III. Intelligence Acquired and CIA Representations on the Effectiveness of the CIA's Enhanced Interrogation Techniques to Multiple Constituencies

A. Background on CIA Effectiveness Representations

(~~TS//[redacted]//NF~~) From 2002 through 2009, in order to obtain policy authorizations and legal approvals, the CIA made a series of representations to officials at the White House,[1049] the Department of Justice, and the Congress, asserting that the CIA's enhanced interrogation techniques were uniquely effective and necessary to produce otherwise unavailable intelligence that the U.S. government could not obtain from other sources.[1050] The CIA further represented

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[1049] These representations were also made by the CIA to other elements of the executive branch, to include the Office of the Director of National Intelligence. As described in this Study, the Department of Justice first approved the use of the CIA's enhanced interrogation techniques on August 1, 2002.

[1050] From 2003 through 2009, the CIA's representations regarding the effectiveness of the CIA's enhanced interrogation techniques provided a specific set of examples of terrorist plots "disrupted" and terrorists captured that the CIA attributed to information obtained from the use of its enhanced interrogation techniques. CIA representations further asserted that the intelligence obtained from the use of the CIA's enhanced interrogation techniques was unique, otherwise unavailable, and resulted in "saved lives." Among other CIA representations, *see*: (1) CIA representations in the Department of Justice Office of Legal Counsel Memorandum, dated May 30, 2005, which relied on a series of highly specific CIA representations on the type of intelligence acquired from the use of the CIA's enhanced interrogation techniques to assess their legality. The CIA representations referenced by the OLC include that the use of the CIA's enhanced interrogation techniques was "necessary" to obtain "critical," "vital," and "otherwise unavailable actionable intelligence" that was "essential" for the U.S. government to "detect and disrupt" terrorist threats. The OLC memorandum further states that "[the CIA] ha[s] informed [the OLC] that the CIA believes that this program is largely responsible for preventing a subsequent attack within the United States." (*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.) (2) CIA representations in the Department of Justice Office of Legal Counsel Memorandum dated July 20, 2007, which also relied on CIA representations on the type of intelligence acquired from the use of the CIA's enhanced interrogation techniques. Citing CIA documents and the President's September 6, 2006, speech describing the CIA's interrogation program (which was based on CIA-provided information), the OLC memorandum states: "The CIA interrogation program—and, in particular, its use of enhanced interrogation techniques—is intended to serve this paramount interest [security of the Nation] by producing substantial quantities of otherwise unavailable intelligence. ...As the President explained [on September 6, 2006], 'by giving us information about terrorist plans we could not get anywhere else, the program has saved innocent lives.'" (*See* 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.) (3) CIA briefings for members of the National Security Council in July and September 2003 represented that "the use of Enhanced Techniques of one kind or another had produced significant intelligence information that had, in the view of CIA professionals, saved lives," and which warned policymakers that "[t]ermination of this program will result in loss of life, possibly extensive." (*See* August 5, 2003 Memorandum for the Record from Scott Muller, Subject: Review of Interrogation Program on 29 July 2003; Briefing slides, CIA Interrogation Program, July 29, 2003; September 4, 2003, CIA Memorandum for the Record, Subject: Member Briefing; and September 26, 2003, Memorandum for the Record from Muller, Subject: CIA Interrogation Program.) (4) The CIA's response to the Office of Inspector General draft Special Review of the CIA program, which asserts: "Information [the CIA] received... as a result of the lawful use of enhanced interrogation techniques ('EITs') has almost certainly saved countless American lives inside the United States and abroad. The evidence points clearly to

that the CIA's enhanced interrogation techniques "saved lives" and "enabled the CIA to disrupt terrorist plots, capture additional terrorists, and collect a high volume of critical intelligence on al-Qa'ida."[1051] The Department of Justice used these representations of effectiveness to assess

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the fact that without the use of such techniques, we and our allies would [have] suffered major terrorist attacks involving hundreds, if not thousands, of casualties." (*See* Memorandum for: Inspector General; from: James Pavitt, Deputy Director for Operations; subject: re (S) Comments to Draft IG Special Review, "Counterterrorism Detention and Interrogation Program" 2003-7123-IG; date: February 27, 2004; attachment: February 24, 2004, Memorandum re Successes of CIA's Counterterrorism Detention and Interrogation Activities.) (5) CIA briefing documents for CIA Director Leon Panetta in February 2009, which state that the "CIA assesses that the RDI program worked and the [enhanced interrogation] techniques were effective in producing foreign intelligence," and that "[m]ost, if not all, of the timely intelligence acquired from detainees in this program would not have been discovered or reported by other means." (*See* CIA briefing documents for Leon Panetta, entitled, "Tab 9: DCIA Briefing on RDI Program-18FEB.2009" and graphic attachment, "Key Intelligence and Reporting Derived from Abu Zubaydah and Khalid Shaykh Muhammad (KSM)," including "DCIA Briefing on RDI Program" agenda, CIA document "EITs and Effectiveness," with associated documents, "Key Intelligence Impacts Chart: Attachment (AZ and KSM)," "Background on Key Intelligence Impacts Chart: Attachment," and "supporting references," to include "Background on Key Captures and Plots Disrupted.") (6) CIA document faxed to the Senate Select Committee on Intelligence on March 18, 2009, entitled, "[SWIGERT] and [DUNBAR]" (DTS #2009-1258), which provides a list of "some of the key captures and disrupted plots" that the CIA had attributed to the use of the CIA's enhanced interrogation techniques, and states: "CIA assesses that most, if not all, of the timely intelligence acquired from detainees in this program would not have been discovered or reported by any other means." *See* Volume II for additional CIA representations asserting that the CIA's enhanced interrogation techniques enabled the CIA to obtain unique, otherwise unavailable intelligence that "saved lives."

[1051] Among other documents that contain the exact, or similar CIA representations, *see*: (1) CIA memorandum for the Record, "Review of Interrogation Program on 29 July 2003," prepared by CIA General Counsel Scott Muller, dated August 5, 2003; briefing slides entitled, "*CIA Interrogation Program,*" dated July 29, 2003, presented to senior White House officials with additional briefings using the slides as documented in September 4, 2003, CIA Memorandum for the Record, Subject: Member Briefing; and September 26, 2003, Memorandum for the Record from Scott Muller, Subject: CIA Interrogation Program. (2) CIA memorandum to the CIA Inspector General from James Pavitt, CIA's Deputy Director for Operations, dated February 27, 2004, with the subject line, "Comments to Draft IG Special Review, 'Counterterrorism Detention and Interrogation Program' (2003-7123-IG)," Attachment, "Successes of CIA's Counterterrorism Detention and Interrogation Activities," dated February 24, 2004. (3) CIA Directorate of Intelligence, "Khalid Shaykh Muhammad: Preeminent Source on Al-Qa'ida," dated July 13, 2004; fax to the Department of Justice, April 22, 2005, entitled, "[redacted], Materials on KSM and Abu Zubaydah. [redacted]." This report was widely disseminated in the Intelligence Community and a copy of this report was provided to the Senate Select Committee on Intelligence on July 15, 2004. On March 31, 2009, former Vice President Cheney requested the declassification of this Intelligence Assessment, which was publicly released with redactions on August 24, 2009. (4) CIA memorandum to "National Security Advisor," from "Director of Central Intelligence," Subject: "Effectiveness of the CIA Counterterrorist Interrogation Techniques," included in email from: [redacted]; to: [redacted], [redacted], and [redacted]; subject: "paper on value of interrogation techniques"; date: December 6, 2004, at 5:06:38 PM. The email references the attached "information paper to Dr. Rice explaining the value of the interrogation techniques." (5) CIA Memorandum for Steve Bradbury at Office of Legal Counsel, Department of Justice, dated March 2, 2005, from [redacted], [redacted] Legal Group, DCI Counterterrorist Center, subject: "Effectiveness of the CIA Counterterrorist Interrogation Techniques," (6) CIA briefing for Vice President Cheney, dated March 4, 2005, entitled, "Briefing for Vice President Cheney: CIA Detention and Interrogation Program." (7) CIA Talking Points entitled, "Talking Points for 10 March 2005 DCI Meeting PC: Effectiveness of the High-Value Detainee Interrogation (HVDI) Techniques." (8) CIA "Briefing Notes on the Value of Detainee Reporting" faxed from the CIA to the Department of Justice on April 15, 2005, at 10:47AM. (9) CIA fax to DOJ Command Center, dated April 22, 2005, for [redacted], Office of Legal Counsel, U.S. Department of Justice, from [redacted], [redacted] Legal Group, DCI Counterterrorist Center, re: [redacted], Materials of KSM and Abu Zubaydah, included CIA Intelligence Assessment "Khalid Shaykh Muhammad: Preeminent Source on Al-Qa'ida," and CIA document, "Materials of KSM and Abu Zubaydah.; (10) CIA Intelligence Assessment, "Detainee Reporting Pivotal for the War Against Al-Qa'ida," June 2005, which CIA

whether the CIA's enhanced interrogation techniques were legal;[1052] policymakers at the White House used these representations—and the legal analysis by the Department of Justice—to

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records indicate was provided to White House officials on June 1, 2005. The Intelligence Assessment at the SECRET//NOFORN classification level was more broadly disseminated on June 3, 2005. On March 31, 2009, former Vice President Cheney requested the declassification of this Intelligence Assessment, which was publicly released with redactions on August 24, 2009. (11) CIA memorandum entitled, "Future of CIA's Counterterrorist Detention and Interrogation Program," dated December 23, 2005, from CIA Director Porter Goss to Stephen J. Hadley, Assistant to the President/National Security Advisor, Frances F. Townsend, Assistant to the President/Homeland Security Advisor, and Ambassador John D. Negroponte, the Director of National Intelligence, Attachment, "Impact of the Loss of the Detainee Program to CT Operations and Analysis." (12) CIA briefing document dated May 2, 2006, entitled, "BRIEFING FOR CHIEF OF STAFF TO THE PRESIDENT 2 May 2006 Briefing for Chief of Staff to the President Josh Bolten: CIA Rendition, Detention and Interrogation Programs." (13) CIA briefing document entitled, "Detainee Intelligence Value Update," dated 11 July 2006, internal document saved within CIA records as, "DNI Memo Intel Value July 11 2006…TALKING POINTS FOR DCI MEETING." (14) CIA document dated July 16, 2006, entitled, "DRAFT Potential Public Briefing of CIA's High-Value Terrorist Interrogations Program," and "CIA Validation of Remarks on Detainee Policy," drafts supporting the September 6, 2006, speech by President George W. Bush acknowledging and describing the CIA's Detention and Interrogation Program, as well as an unclassified Office of the Director of National Intelligence release, entitled, "Summary of the High Value Terrorist Detainee Program." (15) CIA classified statement for the record, Senate Select Committee on Intelligence, provided by General Michael V. Hayden, Director, Central Intelligence Agency, 12 April 2007, and accompanying Senate Select Committee on Intelligence hearing transcript, entitled, "Hearing on Central Intelligence Agency Detention and Interrogation Program." (16) CIA fax from CIA employee [REDACTED] to U.S. Senate Committee on Appropriations, Subcommittee on Defense, with fax cover sheet entitled, "Talking points," sent on October 26, 2007, at 5:39:48PM,entitled, "Talking Points Appeal of the $[redacted] Million reduction in CIA/CTC's Rendition and Detention Program." (17) "DCIA Talking Points: Waterboard 06 November 2007," dated November 6, 2007, with the notation the document was "sent to DCIA Nov. 6 in preparation for POTUS meeting." (18) CIA Briefing for Obama National Security Team- "Renditions, Detentions, and Interrogations (RDI)" including "Tab 7," named "RDG Copy- Briefing on RDI Program 09 Jan. 2009," prepared "13 January 2009." (19) CIA briefing documents for Leon Panetta, entitled, "Tab 9: DCIA Briefing on RDI Program- 18FEB.2009" and graphic attachment, "Key Intelligence and Reporting Derived from Abu Zubaydah and Khalid Shaykh Muhammad (KSM)." The documents include "DCIA Briefing on RDI Program" agenda, CIA document "EITs and Effectiveness," with associated documents, "Key Intelligence Impacts Chart: Attachment (AZ and KSM)," "Background on Key Intelligence Impacts Chart: Attachment," and "supporting references," to include "Background on Key Captures and Plots Disrupted." (20) CIA document faxed to the Senate Select Committee on Intelligence on March 18, 2009, at 3:46PM, entitled, "[SWIGERT] and [DUNBAR]" (DTS #2009-1258). *See also* CIA representations detailed in OLC 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; and OLC 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.

[1052] *See* section of this summary addressing representations to the Department of Justice, as well as 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; 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; and 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.

assess whether the CIA interrogation program should be approved as a matter of policy;[1053] and members of Congress relied on the CIA representations in overseeing and assessing the program, providing funding, and crafting related legislation.[1054]

[1053] Among other documents, *see* the August 5, 2003, CIA Memorandum for the Record from Scott Muller from a July 29, 2003, National Security Council Principals Meeting with the subject, "Review of Interrogation Program on 29 July 2003," as well as the accompanying briefing slides, "CIA Interrogation Program, July 29, 2003"; March 4, 2005, Briefing for Vice President Cheney: CIA Detention and Interrogation Program. CIA document, dated March 4, 2005, entitled, "Briefing for Vice President Cheney: CIA Detention and Interrogation Program"; CIA document, dated May 2, 2006, entitled, BRIEFING FOR CHIEF OF STAFF TO THE PRESIDENT 2 May 2006 Briefing for Chief of Staff to the President Josh Bolten: CIA Rendition, Detention and Interrogation Programs; CIA document entitled, "DCIA Talking Points: Waterboard 06 November 2007," dated November 6, 2007, with the notation the document was "sent to DCIA Nov. 6 in preparation for POTUS meeting"; and CIA Briefing for Obama National Security Team- "Renditions, Detentions, and Interrogations (RDI)" including "Tab 7," named "RDG Copy- Briefing on RDI Program 09 Jan. 2009," prepared "13 January 2009."

[1054] Among other documents, *see*: (1) CIA testimony to the Senate Select Committee on Intelligence (SSCI) on April 24, 2002, regarding Abu Zubaydah's initial interrogation; (2) CIA written answers to Committee Questions for the Record, dated August 15, 2002, regarding results of Abu Zubaydah's interrogations; (3) CIA testimony to SSCI on September 5, 2002, regarding covert detention facilities and results of Abu Zubaydah's interrogation; (4) CIA cable documenting September 27, 2002, briefing to Chairman Bob Graham and Vice Chairman Richard Shelby and their staff directors regarding the CIA's enhanced interrogation techniques in the interrogations of Abu Zubaydah; (5) CIA Memorandum for the Record documenting February 4, 2003, briefing to SSCI Chairman Pat Roberts and Committee staff directors regarding the CIA's Detention and Interrogation Program; (6) CIA testimony to SSCI on March 5, 2003, regarding the capture and initial interrogation of KSM; (7) CIA witness testimony to SSCI on March 19, 2003, regarding KSM's interrogation; (8) CIA witness testimony to SSCI on April 1, 2003, regarding KSM's capture; (9) April 3, 2003, Intelligence Community Terrorist Threat Assessment regarding KSM threat reporting, entitled "Khalid Shaykh Muhammad's Threat Reporting—Precious Truths, Surrounded by a Bodyguard of Lies," provided to the SSCI on April 7, 2003; (10) CIA testimony to SSCI on April 30, 2003, regarding detainee reporting; (11) CIA testimony to SSCI on June 25, 2003, regarding KSM interrogation; (12) CIA testimony to SSCI on July 30, 2003, regarding CIA detainee threat reporting; (13) CIA testimony to SSCI on September 3, 2003, regarding [redacted] authorities, including CIA detention authorities; (14) CIA prepared briefing for Chairman Pat Roberts and Vice Chairman John D. Rockefeller IV entitled, "CIA Interrogation Program: DDO Talking Points, 04 September 2003"; (15) CIA witness testimony to SSCI on May 12, 2004, regarding CIA role in abuses at Abu Ghraib prison; (16) SSCI staff notes for July 15, 2004, CIA briefing to Chairman Pat Roberts and Vice Chairman John D. Rockefeller IV regarding the status of the CIA interrogation program; (17) CIA testimony to SSCI on September 13, 2004, regarding CIA and the abuses at Abu Ghraib prison; (18) Hand-written notes of Vice Chairman John D. Rockefeller IV recording a briefing by Jose Rodriguez on March 7, 2005; (19) CIA Memorandum for the Record, Subject: Sensitive Issue –Counterterrorism, October 31, 2005, regarding briefing for Senate Majority Leader Bill Frist regarding the Detainee Treatment Act, and email exchanges between John Rizzo, [redacted], [redacted]; subject: "Re: Immediate Re: Sen. Frist required for briefing on impact of McCain Amendment"; date: October 31, 2005, and associated records concerning CIA briefings for Senators John McCain, Thad Cochran, Ted Stevens, and John Cornyn; (20) SSCI Memorandum for the Record, March 8, 2006, documenting CIA briefing of March 7, 2006, to staff on status of the CIA's Detention and Interrogation Program; (21) CIA Director Porter Goss testimony to the SSCI on March 15, 2006, regarding the status of the CIA's Detention and Interrogation Program; (22) CIA Director Michael Hayden testimony to the SSCI on September 6, 2006, regarding the CIA's Detention and Interrogation Program, prior to Senate consideration of the Military Commissions Act of 2006; (23) CIA Director Michael Hayden testimony to the SSCI on November 16, 2006, regarding the CIA's Detention and Interrogation Program, following passage of the Military Commissions Act of 2006; (24) CIA Director Michael Hayden testimony to the SSCI on April 12, 2007, regarding the CIA's Detention and Interrogation Program and a report of the International Committee of the Red Cross; (25) CIA fax from CIA employee [REDACTED] to U.S. Senate Committee on Appropriations, Subcommittee on Defense, with fax cover sheet entitled, "Talking points," sent on October 26, 2007, at 5:39:48 PM. Document faxed entitled, "Talking Points Appeal of the $[redacted] Million reduction in CIA/CTC's Rendition and Detention Program"; (26) CIA Director Michael Hayden testimony to the SSCI on December 11, 2007, regarding the public revelation of the CIA's

(~~TS//[redacted]//NF~~) In CIA presentations to the executive and legislative branches, the CIA represented that other parties had consented to, or endorsed, the CIA's interrogation program. As an example, during a policy review of the CIA's enhanced interrogation techniques in July 2003, the CIA informed a subset of the National Security Council principals that the use of the CIA's enhanced interrogation techniques was "approved by the attorney general," and was "fully disclosed to the SSCI and HPSCI leadership." In the same presentation, the CIA represented that the CIA interrogation program "had produced significant intelligence information that had, in the view of CIA professionals, saved lives." The CIA then provided examples of "attacks averted" as a direct result of the CIA interrogation program, and warned policymakers that "[t]ermination of this program will result in loss of life, possibly extensive."[1055]

(~~TS//[redacted]//NF~~) When the CIA was asked by White House officials to review and provide further evidence for the effectiveness of the CIA's enhanced interrogation techniques in 2004, the CIA responded that it was "difficult, if not impossible" to conduct such a review, but assured White House officials that "this program works," "the techniques are effective," and the program produces "results."[1056] The "results" provided by the CIA consisted of the "disruption" of specific terrorist plots and the capture of specific terrorists. The CIA further represented that the information acquired as a result of the CIA's enhanced interrogation techniques was unique and "otherwise unavailable."[1057] These specific CIA claims played an especially important role

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destruction of videotapes of the interrogations of Abu Zubaydah and 'Abd al-Rahim al-Nashiri; (27) CIA Director Michael Hayden public testimony to the SSCI on February 5, 2008, regarding waterboarding and CIA interrogations, prior to Senate vote on February 13, 2008, on the Fiscal Year 2008 Intelligence Authorization Act that would have prohibited any member of the U.S. Intelligence Community from using interrogation techniques not authorized by the U.S. Army Field Manual.

[1055] Memorandum for the Record: "Review of Interrogation Program on 29 July 2003." Memorandum prepared by CIA General Counsel Scott Muller, dated August 5, 2003, and briefing slides entitled, "*CIA Interrogation Program,*" dated July 29, 2003, presented to senior White House officials. Those attending the meeting included the director of the CIA, George Tenet; the CIA general counsel, Scott Muller; Vice President Cheney; National Security Advisor Condoleezza Rice; White House Counsel Alberto Gonzales; Attorney General John Ashcroft; Acting Assistant Attorney General, Office of Legal Counsel, Patrick Philbin; and counsel to the National Security Council, John Bellinger.

[1056] CIA talking points for the National Security Council entitled, "Talking Points for 10 March 2005 DCI Meeting PC: Effectiveness of the High-Value Detainee Interrogation (HVDI) Techniques," dated March 4, 2005, for a March 8, 2005, meeting. *See also* CIA Memorandum for National Security Advisor Rice entitled, "Effectiveness of the CIA Counterterrorist Interrogation Techniques," dated December 2004.

[1057] From 2003 through 2009, the CIA's representations regarding the effectiveness of the CIA's enhanced interrogation techniques provided a specific set of examples of terrorist plots "disrupted" and terrorists captured that the CIA attributed to information obtained from the use of its enhanced interrogation techniques. CIA representations further asserted that the intelligence obtained from the use of the CIA's enhanced interrogation techniques was unique, otherwise unavailable, and resulted in "saved lives." Among other CIA representations, *see*: (1) CIA representations in the Department of Justice Office of Legal Counsel Memorandum, dated May 30, 2005, which relied on a series of highly specific CIA representations on the type of intelligence acquired from the use of the CIA's enhanced interrogation techniques to assess their legality. The CIA representations referenced by the OLC include that the use of the CIA's enhanced interrogation techniques was "necessary" to obtain "critical," "vital," and "otherwise unavailable actionable intelligence" that was "essential" for the U.S. government to "detect and disrupt" terrorist threats. The OLC memorandum further states that "[the CIA] ha[s] informed [the OLC] that the CIA believes that this program is largely responsible for preventing a subsequent attack within the United States." (*See* Memorandum for John A. Rizzo, Senior Deputy General Counsel, Central Intelligence Agency, from

in the Department of Justice's legal review of the CIA's enhanced interrogation techniques.[1058] Department of Justice documents stated that an analysis of the legality of the CIA's enhanced

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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.) (2) CIA representations in the Department of Justice Office of Legal Counsel Memorandum dated July 20, 2007, which also relied on CIA representations on the type of intelligence acquired from the use of the CIA's enhanced interrogation techniques. Citing CIA documents and the President's September 6, 2006, speech describing the CIA's interrogation program (which was based on CIA-provided information), the OLC memorandum states: "The CIA interrogation program—and, in particular, its use of enhanced interrogation techniques—is intended to serve this paramount interest [security of the Nation] by producing substantial quantities of otherwise unavailable intelligence. ...As the President explained [on September 6, 2006], 'by giving us information about terrorist plans we could not get anywhere else, the program has saved innocent lives.'" (*See* 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.) (3) CIA briefings for members of the National Security Council in July and September 2003, which represented that "the use of Enhanced Techniques of one kind or another had produced significant intelligence information that had, in the view of CIA professionals, saved lives," and which warned policymakers that "[t]ermination of this program will result in loss of life, possibly extensive." (*See* August 5, 2003 Memorandum for the Record from Scott Muller, Subject: Review of Interrogation Program on 29 July 2003; Briefing slides, CIA Interrogation Program, July 29, 2003; September 4, 2003, CIA Memorandum for the Record, Subject: Member Briefing; and September 26, 2003, Memorandum for the Record from Muller, Subject: CIA Interrogation Program.) (4) The CIA's response to the Office of Inspector General draft Special Review of the CIA program, which asserts: "Information [the CIA] received... as a result of the lawful use of enhanced interrogation techniques ('EITs') has almost certainly saved countless American lives inside the United States and abroad. The evidence points clearly to the fact that without the use of such techniques, we and our allies would [have] suffered major terrorist attacks involving hundreds, if not thousands, of casualties." (*See* Memorandum for: Inspector General; from: James Pavitt, Deputy Director for Operations; subject: re (S) Comments to Draft IG Special Review, "Counterterrorism Detention and Interrogation Program" 2003-7123-IG; date: February 27, 2004; attachment: February 24, 2004, Memorandum re Successes of CIA's Counterterrorism Detention and Interrogation Activities.) (5) CIA briefing documents for CIA Director Leon Panetta in February 2009, which state that the "CIA assesses that the RDI program worked and the [enhanced interrogation] techniques were effective in producing foreign intelligence," and that "[m]ost, if not all, of the timely intelligence acquired from detainees in this program would not have been discovered or reported by other means." (*See* CIA briefing documents for Leon Panetta, entitled, "Tab 9: DCIA Briefing on RDI Program-18FEB.2009" and graphic attachment, "Key Intelligence and Reporting Derived from Abu Zubaydah and Khalid Shaykh Muhammad (KSM)," including "DCIA Briefing on RDI Program" agenda, CIA document "EITs and Effectiveness," with associated documents, "Key Intelligence Impacts Chart: Attachment (AZ and KSM)," "Background on Key Intelligence Impacts Chart: Attachment," and "supporting references," to include "Background on Key Captures and Plots Disrupted.") (6) CIA document faxed to the Senate Select Committee on Intelligence on March 18, 2009, entitled, "[SWIGERT] and [DUNBAR]" (DTS #2009-1258), which provides a list of "some of the key captures and disrupted plots" that the CIA had attributed to the use of the CIA's enhanced interrogation techniques, and states: "CIA assesses that most, if not all, of the timely intelligence acquired from detainees in this program would not have been discovered or reported by any other means." *See* Volume II for additional CIA representations asserting that the CIA's enhanced interrogation techniques enabled the CIA to obtain unique, otherwise unavailable intelligence that "saved lives."

[1058] *See* Volume II for detailed information. The OLC's May 30, 2005, memorandum relied on the CIA's representations in determining that the CIA's enhanced interrogation techniques did not violate the Fifth Amendment's prohibition on executive conduct that "shocks the conscience," indicating that this analysis was a "highly context-specific and fact-dependent question." The OLC also linked its analysis of whether the use of the CIA's enhanced interrogation techniques was "constitutionally arbitrary" to the representation by the CIA that the program produced "substantial quantities of otherwise unavailable actionable intelligence." (*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

interrogation techniques was a "highly context-specific, fact-dependent question" and highlighted the importance of the CIA representation that the CIA's enhanced interrogation techniques produced "substantial quantities of otherwise unavailable actionable intelligence," and were "largely responsible for preventing a subsequent attack within the United States."[1059]

B. Past Efforts to Review the Effectiveness of the CIA's Enhanced Interrogation Techniques

(~~TS//~~ [redacted] ~~//NF~~) During the period in which the CIA's Detention and Interrogation Program was operational, from 2002 to 2009, there were three reviews that addressed the effectiveness of the CIA's enhanced interrogation techniques: (1) the CIA Office of Inspector General Special Review, released in May 2004; (2) an internal review conducted by two senior CIA officers in 2004; and (3) a 2005 "Blue Ribbon" panel consisting of two individuals not employed by the CIA. According to CIA records, as of the spring of 2007, the CIA had not "conducted any other studies on the effectiveness of interrogation techniques."[1060]

(~~TS//~~ [redacted] ~~//NF~~) Each of the previous reviews relied on interviews with CIA personnel involved in the program, as well as documents prepared by CIA personnel, which represented that the CIA interrogation program was effective, and that the use of the CIA's enhanced interrogation techniques had "enabled the CIA to disrupt terrorist plots, capture

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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 CIA provided examples of the purported effectiveness of the CIA's enhanced interrogation techniques in response to a request from the OLC. According to an email from [redacted] CTC Legal [redacted], Principal Deputy Assistant Attorney General Steven Bradbury explained that "because the standards under Article 16 [of the Convention Against Torture] require a balancing of the government's need for the information, it would be quite helpful if we had any case studies or examples to demonstrate the value of information produced by the program." *See* email from: [redacted]; to: [redacted], [redacted], [redacted], [redacted]; cc: [redacted], [REDACTED], [REDACTED], [REDACTED]; date: March 2, 2005, 2:32 PM.

[1059] Among other documents, *see* Department of Justice Office of Legal Counsel memoranda dated May 30, 2005, and July 20, 2007. The May 30, 2005, OLC memorandum repeats additional CIA representations, including that "enhanced interrogation techniques remain essential to obtaining vital intelligence necessary to detect and disrupt such emerging threats" and that the use of the techniques "led to specific, actionable intelligence." The July 20, 2007, OLC memorandum states that the "...use of enhanced interrogation techniques is intended to service this paramount interest [security of the Nation] by producing substantial quantities of otherwise unavailable intelligence," citing CIA representations to the President that the CIA's enhanced interrogation techniques produced information "we could not get anywhere else," and that "the use of such techniques saved American lives by revealing information about planned terrorist plots."

[1060] *See* CIA draft response to Questions for the Record submitted by the Senate Select Committee on Intelligence after an April 12, 2007, hearing on the CIA's Detention and Interrogation Program. The CIA draft response states the CIA Blue Ribbon Panel, consisting of two outside reviewers, was the only independent review of the effectiveness of the CIA's enhanced interrogation techniques, and that "CIA had not conducted any other studies on the effectiveness of [the] interrogation techniques." The final CIA response to the Committee states: "The 2004 CIA Office of the Inspector General report that reviewed CIA's counterterrorism detention and interrogation activities recommended a non-CIA independent experts' review of the effectiveness of each of the authorized EIT and a determination regarding the necessity for the continued use of each technique. As a result, CIA sought and obtained the agreement of Mr. [redacted] and Mr. [redacted] to conduct an independent review, which is also known as the Blue-Ribbon Panel report. Their individual reports are provided at Tabs A and B."

additional terrorists, and collect a high-volume of critical intelligence on al-Qa'ida."[1061] CIA personnel represented: "[t]his is information that CTC could not have gotten any other way."[1062]

(~~TS//[redacted]//NF~~) There are no indications in CIA records that any of the past reviews attempted to independently validate the intelligence claims related to the CIA's use of its enhanced interrogation techniques that were presented by CIA personnel in interviews and in documents. As such, no previous review confirmed whether the specific intelligence cited by the CIA was acquired from a CIA detainee during or after being subjected to the CIA's enhanced interrogation techniques, or if the intelligence acquired was otherwise unknown to the United States government ("otherwise unavailable"), and therefore uniquely valuable.

C. The Origins of CIA Representations Regarding the Effectiveness of the CIA's Enhanced Interrogation Techniques As Having "Saved Lives," "Thwarted Plots," and "Captured Terrorists"

(~~TS//[redacted]//NF~~) Before the CIA took custody of its first detainee, CIA attorneys researched the limits of coercive interrogations and the legal definitions of torture. On November 26, 2001, CIA Office of General Counsel (OGC) attorneys circulated a draft legal memorandum entitled "Hostile Interrogations: Legal Considerations for CIA Officers."[1063] The memorandum listed interrogation techniques considered to be torture by a foreign government and a specific nongovernmental organization, including "cold torture," "forced positions," "enforced physical exhaustion," "sensory deprivation," "perceptual deprivation," "social deprivation," "threats and humiliation," "conditioning techniques," and "deprivation of sleep."[1064] The draft memorandum described various prohibitions on torture and the potential use of "necessity" as a legal defense against charges of torture, stating:

> "[i]t would, therefore, be a novel application of the *necessity* defense to avoid prosecution of U.S. officials who tortured to obtain information that *saved many lives*... A policy decision must be made with regard to U.S. use of torture in light of our obligations under international law, with consideration given to the circumstances and to international opinion on our current

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[1061] *See*: (1) CIA Office of Inspector General, Special Review – Counterterrorism Detention and Interrogation Program, (2003-7123-IG), May 2004; (2) May 12, 2004, Memorandum for Deputy Director for Operations from [redacted], Chief, Information Operations Center, and Henry Crumpton, Chief, National Resources Divisions via Associate Deputy Director for Operations, with the subject line, "Operational Review of CIA Detainee Program"; and (3) Blue Ribbon Panel Review, including a September 2, 2005, Memorandum from [redacted] to Director Porter Goss, CIA, entitled "Assessment of EITs Effectiveness," and a September 23, 2005, Memorandum from [redacted] to the Honorable Porter Goss, Director, Central Intelligence Agency, entitled, "Response to request from Director for Assessment of EIT effectiveness."

[1062] *See*, among other examples, a June 27, 2003, Inspector General interview with CTC's Chief of Operations, [redacted]. The record of that interview (2003-7123-IG) states: "[[redacted]] stated that the Agency's Al-Qa'ida program has been very effective. ...[[redacted]] views the intelligence as the main criteria for judging the success of the program; specifically, intelligence that has allowed CTC to take other terrorists off the street and to prevent terrorist attacks. This is information that CTC could not have gotten any other way."

[1063] November 26, 2001, Draft of Legal Appendix, Paragraph 5, "Hostile Interrogations: Legal Considerations for CIA Officers." This document includes information regarding Paragraph 4.

[1064] November 26, 2001, Draft of Legal Appendix, Paragraph 5, "Hostile Interrogations: Legal Considerations for CIA Officers." *See* Volume I for additional information.

campaign against terrorism—states may be very unwilling to call the U.S. to task for torture when it resulted in *saving thousands of lives*."[1065]

(~~TS//~~ [redacted] ~~//NF~~) On February 1, 2002, a CTC attorney researched the impact of the application of the Geneva Conventions (GC) on future CIA interrogation activities.[1066] The attorney wrote:

"If the detainee is a POW and enjoys GC coverage, then the optic becomes how legally defensible is a particular act that probably violates the convention, but ultimately *saves lives*. I believe that [a named CIA attorney]'s papers reflecting on *necessity and anticipatory self defense* are the two most obvious defenses available."[1067]

(U) The Department of Justice Office of Legal Counsel (OLC) included the "necessity defense" in its August 1, 2002, memorandum to the White House Counsel, determining, among other things, that "under the current circumstances, necessity or self-defense may justify interrogation methods that might violate" the criminal prohibition against torture.[1068] The OLC memorandum states:

"It appears to us that under the current circumstances the *necessity defense* could be successfully maintained in response to an allegation of a Section 2340A violation. ...Under these circumstances, a detainee may possess

[1065] Italics added. November 26, 2001, Draft of Legal Appendix, Paragraph 5, "Hostile Interrogations: Legal Considerations for CIA Officers," at 1. The CIA would later repeat both claims, representing to senior officials and the Department of Justice that the use of the CIA's enhanced interrogation techniques produced intelligence that "saved lives," and that this intelligence was otherwise unavailable. Further, on August 1, 2002, OLC issued an unclassified, but non-public opinion, in the form of a memorandum to White House Counsel Alberto Gonzales, analyzing whether certain interrogation methods would violate 18 U.S.C. §§ 2340-2340A. The memorandum provides a similar rationale for the necessity defense, stating, "certain justification defenses might be available that would potentially eliminate criminal liability. Standard criminal law defenses of necessity and self-defense could justify interrogation methods needed to elicit information to prevent a direct and imminent threat to the United States and its citizens." The memorandum later concludes: "even if an interrogation method might violate Section 2340A, necessity or self-defense could provide justifications that would eliminate any criminal liability."

[1066] Email from: [REDACTED]; to: [redacted] and [REDACTED]; subject: "POW's and Questioning"; date: February 1, 2002.

[1067] Italics added. Email from: [REDACTED]; to: [redacted] and [REDACTED]; subject: "POW's and Questioning"; date: February 1, 2002. In response to a request from the Department of Justice's Office of Professional Responsibility (OPR), the CIA provided two memoranda – one dated November 7, 2001, the other undated – neither of which discussed the necessity defense. The OPR report states: "Although the CIA Office of General Counsel (OGC) told us that these were the only CIA memoranda in its possession on interrogation policy, some of the information we obtained from the CIA suggested otherwise. In an internal email message dated February 1, 2002, from CTC attorney [REDACTED] to [REDACTED], [REDACTED] referred to '[CIA Attorney [REDACTED]] papers reflecting on necessity and anticipatory self defense.'" *See* Department of Justice, Office of Professional Responsibility, Report. Investigation into the Office of Legal Counsel's Memoranda Concerning Issues Relating to the Central Intelligence Agency's Use of 'Enhanced Interrogation Techniques' on Suspected Terrorists, July 29, 2009, pp. 31-32.

[1068] Memorandum for Alberto R. Gonzales, Counsel to the President, from Jay C. Bybee, Assistant Attorney General, Office of Legal Counsel, August 1, 2002, "Re Standards of Conduct for Interrogation under 18 U.S.C 2340-2340A," the U.S. Federal Torture Statute.

> information that could enable the United States to prevent attacks that potentially could equal or surpass the September 11 attacks in their magnitude. Clearly, any harm that might occur during an interrogation would pale to insignificance compared to the harm avoided by preventing such an attack, which could take hundreds or thousands of lives."[1069]

(~~TS//~~ [redacted] ~~//NF~~) According to a report by the Department of Justice Office of Professional Responsibility (OPR), released in July 2009, Deputy Assistant Attorney General John Yoo "acknowledged that the CIA may have indirectly suggested the new sections [related to Commander-in-Chief authority and possible defenses, including the necessity defense] by asking him what would happen in a case where an interrogator went 'over the line' and inadvertently violated the statute." Yoo also told the OPR that he drafted those relevant sections. Another senior Department of Justice lawyer at the time, Patrick Philbin, informed the OPR that when he told Yoo that the sections were superfluous and should be removed, Yoo responded, "They want it in there." The CIA's former Deputy General Counsel John Rizzo told the OPR that the CIA did not request the addition of the sections.[1070] In his response to the OPR report, Assistant Attorney General Jay Bybee stated that the "ticking time bomb" that could justify the necessity defense was, in fact, a "real world" scenario. According to Bybee, "the OLC attorneys working on the [August 1, 2002] Memo had been briefed on the apprehension of Jose Padilla on May 8, 2002. Padilla was believed to have built and planted a dirty bomb."[1071] The August 1, 2002, memorandum states that the "[i]nterrogation of captured al Qaida operatives allegedly allowed U.S. intelligence and law enforcement agencies to track Padilla and to detain him upon his entry into the United States."[1072] This information was inaccurate.[1073]

[1069] Italics added. Memorandum for Alberto R. Gonzales, Counsel to the President, Re: Standards of Conduct for Interrogation under 18 U.S.C. §§ 2340-2340A, pp. 39-41. On December 30, 2004, the OLC issued a new memorandum superseding the August 1, 2002, memorandum in its entirety. The OLC wrote that "[b]ecause the discussion in [the August 1, 2002] memorandum concerning the President's Commander-in-Chief power and the potential defenses to liability was – and remains—unnecessary, it has been eliminated from the analysis that follows. Consideration of the bounds of any such authority would be inconsistent with the President's unequivocal directive that United States personnel not engage in torture." (*See* Memorandum for James B. Comey, Deputy Attorney General, Re: Legal Standards Applicable Under 18 U.S.C. §§ 2340-2340A). No CIA detainees were subjected to the CIA's enhanced interrogation techniques between the issuance of the December 2004 memorandum and May 2005, when the OLC opined on the application of the federal prohibition on torture to the techniques.

[1070] Department of Justice, Office of Professional Responsibility, Report, Investigation into the Office of Legal Counsel's Memoranda Concerning Issues Relating to the Central Intelligence Agency's Use of 'Enhanced Interrogation Techniques' on Suspected Terrorists, July 29, 2009, p. 51.

[1071] Bybee response, at 74, n. 6, cited in the OPR Report at fn. 171. Department of Justice, Office of Professional Responsibility, Report, Investigation into the Office of Legal Counsel's Memoranda Concerning Issues Relating to the Central Intelligence Agency's Use of 'Enhanced Interrogation Techniques' on Suspected Terrorists, July 29, 2009.

[1072] Memorandum for Alberto R. Gonzales, Counsel to the President, Re: Standards of Conduct for Interrogation under 18 U.S.C. §§ 2340-2340A.

[1073] *See* section of this summary and Volume II on the Thwarting of the Dirty Bomb/Tall Buildings Plot and the Capture of Jose Padilla.

(~~TS//~~ [redacted] ~~//NF~~) With the issuance on August 1, 2002, of a second OLC memorandum specific to Abu Zubaydah,[1074] the CIA initiated the use of its enhanced interrogation techniques. After the CIA subjected Abu Zubaydah and other CIA detainees to the techniques, the CIA made increasingly stronger assertions about the effectiveness of the CIA's interrogation program, eventually asserting that the CIA interrogation program "saved lives,"[1075] and that the use of the CIA's enhanced interrogation techniques was necessary, as the intelligence obtained could not have been acquired in any other way.[1076]

(~~TS//~~ [redacted] ~~//NF~~) Many of the representations made by the CIA about the effectiveness of the CIA's enhanced interrogation techniques were first made in the spring of 2003 and evolved over the course of the year and into early 2004. In April 2003, CIA officers told the CIA's Office of Inspector General (OIG) that KSM, who had been subjected to the techniques between March [redacted], 2003, and March 25, 2003, was still not fully cooperative. For example, on April 3, 2003, more than a week after the CIA had discontinued the use of its enhanced interrogation techniques on KSM, the deputy chief of ALEC Station, [redacted], informed the OIG that KSM had made "remarkable progress," but there was "a lot more to be done." [redacted] did not cite any specific intelligence obtained from KSM in this context.[1077]

(~~TS//~~ [redacted] ~~//NF~~) On June 27, 2003, more than three months after the CIA had ceased using its enhanced interrogation techniques against KSM, CTC Chief of Operations [redacted] told the OIG that he was convinced that KSM "knows more and is just

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[1074] 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).

[1075] Among other documents, *see* CIA memorandum for the Record, "Review of Interrogation Program on 29 July 2003," prepared by CIA General Counsel Scott Muller, dated August 5, 2003; briefing slides entitled, "CIA Interrogation Program," dated July 29, 2003, presented to senior White House officials; Memorandum to the Inspector General from James Pavitt, CIA's Deputy Director for Operations, dated February 27, 2004, with the subject line, "Comments to Draft IG Special Review, 'Counterterrorism Detention and Interrogation Program' (2003-7123-IG)," Attachment, "Successes of CIA's Counterterrorism Detention and Interrogation Activities," dated February 24, 2004; and the September 6, 2006, CIA-vetted speech by the President on the CIA's Detention and Interrogation Program.

[1076] *See*, among other examples, interview of James Pavitt, by [redacted] and [REDACTED], Office of the Inspector General, August 21, 2003; Memorandum for: Inspector General; from: James Pavitt, Deputy Director for Operations; subject: re Comments to Draft IG Special Review, "Counterterrorism Detention and Interrogation Program" 2003-7123-IG; date: February 27, 2004; attachment: February 24, 2004, Memorandum re Successes of CIA's Counterterrorism Detention and Interrogation Activities; and a June 27, 2003, Inspector General interview of the Chief of Operations CTC, [redacted]. The record of that interview states: "[[redacted]] stated that the Agency's Al-Qa'ida program has been very effective. ...[[redacted]] views the intelligence as the main criteria for judging the success of the program; specifically, intelligence that has allowed CTC to take other terrorists off the street and to prevent terrorist attacks. This is information that CTC could not have gotten any other way."

[1077] Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, April 3, 2003. On April 21, 2003, a CTC analyst told the IG that KSM "has not provided anything significant to date." (*See* interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, April 21, 2003.) On April 30, 2003, one of KSM's interrogators pointed to "information on hijackings, bridges in New York, and nuclear plants," and information on hidden uranium, which was never found. *See* interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, April 30, 2003.

waiting for us to ask the right questions."[1078] [redacted] then provided two examples of information that KSM had not provided until he was asked specifically about the matters by CIA interrogators: information on the "tallest building in California" plot (also known as the "Second Wave" plot), and the inclusion of a building in Canary Wharf as a target in the plotting against Heathrow Airport.[1079] Asked if he could think of any instances in which information from CIA detainees had led to the arrest of a terrorist, [redacted] stated only that Majid Khan provided information that led to the arrest of Iyman Faris by the FBI.[1080] This information was inaccurate, as Majid Khan was not in CIA custody when he provided information on Iyman Faris.[1081]

(~~TS//~~[redacted]~~//NF~~) [redacted] represented to the OIG that the CIA's interrogation program was "very effective," and that the intelligence obtained from CIA detainees was "the main criteria for judging the success of the program; specifically, intelligence that has allowed CTC to take other terrorists off the street and to prevent terrorist attacks." [redacted] also told the OIG that the information obtained from CIA interrogations was "information that CTC could not have gotten any other way."[1082]

(U) On June 26, 2003, President Bush issued a statement for the United Nations International Day in Support of Victims of Torture. That statement—referenced in multiple news articles—relayed that the:

> "United States is committed to the world-wide elimination of torture and we are leading this fight by example. I call on all governments to join with the United States and the community of law-abiding nations in prohibiting, investigating, and prosecuting all acts of torture and in undertaking to prevent other cruel and unusual punishment."[1083]

(~~TS//~~[redacted]~~//NF~~) The following day, after the *Washington Post* published an article on the Administration's detainee policy, CIA Deputy General Counsel John Rizzo called John Bellinger, the legal advisor to the National Security Council. According to an email from Rizzo to other senior CIA officers, Rizzo called Bellinger to:

[1078] [redacted] told the OIG that KSM was asked about the plan to hijack an airplane in Malaysia and fly it into the Library Tower in Los Angeles, which the CIA had learned from another detainee. That detainee was Masran bin Arshad, who was in foreign government custody. [redacted] told the OIG that KSM "provided information on the Heathrow/Canary Wharf option, but not until personnel at [DETENTION SITE BLUE] asked him about a picture he drew of an I-beam." *See* [redacted], Memorandum for the Record; subject: Meeting with Chief of Operations, [redacted], Counterterrorist Center (2003-7123-IG); date: 27 June 2003.

[1079] [redacted], Memorandum for the Record; subject: Meeting with Chief of Operations, [redacted], Counterterrorist Center (2003-7123-IG); date: 27 June 2003. *See* sections of this summary and Volume II on the Thwarting of the Second Wave Plot and the Discovery of the Al-Ghuraba Group, and the Thwarting of the Heathrow Airport and Canary Wharf Plotting.

[1080] [redacted], Memorandum for the Record; subject: Meeting with Chief of Operations, Counterterrorist Center (2003-7123-IG); date: 27 June 2003.

[1081] *See* section of this summary and Volume II on the Identification, Capture, and Arrest of Iyman Faris.

[1082] [redacted], Memorandum for the Record; subject: Meeting with Chief of Operations, [redacted], Counterterrorist Center (2003-7123-IG); date: 27 June 2003.

[1083] June 26, 2003, Statement by the President, United Nations International Day in Support of Victims of Torture, http://www.whitehouse.gov/news/releases/2003/06/20030626-3.html.

> "express our surprise and concern at some of the statements attributed to the Administration in the piece, particularly the Presidential statement on the UN International Day in Support of Victims of Torture as well as a quote from the Deputy White House Press Secretary Scott McClellan that all prisoners being held by the USG are being treated 'humanely.'"[1084]

(~~TS//[redacted]//NF~~) While Rizzo expressed the view that the presidential statement did not appear to contain anything "we can't live with," Rizzo conveyed to senior CIA leaders that it "might well be appropriate for us to seek written reaffirmation by some senior White House official that the Agency's ongoing practices… are to continue."[1085]

(~~TS//[redacted]//NF~~) On July 3, 2003, DCI George Tenet sent a memorandum to National Security Advisor Condoleezza Rice seeking reaffirmation of the Administration's support for the CIA's detention and interrogation policies and practices. The memorandum stated that the reaffirmation was sought because:

> "recent Administration responses to inquiries and resulting media reporting about the Administration's position have created the impression that these [interrogation] techniques are not used by U.S. personnel and are no longer approved as a policy matter."[1086]

(~~TS//[redacted]//NF~~) While the CIA was preparing to meet with the White House on the reaffirmation of the CIA interrogation program, CIA personnel provided additional inaccurate information about the "effectiveness" of the CIA's enhanced interrogation techniques to the OIG, as well as to senior CIA leadership. These inaccurate representations described the "thwarting" of specific plots and the capture of specific terrorists attributed to the interrogation of CIA detainees and the use of the CIA's enhanced interrogation techniques.

(~~TS//[redacted]//NF~~) On July 16, 2003, Deputy Chief of ALEC Station [redacted] was interviewed again by the OIG. In this interview [redacted] asserted that KSM "provided information that helped lead to the arrest of" Iyman Faris, Uzhair Paracha, Saleh al-Marri, Majid Khan, and Ammar al-Baluchi.[1087] These representations were almost entirely inaccurate.[1088]

[1084] Email from: John Rizzo; to: John Moseman, [redacted]; cc: Buzzy Krongard, Scott Muller, William Harlow; subject: Today's Washington Post Piece on Administration Detainee Policy; date: June 27, 2003.
[1085] Email from: John Rizzo; to: John Moseman, [redacted]; cc: Buzzy Krongard, Scott Muller, William Harlow; subject: Today's Washington Post Piece on Administration Detainee Policy; date: June 27, 2003.
[1086] July 3, 2003, CIA Memorandum for National Security Advisor from Director of Central Intelligence George J. Tenet with the Subject: Reaffirmation of the Central Intelligence Agency's Interrogation Program. *See also* Scott Muller, Memorandum for the Record; subject: Review of Interrogation Program on 29 July 2003; date: 5 August 2003 (OGC-FO-2003-50078).
[1087] [redacted], Memorandum for the Record; subject: Meeting with Deputy Chief, [redacted], Counterterrorist Center ALEC Station; date: 17 July 2003.
[1088] *See* sections of this summary and Volume II on the Identification, Capture, and Arrest of Iyman Faris; the Identification and Arrests of Uzhair and Saifullah Paracha; the Identification and Arrest of Saleh al-Marri; the Capture of Majid Khan; and the Thwarting of the Karachi Plots (regarding the capture of Ammar al-Baluchi).

(~~TS//[redacted]//NF~~) [redacted] also informed the OIG that information from CIA detainees "provided a wealth of information about Al-Qa'ida plots," including: a terrorist plot in Saudi Arabia against Israel; a plot against the U.S. Consulate in Karachi, Pakistan; a plot against Heathrow Airport and Canary Wharf; a plot to derail trains; a plot against subways; a gas station plot; a plot against the "tallest building" in California; a plot against suspension bridges; and a plot to poison water supplies.[1089] Much of this information was inaccurate.[1090] According to OIG records, "[o]n the question of whether actual plots had been thwarted, [[redacted]] opined that since the operatives involved in many of the above plots had been arrested, [CTC had], in effect, thwarted the operation[s]." [redacted] provided a list to the OIG of terrorists captured and the plots with which they were associated. None of the individuals listed by [redacted] were captured as a result of reporting from CIA detainees.[1091]

(~~TS//[redacted]//NF~~) During this same period in 2003, CIA officers were compiling similar information for CIA leadership. On July 18, 2003, the chief of ALEC Station, [redacted], wrote an email to ALEC Station officers requesting information on the "value and impact" of CIA detainee information on behalf of the CIA Renditions Group (RDG),[1092] which he stated was being compiled for senior CIA leadership.[1093] [redacted] wrote that "[o]ne way to assist now is to provide input to RDG on highlights of intel and ops reporting from the detainees," in particular "reporting that helped reveal or stop plots, reporting that clinched the identity of terrorist suspects, etc."[1094] The first portion of the response, compiled by ALEC Station, was drafted by Deputy Chief of ALEC Station [redacted], who wrote that CIA detainee reporting "plays a key role in our ability to identify and capture al-Qa'ida terrorists, including those who were planning to attack inside the United States." In an email, [redacted] wrote that "[t]he ability of the detainees to identify many operatives previously unknown to us or to the FBI resulted in the successful capture/detention of several terrorists," and that the use of the CIA's enhanced interrogation techniques was "key" to acquiring this information on these operatives. As examples of operatives "previously unknown" to the CIA and the FBI and identified by CIA detainees, [redacted] cited Jose Padilla, Binyam Mohammed, Majid Khan,

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[1089] [redacted], Memorandum for the Record; subject: Meeting with Deputy Chief, Counterterrorist Center ALEC Station; date: 17 July 2003.

[1090] *See* sections of this summary and Volume II on the Thwarting of the Karachi Plots; the Thwarting of the Heathrow Airport and Canary Wharf Plotting; the Identification, Capture, and Arrest of Iyman Faris; the Capture of Majid Khan; the Thwarting of the Second Wave Plot and the Discovery of the Al-Ghuraba Group; and the KSM detainee review in Volume III.

[1091] [redacted] listed Majid Khan (gas station and poison plotting), Iyman Faris (the suspension bridge plot, as well as a possible shopping mall plot), Khallad bin Attash (the Heathrow plot), Masran bin Arshad (the "tallest building" plot), and Ammar al-Baluchi (the plot against the U.S. consulate in Karachi). *See* relevant sections of this summary and Volume II for additional information.

[1092] As noted, the "Renditions and Interrogations Group," is also referred to as the "Renditions Group," the "Rendition, Detention, and Interrogation Group," "RDI," and "RDG" in CIA records.

[1093] Email from: [redacted]; to: DO_CTC_ALEC Group Chiefs; cc: [redacted]; subject: value of detainees; date: July 18, 2003, at 01:09 PM.

[1094] Email from: [redacted]; to: DO_CTC_ALEC Group Chiefs; cc: [redacted]; subject: value of detainees; date: July 18, 2003, at 01:09 PM.

Iyman Faris, and Sayf al-Rahman Paracha.[1095] These representations were inaccurate.[1096] [redacted] email concluded:

> "Simply put, detainee information has *saved countless American lives* inside the US and abroad. We believe there is no doubt al-Qa'ida would have succeeded in launching additional attacks in the US and that the information obtained from these detainees *through the use of enhanced measures* was *key to unlocking this information*. It is our assessment that if CIA loses the ability to interrogate and use enhanced measures in a responsible way, we will not be able to effectively prosecute this war."[1097]

(~~TS//~~ [redacted] ~~//NF~~) The information relayed from ALEC Station to RDG in July 2003 for CIA leadership also included information from a CIA assessment entitled "Significant Detainee Reporting."[1098] That document included information that was largely congruent with CIA records. It stated that KSM provided details on the Heathrow Airport Plot and the Karachi Plots only after being confronted with the capture of Khallad bin Attash and Ammar al-Baluchi;[1099] that with regard to plots inside the United States, KSM had only admitted to plots that had been abandoned or already disrupted; that KSM fabricated information in order to tell CIA interrogators "what he thought they wanted to hear"; and that KSM generally only provided information when "boxed in" by information already known to CIA debriefers.[1100] This information was not included in CIA representations to policymakers later that month.

(~~TS//~~ [redacted] ~~//NF~~) On July 29, 2003, as a result of DCI Tenet's July 3, 2003, request seeking reaffirmation of the CIA's detention and interrogation policies and practices, Tenet and CIA General Counsel Scott Muller conducted a briefing for a subset of the National Security

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[1095] Email from: [redacted]; to: [redacted], [redacted], [REDACTED], [redacted], [REDACTED], [redacted], [redacted], [REDACTED], [redacted], [redacted], [redacted]; subject: value of detainees; date: July 18, 2003, at 2:30:09 PM; email from: [redacted]; to: [redacted], DO_CTC_ALEC Chiefs Groups, [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [REDACTED], [redacted]; cc: [redacted]; subject: Re: value of detainees; date: July 18, 2003, at 3:57:45 PM.

[1096] *See* sections of this summary and Volume II on the Thwarting of the Dirty Bomb/Tall Buildings Plot and the Capture of Jose Padilla; the Capture of Majid Khan; the Identification, Capture, and Arrest of Iyman Faris; and the Identification and Arrests of Uzhair and Saifullah Paracha.

[1097] Italics added. Email from: [redacted]; to: [redacted], DO_CTC_ALEC Group Chiefs , [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [REDACTED], [redacted]; cc: [redacted]; subject: Re: value of detainees; date: July 18, 2003, at 3:57:45 PM.

[1098] Email from: [redacted]; to: [redacted], DO_CTC_ALEC Group Chiefs, [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [REDACTED], [redacted]; cc: [redacted]; subject: Re: value of detainees; date: July 18, 2003, at 3:57:45 PM. *See* CIA document "Significant Detainee Reporting."

[1099] *See* section of this summary and Volume II on the Thwarting of the Karachi Plots, and the KSM detainee review in Volume III.

[1100] Email from: [redacted]; to: [redacted], DO_CTC_ALEC Group Chiefs, [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [REDACTED], [redacted]; cc: [redacted]; subject: Re: value of detainees; date: July 18, 2003, at 3:57:45 PM. *See also* "Significant Detainee Reporting" and KSM detainee review in Volume III.

Council principals.[1101] According to a CIA memorandum, Muller represented that CIA "detainees subject to the use of Enhanced Techniques of one kind or another had produced significant intelligence information that had, in the view of CIA professionals, saved lives."[1102]

(~~TS//[redacted]//NF~~) The CIA briefing provided the "results" of using the CIA's enhanced interrogation techniques in briefing slides with the heading: "RESULTS: MAJOR THREAT INFO." The slides represented that KSM provided information on "[a]ttack plans against US Capitol, other US landmarks"; "[a]ttacks against Chicago, New York, Los Angeles; against towers, subways, trains, reservoirs, Hebrew centers, Nuclear power plants"; and the "Heathrow and Canary Wharf Plot." The slides also represented that KSM identified Iyman Faris, the "Majid Khan family," and Sayf al-Rahman Paracha.[1103] These representations were largely inaccurate.[1104]

(~~TS//[redacted]//NF~~) The CIA slides represented that "major threat" information was obtained from the use of the CIA's enhanced interrogation techniques on CIA detainee 'Abd al-Rahim al-Nashiri regarding "US Navy Ships in the Straits of Hormuz." This representation was inaccurate and omitted material facts.[1105] The CIA slides further indicated that "major threat" information was obtained from the use of the CIA's enhanced interrogation techniques against CIA detainee Ramzi bin al-Shibh—specifically that bin al-Shibh "[i]dentified Hawsawi" and

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[1101] CIA Memorandum for the Record, "Review of Interrogation Program on 29 July 2003," prepared by CIA General Counsel Scott Muller, dated August 5, 2003; briefing slides entitled, "*CIA Interrogation Program,*" dated July 29, 2003, presented to senior White House officials. Those attending the meeting included the director of the CIA, George Tenet; the CIA general counsel, Scott Muller; Vice President Cheney; National Security Advisor Rice; White House Counsel Alberto Gonzales; Attorney General Ashcroft; Acting Assistant Attorney General, Office of Legal Counsel, Patrick Philbin; and counsel to the National Security Council, John Bellinger.

[1102] CIA Memorandum for the Record, "Review of Interrogation Program on 29 July 2003," prepared by CIA General Counsel Scott Muller, dated August 5, 2003; briefing slides entitled, "*CIA Interrogation Program,*" dated July 29, 2003, presented to senior White House officials.

[1103] CIA Memorandum for the Record, "Review of Interrogation Program on 29 July 2003," prepared by CIA General Counsel Scott Muller, dated August 5, 2003; briefing slides entitled, "*CIA Interrogation Program,*" dated July 29, 2003, presented to senior White House officials.

[1104] CIA records indicate that the "attacks," "attack plans," and "targets" discussed by KSM were well known to the Intelligence Community prior to any reporting from CIA detainees, or were merely ideas for attacks that were proposed, but never operationalized. The CIA briefing slides made no mention of KSM withholding or fabricating information during and after the use of the CIA's enhanced interrogation techniques. *See* relevant sections of this summary and Volume II, as well as the KSM detainee review in Volume III.

[1105] CIA records indicate that al-Nashiri provided details on multiple terrorist plots—including plans to target ships in the Strait of Hormuz—prior to his CIA detention and the use of the CIA's enhanced interrogation techniques. With regard to the targeting of ships in the Strait of Hormuz, this information was provided by al-Nashiri while he was still in foreign government custody and was disseminated in CIA intelligence reports prior to his CIA detention. (*See* [redacted] 36595 [redacted]; [redacted] 36726 [redacted]; ALEC [redacted]. For disseminated intelligence, *see* [redacted] CIA [redacted]; [redacted] CIA [redacted]; [redacted] CIA [redacted].) For other reporting from al-Nashiri while in foreign government custody, *see* [redacted] 70879 [redacted]; [redacted] 70866 [redacted]; [redacted] 70868 [redacted]; [redacted] 70870 [redacted]. For disseminated intelligence, *see* [redacted]; [redacted]; [redacted]. *See also* detainee review of 'Abd al-Rahim al-Nashiri in Volume III.

provided "major threat" information on "[a]ttacks against Nuclear Power Plants, Hebrew Centers." This representation was inaccurate and omitted material facts.[1106]

(~~TS//~~ [redacted] ~~//NF~~) In the context of "[m]ajor threats [that] were countered and attacks averted," the CIA slides represented that "major threat" information was obtained from the use of the CIA's enhanced interrogation techniques against Khallad bin Attash on an "[a]ttack against U.S. Consulate in Karachi." This representation was inaccurate.[1107] The CIA slides further represented that "major threat" information was obtained from the use of the CIA's enhanced interrogation techniques on CIA detainee Abu Zubaydah, resulting in the "[i]dentification of [Jose] Padilla, Richard Reid," as well as information on "[a]ttacks on banks, subways, petroleum and aircraft industries." These representations were inaccurate.[1108]

(~~TS//~~ [redacted] ~~//NF~~) The briefing slides, which contained additional inaccuracies detailed in Volume II of the Committee Study, were used, at least in part, for CIA briefings for

[1106] Al-Hawsawi was linked to the September 11, 2001, attacks and targeted by the CIA and other intelligence agencies prior to bin al-Shibh's capture. (*See* WASHINGTON [redacted] (232012Z MAY 02), CIA [redacted] (032022Z APR 02); [redacted] 17743 (051408Z MAR 02); DIRECTOR [redacted] (231756Z APR 02); ALEC [redacted] (161821Z JUL 03).) Al-Hawsawi's arrest on March 1, 2003, was unrelated to any reporting from CIA detainees. (*See* ALEC [redacted] (161821Z JUL 03).) With regard to the referenced "attacks," no operational plots targeting the sites referenced were ever identified by the CIA. Personnel at CIA Headquarters concluded in 2005 that the "most significant" intelligence derived from Ramzi bin al-Shibh was obtained prior to his rendition to CIA custody and the use of the CIA's enhanced interrogation techniques. According to a 2005 CIA assessment, the "most significant" reporting from Ramzi bin al-Shibh on future attacks was background information related to al-Qa'ida's plans to attack Heathrow Airport. (*See* ALEC [redacted] (302240Z JUN 05).) Ramzi bin al-Shibh provided the majority of this information in mid-October 2002, while in the custody of a foreign government and prior to being transferred to CIA custody. (*See* CIA [redacted].) *See also* detainee review of Ramzi bin al-Shibh in Volume III.

[1107] *See* the section of this summary and Volume II on the Thwarting of the Karachi Plots. CIA officers in [redacted] wrote of the referenced reporting from bin Attash: "[w]hile reporting from both [al-Baluchi and bin Attash] was chilling-[CIA officers] had become aware of most of this reporting either through previous information or through interviews of al-Baluchi and Ba Attash prior to their transfer out of Karachi." This cable also stated, "[a]s noted in several previous cables, in December 2002 [redacted] Consulate became aware of the threat to Consulate officials." *See* [redacted] 14510 [redacted].

[1108] For information on the "[i]dentification of [Jose] Padilla," *see* the section of this summary and Volume II on the Thwarting of the Dirty Bomb/Tall Buildings Plot and the Capture of Jose Padilla. Richard Reid was arrested in December 2001, prior to Abu Zubaydah's capture. *See* multiple open source reporting and Department of Justice materials, including, *United States v. Richard Reid* Indictment, U.S. District Court, District of Massachusetts, January 16, 2002. Abu Zubaydah provided information on potential places al-Qa'ida might target, including banks and subways, shortly after his capture to FBI interrogators, months prior to the use of the CIA's "enhanced interrogation techniques" in August 2002. *See* Federal Bureau of Investigation documents pertaining "to the interrogation of detainee Zayn Al Abideen Abu Zabaidah" and provided to the Senate Select Committee on Intelligence by cover letter dated July 20, 2010 (DTS #2010-2939). *See also* Abu Zubaydah detainee review in Volume III.

Secretary of State Powell and Secretary of Defense Rumsfeld,[1109] as well as for Assistant Attorney General Jack Goldsmith.[1110]

(~~TS//[redacted]//NF~~) In subsequent interviews of CIA personnel, the OIG received information that contradicted other CIA representations about the CIA's Detention and Interrogation Program. The chief of the [redacted] Branch of the UBL Group at CTC described at length how the arrests of Majid Khan and Iyman Faris were unrelated to reporting from CIA detainees.[1111] The deputy director for law enforcement for the FBI's Counterterrorism Division told the OIG how Uzhair Paracha and FBI operational activities were ultimately responsible for the capture of Sayf al-Rahman Paracha.[1112] The chief of targeting and special requirements for CTC's al-Qa'ida Department and former chief of the Abu Zubaydah Task Force, [redacted], told the OIG that "the often-cited example of Zubaydah identifying Padilla is not quite accurate."[1113] According to [redacted], "[n]ot only did [Abu Zubaydah] not tell us who Padilla was, his information alone would never have led us to Padilla." [redacted] stated that the Pakistanis had told the CIA about Jose Padilla and his partner prior to Abu Zubaydah providing any information on the pair, relaying, "[i]n essence, CTC got lucky."[1114]

(~~TS//[redacted]//NF~~) At the same time, however, CIA personnel provided inaccurate examples of the effectiveness of the CIA's enhanced interrogation techniques to the OIG. The deputy chief of the Al-Qa'ida Department of CTC told the OIG that "KSM gave us Majid Khan and Uzair Paracha."[1115] Deputy DCI John McLaughlin told the OIG that information from KSM "led to the capture" of Majid Khan, which in turn led to the capture of Hambali. McLaughlin also represented that "the capture of Richard Reid was a result of modus operandi information obtained from [Abu] Zubaydah."[1116] These representations were inaccurate.[1117]

(~~TS//[redacted]//NF~~) In addition to these specific inaccurate examples, CIA leadership made additional general claims to the OIG about the effectiveness of the CIA interrogation

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[1109] Memorandum for the Record; subject: CIA Interrogation Program; September 27, 2003 (OGC-FO-2003-50088). Slides, CIA Interrogation Program, 16 September 2003. The Memorandum for the Record drafted by John Bellinger refers to a "detailed handout" provided by the CIA. *See* John B. Bellinger, III, Senior Associate Counsel to the President and Legal Advisor, National Security Council; Memorandum for the Record; subject: Briefing of Secretaries Powell and Rumsfeld regarding Interrogation of High-Value Detainees; date: September 30, 2003.

[1110] Scott W. Muller; Memorandum for the Record; Interrogation briefing for Jack Goldsmith; date: 16 October 2003 (OGC-FO-2003-50097).

[1111] Interview of chief of the [redacted] Branch of the UBL Group, [redacted], by [redacted], Office of the Inspector General, July 30, 2003.

[1112] Interview of [redacted], by [redacted], Office of the Inspector General, August 5, 2003.

[1113] August 19, 2003, Memorandum for the Record, meeting with [redacted], Office of the Inspector General.

[1114] August 19, 2003, Memorandum for the Record, meeting with [redacted], Office of the Inspector General. This information was not included in the IG Special Review.

[1115] [redacted], Memorandum for the Record; subject: Meeting with Deputy Chief, Counterterrorist Center Al-Qa'ida Department; date: 28 July 2003.

[1116] Interview of John E. McLaughlin, by [REDACTED] and [REDACTED], Office of the Inspector General, September 5, 2003. This information was included in the CIA's July 2003 briefing slides. Richard Reid was arrested in December 2001, prior to the capture of Abu Zubaydah.

[1117] *See* the section in this summary and in Volume II on the Capture of Majid Khan; the Capture of Hambali; and the Identification and Arrests of Uzhair and Saifullah Paracha. *See also* the KSM detainee review in Volume III. Richard Reid was arrested prior to the capture of Abu Zubaydah.

program that highlighted the "critical threat information" that could only be acquired by using the CIA's enhanced interrogation techniques against CIA detainees. Jose Rodriguez, then CTC director, told the CIA OIG that "the use of EITs has saved lives and prevented terrorist operations from occurring."[1118] Deputy DCI McLaughlin told the OIG that he "believes the use of EITs has proven critical to CIA's efforts in the war on terrorism."[1119] DDO Pavitt stated that the program was "invaluable to U.S. national security," that "American lives have been saved as a result of information received from detainees," and that the CIA "has been able to obtain information that would not have been obtained without the use of EITs."[1120] According to OIG records, DCI Tenet stated he "firmly believes that the interrogation program, and specifically the use of EITs, has saved many lives." Tenet added that the use of the CIA's enhanced interrogation techniques was "extremely valuable" in obtaining "enormous amounts of critical threat information," and that he did not believe that the information could have been gained any other way.[1121]

(~~TS//~~ [redacted] ~~//NF~~) On January 2, 2004, CIA Inspector General John Helgerson provided a draft of the OIG Special Review, entitled "Counterterrorism Detention and Interrogation Program," to senior CIA officials for comment. The draft Special Review, which was based on numerous interviews of CIA personnel, as well as additional research by the OIG, described the origins of the CIA's Detention and Interrogation Program, the detention sites that were operational at the time of the review, and the guidance that had been provided on both interrogation and detention. The draft also identified a number of unauthorized interrogation techniques that had been used,[1122] and concluded that, in a number of cases, CIA interrogations went "well beyond what was articulated in the written DOJ legal opinion of 1 August 2002."[1123]

[redacted]

[1118] Interview of Jose E. Rodriguez, by [REDACTED] and [REDACTED], Office of the Inspector General, August 12, 2003.

[1119] Interview of John E. McLaughlin, by [REDACTED] and [REDACTED], Office of the Inspector General, September 5, 2003.

[1120] Pavitt also stated that by "September, October and November" of 2002, "they saw a clear benefit" to the use of CIA's enhanced interrogation techniques on Abu Zubaydah (Interview of James Pavitt, by [redacted] and [REDACTED], Office of the Inspector General, August 21, 2003).

[1121] Interview of George Tenet, by [REDACTED], [REDACTED], Office of the Inspector General, 8 September, 2003.

[1122] For example, the draft described interrogators placing pressure on a detainee's artery, conducting mock executions, blowing cigarette or cigar smoke into a detainee's face, using cold water to interrogate detainees, and subjecting a detainee to a "hard takedown." In an interview conducted after Gul Rahman's death at DETENTION SITE COBALT, Dr. DUNBAR described a "rough takedown." The interview report stated: "According to [DUNBAR], there were approximately five CIA officers from the renditions team. Each one had a role during the takedown and it was thoroughly planned and rehearsed. They opened the door of [a detainee] 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). [The detainee] did acquire a number of abrasions on his face, legs, and hands, but nothing that required medical attention." DUNBAR stated that after "something like this is done, interrogators should speak to the prisoner to 'give them something to think about.'" *See* Memorandum for Deputy Director of Operations, from [redacted], January 28, 2003, Subject: Death Investigation – Gul Rahman, pp. 21-22, paragraph 34.

[1123] CIA Inspector General, Special Review, Counterterrorism Detention and Interrogation Program (2003-7123-IG), January 2004.

The draft report repeated the inaccurate examples of the "effectiveness" of the CIA's enhanced interrogation techniques that had been conveyed by CIA officers to OIG personnel,[1124] but nonetheless concluded:

> "[w]ith the capture of some of the operatives for the above-mentioned plots, it is not clear whether these plots have been thwarted or if they remain viable or even if they were fabricated in the first place. This Review did not uncover any evidence that these plots were imminent."[1125]

(~~TS//~~ [redacted] ~~//NF~~) After reviewing the draft Special Review, including the OIG's qualified conclusions about the effectiveness of the CIA's enhanced interrogation techniques, the CIA's CTC began preparing a highly critical response. In preparation for that response, [redacted] CTC Legal, [redacted], requested additional information that could be used as evidence for the effectiveness of the CIA's enhanced interrogation techniques from CTC personnel. [redacted] sent an email seeking "a list of specific plots that have been thwarted by the use of detainee reporting that we acquired following the use of enhanced techniques." [redacted] noted that he would compile the information, "emphasizing that hundreds or thousands of innocent lives have been saved as a result of our use of those techniques...."[1126] In a separate email, [redacted] emphasized that it was "critical" that the information "establish direct links between the application of the enhanced interrogation techniques and the production of intelligence that directly enabled the saving of innocent lives," that the intelligence obtained after the use of the CIA's enhanced interrogation techniques be "significantly different in nature from the intelligence acquired before the use of the enhanced techniques," and that the information be "absolutely ironclad" and "demonstrably supported by cable citations, analytical pieces, or what have you."[1127] [redacted] further noted that "[w]e can expect to need to present these data to appropriately cleared personnel at the IG and on the Hill, to the Attorney General, and quite possibly to the President at some point, and they must be absolutely verifiable." He concluded, "[i]t is not an exaggeration to say that the future of the program, and the consequent saving of innocent lives, may depend substantially upon the input you provide."[1128]

[1124] The Special Review draft stated that KSM "provided information that helped lead to the arrests" of Sayf al-Rahman Paracha, Uzhair Paracha, Saleh al-Marri, and Majid Khan, and that KSM's information "led to the investigation and prosecution" of Iyman Faris. The draft Special Review also stated that information from Abu Zubaydah "helped lead to the identification" of Jose Padilla and Binyam Muhammad. Finally, the draft included the "plots" described by Deputy Chief of ALEC Station [redacted] during her July 16, 2003, interview. Most of the inaccurate representations would remain in the final version of the Special Review completed in May 2004. *See* CIA Inspector General, Special Review, Counterterrorism Detention and Interrogation Program (2003-7123-IG), January 2004.

[1125] CIA Inspector General, Special Review, Counterterrorism Detention and Interrogation Program (2003-7123-IG), January 2004.

[1126] Email from: [redacted]; to: Scott Muller, John Rizzo, [redacted], [redacted], [redacted], and [redacted]; subject: "For the response to the IG report"; date: February 4, 2004, at 1:04:03 PM.

[1127] Email from: [redacted]; to: [REDACTED]; subject: Addition on KSM/AZ and measures; date: February 10, 2004.

[1128] Email from: [redacted]; to: [REDACTED]; subject: Addition on KSM/AZ and measures; date: February 10, 2004. As described in this summary and in greater detail in the full Committee Study, the examples

(~~TS//~~ [redacted] ~~//NF~~) Responding to the request for information, Deputy Chief of ALEC Station [redacted] sent an email describing intelligence from KSM in which she wrote, "let's be foward [sic] leaning."[1129] The content of [redacted]'s email would serve as a template on which future justifications for the CIA program and the CIA's enhanced interrogation techniques were based.[1130] [redacted]'s email stated that "Khalid Shaykh Muhammad's information alone has saved at least several hundred, possibly thousands, of lives." She then wrote that KSM "identified" Iyman Faris, "who is now serving time in the US for his support to al-Qa'ida," and "identified a photograph" of Saleh al-Marri, "whom the FBI suspected of some involvement with al-Qa'ida, but against whom we had no concrete information," adding that al-Marri "is now being held on a material witness warrant." [redacted]'s email stated that KSM "provided information" on Majid Khan, who "is now in custody," "identified a mechanism for al-Qa'ida to smuggle explosives into the US," and "identified" Jaffar al-Tayyar.[1131] [redacted]'s email also represented that "[a]fter the use of enhanced [interrogation techniques], [Abu Zubaydah] grew into what is now our most cooperative detainee," and that Abu Zubaydah's information "produced concrete results that helped saved lives."[1132] These representations were almost entirely inaccurate.[1133] As she had in an interview with the OIG, [redacted], former chief of the Abu Zubaydah Task Force, refuted this view, writing in an email that Abu Zubaydah "never really gave 'this is the plot' type of information," that Abu Zubaydah discussed Jose Padilla prior to the use of the CIA's enhanced interrogation techniques, and that "he never really gave us actionable intel to get them."[1134] Separately, Deputy Chief of ALEC Station

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compiled were provided over the following years to the President, the Congress, the Department of Justice, and the American public.

[1129] Email from: [redacted]; to: [redacted]; cc: [redacted], [REDACTED], [REDACTED], [redacted]; subject: re Addition on KSM/AZ and measures; date: February 9, 2004. [redacted]'s email began: "here is my draft contribution… it's late, I'm tired, so it's not especially elegant… welcome any fact correcting I got wrong, but let's be foward [sic] leaning." The inaccurate information included in the email was used in the CIA's formal response to the OIG.

[1130] [redacted]'s email and the subsequent DDO response to the OIG were used as the template for talking points on the program. *See,* for example, email from: [redacted]; to: [redacted], [redacted]; subject: re EDITED Final – RE: Addition on KSM/AZ and measures (forwarding comments for response to draft Inspector General review for paper for Condoleezza Rice in December 2004); date: December 6, 2004; email from: [redacted]; to: [redacted], [redacted], [redacted]; cc: [redacted], [redacted]; subject: re EDITED Final – RE: Addition on KSM/AZ and measures (forwarding comments for response to draft Inspector General review for talking points in November 2005); date: November 4, 2005.

[1131] In response to [redacted]'s email, one CIA officer asked whether "re the jaffar al-tayyar stuff, didnt [sic] we already have the full name from FBI before he confirmed the name?" *See* email from: [REDACTED]; to: [redacted]; cc [redacted], [redacted], [redacted], [redacted]; subject: Re: Addition on KSM/AZ and measures; date: February 10, 2004, at 09:38 AM.

[1132] Email from: [redacted]; to: [redacted]; cc: [redacted], [REDACTED], [REDACTED], [redacted]; subject: re Addition on KSM/AZ and measures; date: February 9, 2004.

[1133] *See* relevant sections of this summary and Volume II on the eight primary CIA effectiveness representations and 12 other prominent CIA representations of effectiveness.

[1134] Email from: [redacted]; to: [redacted], cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [redacted], John P. Mudd, [REDACTED], [REDACTED], [REDACTED], Jose Rodriguez, [REDACTED], [REDACTED]; [redacted], subject: Re: Please Read -- Re CTC Response to the Draft IG Report; date: February 10, 2004. As noted, in an August 19, 2003, Memorandum for the Record detailing [redacted]'s interview with the Office of the Inspector General, [redacted] told the OIG that "the often-cited example of Zubaydah identifying Padilla is not quite accurate," and that "[n]ot only did [Abu Zubaydah] not tell us who Padilla was, his information alone would never have led us to Padilla." Noting that the Pakistani government

[redacted] forwarded additional inaccurate information from CIA personnel in ALEC Station to CTC Legal related to KSM,[1135] al-Nashiri,[1136] and Hambali.[1137]

(~~TS//~~ [redacted] ~~//NF~~) On February 27, 2004, DDO Pavitt submitted his formal response to the OIG draft Special Review in the form of a memorandum to the inspector general. Pavitt urged the CIA OIG not to "shy away from the conclusion that our efforts have thwarted attacks and saved lives," and to "make it clear as well that the EITs (including the waterboard) have been indispensable to our successes."[1138] Pavitt's memorandum included an attachment describing the "Successes of CIA's Counterterrorism Detention and Interrogation Activities," and why the CIA's enhanced interrogation techniques were necessary. The attachment stated:

> "Information we received from detained terrorists as a result of the lawful use of enhanced interrogation techniques ('EITs') has almost certainly saved countless American lives inside the United States and abroad. The evidence points clearly to the fact that without the use of such techniques, we and our

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had told the CIA about Jose Padilla and his partner prior to Abu Zubaydah providing any information on the pair, [redacted] stated, "[i]n essence, CTC got lucky." This information was not included in the draft or final OIG Special Review.

[1135] The information forwarded by [redacted] was related to the Heathrow Airport plotting and stated that "[o]nly after enhanced measures" did KSM "admit that the sketch of a beam labeled Canary Wharf in his notebook was in fact an illustration that KSM the engineer drew himself to show another AQ operative that the beams in the Wharf – like those in the World Trade Center – would likely melt and collapse the building, killing all inside." The email also stated that KSM "identified the leading operatives involved in both the UK and Saudi cells that would support the operation." These representations were inaccurate. *See* the section of this summary and Volume II on the Thwarting of the Heathrow Airport and Canary Wharf Plotting, and the KSM detainee review in Volume III.

[1136] The information forwarded by [redacted] stated that, "subsequent to the application of enhanced measures," the CIA "learned more in-depth details" about operational planning, "to include ongoing operations against both the US and Saudi interests in Saudi Arabia." This representation omitted key information provided by al-Nashiri in foreign government custody and prior to the use of the CIA's enhanced interrogation techniques. *See* the 'Abd al-Rahim al-Nashiri detainee review in Volume III.

[1137] The information forwarded by [redacted] stated that, "after the use of enhanced measures [Hambali] provided information that led to the wrap-up of an al-Qa'ida cell in Karachi, some of whose members were destined to be the second wave attack pilots inside the US after 911.... [T]heir identification and subsequent detention saved hundreds of lives." This representation was inaccurate. *See* the section of this summary and Volume II on the Thwarting of the Second Wave Plot and the Discovery of the Al-Ghuraba Group. (*See* email from: [redacted]; to: [redacted], [redacted], [redacted]; multiple cc's; subject: EDITED---Re: Heathrow plot insight from KSM; date: February 10, 2004, at 2:38:36 PM.) The email included the following text: "Here is Heathrow." Below this text were forwarded emails from [redacted] and [redacted]. *See* email from: [redacted]; to: [redacted], [redacted], [redacted]; subject: Heathrow plot insight from KSM; date: February 10, 2004, at 01:34 PM; email from: [redacted]: to: [redacted], [redacted]; subject: OGC rebuttal part 5 and final-Re: al-Nashiri; date: February 12, 2004, at 02:59 PM; forwarding email from: [redacted]; to: [redacted], [redacted], [redacted], [redacted]; subject: Re: al-Nashiri; date: February 10, 2004, at 06:11 PM; email from: [redacted]; to: [redacted]; [redacted]; subject: **immediate---Hambali Reporting; date: February 10, 2004, at 11:43 AM.

[1138] Memorandum for: Inspector General; from: James Pavitt, Deputy Director for Operations; subject: re (S) Comments to Draft IG Special Review, "Counterterrorism Detention and Interrogation Program" (2003-7123-IG); date: February 27, 2004; attachment: February 24, 2004, Memorandum re Successes of CIA's Counterterrorism Detention and Interrogation Activities.

allies would [have] suffered major terrorist attacks involving hundreds, if not thousands, of casualties."[1139]

(~~TS//[redacted]//NF~~) The attachment to Pavitt's memorandum repeated much of the inaccurate information contained in Deputy Chief of ALEC Station [redacted]'s email about KSM and Abu Zubaydah, as well as the additional information ALEC Station personnel provided on KSM, al-Nashiri, and Hambali. In Pavitt's memorandum, every intelligence success claim was preceded with some version of the phrase, "as a result of the lawful use of EITs."[1140] Inaccurate information provided to the OIG during interviews and in the Pavitt memorandum was included in the final version of the OIG's Special Review.[1141] The relevant portion of the Special Review, including much of the inaccurate information, has been declassified.[1142]

(~~TS//[redacted]//NF~~) As [redacted] CTC Legal [redacted] anticipated in his February 10, 2004, email, much of the information provided to the inspector general on the "effectiveness" of the CIA's enhanced interrogation techniques was later provided to policymakers and the Department of Justice as evidence for the effectiveness of the CIA's enhanced interrogation techniques.[1143]

(~~TS//[redacted]//NF~~) In late 2004, as the National Security Council was considering "endgame" options for CIA detainees, the CIA proposed a public relations campaign that would include disclosures about the "effectiveness" of the CIA program. CIA talking points prepared in December 2004 for the DCI to use with National Security Council principals stated that "[i]f done cleverly, selected disclosure of intelligence results could heighten the anxiety of terrorists at large about the sophistication of USG methods and underscore the seriousness of American commitment to prosecute aggressively the War on Terrorism."[1144] The following month, the

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[1139] Memorandum for: Inspector General; from: James Pavitt, Deputy Director for Operations; subject: re (S) Comments to Draft IG Special Review, "Counterterrorism Detention and Interrogation Program" (2003-7123-IG); date: February 27, 2004; attachment: February 24, 2004, Memorandum re Successes of CIA's Counterterrorism Detention and Interrogation Activities.

[1140] Memorandum for: Inspector General; from: James Pavitt, Deputy Director for Operations; subject: re (S) Comments to Draft IG Special Review, "Counterterrorism Detention and Interrogation Program" (2003-7123-IG); date: February 27, 2004; attachment: February 24, 2004, Memorandum re Successes of CIA's Counterterrorism Detention and Interrogation Activities.

[1141] A review of CIA records found that almost all of the information in the Pavitt memorandum was inaccurate and unsupported by CIA interrogation and intelligence records. The CIA's June 2013 Response states that CIA officers "generally provided accurate information [to the Inspector General] on the operation and effectiveness of the program," and that "with rare exceptions, [CIA officers] provided accurate assessments to the OIG."

[1142] The CIA Inspector General Special Review, "Counterterrorism Detention and Interrogation Program," was declassified with redactions in May 2008. On August 24, 2009, some portions of the Review that were redacted in May 2008, were unredacted and declassified.

[1143] [redacted] wrote in an email: "We can expect to need to present these data to appropriately cleared personnel at the IG and on the Hill, to the Attorney General, and quite possibly to the President at some point, and they must be absolutely verifiable." (*See* email from: [redacted]; to: [REDACTED]; subject: Addition on KSM/AZ and measures; date: February 10, 2004.) As detailed in this Study, the CIA consistently used the same "effectiveness" case studies. The eight most frequently cited "thwarted" plots and captured terrorists are examined in this summary, and in greater detail in the full Committee Study, as are 12 other prominent examples that the CIA has cited in the context of the "effectiveness" of the CIA's enhanced interrogation techniques.

[1144] Talking Points for the DCI: DOD Proposals to Move Forward on Transfer of HVDs to Guantanamo, 16 December 2004.

CIA proposed that the public information campaign include details on the "intelligence gained and lives saved in HVD interrogations."[1145] There was no immediate decision by the National Security Council about an "endgame" for CIA detainees or the proposed public information campaign.

(~~TS//[redacted]//NF~~) In early April 2005, [redacted], chief of ALEC Station, asked that information on the success of the CIA's Detention and Interrogation Program be compiled in anticipation of interviews of CIA personnel by Tom Brokaw of NBC News. The first draft included effectiveness claims relating to the "Second Wave" plotting, the Heathrow Airport plotting, the Karachi plotting, and the identification of a second shoe bomber.[1146] A subsequent draft sought to limit the information provided to what was already in the public record and included assertions about Issa al-Hindi, Iyman Faris, and Sajid Badat.[1147] That day, Deputy Director of CTC Philip Mudd told [redacted] that "we either get out and sell, or we get hammered, which has implications beyond the media. [C]ongress reads it, cuts our authorities, messes up our budget."[1148] The following day, the draft was cleared for release to the media.[1149]

[1145] DCI Talking Points for Weekly Meeting with National Security Advisor, 12 January 2005; included in email from: [REDACTED]; to: [REDACTED], [redacted]; cc: [redacted], John A. Rizzo, [redacted]; subject: Re: Coord on NSC Talkings for 1/14; date: January 11, 2005, at 03:33 PM.

[1146] The draft stated that the "Second Wave" plotting "was uncovered during the initial debriefings of a senior al-Qa'ida detainee," that the Heathrow plotting "was also discovered as a result of detainee debriefings," that the Karachi plotting "was revealed during the initial debriefings of two senior al-Qa'ida detainees," and that the CIA "learned form [sic] detainee debriefings of" the second shoe bomber. (*See* email from: [redacted]; to: [REDACTED], [redacted], [REDACTED], [REDACTED], [REDACTED], [redacted], [REDACTED], [redacted], [REDACTED], [redacted], [REDACTED], [REDACTED; cc: [redacted]; subject: FOR IMMEDIATE COORDINATION: summary of impact of detainee program; date: April 13, 2005, at 5:21:37 PM.) These claims were inaccurate. *See* relevant sections of this summary and Volume II.

[1147] The draft discussed Issa al-Hindi, who had been referenced in the 9/11 Commission Report, stating that "[p]rior to KSM's reporting, the U.S. Government was not aware of Issa's casing activity, nor did we know his true identity." It added that "KSM's reporting was the impetus for an intense investigation, culminating in Issa's identification and arrest." The draft also included two examples that had not been in official public documents, but had been described in press stories. The first was that "KSM led U.S. investigators to an Ohio truck driver named Iyman Faris." The second was that "KSM's confessions were also instrumental in determining the identity of Saajid Badat," the second shoe bomber. (*See* email from: [redacted], Chief of Operations, ALEC Station; to: [redacted], [redacted], [REDACTED], [REDACTED], [REDACTED], [redacted], [redacted], [REDACTED], [REDACTED], [redacted], [redacted], [redacted], [REDACTED], [REDACTED], [redacted], [redacted], [redacted]; cc: [redacted], [redacted]; subject: Brokaw interview: Take one; date: April 13, 2005, at 6:46:59 PM.) As described elsewhere, these claims were incongruent with CIA records. At least one earlier media account of KSM's purported role in the arrest of Iyman Faris was provided in a book by an author who had extensive access to CIA officials. (*See* Ronald Kessler, *The CIA at War*, St. Martin's Press, New York, 2003.). The CIA's cooperation with the author is described elsewhere in this summary, as well as in more detail in the full Committee Study.

[1148] Sametime communication, between John P. Mudd and [redacted], April 13, 2005, from 19:23:50 to 19:56:05.

[1149] Email from: [redacted]; to: [redacted]; cc: [REDACTED], [redacted], [REDACTED], John A. Rizzo, [redacted], [redacted], [redacted]; subject: Re: Brokaw interview: Take one; date: April 14, 2005, at 9:22:32 AM.

(~~TS//[redacted]//NF~~) On April 20, 2005, the same examples were circulated as part of an anticipated official public campaign to promote the "effectiveness" of the still-classified CIA program.[1150] In response, [redacted] CTC Legal, [redacted], expressed concern that "the examples cited, while true, and perhaps as far as we can go, are not nearly the most striking examples of lives saved." Referencing KSM's reporting on Iyman Faris, [redacted] noted that "we risk making ourselves look silly if the best we can do is the Brooklyn Bridge – perhaps we should omit specific examples rather than 'damn ourselves with faint praise.'" [redacted], who offered the Heathrow Airport plot as an example, made the following suggestion: "Can [Office of Public Affairs] be more strongly declarative – 'while we can't provide details' (or maybe we can) 'the program has produced intelligence that has directly saved 100's/1000's of American and other innocent lives'?" [redacted] then attached claims originally compiled in February 2004 for the purpose of responding to the draft OIG Special Review which, he wrote, described "some of the actionable intelligence acquired as a result of the Program and the lawful use of such techniques."[1151] The examples were inaccurate.[1152]

(~~TS//[redacted]//NF~~) On June 24, 2005, *Dateline NBC* aired a program, accompanied by several online articles, which quoted CIA Director Goss and Deputy Director of CTC Mudd, as well as anonymous "top American intelligence officials." Among other claims, NBC reported that the capture of Ramzi bin al-Shibh "le[d] ultimately" to the captures of KSM and Khallad bin Attash.[1153] This information was inaccurate.[1154]

(~~TS//[redacted]//NF~~) At the end of 2005, congressional concerns about the treatment of detainees again spurred interest at the CIA for public disclosures on the "effectiveness" of the CIA's enhanced interrogation techniques. Specifically, congressional action on the Detainee Treatment Act (the "McCain amendment") prompted a CIA attorney working at the Office of the Director of National Intelligence to express concern that legislative support was needed for the CIA to continue to use its enhanced interrogation techniques, and that a public information campaign would be required to garner that support. The CIA attorney described the "striking" similarities between the public debate surrounding the McCain amendment and the situation in Israel in 1999, in which the Israeli Supreme Court had "ruled that several… techniques were possibly permissible, but require some form of legislative sanction," and that the Israeli

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[1150] *See* CIA document entitled, "INTERROGATION PROGRAM DRAFT PRESS BRIEFING," from April 2005.

[1151] Email from: [redacted]; to [redacted]; cc: [redacted], John Rizzo; subject: Re: Interrogation Program-Going Public Draft Talking Points—Comments Due to [redacted]me by COB TODAY Thanks; date: April 20, 2005, at 5:10:10 PM.

[1152] *See* the sections of this summary and Volume II on the Capture of Khalid Shaykh Mohammad (KSM) and the Thwarting of the Karachi Plots (regarding the capture of Khallad bin Attash).

[1153] "The frightening evolution of al-Qaida; Decentralization has led to deadly staying power," *Dateline NBC*, June 24, 2005. In 2003, Ronald Kessler published a book with which the CIA cooperated that stated "intercepts and information developed months earlier after the arrest of Ramzi Binalshibh… allowed the CIA to trace [KSM]." The Kessler book also stated that the bin Attash capture was the "result" of interrogations of KSM. This information is incongruent with CIA records. *See* Ronald Kessler, *The CIA at War*, St. Martin's Press, New York, 2003. *See also* email from: John A. Rizzo; to [redacted]; cc: [redacted], Scott W. Muller, [redacted], [REDACTED]; subject: Re: CIA at War; date: January 22, 2004, at 09:28 AM).

[1154] *See* the sections of this summary and Volume II on the Capture of Khalid Shaykh Mohammad (KSM) and the Thwarting of the Karachi Plots (regarding the capture of Khallad bin Attash).

government "ultimately got limited legislative authority for a few specific techniques."[1155] The CIA attorney then wrote:

> "Once this became a political reality here, it became incumbent on the Administration to publicly put forth some facts, if it wanted to preserve these powers. Yet, to date, the Administration has refused to put forth any specific examples of significant intelligence it adduced as a result of using any technique that could not reasonably be construed as cruel, inhuman or degrading. Not even any historical stuff from three or four years ago. What conclusions are to be drawn from the utter failure to offer a specific justification: That no such proof exists? That the Administration does not recognize the legitimacy of the political process on this issue? Or, that need to reserve the right to use these techniques really is not important enough to justify the compromise of even historical intelligence?"[1156]

(~~TS//[redacted]//NF~~) As described in more detail in the full Committee Study, the Administration sought legislative support to continue the CIA's Detention and Interrogation Program, and chose to do so by publicly disclosing the program in a 2006 speech by President Bush. The speech, which was based on CIA-provided information and vetted by the CIA, included numerous inaccurate representations about the CIA program and the effectiveness of the CIA's enhanced interrogation techniques. The CIA's vetting of the speech is detailed in CIA "validation" documents, which include CIA concurrence and citations to records to support specific passages of the speech. For example, the CIA "Validation of Remarks" document includes the following:

> "'*...questioning the detainees in this program has given us information that has saved innocent lives by helping us to stop new attacks – here in the United States and across the world.*'
>
> **CIA concurs with this assessment.** Information from detainees prevented – among others – the West Coast airliner plot, a plot to blow up an apartment

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[1155] The CIA attorney also described the Israeli precedent with regard to the "necessity defense" that had been invoked by CIA attorneys and the Department of Justice in 2001 and 2002. The CIA attorney wrote that the Israeli Supreme Court "also specifically considered the 'ticking time bomb' scenario and said that enhanced techniques could not be pre-approved for such situations, but that if worse came to worse, an officer who engaged in such activities could assert a common-law necessity defense, if he were ever prosecuted." (*See* email from: [REDACTED]; to: John A. Rizzo; cc: [REDACTED], John A. Rizzo, [redacted], [redacted], [REDACTED]; subject: Re: McCain; date: December 19, 2005, at 10:18:58 AM.) At the time, the CIA attorney and the former [redacted] CTC Legal, [redacted], were working in the Office of the Director of National Intelligence. The OLC, in its July 20, 2007, memorandum, included an analysis of the Israeli court case in the context of concluding that the CIA's enhanced interrogation techniques were "clearly authorized and justified by legislative authority" as a result of the Military Commissions Act. *See* 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.

[1156] Email from: [REDACTED]; to: John A. Rizzo; cc: [REDACTED], John A. Rizzo, [redacted], [redacted], [REDACTED]; subject: Re: McCain; date: December 19, 2005, at 10:18:58 AM.

> building in the United States, a plot to attack various targets in the United Kingdom, and plots against targets in Karachi and the Arabian Gulf. These attacks would undoubtedly have killed thousands."[1157]

(~~TS//~~ [redacted] ~~//NF~~) Multiple iterations of the CIA "validation" documents reflect changes to the speech as it was being prepared. One week before the scheduled speech, a passage in the draft speech made inaccurate claims about the role played by Abu Zubaydah in the capture of Ramzi bin al-Shibh and the role of Abu Zubaydah and Ramzi bin al-Shibh in the capture of KSM, but did not explicitly connect these claims to the use of the CIA's enhanced interrogation techniques. In an August 31, 2006, email exchange, CIA officers proposed the following language for the speech:

> "That same year, information from Zubaydah led the CIA to the trail of one of KSM's accomplices, Ramzi bin al Shibh. Information from Zubaydah together with information from Shibh gave the CIA insight into al-Qa'ida's 9/11 attack planning and the importance of KSM. With the knowledge that KSM was the 'mastermind,' [redacted] Pakistani partners planned and mounted an operation that resulted in his eventual capture and detention."[1158]

(~~TS//~~ [redacted] ~~//NF~~) The August 31, 2006, email exchange included citations to CIA cables to support the proposed passage; however, neither the cables, nor any other CIA records, support the assertions.[1159]

[1157] Emphasis in original. CIA Validation of Remarks on Detainee Policy, Wednesday, 6 September 2006, Draft #15. As described in the relevant sections of this summary, and more extensively in Volume II, these claims were inaccurate.

[1158] Email from: [redacted]; to: [REDACTED], [REDACTED]; cc: [redacted], [redacted], [redacted]; subject: Source list for our AZ paragraphs; date: August 31, 2006, at 08:56 AM.

[1159] The cited cables describe Abu Zubaydah's June 2002 description of a meeting with Ramzi bin al-Shibh (acquired prior to the use of the CIA's enhanced interrogation techniques against Abu Zubaydah), and Abu Zubaydah's August 2002 reporting discussing the same meeting (after the use of the techniques). (*See* CIA [redacted] (101514Z JUN 02); [redacted] (21 August 2002).) Neither cable—or any other CIA record—indicates a connection between Abu Zubaydah's reporting on his meeting with bin al-Shibh and bin al-Shibh's capture. The cited cables also do not include information, which was available to the CIA prior to the capture of Abu Zubaydah, highlighting KSM's "importance." The cited cable describes Abu Zubaydah's April 2002 reporting, prior to the use of the CIA's enhanced interrogation techniques, identifying KSM as "Mukhtar" and the "mastermind" of the 9/11 attacks. (*See* [redacted] (13 April 2002).) The citations did not include cables referencing information available to the CIA about KSM that was obtained prior to the capture of Abu Zubaydah, including information on KSM's alias "Mukhtar" and KSM's role in the September 11, 2001, attacks, as is detailed elsewhere in this summary. The cables also did not support the claim that information provided by Abu Zubaydah or Ramzi bin al-Shibh led to the capture of KSM. One cited cable related to the identification by Ramzi bin al-Shibh, while bin al-Shibh was in foreign government custody, of Ali Abdul Aziz Ali as "Ammar." [The cable was cited as [redacted] 20700 [redacted]. As determined later, the actual cable was [redacted] 20790.] As described elsewhere in this summary, KSM was not captured as a result of information related to Ammar al-Baluchi. The email exchange listed two cables directly related to the capture of KSM. The first cable, from approximately a week before KSM's capture, described the CIA's operational use and value of the asset who led the CIA to KSM. The cable stated that the relationship between the asset and KSM's [redacted], through whom the asset gained access to KSM, was "based on [redacted]." The cable stated that CIA Headquarters "continues to be impressed with the evidence of [the asset's] access to [redacted] KSM [redacted] associates, [redacted]." (*See* DIRECTOR [redacted].) The second cable

(~~TS//[redacted]//NF~~) Within a few days, the passage in the draft speech relating to the captures of Ramzi bin al-Shibh and KSM was modified to connect the use of the CIA's enhanced interrogation techniques against Abu Zubaydah to the capture of Ramzi bin al-Shibh. The updated draft now credited information from Abu Zubaydah and Ramzi bin al-Shibh with "help[ing] in the planning and execution of the operation that captured Khalid Sheikh Mohammed." The updated draft speech stated:

> "Zubaydah [zoo-BAY-da] was questioned using these [interrogation] procedures, and he soon began to provide information on key al-Qaida operatives – including information that helped us find and capture more of those responsible for the attacks of Nine-Eleven. For example, Zubaydah [zoo-BAY-da] identified one of KSM's accomplices in the Nine-Eleven attacks – a terrorist named Ramzi bin al Shibh [SHEEB]. The information Zubaydah [zoo-BAY-da] provided helped lead to the capture of bin al Shibh. And together these two terrorists provided information that helped in the planning and execution of the operation that captured Khalid Sheikh Mohammed."[1160]

(~~TS//[redacted]//NF~~) An updated CIA "validation" document concurring with the proposed passage provided a modified list of CIA cables as "sources" to support the passage. Cable citations to Abu Zubaydah's reporting prior to the use of the CIA's enhanced interrogation techniques were removed.[1161] Like the previous version, the CIA's updated "validation" document did not cite to any cables demonstrating that information from Abu Zubaydah "helped lead to the capture of [Ramzi] bin al-Shibh."[1162] Similarly, none of the cables cited to support the passage indicated that information from Abu Zubaydah and Ramzi bin al-Shibh (who was in foreign government custody when he provided the information cited by the CIA) "helped in the

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described KSM's capture, stating that it was "based on locational information" provided by the asset. (*See* [redacted] 41351 [redacted].) Neither of the two cables cited to support the claim made any reference to Abu Zubaydah, Ramzi bin al-Shibh, or any other detainee in CIA or foreign government custody. The capture of KSM, including the role of the asset (referred to herein as "ASSET X") is detailed elsewhere in this summary and in greater detail in the full Committee Study. *See* email from: [redacted]; to: [REDACTED], [REDACTED]; cc: [redacted], [redacted], [redacted]; subject: Source list for our AZ paragraphs; date: August 31, 2006, at 08:56 AM.

[1160] Pronunciation brackets in original draft. CIA Validation of Remarks on Detainee Policy, Wednesday, 6 September 2006, Draft #15.

[1161] The document cited a cable on Abu Zubaydah's August 2002 description of his meeting with Ramzi bin al-Shibh, but not the previously cited June 2002 cable related to Abu Zubaydah's description of the same meeting, which was provided before Abu Zubaydah was subjected to the CIA's enhanced interrogation techniques. *See* [redacted].

[1162] The information included in the cable describing Abu Zubaydah's August 2002 reporting on his meeting with Ramzi bin al-Shibh was unrelated to the capture of Ramzi bin al-Shibh. (*See* [redacted].) The CIA document also cited as a "source" a cable describing the capture of bin al-Shibh with no mention of Abu Zubaydah's reporting. (*See* [redacted].) The details of Ramzi bin al-Shibh's capture are described elsewhere in this summary and in greater detail in the full Committee Study.

planning and execution of the operation that captured [KSM]."[1163] As described elsewhere in this summary, there are no CIA records to support these claims.[1164]

(~~TS//[redacted]//NF~~) The CIA documents validating the president's speech addressed other passages that were likewise unsupported by the CIA's cited cables. For example, the speech included an inaccurate claim regarding KSM that had been part of the CIA's representations on the effectiveness of the CIA's enhanced interrogation techniques since 2003. The speech stated:

> "Once in our custody, KSM was questioned by the CIA using these procedures, and he soon provided information that helped us stop another planned attack on the United States. During questioning, KSM told us about another al Qaeda operative he knew was in CIA custody – a terrorist named Majid Khan. KSM revealed that [Majid] Khan had been told to deliver $50,000 to individuals working for a suspected terrorist leader named Hambali, the leader of al Qaeda's Southeast Asian affiliate known as 'J-I.' CIA officers confronted Khan with this information. Khan confirmed that the money had been delivered to an operative named Zubair, and provided both a physical description and contact number for this operative. Based on that information, Zubair was captured in June of 2003, and he soon provided information that helped lead to the capture of Hambali."[1165]

(~~TS//[redacted]//NF~~) As support for this passage, the CIA cited a June 2003 cable describing a CIA interrogation of Majid Khan in which Majid Khan discussed Zubair.[1166] The CIA "validation" document did not include cable citations from March 2003 that would have revealed that Majid Khan provided this information while in foreign government custody, prior to the reporting from KSM.[1167]

[1163] The CIA document included a previously cited cable relating to the capture of KSM that made no mention of reporting from CIA detainees. (*See* [redacted] 41351 [redacted].) The CIA document also included the previously cited cable describing bin al-Shibh's identification of "Ammar." As described in the section of this summary, as well as in Volume II, on the Capture of KSM, KSM was not captured as a result of information related to Ammar al-Baluchi. (The document cited the cable as [redacted] 20700, as noted, the actual cite was [redacted] 20790.) The CIA cable also cited an analytical product whose relevance was limited to the connection between KSM and al-Aziz (Ammar al-Baluchi). (*See* DI Serial Flier CTC 2002-30086CH: CIA analytic report, "Threat Threads: Recent Advances in Understanding 11 September.") Finally, the document included a cable that was unrelated to the content of the speech.

[1164] *See* sections of this summary and Volume II on the Capture of Ramzi bin al-Shibh and the Capture of Khalid Shaykh Mohammad (KSM).

[1165] Presidential Speech on September 6, 2006, based on CIA information and vetted by CIA personnel.

[1166] CIA Validation of Remarks on Detainee Policy, Wednesday, 6 September 2006, Draft #15; [redacted].

[1167] [redacted] 13678 (070724Z MAR 03), disseminated as [redacted]. Further, the June 2003 cable, DIRECTOR [redacted] (122120Z JUN 03), cited by the CIA as validation, makes no reference to reporting from KSM. Khan was captured on March 5, 2003 and was in foreign government detention until being transferred to CIA custody on May [redacted], 2003. *See* details on the detention and interrogation of Majid Khan in Volume III.

(~~TS//[redacted]//NF~~) On September 6, 2006, President Bush delivered the speech based on the CIA-vetted information.[1168] On September 8, 2006, the chief of the [redacted] Department in CTC, [redacted], who had participated in the CIA's validation of the speech, distributed the "final validation document" for possible updates or changes. In an email, [redacted] urged the recipients to "[p]lease look very carefully, as this is going to be a very important document."[1169]

(~~TS//[redacted]//NF~~) On September 11, 2006, a CIA officer responded, questioning the passage in the speech related to the capture of KSM, as well as the relevance of the CIA cables cited in the validation document to support the passage. The CIA officer questioned whether a CIA cable describing Ramzi bin al-Shibh's identification of "Ammar" supported the claim that bin al-Shibh's reporting helped lead to the capture of KSM. The officer wrote:

> "I presume the information in this cable that supports the statement is Ramzi's admission regarding Ammar?? Did that actually help lead us to KSM?? not sure who did this section, but we may want to double-check this and provide additional cables on how this actually 'assisted us'. This also seems to be a point critics in the press seem to be picking on. I will do some digging on my own as well."[1170]

(~~TS//[redacted]//NF~~) There are no CIA records to indicate that the CIA officer's comments about the inadequate sourcing were further addressed. As described in this summary, and in more detail in Volume II, there are no CIA records to support the passage in the speech related to the capture of KSM.

(~~TS//[redacted]//NF~~) After the speech, press accounts challenging aspects of the speech became the subject of internal discussion among some CIA officers. On September 7, 2006, the chief of the [redacted] Department in CTC, [redacted], sent an email stating: "The NY Times has posted a story predictably poking holes in the President's speech." Defending the passage in the speech asserting that, after the use of the CIA's enhanced interrogation techniques,

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[1168] On April 29, 2009, Marc Thiessen, the speechwriter responsible for President Bush's September 6, 2006, speech, wrote: "This was the most carefully vetted speech in presidential history – reviewed by all the key players from the individuals who ran the program all the way up to the director of national intelligence, who personally attested to the accuracy of the speech in a memo to the president. And just last week on Fox News, former CIA Director Michael Hayden said he went back and checked with the agency as to the accuracy of that speech and reported: 'We stand by our story.'" *See* Marc Thiessen, "The West Coast Plot: An 'Inconvenient Truth,'" *The National Review*, April 25, 2009.

[1169] Email from: [redacted]; to: [redacted], [redacted], [redacted], [redacted], [REDACTED], [REDACTED], [REDACTED], [redacted], [redacted], [REDACTED], [REDACTED], [redacted]; subject: THE MOMENT YOU MAY HAVE BEEN WAITING FOR!!! Please verify the attached; date: September 8, 2006, at 06:28 PM.

[1170] Email from: [REDACTED]; to: [redacted]; cc: [redacted], [redacted], [REDACTED], [redacted], [REDACTED], [REDACTED], [REDACTED], [redacted], [redacted], [redacted], [redacted], [redacted]; subject: Re: THE MOMENT YOU MAY HAVE BEEN WAITING FOR!!! Please verify the Attached; date: September 11, 2006, at 9:16:15 AM; attachment N1: CIA Validation of Remarks on Detainee Policy Final (Draft #15). The email also identified as unrelated one cable that had been cited as a source and corrected a transposed number of the cable describing Ramzi bin al-Shibh's identification of "Ammar."

Abu Zubaydah provided information "that helped lead to the capture of bin al-Shibh," [redacted] explained:

> "...we knew Ramzi bin al-Shibh was involved in 9/11 before AZ was captured; however, AZ gave us information on his recent activities that—when added into other information—helped us track him. Again, on this point, we were very careful and the speech is accurate in what it says about bin al-Shibh."[1171]

(~~TS//~~ [redacted] ~~//NF~~) [redacted]'s statement, that Abu Zubaydah provided "information on [bin al-Shibh's] recent activities" that "helped [CIA] track him," was not supported by the cables cited in the CIA's "validation" document, or any other CIA record. [redacted]'s email did not address the other representation in the president's speech—that Abu Zubaydah "identified" Ramzi bin al-Shibh.[1172]

(~~TS//~~ [redacted] ~~//NF~~) The *New York Times* article also challenged the representation in the speech that Abu Zubaydah "disclosed" that KSM was the "mastermind behind the 9/11 attacks and used the alias 'Mukhtar,'" and that "[t]his was a vital piece of the puzzle that helped our intelligence community pursue KSM." As the *New York Times* article noted, the 9/11 Commission had pointed to a cable from August 2001 that identified KSM as "Mukhtar." In her email, [redacted] acknowledged the August 2001 report identifying KSM as "Mukhtar" and provided additional information on the drafting of the speech:

> "[O]n 28 August, 2001, in fact, [CIA's] [redacted] [database] does show a report from [a source] stating that Mohammad Rahim's brother Zadran told him that KSM was now being called 'Mukhtar.' Moreover, we were suspicious that KSM might have been behind 9/11 as early as 12 Sept 2001, and we had some reporting indicating he was the mastermind. We explained this latter fact to the White House, although the 28 August report escaped our notice."[1173]

[1171] Email from: [redacted]; to [redacted], Mark Mansfield, [REDACTED], [REDACTED]; cc: [REDACTED], [redacted], [REDACTED], [REDACTED]; subject: Questions about Abu Zubaydah's identification of KSM as "Mukhtar"; date: September 7, 2006. A September 7, 2006, article (published September 8, 2006) in the *New York Times,* by Mark Mazzetti, entitled, "Questions Raised About Bush's Primary Claims of Secret Detention System" included comments by CIA officials defending the assertions in the President's speech. The article stated: "Mr. Bush described the interrogation techniques used on the C.I.A. prisoners as having been 'safe, lawful and effective,' and he asserted that torture had not been used. ...Mr. Bush also said it was the interrogation of Mr. Zubaydah that identified Mr. bin al-Shibh as an accomplice in the Sept. 11 attacks. American officials had identified Mr. bin al-Shibh's role in the attacks months before Mr. Zubaydah's capture."

[1172] There are no CIA records to support these claims. *See* the section of this summary on the capture of Ramzi bin al-Shibh, as well as a more detailed account in Volume II.

[1173] Email from: [redacted]; to [redacted], Mark Mansfield, [REDACTED], [REDACTED]; cc: [REDACTED], [redacted], [REDACTED], [REDACTED]; subject: Questions about Abu Zubaydah's identification of KSM as "Mukhtar"; date: September 7, 2006. There are no CIA records indicating what was "explained" to the White House. The CIA validation document provided officially concurred with the passage in the speech. *See* CIA Validation of Remarks on Detainee Policy, Wednesday, 6 September 2006, Draft #15; [redacted].

(~~TS//[redacted]//NF~~) In her email, [redacted] stated that "[t]he fact that the 9/11 commission, with 20-20 hindsight, thinks we should have known this in August 2001 does not alter the fact that we didn't."[1174]

(~~TS//[redacted]//NF~~) In addition to the *New York Times* article, the CIA was concerned about an article by Ron Suskind in *Time Magazine* that also challenged the assertions in the speech about the captures of Ramzi bin al-Shibh and KSM.[1175] In a September 11, 2006, email, the chief of the [redacted] Department in CTC, [redacted], wrote: "[w]e are not claiming [Abu Zubaydah] provided exact locational information, merely that he provided us with information that helped in our targeting efforts." [redacted]'s email did not address the representations in the president's speech that Abu Zubaydah "identified" Ramzi bin al-Shibh and that the information from Abu Zubaydah "helped lead to the capture" of bin al-Shibh. With regard to the capture of KSM, [redacted]'s email acknowledged that Suskind's assertion that "the key was a cooperative source" was "correct as far as it goes, but the priority with which we pursued KSM changed once AZ conclusively identified him as the mastermind of 9/11."[1176] [redacted]'s email did not address the representation in the president's speech that Abu Zubaydah, along with Ramzi bin al-Shibh, "helped in the planning and execution of the operation that captured Khalid Sheikh Mohammed." [redacted]'s statements about the captures of Ramzi bin al-Shibh and KSM are not supported by CIA records.[1177]

(~~TS//[redacted]//NF~~) The president's September 6, 2006, speech, which was based on CIA-provided information and vetted by the CIA, was the first detailed, formal public representation about the effectiveness of the CIA's enhanced interrogation techniques.[1178] The

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[1174] Email from: [redacted]; to [redacted], Mark Mansfield, [REDACTED], [REDACTED]; cc: [REDACTED], [redacted], [REDACTED], [REDACTED]; subject: Questions about Abu Zubaydah's identification of KSM as "Mukhtar"; date: September 7, 2006.

[1175] The Unofficial Story of the al-Qaeda 14; Their torture by the CIA was wrong – in more ways than you might think, Ron Suskind, *Time*, 18 September 2006.

[1176] Email from: [redacted]; to: [REDACTED], [redacted], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: URGENT: FOR YOUR COMMENT: DCIA Questions on the Suskind Article; date: September 11, 2006, at 08:23 PM.

[1177] *See* the section of this summary and Volume II on the Capture of Ramzi bin al-Shibh and the Capture of Khalid Shaykh Mohammad (KSM). In 2007, CIA officers also questioned the passage in the President's September 6, 2006, speech concerning the disruption of plotting against Camp Lemonier in Djibouti. *See* the section of this summary and Volume II on the Thwarting of the Camp Lemonier Plotting for additional information.

[1178] President Bush made other public statements that relied on inaccurate information provided by the CIA. For example, as described elsewhere in this summary, on March 8, 2008, President Bush vetoed legislation that would have limited interrogations to techniques authorized by the Army Field Manual. The President's veto message to the House of Representatives stated that "[t]he CIA's ability to conduct a separate and specialized interrogation program for terrorists who possess the most critical information in the war on terror has helped the United States prevent a number of attacks, including plots to fly passenger airplanes into the Library Tower in Los Angeles and into Heathrow Airport or buildings in downtown London." (*See* message to the House of Representatives, President George W. Bush, March 8, 2008). The President also explained his veto in his weekly radio address, in which he referenced the "Library Tower," also known as the "Second Wave" plot, and the Heathrow plot, while representing that the CIA program "helped us stop a plot to strike a U.S. Marine camp in Djibouti, a planned attack on the U.S. consulate in Karachi…" (*See* President's Radio Address, President George W. Bush, March 8, 2008). As detailed in this summary, and described more fully in Volume II, CIA representations regarding the role of the CIA's

inaccurate representations in the speech have been repeated in numerous articles, books, and broadcasts. The speech was also relied upon by the OLC in its July 20, 2007, memorandum on the legality of the CIA's enhanced interrogation techniques, specifically to support the premise that the use of the techniques was effective in "producing substantial quantities of otherwise unavailable intelligence."[1179]

D. CIA Representations About the Effectiveness of Its Enhanced Interrogation Techniques Against Specific CIA Detainees

(~~TS//[redacted]//NF~~) While the CIA made numerous general representations about the effectiveness of its enhanced interrogation techniques, CIA representations on specific detainees focused almost exclusively on two CIA detainees, Abu Zubaydah, detained on March 28, 2002, and KSM, detained on March 1, 2003.[1180]

1. Abu Zubaydah

(~~TS//[redacted]//NF~~) As described in greater detail in the full Committee Study, the CIA provided significant information to policymakers and the Department of Justice on the CIA's decision to use the newly developed CIA "enhanced interrogation techniques" on Abu Zubaydah and the effects of doing so. These representations were provided by the CIA to the CIA OIG,[1181]

enhanced interrogation techniques with regard to the Second Wave, Heathrow, Djibouti and Karachi plots were inaccurate.

[1179] The OLC memorandum, along with other OLC memoranda relying on inaccurate CIA representations, has been declassified, as has the May 2004 OIG Special Review containing inaccurate information provided by CIA officers. 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).

[1180] *See* Volume II for additional information on CIA representations.

[1181] Among other documents, *see* Memorandum for: Inspector General; from: James Pavitt, Deputy Director for Operations; subject: re (S) Comments to Draft IG Special Review, "Counterterrorism Detention and Interrogation Program" (2003-7123-IG); date: February 27, 2004; attachment: February 24, 2004, Memorandum re Successes of CIA's Counterterrorism Detention and Interrogation Activities.

the White House,[1182] the Department of Justice,[1183] Congress,[1184] and the American public.[1185] The representations include that: (1) Abu Zubaydah told the CIA he believed "the general US population was 'weak,' lacked resilience, and would be unable to 'do what was necessary';[1186] (2) Abu Zubaydah stopped cooperating with U.S. government personnel using traditional interrogation techniques;[1187] (3) Abu Zubaydah's interrogation team believed the use of the CIA's enhanced interrogation techniques would result in critical information on terrorist operatives and plotting;[1188] and (4) the use of CIA's enhanced interrogation techniques on Abu Zubaydah was effective in eliciting critical intelligence from Abu Zubaydah.[1189] These representations are not supported by internal CIA records.

(~~TS//~~ [redacted] ~~//NF~~) The CIA representation that Abu Zubaydah "expressed [his] belief that the general US population was 'weak,' lacked resilience, and would be unable to 'do what was necessary' to prevent the terrorists from succeeding in their goals" is not supported by CIA

[1182] Among other documents, *see* Memorandum for the Record: "Review of Interrogation Program on 29 July 2003." Memorandum prepared by CIA General Counsel Scott Muller, dated August 5, 2003, and briefing slides entitled, "*CIA Interrogation Program,*" dated July 29, 2003, presented to senior White House officials; and Briefing for Vice President Cheney: CIA Detention and Interrogation Program, CIA document dated March 4, 2005, entitled, "Briefing for Vice President Cheney: CIA Detention and Interrogation Program."

[1183] Among other documents, *see* March 2, 2005, Memorandum for Steve Bradbury from [redacted], [redacted] Legal Group, DCI Counterterrorist Center re: Effectiveness of the CIA Counterterrorist Interrogation Techniques.

[1184] Among other documents, *see* CIA classified statement for the record, Senate Select Committee on Intelligence, provided by General Michael V. Hayden, Director, Central Intelligence Agency, 12 April 2007; and accompanying Senate Select Committee on Intelligence hearing transcript for April 12, 2007, entitled, "Hearing on Central Intelligence Agency Detention and Interrogation Program." Director Hayden stated: "Now in June [2002], 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."

[1185] For example, *see* CIA "Questions and Proposed Answers" 9/2/2006, Tab 2 of CIA Validation of Remarks on Detainee Policy, September 6, 2006.

[1186] *See,* for example, March 2, 2005, CIA memorandum for Steve Bradbury from [redacted], [redacted] Legal Group, DCI Counterterrorist Center, "Effectiveness of the CIA Counterterrorist Interrogation Techniques."

[1187] *See,* for example, ODNI September 2006 Unclassified Public Release: "During initial interrogation, Abu Zubaydah gave some information that he probably viewed as nominal. Some was important, however, including that Khalid Shaykh Mohammad (KSM) was the 9/11 mastermind and used the moniker 'Mukhtar.' This identification allowed us to comb previously collected intelligence for both names, opening up new leads to this terrorist plotter—leads that eventually resulted in his capture. It was clear to his interrogators that Abu Zubaydah possessed a great deal of information about al-Qa'ida; however, he soon stopped all cooperation. Over the ensuing months, the CIA designed a new interrogation program that would be safe, effective, and legal." *See also* Presidential Speech on September 6, 2006, based on CIA information and vetted by CIA personnel.

[1188] As detailed in DIRECTOR [redacted] (031357Z AUG 02). *See also* Office of Legal Counsel Memorandum for John Rizzo, Acting General Counsel of the Central Intelligence Agency, dated August 1, 2002, and entitled "Interrogation of al Qaeda Operative," which states: "The interrogation team is certain [Abu Zubaydah] has additional information that he refuses to divulge. Specifically, he is withholding information regarding terrorist networks in the United States or in Saudi Arabia and information regarding plans to conduct attacks within the United States or against our interests overseas."

[1189] Among other documents, *see* Office of the Director of National Intelligence, "Summary of the High Value Terrorist Detainee Program," September 6, 2006; and CIA Memorandum for Steve Bradbury at the Department of Justice, dated March 2, 2005, from [redacted], [redacted] Legal Group, DCI Counterterrorist Center, subject "Effectiveness of the CIA Counterterrorist Interrogation Techniques."

records.[1190] On August 30, 2006, a CIA officer from the CIA's al-Qa'ida Plans and Organization Group wrote: "we have no records that 'he declared that America was weak, and lacking in resilience and that our society did not have the will to 'do what was necessary' to prevent the terrorists from succeeding in their goals.'"[1191] In a CIA Sametime communication that same day, a CIA ALEC Station officer wrote, "I can find no reference to AZ being deifant [sic] and declaring America weak… in fact everything I have read indicated he used a non deifiant [sic] resistance strategy." In response, the chief of the [redacted] Department in CTC, [redacted], wrote: "I've certainly heard that said of AZ for years, but don't know why...." The CIA ALEC Station officer replied, "probably a combo of [deputy chief of ALEC Station, [redacted]] and [[redacted]]… I'll leave it at that." The chief of the [redacted] Department completed the exchange, writing "yes, believe so… and agree, we shall pass over in silence."[1192]

(~~TS//[redacted]//NF~~) The CIA representation that Abu Zubaydah stopped cooperating with debriefers using traditional interrogation techniques is also not supported by CIA records.[1193] In early June 2002, Abu Zubaydah's interrogators recommended that Abu Zubaydah spend several weeks in isolation while the interrogation team members traveled [redacted] "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 [redacted]," as well as to discuss "the endgame" for Abu Zubaydah [redacted] with officers from CIA Headquarters.[1194] 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.[1195] Prior to this isolation period, Abu Zubaydah provided information on al-Qa'ida activities, plans, capabilities, and relationships, in addition to information on its leadership structure, including personalities, decision-making processes, training, and tactics.[1196] Abu Zubaydah provided the same type of information prior to, during, and after the use of the CIA's enhanced interrogation techniques.[1197] Abu Zubaydah's inability to provide information

[redacted]

[1190] *See,* for example, March 2, 2005, CIA memorandum for Steve Bradbury from [redacted], [redacted] Legal Group, DCI Counterterrorist Center, "Effectiveness of the CIA Counterterrorist Interrogation Techniques."

[1191] Email from: [redacted]; to: [redacted], [redacted], and [redacted]; subject: "Suggested language change for AZ"; date: August 30, 2006, at 06:32 PM.

[1192] Sametime communication, [redacted] and [redacted], 30/Aug/06 13:15:23 to 19:31:47.

[1193] *See* ODNI September 2006 Unclassified Public Release: "During initial interrogation, Abu Zubaydah gave some information that he probably viewed as nominal. Some was important, however, including that Khalid Shaykh Mohammad (KSM) was the 9/11 mastermind and used the moniker 'Mukhtar.' This identification allowed us to comb previously collected intelligence for both names, opening up new leads to this terrorist plotter—leads that eventually resulted in his capture. It was clear to his interrogators that Abu Zubaydah possessed a great deal of information about al-Qa'ida; however, he soon stopped all cooperation. Over the ensuing months, the CIA designed a new interrogation program that would be safe, effective, and legal." *See also* Presidential Speech on September 6, 2006, based on CIA information and vetted by CIA personnel, that states: "We knew that Zubaydah had more information that could save innocent lives. But he stopped talking…And so, the CIA used an alternative set of procedures."

[1194] [redacted] 10424 (070814Z JUN 02)

[1195] *See* Abu Zubaydah detainee review in Volume III, to include CIA email [REDACTED] dated March 28, 2007, 04:42 PM, with the subject line, "Subject detainee allegation – per our telcon of today."

[1196] *See* reporting charts in Abu Zubaydah detainee review, as well as CIA paper entitled "Abu Zubaydah" and dated March 2005. The same information was included in an "Abu Zubaydah Bio" document "Prepared on 9 August 2006."

[1197] *See* reporting charts in the Abu Zubaydah detainee review in Volume III.

on the next attack in the United States—and operatives in the United States—provided the basis for CIA representations that Abu Zubaydah was "uncooperative," as well as 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 that CIA Headquarters believed he was withholding. The CIA further stated that Abu Zubaydah could stop the application of the CIA's enhanced interrogation techniques, like the waterboard, by providing the names of operatives in the United States or information to stop the next attack.[1198] At no point during or after the use of the CIA's enhanced interrogation techniques did Abu Zubaydah provide this type of information.[1199]

(~~TS//[redacted]//NF~~) The CIA representation that Abu Zubaydah's interrogation team believed the use of the CIA's enhanced interrogation techniques would result in new information on operatives in the United States and terrorist plotting is also incongruent with CIA records. While Abu Zubaydah was in isolation in July 2002, CIA Headquarters informed the Department of Justice and White House officials that Abu Zubaydah's interrogation team believed Abu Zubaydah possessed information on terrorist threats to, and al-Qa'ida operatives in, the United States.[1200] The CIA officials further represented that the interrogation team had concluded that the use of more aggressive methods "is required to persuade Abu Zubaydah to provide the critical information needed to safeguard the lives of innumerable innocent men, women, and children within the United States and abroad," and warned "countless more Americans may die unless we can persuade AZ to tell us what he knows."[1201] However, according to CIA cables, the interrogation team at the detention site had not determined that the CIA's enhanced interrogation techniques were required for Abu Zubaydah to provide such threat information. Rather, the interrogation team wrote "[o]ur assumption is the objective of this operation is to achieve a high degree of confidence that [Abu Zubaydah] is not holding back actionable information concerning threats to the United States beyond that which [Abu Zubaydah] has already provided."[1202]

(~~TS//[redacted]//NF~~) The CIA representation that the use of the CIA's enhanced interrogation techniques on Abu Zubaydah was effective in producing critical threat information

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[1198] *See* [redacted] 10586 (041559Z AUG 02), which states: "In truth, [Zubaydah] can halt the proceedings at any time by providing truthful revelations on the threat which may save countless lives."

[1199] *See* Abu Zubaydah detainee review in Volume III.

[1200] As detailed in DIRECTOR [redacted] (031357Z AUG 02). The CIA further represented: (1) that the enhanced interrogation phase of Abu Zubaydah's interrogation would likely last "no more than several days but could last up to thirty days," (2) "that the use of the [enhanced interrogation techniques] would be on an as-needed basis and that not all of these techniques will necessarily be used," (3) that the CIA expected "these techniques to be used in some sort of escalating fashion, culminating with the waterboard, though not necessarily ending with this technique," (4) "that although some of these techniques may be used more than once, that repetition will not be substantial because the techniques generally lose their effectiveness after several repetitions," and (5) "that steps will be taken to ensure that [Abu Zubaydah's] injury is not in any way exacerbated by the use of these methods." *See* the Abu Zubaydah detainee review for detailed information for how these statements proved almost entirely inaccurate. *See also* 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.

[1201] DIRECTOR [redacted] (031357Z AUG 02)

[1202] [REDACTED] 73208 (231043Z JUL 02); email from: [redacted]; to: [REDACTED], [REDACTED], and [redacted]; subject: Addendum from [DETENTION SITE GREEN]; date: July 23, 2002, at 07:56:49 PM; [REDACTED] 73208 (231043Z JUL 02). Additional assessments by the interrogation team that Abu Zubaydah was not withholding information are described in the Abu Zubaydah detainee review in Volume III.

on terrorists and terrorist plotting against the United States is also not supported by CIA records. Abu Zubaydah did not provide the information for which the CIA's enhanced interrogation techniques were justified and approved—information on the next attack and operatives in the United States.[1203] According to CIA records, Abu Zubaydah provided information on "al-Qa'ida activities, plans, capabilities, and relationships," in addition to information on "its leadership structure, including personalities, decision-making processes, training, and tactics."[1204] This type of information was provided by Abu Zubaydah prior to, during, and after the use of the CIA's enhanced interrogation techniques.[1205] At no point during or after the use of the CIA's enhanced interrogation techniques did Abu Zubaydah provide information on al-Qa'ida cells in the United States or operational plans for terrorist attacks against the United States.[1206] Further, a quantitative review of Abu Zubaydah's intelligence reporting indicates that more intelligence reports were disseminated from Abu Zubaydah's first two months of interrogation, before the use of the CIA's enhanced interrogation techniques and when FBI special agents were directly participating, than were derived during the next two-month phase of interrogations, which included the non-stop use of the CIA's enhanced interrogation techniques 24 hours a day for 17 days.[1207] Nonetheless, on August 30, 2002, the CIA informed the National Security Council that

[1203] *See* Abu Zubaydah detainee review in Volume III. Participants in the interrogation of Abu Zubaydah also 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.

[1204] CIA paper entitled "Abu Zubaydah" and dated March 2005. *See also* "Abu Zubaydah Bio" document "Prepared on 9 August 2006."

[1205] *See* Abu Zubaydah detainee review in Volume III, and CIA paper entitled, "Abu Zubaydah," dated March 2005; as well as "Abu Zubaydah Bio" document "Prepared on 9 August 2006."

[1206] *See* Abu Zubaydah detainee review in Volume III.

[1207] Abu Zubaydah was taken into CIA custody on March [redacted], 2002, and was shortly thereafter hospitalized until April 15, 2002. Abu Zubaydah returned to DETENTION SITE GREEN on April 15, 2002. During the months of April and May 2002, which included a period during which Abu Zubaydah was on life support and unable to speak (Abu Zubaydah communicated primarily with FBI special agents in writing), Abu Zubaydah's interrogations resulted in 95 intelligence reports. In February 2008, the CIA identified the "key intelligence and reporting derived" from Abu Zubaydah. The three items identified by the CIA were all acquired in April and May of 2002 by FBI interrogators. Abu Zubaydah was placed in isolation from June 18, 2002, to August 4, 2002, without being asked any questions. After 47 days in isolation, the CIA reinstituted contact with Abu Zubaydah at approximately 11:50 AM on August 4, 2002, when CIA personnel entered the cell, shackled and hooded Abu Zubaydah, and removed his towel, leaving Abu Zubaydah naked. Without asking any questions, CIA personnel made a collar around his neck with a towel and used the collar "to slam him against a concrete wall." Multiple enhanced interrogation techniques were used non-stop until 6:30 PM, when Abu Zubaydah was strapped to the waterboard and subjected to the waterboard technique "numerous times" between 6:45 PM and 8:52 PM. The "aggressive phase of interrogation" using the CIA's enhanced interrogation techniques continued for 20 days. (*See* Abu Zubaydah treatment chronology in Volume III.) During the months of August and September 2002, Abu Zubaydah's reporting resulted in 91 intelligence reports, four fewer than the first two months of his CIA detention. (*See* Abu Zubaydah detainee review in Volume III.) Specifically, for information on Abu Zubaydah's initial walling, *see* CIA email dated March 28, 2007, at 04:42 PM, with the subject line, "Subject detainee allegation – per our telcon of today," which states that Abu Zubaydah claims "a collar was used to slam him against a concrete wall." The CIA officer wrote, "While we do not have a record that this occurred, one interrogator at the site at the time confirmed that this did indeed happen. For the record, a plywood 'wall' was immediately constructed at the site after the walling on the concrete wall." Regarding the CIA's assessment of the "key intelligence" from Abu Zubaydah, *see* CIA briefing documents for Leon Panetta entitled, "Tab 9: DCIA Briefing on RDI Program- 18FEB.2009" and graphic attachment, "Key Intelligence and Reporting Derived from Abu Zubaydah and Khalid Shaykh Muhammad (KSM)" (includes "DCIA

the CIA's enhanced interrogation techniques were effective and "producing meaningful results."[1208] Shortly thereafter, however, in October 2002, CIA records indicate that President Bush was informed in a Presidential Daily Brief (PDB) that "Abu Zubaydah resisted providing useful information until becoming more cooperative in early August, probably in the hope of improving his living conditions." The PDB made no reference to the CIA's enhanced interrogation techniques.[1209] Subsequently, the CIA represented to other senior policymakers and the Department of Justice that the CIA's enhanced interrogation techniques were successfully used to elicit critical information from Abu Zubaydah.[1210] For example, in a March 2, 2005, CIA memorandum to the Department of Justice, the CIA represented that information obtained from Abu Zubaydah on the "Dirty Bomb Plot" and Jose Padilla was acquired only "*after* applying [enhanced] interrogation techniques."[1211] This CIA representation was repeated in numerous CIA communications with policymakers and the Department of Justice.[1212] The information provided by the CIA was inaccurate. On the evening of April 20, 2002, prior to the

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Briefing on RDI Program" agenda, CIA document "EITs and Effectiveness," with associated documents, "Key Intelligence Impacts Chart: Attachment (AZ and KSM)," "Background on Key Intelligence Impacts Chart: Attachment," and "supporting references," to include "Background on Key Captures and Plots Disrupted.").

[1208] On August 30, 2002, [redacted] CTC Legal, [redacted], met with NSC Legal Adviser John Bellinger to discuss Abu Zubaydah's interrogation. (*See* email from: John Rizzo; to: John Moseman; subject: Meeting with NSC Legal Adviser, 30 August 2002; date: September 3, 2002; ALEC [redacted], 052227Z SEP 02.) According to [redacted]'s email documenting the meeting, he "noted that we had employed the walling techniques, confinement box, waterboard, along with some of the other methods which also had been approved by the Attorney General," and "reported that while the experts at the site and at Headquarters were still assessing the product of the recent sessions, it did appear that the current phase was producing meaningful results." (*See* email from: John Rizzo; to: John Moseman; subject: Meeting with NSC Legal Adviser, 30 August 2002; date: September 3, 2002.) The email did not provide any additional detail on what was described to Bellinger with respect to either the use of the techniques or the "results" of the interrogation. It is unclear from CIA records whether the CIA ever informed the NSC legal adviser or anyone else at the NSC or the Department of Justice that Abu Zubaydah failed to provide information about future attacks against the United States or operatives tasked to commit attacks in the U.S., during or after the use of the CIA's enhanced interrogation techniques.

[1209] ALEC [redacted] (181439Z OCT 02)

[1210] These representations were eventually included in the President's September 6, 2006, speech, in which the President stated: "We knew that Zubaydah had more information that could save innocent lives, but he stopped talking… so the CIA used an alternative set of procedures… Zubaydah was questioned using these procedures, and soon he began to provide information on key al Qaeda operatives, including information that helped us find and capture more of those responsible for the attacks on September the 11th." These representations were also made to the Committee. On September 6, 2006, Director Hayden testified that, "faced with the techniques and with the prospects of what he did not know was coming, Abu Zubaydah decided that he had carried the burden as far as Allah had required him to carry it and that he could put the burden down and cooperate with his interrogators." (*See* transcript of briefing, September 6, 2006 (DTS #2007-1336).) Director Hayden's Statement for the Record for an April 12, 2007, hearing stated that: "[a]fter the use of these techniques, Abu Zubaydah became one of our most important sources of intelligence on al-Qa'ida." *See* statement for the Senate Select Committee on Intelligence from CIA Director Hayden, for April 12, 2007, hearing (DTS #2007-1563).

[1211] Italics in original document. CIA Memorandum for Steve Bradbury at Office of Legal Counsel, Department of Justice, dated March 2, 2005, from [redacted], [redacted] Legal Group, DCI Counterterrorist Center, subject "Effectiveness of the CIA Counterterrorist Interrogation Techniques."

[1212] Among other documents, *see* Department of Justice Office of Legal Counsel Memoranda dated May 30, 2005, and July 20, 2007. The July 20, 2007, memorandum – now declassified – states (inaccurately) that: "Interrogations of Zubaydah—again, once enhanced techniques were employed—revealed two al Qaeda operatives already in the United States and planning to destroy a high rise apartment building and to detonate a radiological bomb in Washington, D.C." *See* Volume II, specifically the section on the "Thwarting of the Dirty Bomb/Tall Buildings Plot" and the capture of Jose Padilla, for additional details concerning the inaccuracies of this statement.

use of the CIA's enhanced interrogation techniques, Abu Zubaydah provided this information to FBI officers who were using rapport building interrogation techniques.[1213]

2. *Khalid Shaykh Muhammad (KSM)*

(~~TS//[redacted]//NF~~) As described in more detail in the full Committee Study, the CIA provided significant inaccurate information to policymakers on the effectiveness of the CIA's enhanced interrogation techniques in the interrogation of KSM. These representations were

[1213] [redacted] 10091 (210959Z APR 02). Despite requests by the Senate Select Committee on Intelligence, the CIA has never corrected the record on this assertion. On September 8, 2008, the Committee submitted Questions for the Record (QFRs) to the CIA from a hearing on the legal opinions issued by the Department of Justice's Office of Legal Counsel on the CIA's Detention and Interrogation Program. Because of time constraints, the CIA agreed "to take back several questions from Members that [the CIA was] unable to answer at the hearing." On the topic of the effectiveness of the CIA's enhanced interrogation techniques, the Committee asked "Why was this information [related to Padilla], which was not obtained through the use of EITs, included in the 'Effectiveness Memo?'" CIA records provided for this review contain completed responses to these Questions for the Record. The CIA's answer to this question was: "[redacted]CTC Legal [redacted] simply inadvertently reported this wrong. Abu Zubaydah provided information on Jose Padilla while being interrogated by the FBI ([redacted] 10091)." The Committee never received this response, despite numerous requests. Instead, the CIA responded with a letter dated October 17, 2008, stating that the "CIA has responded to numerous written requests for information from SSCI on this topic [the CIA's Detention and Interrogation Program]," and that "[w]e are available to provide additional briefings on this issue to Members as necessary." In a letter to CIA Director Michael Hayden, Chairman Rockefeller wrote, "[t]he CIA's refusal to respond to hearing Questions for the Record is unprecedented and is simply unacceptable." Senator Feinstein wrote a separate letter to CIA Director Michael Hayden stating, "I want you to know that I found the October 17, 2008 reply…appalling." The CIA did not respond. (*See*: (1) Senate Select Committee on Intelligence Questions for the Record submitted to CIA Director Michael Hayden on September 8, 2008, with a request for a response by October 10, 2008 (DTS #2008-3522); (2) CIA document prepared in response to "Questions for the Record" submitted by the Senate Select Committee on Intelligence on September 8, 2008; (3) letter from Senate Select Committee on Intelligence Chairman John D. Rockefeller IV, dated October 29, 2008, to CIA Director Michael Hayden (DTS #2008-4217); (4) letter from Senate Select Committee on Intelligence Chairman John D. Rockefeller IV, dated October 29, 2008, to CIA Director Michael Hayden (DTS #2008-4217); and (5) letter from Senate Select Committee on Intelligence Committee member, Dianne Feinstein, dated October 30, 2008, to CIA Director Michael Hayden (DTS #2008-4235).) In February 2004, a senior CIA officer wrote: "AZ never really gave 'this is the plot' type of information. He claimed every plot/operation he had knowledge of and/or was working on was only preliminary. (Padilla and the dirty bomb plot was prior to enhanced and he never really gave us actionable intel to get them)." *See* email from: [redacted]; to: [redacted], cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [redacted], John P. Mudd, [redacted], [REDACTED], [REDACTED], Jose Rodriguez, [REDACTED], [REDACTED], [redacted]; subject: Please Read -- Re CTC Response to the Draft IG Report; date: February 10, 2004).

provided by the CIA to the OIG,[1214] the White House,[1215] the Department of Justice,[1216] the Congress,[1217] and the American public.[1218] The representations include that: (1) KSM provided little threat information or actionable intelligence prior to the use of the CIA's enhanced interrogation techniques;[1219] (2) the CIA overcame KSM's resistance through the use of the CIA's enhanced interrogation techniques;[1220] (3) the CIA's waterboard interrogation technique was particularly effective in eliciting information from KSM;[1221] (4) KSM "recanted little of the information" he had provided, and KSM's information was "generally accurate" and "consistent";[1222] (5) KSM made a statement to CIA personnel—"soon, you will know"—indicating an attack was imminent upon his arrest; and (6) KSM believed "the general US

[1214] Among other documents, *see* Memorandum for: Inspector General; from: James Pavitt, Deputy Director for Operations; subject: re (S) Comments to Draft IG Special Review, "Counterterrorism Detention and Interrogation Program" (2003-7123-IG); date: February 27, 2004; attachment: February 24, 2004, Memorandum re Successes of CIA's Counterterrorism Detention and Interrogation Activities.

[1215] Among other documents, *see* Memorandum for the Record: "Review of Interrogation Program on 29 July 2003," Memorandum prepared by CIA General Counsel Scott Muller, dated August 5, 2003, and briefing slides entitled, "*CIA Interrogation Program,*" dated July 29, 2003, presented to senior White House officials; Briefing for Vice President Cheney: CIA Detention and Interrogation Program. CIA document dated March 4, 2005, entitled, "Briefing for Vice President Cheney: CIA Detention and Interrogation Program," and "DCIA Talking Points: Waterboard 06 November 2007," dated November 6, 2007, with the notation the document was "sent to DCIA Nov. 6 in preparation for POTUS meeting."

[1216] Among other documents, *see* March 2, 2005, Memorandum for Steve Bradbury from [redacted], [redacted] Legal Group, DCI Counterterrorist Center re: Effectiveness of the CIA Counterterrorist Interrogation Techniques.

[1217] Among other documents, *see* CIA classified Statement for the Record, Senate Select Committee on Intelligence, provided by General Michael V. Hayden, Director, Central Intelligence Agency, 12 April 2007; and accompanying Senate Select Committee on Intelligence hearing transcript for April 12, 2007, entitled, "Hearing on Central Intelligence Agency Detention and Interrogation Program."

[1218] *See*, for example, CIA "Questions and Proposed Answers" (related to the President's speech) 9/2/2006; Tab 2 of CIA Validation of Remarks on Detainee Policy, September 6, 2006; and speech by President Bush on September 6, 2006.

[1219] CIA memorandum to "National Security Advisor," from "Director of Central Intelligence," Subject: "Effectiveness of the CIA Counterterrorist Interrogation Techniques," included in email from: [redacted]; to: [redacted], [redacted], and [redacted]; subject: "paper on value of interrogation techniques"; date: December 6, 2004, at 5:06:38 PM. CIA document dated March 4, 2005, entitled, "Briefing for Vice President Cheney: CIA Detention and Interrogation Program." CIA Talking Points entitled, "Talking Points for 10 March 2005 DCI Meeting PC: Effectiveness of the High-Value Detainee Interrogation (HVDI) Techniques." CIA briefing document dated May 2, 2006, entitled, "BRIEFING FOR CHIEF OF STAFF TO THE PRESIDENT 2 May 2006 Briefing for Chief of Staff to the President Josh Bolten: CIA Rendition, Detention and Interrogation Programs." March 2, 2005, Memorandum for Steve Bradbury from [redacted], [redacted] Legal Group, DCI Counterterrorist Center re: Effectiveness of the CIA Counterterrorist Interrogation Techniques.

[1220] CIA memorandum to "National Security Advisor," from "Director of Central Intelligence," Subject: "Effectiveness of the CIA Counterterrorist Interrogation Techniques," included in email from: [redacted]; to: [redacted], [redacted], and [redacted]; subject: "paper on value of interrogation techniques"; date: December 6, 2004, at 5:06:38 PM; CIA document dated March 4, 2005, entitled, "Briefing for Vice President Cheney: CIA Detention and Interrogation Program." CIA briefing document dated May 2, 2006, entitled, "BRIEFING FOR CHIEF OF STAFF TO THE PRESIDENT 2 May 2006 Briefing for Chief of Staff to the President Josh Bolten: CIA Rendition, Detention and Interrogation Programs."

[1221] *See*, for example, transcript, Senate Select Committee on Intelligence, April 12, 2007 (DTS #2007-3158).

[1222] "Khalid Shaykh Muhammad: Preeminent Source On Al-Qa'ida," authored by [REDACTED], CTC/UBLD/AQPO/AQLB; CIA Briefing for Obama National Security Team- "Renditions, Detentions, and Interrogations (RDI)" including "Tab 7," named "RDG Copy- Briefing on RDI Program 09 Jan. 2009," referenced materials attached to cover memorandum with the title, "D/CIA Conference Room Seating Visit by President-elect Barrack [sic] Obama National Security Team Tuesday, 13 January 2009; 8:30 – 11:30 a.m."

population was 'weak,' lacked resilience, and would be unable to 'do what was necessary."[1223] These representations are not supported by internal CIA records.

(~~TS//[redacted]//NF~~) While the CIA represented to multiple parties that KSM provided little threat information or actionable intelligence prior to the use of the CIA's enhanced interrogation techniques, CIA records indicate that KSM was subjected to the CIA's enhanced interrogation techniques within "a few minutes" of first being questioned by CIA interrogators.[1224] This material fact was omitted from CIA representations.

(~~TS//[redacted]//NF~~) The CIA represented that the CIA overcame KSM's resistance to interrogation by using the CIA's enhanced interrogation techniques.[1225] CIA records do not support this statement. To the contrary, there are multiple CIA records describing the ineffectiveness of the CIA's enhanced interrogation techniques in gaining KSM's cooperation. On March 26, 2003, the day after the CIA last used its enhanced interrogation techniques on KSM, KSM was described as likely lying and engaged in an effort "to renew a possible resistance stance."[1226] On April 2, 2003, the Interagency Intelligence Committee on Terrorism (IICT) produced an assessment of KSM's intelligence entitled, "Precious Truths, Surrounded by a Bodyguard of Lies." The assessment concluded that KSM was withholding information or lying about terrorist plots and operatives targeting the United States.[1227] During and after the use of the CIA's enhanced interrogation techniques, the CIA repeatedly expressed concern that KSM was lying and withholding information in the context of CBRN (Chemical, Biological, Radiological, and Nuclear) programs,[1228] plotting against U.S. interests in Karachi, Pakistan,[1229] plotting against Heathrow Airport,[1230] Abu Issa al-Britani,[1231] as well as the "Second Wave" plotting against the "tallest building in California," which prompted the CIA's ALEC Station to note in a cable dated April 22, 2003, that it "remain[e]d concerned that KSM's progression towards full debriefing status is not yet apparent where it counts most, in relation to threats to US interests, especially inside CONUS."[1232]

[1223] March 2, 2005, Memorandum for Steve Bradbury from [redacted], [redacted] Legal Group, DCI Counterterrorist Center re: Effectiveness of the CIA Counterterrorist Interrogation Techniques.

[1224] [redacted] 34491 (051400Z MAR 03)

[1225] CIA memorandum to "National Security Advisor," from "Director of Central Intelligence," Subject: "Effectiveness of the CIA Counterterrorist Interrogation Techniques," included in email from: [redacted]; to: [redacted], [redacted], and [redacted]; subject: "paper on value of interrogation techniques"; date: December 6, 2004, at 5:06:38 PM. CIA document dated March 4, 2005, entitled, "Briefing for Vice President Cheney: CIA Detention and Interrogation Program." CIA briefing document dated May 2, 2006, entitled, "BRIEFING FOR CHIEF OF STAFF TO THE PRESIDENT 2 May 2006 Briefing for Chief of Staff to the President Josh Bolten: CIA Rendition, Detention and Interrogation Programs."

[1226] [redacted] 11026 (271034Z MAR 03)

[1227] "Khalid Shaykh Muhammad's Threat Reporting – Precious Truths, Surrounded by a Bodyguard of Lies," Interagency Intelligence Committee on Terrorism (IICT), April 3, 2003.

[1228] DIRECTOR [redacted] (121550Z JUN 03)

[1229] ALEC [redacted] (022012Z MAY 03)

[1230] Memorandum for: [redacted]; [redacted]; [redacted]; from: [redacted]; subject: Action detainee branch; date: 12 June 2003.

[1231] ALEC [redacted] (210159Z OCT 03); email from: [redacted]; to: [redacted], [redacted], [redacted], [redacted], [redacted], [redacted], [REDACTED]; cc: [redacted]; subject: KSM and Khallad Issues; date: October 16, 2003, at 5:25:13 PM.

[1232] ALEC [redacted] (222153Z APR 03)

(~~TS//~~ [redacted] ~~//NF~~) The CIA repeatedly represented that the CIA's waterboard interrogation technique was particularly effective in eliciting information from KSM.[1233] This representation is not supported by CIA records. Numerous CIA personnel, including members of KSM's interrogation team, expressed their belief that the waterboard interrogation technique was ineffective on KSM. The on-site medical officer told the inspector general that after three or four days it became apparent that the waterboard was ineffective and that KSM "hated it but knew he could manage."[1234] KSM debriefer and Deputy Chief of ALEC Station [redacted] told the inspector general that KSM "figured out a way to deal with [the waterboard],"[1235] and she relayed in a 2005 Sametime communication that "we broke KSM… using the Majid Khan stuff… and the emails;" in other words by confronting KSM with information from other sources.[1236] [redacted] CTC Legal, [redacted], told the inspector general that the waterboard "was of limited use on KSM."[1237] A KSM interrogator told the inspector general that KSM had "beat the system,"[1238] and assessed that KSM responded to "creature comforts and sense of importance" and not to "confrontational" approaches.[1239] The interrogator later wrote in a Sametime communication that KSM and Abu Zubaydah "held back" despite the use of the CIA's enhanced interrogation techniques, adding "I'm ostracized whenever I suggest those two did not tell us everything. How dare I think KSM was holding back."[1240] In April 2003, [redacted] OMS told the inspector general that the waterboard had "not been very effective on KSM." He also "questioned how the repeated use of the waterboard was categorically different from 'beating the bottom of my feet,' or from torture in general."[1241]

(~~TS//~~ [redacted] ~~//NF~~) The CIA repeatedly represented that KSM had "recanted little of the information" he had provided, and that KSM's information was "generally accurate" and "consistent."[1242] This assertion is not supported by CIA records. Throughout the period during

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[1233] *See*, for example, Senate Select Committee on Intelligence, Hearing on the Central Intelligence Agency Detention and Interrogation Program, April 12, 2007 (SSCI #2007-3158).

[1234] Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, May 15, 2003.

[1235] Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, April 3, 2003.

[1236] Sametime Communication, [redacted] and [REDACTED], 02/May/05, 14:51:48 to 15:17:39. The "Majid Khan stuff" refers to confronting KSM with the reporting of Majid Khan, then in foreign government custody.

[1237] Interview of [redacted], by [REDACTED], [REDACTED], and [REDACTED], Office of the Inspector General, August 20, 2003.

[1238] Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, October 22, 2003.

[1239] [redacted] 11715 (201047Z MAY 03)

[1240] Sametime Communication, [redacted] and [redacted], 15/Aug/06, 10:28:38 to 10:58:00. The Sametime also includes the following statement from [redacted]: "I think it's a dangerous message to say we could do almost the same without measures. Begs the question- then why did you use them before?"

[1241] Interview of [redacted], by [REDACTED] and [REDACTED], Office of the Inspector General, April 11 and 13, 2003.

[1242] "Khalid Shaykh Muhammad: Preeminent Source On Al-Qa'ida," was authored by [REDACTED], CTC/UBLD/AQPO/AQLB. CIA Briefing for Obama National Security Team- "Renditions, Detentions, and Interrogations (RDI)" including "Tab 7," named "RDG Copy- Briefing on RDI Program 09 Jan. 2009," referenced materials attached to cover memorandum with the title, "D/CIA Conference Room Seating Visit by President-elect Barrack [sic] Obama National Security Team Tuesday, 13 January 2009; 8:30 – 11:30 a.m."

which KSM was subjected to the CIA's enhanced interrogation techniques, KSM provided inaccurate information, much of which he would later acknowledge was fabricated and recant. Specifically, KSM's fabrications and recantations covered his activities immediately before his capture,[1243] the identity of an individual whom he described as the protector of his children,[1244] plotting against a U.S. aircraft carrier, a meeting with Abu Faraj al-Libi, and the location of Hassan Ghul.[1245] KSM fabricated significant information, which he would later recant, related to Jaffar al-Tayyar, stating that al-Tayyar and Jose Padilla were plotting together,[1246] linking al-Tayyar to Heathrow Airport plotting[1247] and to Majid Khan's plotting,[1248] and producing what CIA officials described as an "elaborate tale" linking al-Tayyar to an assassination plot against former President Jimmy Carter.[1249] KSM later explained that "he had been forced to lie" about al-Tayyar due to the pressure from CIA interrogators.[1250] KSM recanted other information about the Heathrow Airport plotting, including information regarding the targeting,[1251] additional operatives, and the tasking of prospective pilots to study at flight schools.[1252] KSM provided significant information on Abu Issa al-Britani (Dhiren Barot) that he would later recant, including linking Abu Issa al-Britani to Jaffar al-Tayyar and to the Heathrow Airport plot.[1253] Under direct threat of additional waterboarding,[1254] KSM told CIA interrogators that he had sent Abu Issa al-Britani to Montana to recruit African-American Muslim converts.[1255] In June 2003, KSM stated he fabricated the story because he was "under 'enhanced measures' when he made these claims and simply told his interrogators what he thought they wanted to hear."[1256] KSM also stated that he tasked Majid Khan with recruiting Muslims in the United States,[1257] which he

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[1243] [redacted] 34513 (052246Z MAR 03); [redacted] 11139 (051956Z APR 03)
[1244] [redacted] 34569 (061722Z MAR 03); [redacted] 1281 (130801Z JUN 04); [redacted] 5712 [redacted]; email from: [redacted]; to: [redacted], [REDACTED], [REDACTED]; subject: planned release of [DETENTION SITE ORANGE] detainee Syed Habib; date: [redacted].
[1245] [redacted] 10751 (102258Z MAR 03); [redacted] 10762 (112020Z MAR 03), disseminated as [redacted]; [redacted] 23796 (121932Z AUG 04); [redacted] 20873 (081631Z MAR 04); [redacted] 20873 (081631Z MAR 04); DIRECTOR [redacted] (101847Z MAY 04); DIRECTOR [redacted] (101847Z MAY 04)
[1246] [redacted] 10740 (092308Z MAR 03), disseminated as [redacted]; [redacted] 10741 (100917Z MAR 03); ALEC [redacted] (120134Z MAR 03)
[1247] [redacted] 10883 (182127Z MAR 03), disseminated as [redacted]; [redacted] 11717 (201722Z MAY 03), disseminated as [redacted]; [redacted] 10778 (121549Z MAR 03), disseminated as [redacted]
[1248] [redacted] 10894 (191513Z MAR 03); [redacted] 10902 (201037Z MAR 03)
[1249] [redacted] 10959 (231205Z MAR 03); [redacted] 10950 (222127Z MAR 03)
[1250] [redacted] 10902 (201037Z MAR 03); [redacted] 10959 (231205Z MAR 03); [redacted] 10950 (222127Z MAR 03); [redacted] 11377 (231943Z APR 03), disseminated as [redacted]
[1251] [redacted] 10798 (131816Z MAR 03), disseminated as [redacted]; [redacted] 14420 [redacted]; ALEC [redacted] (192314Z MAY 03); [redacted] 11717 (201222Z MAY 03); [redacted] 12141 (272231Z JUN 03)
[1252] [redacted] 10778 (121549Z MAR 03), disseminated as [redacted]; [redacted] 12141 (272231Z JUN 03); [redacted] 22939 (031541Z JUL 04); [redacted] 10883 (182127Z MAR 03), disseminated as [redacted]
[1253] [redacted] 10828 (151310Z MAR 03), included as part of disseminated intelligence ([redacted]) describing a March 17, 2003, interrogation; [redacted] 10883 (182127Z MAR 03), disseminated as [redacted]; [redacted] 11717 (201722Z MAY 03), disseminated as [redacted].
[1254] [redacted] 10941 (221506Z MAR 03); [redacted] 10950 (222127Z MAR 03)
[1255] [redacted] 10942 (221610Z MAR 03), disseminated as [redacted]; [redacted] 10948 (222101Z MAR 03), disseminated as [redacted]
[1256] [redacted] 12095 (222049Z JUN 03)
[1257] [redacted] 10942 (221610Z MAR 03), disseminated as [redacted]

would later recant.[1258] On May 3, 2003, CIA officers recommended revisiting the information KSM had provided "during earlier stages of his interrogation process," noting that "he has told us that he said some things during this phase to get the enhanced measures to stop, therefore some of this information may be suspect."[1259]

(~~TS//[redacted]//NF~~) The CIA also repeatedly referred to a comment made by KSM while he was still in Pakistani custody as indicating that KSM had information on an imminent attack. In reports to the inspector general,[1260] the national security advisor,[1261] and the Department of Justice,[1262] among others, the CIA represented that:

> "When asked about future attacks planned against the United States, he coldly replied 'Soon, you will know.' In fact, soon we did know – after we initiated enhanced measures."[1263]

Contrary to CIA representations, CIA records indicate that KSM's comment was interpreted by CIA officers with KSM at the time as meaning that KSM was seeking to use his future cooperation as a "bargaining chip" with more senior CIA officers.[1264]

(~~TS//[redacted]//NF~~) Finally, the CIA attributed to KSM, along with Abu Zubaydah, the statement that "the general US population was 'weak,' lacked resilience, and would be unable to 'do what was necessary' to prevent the terrorists from succeeding in their goals."[1265] There are no CIA operational or interrogation records to support the representation that KSM or Abu Zubaydah made these statements.

[1258] [redacted] 12558 (041938Z AUG 03); [redacted] 31148 (171919Z DEC 05); [redacted] 31147 (171919Z DEC 05), disseminated as [redacted]

[1259] [redacted] 11487 (031551Z MAY 03). As detailed in Volumes II and III, KSM's claims that he fabricated information appeared credible to CIA officers. Other intelligence collection supported these claims.

[1260] Memorandum for: Inspector General; from: James Pavitt, Deputy Director for Operations; subject: re (S) Comments to Draft IG Special Review, "Counterterrorism Detention and Interrogation Program" (2003-7123-IG); date: February 27, 2004; attachment: February 24, 2004, Memorandum re Successes of CIA's Counterterrorism Detention and Interrogation Activities.

[1261] CIA memorandum to "National Security Advisor," from "Director of Central Intelligence," Subject: "Effectiveness of the CIA Counterterrorist Interrogation Techniques," included in email from: [redacted]; to: [redacted], [redacted], and [redacted]; subject: "paper on value of interrogation techniques"; date: December 6, 2004, at 5:06:38 PM.

[1262] March 2, 2005, Memorandum for Steve Bradbury from [redacted], [redacted] Legal Group, DCI Counterterrorist Center re: Effectiveness of the CIA Counterterrorist Interrogation Techniques.

[1263] Email from: [redacted]; to: [redacted]; cc: [redacted], [REDACTED], [REDACTED], [redacted]; subject: re Addition on KSM/AZ and measures; date: February 9, 2004. Memorandum for: Inspector General; from: James Pavitt, Deputy Director for Operations; subject: re (S) Comments to Draft IG Special Review, "Counterterrorism Detention and Interrogation Program" (2003-7123-IG); date: February 27, 2004; attachment: February 24, 2004, Memorandum re Successes of CIA's Counterterrorism Detention and Interrogation Activities.

[1264] [redacted] 41592 (051050Z MAR 03); [redacted] 41627 (051329Z MAR 03)

[1265] March 2, 2005, Memorandum for Steve Bradbury from [redacted], [redacted] Legal Group, DCI Counterterrorist Center re: Effectiveness of the CIA Counterterrorist Interrogation Techniques.

E. CIA Effectiveness Claims Regarding a "High Volume of Critical Intelligence"

(~~TS//~~ [redacted] ~~//NF~~) The CIA represented that the CIA's enhanced interrogation techniques resulted in the collection of "a high volume of critical intelligence[1266] on al-Qa'ida."[1267] The Committee evaluated the "high volume" of intelligence collected by compiling the total number of sole source and multi-source disseminated intelligence reports from the 119 known CIA detainees.[1268]

(~~TS//~~ [redacted] ~~//NF~~) The CIA informed the Committee that its interrogation program was successful in developing intelligence and suggested that all CIA detainees produced disseminated intelligence reporting. For example, in September 2006, CIA Director Michael Hayden provided the following testimony to the Committee:

> 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 this has come from, I guess, only thirty individuals."

[redacted]

[1266] The "critical" description in this CIA representation is addressed in the section of this summary concerning the reported acquisition of actionable intelligence after the use of the CIA's enhanced interrogation techniques that the CIA represented as enabling the CIA to thwart terrorist plots and capture specific terrorists. *See* Volume II for additional information.

[1267] Among other documents, *see* CIA Memorandum for the National Security Advisor (Rice) entitled, "Effectiveness of the CIA Counterterrorist Interrogation Techniques," December 2004; CIA Memorandum to the Office of Legal Counsel, entitled, "Effectiveness of the CIA Counterterrorist Interrogation Techniques," March 2, 2005; CIA briefing notes entitled, "Briefing for Vice President Cheney: CIA Detention and Interrogation Program," March 4, 2005; CIA talking points for the National Security Council entitled, "Talking Points for 10 March 2005 DCI Meeting PC: Effectiveness of the High-Value Detainee Interrogation (HVDI) Techniques," dated March 4, 2005; CIA briefing notes entitled, "Briefing for Chief of Staff to the President Josh Bolten: CIA Rendition, Detention, and Interrogation Programs," dated May 2, 2006; CIA briefing document, entitled, "DCIA Talking Points: Waterboard 06 November 2007," dated November 6, 2007, with the notation the document was "sent to DCIA Nov. 6 in preparation for POTUS meeting." Also included in additional briefing documents referenced and described in this summary.

[1268] While CIA multi-source intelligence reports are included in the Committee Study, the quantitative analysis in this summary is based on sole-source intelligence reporting, as these reports best reflect reporting from CIA detainees. Multi-source intelligence reports are reports that contain data from multiple detainees. As described above, a common multi-source report would result from the CIA showing a picture of an individual to all CIA detainees at a specific CIA detention site. A report would be produced regardless if detainees were or were not able to identify or provide information on the individual. As a specific example, *see* HEADQUARTERS [redacted] (202255Z JUN 06), which states that from January 1, 2006 – April 30, 2006, information from Hambali was "used in the dissemination of three intelligence reports, two of which were non-recognitions of Guantanamo Bay detainees," while the third "detailed [Hambali's] statement that he knew of no threats or plots to attack any world sporting events." Sole-source reports, by contrast, are based on specific information provided by one CIA detainee.

Director Hayden: "No, sir, 96, all 96."[1269]

(~~TS//~~ [redacted] ~~//NF~~) In April 2007, CIA Director Hayden testified that the CIA's interrogation program existed "for one purpose – intelligence," and that it is "the most successful program being conducted by American intelligence today" for "preventing attacks, disabling al-Qa'ida."[1270] At this hearing Director Hayden again suggested that the CIA interrogation program was successful in obtaining intelligence from all CIA detainees.[1271] A transcript of that hearing included the following exchange:

Senator Snowe: "General Hayden. Of the 8000 intelligence reports that were provided, as you said, by 30 of the detainees."

Director Hayden: "By all 97, ma'am."[1272]

(~~TS//~~ [redacted] ~~//NF~~) The suggestion that all CIA detainees provided information that resulted in intelligence reporting is not supported by CIA records. CIA records reveal that 34 percent of the 119 known 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. While the CIA's Detention and Interrogation Program did produce significant amounts of disseminated intelligence reporting (5,874 sole-source intelligence reports), this reporting was overwhelmingly derived from a small subset of CIA detainees. For example, of the 119 CIA detainees identified in the Study, 89 percent of all disseminated intelligence reporting was derived from 25 CIA detainees. Five CIA detainees produced more than 40 percent of all intelligence reporting from the CIA's Detention and Interrogation Program. CIA records indicate that two of the five detainees were not subjected to the CIA's enhanced interrogation techniques.[1273]

F. The Eight Primary CIA Effectiveness Representations—the Use of the CIA's Enhanced Interrogation Techniques "Enabled the CIA to Disrupt Terrorist Plots" and "Capture Additional Terrorists"

(~~TS//~~ [redacted] ~~//NF~~) From 2003 through 2009,[1274] the CIA consistently and repeatedly represented that its enhanced interrogation techniques were effective and necessary to produce

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[1269] Senate Select Committee on Intelligence, Briefing by the Director, Central Intelligence Agency, on the Central Intelligence Agency Detention, Interrogation and Rendition Program, September 6, 2006 (SSCI #2007-1336). At the time this statement was made there had been at least 118 CIA detainees.

[1270] Senate Select Committee on Intelligence, Hearing on the Central Intelligence Agency Detention and Interrogation Program, April 12, 2007 (DTS #2007-3158).

[1271] Senate Select Committee on Intelligence, Hearing on the Central Intelligence Agency Detention and Interrogation Program, April 12, 2007 (DTS #2007-3158).

[1272] Senate Select Committee on Intelligence, Hearing on the Central Intelligence Agency Detention and Interrogation Program, April 12, 2007 (DTS #2007-3158).

[1273] *See* detainee intelligence reporting data in Volume II.

[1274] The CIA represented in 2002 that the CIA's enhanced interrogation techniques were necessary and effective. The Committee analysis focuses on CIA representations between 2003 and 2009, during which time the CIA