X. Appendix 3: Example of Inaccurate CIA Testimony to the Committee—April 12, 2007

Testimony of Michael V. Hayden, Director, Central Intelligence Agency
to the Senate Select Committee on Intelligence, April 12, 2007

<table>
<thead>
<tr>
<th>CIA Testimony</th>
<th>Sampling of Information in CIA Records</th>
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<td>DIRECTOR HAYDEN: “Now in June, after about four months of interrogation, Abu Zubaydah reached a point where he refused to cooperate and he shut down. He would not talk at all to the FBI interrogators and although he was still talking to CIA interrogators no significant progress was being made in learning anything of intelligence value. He was, to our eye, employing classic resistance to interrogation techniques and employing them quite effectively. And it was clear to us that we were unlikely to be able to overcome those techniques without some significant intervention.”</td>
<td>Abu Zubaydah was rendered to CIA custody on March 16, 2002. The CIA representation that Abu Zubaydah stopped cooperating with debriefers who were using traditional interrogation techniques is not supported by CIA records. In early June 2002, Abu Zubaydah’s interrogators recommended that Abu Zubaydah spend several weeks in isolation from interrogation while the interrogation team members traveled “as a means of keeping [Abu Zubaydah] off-balance and to allow the team needed time off for a break and to attend to personal matters,” as well as to discuss “the endgame” for Abu Zubaydah with officers from CIA Headquarters. As a result, Abu Zubaydah spent much of June 2002 and all of July 2002, 47 days in total, in isolation. When CIA officers next interrogated Abu Zubaydah, they immediately used the CIA’s enhanced interrogation techniques, including the waterboard. Prior to the 47 day isolation period, Abu Zubaydah provided information on al-Qa’ida activities, plans, capabilities, and relationships, in addition to information</td>
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2553 Transcript at DTS #2007-3158. The CIA’s June 2013 Response states: “We disagree with the Study’s conclusion that the Agency actively impeded Congressional oversight of the CIA Detention and Interrogation 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....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.” The CIA’s June 2013 Response states that the CIA has “identified a number of broad lessons learned” and includes eight recommendations. The CIA’s only recommendation related to Congress was: “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.”
on its leadership structure, including personalities, decision-making processes, training, and tactics. Abu Zubaydah provided this type of information prior to, during, and after the utilization of the CIA’s enhanced interrogation techniques.\textsuperscript{2554}

Abu Zubaydah’s inability to provide information on the next attack in the United States and operatives in the United States was the basis for CIA representations that Abu Zubaydah was “uncooperative,” and for the CIA’s determination that Abu Zubaydah required the use of the CIA’s enhanced interrogation techniques to become “compliant” and reveal the information the CIA believed he was withholding. At no point during or after the use of the CIA’s enhanced interrogation techniques did Abu Zubaydah provide the information sought.\textsuperscript{2555}

The CIA testimony that SWIGERT was deployed to “overcome what seemed to be Abu Zubaydah’s very strong resistance to interrogation” is not supported by internal CIA records. Rather, CIA records indicate that CIA CTC officers anticipated Abu Zubaydah would resist providing information and contracted with SWIGERT prior to any meaningful assessment of Abu Zubaydah and his level of cooperation.

- On April 1, 2002, at a meeting on the interrogation of Abu Zubaydah, [Dr. DUNBAR] recommended that SWIGERT—who was working under contract in the CIA’s OTS—be brought in to “provide real-time recommendations to overcome Abu Zubaydah’s resistance to interrogation.” (Abu Zubaydah had been in CIA custody for [censored].) That evening, SWIGERT, and the CIA OTS officer who had recommended SWIGERT to [censored], prepared a cable with suggestions for the interrogation of Abu Zubaydah. SWIGERT had monitored the U.S. Air Force’s Survival, Evasion, Resistance, and Evasion (SERE) training. SWIGERT, who had never conducted an actual interrogation, encouraged the CIA


\textsuperscript{2555} See Abu Zubaydah detainee review in Volume III.
to focus on developing “learned helplessness” in CIA detainees.\(^{2556}\)

- Following the suggestion of [CTC Legal], CTC contracted with SWIGERT to assist in the interrogation of Abu Zubaydah.

- As described in the Abu Zubaydah detainee review in Volume III, almost immediately after Abu Zubaydah’s transfer to CIA custody on March 20, 2002, Abu Zubaydah’s medical condition deteriorated and Abu Zubaydah was transferred to the intensive care unit of a [REDACTED] hospital in Country [REDACTED]. During this time, FBI personnel continued to collect significant intelligence from Abu Zubaydah. According to an FBI report, during the period when Abu Zubaydah was still “connected to the intubator” at the hospital and unable to speak, he “indicated that he was willing to answer questions of the interviewers via writing in Arabic.” While in the intensive care unit of the hospital, Abu Zubaydah first discussed “Mukhtar” (KSM) and identified a photograph of KSM.

- When Abu Zubaydah was discharged from the [REDACTED] hospital and returned to the CIA’s DETENTION SITE GREEN on April 15, 2002, he was kept naked, sleep deprived, and in a cell with bright lights with white noise or loud music playing. The FBI personnel objected to the coercive aspects of Abu Zubaydah’s interrogation at this time, as they believed they were making substantial progress building rapport with Abu Zubaydah and developing intelligence without these measures. (During their questioning of Abu Zubaydah, the FBI officers provided a towel for Abu Zubaydah to cover himself and continued to use rapport building techniques with the detainee.\(^{2557}\))

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\(^{2556}\) See Volume I, including [REDACTED] 178955 (012236Z APR 02); April 1, 2002 email from [REDACTED] to [REDACTED], re: Please coord on cable attached; and email from [REDACTED] to [REDACTED], cc: [REDACTED], April 1, 2002, re: POC for [SWIGERT]– consultant who drafted Al-Qa’ida resistance to interrogation backgrounder (noting that CTC/LGL would contact SWIGERT).

\(^{2557}\) See Abu Zubaydah detainee review in Volume III.
DIRECTOR HAYDEN: “We wanted [SWIGERT’s and DUNBAR’s] ideas about what approaches might be useful to get information from people like Abu Zubaydah and other uncooperative al-Qa’ida detainees that we judged were withholding time-sensitive, perishable intelligence. Keep in mind, as a backdrop for all of this, this wasn’t interrogating a snuffy that’s picked up on the battlefield. The requirement to be in the CIA detention program is knowledge of [an] attack against the United States or its interests or knowledge about the location of Usama bin Ladin or Ayman al-Zawahiri.”

DIRECTOR HAYDEN: “We began in 2002, in the spring of 2002. We had one very high value detainee, Abu Zubaydah. We knew he knew a lot. He would not talk. We were going nowhere with him. The decision was made, we’ve got to do something. We’ve got to have an intervention here. What is it we can do?”

The representation that the “requirement to be in the CIA detention program is knowledge of [an] attack against the United States or its interests or knowledge about the location of Usama bin Ladin or Ayman al-Zawahiri” is inconsistent with how the CIA’s Detention and Interrogation Program operated from its inception. As detailed elsewhere, numerous individuals had been detained and subjected to the CIA’s enhanced interrogation techniques, despite doubts and questions surrounding their knowledge of terrorist threats and the location of senior al-Qa’ida leadership.

The representation that Abu Zubaydah “would not talk” is incongruent with CIA interrogation records. The CIA representation that the CIA “knew [Abu Zubaydah] knew a lot” reflected an inaccurate assessment of Abu Zubaydah from 2002, prior to his capture, and did not represent the CIA’s assessment of Abu Zubaydah as of the April 2007 testimony.

- Prior to Abu Zubaydah’s capture, the CIA had intelligence stating that Abu Zubaydah was the “third or fourth” highest ranking al-Qa’ida leader. This information was based on single-source reporting that was retracted in July 2002—prior to Abu Zubaydah being subjected to the CIA’s enhanced interrogation techniques. Other intelligence in CIA databases indicated that Abu Zubaydah was not a senior member of al-Qa’ida, but assisted al-Qa’ida members in acquiring false passports and other travel documents. Still other reporting indicated that, while Abu Zubaydah served as an administrator at terrorist training camps, he was not the central figure at these camps.

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2558 See Volume I for additional details.
After Abu Zubaydah was subjected to the CIA’s enhanced interrogation techniques in August 2002, the chief of Base at DETENTION SITE GREEN wrote: “I do not believe that AZ was as wired with al-Qa’ida as we believed him to be prior to his capture.”

In August 2006, the CIA published an assessment that concluded that “misconceptions” about Afghanistan training camps with which Abu Zubaydah was associated had resulted in reporting that “miscast Abu Zubaydah as a ‘senior al-Qa’ida lieutenant.’” The assessment concluded that “al-Qa’ida rejected Abu Zubaydah’s request in 1993 to join the group.”

CIA representations that interrogators “were going nowhere with [Abu Zubaydah]” prior to the use of the CIA’s enhanced interrogation techniques are also incongruent with CIA records.

Prior the use of the CIA’s enhanced interrogation techniques, Abu Zubaydah provided information on al-Qa’ida activities, plans, capabilities, relationships, leadership structure, personalities, decision-making processes, training, and tactics. Abu Zubaydah provided this type of information prior to, during, and after the utilization of the CIA’s enhanced interrogation techniques.

A quantitative review of Abu Zubaydah’s disseminated intelligence reporting indicates that more intelligence reports were disseminated from Abu Zubaydah’s first two months of interrogation—prior to the use of the CIA’s enhanced interrogation techniques—than were derived during the two-month period during and after the use of the CIA’s enhanced interrogation techniques.

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2559 Email from: [REDACTED] (outgoing Chief of Base at DETENTION SITE GREEN): to: [REDACTED] subject: “Assessment to Date” of AZ; date: 10/06/2002, at 05:36:46 AM.
2561 See Abu Zubaydah detainee review in Volume III, including monthly intelligence reporting charts.
**CIA’s Enhanced Interrogation Techniques and the SERE School**

| DIRECTOR HAYDEN: “After lengthy discussion, [Dr. SWIGERT] suggested that we might use the interrogation approaches that had been, for years, safely used at the DOD survival school -- in other words, the interrogation techniques that we were training our airmen to resist. Those techniques have been used for about 50 years, with no significant injuries.” | The CIA consistently represented that the CIA’s enhanced interrogation techniques were the same as the techniques used in the U.S. Department of Defense SERE school. However, CIA interrogation records indicate there were significant differences in how the techniques were used against CIA detainees. For example, a letter from the assistant attorney general to the CIA general counsel highlighted the statement in the Inspector General Special Review that the use of the waterboard in SERE training was “so different from subsequent Agency usage as to make it almost irrelevant.”

| VICE CHAIRMAN BOND: “And the techniques you are using are boiled down, is it true, from the SERE school?” | Prior to the use of the CIA’s enhanced interrogation techniques against Abu Zubaydah, the chief of Base at the detention site identified differences between how the SERE techniques were applied in training, and how they would be applied to Abu Zubaydah:

> “while the techniques described in Headquarters meetings and below are administered to student volunteers in the U.S. in a harmless way, with no measurable impact on the psyche of the volunteer, we do not believe we can assure the same here for a man forced through these processes and who will be made to believe this is the future course of the remainder of his life... personnel will make every effort possible to insure [sic] that subject is not permanently physically or mental harmed but we should not say at the outset of this process that there is no risk.”

| DIRECTOR HAYDEN: “All of them are techniques that have been used in the SERE school, that’s right, Senator.” | Department of Justice Approval

| DIRECTOR HAYDEN: “This list of recommended techniques then went to the Department of Justice for their opinion regarding whether or not the

As described in this summary, the August 1, 2002, Department of Justice OLC memorandum relied on inaccurate information provided by the CIA concerning Abu Zubaydah’s position in al-Qa’ida and the interrogation team’s assessment of whether Abu Zubaydah...
techniques were lawful. DOJ returned a legal opinion that the 13 techniques were lawful, didn’t constitute torture, and hence could be employed for CIA interrogations. was withholding information about planned terrorist attacks.

The OLC memorandum, which stated that it was based on CIA-provided facts and would not apply if facts were to change, was also specific to Abu Zubaydah. The CIA nonetheless used the OLC memorandum as the legal basis for applying its enhanced interrogation techniques against other CIA detainees.2565

**Resistance Training**

VICE CHAIRMAN BOND: “How far down the line [does al-Qa’ida] train [its] operatives for interrogation resistance?”

DIRECTOR HAYDEN: “I’m getting a nod from the experts, Senator, that it’s rather broadly-based.”

VICE CHAIRMAN BOND: “So even if you captured the al-Qa’ida facilitator, probably the army field manual stuff are things that he’s already been trained on and he knows that he doesn’t have to talk.”

DIRECTOR HAYDEN: “We would expect that, yes, Senator.”

A review of CIA records on this topic identified no records to indicate that al-Qa’ida had conducted “broadly-based” interrogation resistance training. The CIA repeatedly represented that Abu Zubaydah “wrote al Qaeda’s manual on resistance techniques.”2567 This representation is also not supported by CIA records. When asked about interrogation resistance training, Abu Zubaydah stated:

“... both Khaldan camp and Faruq [terrorist training] camp at least periodically included instruction in how to manage captivity. He explained that in one instance, Khaldan had an Egyptian who had collected and studied information from a variety of sources (including manuals and people who had been in ‘different armies’). This Egyptian ‘talked to the brothers about being strong’ and ‘not talking.’ Abu Zubaydah’s response to this

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2565 “Our advice is based upon the following facts, which you have provided to us. We also understand that you do not have any facts in your possession contrary to the facts outlined here, and this opinion is limited to these facts. If these facts were to change, this advice would not necessarily apply.” (See Memorandum for John Rizzo, Acting General Counsel, Central Intelligence Agency, from Jay Bybee, Assistant Attorney General, Office of Legal Counsel, August 1, 2002, Interrogation of al Qaeda Operative (DTS #2009-1810, Tab 1).) CIA records indicate that it was not until July 29, 2003, that the Attorney General stated that the legal principles of the August 1, 2002, memorandum could be applied to other CIA detainees. (See June 18, 2004, letter from Assistant Attorney General Jack L. Goldsmith III to Director Tenet (DTS #2004-2710).) In a subsequent interview with the OIG, however, CTC Legal, stated that “every detainee interrogated is different in that they are outside the opinion because the opinion was written for Zubaydah.” The context for Zubaydah’s statement was the legality of the waterboarding of KSM. See Interview of [REDACTED], by [REDACTED], [REDACTED], and [REDACTED], Office of the Inspector General, August 20, 2003.

2566 Other CIA attendees at the hearing included John Rizzo, and [REDACTED], former CTC Legal, attended for the ODNI.

2567 Memorandum for John Rizzo, Acting General Counsel, Central Intelligence Agency, from Jay Bybee, Assistant Attorney General, Office of Legal Counsel, August 1, 2002, Interrogation of al Qaeda Operative (DTS #2009-1810, Tab 1).
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was to take him aside—out of the view of the brothers—and explain to him that it was more important to have a ‘super plan—not expect a superman.’

Abu Zubaydah explained that he informed trainees at the training camp that “no brother” should be expected to hold out for an extended time,” and that captured individuals will provide information in detention. For that reason, the captured individuals, he explained, should “expect that the organization will make adjustments to protect people and plans when someone with knowledge is captured.”

CIA Interrogators, U.S. Military Interrogators, and the Army Field Manual

DIRECTOR HAYDEN: “All those involved in the questioning of detainees have been carefully chosen and carefully screened.” The average age of our officers interrogating detainees is 43. Once they are selected, they must complete more than 250 hours of specialized training for this program before they are allowed to come face-to-face with a

This CIA testimony is incongruent with internal CIA records and the operational history of the program.

- On November 1, 2002, after the completion of the first formal interrogation training class, CTC Legal, asked CTC attorney to “[m]ake it known that from now on, CTC/LGL must vet all personnel who are enrolled in, observing or teaching – or otherwise associated with – the class.”

The chief of CTC, Jose Rodriguez, objected to this approach, stating: “I do not think that CTC/LGL should or would want to get

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2568 10496 (162014Z FEB 03). On July 25, 2002, a CIA Headquarters cable stated that Abu Zubaydah was the “author of a seminal al-Qa’ida manual on resistance to interrogation techniques.” (See DIRECTOR (251609Z JUL 02)). As a result of an ACLU lawsuit, in April 2010, the CIA released a document stating that Abu Zubaydah was the “author of a seminal al-Qa’ida manual on resistance to interrogation techniques.” (See ACLU release entitled, “CIA Interrogation of AZ Released 04-15-10.”) No CIA records could be identified to support this CIA assessment.

2569 10496 (162014Z FEB 03)

The CIA’s June 2013 Response states that “[w]e concede that prior to promulgation of DCI 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.” CIA records indicate that the first interrogator training course was established in November 2002. General Hayden became the CIA Director on May 30, 2006. After this time two CIA detainees entered CIA custody, one of whom was subjected to the CIA’s enhanced interrogation techniques.

2570 Email from: [REDACTED]; to: [REDACTED]; cc: Jose Rodriguez, [REDACTED], [REDACTED]; subject: EYES ONLY; date: November 1, 2002, at 03:13:01 PM. As described above, Gul Rahman likely froze to death at DETENTION SITE COBALT sometime in the morning of November 1, 2002. [REDACTED]’s email, however, appears to have been drafted before the guards had found Gul Rahman’s body and before that death was reported to CIA Headquarters. See [REDACTED] 30211 describing the guards observing Gul Rahman alive in the morning of November 1, 2002. Gul Rahman’s death appeared in cable traffic at least [REDACTED] after [REDACTED]’s email. No records could be identified to provide the impetus for [REDACTED]’s email.
terrorist. And we require additional field work under the direct supervision of an experienced officer before a new interrogator can direct an interrogation.”

DIRECTOR HAYDEN: “The Army field manual was also written to guide the conduct of a much larger, much younger force that trains primarily to detain large numbers of enemy prisoners of war. That’s not what the CIA program is.”

DIRECTOR HAYDEN: “[The Army Field Manual has] got to be done by hundreds and hundreds of teenagers in battlefield tactical situations.”

SENATOR JOHN WARNER: “Without the benefit of a tenth of the training of your professionals.”

DIRECTOR HAYDEN: “Exactly.”

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into the business of vetting participants, observers, instructors or others that are involved in this program. It is simply not your job. Your job is to tell all what are the acceptable legal standards for conducting interrogations per the authorities obtained from Justice and agreed upon by the White House.”

Contrary to CIA Director Hayden’s comments and Statement for the Record that “[all] those involved in the questioning of detainees are carefully chosen and screened for demonstrated professional judgment and maturity,” CIA records suggest that the vetting sought by did not take place. The Committee reviewed CIA records related to several CIA officers and contractors involved in the CIA’s Detention and Interrogation Program, most of whom conducted interrogations. The Committee identified a number of personnel whose backgrounds include notable derogatory information calling into question their eligibility for employment, their access to classified information, and their participation in CIA interrogation activities. In nearly all cases, the derogatory information was known to the CIA prior to the assignment of the CIA officers to the Detention and Interrogation Program. This group of officers included individuals who, among other issues, had engaged in inappropriate detainee interrogations, had workplace anger management issues, and had reportedly admitted to sexual assault.

- Director Hayden’s testimony on the required hours of training for CIA interrogators is inconsistent with the early operational history of the program. Records indicate that CIA officers and contractors who conducted CIA interrogations in 2002 did not undergo any interrogation training. The first interrogator training course, held in November 2002, required approximately 65 hours of classroom and operational

2571 In addition, [REDACTED], Former Chief, CTC, testified: “First off, we have thirteen interrogators and, of that thirteen, eleven are contract employees of ours, and they’ve all been through the screening process, they’ve all been through our vetting process, and they are certainly more than qualified. They are probably some of the most mature and professional people you will have in this business.”

2573 Email from Jose Rodriguez to: [REDACTED], CTC/LGL; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED]. subject: EYES ONLY; date: November , 2002, at 04:27 PM.

2574 For additional detailed information, see Volume III.
The initial training was designed and conducted by [REDACTED], who had been sanctioned for using abusive interrogation techniques in the 1980s, and [REDACTED], who had never been trained in, or conducted interrogations. In April 2003, [CIA OFFICER 1] was certified as an interrogator after only a week of classroom training. In 2003, interrogator certification required only two weeks of classroom training (a maximum of 80 hours) and 20 additional hours of operational training and/or actual interrogations.

Other Members of the Interrogation Team

This testimony is incongruent with CIA records, for example:

- During the interrogation of Abu Zubaydah, CIA personnel at DETENTION SITE GREEN objected to the continued use of the CIA’s enhanced interrogation techniques against Abu Zubaydah, stating that it was “highly unlikely” Abu Zubaydah possessed the threat information CIA Headquarters was seeking. When the interrogation team made this assessment, they stated that the pressures being applied to Abu Zubaydah approached “the legal limit.” CIA Headquarters directed the interrogation team to continue to use the CIA’s enhanced interrogation techniques and instructed the team to refrain from using “speculative language as to the legality of given activities” in CIA cables.

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2576 DIRECTOR [REDACTED] APR 03)
2578 See [REDACTED] 10604 (091624Z AUG 02) and [REDACTED] 10607 (100335Z AUG 02). In an email, the former SERE psychologists on contract with the CIA, who largely devised the CIA enhanced interrogation techniques, wrote that Abu Zubaydah stated he was “ready to talk” the first day after they used the CIA’s techniques. Speaking specifically of the waterboard technique, they wrote, “As for our buddy; he capitulated the first time. We chose to expose him over and over until we had a high degree of confidence he wouldn’t hold back. He said he was ready to talk during the first exposure.” See email from: [REDACTED]; subject: “Re: [SWIGERT and DUNBAR]”; date: August 21, 2002, at 10:21 PM.
2579 [REDACTED] 10607 (100335Z AUG 02)
2580 Email from: Jose Rodriguez; to: [REDACTED]; subject: “[DETENTION SITE GREEN],” with attachment of an earlier email from: [REDACTED]; to: [REDACTED]; date: August 12, 2002. See also the section on Abu Zubaydah’s interrogation in this summary and the Abu Zubaydah detainee review in Volume III.
During the KSM interrogation sessions, the CIA chief of Base directed that the medical officer at the detention site not directly contact CIA Headquarters via the CIA’s classified internal email system, to avoid establishing “grounds for further legal action.” Instead, the chief of Base stated that any information on KSM’s interrogations would be first reviewed by the chief of Base before being released to CIA Headquarters. Prior to KSM’s third waterboard session of March 13, 2003, the on-site medical officer raised concerns that the session would exceed the limits of draft OMS guidelines for the waterboard. The waterboard session was conducted after an approval email from a CTC attorney at CIA Headquarters. The medical officer would later write that “[t]hings are slowly evolving from [sic] medical officers being viewed as the institutional conscience and the limiting factor to the ones who are dedicated to maximizing the benefit in a safe manner and keeping everyone’s butt out of trouble.”

As was the case with several other CIA detainees, ‘Abd al-Rahim al-Nashiri was repeatedly subjected to the CIA’s enhanced interrogation techniques at the direction of CIA Headquarters, despite opposition from CIA interrogators.

The CIA Inspector General Special Review states that CIA “psychologists objected to the use of on-site
SENATOR SNOWE: “Did any CIA personnel express reservations about being engaged in the interrogation or these techniques that were used?”
DIRECTOR HAYDEN: “I’m not aware of any. These guys are more experienced. No.”

This statement is incongruent with CIA records. For example, from August 4, 2002, through August 23, 2002, the CIA subjected Abu Zubaydah to its enhanced interrogation techniques on a near 24-hour-per-day basis. The non-stop use of the CIA’s enhanced interrogation techniques was disturbing to CIA personnel at DETENTION SITE GREEN. These CIA personnel objected to the continued use of the CIA’s enhanced interrogation techniques against Abu Zubaydah, but were instructed by CIA Headquarters to continue using the techniques. The interrogation using the CIA’s enhanced techniques continued more than two weeks after CIA personnel on site questioned the legality “of escalating or even maintaining the pressure” on Abu Zubaydah. CIA records include the following reactions of CIA personnel expressing “reservations about being engaged in the interrogations” and the use of the techniques:

- August 5, 2002: “want to caution [medical officer] that this is almost certainly not a place he’s ever been before in his medical career... It is visually and psychologically very uncomfortable.”

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2588 Email from: [REDACTED]; to: [REDACTED], [REDACTED]; subject: Re: Monday; date: August 5, 2002, at 05:35AM.
• August 8, 2002: “Today’s first session... had a profound effect on all staff members present... it seems the collective opinion that we should not go much further... everyone seems strong for now but if the group has to continue... we cannot guarantee how much longer.”

• August 8, 2002: “Several on the team profoundly affected... some to the point of tears and choking up.”

• August 9, 2002: “two, perhaps three [personnel] likely to elect transfer” away from the detention site if the decision is made to continue with the enhanced interrogation techniques.

• August 11, 2002: Viewing the pressures on Abu Zubaydah on video “has produced strong feelings of futility (and legality) of escalating or even maintaining the pressure.” With respect to viewing the interrogation tapes, “prepare for something not seen previously.”

The chief of CTC, Jose Rodriguez—via email— instructed the CIA interrogation team to not use “speculative language as to the legality of given activities” in CIA cable traffic. Shortly thereafter, circa December 2002, the CIA general counsel had a “real concern” about the lack of details in cables of what was taking place at CIA detention sites, noting that “cable traffic reporting was becoming thinner,” and that “the agency cannot monitor the situation if it is not documented in cable traffic.”

The CIA’s chief of interrogations—who provided training to CIA interrogators—expressed his view that there was
Reporting Abuses

DIRECTOR HAYDEN: “Any deviations from approved procedures and practices that are seen are to be immediately reported and immediate corrective action taken, including referring to the CIA Office of Inspector General and to the Department of Justice, as appropriate.”

This testimony is not supported by CIA records, for example:

- Multiple individuals involved in the interrogation of CIA detainee ‘Abd al-Rahim al-Nashiri failed to report inappropriate activity. With regard to the unauthorized use of a handgun and power drill to threaten al-Nashiri, one CIA interrogator stated he did not report the incidents because he believed they fell below the reporting threshold for the CIA’s enhanced interrogation techniques, while noting he did not receive guidance on reporting requirements. The chief of Base stated he did not report the incidents because he assumed the interrogator had CIA Headquarters’ approval and because two senior CIA officials had instructed him to scale back on reporting from the detention site to CIA Headquarters. The inappropriate activity was discovered during a chance exchange between recently arrived CIA Headquarters officials and security officers.  

- There were significant quantitative and qualitative differences between the waterboarding of KSM, as applied, and the description of the technique provided to the Department of Justice. Neither CIA interrogators nor CIA attorneys reported these deviations to the inspector general or the Department of Justice at the time.

- Additionally, CIA records indicate that at least 17 detainees were subjected to CIA enhanced interrogation techniques for which they were not approved.  

Detainee Statistics

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2597 See Volume III for details.
**Legal Basis for CIA Detention and Interrogation**

**DIRECTOR HAYDEN:** "What you have there is a matrix. On the lefthand side of the matrix are the names of the 30 individuals in the CIA program who have had any EITs used against them. Mr. Chairman and Vice Chairman and Members, you've heard me say this before. In the history of the program, we've had 97 detainees. Thirty of the detainees have had EITs used against them."

This testimony is inaccurate. At the time of this testimony, there had been at least 118 CIA detainees. CIA records indicate at least 38 of the detainees had been subjected to the CIA’s enhanced interrogation techniques.2598

2598 See Volume III for details. As discussed in this summary and in greater detail in the full Committee Study, on January 5, 2009, a CIA officer informed Director Hayden that additional CIA detainees beyond the 98 CIA detainees previously briefed to Congress had been identified. A CIA chart indicated there were “13 New Finds,” additional individuals who had been detained by the CIA, and that the new true number of CIA detainees was now at least 112. After the briefing with Director Hayden, the CIA officer sent a record of this interaction via email only to himself, which stated: “I briefed the additional CIA detainees that could be included in RDI numbers. DCIA instructed me to keep the detainee number at 98 -- pick whatever date I needed to make that happen but the number is 98.” (See email from: [REDACTED]; to [REDACTED]; subject: Meeting with DCIA; date: January 5, 2009, at 10:50 PM.) Shortly thereafter, the final draft of prepared remarks by Director Hayden to President-elect Obama’s national security team state: “There have been 98 detainees in the history of the CIA program.”

2599 Interrogators had asked CIA Headquarters for the assessments supporting the decision to subject Asadullah to the CIA’s enhanced interrogation techniques, noting that “it would be of enormous help to the interrogator to know what is concrete fact and what is good analysis.” (See 33963 34098 34812 34810.) In response, ALEC Station acknowledged that “[t]o be sure, our case that Asadullah should have a good sense of bin Ladin’s location is circumstantial.” (See ALEC 34310 34310.) The following day, interrogators commented that “it may be that he simply does not know the [locational information on AQ leaders].” See 34757 (101742Z MAR 03).

2600 Following al-Hawsawi’s first interrogation session, Chief of Interrogations asked CIA Headquarters for information on what al-Hawsawi actually “knows,” saying “he does not appear to be the [sic] be a person that is a financial mastermind. However, we lack facts with which to confront [al-Hawsawi]. What we need at this point is substantive information vice supposition.” See 34757 (101742Z MAR 03).

2601 Although CIA records include no requests or approval cables for the use of the CIA’s enhanced interrogation techniques, Abu Hudhaifa was subjected to ice water baths and 66 hours of standing sleep deprivation. He was released because the CIA discovered he was likely not the person he was believed to be. See WASHINGTON DC 51303 51303.
this program is knowledge of threat to the homeland or the interests of the United States or knowledge of location of 1 or 2.”

Arsala Khan,\(^{2602}\) ABU TALHA AL-MAGREBI\(^{2603}\) and ABU BAHAR AL-TURKI,\(^{2604}\) Janat Gul,\(^{2605}\) Ahmed Ghailani,\(^{2606}\) Sharif al-Masri,\(^{2607}\) and Sayyid Ibrahim.\(^{2608}\)

The CIA represented to the OLC that the CIA would only use its enhanced interrogation techniques against detainees who had knowledge of imminent threats or direct involvement in planning and preparing of terrorist actions. Not until July 20, 2007, more than three months after this testimony, did the OLC approve the use of the CIA’s enhanced interrogation techniques against detainees based

\(^{2602}\) CIA Headquarters initially resisted approving Arsala Khan’s capture because of a lack of information confirming that he was a “continuing threat.” (See email from: [REDACTED]; to: [REDACTED]; subject: Approval to Capture Arsala Khan; date: [REDACTED].) Despite doubts that Arsala Khan was the individual sought by the CIA, interrogators subjected him to the CIA’s enhanced interrogation techniques “to make a better assessment regarding [his] willingness to start talking, or assess if our subject is, in fact the man we are looking for.” (See email from: [REDACTED]; to: [REDACTED]; subject: Denial of Approval to Capture Arsala Khan; date: [REDACTED].)

\(^{2603}\) Authorization to use the CIA’s enhanced interrogation techniques against ABU TALHA AL-MAGREBI was sought in order to “identify inconsistencies in [ABU BAHAR AL-TURKI’S] story.” See email from: [REDACTED]; to: [REDACTED]; subject: derog information for ODDO on Talha, Ghailani, Hamza Rabi’a and Abu Faraj; date: August 10, 2004.

\(^{2604}\) The true names of these detainees have been replaced with the capitalized pseudonyms AL-MAGREBI and AL-TURKI. At the time the two detainees were rendered to CIA custody, the CIA was aware that they were then working for a foreign partner government. They were subjected to sleep deprivation and dietary manipulation until the CIA confirmed that the detainees had been trying to contact the CIA for weeks to inform the CIA of what they believed were pending al-Qa`ida terrorist attacks. After the CIA had determined that AL-MAGREBI and AL-TURKI should not be in CIA custody, the two detainees were held for additional months before they were released.

\(^{2605}\) Janat Gul’s CIA interrogators wrote: “Team does not believe [Gul] is withholding imminent threat information, however team will continue to press [Gul] for that during each session.” (See email from: [REDACTED]; to: [REDACTED]; subject: Derog Information for ODDO on Talha, Ghailani, Hamza Rabi’a and Abu Faraj; date: August 10, 2004.)

\(^{2606}\) The CIA’s assessment of Ghailani’s knowledge of terrorist threats was speculative. As one CIA official noted, “[a]lthough Ghailani’s role in operational planning is unclear, his respected role in al-Qa’ida and presence in Shkai as recently as October 2003 may have provided him some knowledge about ongoing attack planning against the United States homeland, and the operatives involved.” See email from: [REDACTED]; to: [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: derog information for ODDO on Talha, Ghailani, Hamza Rabi’a and Abu Faraj; date: August 10, 2004.

\(^{2607}\) As noted above, the credibility of the source implicating Sharif al-Masri, Janat Gul, and Ghailani’s connection to a pre-election plot was questioned by CIA officials prior to the application of the CIA’s enhanced interrogation techniques against the detainees. The source was later determined to have fabricated the information.

\(^{2608}\) Five days after interrogators began using the CIA’s enhanced interrogation techniques against Sayyid Ibrahim, interrogators cabled CIA Headquarters requesting information that would “definitively link [Ibrahim] to nefarious activity or knowledge by [Ibrahim] of known nefarious activities of al-Qa’ida members, if this is possible.” (See HEADQUARTERS; date: 1324 FEB 04.) Without receiving a response, they continued using the CIA’s enhanced interrogation techniques against Ibrahim. CIA Headquarters, which rejected an assessment from two CIA debriefers that Ibrahim was, “at best... a low-level facilitator,” would later indicate that it was “uncertain” he would meet the requirements for U.S. military or foreign government detention. (See HEADQUARTERS; date: 36843 36908.) Other detainees, Abd al-Karim and Abu Hazim, were subjected to the CIA’s enhanced interrogation techniques “in an attempt to more rapidly assess [their] knowledge of pending attacks, operational planning, and whereabouts of UBL.” See email from: [REDACTED]; to: [REDACTED]; subject: derog information for ODDO on Talha, Ghailani, Hamza Rabi’a and Abu Faraj; date: August 10, 2004.
on their suspected knowledge of the locations of UBL or Ayman al-Zawahiri.\textsuperscript{2609} Prior to July 20, 2007, in the case of at least six CIA detainees, the use of the CIA’s enhanced interrogation techniques was nonetheless predicated on the assessment that the detainees possessed “locational information” on senior HVTs, to include UBL or Ayman al-Zawahiri.\textsuperscript{2610}

### Intelligence Reporting from Overall Detainee Population

| DIRECTOR HAYDEN: “Since we began this in the summer of 2002, the 97 detainees have helped us by their testimony create 8,000 intelligence reports.” | CIA representations suggesting that every CIA detainee provided intelligence reporting are not supported by CIA records. A detailed reporting chart is provided in Volume II. CIA reporting records indicate that 34 percent of all CIA detainees produced no intelligence reports, and nearly 70 percent produced fewer than 15 intelligence reports. Of the 39 detainees who were, according to CIA records, subjected to the CIA’s enhanced interrogation techniques, nearly 20 percent produced no intelligence reports, while 40 percent produced fewer than 15 intelligence reports. |
| SENATOR SNOWE: “Of the 8,000 intelligence reports that were provided, as you said, by 30 of the detainees—” | |
| DIRECTOR HAYDEN: “By all 97, ma’am.”\textsuperscript{2611} |

\textsuperscript{2609} The OLC defined a High-Value Detainee as “a detainee who, until time of capture, we have reason to believe: (1) is a senior member of al-Qa’ida or an al-Qa’ida associated terrorist group (Jemaah Islamiyyah, Egyptian [sic] Islamic Jihad, al-Zarqawi Group, etc.); (2) has knowledge of imminent terrorist threats against the USA, its military forces, its citizens and organizations, or its allies; or that has/had direct involvement in planning and preparing terrorist actions against the USA or its allies, or assisting the al-Qa’ida leadership in planning and preparing such terrorist actions; and (3) if released, constitutes a clear and continuing threat to the USA or its allies.” (Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 10, 2005, Re: Application of 18 U.S.C. Sections 2340-2340A to Certain Techniques That May Be Used in the Interrogation of a High Value al Qaeda Detainee (DTS #2009-1810, Tab 9); Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 30, 2005, Re: Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May Be Used in the Interrogation of High Value Al Qaeda Detainees (DTS #2009-1810, Tab 11)). Memorandum for John A. Rizzo, Acting General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, July 20, 2007, Re: Application of the War Crimes Act, the Detainee Treatment Act, and Common Article 3 of the Geneva Conventions to Certain Techniques that May Be Used by the CIA in the Interrogation of High Value al Qaeda Detainees (DTS #2009-1810, Tab 14) (“The CIA informs us that it currently views possession of information regarding the location of Osama bin Laden or Ayman al-Zawahiri as warranting application of enhanced techniques, if other conditions are met.”) |

\textsuperscript{2610} Similar representations had been made by Director Hayden on September 6, 2006. Senator Bayh: “I was impressed by your statement about how effective the [CIA’s enhanced interrogation] techniques have been in eliciting important information to the country, at one point up to 50 percent of our information about al-Qa’ida. I think you said 9000 different intelligence reports?” Director Hayden: “Over 8000, sir.” Senator Bayh: “And yet...” |

\textsuperscript{2611} Similar representations had been made by Director Hayden on September 6, 2006. Senator Bayh: “I was impressed by your statement about how effective the [CIA’s enhanced interrogation] techniques have been in eliciting important information to the country, at one point up to 50 percent of our information about al-Qa’ida. I think you said 9000 different intelligence reports?” Director Hayden: “Over 8000, sir.” Senator Bayh: “And yet...”
## CIA Detainee Reporting and Captures of Terrorists

**DIRECTOR HAYDEN:**
“Detainee reporting has played a role in nearly every capture of key al-Qa’ida members and associates since 2002.”

The CIA consistently represented that the interrogation of CIA detainees using the CIA’s enhanced interrogation techniques resulted in critical and otherwise unavailable intelligence that led to the capture of specific terrorists, to include, among others: KSM, Majid Khan, Ramzi bin al-Shibh, Iyman Faris, Saleh al-Marri, Ammar al-Baluchi, Khalid bin Attash, Saleh Badat, and Dhiren Barot. These representations were inaccurate.

### The CIA’s Detention and Interrogation Program Led to the Capture of Hambali and the Karachi “Cell”

**DIRECTOR HAYDEN:** “March 2003, KSM gives us information about an al-Qa’ida operative, Majid Khan... KSM was aware that Majid had been recently captured. KSM, possibly believing that Khan was talking, admitted to having tasked Majid with delivering $50,000 to some of Hambali’s operatives in December 2002... So now we go to [Majid] Khan and we tell him, hey, your uncle just told us about the money. He acknowledged that he delivered the money to an operative named Zubair. He provided Zubair’s physical description and phone number. Based on that captured Zubair in June.”

The chronology provided in this testimony, which is consistent with other CIA representations, is inaccurate. Prior to KSM’s capture, in early January 2003, coverage of a known al-Qa’ida email account uncovered communications between the account and a former Baltimore, Maryland, resident, Majid Khan. The communications indicated that Majid Khan traveled to Bangkok for terrorist support activities and was in contact there with a “Zubair.”

By this time, the CIA had significant intelligence indicating that a “Zubair” played a central supporting role in Jemaah Islamiyah (JI), was affiliated with al-Qa’ida figures like KSM, had expertise in Southeast Asia, and was suspected of playing a role in Hambali’s October 12, 2002, Bali bombings. On March 6, 2003, the day after Majid Khan was captured (the capture was unrelated to CIA detainee reporting), and while being questioned by foreign government interrogators using rapport-building techniques, Majid Khan described how he traveled to Bangkok and provided $50,000 USD to Zubair at the behest of al-Qa’ida. Majid Khan’s physical description...
of Zubair matched previous intelligence reporting already collected on Zubair.\textsuperscript{2616}

When confronted with this information, KSM confirmed the reporting, but denied knowing Zubair.\textsuperscript{2617}

By May 2003, the CIA learned that a source the CIA had been developing, received a call from a phone number associated with Zubair. When the source was contacted by the CIA, he described a Malaysian man later, the source alerted the CIA that Zubair would be Acting on this information, Thai authorities, captured Zubair on June 8, 2003.

This testimony is incongruent with CIA records. Prior to entering the CIA's Detention and Interrogation Program, while still in foreign government custody, Zubair was questioned about his efforts to obtain fraudulent documents, as well as his phone contact with Zubair admitted to seeking illegal documents on behalf of Hambali, as well as using CIA detention records do not state what immediate investigative steps the CIA or Thai authorities took with regard to, although signals intelligence had indicated that Zubair had been in frequent contact with the company.\textsuperscript{2621}

After being rendered to CIA custody, Zubair was immediately subjected to the CIA's enhanced

\textsuperscript{2616} See intelligence chronology in Volume II. \textsuperscript{2617} See Director Hayden: "Zubair enters the program. During debriefing, Zubair reveals he worked directly for Hambali. He provides information on Hambali and a company." Excellent level of rapport." (See 13678 (070724Z MAR 03).) Records indicate that this information was also disseminated in FBI channels. See ALEC \textsuperscript{2621} See ALEC (072345Z MAR 03); 10755 (111455Z MAR 03), disseminated as 84783, 84837, 84876, 10866 (171832Z MAR 03). Prior to Majid Khan's reporting in foreign government custody, the CIA was aware from sources outside of the CIA detainee program that KSM had used couriers to transfer money to Hambali. Even while being questioned about such transfers, however, KSM made no mention of Majid Khan. See Director Hayden: (2519387; SEP 02); ALEC (072345Z MAR 03); 84783, 84837, 84876, 10866, 10879, 10865 (171648Z MAR 03).
DIRECTOR HAYDEN:
“Working with [an entity of a foreign government], we used that information to capture another Hambali lieutenant, a fellow named Lillie -- who is also on your list [of CIA detainees] -- who provided the location of Hambali. And that location information led us to his capture.”

In an operation that included surveillance of [Business Q], Hambali associate Amer was arrested on August 11, 2003. Amer was immediately cooperative and assisted in the arrest of Lillie hours later at approximately 6:00 PM. During his arrest, Lillie was found to have a key fob in his possession imprinted with an address of an apartment building in Ayutthaya, Thailand. In response to questioning, “within minutes of capture,” Lillie admitted that the address on the key fob was the address where Hambali was located. Less than four hours later, Hambali was captured at the address found on the key fob.

According to the chief of the CTC’s Southeast Asia Branch:

“[The CIA] stumbled onto Hambali. We stumbled onto the [source]... picking up the phone and calling his case officer to say there’s ...we really stumbled over it. It wasn’t police work, it

In response to this information, [Business Q] wrote, “Wow..this is just great... you guys are sooo closing in on Hmabali [sic].” See email from: , to: , and others; subject: “wohoo—hilitie for EA team pls...aliases for Hambali”; date: June 1, 2003, at 9:51:30 AM.

Lillie provided this information immediately and prior to entering CIA custody. See "Hambali Capture."
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### KSM, Hambali, and the Karachi “Cell” (the al-Ghuraba Group)

<table>
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<tr>
<th>DIRECTOR HAYDEN:</th>
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<td>“Bringing this story full circle, ‘Abdul al-Hadi then identifies a cell of JI operatives whom Hambali had sent to Karachi for another al-Qa’ida operation. We take this information from Abdul Hadi to his brother, Hambali. Hambali then admits that he was grooming members of the cell for a U.S. operation, at the guidance of KSM -- remember, this is where this started -- and we’re almost certain these were the guys trying to implement KSM’s plot to fly hijacked planes into the tallest buildings on the west coast of the United States.”</td>
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| CIA Director Hayden’s reference to “the guys trying to implement KSM’s plot to fly hijacked planes into the tallest buildings on the west coast of the United States,” is a reference to the al-Ghuraba student group and KSM’s “Second Wave” plotting detailed in this summary and in greater detail in Volume II. |

| A review of CIA records found that contrary to CIA representations, Hambali’s brother, ‘Abdul al-Hadi, aka Gunawan, who was in foreign government custody, did not identify a “cell of JI operatives whom Hambali had sent to Karachi for another al-Qa’ida operation.” He identified “a group of Malaysian and Indonesian students in Karachi” who were witting of his affiliation with Jemaah Islamiyah. CIA officers on site recalled other intelligence reporting indicating that KSM planned to use Malaysians in the “next wave of attacks,” connected it to Gunawan’s statements about Malaysian students, and reported that Gunawan had just identified “a group of 16 individuals, most all of whom are Malaysians.” Records indicate that it was this initial analysis that led the CIA to consider the group a KSM “cell” for the “next wave of attacks.” |

| While Hambali was being subjected to the CIA’s enhanced interrogation techniques, he was confronted about KSM’s efforts to find pilots, as well as information on the al-Ghuraba group—which the CIA assessed was a KSM “cell.” Hambali told his CIA interrogators “that some of the members of [the al-Ghuraba group] were destined to work for al-Qa’ida if everything had gone |

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2628 CIA Oral History Program Documenting Hambali capture, interview of [REDACTED], interviewed by [REDACTED], on November 28, 2005.


2630 | 15359 |

2631 | 15359 |

UNCLASSIFIED
according to plan,” and that “KSM told him to provide as many pilots as he could.”

Months later, on November 30, 2003, after three weeks of being questioned by a debriefer “almost entirely in Bahasa Indonesia,” Hambali admitted to fabricating information during the period he was being subjected to the CIA’s enhanced interrogation techniques. According to Hambali, he fabricated these claims “in an attempt to reduce the pressure on himself” and “to give an account that was consistent with what [Hambali] assessed the questioners wanted to hear.”

A November 30, 2003, cable noted that CIA personnel “assesse[d] [Hambali]’s admission of previous fabrication to be credible.” Hambali then consistently described “the al-Ghuraba organization” as a “development camp for potential future JI operatives and leadership, vice a JI cell or an orchestrated attempt by JI to initiate JI operations outside of Southeast Asia.” This description was consistent and corroborative of other intelligence reporting.

A wide body of intelligence reporting indicates that, contrary to CIA representations, the al-Ghuraba group was not “tasked” with, or witting, of any aspect of the “Second Wave” plotting.

While KSM’s reporting varied, KSM stated “he did not yet view the group as an operational pool from which to draft operatives.”

An October 27, 2006, CIA cable stated that “all of the members of the JI al-Ghuraba cell have been released,” while an April 18, 2008, CIA intelligence report referencing the al-Ghuraba group.

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2632 See the intelligence chronology in Volume II, including [REDACTED] 45953 (151241Z SEP 03) [REDACTED] 1323 (161749Z SEP 03).
2633 See intelligence chronology in Volume II. Although NSA signals intelligence was not provided for this Study, an April 2008 CIA intelligence report on the Jemaah Islamiya noted that the al-Ghuraba group “consisted of the sons of JI leaders, many of whom completed basic militant training in Afghanistan and Pakistan while enrolled at Islamic universities in Karachi,” and that this assessment was based on “signals intelligence and other reporting.” See CIA Intelligence Product entitled, “Jemaah Islamiya: Counterterrorism Scrutiny Limiting Extremist Agenda in Pakistan,” dated April 18, 2008.
2634 See intelligence chronology in Volume II.
2635 See intelligence chronology in Volume II.
2636 [REDACTED] 10223 (221317Z OCT 03);
2637 WASHINGTON DC [REDACTED] (272113Z OCT 06)
DIRECTOR HAYDEN: “As before, with these seven [enhanced interrogation techniques] we use the least coercive measures to create cooperation at a predictable, reliable, sustainable level. They are used to create a state of cooperation. Once the state of cooperation is created, we simply productively debrief the detainee. On average, we get to that state of cooperation in a period measured by about one to two weeks.”

“When we’re asking him questions during that period of increased stress, when we’re being more rather than less coercive, we are generally asking him questions for which we know the answers. Otherwise, how do we know we have moved him from a spirit of defiance into a spirit of cooperation? And only after we have moved him into this second stage do we then begin to ask him things we really think he knows but we don’t.”

This testimony is incongruent with CIA records. As is detailed throughout the Committee Study, CIA detainees were frequently subjected to the CIA’s enhanced interrogation techniques immediately after being rendered to CIA custody. CIA interrogators asked open-ended questions of CIA detainees, to which the CIA did not know the answers, while subjecting detainees to the CIA’s enhanced interrogation techniques. This approach began with Abu Zubaydah, whose interrogation focused on him being told to provide “the one thing you don’t want me to know,” and remained a central feature of the program. Numerous CIA detainees were determined never to have reached a “state of cooperation.” Several detainees, when subjected to the CIA’s enhanced interrogation techniques, transitioned to normal debriefing, and were then subjected to one or more additional periods of being subjected to the techniques.

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2639 Numerous detainees were stripped and shackled, nude, in the standing stress position for sleep deprivation or subjected to other enhanced interrogation techniques prior to being questioned by an interrogator. See for example KSM (34491 (051400Z MAR 03); Asadullah (DIRECTOR 35558 (JAN MAR 03)); Suleiman Abdullah (36023 (APR 03)); Abu Hudhaifa (35178 (MAR 03)); Hambali (38576 (MAY 03)); Abu Yasir al-Jaza’iri (271719Z MAY 03)); SuleimanAbdullah (36023(061558Z AUG 02)); and Majid Khan (10016 (120509Z APR 02)); 10594 (061558Z AUG 02).

2640 See detainee reviews in Volume III for additional information.
Use of Detainee Reporting

DIRECTOR HAYDEN: “Nothing that we get from the program, however, is used in isolation. It’s a data point that then has to be brought up against all the other data points we have available to us.”

The CIA regularly disseminated intelligence reports based on uncorroborated statements from CIA detainees. The reports, some of which included fabricated or otherwise inaccurate information, required extensive FBI investigations. For example, the CIA disseminated information that KSM had sent Abu Issa al-Britani to Montana to recruit African-American Muslim converts. In June 2003, KSM stated he fabricated the information because he was “under ‘enhanced measures’ when he made these claims and simply told his interrogators what he thought they wanted to hear.” Other KSM fabrications led the CIA to capture and detain suspected terrorists who were later found to be innocent.

The Religious Foundation for Cooperation

DIRECTOR HAYDEN: “This proposed program you have in front of you has been informed by our experience and it has been informed by the comments of our...”

The CIA made a similar representation to the Department of Justice in the context of Abu Zubaydah. CIA records do not indicate that CIA detainees described a religious basis for cooperating in association with the CIA's enhanced interrogation techniques.

2642 For example, on May 15 and May 16, 2003, the FBI hosted a conference on KSM and investigations resulting from KSM’s reporting. The agenda included al-Qa’ida recruitment efforts in the U.S., a topic on which KSM had provided significant fabricated information. (See Memorandum from: [REDACTED]; for: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], date: 8 May 2003.) See also Email from: [REDACTED]; to: [REDACTED]; subject: Thanks from FBI; date: May 17, 2003, at 7:25:15 PM; 12095 (222049Z JUN 03); 12558 (041938Z AUG 03); 31148 (171919Z DEC 05); 10942 (221610Z MAR 03), disseminated as 10948 (222101Z MAR 03), disseminated as... 2095 (222049Z JUN 03)

2643 The CIA captured and detained two individuals whom KSM had identified as the protectors of his children. KSM later described his reporting as “all lies.” See 34569 (061722Z MAR 03); 1281 (130801Z JUN 04).

2644 The CIA has referred only to Abu Zubaydah in the context of this representation. See Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, May 30, 2005, Re: Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May be Used in the Interrogation of High Value Al Qaeda Detainees. The OLC document states: “As Zubaydah himself explained with respect to enhanced techniques, ‘brothers who are captured and interrogated are permitted by Allah to provide information when they believe they have ‘reached the limit of their ability to withhold it’ in the fact of psychological and physical hardships.”

2645 While there are no records of CIA detainees making these statements, the Deputy Chief of ALEC Station, [REDACTED], told the Inspector General on July 17, 2003, that the “best information [the CIA] received on how to handle the [CIA] detainees came from a walk-in [a source to volunteer information to the CIA] after the arrest of Abu Zubaydah. He told us we were...
underestimating Al-Qa'ida. The detainees were happy to be arrested by the U.S. because they got a big show trial. When they were turned over to [foreign governments], they were treated badly so they talked. Allah apparently allows you to talk if you feel threatened. The [CIA] detainees never counted on being detained by us outside the U.S. and being subjected to methods they never dreamed of." See Memorandum for the Record; subject: Meeting with Deputy Chief, Counterterrorist Center ALEC Station; date: 17 July 2003.

The CIA has referred only to Abu Zubaydah in the context of this representation. As detailed, Abu Zubaydah referenced religion in the context of his cooperation prior to being subjected to the CIA’s enhanced interrogation techniques. On May 14, 2002, more than two months before Abu Zubaydah began his August 2002 enhanced interrogation period, Abu Zubaydah told interrogators that “if he possessed any more information on future threats, then he would provide this information to us to help himself, claiming that ‘the sharia’ gives him permission to do so in his current situation.” Abu Zubaydah also made a similar statement to his interrogators approximately a week later—again, prior to the use of the CIA’s enhanced interrogation techniques—stating that he had “prayed his ‘Istikharah’ (seeking God’s guidance) and was now willing to tell what he really knew,” and “that he had received guidance from God” to cooperate to “prevent his captured brothers from having a difficult time.” Further, Abu Zubaydah maintained that he always intended to provide information and never believed he could withhold information from interrogators. In February 2003, he told a CIA psychologist that he believed every captured “brother” would talk in detention, and that these “brothers should be able to expect that the organization will make adjustments to protect people and plans when someone with knowledge is captured.”

Abu Zubaydah stated he conveyed this perspective to trainees at a terrorist training camp.
DIRECTOR HAYDEN: "That's correct, Senator, when we get the subject into this zone of cooperation. I think, as you know, in two-thirds of the instances we don't need to use any of the techniques to get the individual into the zone of cooperation."

SENATOR NELSON: "How do you suspect that al-Qa'ida operatives are training in order to counter your techniques?"

DIRECTOR HAYDEN: "You recall the policy on which this is based, that we're going to give him a burden that Allah says is too great for you to bear, so they can put the burden down."

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**Threats Related to Sodomy, Arrest of Family**

DIRECTOR HAYDEN: "Many assertions [in the ICRC report] regarding physical or threatened abuse are egregious and are simply not true. On their face, they aren't even credible. Threats of acts of sodomy, the

This testimony is incongruent with CIA interrogation records.

- As documented in the May 2004 Inspector General Special Review and other CIA records, interrogators threatened ‘Abd al-Rahim al-Nashiri, KSM, and Abu Zubaydah with harm to their families.2654

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2646 In addition, CIA officer [REDACTED] testified at the April 12, 2007, Committee hearing: “I spoke with Zubaydah. I was at one of these facilities for several months and I spent around 18 hours a day with Abu Zubaydah. At the conclusion of my time, as I was leaving the facility, he spoke with me, and he said there is something I need you to understand - to go back to the question that came earlier about wailing and a collar. He looked at the plywood wall in the cell and said I want to thank you for that. I’ve had a lot of time to sit and reflect, and I understand why that’s there. That’s there so I don’t get hurt. In terms of the totality of the experience, his advice was I may have been the first person, but you need to continue to do this because I need to be able to live with who I am and I will continue to be the religious believing person I am, but you had to get me to the point where I could have absolution from my god to cooperate and deal with your questions. So he thanked us for bringing him to that point, beyond which he knew his religious beliefs absolved him from cooperating with us.” There are no CIA records to support this testimony.

2654 According to the Inspector General Special Review, a debriefer threatened al-Nashiri by saying “[w]e could get your mother in here,” and, “[w]e can bring your family in here.” In addition, one of KSM’s interrogators told the inspector general that the psychologist/interrogators told KSM that, if anything happens in the United States, “[w]e’re going to kill your children.” (See Special Review, pp. 42-43; interview of [REDACTED] by [REDACTED] and [REDACTED], Office of the Inspector General, 30 April 2003; interview of [REDACTED] by [REDACTED], Office of the Inspector General, 22 October 2003; 10757 (111505Z MAR 03).) According to a CIA cable, a case officer “used [Abu Zubaydah’s] ‘family card’ to apply more psychological pressure on [Abu Zubaydah].” The cable stated that the case officer “advised [Abu Zubaydah] that even if [Abu Zubaydah] did not care about himself…[Abu Zubaydah] should at least care about his family and keep
arrest and rape of family members, the intentional infection of HIV or any other diseases have never been and would never be authorized. There are no instances in which such threats or abuses took place."

- Rectal exams were standard operating procedure for security purposes. A June 2002 cable noted that Abu Zubaydah was mildly "tense," "likely an anticipatory reaction given his recent unexpected rectal exam" the previous day.2655

- At least five detainees were subjected to rectal rehydration or rectal feeding. There is at least one record of Abu Zubaydah receiving "rectal fluid resuscitation" for "partially refusing liquids."2656 According to CIA records, Majid Khan was "very hostile" to rectal feeding and removed the rectal tube as soon as he was allowed to.2657 KSM was subjected to rectal rehydration without a determination of medical need, a procedure that KSM interrogator and chief of interrogations, [REDACTED], would later characterize as illustrative of the interrogator's "total control over the detainee."2658 Marwan al-Jabbar was subjected to what was originally referred to in a cable as an "enema," but was later acknowledged to be rectal rehydration.2659 Both al-Nashiri2660 and Majid Khan were subjected to rectal feeding.2661
### Punches and Kicks

<table>
<thead>
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<th>DIRECTOR HAYDEN:</th>
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<td>&quot;Punches and kicks are not authorized and have never been employed.&quot;</td>
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This testimony is incongruent with CIA records. Interviews conducted for two CIA internal reviews related to Gul Rahman’s death provided details on CIA interrogations at the CIA’s DETENTION SITE COBALT. In an interview report, CIA contractor DUNBAR described the “hard” or “rough” takedown used at DETENTION SITE COBALT. According to the interview report of DUNBAR, “there were approximately five CIA officers from the renditions team... they opened the door of Rahman’s cell and rushed in screaming and yelling for him to ‘get down.’ They dragged him outside, cut off his clothes and secured him with Mylar tape. They covered his head with a hood and ran him up and down a long corridor adjacent to his cell. They slapped him and punched him several times. [DUNBAR] stated that although it was obvious they were not trying to hit him as hard as they could, a couple of times the punches were forceful. As they ran him along the corridor, a couple of times he fell and they dragged him through the dirt (the floor outside of the cells is dirt). Rahman did acquire a number of abrasions on his face, legs, and hands, but nothing that required medical attention. (This may account for the abrasions found on Rahman’s body after his death. Rahman had a number of surface abrasions on his shoulders, pelvis, arms, legs, and face.)”

The use of the “hard” or “rough” takedown, as used on Gul Rahman, was described by the CIA officer in charge of the CIA’s DETENTION SITE COBALT as “employed often in interrogations at DETENTION SITE COBALT as ‘part of the atmospherics.’”

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2662 See Volume III for additional information.

2663 The CIA’s June 2013 Response states, “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.” The CIA’s June 2013 Response adds: “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.”


DIRECTOR HAYDEN: “Detainees have never been denied the means -- at a minimum, they've always had a bucket -- to dispose of their human waste.”

This testimony is incongruent with CIA records. CIA detainees, particularly those subjected to standing sleep deprivation, were routinely placed in diapers. Waste buckets were not always available. In the interrogation of Abu Hazim, a waste bucket was removed from his cell for punishment. According to a CIA cable, Abu Hazim “requested a bucket in which he could relieve himself, but was told all rewards must be earned.”

DIRECTOR HAYDEN: “The medical section of the ICRC report concludes that the association of CIA medical officers with the interrogation program is ‘contrary to international standards of medical ethics.’ That is just wrong. The role of CIA medical officers in the detainee program is and always has been and always will be to ensure the safety and the well-being of the detainee. The placement of medical officers during the interrogation techniques represents an extra measure of caution. Our medical officers do not recommend the employment or continuation of any procedures or techniques.”

CIA records detail how throughout the program, CIA medical personnel cleared detainees for the use of the CIA’s enhanced interrogation techniques and played a central role in deciding whether to continue, adjust, or alter the use of the techniques against detainees. For example:

- Prior to the initiation of the CIA’s enhanced interrogation techniques against Abu Zubaydah, CIA Headquarters, with medical personnel participation, stated that the “interrogation process takes precedence over preventative medical procedures.”

- Abu Ja’far al-Iraqi was provided medication for swelling in his legs to allow for continued standing sleep deprivation.

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2666 [HIDE TEXT] 37493

2667 ALEC [HIDE TEXT] (182321Z JUL 02). According to the CIA attorney who reviewed the videotapes of the interrogation of Abu Zubaydah, “the person he assumed was a medical officer was dressed completely in black from head to toe, and was indistinguishable from other [interrogation] team members.” See June 18, 2003, Interview Report of [REDACTED], Office of General Counsel Assistant General Counsel.

2668 Abu Ja’far al-Iraqi was subjected to nudity, dietary manipulation, insult slaps, abdominal slaps, attention grasps, facial holds, walling, stress positions, and water dousing with 44 degree Fahrenheit water for 18 minutes. He was shackled in the standing position for 54 hours as part of sleep deprivation, and experienced swelling in his lower legs requiring blood thinner and spiral ace bandages. He was moved to a sitting position, and his sleep deprivation was extended to 78 hours. After the swelling subsided, he was provided with more blood thinner and was returned to the standing position. The sleep deprivation was extended to 102 hours. After four hours of sleep, Abu Ja’far al-Iraqi was subjected to an additional 52 hours of sleep deprivation, after which CIA Headquarters informed interrogators that eight hours of sleep was the minimum. In addition to the swelling, Abu Ja’far al-Iraqi also experienced an edema on his head due to walling, abrasions on his neck, and blisters on his ankles from shackles.

See [HIDE TEXT] 1810 (DEC 05); [HIDE TEXT] 1813 (DEC 05); [HIDE TEXT] 1819 (DEC 05); 1847 (DEC 05); [HIDE TEXT] 1848 (DEC 05); HEADQUARTERS [HIDE TEXT] (DEC 05). See additional information on Abu Ja’far al-Iraqi in Volume III.
DIRECTOR HAYDEN: “The allegation in the report that a CIA medical officer threatened a detainee, stating that medical care was conditional on cooperation is blatantly false. Health care has always been administered based upon detainee needs. It’s neither policy nor practice to link medical care to any other aspect of the detainee program.”

SENATOR HATCH: “Has there been any use of any kind of drug or withholding of any kind of drug or medication?”

DIRECTOR HAYDEN: “No, absolutely not.”

This testimony is incongruent with CIA records. For example, as CIA interrogators prepared for the August 2002 “enhanced interrogation” phase of Abu Zubaydah’s interrogation, the CIA’s DETENTION SITE GREEN noted, and CIA Headquarters confirmed, that the interrogation process would take precedence over preventing Abu Zubaydah’s wounds from becoming infected. DETENTION SITE GREEN personnel also stated that delaying a medical session for 72 hours after the start of the new phase of interrogation would convey to Abu Zubaydah that his level of medical care was contingent upon his cooperation. On August 10, 2002, the medical officer at DETENTION SITE GREEN stated that, under the model of medical intervention that the detention site was following during the most aggressive interrogation phase, Abu Zubaydah’s medical status was likely to deteriorate to an “unacceptable level” over the next two weeks. On August 25, 2002, the Base stated that the “combination of a lack of hygiene, sub-optimal nutrition, inadvertent trauma to the wound secondary to some of the stress techniques utilized at that stage, and the removal of formal obvious medical care to further isolate the subject had an overall additive effect on the deterioration of the wound.”

Abu Zubaydah lost his left eye while in CIA custody. In October 2002, DETENTION SITE GREEN recommended that the vision in his right eye be tested, noting that “[w]e have a lot riding upon his ability to see, read and write.” DETENTION SITE GREEN stressed that “this request is driven by our intelligence needs vice humanitarian concern for AZ.”

CIA detainees Abu Hazim and Abd al-Karim each broke a foot while trying to escape capture and were placed in casts; Abd al-Karim’s medical evaluation upon entry into CIA custody included a recommendation that he not be subjected to “extended standing for a couple of weeks,”
which was then extended to three months. A cable describing the CIA enhanced interrogation techniques to be used on the two detainees stated that the interrogator would “forego cramped confinement, stress positions, walling, and vertical shackling (due to [the detainees’] injury).” Abd al-Karim was nonetheless subjected to two 45-minute sessions of cramped confinement, repeated walling, and a stress position that involved placing his “head on [the] wall, bent at waist, shuffled backwards to a safe, yet uncomfortable position.” As part of sleep deprivation, he was also “walked for 15 minutes every half-hour through the night and into the morning.” A few days later, a cable stated that, even given the best prognosis, Abd al-Karim would have arthritis and limitation of motion for the rest of his life. Meanwhile, Abu Hazim was subjected to repeated walling.

Subsequently, and despite the aforementioned recommendation related to Abd al-Karim and a recommendation from a regional medical officer that Abu Hazim avoid any weight-bearing activities for five weeks, interrogators sought and received approval to use standing sleep deprivation on al-Karim and Abu Hazim. Abu Hazim underwent 52 hours of standing sleep deprivation, and Abd al-Karim underwent an unspecified period of standing sleep deprivation.

The interrogator requested approval to use sleep deprivation, the facial slap, attention grasp, abdominal slap and water dousing. To accommodate Abu Hazim’s and Abd al-Karim’s injuries, the cable stated that, rather than being shackled standing during sleep deprivation, the detainees would be “seated, secured to a cell wall, with intermittent disruptions of normal sleeping patterns.” For water dousing, the detainees’ injured legs would be “wrapped in plastic.” The request was approved. See DIRECTOR 37152 (231424Z APR 03) 37410 (291828Z APR 03) 38161 (131326Z MAY 03) 38365 (170652Z MAY 03) DIRECTOR 37121 (221703Z APR 03) 37508 (021305Z MAY 03) 37152 (231424Z APR 03) 37202 (250948Z APR 03) 37509 (021309Z MAY 03) 37754 (060955Z JUN 03)
Interrogators left Asadullah, a detainee with a sprained ankle, in the standing sleep deprivation position. When Asadullah was subsequently placed in a stress position on his knees, he complained of discomfort and asked to sit. He was told he could not sit unless he answered questions truthfully.

Due to a lack of adequate medical care at CIA detention sites and the unwillingness of host governments to make hospital facilities available, CIA detainees had care delayed for serious medical issues. See, for example, the detainee reviews for Janat Gul, Hassan Guleed, Mustafa al-Hawsawi, Ramzi bin al-Shibh, and Firas al-Yemeni in Volume III.

| DIRECTOR HAYDEN: “And, in the section [of the ICRC report] on medical care, the report omits key contextual facts. For example, Abu Zubaydah’s statement that he was given only Ensure and water for two to three weeks fails to mention the fact that he was on a liquid diet [was] quite appropriate because he was recovering from abdominal surgery at the time.” |
| This testimony is inaccurate. CIA records detail how Abu Zubaydah was fed solid food shortly after being discharged from the hospital in April 2002. In August 2002, as part of the CIA’s enhanced interrogation techniques, Abu Zubaydah was placed on a liquid diet of Ensure and water as both an interrogation technique, and as a means of limiting vomiting during waterboarding. In planning for the interrogation of subsequent detainees, the CIA determined that it would use a “liquid diet.” At least 30 CIA detainees were fed only a liquid diet of Ensure and water for interrogation purposes. |

**Dietary Manipulation**

**Waterboarding and Its Effectiveness**

SENATOR HATCH: “So this is not tipping the board and putting his head underneath the water.”

DIRECTOR HAYDEN: “No. It’s slightly inclined, cloth.”

This testimony is incongruent with CIA interrogation records. As described in the Study, the waterboarding of KSM involved interrogators using their hands to maintain a one-inch deep “pool” of water over KSM’s nose and mouth in an effort to make it impossible for KSM to ingest all the water being poured on him. According to the

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2685 Asadullah was also placed in a “small isolation box” for 30 minutes, without authorization and without discussion of how the technique would affect his ankle. See Email from: [REDACTED]; to: [REDACTED]; date: August 4, 2002, at 09:45:09AM. 

2686 In May 2002, stated that variety was introduced into Abu Zubaydah’s diet; in addition to his daily intake of two cups of kidney beans, one cup of rice, Ensure, and juice, Abu Zubaydah was given a piece of fried chicken, Coke, and several cups of hot tea. See Email from: [REDACTED]; to: [REDACTED] and [REDACTED]; date: August 4, 2002, at 09:45:09AM.

2687 Email from: [REDACTED]; to: [REDACTED]; date: August 4, 2002, at 09:45:09AM. See detainee reviews in Volume III.

2688 Email from: [REDACTED]; to: [REDACTED]; date: March 15, 2003, at 3:52:54 AM; Interview of [REDACTED] by [REDACTED].
| Directing Hayden: | Attending medical officer, the technique became a “series of near drownings.”  
**[W]aterboarding cannot take place any more than five days out of a total of 30 days. There cannot be more than two sessions per day. A session is described as being strapped to the board. No session can last longer than two hours. In any session, there can be no more than six pourings of the water greater than ten seconds in duration. Under no circumstances can any detainee be under the pouring of the water a total of more than twelve minutes in any 24-hour period, and one application cannot exceed 40 seconds.”** |
| Senator Nelson: | This testimony is incongruent with CIA interrogation records. For example, KSM was waterboarded on nine separate days over a two-week period. On March 13, 2003, KSM was subjected to three waterboard sessions in one day. Over March 12-13, 2003, he was subjected to five waterboard sessions in 25 hours. During that same period, he was subjected to the pouring of water for more than twelve minutes during a 24-hour period.  |

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| Senator Nelson: | “On KSM, was it waterboarding that you were able to get the information from him?”  
Director Hayden: | “Yes, sir, it was.”  
Senator Nelson: | “Although it took you a long time to break him?”  

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**Email from:** [REDACTED]; **to:** [REDACTED]; **cc:** [REDACTED]; **subject:** More; **date:** April 10, 2003, at 5:59:27 PM.

**CIA record entitled, “Aggressive Interrogation Phase Synopsis,” Abu Zubaydah, August 2002.**

**Similarly, participants in the interrogation of Abu Zubaydah wrote that Abu Zubaydah “probably reached the point of cooperation even prior to the August institution of ‘enhanced’ measures—a development missed because of the narrow focus of the questioning. In any event there was no evidence that the waterboard produced time-perishable information which otherwise would have been unobtainable.” See CIA Summary and Reflections of [REDACTED] Medical Services on OMS participation in the RDI program, at 41.**

**[REDACTED], Interview of [REDACTED] by [REDACTED] and [REDACTED], Office of the Inspector General, May 15, 2003.**

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UNCLASSIFIED
DIRECTOR HAYDEN: “He had nine separate days in which waterboarding took place. He also was subject[ed] to sleep deprivation and I believe his deprivation was the longest of any detainee’s, at one stretch, and I think that may be what Senator Hatch was referring to by that 180 number. That’s the number of hours at one stretch.”

inspector general that KSM had “beat the system,” and assessed two months after the discontinuation of the waterboard that KSM responded to “creature comforts and sense of importance” and not to “confrontational” approaches. KSM debriefer and Deputy Chief of ALEC Station told the inspector general that KSM “figured out a way to deal with [the waterboard].” CTC Legal, told the inspector general that the waterboard “was of limited use on KSM.” CIA records indicate that KSM was subjected to the waterboard interrogation technique at least 183 times.

**Injuries and Deaths**

This testimony is incongruent with CIA interrogation records. CIA records indicate that CIA detainees suffered physical injuries beyond bruising from shackling, as well as psychological problems:

- During a waterboard session, Abu Zubaydah “became completely unresponsive, with bubbles rising through his open, full mouth.” He remained unresponsive after the waterboard was rotated upwards and only regained consciousness after receiving a “xyphoid thrust.”

- Multiple CIA detainees subjected to prolonged sleep deprivation experienced hallucinations, and CIA interrogation teams did not always discontinue sleep deprivation after the detainees had experienced hallucinations.

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2696 Interview of [REDACTED], by [REDACTED] and [REDACTED], Office of the Inspector General, October 22, 2003.

2697 In August 2006, [REDACTED] wrote in a Sametime communication that KSM and Abu Zubaydah “held back” despite the use of the CIA’s enhanced interrogation techniques, but added “I’m ostracized whenever I suggest those two did not tell us everything.” See Sametime Communication, [REDACTED] and [REDACTED], 15/Aug/06, 10:28:38 to 10:58:00.

2698 Interview of [REDACTED] by [REDACTED] and [REDACTED], Office of the Inspector General, April 3, 2003. [REDACTED] also wrote in a 2005 Sametime communication that “we broke KSM… using the Majid Khan stuff… and the emails.” See Sametime Communication, [REDACTED] and [REDACTED], 02/May/05, 14:51:48 to 15:17:39.

2699 Interview of [REDACTED], by [REDACTED], [REDACTED], and [REDACTED], Office of the Inspector General, August 20, 2003.

2700 Email from: [REDACTED], OMS; to: [REDACTED] and [REDACTED], subject: Re: Acceptable lower ambient temperatures; date: March 7, 2003; email from: [REDACTED], OMS; to: [REDACTED] and [REDACTED]; subject: Re: Talking Points for review and comment; date: August 13, 2004; email from [REDACTED] to: [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]; subject: Re: Discussion with Dan Levin – AZ; date: October 26, 2004.
Some detainees exhibited significant bruising and swelling unrelated to shackling. For example, a medical officer noted that, in addition to the swelling of his ankles and wrists, Ramzi bin al-Shibh had a bruise on his brow.  

During the application of the CIA’s enhanced interrogation techniques, KSM was described as “[t]ired and sore,” with abrasions on his ankles, shins, and wrists, as well as on the back of his head. He also suffered from pedal edema resulting from extended standing.

At the CIA’s DETENTION SITE COBALT, CIA interrogators used “rough takedowns,” described as taking a naked detainee outside of his cell, placing a hood over his head, and dragging him up and down a long corridor while slapping and punching him. Gul Rahman, after his death, was found to have surface abrasions on his shoulders, pelvis, arms, legs, and face.

This testimony is incongruent with CIA records.

Gul Rahman died in CIA custody at the CIA’s DETENTION SITE COBALT after being rendered there on November 1, 2002. At the time, DETENTION SITE COBALT was described as a place where the CIA could detain suspected terrorists for the purposes of “intense interrogations” by CIA officers. DDO James Pavitt told the inspector general that “there were some who say that [DETENTION SITE COBALT] is not a CIA facility, but that is ‘bullshit.’”

CIA records reveal that Gul Rahman was subjected to what the CIA chief of interrogations described as...
result of the undisciplined activity that took place earlier."

DIRECTOR HAYDEN: "[Gul Rahman] was not part of this program, but I understand it was in CIA custody."

"coercive techniques without authorization." At ALEC Station's request, CIA contractor Hammond Dunbar conducted an assessment of Gul Rahman to determine which CIA enhanced interrogation techniques should be used on him. While the CIA’s enhanced interrogation techniques were never authorized, Dunbar interrogated Rahman, once employing the "insult slap" enhanced interrogation technique without CIA Headquarters approval. On November 2, 2002, Gul Rahman was shackled to the wall of his cell in a short chain position which required him to sit on the bare concrete. Rahman was wearing a sweatshirt, but was nude from the waist down. On November 2, 2002, the guards at DETENTION SITE COBALT found Gul Rahman’s dead body. Although a CIA employee tried to perform CPR, Gul Rahman remained unresponsive and was declared dead. An autopsy report by the CIA found that the cause of Gul Rahman’s death was "undetermined," but that the clinical impression of the medical officer who conducted the autopsy was that the cause of death was hypothermia.

**Stress Positions**

This testimony is inaccurate.

There are multiple descriptions of CIA detainees being forced to stand with their arms shackled above their heads for extended periods of time at the CIA’s DETENTION SITE COBALT. In one example, a U.S. military legal
DIRECTOR HAYDEN: “Not above the head. Stress positions are part of the EITs, and nakedness were part of the EITs, Senator.”

advisor observed the technique known as “hanging,” involving handcuffing one or both wrists to an overhead horizontal bar. The legal advisor noted that one detainee was apparently left hanging for 22 hours each day for two consecutive days to “break” his resistance.  

CIA records indicate that multiple detainees were shackled with their hands above their heads at other CIA detention sites. For example, see detainee reviews in Volume III, to include ‘Abd al-Rahim al-Nashiri, Hassan Ghul, and KSM. According to CIA cables, Abu Zubaydah was handcuffed “high on the bars.”

Draft OMS guidelines on interrogations, noted that detainees could be shackled with their arms above their heads for “roughly two hours without great concern,” and that the arms could be elevated for between two and four hours if the detainee was monitored for “excessive distress.”

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**Legal Reasons for Overseas Detention**

SENATOR WHITEHOUSE: “Has there been any consideration at any point within the Agency that the purpose in locating facilities overseas is either to avoid liability under American statutes or to avoid the ability of any court to claim jurisdiction because they would not know where these took place? Is there an element of Mr. Rizzo’s testimony is incongruent with CIA records. After the capture of Abu Zubaydah, the CTC Legal, prepared a PowerPoint presentation laying out the “pros” and “cons” of six detention options. The pros for detention in Country , where Abu Zubaydah would be rendered, included “[n]o issues of possible U.S. [court] jurisdiction.” The cons for a CIA facility in the United States included “[c]an’t foreclose ability of U.S. [courts] considering Habeas Corpus petition.”

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[2719 Email from: [DETENTION SITE BLUE] COB to: ; subject: EYES ONLY -- MEMO FOR ADDO/DDO; date: January 22, 2003.

[2720 Email from: [DETENTION SITE BLUE] COB to: ; subject: EYES ONLY -- MEMO FOR ADDO/DDO; date: January 22, 2003.

[2721 Email from: [DETENTION SITE BLUE] COB to: ; subject: EYES ONLY -- MEMO FOR ADDO/DDO; date: January 22, 2003.


[2723 PowerPoint presentation, Options of Incarcerating Abu Zubaydah, March 27, 2002.
providing legal defense to the participants in these applications?”
MR. RIZZO: “Well, certainly not the first.”

| In late 2003 and early 2004, the U.S. Supreme Court’s decision to accept certiorari in the case of Rasul v. Bush prompted a decision by the CIA, in coordination with the Department of Justice, to transfer five CIA detainees held at Guantanamo to other CIA detention facilities. |

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2725 Email from: Scott W. Muller; to: [REDACTED], [REDACTED]; cc: [REDACTED]; subject: Detainees in Gitmo; date: January 2004; email from Scott W. Muller; to: [REDACTED]; subject: DCI Meeting with Rice; date: January 2004; email from Scott Muller; to: James Pavitt, [REDACTED], cc: George Tenet, John McLaughlin, [REDACTED], [REDACTED], [REDACTED]; subject: CIA Detainees at GITMO; date: February 2004.