisions for private corporations that assist the Government in achieving its national security priorities are widely recognized, including in the Detainee Treatment Act and the FISA Amendments Act. Without such agreements, it would be difficult and ultimately more expensive to find quality firms willing to take on difficult tasks that bear greater than usual legal risk.

- ~~(TS/~~[redacted]~~NF)~~ The terms of the indemnification agreement with [redacted] ensured that it was in the Government's best interest. The agreement set a overall monetary cap, and excluded indemnification for gross negligence or intentional misconduct, lost profits, damages to reputation, or any legal fees or fines resulting from a final adjudication of guilt of any criminal offense in any US federal or state court.

~~(TS/~~[redacted]~~NF)~~ Finally, the *Study* notes that CIA employees were lured away to work for [redacted] That is true, but this phenomenon was not unique to that firm. Government

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wide, the surge in capacity needed to fight the war on terrorism was heavily dependent on the services of a variety of contractors, which created a strong demand for cleared personnel and, for too many of our employees, an irresistible financial lure. Indeed, the resulting loss of talent and the morale problems created when employees saw colleagues resign one day and return the next at higher pay became sufficiently acute that in 2007 CIA issued regulations that imposed an 18-month waiting period on CIA employees returning as contractors if they resigned but did not retire.

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~~(S//OC/NF)~~ Conclusion 18: The CIA consistently represented in classified settings and to the public that the CIA had detained fewer than 100 individuals. This information was inaccurate. A review of CIA records found that the CIA detained at least 119 individuals, including at least 26 individuals who did not meet the requirements for CIA detention. Those detained inappropriately included individuals deemed innocent of any wrongdoing, including an "intellectually challenged" man whose detention was used solely as leverage against his brother, individuals who were intelligence sources, and individuals whom the CIA assessed to be connected to al-Qaida solely due to information fabricated by a CIA detainee being subjected to the CIA's enhanced interrogation techniques.

~~(TS/~~[redacted]~~/NF)~~ CIA agrees that it should have been able to provide, and the Committee had reason to expect, better record keeping with regard to the number of individuals detained under CIA's authorities in paragraph 4 of the 2001 MoN. Moreover, CIA acknowledges that it detained at least six individuals who failed to meet the proper standard for detention, and waited too long, in too many cases, to release detainees when we determined they did not meet that standard. However, we believe the *Study* applies too much hindsight in reaching its conclusion that 26 individuals were wrongly detained, ignoring key facts that, at the time, drove rational CIA decision-making.

~~(S//OC/NF)~~ Over the life of the program, CIA had difficulty accurately articulating how many individuals were in the program, largely due to two factors:

- ~~(TS/~~[redacted]~~/NF)~~ *Evolving standards for counting detainees and defining what it meant to be an RDI program detainee*. Throughout the program's history, CIA failed to promulgate sufficiently clear definitional standards for determining which detainees should be formally counted as falling within it. Through at least 2009, CIA generally utilized a definition of "RDI program" detainees as those held by CIA following the decision in December 2002 to consolidate formal control over all detention and interrogation activities under CTC/RDG. That meant that detainees who were housed at [redacted] prior to that date, for example, were not counted as part of "the program." That was so even where paragraph 4 of the MON was the basis for CIA's involvement in the detention.[12]

- ~~(TS//~~[redacted]~~/NF)~~ *Poor record keeping relating to when MoN authorities were invoked and when detainees entered and left CIA custody*. Many of the appropriate records are either absent or inadequate, especially during the 2002-2003 period. In too many instances, CIA lacks documentation explaining the rationale for detention under the MoN or clear records showing detainee movements and dates of custody.

~~(S//OC/NF)~~ While the Agency should certainly have done much better in accounting for the total of detainees and in making representations as to their number, we do not agree with the *Study's* implication that our failure was intentional or that the discrepancy was substantively meaningful, in that it does not impact the previously known scale of the program. It remains

[12] ~~(S//OC/NF)~~ We address Director Hayden's decision to maintain that the number of CIA detainees was less than 100, despite emerging information to the contrary, in our response to Conclusion 8.

true that approximately 100 detainees were part of the program; not 10 and not 200. The *Study* leaves unarticulated what impact the relatively small discrepancy might have had on policymakers or Congressional overseers.

~~(TS/~~[redacted]~~NF)~~ With regard to "wrongfully detained" individuals, we acknowledge that there were cases in which errors were made. One important source of error was that the Agency's lawyers sometimes reached different conclusions about the correct legal standard for detention—a state of affairs that should never have been allowed to develop. This issue was examined in detail in the OIG Report of Investigation relating to the rendition and detention of Abu Khalid al-Masri. From the outset, CIA should have clearly defined the standard for placing a detainee in CIA custody and required a clear statement of that correct standard, as well as an outline of the supporting intelligence case, in cables which approved renditions and subsequent detentions. Instead, confusion about the correct legal standard occasionally prevailed.

- ~~(TS/~~[redacted]~~NF)~~ Some CIA officers believed that if a potential detainee had access to information about a high-value target the MoN standard was satisfied, while others focused (correctly) on the MoN language requiring a "continuing, serious threat of violence or death to U.S. persons and interests or who are planning terrorist activities." OGC management should have worked closely to clarify the basic standard and regularly review its application.

- ~~(TS/~~[redacted]~~NF)~~ A review that resulted from the accountability board charged with assessing the improper detention of al-Masri showed that other individuals detained under the incorrect MoN standard would, in fact, have met the correct standard had it been applied. Nevertheless, the al-Masri case remains a blemish on CIA's record of accurately interpreting and working within its counterterrorism authorities.

~~(TS/~~[redacted]~~NF)~~ We do not agree with the *Study's* assumption that every detainee who was ultimately released due to a change in our assessment of whether or not he met the MoN standard should be considered to have been "wrongfully" detained. Many detention decisions were reasonable under the MoN standard at the time they were made.

- ~~(TS/~~[redacted]~~NF)~~ For example, the *Study* highlights several cases in which CIA is alleged to have wrongfully detained individuals in [redacted] settings [redacted] Two such examples involve the "mentally challenged" brother of a Hezb-I Islami Gulbuddin (HIG) facilitator who were captured together along with explosives and communications gear, and a detainee who was captured by the U.S. Military for using a satellite phone and turned over to CIA. Another example not cited concerned a Saudi national who was detained on the spot [redacted] while he was videotaping [redacted] in a casing effort that he admitted was at the direction of a senior al-Qa'ida commander in the FATA.

- ~~(TS/~~[redacted]~~NF)~~ The MoN standard allowed for persons who were planning terrorist attacks to be captured and detained, and given the context of the battlefield environment we believe detention was a reasonable approach in all of these cases. We also note that in the case of the "mentally challenged" brother, the detainee

was removed from CIA custody in a matter of weeks after it had been conclusively determined that he did not have any knowledge of his brother's HIG activities. He was released by the U.S. military shortly thereafter.

~~(S//OC/NF)~~ Moreover, the *Study* highlights a number of cases, particularly in 2002 through late 2003—a period during which there were significant concerns about follow-on attacks against the homeland—where we acknowledge CIA occasionally accepted compelling sole-sourced intelligence cases for detaining individuals in an effort to be sure that all possible was being done to thwart attack planning. At the time, the national priority was preventing attacks.

- ~~(S//OC/NF)~~ For example, in March 2003 we assessed that Khalid Shaykh Muhammad (KSM) had moved to a more cooperative posture as his interrogation progressed. When he provided actionable information and what we assessed as well-sourced intelligence indicating that two individuals posed "continuing, serious threats to U.S. persons and interests," we took action to detain them. In the end, KSM admitted that he fabricated the derogatory information on these individuals, and they were released. But their detention can only be considered "wrongful" after the fact, not in the light of credible information available at the time and in a context in which plot disruption was deemed an urgent national priority.

~~(TS/~~[redacted]~~NF)~~ [redacted] Overall, we believe that continuing re-evaluations of detainees' status in light of new information are in fact indicative of a functioning "safety valve." The *Study* notes several cases in which detainees were released after new, exculpatory information came to light. In some cases, information that had led to the initial detention of certain individuals was later recanted; in others, forensic testing revealed incidents of mistaken identity or comprehensive debriefings led CIA to conclude that certain detainees did not meet the MoN standard.

- That said, the Agency frequently moved too slowly to release detainees. Of the 26 cases cited by the *Study*, we adjudicated only three cases in less than 31 days. Most took three to six months. CIA should have acted sooner.

~~(TS/~~[redacted]~~NF)~~ Conclusion 19: The interrogation of CIA detainees and the conditions of their confinement were more brutal than previously known. The CIA's enhanced interrogation techniques, as employed individually and in combination, diverged significantly from CIA representations to the Department of Justice. The waterboarding technique was physically severe, inducing convulsions and vomiting, with one detainee becoming "completely unresponsive, with bubbles rising through his full, open mouth." Later, internal CIA records detail how the waterboard evolved into a "series of near drownings." In addition, the use of the CIA's enhanced interrogation techniques continued against CIA detainees despite the detainees experiencing disturbing hallucinations and warnings from CIA medical personnel that the interrogation techniques could exacerbate injuries. The CIA doused and submerged detainees in ice-cold water. The conditions of confinement at CIA detention sites varied, but one CIA detention facility was described as a "dungeon," where CIA detainees were kept in complete darkness and constantly shackled in isolation cells with only a bucket to use for human waste. At times, the detainees were walked around naked and were shackled with their hands above their heads. A CIA detainee at one CIA detention site died of suspected hypothermia. At least four CIA detainees were subjected to rectal rehydration or feeding without medical cause. The technique was described by CIA personnel as effective in helping to "clear a person's head" and getting a detainee to talk.

~~(S//OC/NF)~~ We acknowledge that the *Study* has identified instances, discussed below, when CIA erred in applying individual techniques and agree that conditions at [redacted] particularly in its early days, were unacceptable and fell below those established at later detention sites. However, as we have noted in our response to several other conclusions, the *Study* consistently fails to distinguish between the early days at [redacted] and the rest of CIA's RDI efforts. Many of the *Study's* other examples and characterizations relating to allegedly "brutal" use of enhanced techniques lack clarifying detail or are incorrect. Most importantly, we found no evidence to support the charge that the facts relating to confinement conditions or the application of enhanced techniques were previously unknown or undisclosed to NSC and DOJ officials or to oversight committees.

- ~~(S//OC/NF)~~ The detention and interrogation regimen, including enhanced techniques and their expanded use after initial DOJ approvals in 2002, was briefed to NSC and DOJ officials and to oversight Committee leaders. The record shows that HPSCI and SSCI leaders, for example, were briefed on the program and enhanced techniques—including their expanded use—on 10 occasions between the Fall of 2002 and September 2003. In addition, most of the material contained in Conclusion 19 was investigated by the OIG and included in a *Special Review*, an audit, and several OIG Reports of Investigation published between 2004-2006, all of which were disseminated to oversight committee leaders and, in appropriate cases, referred to DOJ.

(U~~//FOUO~~) Nor does the record support the *Study's* claims with regard to the following enhanced technique-related issues:

~~(S//OC/NF)~~ **Hallucinations:** The *Study* alleges that the use of sleep deprivation exceeded the intended limits as represented to DOJ, resulting in a high incidence of hallucinations. In fact, hallucinations were rare in the RDI program, and when they occurred medical personnel intervened to ensure a detainee would be allowed a period of sleep. Medical literature overwhelmingly supported the conclusion that the adverse effects of acute sleep deprivation

could be reversed with relatively short periods of rest or sleep. A review of the cases cited in the *Study* indicates that short periods of sleep effectively addressed the hallucinations and that the detainees were conscious of the fact that they had hallucinated.

~~(S//OC/NF)~~ **Water Dousing:** The *Study* asserts that CIA Headquarters provided no guidance on the use of water dousing until 2004. This is incorrect. In fact, CIA Headquarters provided guidance via cable traffic on water dousing as early as March 2003 and the technique was also part of OMS' draft guidelines dated September 2003. It was considered the most coercive of the standard techniques in use until early 2004, when allegations made by Mustafa al-Hawsawi were reported to OIG and investigated. At that time, given the risk that the technique could be misused, it was added to the list of enhanced techniques.

- ~~(S//OC/NF)~~ While it is reasonable to question the propriety of employing water dousing with cold water at the [redacted] facility at which Gul Rahman died, likely due to hypothermia, it is important to note that the technique was employed after the first few months at [redacted] in rooms heated to a minimum of 65 degrees in order to prevent possible harm.

~~(S//OC/NF)~~ **Rectal Rehydration:** The *Study* alleges that that CIA used rectal rehydration techniques for reasons other than medical necessity. The record clearly shows that CIA medical personnel on scene during enhanced technique interrogations carefully monitored detainees' hydration and food intake to ensure HVD's were physically fit and also to ensure they did not harm themselves. Dehydration was relatively easy to assess and was considered a very serious condition. Medical personnel who administered rectal rehydration did not do so as an interrogation technique or as a means to degrade a detainee but, instead, utilized the well-acknowledged medical technique to address pressing health issues. A single flippant, inappropriate comment by one CIA officer concerning the technique, quoted in *the Study*, is not evidence to the contrary.

- ~~(S//OC/NF)~~ The technique was deemed safer than using IV needles with noncompliant detainees and was considered more efficient than a naso-gastric tube.

- ~~(S//OC/NF)~~ With respect to Majid Khan, in contrast to the *Study's* account, our records indicate Khan removed his naso-gastric tube, which posed the risk of injury and other complications. Given this dangerous behavior, rectal rehydration was considered the most appropriate means of addressing the potential harm Khan might inflict on himself.

~~(S//OC/NF)~~ **Waterboard.** We acknowledge that the Agency's use of the waterboard—particularly as it was applied to KSM, who was adept at resisting the technique—deviated from representations originally made by CIA to OLC in 2002. CIA recognized this and, in 2003, sought to reaffirm the OLC guidance. As detailed in our response to Conclusions 12, the result was that DOJ reviewed the issue and affirmed that the deviations did "not contravene the principles" of the original OLC opinion.

- ~~(S//OC/NF)~~ Without commenting on the wisdom or propriety of the waterboard or any other technique, and while acknowledging that the accounts of waterboarding contained in the *Study* certainly depict the application of a harsh interrogation regimen, we believe it important the record be clear: CIA utilized the waterboard on only three detainees. The last waterboarding session occurred in March 2003.

(~~TS/~~[redacted]~~NF~~) We agree with aspects of the *Study's* assertion that, in two instances, CIA used enhanced techniques which could have exacerbated injuries sustained by detainees during capture. As acknowledged in our response to Conclusion 20, techniques (walling and cramped confinement) that had not been previously approved by Headquarters were applied to two Libyan detainees who had foot injuries. In the cases involving those detainees, Abu Hazim and 'abd al-Karim, Headquarters ultimately approved the techniques the following month as components of revised interrogation plans. Agency officers erred by proceeding without Headquarters approval –and even after obtaining approvals, it strikes us as unwise to have placed Hazim in a position that necessitated weight-bearing on his one healthy leg.

- (~~S//OC/NF~~) That said, a review of the relevant cable traffic indicates that CIA medical personnel were on scene and worked with the interrogators and support personnel in a sustained effort directed at preventing these pre-existing injuries from worsening.

(~~S//OC/NF~~) Finally, as discussed in several other responses to conclusions, we agree with the *Study's* assessment that confinement conditions at [redacted] were harsher than at other facilities and were deficient in significant respects for a few months prior to the death of Gul Rahman in late 2002. After his death, CIA took steps to consolidate responsibility for the facility at Headquarters and moved quickly to improve conditions. Although conditions at the facility remained sub-optimal throughout its existence, significant improvements at the site prompted two SSCI staff members who visited the facility in late 2003 to compare it favorably with military facilities at Bagram and Guantanamo Bay. In fact, one remarked that [redacted] was "a markedly cleaner, healthier, more humane and better administered facility." [redacted] was decommissioned in 2004 in favor of a newer facility which incorporated many of the lessons learned from managing the program in [redacted] as well as from RDI program facilities in other countries.

~~(S//OC/NF)~~ Conclusion 20: CIA personnel frequently used interrogation techniques that had not been reviewed by the Department of Justice or approved by CIA Headquarters. The CIA regularly subjected CIA detainees to nudity, abdominal slaps, dietary manipulation, and cold water dousing, prior to seeking advice from the Department of Justice on the legality of the techniques. At least 16 detainees were subjected to the CIA's enhanced interrogation techniques without authorization from CIA Headquarters. In at least eight detainee interrogations, CIA officers participated in the use of the CIA's enhanced interrogation techniques without the approval of CIA Headquarters.

~~(S//OC/NF)~~ We agree that there were instances in which CIA used inappropriate and unapproved interrogation techniques, particularly at the program's outset. Overall, however, we believe that the *Study* overstates the number of instances of unauthorized use of enhanced techniques as well as the number of non-certified individuals whom it alleges wrongfully participated in interrogations. The *Study* also overlooks the fact that, subsequent to CIA's efforts to organize and consolidate its detention and interrogation efforts into one Headquarters-managed program, the Agency worked to ensure that allegations of wrongdoing were reported to management, the Office of Inspector General, and/or the Department of Justice (DOJ), as appropriate.

- ~~(U//FOUO)~~ Moreover, while it would have been prudent to seek guidance from OLC on the complete range of techniques prior to their use, we disagree with any implication that, absent prior OLC review, the use of the "unapproved" techniques was unlawful or otherwise violated policy.

~~(S//OC/NF)~~ The *Study's* assertion that 16 detainees were subjected to enhanced techniques without authorization from CIA Headquarters seems founded on a misunderstanding of the facts. The *Study* arrives at this number largely by conflating *standard* interrogation techniques that did not require prior approval with *enhanced* interrogation techniques that did. Some of this confusion is understandable, as over time, the term "standard" techniques was eliminated and some techniques which were initially classified as "standard" eventually were reclassified as "enhanced."

~~(TS/~~[redacted]~~NF)~~ The *Study* correctly identifies seven instances in which detainees were subjected to individual techniques which were not approved in advance and included in their interrogation plans. In several of these, however, Headquarters had approved interrogation plans for the detainees utilizing other enhanced techniques. For instance, our review of contemporaneous cable traffic indicates that, at [redacted] Libyans Abu Hazim and 'abd al-Karim appear to have been subjected to walling without prior approval. Muhammad Umar 'Abd al-Rahman , also known as "Asadallah," and 'abd al-Karim appear to have been subjected to cramped confinement without prior Headquarters approval. [redacted] detainee Ramzi bin al-Shibh appears to have been subjected to the use of the facial hold technique without prior approval. In these cases, other previously approved enhanced techniques were also used.

- ~~(TS/~~[redacted]~~NF)~~ In the cases involving Abu Hazim and 'abd al-Karim, Headquarters approved the techniques the following month as components of revised interrogation plans. In the case of Ramzi bin al-Shibh, a cable exchange 18 days after he was subjected to the facial hold indicated Headquarters support for the use of the technique so long as necessary medical personnel were on scene.

~~(S//OC/NF)~~ However, nine of the *Study's* examples describe the application, not of enhanced techniques, but of techniques that were classified at the time as standard. The DCI Guidelines for the Conduct of Interrogation, issued in January 2003, explicitly required prior written approval in advance for use of enhanced techniques, but the guidelines did not require such approvals for the use of standard techniques. While sleep deprivation, nudity, bathing, water dousing, and dietary manipulation were later reclassified as enhanced techniques, they were defined as standard techniques not requiring prior approval at the time relevant to the examples cited in the *Study*. As a consequence, it is misleading to assert that either officers or CIA's management of the RDI program erred by failing to obtain prior written approvals.

~~(TS/~~[redacted]~~NF~~) We also believe it is important to note that half of the 16 examples cited in the *Study* concern detainees who were held at [redacted] prior to 3 December 2002, before [redacted] formal transition to RDG supervision and subsequent imposition, in January 2003, of guidance on standardized program techniques and approval processes for detention and interrogation operations in [redacted] The 2004 OIG *Special Review* catalogued the use of unapproved and inappropriate techniques at [redacted] from September through December 2002, and we have acknowledged serious shortcomings at [redacted] in several of our responses to *Study* conclusions. However, after the standard was approved and communicated in January 2003, interrogation operations at [redacted] were generally in line with the guidance—with some isolated exceptions identified in the *Study* and described elsewhere in our response.

~~(S//OC/NF)~~ The *Study* also asserts that CIA officers employed water dousing even though CIA Headquarters offered no guidance on the technique until January 2004. That is incorrect. We identified several Headquarters cables dated as early as 2 March 2003 which contained clear instruction on conditions required in order to apply water dousing in a safe and sanctioned manner. Subsequent Headquarters-originated cables were also located dating to June 2003, which classified the application of the technique as a "standard" technique. In September 2003, draft OMS guidelines also discussed water dousing as a standard technique and provided guidance to OMS personnel on its safe application.

~~(S//OC/NF)~~ The *Study* further asserts that in "at least eight" interrogations, officers participated without approval of CIA Headquarters. We are unable to locate and identify within the *Study* all eight instances to which the underlying text of Conclusion 20 refers. We presume the allegation is intended to reference interrogations involving non-certified officers. In reaching this conclusion, the *Study* appears to rely upon information taken out of context and, in other cases, simply fails to provide supporting evidence.

- ~~(TS/~~[redacted]~~NF~~) The *Study* alleges that "CIA Headquarters approved the use of the CIA's enhanced interrogation techniques against Ridha al-Najjar at a [redacted] despite the fact that the CIA officers applying the techniques had never been trained in the use of the CIA enhanced interrogation techniques." Specifically, the *Study* goes on to assert that the officer used "sleep deprivation, sound, and other techniques" with Ridha al-Najjar [redacted] As with the examples the *Study* cites above, these techniques were not defined at the time as enhanced interrogation techniques requiring prior approval. Further, the *Study* itself acknowledges that the officer in question attended the *first* iteration of interrogation training that was offered in November 2002.

- ~~(S//OC/NNF)~~ The *Study* asserts that a CIA officer who was not specifically approved to use interrogation techniques during the debriefing of a detainee in early 2003 "participated in multiple interrogations" in which enhanced interrogation techniques were used and in which a certified interrogator participated. However, the *Study* itself specifically notes that the "cables do not specify whether [the officer] performed any of the interrogation techniques." There was never any requirement that officers be certified in order to be merely *present* when interrogation techniques were used. The certification requirement applied only to those individuals employing the techniques without supervision. In fact, in order to become certified, officers were required to observe the use of interrogation techniques as well as to use them with a detainee under the supervision of a certified interrogator.

- ~~(S//OC/NF)~~ Similarly, the *Study* asserts that in May 2003, [redacted] trained and qualified CIA officers applied enhanced interrogation techniques to a detainee under the supervision of a certified interrogator but without prior CIA Headquarters approval. The facts are otherwise, as the interrogation plan from the field—which was approved by Headquarters—specifically noted that these [redacted] CIA officers would employ the techniques under the supervision of the certified interrogator.

~~(S//OC/NF)~~ Finally, the *Study* asserts that interrogation techniques used with Abu Zubaydah subsequent to the August, 2002 OLC Memorandum differed from those represented to OLC prior to the memorandum and that CIA did not notify DOJ regarding these differences. The Study also asserts that after the 2002 memorandum, CIA used four interrogation techniques not yet reviewed by OLC. While we disagree with any implication that, absent prior OLC review, the use of particular techniques was unlawful or otherwise violated policy, we assess that the risks of this program would have been better managed by limiting ourselves to techniques defined and reviewed in advance by OGC and OLC.

UNCLASSIFIED--APPROVED FOR RELEASE: 08 DEC 2014

(U) **Examples of CIA Representations of the Value of Intelligence Acquired From Detainees**

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Derived From: [redacted]
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Declassify On: 50X1-HUM

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Overview

(U~~//FOUO~~) As discussed in our response to Conclusion 9 (see Tab B), we conducted a careful review of the *Study's* 20 examples of the value of the information obtained as a result of CIA's RDI effort. As we did in that response, we note here that in commenting on the value of the information derived from detainees, we are not arguing in favor of the decision to use the enhanced techniques to which these detainees were subjected. We are not endorsing those techniques, we are not making an "ends-justify-the-means" case for them, nor are we implying that those techniques were the only way to obtain the information from detainees. We only are assessing the accuracy of CIA's representations in response to the *Study's* allegations that those representations were false.

(U~~//FOUO~~) Based on our review, we concluded that all the examples fit within and support the Agency's overall representations that information obtained from CIA interrogations produced unique intelligence that helped the US disrupt plots, capture terrorists, better understand the enemy, prevent another mass casualty attack, and save lives. In some of the Agency's representations, however, CIA failed to meet its own standards for precision of language and we acknowledge that this was unacceptable. However, even in those cases, we found that the actual impact of the information acquired from interrogations was significant and still supported CIA's overall judgments about the value of the information acquired from detainees.

(U~~//FOUO~~) **Summary of the 20 Examples**. In one of the 20 examples (#2), we found that CIA mischaracterized on several occasions, including in prominent representations such as President Bush's 2006 speech, the impact of information on specific terrorist plotting acquired from a set of CIA interrogations.

- ~~(U//FOUO)~~ CIA said the information "helped stop a planned attack on the US Consulate in Karachi," when the Agency should have said it "revealed ongoing attack plotting against the US official presence in Karachi that prompted the Consulate to take further steps to protect its officers."

(U~~//FOUO~~) There were four examples (#1,# 3, #5, and #17) in which CIA used imprecise language or made errors in some of its representations that, although deeply regrettable, did not significantly affect the thrust of those representations.

(U~~//FOUO~~) In another four examples, we found single, isolated representations in which CIA was imprecise in describing the relative impact of the information or the manner in which it was acquired.

- (U~~//FOUO~~) In two of these examples (#13 and #18), CIA made mistakes that caused the IG to incorrectly describe in its 2004 *Special Review* the precise role that information acquired from KSM played in the detention of two terrorists involved in plots against targets in the US. These were not "frequently cited" or "repeatedly represented" as the *Study* claims. Numerous other representations of one of these cases were accurate; we found no other representations for the other.

- (U~~//FOUO~~) In two examples (#9 and #10), we found a one-time error not noted in the *Study*. In a set of talking points prepared for DCIA, CIA incorrectly said enhanced interrogation techniques

played a role in acquiring two important pieces of information about KSM. In the Agency's other representations, including our most prominent, we stated correctly that this information was acquired during initial interviews of Abu Zubaydah.

(U~~//FOUO~~) In the other 11 examples, we determined that CIA's representations were consistently accurate, in contrast to the *Study*, which claims the Agency misrepresented them all.

1. (U) The Dirty Bomb Plot/Tall Buildings Plots and/or the Capture/Arrest of Jose Padilla

"~~(S//OC/NF)~~ There was intelligence in CIA databases independent of the CIA interrogation program to fully identify Jose Padilla as a terrorist threat and to disrupt any terrorist plotting associated with him."

~~(S/~~[redacted]~~/NF)~~ CIA's representations that Abu Zubaydah's information allowed us to identify US citizen Jose Padilla as an al-Qa'ida operative tasked to carry out an attack in the US were largely accurate. We acknowledge that it took us too long to stop making references to his infeasible "Dirty Bomb" plot and to consistently and more accurately cite him as a terrorist directed to attack high rise apartment buildings. Despite the imprecision of our language, we continue to assess it was a good example of the importance of intelligence derived from the detainee program.

(~~S/~~[redacted]~~/NF)~~ CIA believes the *Study* overstates the value and clarity of reporting on Jose Padilla in CIA databases prior to Abu Zubaydah's debriefings. As it played out at the time, the combination of a suspicious traveler report [redacted] and Abu Zubaydah's information allowed us to identify Padilla and the threat he posed. Abu Zubaydah revealed this information after having been subjected to sleep deprivation, which would be categorized as an enhanced interrogation technique once the program was officially underway.

- (~~S/~~[redacted]~~/NF)~~ The first report—unremarkable at the time—[redacted] identifying Padilla as a "possible illegal traveler" using a US passport, prompting CIA [redacted] to request traces on him.[1] In a follow-up cable on Padilla's co-traveler, later identified as Binyam Muhammad, [redacted] speculated in the final paragraph that [redacted] passed the names of the travelers because they had concerns about "possible terrorist activity."[2] Contrary to the *Study's* statement that "CIA *knew* Jose Padilla…was suspected by the Pakistani Government of being engaged in possible terrorist activity,"[3] the actual cable reads, "At this juncture, [redacted] *does not know* if there is more to these trace requests other than a desire to root out illegal travelers or suspected terrorist [sic]."[4] (emphasis added)

- (~~S/~~[redacted]~~/NF)~~ The importance of that report only became apparent ten days later, when Abu Zubaydah described a terrorist plot by two individuals matching [redacted] descriptions of Padilla and Muhammad.[5] [redacted] immediately linked the reports and [redacted] Muhammad, who was already in Pakistani police custody for using a fake passport.[6,7] Within two days, and based on the Abu Zubaydah report, the CIA [redacted][8] alerted other USG agencies to the threat,[9,10] [redacted][11]

- (~~S/~~[redacted]~~/NF)~~ We judge that both reports were important; CIA would not have known the operatives' true names without the report [redacted] and Abu Zubaydah's subsequent information added the context necessary to make this report stand out as something more than a routine "illegal traveler" report, which was particularly important due to the absence of Jose Padilla's name in any CIA records.

- (~~S//OC/NF~~) The *Study* cites "significant intelligence"[12] available on Padilla independent of CIA detainee information, but the only documents—aside [redacted] suspicious traveler report—that mention his name were two internal State Department emails about a suspicious passport request in 2001; these emails were not in CIA databases.. All other citations included only general descriptors—such as his nationality or the languages he spoke—but did not provide his name. The

most detailed report was an undisseminated document in FBI's possession that contained Padilla's birth date, alias, and language skills. Contrary to the *Study's* claim—which was based on a personal email containing a recollection of an FBI officer—a review of CIA databases reveals no record of this document. We did, however, find documentation indicating the FBI official who believed the CIA provided the document had confused the operation where this document was recovered with a separate operation, likely explaining the error in the *Study*. [13]

~~(S//OC/NF)~~ The *Study* also claims Abu Zubaydah had already provided the "Dirty Bomb" plot information to FBI interrogators prior to undergoing CIA interrogation, but this is based on an undocumented FBI internal communication and an FBI officer's recollection to the Senate Judiciary Committee seven years later. While we have considerable information from FBI debriefings of Abu Zubaydah, we have no record that FBI debriefers acquired information about such an al-Qa'ida threat.

- ~~(S//OC/NF)~~ The *Study* also states that enhanced techniques were only established after Abu Zubaydah revealed the information on Padilla, implying that enhanced techniques could not have played a role in Abu Zubaydah's description of Padilla. This is technically accurate because enhanced techniques had not been formally designated as such until after Padilla was arrested. However, Abu Zubaydah had been subjected to sleep deprivation prior to revealing the information to CIA or FBI. Thus, CIA correctly represented Abu Zubaydah's description of Jose Padilla as an example of information provided after an individual had been subjected to enhanced interrogation techniques.

~~(S//OC/NF)~~ We assess to this day that Padilla was a legitimate threat who had been directed to use his training in Afghanistan, funding from al-Qa'ida, and US passport to put together a plan to attack tall residential buildings. It took us until 2007 to consistently stop referring to his association with the "Dirty Bomb" plot—a plan we concluded early on was never operationally viable.

2. (U) The Karachi Plots

(~~S//OC/NF~~) "A review of CIA records found the CIA interrogation program and the CIA's enhanced interrogation techniques—to include the waterboard—played no role in the disruption of the Karachi Plot(s). CIA records indicate that the Karachi Plot(s) was thwarted by the arrest of operatives and the interdiction of explosives [redacted]

(~~S//NF~~) CIA acknowledges that on several occasions, including in prominent representations such as President Bush's 2006 speech, we mischaracterized the impact of the reporting we acquired from detainees on the Karachi plots. We said the information "helped stop a planned attack on the US Consulate in Karachi," when we should have said it "revealed ongoing attack plotting against the US official presence in Karachi that prompted the Consulate to take further steps to protect its officers."

(~~S//OC/NF~~) Pakistan's arrest on 29 April 2003 of al-Qa'ida operatives Ammar al-Baluchi and Khallad Bin Attash disrupted an al-Qa'ida plot to attack the US Consulate in Karachi. However, that was only one of several "Karachi plots." Ammar and Khallad provided new information on other attack plans in Karachi after entering CIA custody and undergoing enhanced interrogation techniques. [14]

- (~~S//OC/NF~~) Ammar on 29 April told [redacted] that he planned to attack the US Consulate using an explosives-filled helicopter and claimed the attack was still in the nascent stages. On 11 May he told [redacted] that there were no current plans to attack the Consulate.[15][16] During his first interrogation session in CIA custody and after enhanced techniques commenced, he revealed that the plan was to use a motorcycle bomb and a car bomb in a single, coordinated attack at the end of May or early June, and he pointed to the location on the Consulate's perimeter wall where the attack would occur.[17][18][19]

- (~~S//OC/NF~~) Khallad repeatedly denied knowing of any operations in Pakistan [redacted] After his transfer to CIA custody on 17 May—and after being subjected to enhanced techniques—he admitted the plotting details Ammar had provided and claimed that Khalid Shaykh Muhammad (KSM) had approved the US Consulate plot in February.[20]

- (~~S//OC/NF~~) During CIA interrogations, Ammar and Khallad admitted they were also planning to attack a Consular vehicle using a motorcycle bomb, Westerners at the Karachi airport, and a neighborhood where Westerners lived.[21][22] CIA representations about the value of this reporting should have made clear that it caused the US and Pakistan to take additional security measures related to those targets, including relocating [redacted] officers and working with the State Department's Regional Security Office (RSO) to increase physical security in the neighborhood. However, we have no information specifically indicating whether the additional Karachi plotting was disrupted by those measures, by Pakistan's detention of Ammar, Khallad, and other extremists, or by other unknown factors.

(~~S//OC/NF~~) "CIA had information regarding the Karachi terrorist plotting as early as September 11, 2002."

(~~S//OC/NF~~) The plots disrupted with the arrest and interrogation of Ammar and Khallad were separate from the plot referenced in the so-called "perfume letter," which we obtained on 11 September 2002

during [redacted] raid on an al-Qa'ida safehouse in Karachi. The letter contained coded references to operations, but CIA did not understand the codes until KSM explained them during interrogation. [a][23][24]

- ~~(S//OC/NF)~~ On 5 March 2003—after initial enhanced techniques but before waterboarding—KSM explained that the word "perfume" referred to types of conventional explosives, not poisons as CIA interpreted originally; that "animals" was not a reference to chemical or poison tests, but to vehicles; and that the word "hotels" referred to actual hotels in Karachi, which he then identified.[25][26][27]

- ~~(S//OC/NF)~~ Khallad on 17 May 2003 confirmed that the plot against Karachi hotels, which KSM said the letter referenced, was disrupted on 11 September 2002, but that Ammar intended to use the explosives he had stashed for that operation to target the US Consulate.[28]

[a] CIA cable traffic shows that before KSM's debriefings in March 2003, analysts believed the "perfume letter" authorized a chemical or poison attack against an unknown target.[aa]

3. (U) The Second Wave Plot

"(U) The CIA Interrogation Program played no role in the "disruption" of the "Second Wave" plotting and the identification of the al-Ghuraba group."

~~(S/~~[redacted]~~NF)~~ CIA continues to assess that the capture of Southeast Asia-based al-Qa'ida operations planner Hambali in 2003, which resulted in large part from information obtained from Khalid Shaykh Muhammad (KSM) (see Example 8), was a critical factor in the disruption of al-Qa'ida's plan to conduct a "Second Wave" attack involving multiple airplanes crashing into buildings on the US West Coast. Based on our understanding of al-Qa'ida's persistence in the pursuit of plots and KSM's own assessment, we judge that Hambali remained capable of directing the plot at the time of his arrest, even though other operatives involved in the plan had been arrested in 2002. We agree with the *Study* that some of our representations incorrectly claimed that we first "learned" of the overall plot and a related cell of students through CIA interrogations, but despite our imprecision, we continue to assess this was a good example of the importance of intelligence derived from the detainee program.

~~(S//OC/NF)~~ CIA continues to assess that information obtained from CIA interrogations of KSM helped us disrupt plotting for a "Second Wave" aircraft attack on the US West Coast by identifying Hambali's role in the plot and by giving us information that helped lead to his capture and the detention of a group of students who almost certainly were slated to be part of the same plot.[b] In turn, Hambali provided information during our interrogations of him that helped us understand the purpose of the students whom he had selected and sent to Karachi.

- ~~(S/~~[redacted]~~/NF)~~ [redacted] detainee Masran bin Arshad in early 2002 first told [redacted] about al-Qa'ida's plot to attack the US West Coast, his involvement in it, and several individuals participating.

- ~~(S//OC/NF)~~ The following year we learned of Hambali's involvement from KSM, who provided this information after having undergone enhanced interrogation techniques in CIA detention. KSM stated in June 2003 that while his own efforts with this plan ended with the arrest of Masran, he believed Hambali—whose efforts he had enlisted—could still successfully execute an aerial attack in the future, suggesting a variation of the plot could still have been underway.[29] KSM also admitted he had tasked Hambali to recruit other non-Arab passport-holders to serve as pilots for the plot.

- ~~(S//OC/NF)~~ CIA at the time already sought to detain Hambali due to his role as a senior al-Qa'ida figure in the group's Southeast Asian network, and knowledge of his role in the plot only strengthened our resolve to locate and capture him.

- ~~(S/~~[redacted]~~/NF)~~ After his arrest in mid-August 2003 (see Example 8), Hambali quickly admitted to having been associated with Masran's cell, conceded more details of his involvement, and by early September had confessed that KSM had asked him to choose four people for a suicide operation involving individuals associated with the original Masran plot.[30][31][32]

- ~~(S//OC/NF)~~ When faced with news of Hambali's detention, KSM provided information on the role played by Hambali's brother, Pakistan-based Gun Gun Ruswan Gunawan. Gunawan was

[b] For a more detailed account of Hambali's capture in 2003, please see Example Study #8, page 17.

subsequently detained by [redacted] based at least in part on KSM's intelligence, and he told us of a group of al-Qa'ida-associated students whom Hambali had selected and sent to Karachi. [redacted]

- ~~(S//OC/NF)~~ Hambali, after having undergone enhanced techniques in CIA detention, admitted he had hand-picked these students in response to KSM's request and that some were being groomed as pilots for unspecified al-Qa'ida operations.[36] Hambali did subsequently recant this statement, claiming he made it to satisfy his interrogators and relieve the pressure of enhanced techniques. We continue to assess his original revelation was correct, however, based on KSM's claim that he tasked Hambali to identify and train pilots, Hambali's verification of this claim in multiple instances, and the students' interest in aircraft and aviation.[37][38]

~~(S//OC/NF)~~ The *Study's* conclusion that KSM's information played no role in disrupting the attack appears to rest on the assumption that a change to any one element of a plot—such as the capture of an operative or exposure of an attack method—would have derailed the entire plan. In reality, al-Qa'ida has demonstrated its willingness and ability to adapt its plans, especially for is most ambitious operations, in response to unexpected developments.

- ~~(S//OC/NF)~~ KSM admitted to having already adjusted his plans following some of the arrests, noting that he identified a new operative—Masran—to replace one of the arrested original three, Zacharias Moussaoui. He also stated that while his own efforts with this plan ended with the arrest of Masran, he believed Hambali—whose efforts he had enlisted—could still successfully execute a future aerial attack.

- ~~(S~~[redacted]~~NF)~~ The *Study* highlights the arrest of Richard Reid in December 2001 and Masran's claim that this arrest and the revelation of al-Qa'ida's use of explosives in shoes derailed the plot, prior to any detainee reporting.[41] We would note, however, that KSM discussed with Masran after Reid's arrest a planned attack using the specific "method of Richard Reid,"[42] and that other al-Qa'ida operatives until at least 2004 continued to plan to use variations of this technique.

~~(S//OC/NF)~~ The *Study* correctly points out that we erred when we represented that we "learned" of the Second Wave plotting from KSM and "learned" of the operational cell comprised of students from Hambali. We knew about the overall plotting well before KSM's arrest, although he gave us important information that helped us disrupt Hambali's role in it. The student cell was arrested because of information provided by Hambali's brother [redacted] who had been arrested due in part to information obtained from KSM. Information obtained from KSM and Hambali after enhanced techniques revealed the significance of the cell in the context of the Second Wave plotting.

4. ~~(S//NF)~~ The UK Urban Targets Plot and/or the Capture/Arrest of Dhiren Barot, aka Issa al-Hindi

"~~(S//OC/NF)~~ The intelligence that led to Issa al-Hindi's true name, his capture, and the uncovering of his UK plotting came from intelligence sources unrelated to the CIA detention and interrogation program."[43]

~~(TS/~~[redacted]~~NF~~) CIA accurately represented that Khalid Shaykh Muhammad (KSM) provided the initial lead to a UK-based al-Qa'ida operative named Dhiren Barot, aka Issa al-Hindi, whom KSM had tasked to case US targets. That information allowed us to identify this Issa as Barot and ultimately led British authorities to arrest him. In arguing that CIA already had what it needed to identify and arrest Barot, the *Study* confuses two different extremists using the name Issa and cites intelligence that was not operationally useful absent KSM's information, or was gathered because of his information.

~~(S//OC/NF)~~ CIA continues to assess that information KSM provided in March 2003 after the application of enhanced interrogation techniques was vital to the identification and capture of Dhiren Barot, aka Issa al-Hindi, aka Issa al-Britani, a UK-based terrorist whom KSM had tasked to collect information on US targets. The *Study's* key finding hinges on the availability of information about Issa and his activities on behalf of al-Qa'ida prior to KSM's March 2003 debriefings. However, the documentation cited in the *Study* as evidence CIA had prior to KSM's debriefings refers to the wrong person, was acquired after KSM's debriefings, or was so vague that it was of no use until KSM put it into context. References to information acquired later—which accurately described the right person—fail to note that the information was only pursued in response to KSM's debriefings.

- ~~(S/~~[redacted]~~NF~~) The *Study* cites 2002 reporting from detainees [redacted] at Guantanamo Bay on an Issa from Britain linked to KSM and plotting in the UK, but each of those reports actually referred to Sajid Badat, a different UK extremist also known as Issa.[44] The Guantanamo Bay detainees—one of whom photo identified Badat as "Issa"—served in a small cell with Badat in Qandahar.[45] The detainee [redacted] described an Issa who attended the Arab Studies Institute in Qandahar in 1999, where he translated for several Westerners, also consistent with Badat.[46][47]

- ~~(S//OC/NF)~~ The *Study* inaccurately characterizes information the CIA acquired in September 2003—regarding the *correct* Issa (Barot)—as "CIA information acquired in 1999."[48][49] This reporting, which links Issa to another UK extremist, addresses events in 1999, but was collected [redacted] in 2003 in response to the KSM debriefings.

- ~~(S//OC/NF)~~ The *Study* rightfully credits interviews of two individuals in FBI and DOD custody as playing an important role in advancing and focusing the investigation, but it fails to note that these interviews (conducted in May 2003) and the specific questions asked were a direct result of reporting disseminated from KSM in March 2003.[50]

~~(S//OC//NF)~~ The *Study* highlights and mischaracterizes two pieces of information in CIA's intelligence holdings from 1999 and 2000, which CIA in June 2003 found in hindsight to reference a book Issa wrote, but this information did not name him or link him to any threat.[51][52] These bits of information were of no apparent consequence until KSM commented that Issa had "authored a well-known book about the jihad in Kashmir,"[53] which allowed [redacted] to prioritize identifying this book and its author as a lead to Issa, thus putting these otherwise obscure references into useful context.

- ~~(S//OC/NF)~~ The first piece of information the *Study* cites was contained in a set of more than 30 intelligence reports containing hundreds of pages of documents seized on a Pakistani raid of an al-

Qa'ida-linked establishment in 1999. In one seized email, the author cites the name and topic of Issa's book, but identifies the author only as an Afghanistan-trained British convert writing about Hindu atrocities in Kashmir.[54]

- ~~(S//OC/NF)~~ The second piece of information is a 105-page financial document seized during a raid in the UK, in which Issa's book is listed on the invoice in a bookstore run by UK extremist Moazzem Begg.[55] The document includes only the book's title and no further information to identify Issa.

~~(S//OC/NF)~~ The push to identify Issa's true name and location came in response to KSM's unique and accurate information on his tasking of Issa in 1999 or 2000 to travel to the United States to collect information on economic targets in New York for al-Qa'ida—and that Bin Ladin had sat privately with Issa to impart the same tasking.[56][57] One of the key avenues of inquiry that KSM's information prompted involved Issa's links to the UK-based "Hubaib Group," which KSM reportedly used to contact and send money to Issa.

- ~~(S/~~[redacted]~~/NF)~~ KSM claimed the group was led by Abu Khubayb,[58][59] and, based on the disseminated reports CIA shared with UK [redacted] was able to identify Abu Khubayb as UK-based extremist Babar Ahmed.[60]

- ~~(S/~~[redacted]~~/NF)~~ This information enhanced British investigative scrutiny of Babar Ahmed and his group and ultimately enabled [redacted] identification in early 2004[61] of a cousin of Babar Ahmed. That cousin turned out to be Abu Talha al-Pakistani, a senior al Qa'ida facilitator whom KSM in 2002 had tasked to assist with attacking London's Heathrow Airport.

~~(S/~~[redacted]~~/NF)~~ The *Study* accurately characterizes Abu Talha al-Pakistani's July 2004 arrest [redacted] and subsequent debriefings [redacted] as having proved invaluable to our overall understanding of Issa's activities and the threat he posed, suggesting we did not need CIA detainee reporting to learn of Issa's UK plotting. The *Study* fails to recognize that Abu Talha's arrest—a case CIA frequently cited as a success of the detainee program—would not have happened if not for reporting from CIA-held detainees.

- ~~(S//OC/NF)~~ In an effort to uncover information about plotting against Heathrow Airport, the CIA questioned Ammar al-Baluchi, KSM, and Khallad bin Attash about personalities who could be involved, and all three highlighted Abu Talha al-Pakistani.[62][63][64] In all cases, the information was provided after the commencement of enhanced techniques.

- ~~(S//OC/NF)~~ When Hassan Gul was later in CIA custody, he provided a more current update on Abu Talha's activities. Gul reported that Abu Talha was working on some external operation and had sought out the new external operations chief following the arrests of KSM, Ammar, and Khallad.[65][66]

- ~~(S/~~[redacted]~~/NF)~~ Given the threat implications of this reporting, the USG and UK authorities made identifying and disrupting Abu Talha a top priority. Through [redacted] KSM-spurred investigation of the Abu Khubayb/Babar Ahmed group, by early 2004 [redacted] Pakistani Mohammed Naim Noor Khan as possibly being the operative known as Abu Talha. CIA [redacted] worked with relevant sources to locate him, ultimately leading to his capture [redacted]

~~(S/~~[redacted]~~/NF)~~ Information from KSM also played a role in confirming the identity of an Issa candidate once he was located by UK authorities. While we were pursuing Abu Talha [redacted]

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[redacted]

~~TOP SECRET/~~[redacted]~~NOFORN~~

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5. (U) The Capture/Identification/Arrest of Iyman Faris

"(U) *The intelligence that led to the identification of Iyman Faris was unrelated to the CIA detention and interrogation program.*"[73]

~~(S//NF)~~ CIA most often represented accurately that Khalid Shaykh Muhammad's (KSM) information enhanced the FBI's understanding of the role of Iyman Faris, a US-based extremist whom KSM tasked to support an attack against the Brooklyn Bridge. In a few cases, we incorrectly stated or implied that KSM's information led to the investigation of Faris, but we should have stated that his reporting informed and focused the investigation. Nonetheless, we continue to assess it was a good example of the importance of intelligence derived from the detainee program.

~~(S//OC//NF)~~ We have reviewed our representations and assess that most of them accurately capture the contribution made by information obtained from interrogations of KSM. We most often represented this case as follows:

- ~~(S//OC/NF)~~ "KSM described an Ohio-based truck driver whom the FBI identified as Iyman Faris, and who was already under suspicion for his contacts with al-Qa'ida operative Majid Khan. The FBI and CIA shared intelligence from interviews of KSM, Khan, and Faris on a near real-time basis and quickly ascertained that Faris had met and accepted operational taskings from KSM on several occasions." This statement is accurate and appeared in representations to the Department of Justice, the White House, the SSCI, and CIA finished intelligence production.

~~(S//OC/NF)~~ In a small number of other representations, we imprecisely characterized KSM's information as having "led" to the investigation of Iyman Faris, rather than more accurately characterizing it as a key contribution to the investigation. For example, our officers' statements—as reflected in the 2004 Inspector General's (IG) *Special Review*—that KSM's information "led to the investigation and prosecution of Iyman Faris" were inaccurate. The specific chain of events was:

- ~~(S/~~[redacted]~~NF)~~ FBI identified Faris on 5 March 2003 as one resident of a house that received a suspicious phone call, prompting FBI to open preliminary inquiries—and on 11 March, a full field investigation—into the residents.[747576] During 11-14 March debriefings, Pakistani extremist Majid Khan [redacted] photo-identified Faris as an extremist who worked as a truck driver, kept multiple girlfriends, lived in the Midwest, and wanted to work on a business project with his father.[777879] Khan did not know Faris' true name or implicate him in any al-Qa'ida plotting.

- ~~(S/~~[redacted]~~NF)~~ On 18 March, CIA disseminated KSM's photo-identification and description of Faris as an Ohio-based truck driver who was very interested in business, kept multiple girlfriends, and whom he had tasked with procuring machine tools for a potential attack against a US suspension bridge.[8081] KSM's information allowed debriefers to confront Majid Khan, who then provided much greater detail on Faris' terrorist ties.[82]

- ~~(S/~~[redacted]~~NF)~~ FBI on 20 March conducted a previously planned interview with Faris, and—armed with the information revealed by KSM and Majid Khan—asked Faris to begin discussing his ties with KSM and al-Qa'ida plotting in the US. FBI submitted further questions to CIA to be used with KSM "to advance the interview with Faris," and noted FBI's appreciation for the close collaboration on the case.[83]

~~(S//OC/NF)~~ We do not agree with the *Study's* claim that, "CIA records indicate there was significant intelligence on Iyman Faris and targeting of suspension bridges acquired prior to—and independently of—the CIA detention and interrogation program." [84]

- ~~(S//OC/NF)~~ The *Study's* accompanying intelligence chronology includes only one non-detainee report that references suspension bridges, and that reference was to West Coast suspension bridges (the Iyman Faris plot was against the Brooklyn Bridge).
- ~~(S//OC/NF)~~ The FBI's earlier investigation of Iyman Faris—cited by the *Study* as evidence of available intelligence on him—was opened and closed in 2001 and not disseminated in CIA channels. The first reference to him in CIA records is on 6 March 2003, and it states, [redacted] surfaced no [search results] on Iyman Faris."[85]

6. ~~(S//NF)~~ The Capture/Identification/Arrest of Sajid Badat

"~~(S//OC/NF)~~ The CIA Detention and Interrogation Program produced no unique intelligence leading to the identification and arrest of Sajid Badat."

~~(S//OC/NF)~~ CIA accurately represented that Khalid Shaykh Muhammad's (KSM) information was central to our efforts to identify and enable British liaison to arrest Sajid Badat, an al-Qa'ida operative who originally planned to conduct a shoe bomb attack aboard an airplane. KSM was the first to tell us there was a second shoe bomber and that he remained at large, and he provided sufficient details to allow CIA and British authorities to identify Badat. Fragmentary information implied a second shoe bomber existed before KSM's detention, but this information was either inconclusive or not available to CIA.

(~~S//OC/NF~~) CIA assesses that detainees, particularly KSM, did provide unique intelligence that helped lead to the identification of Sajid Badat as the would-be second shoe bomber and his subsequent arrest by UK authorities in 2003.

~~(S//OC/NF)~~ The *Study's* finding on Badat hinges on the premise that investigations of existing intelligence eventually would have led to a similar outcome—the identification and arrest of Badat in the UK and the recovery of his shoe bombs—even if we had never received the intelligence from KSM. As a matter of course, we cannot rule out any hypothetical possibility. In reality, though, KSM's reporting was central to the investigations that led to Badat's arrest.

- ~~(S//OC/NF)~~ The *Study* states that by 14 January 2002, the FBI investigation of Richard Reid found Reid "had an unidentified partner who allegedly backed out of the operation at the last minute."[86] There is no reference to this possibility in official communications between FBI and CIA, nor did it exist in any searchable CIA data repositories prior to KSM's reporting.

- ~~(S//OC/NF)~~ In response to FBI information that a "Badad Sajid" from the UK was linked to Richard Reid and was one of 13 persons characterized by a [redacted] detainee as "involved in operations targeting American interests,"[87] CIA in summer 2002 noted that "Sajid" may be identifiable with one Sajid Badat, on whom we had little existing derogatory reporting.[88] At this time we were following many disparate individuals who were allegedly threatening US interests, and there was nothing at the time on Badat to lead us to prioritize him over the others or to tie him to a shoe bomb plot.

- ~~(S//OC/NF)~~ The *Study* accurately highlights a body of reporting from detainees not in CIA custody—disseminated prior to KSM's arrest—that collectively described a British al-Qa'ida operative of Indian descent known as "Issa" who was linked to KSM, was probably involved in operations in the UK, and was a Richard Reid associate. In hindsight, it is reasonable to assess that we should have included Badat on the list of potential matches for this unknown individual, but our review of the records indicates no one had suggested Badat could be a candidate for this Issa until KSM's reporting. In addition, no one suggested a link to Reid's shoe bombing attempt.

- ~~(S//OC/NF)~~ The fact that the [redacted] as late as August 2003 was only able to locate a poor quality photo of Sajid Badat belies the notion that Badat was well on his way to being identified as important and disrupted in advance of KSM's reporting.

~~(S//OC/NF)~~ KSM was the first person to provide—in March 2003, after having undergone enhanced interrogation techniques in CIA custody—a detailed and authoritative narrative of al-Qa'ida development of and plans to use shoe bombs operationally.[899091] KSM's narrative included the fact that there was a second shoe bomber still at large who was a close associate of Richard Reid and who was also from the United Kingdom; KSM provided a detailed description of Reid's mystery partner to include the fact that he was known by the operational alias name of Issa.[92]

- ~~(S//OC/NF)~~ KSM was explicit that there was a second pair of shoe bombs unaccounted for, a fact that was not available in any other reporting at the time.[93]
- ~~(S//OC/NF)~~ KSM's reporting also clearly distinguished between, and thereby focused investigations of, two al-Qa'ida operatives known as Issa al-Britani—one turning out to be Badat, the other Dhiren Barot aka Issa al-Hindi.[94] No other single source had the same degree of knowledge about both individuals—including their compartmented operational activities for al-Qa'ida.
- ~~(S/~~[redacted]~~/NF)~~ Once [redacted] were able to locate and provide to CIA a high quality photograph of Badat on 3 September 2003, KSM identified it with "100 percent certainty" as the Issa he had described as Reid's partner and would-be shoe bomber.[95] KSM's identification of Badat was more important than others who also recognized the photograph—including one who identified the photo a day before KSM did—because only KSM at the time had characterized this Issa as a partner to Reid and as a would-be shoe bomber.

7. (U) The Heathrow/Canary Wharf Plotting

"(U) The CIA Interrogation Program played no role in the disruption of the Heathrow and Canary Wharf plotting."

(~~S//OC/NF~~) CIA disagrees with the *Study's* assessment that we incorrectly represented that information derived from interrogating detainees helped disrupt al-Qa'ida's targeting of Heathrow Airport and Canary Wharf in London, including in President Bush's 2006 speech on the Program. Detainee reporting, including some which was acquired after enhanced interrogation techniques were applied, played a critical role in uncovering the plot, understanding it, detaining many of the key players, and ultimately allowing us to conclude it had been disrupted. It is a complex story, however, and we should have been clearer in delineating the roles played by different partners.

- (~~S/~~[redacted]~~NF~~) As we highlight in our response to Example 11, the information provided by Abu Zubaydah played a key role in the capture of Ramzi Bin al-Shibh. It was from Bin al-Shibh, [redacted] that we first heard of Khalid Shaykh Muhammad's (KSM) plot to attack Heathrow. In our custody, Bin al-Shibh told us how he learned of the attack along with where preparations stood and KSM's contingency plans to scale back the plot if necessary, to keep it viable.[96]

- (~~S/~~[redacted]~~NF~~) Zubaydah's reporting also contributed to KSM's arrest—a point we note in our response to Example 12—as did information provided by Bin al-Shibh [redacted] By all accounts, KSM's arrest was the action that most disrupted the plot.

- (~~S/~~[redacted]~~NF~~) CIA obtained updated information from KSM about the plot to attack Heathrow Airport and Canary Wharf after he had been subjected to enhanced techniques, including the information on the individual managing the plot, Abu Talha al-Pakistani.

- (~~S/~~[redacted]~~NF~~) CIA lacked reporting on Abu Talha prior to March 2003 and first learned of his specific role in the plot from debriefing KSM; al-Qa'ida operatives Ammar al-Baluchi and Khallad Bin Attash during interrogations in CIA custody later corroborated KSM's information .[97] KSM admitted to tasking Abu Talha in 2002 to conduct surveillance of Heathrow Airport's security and to gather time tables of flights there. He added that it was Abu Talha who first raised Canary Wharf as a potential target.[98]

- (~~TS/~~[redacted]~~NF~~) KSM also was responsible for helping us identify two potential operatives—known only as Abu Yusef and Abu Adil—whom al-Qa'ida had deployed to the United Kingdom by early 2002 and whom KSM wanted to tap for a role in a future Heathrow operation. The pair was unwitting of KSM's intent to direct them against Heathrow—an example of al-Qa'ida's tight compartmentation of external attack plans—and had fallen out of contact with KSM's lieutenants, but we assess they remained potential threats until their full identification by UK authorities.

- (~~S/~~[redacted]~~NF~~) Based in part on our intelligence, [redacted] detained Abu Talha—an action that strengthened our confidence at the time that the plot was disrupted. [redacted] he acknowledged he had been working to advance the plot and had briefed it to Hamza Rabi'a, al-Qa'ida's chief of external operations. Rabi'a, however, assessed the plot had been compromised by KSM's arrest, and Abu Talha abandoned the effort.

~~(S//OC/NF)~~ While we assess detainee reporting did play a key role in disrupting the Heathrow plot, it is a complex story, and we should have been more precise at times in laying out our argumentation. Our operational success was based both on information we acquired from detainees after they had been subjected to enhanced techniques as well as information gleaned from [redacted] in response to questions we had provided. In reviewing the array of representations we made on this subject, there are a few in which we mentioned only one aspect of the story instead of providing a better sense of the richness of the effort. In these cases, we should either have used more representative examples or, better, provided a fuller accounting.

8. (U) The Capture of Hambali

"~~(S//OC/NF)~~ A review of CIA records found that CIA representations that KSM's reporting led to or played a role in the capture of Hambali are inaccurate. The review concluded there was sufficient intelligence in CIA databases acquired independently of the CIA detention and interrogation program to capture Hambali on August 11, 2003."

~~(S//NF)~~ CIA accurately cited Khalid Shaykh Muhammad's (KSM) reporting as a crucial link in a chain of events that led to the capture of Hambali. KSM provided information on an al-Qa'ida operative named Zubair, we shared that lead with Thai authorities, they detained Zubair, and he gave actionable information that helped us identify Hambali's location. Although we had some other information linking Zubair to al-Qa'ida's Southeast Asian network, the record shows clearly that it was KSM's information that caused us to focus on him as an inroad to Hambali, so we continue to assess this is a good example of the importance of intelligence derived from detainee reporting in helping to capture other terrorists.

~~(S//OC/NF)~~ CIA continues to assess that KSM's reporting played a role in the capture of Hambali on 11 August 2003. Other information acquired independently of the CIA detention and interrogation program contributed as well, but KSM's information was an important piece of the puzzle.

- ~~(S/~~[redacted]~~NF)~~ Majid Khan [redacted] in early March said he had delivered money to a "Zubair" in Thailand in December 2002.[99] While we had some reporting on Zubair and his connections to al-Qa'ida's Southeast Asian network, we did not have sufficient information to focus us on him or lead us to view him as an inroad to Hambali until KSM told us in mid-March that he had tasked Khan to deliver the money to unnamed individuals working for Hambali.[100] This information allowed us to connect Zubair to Hambali.[101]
- ~~(TS/~~[redacted]~~NF)~~ Thai [redacted] detained Zubair on 8 June.
- ~~(S//OC/NF)~~ During [redacted] debriefings, Zubair reported on the [redacted] and corroborated reporting on the [redacted] This information when combined with reporting from other sources to form a complete picture of Hambali's status was critical in helping[108] identify Hambali's general location and led to his arrest on 11 August [redacted]

9. (U) The Identification of KSM as the Mastermind of the 11 September 2001 Attacks

"~~(S//OC/NF)~~ There is no evidence to support the statement that Abu Zubaydah's information—obtained prior to using the CIA's enhanced interrogation techniques—was uniquely important or played any 'vital' role in the identification of KSM as the 'mastermind' of the 9/11 attacks. This information had been collected independent of the CIA detention and interrogation program and was acquired prior to the detention of the CIA's first detainee."

~~(S//OC/NF)~~ CIA assesses that Abu Zubaydah's admission that Khalid Shaykh Muhammad (KSM) was the mastermind of the 9/11 attacks remains an example of important detainee information. None of the intelligence that preceded Abu Zubaydah's remarks characterized KSM as *the* mastermind of the attacks or provided the same level of clarity on his role. Our records indicate we accurately represented this example seven times. We acknowledge that in one instance—a supporting document for a set of DCIA talking points for a meeting with the President—we mischaracterized the information as having been obtained after the application of enhanced interrogation techniques. We also note that the *Study* incorrectly cites how we used the word "vital" in reference to Abu Zubaydah's information.

~~(S//OC/NF)~~ CIA assesses Abu Zubaydah's information was "important" because it was the most authoritative, detailed account of KSM's role, which, for the first time, singled him out from others involved in the plot as the "mastermind." The *Study's* assertion that we characterized this information as "vital" is incorrect.

- ~~(S//OC/NF)~~ The word "vital" was used in President Bush's 2006 CIA-vetted speech when he said "Zubaydah disclosed Khalid Sheikh Mohammed, or KSM, was the mastermind behind the 9/11 attacks and used the alias Mukthar. This was a vital piece of the puzzle that helped our intelligence community pursue KSM." In this context, "vital" refers to the connection between KSM and the alias Mukthar, which did significantly contribute to our pursuit of KSM.

~~(S//OC/NF)~~ Immediately after the 11 September 2001 attacks, CIA officers debated whether KSM might be involved, or if Abu Zubaydah had conceived of and directed the plot. Cable traffic from November 2001 to April 2002—just before Abu Zubaydah's arrest—shows that CIA had reserved a definitive assessment of KSM's role until it received concrete reporting from a credible source.

- ~~(S//OC/NF)~~ Indeed, between October and January, CIA described KSM as "one of the individuals considered the potential mastermind;"[109] "one of the top candidates for having been involved in the planning for the 11 September attacks;"[110] and "one of the leading candidates to have been a hands-on planner in the 9/11 attacks."[111] Alec Station on 12 April described KSM as a "financier" of the attacks.[112]

~~(S//OC/NF)~~ The *Study* cites five references to KSM that preceded Abu Zubaydah's information. Two of these references are speculative e-mails, one is a vague reference in the 9/11 Commission Report, and two are intelligence reports that did not describe the extent of KSM's role in the same manner as Abu Zubaydah or single out KSM as the "mastermind" of the attack.

- ~~(S//OC/NF)~~ A CIA officer in September 2001 e-mailed another officer speculating that KSM was "one of the individuals who had the capability" to conduct the attacks, and a similar e-mail in October 2001 indicated an officer "believe[d] KSM may have been the mastermind," but that more proof was needed.

- ~~(S//OC/NF)~~ The referenced text from the 9/11 Commission Report does not cite primary source information; it simply repeats the same internal speculations.
- ~~(S//OC/NF)~~ The first of the two intelligence reports indicates KSM was one of three people who had "originated" the "command and planning," along with Abu Zubaydah and an "American" who was with Abu Zubaydah.[113] The report did not distinguish KSM from the other two as the mastermind.
- ~~(S//OC/NF)~~ The second intelligence report only says that KSM supervised the "final touches" of the operation.[114]

10. (U) The Identification of KSM's "Mukhtar" Alias

"(U) While Abu Zubaydah did provide information on KSM's alias—prior to the initiation of the CIA's enhanced interrogation techniques to FBI interrogators—this intelligence was corroborative of information already collected and known by CIA."

~~(S//OC/NF)~~ We continue to assess that Abu Zubaydah's information was a critical piece of intelligence. The *Study* is correct that CIA already had an intelligence report that Khalid Shaykh Muhammad (KSM) was using the nickname "Mukhtar" before Abu Zubaydah told us about it. Our review indicates, however, that analysts overlooked this report, and we cannot confidently conclude it would have ended the debate regardless. It is clear that CIA only made a definitive determination that KSM was "Mukhtar" after receiving the information from Abu Zubaydah. We should note that CIA made this representation twice—in the President's 2006 speech and in a supporting document for a set of DCIA talking points for a meeting with the President. The speech made clear that the information was acquired during an initial interview. In the talking points, we mistakenly claimed the information was acquired after Abu Zubaydah had undergone enhanced interrogation techniques.

~~(S//OC/NF)~~ We acknowledge the *Study* is correct that CIA had an intelligence report that identified KSM as "Mukhtar" prior to Abu Zubaydah's information. We have reviewed our records, and we have concluded that our officers simply missed the earlier cable. We can find no instance in which the report spurred an analytic debate about "Mukhtar's" identity. In view of the debate that was underway at the time over multiple reports mentioning "Mukhtar," however, we cannot confidently conclude that this report would have ended the debate because much of the information we had on "Mukhtar" seemed inconsistent with an al-Qa'ida mastermind.

- ~~(TS~~ [redacted] ~~NF)~~ The details about "Mukhtar's" activities reflected in signals intelligence before March 2002 portrayed him as a document facilitator or someone procuring or disseminating video tapes and arranging travel documents.

- ~~(TS~~ [redacted] ~~NF)~~ In addition, CIA also knew from signals intelligence that there were several different "Mukhtars" linked to al-Qa'ida, making it more difficult to confidently link Mukhtar to KSM.[115] A CIA cable on 9 April 2002 acknowledged this. The cable, titled "Possible Identification of Khalid Shaykh Muhammad," noted that "we were particularly interested in the information Abu Zubaydah provided on 'Mukhtar'," and indicated that we would be combing through the SIGINT to see which Mukhtars we now could line up as KSM. [116][117]

11. (U) The Capture of Ramzi Bin al-Shibh

"~~(S//OC/NF)~~ A review of CIA records found no connection between Aby Zubaydah's reporting on Ramzi Bin al-Shibh and Ramzi Bin al-Shibh's capture."

"~~(S//OC/NF)~~ CIA records indicate that Abu Zubaydah did provide information on Ramzi Bin al-Shibh, however, there is no indication that Abu Zubaydah provided information on Bin al-Shibh's whereabouts. Further, while Abu Zubaydah provided information on Bin al-Shibh while being subjected to the CIA's enhanced interrogation techniques, he provided similar information to FBI interrogators prior to the initiation of the CIA's enhanced interrogation techniques."

~~(S//OC/NF)~~ CIA accurately represented that Abu Zubaydah's information helped lead to the arrest of Ramzi Bin al-Shibh, but we should have more clearly explained the contribution his reporting made to this operation. Abu Zubaydah provided information on how to contact another al-Qa'ida member. We passed that information to Pakistani authorities, who used it to set up a broad sting operation that fortuitously netted Bin al-Shibh. Bin al-Shibh's capture would not have occurred that day without Abu Zubaydah's information; it is a good example of how intelligence-driven operations against terrorist networks can yield results that exceed the intended target of the specific operation.

~~(S//OC/NF)~~ CIA assesses that Abu Zubaydah provided key information that "helped lead to the capture of Ramzi Bin al-Shibh." It is true that Abu Zubdaydah provided no information specifically on Bin al-Shibh's whereabouts, but as the *Study* explicitly acknowledges, he did provide information on another al-Qa'ida facilitator that prompted Pakistani action that netted Bin al-Shibh. Although Bin al-Shibh was not the target of the raid, his capture is a good example of how information obtained from detainees led to actions that had a greater impact on the group than one might have expected from any single piece of information.

- ~~(S//OC/NF)~~ Abu Zubaydah stated that if he personally needed to reach Hassan Gul, he would contact [redacted] We provided this information to Pakistani authorities, who then interviewed [redacted] and [redacted] which ultimately led them to an apartment linked to Gul.[118119120121122]
- ~~(S,~~ [redacted] ~~NF)~~ [redacted] raided the apartment on 10 September 2002 and detained Gul's brother-in-law, who provided information on Gul's safe houses in Karachi. [redacted] arrested Bin al-Shibh at one of these safe houses the next day.[123]

~~(S//OC/NF)~~ The *Study's* own concluding paragraph on the capture of Ramzi Bin al-Shibh accurately explains this chain of events. The *Study's* concluding paragraph reads:

> ~~(S//OC/NF)~~ *"It is possible that the sourcing for CIA claims that 'as a result of EITs' Abu Zubaydah provided information that 'played a key role in the ultimate capture of Ramzi Bin al-Shibh [sic],' is related to Abu Zubaydah's information that Hassan Gul could be located through* [redacted] *While* [redacted] *did not provide information on Gul's whereabouts,* [redacted] *led Pakistani officials to an apartment once rented by Gul. While surveillance of this apartment led to the capture of unrelated individuals, raids resulting from the interviews of one of these individuals led to the unexpected capture of Ramzi Bin al-Shibh."*

~~(S//OC/NF)~~ Finally, the *Study* states that Abu Zubaydah "provided similar information to FBI interrogators prior to the initiation of the CIA's enhanced interrogation techniques." This is incorrect.

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Abu Zubaydah's unique information concerning his contact with Hassan Gul was collected on 20 August 2002, after he had been subjected to enhanced interrogation techniques.

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12. (U) The Capture of KSM

"~~(S//OC/NF)~~ A review of CIA operational records results in no indication that information from Abu Zubaydah, Ramzi Bin al-Shibh, or any other detainee, contributed to KSM's capture."

~~(S//OC/NF)~~ CIA correctly represented that detainee reporting helped us capture Khalid Shaykh Muhammad (KSM). The *Study* says that a unilateral CIA source led us to KSM and that detainee reporting played no role. However, the *Study* fails to note that detainees gave us the critical information on KSM [redacted] that allowed us to understand that our source knew [redacted]

~~(S/~~ [redacted] ~~NF)~~ CIA should have been more precise in laying out the role that the various elements of the program played in this complicated case, but we stand by the assessment that detainee information contributed to KSM's capture. We assess that information provided by Abu Zubaydah—after the commencement of enhanced interrogation techniques —helped lead to the capture of Ramzi Bin al-Shibh (see Example 11).[c] CIA subsequently obtained key insights from Bin al-Shibh and [redacted] related to KSM [redacted] which allowed CIA to redirect a source that led us to KSM's location. [redacted] [124]

- ~~(S//OC/NF)~~ Bin al-Shibh told [redacted] likely on 21 September 2002, that "the best way to find KSM is to find KSM [redacted] 'Ammar' who is also in Karachi."[125] On 24 September, Bin al-Shibh photo-identified FBI Most Wanted fugitive Ali Abdul Aziz Ali—a primary financier of the 9/11 attacks—as "Amar al-Baluchi," and clarified that he had a "very close relationship with KSM," and "would know how and where to contact KSM."[126] Alec Station on 30 September highlighted Bin al-Shibh's photo-identification as a "breakthrough."[127] [128] [129d]
- ~~(S~~ [redacted] ~~NF)~~ [redacted] officers on [redacted] used that information to [redacted] [130]

~~(S//OC/NF)~~ The detainees' information on [redacted] Although fortuitous, this information helped CIA to redirect the source [redacted] in an effort to locate KSM.[131]

~~(S//OC/NF)~~ The *Study* claims it was this unilateral source, not detainees, who first identified [redacted] This is an incorrect repetition of an error made by a CIA officer in a cable in 2003.

- ~~(S//OC/NF)~~ CIA officers in late 2001 did show the source [redacted] [132] [133]

[c] For a more detailed account of Ramzi Bin al-Shibh's arrest, please see Example 11, page 21.

[redacted]

13. (U) The Capture of Majid Khan

"~~(S//OC/NF)~~ The CIA repeatedly represented that the CIA interrogation program, and/or the CIA's enhanced interrogation techniques, resulted in critical, otherwise unavailable intelligence, related to…the capture of Majid Khan."

~~(S//NF)~~ CIA mistakenly provided incorrect information to the Inspector General (IG) that led to a one-time misrepresentation of this case in the IG's 2004 *Special Review*. This mistake was not, as it is characterized in the "Findings and Conclusions" section of the *Study*, a "repeatedly represented" or "frequently cited" example of the effectiveness of CIA's interrogation program. CIA accurately described the importance of Khalid Shaykh Muhammad's (KSM) information in the Majid Khan case in a number of finished analytic reports and briefings before and after the *Special Review*.

~~(S//OC/NF)~~ Broadly disseminated DI finished intelligence, as well as briefings and materials provided to the SSCI, the White House, the Department of Justice, and the American public—both before and after the *Special Review*—included accurate representations regarding Majid Khan's importance.

~~(S//OC/NF)~~ The standard language we used to describe Majid Khan did not imply KSM's information played a role in his capture and instead focused on the importance of his information as a building block that led to other operational successes. For example, a typical representation stated:

> *"KSM provided information about an al-Qa'ida operative, Majid Khan, who he was aware had recently been captured. KSM—possibly believing the detained operatives was "talking" admitted to having tasked Majid with delivering a large sum of money to individuals working for another senior al-Qa'ida associate. In an example of how information from one detainee can be used in debriefing another detainee in a "building block" process, Khan—confronted with KSM's information about the money—acknowledged that he delivered the money to an operative named Zubair and provided Zubair's physical description and contact number."*

14. (U) The Thwarting of the Camp Lemonier Plotting

"(U) A review of CIA records found that the plotting against Camp Lemonier was not "stopped" because of information acquired from the CIA detention and interrogation program."

~~(S//OC/NF)~~ CIA assesses that its representations related to this plot—most notably the CIA-vetted statement in President Bush's 2006 speech that "Terrorists held in CIA custody have also provided information that *helped* stop the planned strike on US Marines at Camp Lemonier in Djibouti" (emphasis added)—were accurate. We did not represent that we initially learned of the plot from detainees, or that it was disrupted based solely on information from detainees in CIA custody.

~~(S//OC/NF)~~ Some information came from detainees in CIA custody, [redacted] No single detainee's information or arrest stopped this plot. Rather, a series of events—several of which were related to CIA's detainee program—helped disrupt it.

- ~~(S//OC/NF)~~ According to Khalid Shaykh Muhammad (KSM), his arrest in March 2003 (which we note in Example 12 resulted in part from information provided by Ramzi Bin al-Shibh) prevented him from transferring 30,000 euros from al-Qa'ida in Pakistan to al-Qa'ida in East Africa leaders, some of whom were plotting the Camp Lemonier attack. [134][135] Funding shortages were cited repeatedly by detainees and in [redacted] as a reason for the Camp Lemonier plot's delays.

- ~~(TS~~ [redacted] ~~NF)~~ In March 2004, [redacted] based information from a clandestine source—detained and rendered to CIA custody the primary facilitator for al-Qa'ida's Camp Lemonier plot, Guleed Hassan Ahmed, who had cased the Camp on behalf of al-Qa'ida. [136] Guleed provided details about the plot and al-Qa'ida's Somali support network, which drove CIA's targeting efforts. [137][138][139][140]

- ~~(S//OC/NF)~~ We combined Guleed's information with other reporting to build a more detailed targeting picture of al-Qa'ida's East Africa network, helping us to locate [redacted] several other al-Qa'ida couriers, some of whom had been tasked with transferring additional funding to the network.[141][142][143][144][145][146]

~~(S//OC/NF)~~ We agree with the *Study* that we had threat reporting against Camp Lemonier prior to the March 2004 detention and rendition of one of the plot's key facilitators, but we believe the earliest reports cited in the *Study* have no relation to this plot.

- ~~(S,~~ [redacted] ~~NF)~~ The *Study* states, "CIA first learned of this terrorist threat from [redacted] as early as January 2003."[147] The *Study* cites a PDB article based on [redacted] but that report was later recalled after being revealed to be a fabrication.[148]

- ~~(S//OC/NF)~~ The *Study* cites a Terrorist Advisory from March 2003 that states, "US forces stationed at Camp Lemonier in Djibouti also could be targeted."[149] This reference, however, was not based on specific intelligence reporting and is actually focused on a different al-Qa'ida cell based in Kenya, which was targeting sites primarily in Kenya or Tanzania. The reference to Djibouti in this context was an analytic assessment that Djibouti was a potential target given its US Military presence. A later Djibouti-specific section in the same report focused on a local Somali group and never mentions plot leader Abu Talha al-Sudani or his Somalia-based cell.

- ~~(S~~ [redacted] ~~NF~~) Moreover, the *Study* cites [redacted] information noting that a local Somali group planned to hijack an aircraft and crash it into the base.[150] This threat was later found to be unrelated to the al-Qa'ida plot against Camp Lemonier.[151][152]

15. (U) The Assertion that Detainee Reporting Helped Validate Sources

"~~(TS/~~ [redacted] ~~/NF)~~ The CIA represented to policymakers over several years that information acquired from CIA detainees helped validate CIA sources. CIA records indicate that these CIA representations are based on the CIA's experience with one CIA detainee, Janat Gul. The CIA representations omit key contextual information, including that the CIA subjected Janat Gul to the CIA's enhanced interrogation techniques based on single-source CIA humint reporting that the CIA later concluded was fabricated, and that the CIA officers doubted the credibility of the source prior to Gul's interrogation."

~~(S//OC/NF)~~ CIA frequently cited one particular example of information from a detainee that helped us validate a source because it was the clearest and most consequential case in which what we learned from a detainee interrogation caused us to take steps that revealed the source had fabricated a highly concerning threat. There have been many other occasions when information obtained from detainees has helped us determine how best to use, question, and evaluate the veracity of our sources. We acknowledge that this information was a supplementary benefit to the program, the primary purpose of which was to capture disrupt plots, save lives, and remove senior al-Qa'ida leaders from the battlefield.

~~(TS/~~ [redacted] ~~/NF)~~ CIA has used reporting from numerous detainees in addition to Janat Gul to vet, task, and corroborate information from countless sources of intelligence. These encompass human sources, other detainees, signals intelligence, and al-Qa'ida's [redacted] communications. We often cited the case of Janat Gul, who was arrested in June 2004 for his facilitation activities on behalf of senior al-Qa'ida leaders, because it was a clear cut example of source validation that resulted from detainee information regarding an important alleged threat. The *Study* incorrectly implies that our use of this example was disingenuous because we already had doubts about the credibility of the source's report. The source told us that he met Janat Gul in 2004 and acquired information on plans for a high-profile attack to occur in the United States before the US Presidential elections.

- ~~(TS/~~ [redacted] ~~/NF)~~ Although some officers raised questions about this information—as often occurs, especially with sensational intelligence—CIA wrote numerous finished intelligence products citing the information before learning it was fabricated, indicating that CIA took it seriously even as we worked to resolve the inconsistencies.[153][154][155][156]

- ~~(TS~~ [redacted] ~~/NF)~~ A body of intelligence reporting contributed to the plausibility of the information. Other sources were reporting on al-Qa'ida attack preparations, and Hassan Gul told CIA interrogators in January 2004 about al-Qa'ida's compartmented external operations training program in Pakistan's tribal areas. At the time of his arrest, CIA believed based on a body of intelligence that Gul facilitated for al-Qa'ida's senior-most leaders, placing him in a position to know details of the group's operational plans. Moreover, CIA had corroborated other aspects of the source's reporting.[157][158][159][160][161][162][163][164][165][166][167][168][169][170][171]

- ~~(TS/~~ [redacted] ~~/NF)~~ Janat Gul's claim that the source never met the al-Qa'ida finance chief—who the source said told him about the pre-election threat—was vital to CIA's assessment and handling of the case. CIA officers assessed Gul was cooperating during his interrogations by that time, leading CIA to [redacted] the source on the meeting and the plot, which he ultimately recanted.[172][173]

- ~~(TS/~~[redacted]~~NF~~) Gul was not the only CIA detainee to help CIA vet the source's information. CIA detainee Sharif al-Masri, who also knew the source and arranged to have [redacted] also provided information that reinforced CIA's decision to [redacted] the source.[174][175]

~~(S/~~[redacted]~~NF~~) CIA officers routinely use detainee reporting as an integral part of our tradecraft to help validate sources and array against the larger base of all-source reporting on al-Qa'ida's activities, leadership, and locations. For example, CIA in 2005 questioned Abu Faraj al-Libi—after he underwent enhanced interrogation techniques —on his access to Bin Ladin after a sensitive clandestine source, whose access and past reporting were by that time well established, claimed that Abu Faraj told him he was present with Bin Ladin when the leader filmed a video statement that aired in October 2004.

- ~~(S/~~[redacted]~~NF~~) A CIA cable on 2 August 2005 shows that nearly a year later analysts were struggling to corroborate the information, which was important to understanding Bin Ladin's associates and their access to him. Abu Faraj adamantly denied the claim and later gave information about how he received the videotape from Bin Ladin's courier, which allowed us to assess that the source's information was incorrect.

- ~~(S~~[redacted]~~NF~~) CIA in 2009 published an Intelligence Assessment titled "Hunting Usama Bin Ladin: What We Have Learned from Senior Al-Qa'ida Detainees (S/NF)," which contains the judgment—ultimately validated by what we learned at his Abbottabad compound—that Bin Ladin probably did not meet face to face even with his most senior lieutenants after he fled Afghanistan, citing the information from Abu Faraj and other information acquired from detainees in CIA custody.
[176][177][178][179][180][181][182][183][184][185][186][187][188][189][190][191][192][193][194][195][196]

16. (U) Arrest and Identification of Uzhair and Saifullah Paracha

"~~(S//OC/NF)~~ The CIA also repeatedly represented that the CIA interrogation program, and/or the CIA's enhanced interrogation techniques, resulted in critical, otherwise unavailable intelligence related to…the arrests of Uzhair and Sayf al-Rahman Paracha. A review of CIA records found [this] representation to be inaccurate."[197]

~~(TS,~~ [redacted] ~~NF)~~ CIA continues to assess that Khalid Shaykh Muhammad's (KSM) identification of Pakistani businessman Saifullah Paracha, an al-Qa'ida contact whom KSM was trying to use to smuggle explosives into the United States, was a success resulting from detainee reporting. KSM's information spurred FBI action against Paracha; prompted FBI to question his son, Uzhair; and allowed analysts to focus on the right Saifullah Paracha.

~~(S//OC/NF)~~ Reporting from interrogations of KSM was directly and uniquely responsible for the arrests of Saifullah Paracha and his son Uzhair Paracha, both of whom KSM claimed had agreed to facilitate an al-Qa'ida plan to smuggle explosives into the United States.[198] In a 26 March 2003 cable, the FBI stated that it had taken action with regard to Saifullah and Uzhair based on KSM's debriefing disseminated 25 March.[199][200]

- ~~(S//NF)~~ The FBI immediately watchlisted Saifullah and Uzhair and searched domestic immigration and law enforcement databases for details on their locations and activities. The FBI determined Saifullah was located in Pakistan but was able to arrest Uzhair in New York on 31 March.[201]
- [redacted][206][207][208]

~~(S//OC/NF)~~ The *Study's* finding that CIA possessed sufficient information to identify and detain Saifullah Paracha without reporting from KSM is incorrect. We had fragmentary information suggesting that someone by the name of Saifullah Paracha might be of interest to us as a possible accomplice in an al-Qa'ida overseas financial scheme. However, we did not know which among the many people who have that name around the world to focus upon. We did not know he was involved in a potential attack on the US until KSM told us Saifullah and his son agreed to smuggle explosives into the US. The FBI found the son in New York, in their words, "based on this reporting."

~~(S//OC/NF)~~ The *Study* says that Saifullah Paracha was already "well-known to the IC prior to the capture of KSM,"[209] but the only clear link the *Study* cites between Paracha and terrorist plotting is actually a reference to a different Saifullah Paracha.[210] All other references are either too vague or indirect to have been meaningful without detainee reporting, refer to a nascent investigation of terrorist use of a Paracha-affiliated business to mask financial transfers, or in many cases, also refer to a different Saifullah Paracha.

- ~~(S//OC/NF)~~ The *Study* refers to a Saifullah Paracha who had links to Mir Aimal Kansi, the terrorist who killed two people outside CIA Headquarters in 1993.[211][212][213] However, the Saifullah Paracha KSM reported on was more than 25 years younger and not connected to Mir Aimal Kansi.[214][215]
- ~~(S//OC/NF)~~ The *Study* cites a "link" between Paracha and Abu Zubaydah, because Paracha's name appeared among hundreds of other names in documents confiscated in the Abu Zubaydah raid.

While the CIA passed Paracha's name and information on his ties to a Karachi, Pakistan-based company with a New York office to the FBI,[216] the Bureau did not report any further information of interest concerning Paracha until after KSM's debriefings.[217][218][219][220]

~~(S//OC/NF)~~ The *Study* cites two other pieces of information on Paracha that it claims are representative of reporting available independent of the CIA detention and interrogation program. Neither report was noteworthy without KSM's information.

- ~~(S//OC/NF)~~ One is an indirect connection to Paracha's business in Pakistan that Committee staff found in an undisseminated FBI case file. It was not available to CIA at the time and would not have linked Paracha to an al-Qa'ida operation independent of KSM's information in any case. The other report is [redacted] of Majid Khan before he was rendered [redacted] to US custody, but the report included few details and was disseminated just <u>after</u> KSM provided the information that allowed us to identify Paracha.

17. (U) Critical Intelligence Alerting the CIA to Ja'far al-Tayyar

"~~(S//OC/NF)~~ The CIA made repeated claims that the use of the CIA's enhanced interrogation techniques resulted in 'key intelligence' from Abu Zubaydah and KSM on an operative named Ja'far al-Tayyar—later identified as Adnan el-Shukrijumah. These CIA representations omit key contextual facts."

~~(S//OC/NF)~~ CIA continues to assess that information from detainees in CIA custody—specifically Khalid Shaykh Muhammad (KSM) and Abu Zubaydah—that was obtained after they were subjected to enhanced interrogation techniques was important to identifying Ja'far al-Tayyar. We acknowledge there were cases in which we either made a factual error or used imprecise language, but these mistakes were not central to our representations and none invalidates our assessment that detainee reporting provided key intelligence on this important terrorist.

The "key contextual facts" that the *Study* claims CIA omitted are incorrect:

"~~(S//OC/NF)~~ The Intelligence Community was interested in the Florida-based Adnan al-Shukrijumah prior to the detention of the CIA's first detainee."

~~(S//OC/NF)~~ The only reference to Shukrijumah in CIA holdings prior to 2003 was a request for traces from FBI and a CIA response that stated, "A search of our Agency's records found no identifiable information on…Adnan Gulshair el-Shukri Jumah."[221] To support its claim, the *Study* cites a US District Court case file—which was not in CIA databases—that mentions Shukrijumah due to his association with a Florida-based extremist.[222]

"~~(S//OC/NF)~~ Abu Zubaydah provided information on a KSM associate named Ja'far al-Tayyar to FBI agents in May 2002, prior to being subjected to the CIA's enhanced interrogation techniques."

~~(TS~~/[redacted]/~~NF)~~ Abu Zubaydah's information in May 2002 came after being subjected to sleep deprivation. Although sleep deprivation was not officially designated an enhanced technique in 2002, it was classified as such in 2005. This information was an initial step toward identifying the right Ja'far al-Tayyar, but we were not able to do so until KSM provided more detailed reporting.[223][224][225]

~~(S//OC/NF)~~ The *Study* implies that CIA had substantial information on Ja'far al-Tayyar by noting that we produced "a targeting study" on him in January 2003, prior to KSM's detention. However, that study was titled, "Targeting Study: Finding the Right Ja'far al-Tayyar,"[226] and the first paragraph stated, "Unfortunately, many extremists use the name of Ja'far al-Tayyar, which can be translated as 'Jafar the Pilot.' Headquarters research has identified several distinct Ja'far al-Tayyars. We very much want to confirm the locations of each of these Jafars."[227]

"~~(S//OC/NF)~~ CIA personnel distrusted KSM's reporting on Ja'far al-Tayyar—stating KSM fabricated information and had included al-Tayyar 'into practically every story, each time with a different role.'"

~~(S//OC/NF)~~ KSM's inconsistencies did not lead CIA officers to discount al-Tayyar's importance. The cited cable, when taken in context says, "We believe this [deception] could indicate that KSM is trying to protect al-Tayyar, and we intend to focus more strongly on [al-Tayyar]."[228] Our focus on al-Tayyar over the years—particularly when coupled with detainee reporting and documents seized at Bin Ladin's compound in Abbottabad—has helped us better understand his important role in al-Qa'ida's terror operations and his involvement in several unrealized plots.[229][230][231][232]

"~~(S//OC/NF)~~ Other CIA detainee reporting differed from KSM's reporting."

~~(S//OC/NF)~~ Discrepancies between KSM and other detainee accounts of al-Tayyar, who is one of al-Qa'ida's most security-conscious and reclusive operatives,[233] were to be expected from detainees with varying degrees of access to him. Furthermore, the *Study's* basis for this criticism consists of two personal emails, a single detainee report, and an NCTC product from its "Red Team," which is charged with providing analysis that is contrary to widely held analytic positions. Terrorism analysts are trained to question their judgments and to openly express disagreement, especially when there is conflicting information. However, there has always been a strong interest in al-Tayyar, and there is consensus that he has become a leading figure in al-Qa'ida's external operations.

"~~(S//OC/NF)~~ CIA records indicate that KSM did not know al-Tayar's true name and that it was Jose Padilla—in military custody and questioned by the FBI—who provided al-Tayar's true name as Adnan el-Shukrijumah."

~~(S//OC/NF)~~ While KSM did not know al-Tayyar's true name, his biographic description was sufficient for FBI to identify Adnan el-Shukrijumah as a likely candidate. In addition, the FBI knew to ask Padilla about al-Tayyar's true name because KSM told CIA debriefers that he would know it.

~~(S//OC/NF)~~ In reviewing this case, we did identify occasions when CIA's language either was not as precise as it should have been or we made factual errors.

- ~~(S//OC/NF)~~ Sometimes we said KSM called al-Tayyar the "next Muhammad Atta." This was an imprecise paraphrase of KSM, who actually described al-Tayyar as having similar education and Western experience as Muhammad Atta and considered him as the "next emir" for an attack in the United States. KSM did not call al-Tayyar "the next Muhammad Atta."
- ~~(S//OC/NF)~~ In some of the early representations, we incorrectly stated al-Tayyar fled the United States in response to the FBI investigation, although he had in fact already departed the United States by this time.

18. ~~(S//NF)~~ The Identification and Arrest of Salih al-Marri

"~~(S//OC/NF)~~ The CIA repeatedly represented that the CIA interrogation program, and/or the CIA's enhanced interrogation techniques, resulted in critical, otherwise unavailable intelligence, related to…the arrest of Salih al-Marri."

"~~(S//OC/NF)~~ Reporting from KSM as a result of the lawful use of EITs played no role in the arrest of Salih al-Marri."

~~(S//OC/NF)~~ CIA mistakenly provided incorrect information to the Inspector General (IG) that led to a one-time misrepresentation of this case in the IG's 2004 *Special Review*. This mistake was not, as it is characterized in the "Findings and Conclusions" section of the *Study*, a "repeatedly represented" or "frequently cited" example of the effectiveness of CIA's interrogation program. We are unable to identify other cases in which we link al-Marri's arrest to CIA detainee reporting.

~~(S/~~[redacted]~~/NF)~~ With respect to the merits of this case, however, we would note that reporting from Khalid Shaykh Muhammad (KSM) was responsible for clarifying the role that al-Marri—on whom we previously had no concrete information—played for al-Qa'ida as a sleeper operative in the US.

- ~~(S/~~[redacted]~~/NF)~~ Prior to KSM's detention on 1 March 2003, CIA and FBI were aware of al-Marri's links to al-Qa'ida and strongly suspected him of having a nefarious objective[234] in the Peoria, Illinois area near the time the FBI arrested him in December 2001. Both agencies, however, lacked detailed reporting to confirm these suspicions or more fully understand al-Marri's specific role for al-Qa'ida until KSM discussed him. [235][236][237]

- ~~(S/~~[redacted]~~/NF)~~ KSM during CIA debriefings in March 2003 identified a photograph of al-Marri as an individual whom he had ordered to travel to the US as a sleeper operative shortly before the 9/11 attacks.[238] KSM claimed that he intended for al-Marri to help other al-Qa'ida operatives in the US prior to unspecified follow-on operations, to explore the possibility of hacking into US banks, and to receive funds for the 9/11 hijackers—all of which put into context the fragmentary information previously available.

19. ~~(S//NF)~~ The Collection of Critical Tactical Intelligence on Shkai, Pakistan

"~~(TS/~~[redacted]~~NF)~~ The CIA represented to policymakers over several years that 'key intelligence' was obtained from the use of the CIA's enhanced interrogation techniques that revealed Shkai, Pakistan to be 'a major al-Qa'ida hub in the tribal areas,' and resulted in 'tactical intelligence [redacted] *Shkai, Pakistan.' These CIA representations are based on the CIA's experience with one CIA detainee, Hassan Ghul* [sic]. *While CIA records indicate that Hassan Ghul did provide information on Shkai, Pakistan, a review of CIA records also found that (1) this information was provided prior to Hassan Ghul being subjected to CIA interrogation techniques; and (2) the CIA assessed that information provided by Ghul confirmed earlier reporting that the Shkai valley of Pakistan served as al-Qa'ida's command and control center after the group's 2001 exodus from Afghanistan."*

~~(S//OC/NF)~~ CIA correctly reported that senior al-Qa'ida facilitator Hassan Gul's information about a small town in Pakistan's tribal areas called Shkai was critical, [redacted] **We never represented that Shkai was previously unknown to us or that Gul only told us about it after he was subjected to enhanced interrogation techniques . We said that after these techniques were used, Gul provided "detailed tactical intelligence." That intelligence differed significantly in granularity and operational** [redacted] **from what he provided before enhanced techniques. As a result of his information, we were able to make a persuasive case** [redacted]

~~(TS/~~[redacted]~~NF)~~ CIA continues to assess that the information derived from Hassan Gul after the commencement of enhanced techniques provided new and unique insight into al-Qa'ida's presence and operations in Shkai, Pakistan. [239] Before Gul's capture in January 2004, sources of varying credibility gave general information about the town's importance as an emerging al-Qa'ida safehaven, but Gul's debriefings were the most definitive first-hand account of the identities, precise locations, and activities of senior al-Qa'ida members in Shkai at that time.[240] As a result of the information Gul provided, [redacted]

~~(TS/~~[redacted]~~NF)~~ As the *Study* notes, Gul showed signs of cooperation immediately following his capture; before undergoing enhanced techniques, he did give us some detail about the activities and general whereabouts of al-Qa'ida members in Shkai. Nonetheless, interrogators judged that he was not yet cooperative enough to be debriefed by subject matter experts and requested the use of enhanced techniques.[241] After being subjected to enhanced techniques, he provided more granular information when, for example, he sat down with [redacted] experts and pointed to specific locations where he met some of the senior al-Qa'ida members we were trying to find. The intelligence derived from Gul's debriefings yielded information that continues to undergird our analysis of al-Qa'ida's activities in Pakistan's tribal areas.

- ~~(TS~~[redacted]~~/NF)~~ Gul revealed his understanding that then little-known al-Qa'ida operative Hamza Rabi'a had taken over as the group's lead attack coordinator after 9/11 mastermind Khalid Shaykh Muhammad's capture in 2003, and was using facilities in Shkai to train operatives for attacks outside Pakistan.[242] He also used [redacted] to pinpoint a Shkai residence where he claimed to have met senior al-Qa'ida leader 'Abd al-Hadi al-Iraqi. He said the facility was called the "Bachelor House" and that several unmarried men associated with al-Qa'ida lived there, [redacted][243]

- ~~(TS~~ [redacted] ~~/NF)~~ Gul also used [redacted] to give more details about the Bachelor House, another facility owned by a local al-Qa'ida supporter dubbed "The Ida Khan Complex," and a separate compound used by a group of al-Qa'ida-aligned Uzbeks. He also described the group's evacuation plans in the event of Pakistani military operations.[244]

- ~~(TS,~~ [redacted] ~~NF)~~ The granularity of Gul's information—coupled with [redacted] significantly bolstered CIA analysts' confidence about al-Qa'ida's disposition in the region, and revealed how the group was using Shkai as a venue to plot attacks against the West, including possible US interests.[245]

~~(TS,~~ [redacted] ~~/NF)~~ Senior US officials during the winter and spring of 2004 presented the Agency's analysis of Gul's debriefings and other intelligence about Shkai [redacted]

- ~~(TS~~ [redacted] ~~NF)~~ CIA Headquarters in February 2004 sent a cable to [redacted] titled *Eyes Only: Transmittal of Shkai Pre-brief Package for DCI Meeting with* [redacted] which outlined how CIA's analysis of [redacted] and detainee reporting—including Gul's—crystallized the Agency's understanding of al-Qa'ida's robust operational hub in Shkai.[247]

- ~~(TS,~~ [redacted] ~~NF)~~ Days later, CIA Headquarters sent [redacted] a cable for passage to [redacted] offering the Agency's latest assessment of Shkai. The cable explicitly cited Gul as the source of the information, and included a comprehensive list—including [redacted] of buildings, compounds, and other facilities tied to the group in Shkai.[248][249][250][251]

20. (U) Information on the Courier that Led to the UBL Operation

"~~(S//OC/NF)~~ A review of CIA records found that much of the critical intelligence on Abu Ahmed [sic] al-Kuwaiti was acquired prior to—and independently of—the CIA detention and interrogation program."

~~(S//OC/NF)~~ CIA correctly represented that detainee reporting helped us identify Usama Bin Ladin's courier, Abu Ahmad al-Kuwaiti. The *Study* incorrectly characterizes the intelligence we had on Abu Ahmad before acquiring information on him from detainees in CIA custody as "critical." That intelligence was insufficient to distinguish Abu Ahmad from many other Bin Ladin associates until additional information from detainees put it into context and allowed us to better understand his true role and potential in the hunt for Bin Ladin.

~~(S//OC/NF)~~ Information from detainees in CIA custody on Abu Ahmad's involvement in delivering messages from Bin Ladin beginning in mid-2002 fundamentally changed our assessment of his potential importance to our hunt for Bin Ladin. That information prompted us to question other detainees on his role and identity and to review previous reporting. CIA combined this information with reporting from detainees [redacted] signals intelligence, and reporting from clandestine sources to build a profile of Abu Ahmad's experiences, family, and characteristics that allowed us to eventually determine his true name and location. The other intelligence that the *Study* characterizes as "critical" did not distinguish Abu Ahmad from others who had some level of access to Bin Ladin, especially before 9/11.

~~(TS~~ [redacted] ~~NF)~~ Detainees in CIA custody Ammar al-Baluchi and Hassan Gul offered vital insights into Abu Ahmad's role.

- ~~(S//OC/NF)~~ Ammar, after undergoing enhanced interrogation techniques, was the first detainee to reveal what apparently was a carefully guarded al-Qa'ida secret—that Abu Ahmad served as a courier for messages to and from Bin Ladin.[252] Before that, we had only general information [redacted] that Abu Ahmad had interacted with Bin Ladin before the group's retreat from Tora Bora, Afghanistan in late 2001, when Bin Ladin was relatively accessible to a number of al-Qa'ida figures.

- ~~(TS~~ [redacted] ~~NF)~~ Gul, while in CIA custody—before undergoing enhanced techniques—speculated that Abu Ahmad could be one of three people with Bin Ladin and speculated that Abu Ahmad may have handled Bin Ladin's needs, including sending messages to his gatekeeper, Abu Faraj al-Libi.[253]

- ~~(TS~~ [redacted] ~~NF)~~ After undergoing enhanced techniques, Gul stated that Abu Ahmad specifically passed a letter from Bin Ladin to Abu Faraj in late 2003 and that Abu Ahmad had "disappeared" from Karachi, Pakistan in 2002. This information was not only more concrete and less speculative, it also corroborated information from Ammar that Khalid Shaykh Muhammad (KSM) was lying when he claimed Abu Ahmad left al-Qa'ida in 2002.

~~(S//OC/NF)~~ Even after undergoing enhanced techniques, KSM lied about Abu Ahmad, and Abu Faraj denied knowing him.[254][255][256] A cable in the aftermath of Abu Faraj's debriefing[257] indicates that this dissembling immediately raised our suspicions, and it would eventually strengthen our assessment that Abu Ahmad was an important potential inroad to Bin Ladin, which is reflected in analytic products and targeting cables beginning in 2007.[258]

- ~~(TS~~ [redacted] ~~OC/NF)~~ Ammar and Gul both said Abu Ahmad worked directly for Abu Faraj as of mid-2002.[259][260]

- ~~(TS/~~ [redacted] ~~NF)~~ KSM denied that Abu Ahmad delivered letters from Bin Ladin and claimed that Abu Ahmad left al-Qa'ida in 2002.[261] Ammar, however, claimed KSM had told him that Abu Ahmad continued to deliver letters from Bin Ladin after 2002—a point that Gul corroborated.[262]

~~(S//OC/NF)~~ Detainees in CIA custody helped confirm Abu Ahmad's true identity. We first obtained a partial true name for Abu Ahmad from a detainee [redacted] but that detainee claimed Abu Ahmad died in 2001.[263] CIA later discovered through signals intelligence, a clandestine source, and other detainees—in CIA [redacted] custody—that the [redacted] detainee had confused Abu Ahmad with his deceased brother. Once we learned that Abu Ahmad was most likely alive, we were able to use the partial true name to acquire additional information [redacted] Detainees in CIA custody provided additional pieces of the puzzle.

- ~~(TS/~~ [redacted] ~~NF)~~ Detainee Abu Yasir al-Jazari told CIA interrogators that Abu Ahmad mixed "Pakistani words" with Arabic. A native Arabic and Pashtu speaker, [redacted]—spoke with a speech impediment that made it sound as if he were mixing the two languages, [redacted] This information helped CIA [redacted] assess that the [redacted] living at the compound in Abbottabad was Abu Ahmad.[264][265]

- ~~(TS~~ [redacted] ~~NF)~~ Ahmad Ghailani during a CIA interrogation said that Abu Ahmad's first child was a daughter born around 2002, which matched information from [redacted] about individuals at the Abbottabad compound.[266]

~~(S//OC/NF)~~ Insights from detainees in CIA custody into Bin Ladin's security practices and family increased CIA's confidence that Bin Ladin could be residing at the compound in Abbottabad.

- ~~(S//OC/NF)~~ Khallad Bin Attash and other detainees in CIA custody[267] confirmed Bin Ladin after fleeing Afghanistan would not meet face-to-face with al-Qa'ida members, had few bodyguards, relied on a small group of individuals native to the area to carry messages and handle daily chores, would not leave the house, and did not relocate frequently—all of which matched circumstances at the compound.[268][269][270][271][272][273][274][275]

- ~~(TS~~ [redacted] ~~NF)~~ Sharif al-Masri and KSM speculated during CIA interrogations that Bin Ladin's youngest wife, Amal, probably was with Bin Ladin,[276][277][278][279][280] and Sharif indicated he passed a letter intended for another Bin Ladin wife, Siham, along with a letter for Bin Ladin to Abu Faraj, suggesting they were at least near each other. These observations helped [redacted] identify family members at the Abbottabad compound.

~~(S//OC/NF)~~ CIA has never represented that information acquired through its interrogations of detainees was either the first or the only information that we had on Abu Ahmad. We have reported—and continue to assess—that the information we acquired from them significantly advanced our understanding of Abu Ahmad beyond the other intelligence cited in the *Study*.

- ~~(S/~~ [redacted] ~~NF)~~ Zubair al-Ha'ili's comment [redacted] interrogators in 2002 that Abu Ahmad was one of several "close associates of Usama Bin Ladin," was not sufficient to distinguish Abu Ahmad from many other al-Qa'ida members who knew Bin Ladin at the time. Similarly, we assess Riyadh the

Facilitator's claim that Abu Ahmad traveled to meet Bin Ladin refers to a meeting before 11 September 2001, when numerous al-Qa'ida members had access to Bin Ladin.

- ~~(S//OC/NF)~~ Abu Ahmad's interactions with Bin Ladin's son Sa'ad—which the *Study* suggests were another "critical" piece of intelligence—were not unusual because Sa'ad worked under KSM as a facilitator; he also relied on KSM to send messages to his father. Similarly, Abu Ahmad's involvement in operational planning with KSM did not suggest that he was facilitating for Bin Ladin.

- ~~(TS/~~[redacted]~~NF)~~ Abu Ahmad in 2002 stopped using the phone number and the email address the *Study* cites as "critical" information in our possession. The IC has never linked the phone number to any of Bin Ladin's known locations in Peshawar, Swat/Shangla, Haripur or Abbottabad, nor linked the email account to any of Abu Ahmad's communications after 2002.

~~(TS/~~[redacted]~~NF)~~ It is impossible to know in hindsight whether we could have obtained from Ammar, Gul, and others the same information that helped us find Bin Ladin without using enhanced techniques, or whether we eventually would have acquired other intelligence that allowed us to successfully pursue the Abu Ahmad lead or some other lead without the information we acquired from detainees in CIA custody. However, the information we did obtain from these detainees played a role—in combination with other important streams of intelligence—in finding the al-Qa'ida leader.

[1] [CIA | [redacted] 10972 | | 12 April 2002 | | | | | ~~(S/~~ [redacted] ~~/NF)~~ |]

[2] [CIA | [redacted] 10976 | | 12 April 2002 | | | | | ~~(S/~~ [redacted] ~~/NF)~~ |]

[3] [Other | SSCI Report, Volume 2, Part 1, Page 382 | | 13 Dec 2012 | | | | | ~~(TS/~~ [redacted] ~~/NF)~~ |]

[4] [CIA | [redacted] 10976 | | 12 April 2002 | | | | | ~~(S~~ [redacted] ~~/NF)~~ |]

[5] [CIA | ALEC [redacted] | 22 Apr 2002 | | | | | ~~(S/~~ [redacted] ~~/NF)~~ |]

[6] [CIA | [redacted] 11036 | | 22 Apr 2002 | | | | | ~~(S/~~ [redacted] ~~/NF)~~ |]

[7] [CIA [redacted] | | | | | ~~(S//NF)~~ |]

[8] [CIA | [redacted] 11058 | | 23 Apr 2002 | | | | | ~~(S~~ [redacted] ~~/NF)~~ |]

[9] [CIA | [redacted] 78390 | | 25 Apr 2002 | | | | | ~~(S~~ [redacted] ~~/NF)~~ |]

[10] [CIA | [redacted] 11070 | | 25 April 2002 | | | | | ~~(S~~ [redacted] ~~/NF)~~ |]

[11] [CIA | ALEC [redacted] | | | | | ~~(S~~ [redacted] ~~/NF)~~ |]

[12] [Other | SSCI Report, Volume 2, Part 1, Pages 376 | | 13 Dec 2012 | | | | | ~~(TS~~ [redacted] ~~/NF)~~ |]

[13] [Other | SSCI Report, Volume 2, Part 1, P. 395, Citation 1867 | | 13 December 2012 | | | | | ~~(TS~~ [redacted] ~~/NF)~~ | The citation refers to two documents, the first being a Department of Justice summary of chronology on Jose Padilla. This document (on page 2, paragraph 3), cites Padilla's "Mujahideen Identification Form" as having been "recovered by FBI in Pakistan in a box of documents containing approximately 180 such applications." This identification form, as cited in FBI WASH 101514Z, item 4, as a "pledge sheet" was acquired by LEGAT [redacted] on 15 December 2001, as the SSCI Report cites. It does not say how FBI acquired these documents, but states they were originally collected in a raid on 8 December 2001 at "an Arab office (NFI) Kandahar." We have been unable to locate any records of this document entering CIA possession. Reports at this time also were often stored in CIA facilities, because they were secure, but FBI maintained possession of them to preserve chain of custody for use in legal cases. This may have applied to this document. The *Study* then cites a July 2007 personal email from a CIA officer describing a meeting with an FBI officer recalling the raids over five years later. The FBI officer mistakenly recollected that the pledge sheet was collected during the 24 November 2001 raid against Salim Ahmad Salim Hamdan. This raid was against two vehicles, not an Arab office. Documents in this raid were disseminated by [redacted] before passing them to FBI, but there is no record of Padilla's pledge sheet appearing in this documentation. The FBI officer's confusion over which raid the specific document came from probably explains why the SSCI Report claimed the document was "obtained in Afghanistan by the CIA." CIA has no record of having possession of this document between its 8 December 2001 recovery by the US military and its 15 December 2001 acquisition by the FBI.]

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[14] [CIA | ALEC [redacted] | ADDITIONAL INFORMATION ON THREATS TO US INTERESTS IN KARACHI [redacted] | | ~~(S/[redacted]NF)~~ | ~~(S/[redacted]NF)~~ |]

[15] [CIA | [redacted]45028 | | [redacted] | [redacted] | | ~~(S[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[16] [CIA | [redacted]14420 | | [redacted] | [redacted] - 11 May Ammar al-Baluchi Interviews | | ~~(S//OC/NF)~~ | ~~(S//OC/NF)~~ |]

[17] [CIA | [redacted]38403 | | 05/17/2003 | | COMMENTS BY AMMAR AL-BALUCHI ON PLANS FOR SIMULTANEOUS ATTACKS IN KARACHI, PAKISTAN IN LATE MAY OR EARLY JUNE | | ~~(S/[redacted]NF)~~ | ~~(S/[redacted]NF)~~ |]

[18] [CIA | [redacted]14291 | [redacted] | 2 MAY 2003 AMMAR AL-BALUCHI INTERVIEW | | ~~(S/[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[19] [CIA | [redacted]38558 | | 19 May 2003 | | [redacted]Ammar 17 May Interrogation | | ~~(S//OC/NF)~~ | ~~(S//OC/NF)~~ |]

[20] [CIA | [redacted]38405 | | 05/17/2003 | | COMMENTS BY WALID MUHAMMAD SALEH BIN ATTASH ON AL-QA'IDA'S OPERATIONAL PLANS AGAINST WESTERN INTERESTS IN KARACHI | | ~~(S/[redacted]NF)~~ | ~~(S/[redacted]NF)~~ |]

[21] [CIA | [redacted]38405 | | 05/17/2003 | | COMMENTS BY WALID MUHAMMAD SALEH BIN ATTASH ON AL-QA'IDA'S OPERATIONAL PLANS AGAINST WESTERN INTERESTS IN KARACHI | | ~~(S[redacted]NF)~~ | ~~(S/[redacted]NF)~~ |]

[22] [CIA | [redacted]13072 | | 12/11/2002 | | [redacted]

[23] [CIA | [redacted]11448 | | 04/30/2003 | | KHALID SHAYKH MUHAMMAD'S COMMENTS ON AL-QA'IDA THREATS TO US INTERESTS IN KARACHI | | ~~(S/[redacted]NF)~~ | ~~(S/[redacted]NF)~~ |]

[24] [CIA | [redacted]11455 | | 04/30/2003 | | [redacted] 30 APRIL 2003 INTERROGATION OF KHALID SHAYKH MUHAMMAD | | ~~(S/[redacted]NF)~~ | ~~(S/[redacted]NF)~~ |]

[25] [CIA | [redacted]34513 | | 03/05/2003 | | | | ~~(S[redacted]NF)~~ | ~~(S/[redacted]NF)~~ |]

[26] [CIA | [redacted]34575 | [redacted] INTERROGATION OF KHALID SHAYKH MUHAMMAD | | ~~(S/[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[27] KSM also explained that the letter authorized Hamza al-Zubayr-who died in the raid on 11 September 2002-to conduct attacks against two Karachi hotels, and KSM requested Zubayr time the attacks to coincide with a third operation being planned by an al-Qa'ida-aligned Pakistani militant group.

[28] [CIA | [redacted]38405 | | 05/17/2003 | | COMMENTS BY WALID MUHAMMAD SALEH BIN ATTASH ON AL-QA'IDA'S OPERATIONAL PLANS AGAINST WESTERN INTERESTS IN KARACHI | | ~~(S/[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[29] [CIA [redacted] | ~~(S/[redacted]NF)~~ | ~~(S/[redacted]NF)~~ |]

[30] [CIA | ALEC[redacted] | | | | | ~~(S/~~[redacted]~~/NF)~~ |]

[31] [CIA [redacted] | ~~(S/~~[redacted]~~NF)~~ | ~~(S/~~[redacted]~~NF)~~ |]

[32] [CIA | [redacted]45325 | | 051611Z SEP 03 | | | | | ~~(S/~~[redacted]~~NF)~~ |]

[33] [CIA [redacted] ~~(S/~~[redacted]~~NF)~~]

[34] [CIA [redacted] ~~(S~~[redacted]~~NF)~~]

[35] [CIA [redacted] ~~(S/~~[redacted]~~/NF)~~]

[36] [CIA | [redacted]45976 | | 151921Z SEP 03 | | | | | ~~(S/~~[redacted]~~NF)~~ |]

[37] [CIA | [redacted]15711 | | 300722Z SEP 03 | 300722Z SEP 03 | | | | ~~(S/~~[redacted]~~NF)~~ |]

[38] [CIA [redacted]15608 | [redacted] | | | | ~~(S~~[redacted]~~NF)~~ |]

[39] [CIA [redacted] | ~~(S~~[redacted]~~NF)~~ | ~~(S/~~[redacted]~~NF)~~ |]

[40] [CIA [redacted] | ~~(S/~~[redacted]~~NF)~~ | ~~(S~~[redacted]~~NF)~~ |]

[41] [CIA | Report, Volume 2, page 464, 450 | | 2012 | | | | | ~~(TS~~[redacted]~~/NF)~~ |]

[42] [CIA [redacted] | ~~(S~~[redacted]~~NF)~~ | ~~(S/~~[redacted]~~NF)~~ |]

[43] [Other | Report, Volume 2, Part 1, Page 498 | | 13 December 2012 | | | | | ~~(TS~~[redacted]~~/NF)~~ |]

[44] [CIA | [redacted]80508 | [redacted] | | | | ~~(S~~[redacted]~~NF)~~ |]

[45] [CIA [redacted] | | | | ~~(S~~[redacted]~~NF)~~ |]

[46] [CIA [redacted] | | | | ~~(S~~[redacted]~~NF)~~ |]

[47] [CIA [redacted] | | | | ~~(S~~[redacted]~~NF)~~ |]

[48] [CIA [redacted] | | | | ~~(S/~~[redacted]~~NF)~~ |]

[49] [Other | Report, Volume 2, Footnotes 2273 and 2277 | | 13 December 2012 | | | | | ~~(TS~~[redacted]~~NF)~~ |]

[50] [FBI | FBI WASH 280438Z | | 3 May 2003 | | | | | ~~(S//OC/NF)~~ |]

[51] [Other | Report, Volume 2, Part 1, Page 500 | | 13 December 2012 | | | | | ~~(TS~~[redacted]~~NF)~~ |]

[52] [CIA | ALEC [redacted] | 5 June 2003 | | | | | ~~(TS~~[redacted]~~/NF)~~ |]

[53] [CIA [redacted] | | | | ~~(S//NF)~~ |]

[54] [CIA [redacted] | | | | ~~(S~~[redacted]~~NF)~~ |]

[55] [CIA [redacted] | | | | ~~(S//NF)~~ |]

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[56] [CIA [redacted] | | | | ~~(S//NF)~~ |]

[57] [CIA [redacted] | | | | ~~(S//NF)~~ |]

[58] [CIA [redacted] | | | | ~~(S//NF)~~ |]

[59] [CIA [redacted] | | | | ~~(S/~~[redacted]~~NF)~~ |]

[60] [CIA [redacted] | | | | | ~~(S/~~[redacted]~~NF)~~ |]

[61] [CIA [redacted] | | | | ~~(S~~[redacted]~~NF)~~ |]

[62] [CIA [redacted] | | | | ~~(S//NF)~~ |]

[63] [CIA [redacted] | | | | ~~(S//NF)~~ |]

[64] [CIA [redacted] | | | | ~~(S/~~[redacted]~~NF)~~ |]

[65] [CIA [redacted] | | | | ~~(S/~~[redacted]~~NF)~~ |]

[66] [CIA [redacted] | | | | ~~(S/~~[redacted]~~NF)~~ |]

[67] [redacted]

[68] [redacted]

[69] [redacted]

[70] [redacted]

[71] [redacted]

[72] [redacted]

[73] [Other | SSCI Report Volume 2, Part 2, Page 600 | | 13 Dec 2012 | | | | | ~~(TS/~~[redacted]~~/NF)~~ |]

[74] [CIA | ALEC [redacted] | | | | ~~(S/~~[redacted]~~NF)~~ |]

[75] [FBI | FBI WASH 092137Z | | 9 March 2003 | | | | | ~~(S//OC/NF)~~ |]

[76] [FBI | FBI WASH 190653Z | | 19 March 2003 | | | | | ~~(S//OC/NF)~~ |]

[77] [CIA | [redacted] 13758 | [redacted] | | | | ~~(S/~~[redacted]~~NF)~~ |]

[78] [CIA | [redacted] 13765 | [redacted] | | | | ~~(S/~~[redacted]~~NF)~~ |]

[79] [CIA | [redacted] 13785 | [redacted] | | | | ~~(S~~[redacted]~~NF)~~ |]

[80] [CIA | ALEC [redacted] | 18 Mar 2003 | | | | | ~~(S~~[redacted]~~NF)~~ |]

[81] [CIA [redacted] | | | | ~~(S//NF)~~ |]

[82] [CIA [redacted] 13826 | | 19 Mar 2003 | | | | | ~~(S~~[redacted]~~NF)~~ |]

[83] [FBI | FBI WASH 040537Z | | 4 Apr 2003 | | | | | ~~(S//OC/NF)~~ |]

[84] [Other | SSCI Report Volume 2, Part 2, Page 605 | | 13 Dec 2012 | | | | | ~~(TS/~~[redacted]~~NF)~~ |]

[85] [CIA | ALEC [redacted] | 6 March 2003 | | | | | (~~S~~/[redacted]~~NF~~) |]

[86] The source the *Study* cites containing this statement was an internal CIA sitrep compiled daily by 4:30pm at the time for counterterrorism seniors at CIA; the reference to the Reid investigation came on page 10 of 15 pages of updates that day and must have come via some informal communication from FBI that was not otherwise documented.

[87] The *Study* references FBI WASHINGTON DC130555Z dated 13 July 2002 and FBI WASHINGTON DC152151Z dated 16 July 2002. The only other relevant communication was FBI WASHINGTON DC281958Z dated 29 August 2002, which was a follow-on to the others and indicated in relevant part that Belgian authorities "contacted the Leicester Constabulary in the UK [about Badad Sajid] and were told by officers in the Constabulary that Sajid was out of the country (NFI)."

[88] CIA advised FBI that the SajidBadat with whom Sajid might be identifiable was from Gloucester England, and his name and date-of-birth had appeared on a list of 68 persons characterized as "suspected of involvement in terrorist financing" provided [redacted] in October 2001. Otherwise there were no further references to Badat's name or variants thereof in CIA reporting until August 2003, [redacted]

[89] [CIA [redacted] | ~~(S//NF)~~ | ~~(S//NF)~~ |]

[90] [CIA [redacted] | (~~S~~/[redacted]~~NF~~) | (~~S~~/[redacted]~~NF~~) |]

[91] [CIA [redacted] | (~~S~~/[redacted]~~NF~~) | (~~S~~/[redacted]~~NF~~) |]

[92] KSM initially reported Reid's partner's alias as "Talha," not Issa, when he provided his shoe bomb narrative on 20 March 2003. KSM later corrected himself on 11 May 2003 and confirmed the operative's alias was in fact Issa. We note that KSM's correction came soon after the arrest of his nephew, Ammar al-Baluchi, on 29 April 2003, and assess KSM may have corrected this information knowing that Ammar had communicated with Issa on KSM's behalf and could refute KSM's initial claim that he went by the name Talha. This change was reflected in a reissue of the intelligence report, [redacted]

[93] [CIA [redacted] | 314/15752-03 | | ~~(S//NF)~~ | ~~(S//NF)~~ |]

[94] [CIA [redacted] | 315/31329-03 | | (~~S~~/[redacted]~~NF~~) | (~~S~~/[redacted]~~NF~~) |]

[95] The provision of this photograph [redacted] dated 03 September 2003. KSM's identification was reported in [redacted] 12806 dated 10 September 2003 and highlighted in Alec [redacted]

[96] [CIA [redacted] | | ~~(S//OC/NF)~~ | ~~(S//OC/NF)~~ |]

[97] See CIA's response to the SSCI report's finding on Issa al-Hindi for further details on the essential role information from detainees in CIA custody played in sparking efforts to identify, track, capture, [redacted] Abu Talha al-Pakistani.

[98] See [redacted] and [redacted]

[99] [CIA [redacted] 13678 | | [redacted] | | | | | (~~S~~/[redacted]~~NF~~) |]

[100] [CIA [redacted] | ~~(S//NF)~~ | ~~(S//NF)~~ |]

[101] [CIA [redacted] 81697 | [redacted] | | | | ~~(S//NF)~~ |]

[102] [CIA [redacted] | 315/35476-03 | | ~~(S/[redacted]/NF)~~ | ~~(S/[redacted]NF)~~ |]

[103] [CIA [redacted] | 315/41022-03 | | ~~(S/[redacted]/NF)~~ | ~~(S/[redacted]NF)~~ |]

[104] [redacted]

[105] [CIA [redacted] 40915 | [redacted] | | | | ~~(S/[redacted]NF)~~ |]

[106] [CIA [redacted] | ~~(S/[redacted]NF)~~ | ~~(S/[redacted]/NF)~~ |]

[107] [CIA [redacted] | ~~(S/[redacted]/NF)~~ | ~~(S/[redacted]NF)~~ |]

[108] [redacted]

[109] [CIA | DIRR [redacted] | [redacted] | ~~(S/[redacted]NF)~~ | ~~(S[redacted]/NF)~~ |]

[110] [CIA | DIRR [redacted] | [redacted] AND KHALID SHAYKH MOHAMMAD | | ~~(S/[redacted]NF)~~ | ~~(S/[redacted]NF)~~ |]

[111] [CIA | DIRR [redacted] [redacted] | ~~(S/[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[112] [CIA | ALEC [redacted] | | | | ~~(S[redacted]NF)~~ | ~~(S/[redacted]NF)~~ |]

[113] [CIA [redacted] 64626 | | 13 September 2001 | | NAMES OF THREE KABUL BASED USAMA BIN LADIN ASSOCIATES RESPONSIBLE FOR THE 11 SEPTEMBER ATTACKS IN THE UNITED STATES | | ~~(TS/[redacted]NF)~~ | ~~(TS/[redacted]NF)~~ |]

[114] [CIA | [redacted] 16218 | [redacted] | BACKGROUND INFORMATION ON THE 11 SEPTEMBER ATTACKS, THE BOMBING OF THE US EMBASSY NAIROBI AND THE ATTACK ON THE USS COLE; SENIOR AL-QA'IDA LIEUTENANT STATES A PREVIOUSLY PLANNED OPERATION LARGER THAN THE SEPTEMBER 11 ATTACKS WOULD BE EXECUTED AGAINST THE UNITED STATES | | ~~(TS/[redacted]NF)~~ | ~~(TS/[redacted]NF)~~ |]

[115] For example, we also had reporting that Abu Zubaydah and other al-Qa'ida associates were in touch with a Mukhtar in Saudi ARabi'a, and another in Qatar in early 2001.

[116] [CIA | WASHINGT [redacted] | | BACKGROUND INFORMATION ON MAHFOUD OULD EL WALID AKA ABU HAFS THE MAURITANIAN | | ~~(TS/[redacted]/NF)~~ | ~~(TS/[redacted]NF)~~ |]

[117] [redacted]

[118] [CIA [redacted] 12249 | | 09/09/2002 | | HASSAN GUL - TIGHTENING THE NOOSE | | ~~(S/[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[119] [CIA [redacted] | TERRORISM: ADDITIONAL DETAILS OF KARACHI-BASED AL-QA'IDA OPERATIVE HASSAN GUL | | ~~(S/[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[120] [CIA | ALEC [redacted] | 08/29/2002 | | ABU ZUBAYDAH INFORMATION ON LEADS TO POSSIBLE LOCATIONS OF SAYF AL-'ADL AND SHAYKH BIN LADIN | | ~~(S/[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[121] [CIA [redacted] 12207 | | 09/05/2002 | [redacted]

[122] [CIA | [redacted] 12207 | | 09/05/2002 | [redacted]

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[123] [CIA [redacted]12267 | | 09/11/2002 | | COUNTERTERRORIST OPERATIONS IN KARACHI ON 11 SEPTEMBER; TAKEDOWN OF THREE TERRORIST SAFEHOUSES; CAPTURE OF 10 AL-QA'IDA ASSOCIATED EXTREMISTS INCLUDING UMAIR AL-GHARIB AND RAMZI BIN AL-SIB (HIGH PROBABILITY) | | ~~(S/~~[redacted]~~NF)~~ | ~~(S~~[redacted]~~NF)~~ |]

[124] [CIA [redacted]

[125] [CIA [redacted]20790 | | 21 September 2002 | | BINALSHIBH DEBRIEFINGS: RAMZI PROVIDES NEW INFORMATION ON MUKHTAR AND ADMITS HE LIED TO US INTERROGATORS | | ~~(S/~~[redacted]~~NF)~~ | ~~(S/~~[redacted]~~NF)~~ |]

[126] [CIA | [redacted]20823 | | 25 September 2002 | 24 September 2002 | RAMZI BINALSHIBH IDENTIFICATION OF AMAR | | ~~(S/~~[redacted]~~/NF)~~ | ~~(S/~~[redacted]~~NF)~~ |]

[127] [CIA | ALEC [redacted] | 09/30/2002 | | IDENTIFYING AMMAR | | ~~(S~~[redacted]~~NF)~~ | ~~(S/~~[redacted]~~NF)~~ |]

[128] [CIA | ALEC [redacted] | 09/30/2002 | | IDENTIFYING AMMAR | | ~~(S~~[redacted]~~NF)~~ | ~~(S/~~[redacted]~~NF)~~ |]

[129] [CIA | ALEC [redacted] | FURTHER IDENTIFICATION OF AMMAR | | | ~~(S/~~[redacted]~~NF)~~ |]

[130] [CIA [redacted]

[131] [CIA [redacted]

[132] [CIA [redacted]

[133] [CIA [redacted]

[134] [CIA [redacted] | | | | ~~(S//NF)~~ |]

[135] [CIA [redacted]41714 | | 6 March 2003 | | | | | ~~(S~~[redacted]~~NF)~~ |]

[136] [CIA [redacted] | | | | ~~(S/~~[redacted]~~NF)~~ |]

[137] [CIA [redacted]71107 | | 13 April 2004 | | | | | ~~(S~~[redacted]~~NF)~~ |]

[138] [CIA [redacted]71932 | | 14 May 2004 | | | | | ~~(S/~~[redacted]~~NF)~~ |]

[139] [CIA [redacted]231804 | | 14 May 2004 | | | | | ~~(TS/~~[redacted]~~NF)~~ |]

[140] [CIA | WASHINGTON [redacted] | | | | | ~~(S/~~[redacted]~~NF)~~ |]

[141] [CIA | ALEC [redacted] | | | | | ~~(S~~[redacted]~~/NF)~~ |]

[142] [CIA [redacted]14366 | | 20040624 | | | | | ~~(S~~[redacted]~~NF)~~ |]

[143] [CIA | ALEC [redacted] | | | | | ~~(S/~~[redacted]~~NF)~~ |]

[144] [CIA [redacted]14366 | | 20040624 | | | | | ~~(S/~~[redacted]~~NF)~~ |]

[145] [CIA [redacted]2587 | | 24 August 2009 | | | | | ~~(TS~~[redacted]~~/NF)~~ |]

[146] [CIA [redacted]1530 | GUIDE ID: 1012/2rcfvv | 7 September 2006 | | | | | ~~(TS~~[redacted]~~/NF)~~ |]

[147] [Other | Report - Volume 2, Part 2, P. 925 | | 13 Dec 2012 | | | | | ~~(S~~[redacted]~~NF)~~ |]

[148] [CIA [redacted] | | | | ~~(S//NF)~~ |]

[149] [CIA | WASHINGT[redacted] | | | | ~~(TS/~~[redacted]~~NF)~~ |]

[150] [CIA [redacted] | | | | ~~(S//NF)~~ |]

[151] [CIA [redacted] | | | | ~~(S/~~[redacted]~~NF)~~ |]

[152] [CIA [redacted] | | | | ~~(S/~~[redacted]~~NF)~~ |]

[153] [CIA | CTC 2004-30098HC | | 6 August 2004 | | The Homeland Plot: What We Still Need to Learn | | ~~(TS~~[redacted]~~NF)~~ | ~~(TS~~[redacted]~~NF)~~ |]

[154] [CIA | CTC 2004-30064H | GUIDE ID: 1012/41rb1j | 12 July 2004 | | Al-Qa'ida Aiming for Homeland Strike Ahead of US Election: The Origins of the Plot | | ~~(S~~[redacted]~~NF)~~ | ~~(S/~~[redacted]~~NF)~~ |]

[155] [CIA | CTC 2004-3011H | | 15 September 2004 | | Time is Running Out to Stop Al-Qa'ida's Attack on the Homeland | | ~~(S~~[redacted]~~NF)~~ | ~~(S/~~[redacted]~~NF)~~ |]

[156] [CIA | CTC 2005-30001H | GUIDE ID: 1012/6shg | 8 January 2005 | | Al-Qa'ida's Efforts Against the US Homeland: Persistent and Resilient | | ~~(TS~~[redacted]~~NF)~~ | ~~(TS~~[redacted]~~NF)~~ |]

[157] [CIA | [redacted] 03023 | [redacted] | PLANS TO STRIKE THE UNITED STATES | | ~~(S/~~[redacted]~~NF)~~ | ~~(S~~[redacted]~~NF)~~ |]

[158] [CIA [redacted] | ~~(S~~[redacted]~~NF)~~ | ~~(S/~~[redacted]~~NF)~~ |]

[159] [CIA [redacted] | | ~~(S~~[redacted]~~NF)~~ | ~~(S~~[redacted]~~NF)~~ |]

[160] [CIA [redacted] | ~~(S~~[redacted]~~NF)~~ | ~~(S/~~[redacted]~~NF)~~ |]

[161] [CIA [redacted] | ~~(S~~[redacted]~~NF)~~ | ~~(S~~[redacted]~~NF)~~ |]

[162] [CIA [redacted] | ~~(S/~~[redacted]~~NF)~~ | ~~(S/~~[redacted]~~NF)~~ |]

[163] [CIA [redacted] | ~~(S//NF)~~ | ~~(S//NF)~~ |]

[164] [CIA [redacted] | ~~(S~~[redacted]~~NF)~~ | ~~(S~~[redacted]~~NF)~~ |]

[165] [CIA [redacted] | ~~(S~~[redacted]~~NF)~~ | ~~(S~~[redacted]~~NF)~~ |]

[166] [CIA [redacted] | ~~(S~~[redacted]~~NF)~~ | ~~(S~~[redacted]~~NF)~~ |]

[167] [CIA [redacted] | ~~(S~~[redacted]~~NF)~~ | ~~(S~~[redacted]~~NF)~~ |]

[168] [CIA [redacted] | ~~(S~~[redacted]~~NF)~~ | ~~(S~~[redacted]~~NF)~~ |]

[169] [CIA [redacted] | ~~(S//NF)~~ | ~~(S//NF)~~ |]

[170] [CIA [redacted]4267 | | 170646Z SEP 04 | | [redacted] | ~~(S~~[redacted]~~NF)~~ | ~~(S/~~[redacted]~~NF)~~ |]

[171] [CIA [redacted] 03023 | [redacted] | PLANS TO STRIKE THE UNITED STATES | | ~~(S~~[redacted]~~NF)~~ | ~~(S/~~[redacted]~~NF)~~ |]

[172] [CIA | HEADQUAR[redacted]04 | [redacted] | ~~(S[redacted]/NF)~~ | ~~(S[redacted]NF)~~ |]

[173] [CIA | HEADQUAR[redacted] | [redacted] | ~~(S[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[174] [CIA | HEADQUAR[redacted] | [redacted] | ~~(S[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[175] [CIA [redacted]1369 | [redacted] | [redacted] | ~~(S//OC/NF)~~ | ~~(S//OC/NF)~~ |]

[176] [CIA [redacted]03023 | [redacted] | PLANS TO STRIKE THE UNITED STATES | | ~~(S[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[177] [CIA [redacted] | ~~(S[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[178] [CIA [redacted] | ~~(S[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[179] [CIA [redacted] | ~~(S[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[180] [CIA [redacted] | ~~(S[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[181] [CIA [redacted] | ~~(S[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[182] [CIA [redacted] | ~~(S//NF)~~ | ~~(S//NF)~~ |]

[183] [CIA [redacted] | ~~(S[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[184] [CIA [redacted] | ~~(S[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[185] [CIA [redacted] | ~~(S[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[186] [CIA [redacted] | ~~(S[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[187] [CIA [redacted] | ~~(S[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[188] [CIA [redacted] | ~~(S//NF)~~ | ~~(S//NF)~~ |]

[189] [CIA | CTC 2004-30098HC | | 6 August 2004 | | The Homeland Plot: What We Still Need to Learn | | ~~(TS[redacted]NF)~~ | ~~(TS[redacted]/NF)~~ |]

[190] [CIA | CTC 2004-30064H | GUIDE ID: 1012/41rb1j | 12 July 2004 | | Al-Qa'ida Aiming for Homeland Strike Ahead of US Election: The Origins of the Plot | | ~~(S[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[191] [CIA | CTC 2004-3011H | | 15 September 2004 | | Time is Running Out to Stop Al-Qa'ida's Attack on the Homeland | | ~~(S[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

[192] [CIA | CTC 2005-30001H | GUIDE ID: 1012/6shg | 8 January 2005 | | Al-Qa'ida's Efforts Against the US Homeland: Persistent and Resilient | | ~~(TS[redacted]NF)~~ | ~~(TS[redacted]NF)~~ |]

[193] [CIA | HEADQUAR[redacted]04 | [redacted] | ~~(S[redacted]NF)~~ | ~~(S[redacted]NF)~~ |]

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[194] [CIA | HEADQUAR [redacted] | [redacted] | (~~S~~ [redacted] ~~NF~~) | (~~S~~ [redacted] ~~NF~~) |]

[195] [CIA | HEADQUAR [redacted] | [redacted] | (~~S~~ [redacted] ~~NF~~) | (~~S~~ [redacted] ~~NF~~) |]

[196] [CIA [redacted] 1369 | | [redacted] | [redacted] | ~~(S//OC/NF)~~ | ~~(S//OC/NF)~~ |]

[197] [Other | SSCI Report Executive Summary, Page 26 of 95 | | 13 Dec 2012 | | | | | (~~TS~~ [redacted] ~~NF~~) |]

[198] [CIA [redacted] | | | | (~~S//NF~~) |]

[199] [CIA [redacted] | | | | (~~S~~ [redacted] ~~NF~~) |]

[200] [FBI | FBI WASH 261909Z | | 26 March 2003 | | | | | (~~S//OC/NF~~) |]

[201] [FBI | FBI WASH 312109Z | | 1 April 2003 | | | | | (~~S//OC/NF~~) |]

[202] [redacted]

[203] [redacted]

[204] [CIA [redacted] | | | | (~~S~~ [redacted] ~~NF~~) |]

[205] [redacted]

[206] [redacted]

[207] [redacted]

[208] [redacted]

[209] [Other | SSCI Report, Volume 2, Part 2, Page 958 | | 13 December 2012 | | | | | (~~TS~~ [redacted] ~~NF~~) |]

[210] [Other | SSCI Report Volume 2, Part 2, Page 957 | | 13 Dec 2012 | | | | | (~~TS~~ [redacted] ~~NF~~) |]

[211] [Other | SSCI report, Volume 2, Part 2, Page 958 | | 2012 Dec 13 | | | | | (~~TS~~ [redacted] ~~/NF~~) |]

[212] [CIA | [redacted] 872897 | | 4 March 1993 | | | | | (~~S~~ [redacted] ~~NF~~) |]

[213] [CIA | [redacted] 67622 | | 10 March 1993 | | | | | (~~S~~ [redacted] ~~NF~~) |]

[214] [CIA | CIA WASH [redacted] | | | | | (~~S//OC/NF~~) |]

[215] [Other | SSCI Report Volume 2, Part 2, Page 960-961 | | 13 Dec 2012 | | | | | (~~TS~~ [redacted] ~~/NF~~) |]

[216] [CIA [redacted] 231584 | | 30 April 2002 | | | | | (~~S//OC/NF~~) |]

[217] [FBI | FBI WASH 271529Z | | 27 March 2003 | | | | | (~~S//OC/NF~~) |]

[218] [CIA [redacted] 13890 | [redacted] | | | | (~~S~~ [redacted] ~~NF~~) |]

[219] [FBI | Case file [redacted] | | | | | (~~S~~ [redacted] ~~NF~~) |]

[220] [FBI | Case file [redacted] | | | | | (~~S~~ [redacted] ~~/NF~~) |]

[221] [CIA [redacted] 771087 | | 9 October 2001 | | | | | (~~S~~ [redacted] ~~NF~~) |]

[222] [Other | Report, Volume 2, Part 2, Page 975 | | 13 December 2012 | | | | | (~~TS~~ [redacted] ~~/NF~~) |]

[223] [CIA | [redacted] | | | | ~~(S//OC/NF)~~ |]

[224] [CIA | ALEC [redacted] | | | | | ~~(TS/~~[redacted]~~/NF)~~ |]

[225] [CIA [redacted] 84094 | | 23 July 2002 | | | | | ~~(TS/~~[redacted]~~/NF)~~ |]

[226] [CIA | ALEC [redacted] | 11 January 2003 | | | | | ~~(TS~~[redacted]~~/NF)~~ |]

[227] [CIA | ALEC [redacted] | 11 January 2003 | | | | | ~~(TS/~~[redacted]~~/NF)~~ |]

[228] [CIA [redacted] 10884 | | 18 March 2003 | | | | | ~~(S/~~[redacted]~~/NF)~~ |]

[229] [CIA [redacted] | | | | ~~(S//NF)~~ |]

[230] [CIA [redacted]

[231] [CIA [redacted]

[232] [FBI | 4 201 3689 10 | 08/MAR/2010 | ~~(S//NF)~~ | CIRAS ID: 216005503]

[233] [CIA [redacted]

[234] [CIA [redacted] 65410 | | 072345Z MAR 02 | 072345Z MAR 02 | | | | ~~(S~~[redacted]~~/NF)~~ |]

[235] [CIA [redacted] 65410 | | 072345Z MAR 02 | 072345Z MAR 02 | | | | ~~(S/~~[redacted]~~/NF)~~ |]

[236] [CIA [redacted] 63482 | | 122041Z DEC 01 | 122041Z DEC 01 | | | | ~~(S/~~[redacted]~~/NF)~~ |]

[237] [CIA [redacted] 63806 | | 312043Z DEC 01 | 312043Z DEC 01 | | | | ~~(S/~~[redacted]~~/NF)~~ |]

[238] [CIA [redacted] | ~~(S//NF)~~ | ~~(S//NF)~~ |]

[239] **Hassan Ghul**, a Pakistani national, was an al-Qa'ida facilitator with strong ties to senior al-Qa'ida leaders, and acted as a conduit between Abu Mus'ab al-Zarqawi and senior al-Qa'ida's leaders in Pakistan and Afghanistan. Ghul was captured [redacted] in Northern Iraq on [redacted] January 2004 and transferred to CIA custody at [redacted] on [redacted] January 2004. He was subsequently transferred to [redacted] on [redacted] Jan 2004, [redacted] Ghul was subjected to EITs from [redacted] January 2004.

[240] [CIA [redacted]

[241] [CIA [redacted] 1285 | [redacted] | ~~(TS~~[redacted]~~/NF)~~ | CIRAS ID:]

[242] [CIA [redacted]

[243] [CIA | ALEC [redacted] February 2004 | ~~(S/~~[redacted]~~/NF)~~ | CIRAS ID:] Compilation of Hassan Ghul Comments on Enemy Presence and Activities in the Tribal Areas

[244] [CIA | ALEC [redacted] February 2004 | ~~(S~~[redacted]~~/NF)~~ | CIRAS ID:] Compilation of Hassan Ghul Comments on Enemy Presence and Activities in the Tribal Areas

[245] See CIA Office of Terrorism Analysis Intelligence Assessment: ***Al-Qa'ida Exploiting Pakistan's FATA (S//NF)*** 14 April 2004. CTC-2004-40033H (Note: this assessment was jointly prepared with CIA's Office of Transnational Issues); CIA OTA Assessment ***Al-Qa'ida Likely to Stay in Afghanistan Pakistan Border Region,*** 26 March 2004 CTC-2004-30027H, and CIA OTA Assessment: ***Al-Qa'ida's Shkai Sanctuary: A Venue for Anti-US Plotting*** CTC-2004-30084H.

[246] [CIA | ALEC [redacted] February 2004 | ~~(SECRET//OC/NF)~~ | CIRAS ID:]

[247] [CIA | ALEC [redacted] February 2004 | ~~(SECRET//OC/NF)~~ | CIRAS ID:]

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[248] [CIA | DIRECTOR [redacted] | ~~(S//OC/NF)~~ | CIRAS ID:]

[249] [CIA [redacted] 67575 | 6 May 2004 | ~~(S~~ [redacted] ~~NF)~~ | CIRAS ID: [redacted] is included in this cable as well

[250] [CIA [redacted] 67575 | 6 May 2004 | ~~(S~~ [redacted] ~~NF)~~ | CIRAS ID: [redacted] is included in this cable as well

[251] [CIA [redacted] 66803 | 2 April 2004 | ~~(S//OC/NF)~~ | CIRAS ID:]

[252] [CIA [redacted] | | | | ~~(S//NF)~~ |]

[253] [CIA [redacted] | | | | ~~(S~~ [redacted] ~~NF)~~ |]

[254] [CIA [redacted] | | | | ~~(S//NF)~~ |]

[255] [CIA [redacted] 29454 | | 13 July 2005 | | | | | ~~(TS~~ [redacted] ~~NF)~~ |]

[256] [CIA [redacted] 29920 | | 14 August 2005 | | | | | ~~(S~~ [redacted] ~~/NF)~~ |]

[257] [CIA | DIRR [redacted] | | | | | ~~(S~~ [redacted] ~~NF)~~ |]

[258] [CIA [redacted] 5594 | | 20 May 2007 | | | | | ~~(S~~ [redacted] ~~/NF)~~ |]

[259] [CIA [redacted]

[260] [CIA [redacted]

[261] [CIA [redacted] 29986 | 17 August 2005 | (OPS) | CIRAS ID:]

[262] [CIA [redacted]

[263] [CIA [redacted] | | | | ~~(S~~ [redacted] ~~/NF)~~ |]

[264] A native Arabic and Pashtu speaker, Ibrahim spoke with a speech impediment that made it sound as if he were mixing the two languages, [redacted]

[265] [CIA [redacted] | | | | ~~(S//NF)~~ |]

[266] [CIA [redacted] | | | | ~~(S//NF)~~ |]

[267] The other detainees are [redacted] Abu Faraj al-Libi, Khalid Shaykh Muhammad, and Abu Zubaydah.

[268] [CIA [redacted]

[269] [CIA [redacted] 2383 | 6 June 2005 [redacted] | CIRAS ID:]

[270] [CIA [redacted]

[271] [CIA [redacted]

[272] [CIA [redacted]

[273] [CIA [redacted]

[274] [CIA [redacted]

[275] [CIA [redacted] 2683 | | 6 June 2005 | | | | | ~~(S~~ [redacted] ~~NF)~~ |]

[276] [CIA [redacted]

[277] [CIA [redacted]

[278] [CIA [redacted]

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[279] [CIA [redacted]

[280] [CIA [redacted]

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