

A GRAMMAR OF REDACTION:

In addition to using the confinement boxes clause, you also would like to introduce an insect into one of the boxes with Zubaydah. As we understood it, you plan to inform Zubaydah that you are going to place a stinging insect into the box, but you will actually place a harmless insect in the box, such as a caterpillar. If you do so, to ensure that you are outside the predicate act requirements, you must inform him that the insects will not have a sting that would produce death or severe pain. If, however, you were to place the insect in the box without informing him that you are doing so, then, in order to not commit a predicate act, you should not affirmatively lead him to believe that any insect is present which has a sting that could produce severe pain or suffering or even cause his death.

As long as you state clearly at the appropriate time, the insect's placement in the box would not constitute a threat of severe physical pain or suffering if a caterpillar was placed in the box. As individuals placed in a box, even an individual with a fear of insects, would not reasonably feel threatened with severe physical pain or suffering if a caterpillar was placed in the box. Further, you have informed us that you are not aware that Zubaydah has any allergies or fears, and you have not informed us of any other factors that would cause a reasonable person in that same situation to believe that an unknown insect would cause him severe physical pain or death. Thus, we conclude that the placement of the insect in the confinement box with Zubaydah would not constitute a predicate act.

to Zubaydah subjected
the water board.
used water board.

THE PHRASEBOOK

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The text that accompanies this phrasebook (A Grammar of Redaction) is excerpted from a book project, *How To Do Things Without Words*, and designed to be displayed in the New Museum's Resource Center, as part of the *Temporary Center for Translation*, Summer 2014. Both the grammar and this phrasebook are available for download at: <http://www.joshuacraze.com/exhibitions/>.

All the documents collated here are in the public realm. Thanks must go to those who originally placed the Freedom of Information Act Requests (FOIA) that led to their release: the American Civil Liberties Union (ACLU), The National Security Archive, the New York Times, the Washington Post, and many others.

The cover of this Phrasebook is composed of two excerpted documents. The longer section of text is from page 14 of 'A Memorandum for John Rizzo, Acting General Counsel of the Central Intelligence Agency', a legal memo written by the US Department of Justice's Office of Legal Council, to advise the CIA on whether a proposed course of conduct would violate the prohibition against torture found at section 2340A of title 18 of the United States Code. The excerpted section focuses on how one might place a bug (a caterpillar) in a box with Abu Zubaydah, a detainee, without becoming legally liable.

The second section of text is from page six of Other Document #131. This document was obtained after an ACLU FOIA request placed on October 7, 2003. It was released on May 27, 2008. It is a heavily redacted CIA report on the raid, capture, and waterboarding of Abu Zubaydah.

LIST OF DOCUMENTS

The list below gives full bibliographic information for the excerpted documents contained in this binder: “A Grammar of Redaction: The Phrasebook.”

It is designed to be consulted alongside the associated text, ‘A Grammar of Redaction’, which you should find lying next to it. The documents are categorized into four sections, and each document has a number (indicated below), which will be used in the Grammar, when I refer to the documents.

Full copies of these documents, many of which run to several hundred pages, are available at <http://www.thetorturedatabase.org/> and can be searched for using the information given below.

Both this phrasebook, and the grammar that accompanies it, are available for download: <http://www.joshuacraze.com/exhibitions/>.

1. The Hidden City

HC1. Department of Justice, Office of Professional Responsibility. *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* 260. July 29, 2009. Henceforth referred to as the OPR Report, p. 32.

HC2. OPR Report, p. 87.

HC3. OPR Report, p. 2.

HC4. OPR Report, pp. 40-43.

HC5. OPR Report, pp. 46-47.

HC6. OPR Report, pp. 61-62.

HC7. The CIA Interrogation of Abu Zubaydah, March 2001-Jan. 2003,

p.5. Henceforth referred to as 'The CIA Interrogation of Abu Zubaydah'.

HC8. 'A Memorandum for John Rizzo, Acting General Counsel of the Central Intelligence Agency', a legal memo written by the US Department of Justice's Office of Legal Council, to advise the CIA on whether a proposed course of conduct would violate the prohibition against torture found at section 2340A of title 18 of the United States Code, p. 14.

HC9. Central Intelligence Agency, Office of the Inspector General, Special Review: Counterterrorism Detention and Interrogation Activities (September 2001-October 2003) (2003-7123-IG), 7 May 2004, p.8. Henceforth referred to as 'CIA Special Review.'

HC10. OPR Report, p. 79.

H11. CIA Special Review, p. 12.

2. Subjects Without Objects

S1. CIA Special Review, p. 35.

S2. CIA Special Review, p. 69.

S3. CIA Special Review, p. 79.

S4. Memorandum for Staff Sergeant [REDACTED], 104th Military Intelligence Battalion, 4th Infantry Division (Mechanized), Tikrit, Iraq, 09323-2628, 8 October 2004, p. 1.

S5. Memorandum for Commander, 104th Military Intelligence Battalion. Detainee Abuse Incident — AR 15-6 Investigation Legal Review. October 6 2003, pp. 2-3.

S6. The email chain appears in the same memorandum for record, DOD 002848, pp. 31-32.

S7. OPR Report, pp. 271-272.

S8. OPR Report, p. 128.

S9. CIA Special Review, pp. 25-27.

3. Actions without Words

- A1.** CIA Special Review, p. 44.
- A2.** CIA Special Review, p. 45.
- A3.** CIA Special Review, pp. 20-21.
- A4.** OPR Report, p. 127, fn. 98.
- A5.** CIA Special Review, page ii.
- A6.** CIA Special Review, p. 38
- A7.** Other Document #131. This document was obtained after an ACLU FOIA request placed on October 7, 2003. It was released on May 27, 2008. It is a heavily redacted CIA report on the raid, capture, and waterboarding of Abu Zubaydah. Henceforth referred to as Other Document #131.
- A8.** The CIA Interrogation of Abu Zubaydah, p. 2.
- A9.** CIA Special Review, p. 3.
- A10.** CIA Special Review, p. 2.
- A11.** OPR Report, pp. 86-87.
- A12.** CIA Special Review, p. 43.
- A13.** CIA Special Review, pp. 45-54.
- A14.** OPR Report, pp. 35-36.
- A15.** CIA Special Review, p. 15.
- A16.** CIA Special Review, p. 37.

4. Objects Without Subjects

- O1.** From Department of Defense Working Group Report on Detainee Interrogations in the Global War on Terrorism: Assessment of Legal, Historical, Policy, and Operational Considerations. April 4, 2003. Declassified: June 21, 2004. Henceforth 'Working Group Report', p. 63.
- O2.** OPR Report, p. 141.

- O3.** OPR Report, pp. 137-138.
- O4.** CIA Special Review, p. 77.
- O5.** CIA Special Review, p. 76, fn. 73.
- O6.** CIA Special Review, p. 71.

1. THE HIDDEN CITY

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Inhumane, or Degrading Treatment." The memorandum discussed the CAT definition of torture, the ratification history of the CAT, United States reservations to the treaty, interrogation-related case law from foreign jurisdictions, and a discussion of cruel and unusual punishment under the Eighth Amendment.³¹

The interrogation of suspected terrorists overseas was initially conducted jointly by CIA operational personnel and FBI agents. The FBI used traditional "rapport building" interrogation techniques that were consistent with United States criminal investigations. The CIA operatives soon became convinced, however, that conventional interrogation methods and prison conditions were inadequate to deal with hardened terrorists and that more aggressive techniques would have to be developed and applied. CIA leadership agreed, and began exploring the possibility of developing "Enhanced Interrogation Techniques," or EITs.

The issue of how to approach interrogations reportedly came to a head after the capture of a senior al Qaeda leader, Abu Zubaydah, during a raid in Faisalabad, Pakistan in late March 2002. Abu Zubaydah was transported to a "black site," a secret CIA prison facility [REDACTED] where he was treated for gunshot wounds he suffered during his capture.

According to a May 2008 report by the Department of Justice Office of the Inspector General and other sources, the FBI and the CIA planned to work together on the Abu Zubaydah interrogation, although the FBI acknowledged that

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in his cell while the debriefer operated a power drill, creating the impression that he was about to use it to harm Al-Nashiri. *Id.* at ¶¶ 92, 93.

On another occasion in December 2002, [REDACTED] debriefer [REDACTED] told Al-Nashiri that, if he did not talk, his mother and family would be brought to the facility. According to the CIA OIG report, there is a widespread perception in the Middle East that [REDACTED] intelligence services torture prisoners by sexually abusing female family members in their presence. *Id.* at ¶ 94.

On other occasions, the CIA debriefer blew cigar smoke in Al-Nashiri's face, manhandled him while he was tied in stress positions, and stood on his shackles to induce pain. [REDACTED]

According to CIA OIG, [REDACTED] Al-Nashiri [REDACTED] At some point, [REDACTED] interrogators determined that he was cooperating and the use of EITs was discontinued.

In January 2003, the CIA's Deputy Director of Operations notified the CIA OIG that CIA personnel had used the above unauthorized interrogation techniques on Al-Nashiri and asked CIA OIG to investigate. As discussed below, DOJ was notified on January 24, 2003.

3. Khalid Sheik Muhammed

EITs were also used on Khalid Sheik Muhammed (KSM), a high-ranking al Qaeda official who, according to media reports, was captured in Pakistan on March 1, 2003, [REDACTED] to a CIA black site [REDACTED] CIA officers have been quoted in the media as saying that KSM was defiant to his captors and was extremely resistant to EITs, including the waterboard.

The CIA OIG Report stated that KSM was taken to [REDACTED] facility for interrogation and that he was accomplished at resisting EITs. He reportedly

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OIG investigate. Separately, OIG received information that some employees were concerned that certain covert Agency activities at an overseas detention and interrogation site might involve violations of human rights. In January 2003, OIG initiated a review of Agency counterterrorism detention and interrogation activities [REDACTED] and the incident with Al-Nashiri.¹ This Review covers the period September 2001 to mid-October 2003.² [REDACTED]

SUMMARY

3. (TS) [REDACTED] the DCI assigned responsibility for implementing capture and detention authority to the DDO and to the Director of the DCI Counterterrorist Center (D/CTC). When U.S. military forces began detaining individuals in Afghanistan and at Guantanamo Bay, Cuba, [REDACTED]

4. (TS) [REDACTED] the Agency began to detain and interrogate directly a number of suspected terrorists. The capture and initial Agency interrogation of the first high value detainee, Abu Zubaydah, [REDACTED]

¹ (S) [REDACTED] (NF) Appendix A addresses the Procedures and Resources that OIG employed in conducting this Review. The Review does not address renditions conducted by the Agency or interrogations conducted jointly with [REDACTED] the U.S. military.

² (U) Appendix B is a chronology of significant events that occurred during the period of this Review. [REDACTED]

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The log sheet listed "John Rizzo Central Intelligence Agency" as the client. Yoo provided [REDACTED] with the research he had already done and made a few suggestions about where she should start. He instructed her to determine whether anyone had ever been prosecuted under the torture statute, to check the applicable statute of limitations, and to determine what types of conduct had been held to constitute torture under the Torture Victim Protection Act (TVPA)⁴² and the Alien Tort Claims Act. He also asked her to look at two foreign cases that discussed interrogation techniques and torture.⁴³ [REDACTED] sent Yoo a four-page summary of her research on April 15, 2002, and they met that afternoon to discuss it in advance of the NSC meeting that was scheduled for the following day.

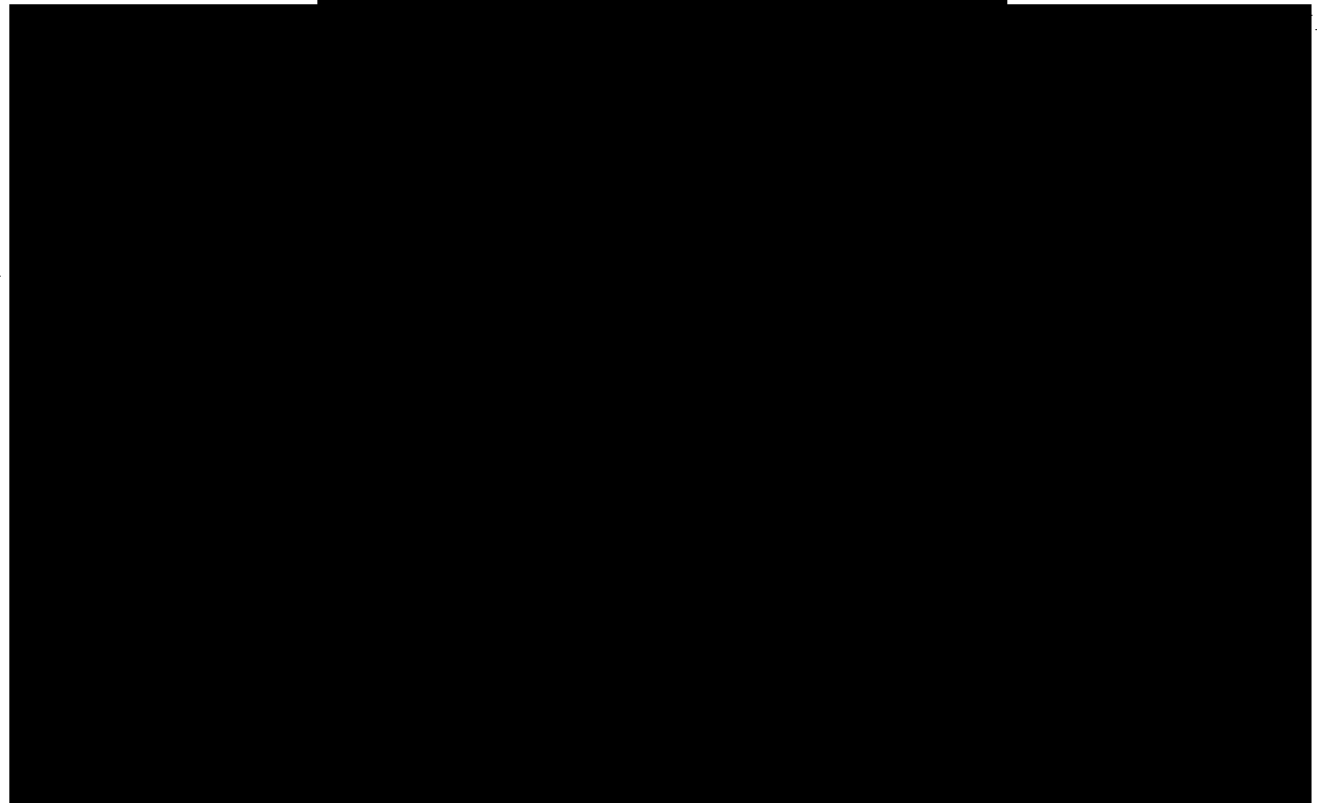
⁴² As discussed more fully below, the TVPA's definition of torture is similar to that of the torture statute.

⁴³ Those cases were *Ireland v. the United Kingdom*, 25 Eur. Ct. H.R. (ser. A) (1978) (*Ireland v. United Kingdom*) and a decision of the Supreme Court of Israel, *Public Committee Against Torture in Israel v. Israel*, 38 I.L.M. 1471 (1999) (*PCATI v. Israel*).

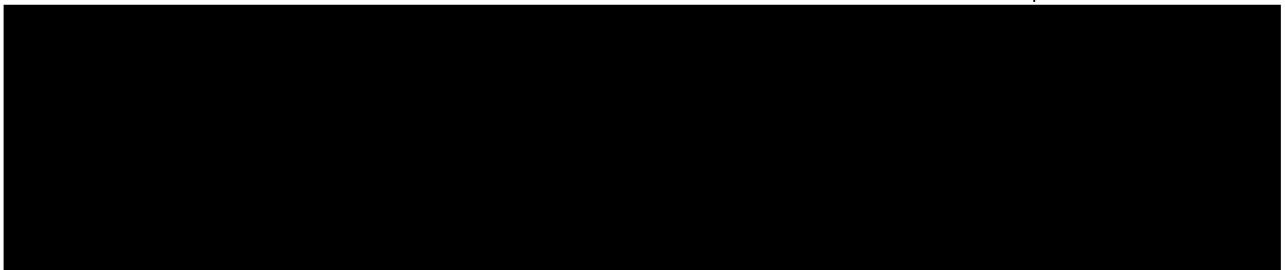
⁴⁴ Most of the witnesses we asked about meetings on interrogation issues had only general recollections of the dates and attendees. To our knowledge, the DOJ participants did not take notes or prepare written summaries relating to any of the meetings. Our factual summary is therefore based on the witnesses' recollections, occasionally substantiated by contemporaneous email messages or calendar entries, and in some instances by a post-meeting Memorandum for the Record (MFR) prepared by the CIA attendees. Although we have summarized the CIA MFRs to describe what may have occurred, we recognize that those reports reflect the author's view of the proceedings.

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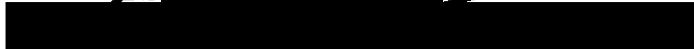


⁴⁵ The MFR did not name or cite those cases, but the reference was clearly to the two cases referenced above – *Ireland v. United Kingdom* and *PCATI v. Israel*. The CIA attorneys and Yoo reportedly discussed the cases and their descriptions of specific EITs used by the British and Israeli military and intelligence services.



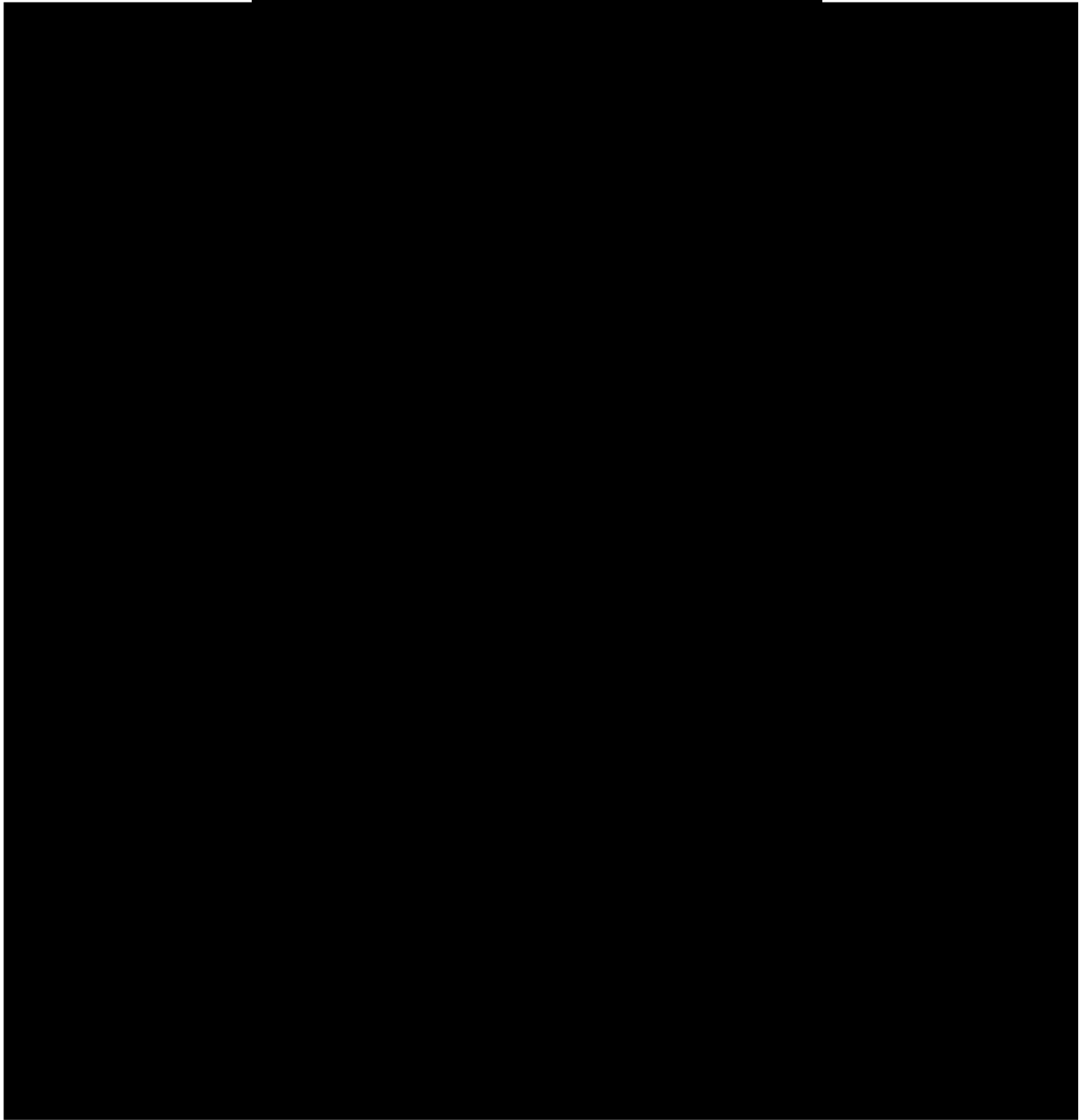
⁴⁶ OLC reported its conclusion regarding Common Article Three in a Memorandum for Alberto R. Gonzales, Counsel to the President, and William J. Haynes, II, General Counsel of the Department of Defense, from Jay S. Bybee, Assistant Attorney General, Office of Legal Counsel, *Re: Application of Treaties and Laws to al Qaeda and Taliban Detainees* (January 22, 2002). As noted earlier, that view of the law was subsequently rejected in a five-to-four decision by the U.S. Supreme Court in *Hamdan v. Rumsfeld*, 548 U.S. 557 (2006).

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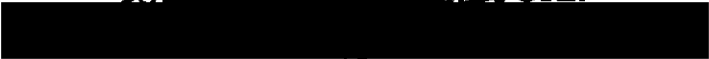
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2. Drafting the Bybee Memo

After the meeting, [REDACTED] and Yoo began drafting what would eventually become the Bybee Memo.⁴⁷ Working together, they produced at least four drafts before reporting back to the CIA and NSC in July 2002. Their normal practice was for [REDACTED] to prepare a draft that incorporated whatever comments or direction Yoo had provided. Yoo would then review [REDACTED] work and provide additional comments by email, usually within a few days. They also met from time to time to discuss the project.⁴⁸

Yoo told us that he did not feel time pressure to complete the memoranda. He said the time between the original request and the issuance of the opinions was "fairly lengthy," although not by OLC opinion standards, as the office sometimes "takes years" to issue opinions. Yoo said there was some time pressure towards the end because the decision to prepare the classified memorandum (addressing specific techniques as opposed to general advice) was made "late in the game."

From the outset, the drafts took the position that the torture statute's definition of torture applied only to extreme conduct, and that lesser conduct, which might constitute "cruel, inhuman or degrading" treatment, did not rise to the level of torture. Yoo and [REDACTED] supported this position through analysis of the text and legislative history of the torture statute, the text and ratification history of the CAT, case law relating to the TVPA, and the Israeli and European Court of Human Rights (ECHR) cases mentioned above. As the drafts progressed, they emphasized this point more strongly.

⁴⁷ On April 24, 2002, [REDACTED] complained to a friend by email about the long hours she was working, and stated, "I have a number of large projects with different people. I would have said no but it didn't seem like that was an option here." [REDACTED] told her friend that she liked the work she was doing but wanted "enough time to do a good job on it" and complained that she was working twelve hour days without breaks. However, in her OPR interview, [REDACTED] denied that she was overworked or that she had insufficient time to devote to her projects.

⁴⁸ The first draft, dated April 30, 2002, was followed by drafts dated May 17, 2002, June 26, 2002, and July 8, 2002. The July 8, 2002 draft appears to be the first draft that was distributed outside OLC for comment.

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(2) an examination of the text, ratification history, and negotiating history of the CAT, which concluded that the treaty "prohibits only the most extreme acts by reserving criminal penalties solely for torture and declining to require such penalties for cruel, inhuman, or degrading treatment"; *Id.*

(3) analysis of case law under the TVPA, concluding that "these cases demonstrate that most often torture involves cruel and extreme physical pain, such as the forcible extraction of teeth or tying upside down and beating"; *Id.* at 2.

(4) examination of the Israeli Supreme Court and ECHR decisions mentioned above, concluding that the cases "make clear that while many of these techniques [such as sensory deprivation, hooding and continuous loud noises] may amount to cruel, inhuman and degrading treatment, they simply lack the requisite intensity and cruelty to be called torture. . . . Thus, [the two cases] appear to permit, under international law, an aggressive interpretation as to what amounts to torture, leaving that label to be applied only where extreme circumstances exist." *Id.* at 26-27.

On Friday morning, July 12, 2002, Yoo told [REDACTED] by email, "Let's plan on going over [to the White House] at 3:30 to see some other folks about the bad things opinion. Please stamp draft on it and make two copies (and one for me and you, of course)." Yoo and [REDACTED] met Gonzales at the White House Counsel's Office later that day. It is likely that either Deputy White House Counsel Tim Flanigan or Counsel to the Vice President David Addington was present, but [REDACTED] and Yoo were not certain who else attended this meeting. [REDACTED] orally summarized the memorandum's conclusions for the group and they gave Gonzales and the other attendee a copy of the memorandum for review. According to Yoo, none of the attendees provided any feedback or comments at this meeting.

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[REDACTED]

In his OPR interview, Chertoff stated that he told the group that in his view, it would not be possible for the Department to provide an advance declination. Rizzo confirmed, in his interview, that Chertoff flatly refused to provide any form of advance declination to the CIA. Although Bybee was not present at this meeting, he told us that he was aware that "there was some discussion with the criminal division over the question of providing advance immunity. . . . [and that it] was not their practice, to provide that kind of advance [sic]."

According to several sources, Levin stated that the FBI would not conduct or participate in any interrogations employing EITs, whether or not they were found to be legal, and that the FBI would not participate in any further discussions on the subject.

[REDACTED]

[REDACTED]

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regimes to extract intelligence or false confessions from captured United States airmen. OLC's approval was sought as a final step before implementing the EITs.

We also found evidence that the OLC attorneys were aware of the result desired by the client and drafted memoranda to support that result, at the expense of their duty of thoroughness, objectivity, and candor. The specific techniques the agency proposed were described to the OLC attorneys in detail, and were presented as essential to the success of the interrogation program. The waterboard, in particular, was initially portrayed as essential to the success of the program.¹⁸⁷ As [REDACTED] told us, "[M]y personal perspective was there could be thousands of American lives lost" if the techniques were not approved.

Yoo provided the CIA with an unqualified, permissive statement regarding specific intent in his July 13, 2002 letter, and approved an equally permissive statement in the June 2003 Bullet Points that were drafted in part and reviewed in their entirety by Yoo and [REDACTED] for use by the CIA. Goldsmith viewed the Bybee Memo itself as a "blank check" that could be used to justify additional EITs without further DOJ review. Although Yoo told us that he had concluded that the [REDACTED] technique would violate the torture statute, he nevertheless told the client, according to [REDACTED] Rizzo, that he would "need more time" if the client wanted it approved.

According to Rizzo, there was never any doubt that waterboarding would be approved by Yoo, and the client clearly regarded OLC as willing to find a way to achieve the desired result, [REDACTED]

[REDACTED]

After dropping the waterboard from the program, the CIA told OLC, as stated in the 2007 Bradbury Memo, that sleep deprivation was "crucial" and that the remaining EITs were "the minimum necessary to maintain an effective program"

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personnel have been on-site in the event an emergency medical situation arises.

- DOJ approval for use of the enhanced techniques in specific instances relies on our representation that those techniques, when applied by appropriately trained personnel, should not produce severe mental or physical pain or suffering.
- Indeed, DOJ concluded that the use of enhanced techniques carefully applied by appropriate personnel pursuant to prior Headquarters approval would not have the "specific intent" to inflict severe mental or physical pain or suffering, and therefore would not violate the law.
- For these reasons, we fully document in advance any decision to employ any enhanced techniques, along with the criteria that have been employed in making those decisions.
- The use of enhanced interrogation techniques proved productive; Abu Zubaydah provided additional useful information.
- Medical evaluations were conducted on Abu Zubaydah before and during the interrogations.. In addition, a psychological profile was conducted on him before the interrogations began.

(PS)

[REDACTED]

• [REDACTED]

• [REDACTED]

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both stand and sit, he may be placed in this box for up to eighteen hours at a time, while you have informed us that he will never spend more than an hour at time in the smaller box. These time limits further ensure that no profound disruption of the senses or personality, were it even possible, would result. As such, the use of the confinement boxes does not constitute a procedure calculated to disrupt profoundly the senses or personality.

Nor does the use of the boxes threaten Zubaydah with severe physical pain or suffering. While additional time spent in the boxes may be threatened, their use is not accompanied by any express threats of severe physical pain or suffering. Like the stress positions and walling, placement in the boxes is physically uncomfortable but any such discomfort does not rise to the level of severe physical pain or suffering. Accordingly, a reasonable person in the subject's position would not infer from the use of this technique that severe physical pain is the next step in his interrogator's treatment of him. Therefore, we conclude that the use of the confinement boxes does not fall within the statute's required predicate acts.

In addition to using the confinement boxes alone, you also would like to introduce an insect into one of the boxes with Zubaydah. As we understand it, you plan to inform Zubaydah that you are going to place a stinging insect into the box, but you will actually place a harmless insect in the box, such as a caterpillar. If you do so, to ensure that you are outside the predicate act requirement, you must inform him that the insects will not have a sting that would produce death or severe pain. If, however, you were to place the insect in the box without informing him that you are doing so, then, in order to not commit a predicate act, you should not affirmatively lead him to believe that any insect is present which has a sting that could produce severe pain or suffering or even cause his death.

so long as you take either of the approaches we have described, the insect's placement in the box would not constitute a threat of severe physical pain or suffering to a reasonable person in his position. An individual placed in a box, even an individual with a fear of insects, would not reasonably feel threatened with severe physical pain or suffering if a caterpillar was placed in the box. Further, you have informed us that you are not aware that Zubaydah has any allergies to insects, and you have not informed us of any other factors that would cause a reasonable person in that same situation to believe that an unknown insect would cause him severe physical pain or death. Thus, we conclude that the placement of the insect in the confinement box with Zubaydah would not constitute a predicate act.

Sleep deprivation also clearly does not involve a threat of imminent death. Although it produces physical discomfort, it cannot be said to constitute a threat of severe physical pain or suffering from the perspective of a reasonable person in Zubaydah's position. Nor could sleep deprivation constitute a procedure calculated to disrupt profoundly the senses, so long as sleep deprivation (as you have informed us is your intent) is used for limited periods, before hallucinations or other profound disruptions of the senses would occur. To be sure, sleep deprivation may reduce the subject's ability to think on his feet. Indeed, you indicate that this is

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58. [REDACTED]

[REDACTED] They must review the Guidelines and sign an acknowledgment that they have done so. [REDACTED]

59. (~~TS~~ [REDACTED]) The DCI Guidelines specify legal "minimums" and require that "due provision must be taken to protect the health and safety of all CIA detainees." The Guidelines do not require that conditions of confinement at the detention facilities conform to U.S. prison or other standards. At a minimum, however, detention facilities are to provide basic levels of medical care:

[REDACTED]

Further, the guidelines provide that:

[REDACTED]

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On March 3, 2003, Yoo instructed [REDACTED] to send a draft of the Yoo Memo to then CIA General Counsel Scott Muller. According to Yoo, Muller wanted to make sure nothing in the new memorandum detracted from the assurances OLC had provided to the CIA in the Bybee Memo.

Muller reviewed the draft and wrote to [REDACTED] on March 7, 2003:

[REDACTED]

Bybee apparently began reviewing drafts of the Yoo Memo sometime before March 4, 2003, when [REDACTED] sent Bybee and Yoo a draft "with Jay's changes."⁶⁹ Email traffic indicates that Bybee, [REDACTED] and Yoo exchanged several drafts of the Yoo Memo over the next few days.

On March 6, 2003, Haynes sent Yoo a copy of a March 3, 2003 memorandum from Army JAG Major General Thomas J. Romig to Haynes, commenting on a draft of the Working Group report that incorporated OLC's analysis. In his memorandum, Romig stated that he had "serious concerns" about the "sanctioning of detainee interrogation techniques that may appear to violate international law, domestic law, or both." Romig added that the Yoo Memo, which controlled the DOD report's legal analysis, set forth an extremely broad view of the necessity defense that would be unlikely to prevail in United States or foreign

⁶⁹ At the time, Bybee had been nominated for a judgeship on the United States Court of Appeals for the Ninth Circuit and had completed his confirmation hearing.

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28. (TS [REDACTED]) To assist Agency officials in understanding the scope and implications [REDACTED] OGC researched, analyzed, and wrote "draft" papers on multiple legal issues. These included discussions of the [REDACTED]

[REDACTED] OGC shared these "draft" papers with Agency officers responsible [REDACTED]

29. [REDACTED]

THE CAPTURE OF ABU ZUBAYDAH AND DEVELOPMENT OF EITs

30. (TS [REDACTED]) The capture of senior Al-Qa'ida operative Abu Zubaydah on 27 March 2002 presented the Agency with the opportunity to obtain actionable intelligence on future threats to the United States from the most senior Al-Qa'ida member in U.S. custody at that time. This accelerated CIA's development of an interrogation program [REDACTED]

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2. SUBJECTS WITHOUT OBJECTS

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[REDACTED]

74. (TS) [REDACTED] psychologist/interrogators [REDACTED] led each interrogation of Abu Zubaydah and Al-Nashiri where EITs were used. The psychologist/interrogators conferred with [REDACTED] team members before each interrogation session. Psychological evaluations were performed by [REDACTED] psychologists. [REDACTED]

75. [REDACTED]

[REDACTED]

76. (TS) [REDACTED] 15 November 2002. The interrogation of Al-Nashiri proceeded after [REDACTED] the necessary Headquarters authorization. [REDACTED]

[REDACTED]

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Specific Unauthorized or Undocumented Techniques

164. (TS) [REDACTED] was but one event in the early months of [REDACTED] Agency activity in [REDACTED] that involved the use of interrogation techniques that DOJ and Headquarters had not approved. Agency personnel reported a range of improvised actions that interrogators and debriefers reportedly used at that time to assist in obtaining information from detainees. The extent of these actions is illustrative of the consequences of the lack of clear guidance at that time and the Agency's insufficient attention to interrogations in [REDACTED]

165. (TS) [REDACTED] OIG opened separate investigations into two incidents: [REDACTED] and the death of a detainee at a military base in Northeast Afghanistan (discussed further in paragraph 192). These two cases presented facts that warranted criminal investigations. Some of the techniques discussed below were used with [REDACTED] and will be further addressed in connection with a Report [REDACTED]. In other cases of undocumented or unauthorized techniques, the facts are ambiguous or less serious, not warranting further investigation. Some actions discussed below were taken by employees or contractors no longer associated with the Agency. Agency management has also addressed administratively some of the actions.

Pressure Points

166. (TS) [REDACTED] In July 2002, [REDACTED] operations officer, participated with another operations officer in a custodial interrogation of a detainee [REDACTED] reportedly used a "pressure point" technique: with both of his hands on the detainee's neck, [REDACTED] manipulated his fingers to restrict the detainee's carotid artery.

TOP SECRET

TOP SECRET [REDACTED]

the four days the individual was detained, an Agency independent contractor, who was a paramilitary officer, is alleged to have severely beaten the detainee with a large metal flashlight and kicked him during interrogation sessions. The detainee died in custody on 21 June; his body was turned over to a local cleric and returned to his family on the following date without an autopsy being performed. Neither the contractor nor his Agency staff supervisor had been trained or authorized to conduct interrogations. The Agency did not renew the independent contractor's contract, which was up for renewal soon after the incident. OIG is investigating this incident in concert with DoJ.⁷⁷

195. (S//NF) In July 2003, [REDACTED] officer assigned to [REDACTED] assaulted a teacher at a religious school [REDACTED]. This assault occurred during the course of an interview during a joint operation [REDACTED].

[REDACTED] The objective was to determine if anyone at the school had information about the detonation of a remote-controlled improvised explosive device that had killed eight border guards several days earlier.

196. (S//NF) A teacher being interviewed [REDACTED] reportedly smiled and laughed inappropriately, whereupon [REDACTED] used the butt stock of his rifle to strike or "buttstroke" the teacher at least twice in his torso, followed by several knee kicks to his torso. This incident was witnessed by 200 students. The teacher was reportedly not seriously injured. In response to his actions, Agency management returned the [REDACTED] to Headquarters. He was counseled and given a domestic assignment.

TOP SECRET [REDACTED]



DEPARTMENT OF THE ARMY
104TH MILITARY INTELLIGENCE BATTALION
4th INFANTRY DIVISION (MECHANIZED)
TIKRIT, IRAQ 09323-2628

REPLY TO
ATTENTION OF

AFYB-MIB-CDR

6 NOV 2003

MEMORANDUM FOR Staff Sergeant [REDACTED] b657c5 104TH Military Intelligence
Battalion, 4th Infantry Division (Mechanized), Tikrit, Iraq 09323-2628

SUBJECT: Written Reprimand

1. You are hereby reprimanded for your failure to properly supervise detainee interrogation operations at the Task Force Ironhorse Central Collection Point (DCCP). [REDACTED] and [REDACTED] assaulted a detainee in the facility while under your supervision. While you were not directly involved in the assaults, you were responsible for ensuring [REDACTED] and [REDACTED] were properly trained and that they were aware of and abided by the Geneva Convention and other documents which detail the permissible treatment of detainees. You did not set the proper leadership climate, in that you inadvertently led [REDACTED] to believe that you yourself perhaps condoned certain practices that were outside the established regulations. [REDACTED] is not a trained interrogator, yet he was allowed to force a detainee to cause bodily harm to himself, again, while under your tutelage.

2. Your failure to establish a proper leadership climate and failure to properly supervise interrogation activities under your purview are beneath the standards of professionalism I expect from non-commissioned officers. As NCOIC of the DCCP, it is your duty to train and supervise junior interrogators and interpreters as well as supervise their activities to ensure they do not harm detainees. In this case, you assigned a known difficult interrogation task to a very junior and inexperienced interrogator, but you failed to discern what techniques he would use during the interrogation. You are in a very delicate duty position where you or your subordinates could become subject to discharge or criminal prosecution for violating the rights of detainees. These acts could also bring extreme discredit upon the U.S. Army. The incidents where [REDACTED] and [REDACTED] abused the detainee show a lack of supervisory judgment on your part. b657c5

3. This reprimand is imposed as an administrative measure and not as punishment pursuant to the Uniform Code of Military Justice. You are advised that in accordance with Army Regulation (AR) 600-37, paragraph 3-4, it is my intention to direct that this reprimand be filed in your local Military Personnel Records Jacket (MPRJ).

4. You will acknowledge receipt of this reprimand IAW AR 600-37 by completing the first memorandum and returning it through your chain of command no later than ten days from the date of service. Any matters in extenuation, mitigation, or rebuttal must accompany your acknowledgment. You were provided a copy of the documents that form the basis of the written reprimand. I do not intend to file them with this reprimand.

Encl
AR 15-6 Investigation

[REDACTED]
LTC, MI
Commanding

b627c2
13 Nov - make
decision not
to file
6593
026

AFYB-MI-HHOC
 Detainee Abuse Incident — 15-6 Investigation

interrogations without supervision. It is unclear whether [REDACTED] discussed the application of force in interrogations following the advent of [REDACTED] e-mail. [REDACTED] recalls a (see Exhibits F and G) discussion at the FOB Ironhorse dining facility in which [REDACTED] asked [REDACTED] what sort of "alternate interrogation techniques" [REDACTED] was suggesting. [REDACTED] allegedly suggested application of force, which did not leave bruises or scars on the detainee. [REDACTED] recalls [REDACTED] asked [REDACTED] whether [REDACTED] was "up to it" and if [REDACTED] could "handle it". [REDACTED] says [REDACTED] replied [REDACTED] could, though was unsure whether the interpreters could.

f. [REDACTED] had conducted the initial interrogation screening of Detainee [REDACTED], and deemed [REDACTED] much more difficult to "break" than most other detainees. [REDACTED] assigned [REDACTED] to [REDACTED] for interrogation. [REDACTED] felt [REDACTED] imposing physical size would intimidate [REDACTED] greater than any of the other interrogators in the ICE could and would likely yield results sooner. [REDACTED] knew about [REDACTED] e-mail and agreed with [REDACTED] statement that "the gloves are coming off", likely encouraged by [REDACTED] interpretation that this meant considering interrogation techniques heretofore unauthorized.

[REDACTED] identified [REDACTED] as an accomplice in an attack against U.S. soldiers and led American soldiers to [REDACTED]. [REDACTED] went into the interrogation viewing [REDACTED] light of the information that [REDACTED] had killed 3 American soldiers and did not deserve all the rights and privileges he was afforded while at the DCCP. [REDACTED] intended to interrogate [REDACTED]

[REDACTED] employing "stress positions" and physical force to elicit a confession and time-sensitive information of intelligence value, which could prevent future attacks against American forces and save lives. "Stress positions" are body positions designed to cause physical discomfort and fatigue. [REDACTED] requested [REDACTED], ICE, 104th MI Bn, 4ID, NFI, for his interpreter for the interrogation. It is unclear why [REDACTED] selected [REDACTED] though I believe [REDACTED] likely told [REDACTED] he would hit [REDACTED] feet during the course of the interrogation. [REDACTED] a Voice Interceptor (98G) Arabic linguist, [REDACTED] descent and [REDACTED]

[REDACTED] describes the interpreter in this interrogation as an [REDACTED] sworn statement (Exhibit H). [REDACTED] likely knows very little about interrogation legal and ethical guidelines, since he has worked at the ICE only since late August 2003. I suspect [REDACTED] knew of [REDACTED] intentions to hit [REDACTED] feet and [REDACTED] a young and junior-ranking soldier, likely went along with the idea (see Exhibits I and J).

g. In mid-afternoon on 23 September 2003, [REDACTED] approached [REDACTED], [REDACTED] 4th Military Police (MP) Company, 4ID, and requested [REDACTED] presence in [REDACTED] interrogation later that day. [REDACTED] intended to "turn it up a notch" or "soup up" [REDACTED] interrogation (see Exhibits K and L). [REDACTED] he wanted the use of a room with solid walls for [REDACTED] interrogation, as the walls would provide for a wider variety of stress position options. An interrogation at the DCCP normally occurs in one of three tents, or "booths", set up outside the east wall of the DCCP high-security area. It is unclear whether [REDACTED] intentions, though I strongly suspect [REDACTED] had full knowledge. [REDACTED] sworn statement indicates he not only told [REDACTED], but [REDACTED] and [REDACTED] conspired together to assault [REDACTED]. [REDACTED] also states he and [REDACTED] agreed they would be discreet in their

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 Detainee Abuse Incident – 15-6 Investigation

handling of the interrogation, telling only [REDACTED] consented to being present at the interrogation and told [REDACTED] would request permission from [REDACTED] 4th MP Company, for use of one of the rooms in the DCCP high-security holding area.

h. [REDACTED] accompanied by [REDACTED] went to the ICE Operations Office and told [REDACTED] would interrogate [REDACTED] using a "Fear-Up (Harsh)" approach technique. A "Fear-Up" approach means the interrogator identifies a stimulus that causes fear in the subject and exploits the stimulus to elicit information. A "Fear-Up (Harsh)" approach involves the added psychological stress of the threat of physical violence on the subject. [REDACTED] also told [REDACTED] intended to use one of the rooms in the DCCP high-security holding area to be able to choose from a variety of stress positions. [REDACTED] consented. Interrogators are required to adapt to the changing needs of the interrogation and must remain flexible. As a result, interrogators do not usually seek approval for an interrogation plan. [REDACTED] left for the MP Headquarters, where [REDACTED] was asking permission to use one of the rooms in the DCCP high-security area. [REDACTED] plan to raise the level of fear in the interrogation to "break" [REDACTED] was not specific about what tactics [REDACTED] intended to use. [REDACTED] (Exhibits M and N) recalls [REDACTED] told [REDACTED] had a "bad feeling" about the interrogation, though [REDACTED] did not mention [REDACTED] had said so in [REDACTED] sworn statement. [REDACTED] agreed [REDACTED] would remain in the room during the course of the interrogation and would brief [REDACTED] about the interrogation later.

i. [REDACTED] walked to the DCCP high-security area. Once inside, [REDACTED] moved [REDACTED] from [REDACTED] cell and put [REDACTED] the detainee temporary holding area. Inside [REDACTED] cell were two metal folding chairs and [REDACTED] bedding. [REDACTED] walked into [REDACTED] cell and [REDACTED] escorted [REDACTED] into the room. [REDACTED] wore a dishdasha [traditional Arab garment], sandals, and shackles on his wrists and ankles. The interrogation began immediately. [REDACTED] questioned [REDACTED] a loud, angry voice, which [REDACTED] translated, mimicking [REDACTED] demeanor and tone. [REDACTED] paced the room as [REDACTED] yelled. [REDACTED] stayed near [REDACTED] and [REDACTED] stood against the north wall of the room. (Exhibit O is [REDACTED] drawing of how the room was set up and where participants stood.) It is unclear how [REDACTED] obtained the MP riot baton, though [REDACTED] likely received it from [REDACTED]. [REDACTED] told [REDACTED] to lie on [REDACTED] back and put his legs on the chairs, which [REDACTED] arranged such that they faced each other. (Exhibit P is [REDACTED] drawing of how the room was set up and where participants stood at this point in the interrogation.) [REDACTED] asked [REDACTED] about his involvement in attacks against American soldiers, where [REDACTED] received [REDACTED] funding and weapons, and [REDACTED] associates. When [REDACTED] did not receive the answers [REDACTED] wanted, [REDACTED] hit [REDACTED] feet. [REDACTED] the soles of [REDACTED] sandals individually, for a total of about 10 to 30 times. Neither [REDACTED] or [REDACTED] objected. [REDACTED] spent approximately 15 minutes in this position.

j. [REDACTED] grabbed [REDACTED] by [REDACTED] and pulled him to [REDACTED] feet. [REDACTED] suggested removing [REDACTED] wrist restraints, though it is unclear to whom [REDACTED] suggested the idea. [REDACTED] unlocked [REDACTED] wrist shackles, likely one side remained locked.

4ID 104MI ICE

From:
Sent:
To:
Cc:

Thursday, August 14, 2003 11:26 AM

b627c2

Subject:

RE: FW: Taskers

All:

Regarding the tasking—I am not a legal expert, but seems to me that everyone we are detaining at this point is an unprivileged belligerent, since we have taken over the country and there is no longer any force opposing us that 1) wears recognizable uniform; and 2) bears arms openly. So I think everyone we detain is in that category.

As for "the gloves need to come off..." we need to take a deep breath and remember who we are. Those gloves are most definitely NOT based on Cold War or WWII enemies—they are based on clearly established standards of international law to which we are signatories and in part the originators. Those in turn derive from practices commonly accepted as morally correct, the so-called "usages of war." It comes down to standards of right and wrong—something we cannot just put aside when we find it inconvenient, any more than we can declare that we will "take no prisoners" and therefore shoot those who surrender to us simply because we find prisoners inconvenient.

"The casualties are mounting..." we have taken casualties in every war we have ever fought—that is part of the very nature of war. We also inflict casualties, generally many more than we take. **That in no way justifies letting go of our standards.** We have NEVER considered our enemies justified in doing such things to us. Casualties are part of war—if you cannot take casualties then you cannot engage in war. Period.

BOTTOM LINE: We are American soldiers, heirs of a long tradition of staying on the high ground. We need to stay there.

b627c2

Psalm 24: 3-8

—Original Message—

From: [redacted]
[mailto:[redacted]]
Sent: Thursday, August 14, 2003 3:56 PM
To: [redacted]
Cc: [redacted]

b627c2

Subject: RE: FW: Taskers

I sent several months in Afghanistan interrogating the Taliban and al Qaeda. Restrictions on interrogation techniques had a negative impact

EXHIBIT A

on our ability to gather intelligence. Our interrogation doctrine is based on former Cold War and WWII enemies. Today's enemy, particularly those in SWA, understand force, not psychological mind games or incentives. I would propose a baseline interrogation technique that at a minimum allows for physical contact resembling that used by SERE instructors. This allows open handed facial slaps from a distance of no more than about two feet and back handed blows to the midsection from a distance of about 18 inches. Again, this is open handed. I will not comment on the effectiveness of these techniques as both a control measure and an ability to send a clear message. I also believe that this should be a minimum baseline.

Other techniques would include close confinement quarters, sleep deprivation, white noise, and a litany of harsher fear-up approaches...fear of dogs and snakes appear to work nicely. I firmly agree that the gloves need to come off.

V/R

— Original Message —

From: [REDACTED]
Date: Thursday, August 14, 2003 2:51 pm
Subject: FW: Taskers

> Sounds crazy, but we're just passing this on.

>

> — Original Message —

> From: [REDACTED]
> [mailto:[REDACTED]]
> Sent: Thursday, August 14, 2003 1:51 AM
> To: [REDACTED]
> Cc: [REDACTED]
> Subject: Taskers

>

>

> ALCON

>

> Just wanted to make sure we are all clear on the taskers at hand

>

> 1- A list identifying individuals who we have in detention that

> fall under

> the category of "unlawful combatants" I've included a definition

> from the

> SJA folks:

>

> In order to properly address your request for a legal definition of

> the term "unlawful combatant," I must first provide you with a

> framework of definitions with which to work. According to the Law

> of Land Warfare,

> the term "combatant" is defined as anyone engaging in hostilities

> in an

> armed conflict on behalf of a party to the conflict. Combatants are

> lawful targets, unless out of combat. With that said, "lawful

> combatants" receive protections of the Geneva Conventions and

> gain combat

> immunity for their warlike acts, as well as become prisoners of

> war if

> captured. In comparison, "unprivileged belligerents," commonly

> referred to as "unlawful combatants," may be treated as criminals

> under the

> domestic law of the captor. Unprivileged belligerents may

> include spies,

- > saboteurs, or civilians who are participating in the hostilities.
- > The
- > term "unlawful combatant" is not referenced, nor is it defined.
- > The term
- > that properly described these type of individuals is "unprivileged
- > belligerents," and as stated before they may be treated as
- > criminals under
- > domestic law.
- >
- > As far as an ROE that addresses the treatment of enemy combatants,
- > specifically, unprivileged belligerents, we are unaware of any
- > but we will
- > continue to research the issue for you. I hope this information
- > has been
- > helpful.
- >
- > 2- An additional list identifying who we have detained who are
- > "Islamicextremist"
- >
- > 3- Immediately seek input from interrogation elements (Division/Corps)
- > concerning what their special interrogation knowledge base is
- > and more
- > importantly, what techniques would they feel would be effective
- > techniques
- > that SJA could review (basically provide a list).
- >
- > Provide interrogation techniques "wish list" by 17 AUG 03.
- >
- > The gloves are coming off gentleman regarding these detainees, [REDACTED] b627c2
- > [REDACTED] has
- > made it clear that we want these individuals broken. Casualties
- > are mounting
- > and we need to start gathering info to help protect our fellow
- > soldiers from
- > any further attacks. I thank you for your hard work and your
- > dedication.
- > MI ALWAYS OUT FRONT!

> V/r

> [REDACTED] b627c2

> [REDACTED]

> [REDACTED]

> [REDACTED]

> [REDACTED]

> [REDACTED]

> [REDACTED]

> [REDACTED]

> [REDACTED]

> [REDACTED]

> [REDACTED]

6623

Attachment C**Glossary of Names**

Addington, David	Counsel to Vice President 2001-2005; Chief of Staff to the Vice President 2005-2009
Ashcroft, John	Attorney General 2001-2005
[REDACTED]	Counsel, Office of Intelligence and Policy Review
[REDACTED]	Legal Adviser to the JTF
Bellinger, John, III	Legal Adviser to the NSC 2001-2005; Legal Adviser to the Secretary of State 2005-2009
Bradbury, Steven G.	Principal Deputy AAG OLC May 2005-June 2005, April 2007 - January 2009; Acting AAG OLC June 2005- April 2007
Brant, David	Director Naval Criminal Investigative Services
Bybee, Jay S.	OLC AAG 2001-2003
Chertoff, Michael	AAG, Criminal Division 2001-2003
Ciongoli, Adam	Counselor to the Attorney General 2001-2003
Clement, Paul	Solicitor General 2005-2008
[REDACTED]	FBI Supervisory Special Agent
[REDACTED]	Attorney in DOD OGC
Comey, James	Deputy Attorney General 2003-2005
[REDACTED]	NSC Attorney
[REDACTED]	DOD Associate General Counsel
[REDACTED]	CIA attorney
[REDACTED]	CIA Associate General Counsel
[REDACTED]	Assistant U.S. Attorney, EDVA
[REDACTED]	OLC paralegal
Fisher, Alice	Deputy AAG, Criminal Division 2001-2003; AAG 2005-2008
Flanigan, Timothy	Deputy White House Counsel 2001-2002
Fleisher, Ari	White House spokesperson
[REDACTED]	CIA Counter Terrorism Center attorney
[REDACTED]	NCIS psychologist based in Guantanamo
[REDACTED]	Assistant U.S. Attorney, EDVA
Goldsmith, Jack, III	OLC AAG October 2003 - June 2004
Gonzales, Alberto	White House Counsel 2001-2005; Attorney General 2005-2007
Hadley, Stephen	Deputy National Security Advisor 2001-2005; National Security Advisor 2005-2009
[REDACTED]	[REDACTED]
Haynes, William J., II	DOD General Counsel 2001-2008
Helgerson, John	CIA Inspector General

[REDACTED]
Jarrett, H. Marshall
[REDACTED]

Leahy, Patrick
[REDACTED]

Levin, Daniel

McCain, John

McLaughlin, John

McNulty, Paul
[REDACTED]

Miers, Harriet

Mora, Alberto

Morello, Steven
[REDACTED]

Muller, Scott

Mueller, Robert S., III

Philbin, Patrick

Powell, Colin

Rice, Condoleeza

Rizzo, John A.
[REDACTED]

Rosenberg, Chuck

Rotunda, Ronald

Rumsfeld, Donald
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Tenet, George

Thompson, Larry
[REDACTED]

Ulyot, Ted
[REDACTED]
[REDACTED]

Wolf, Frank

Yoo, John
[REDACTED]

CIA attorney

Counsel, OPR 1998 - 2009
[REDACTED]

OLC Attorney Advisor 2002-2003; Special Assistant
General Counsel DOD 2003-2004; Assistant General
Counsel, Department of Homeland Security 2005-2006

United States Senator from Vermont

Deputy White House Counsel 2002-2005

OLC Acting AAG July 2004-February 2005

United States Senator from Arizona

Acting Director of Central Intelligence

U.S. Attorney, EDVA

[REDACTED] Assistant U.S. Attorney, EDVA
[REDACTED]

White House Counsel 2005-2007

Navy General Counsel 2001-2006

Army General Counsel 2001-2004

Chief of Staff to the Director of Central Intelligence

CIA General Counsel 2002-2004

FBI Director 2001-present

OLC Deputy AAG 2001-2003; Associate Deputy Attorney
General 2003-2005

Secretary of State 2001-2005

National Security Adviser 2001-2005; Secretary of State
2005-2009

Acting General Counsel CIA 2001-2002; 2004-present

Army JAG Major General

Office of the Deputy Attorney General, Chief of Staff

Professor, Chapman University School of Law

Secretary of Defense 2001-2006

DOJ CounterTerrorism Section Chief

Assistant U.S. Attorney, EDVA

DOJ CounterTerrorism Section attorney

Legal Adviser, Department of State 2001-2005

Director of Central Intelligence 1997-2004

Deputy Attorney General 2001-2003

CIA attorney

Chief of Staff for Attorney General Gonzales

CIA attorney

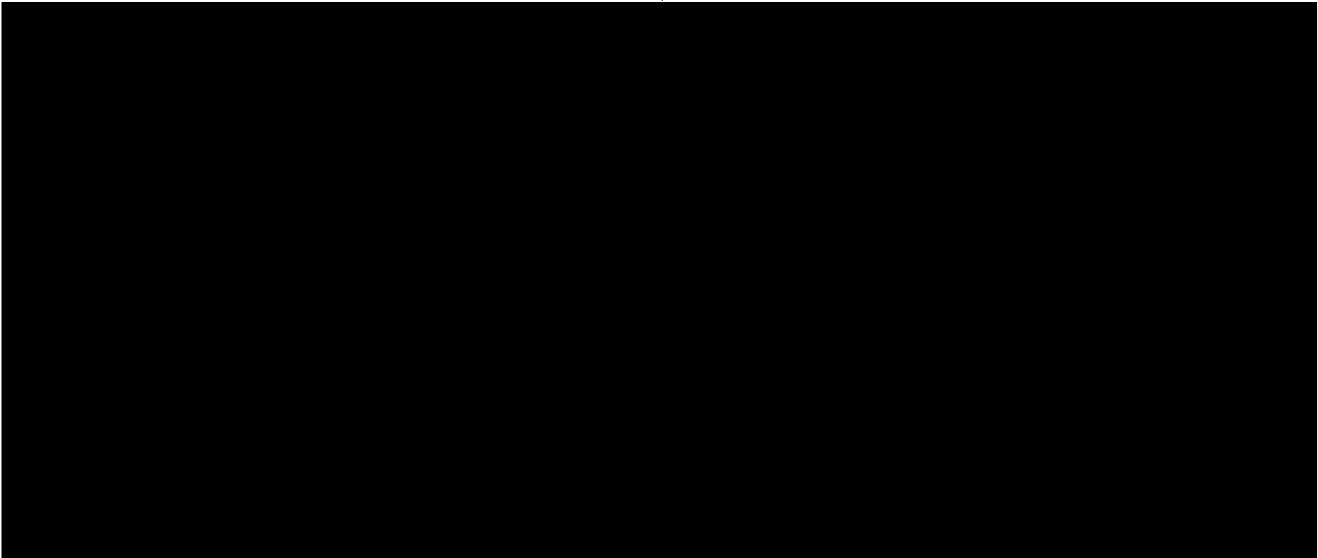
NSC attorney

U.S. Congressman from Virginia

Deputy AAG OLC 2001-2003
[REDACTED]

~~TS~~~~NOFORN~~

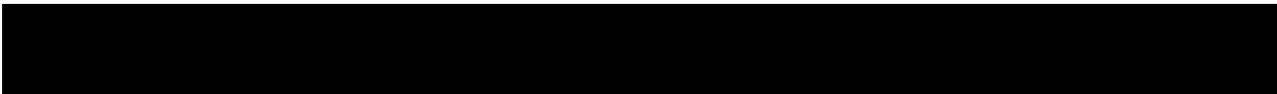
At the time, Levin planned to issue a replacement for the Classified Bybee Memo, and OLC's files show that he prepared several drafts in August and September 2004, which were circulated to four other OLC attorneys, including Bradbury, who was read into the interrogation program around that time.¹⁰⁰



Levin continued to work on a replacement for the Classified Bybee Memo, and in late September 2004, he asked CIA attorney [REDACTED] for more information about the administration of the following EITs: nudity, water dousing, sleep deprivation, and the waterboard. [REDACTED] responded on October 12, 2004.

On October 18, 2004, [REDACTED] sent Levin a 28-page document, entitled "OMS [CIA Office of Medical Services] Guidelines on Medical and Psychological Support to Detainee Rendition, Interrogation, and Detention," dated May 17, 2004

¹⁰⁰ The six EITs under consideration in the Levin drafts were dietary manipulation, nudity, abdominal slap, water dousing, sleep deprivation, and the waterboard. The Levin drafts we reviewed concluded that the use of those techniques, subject to limitations and protections described by the CIA, would not constitute torture within the meaning of the torture statute.

~~TS~~~~NOFORN~~

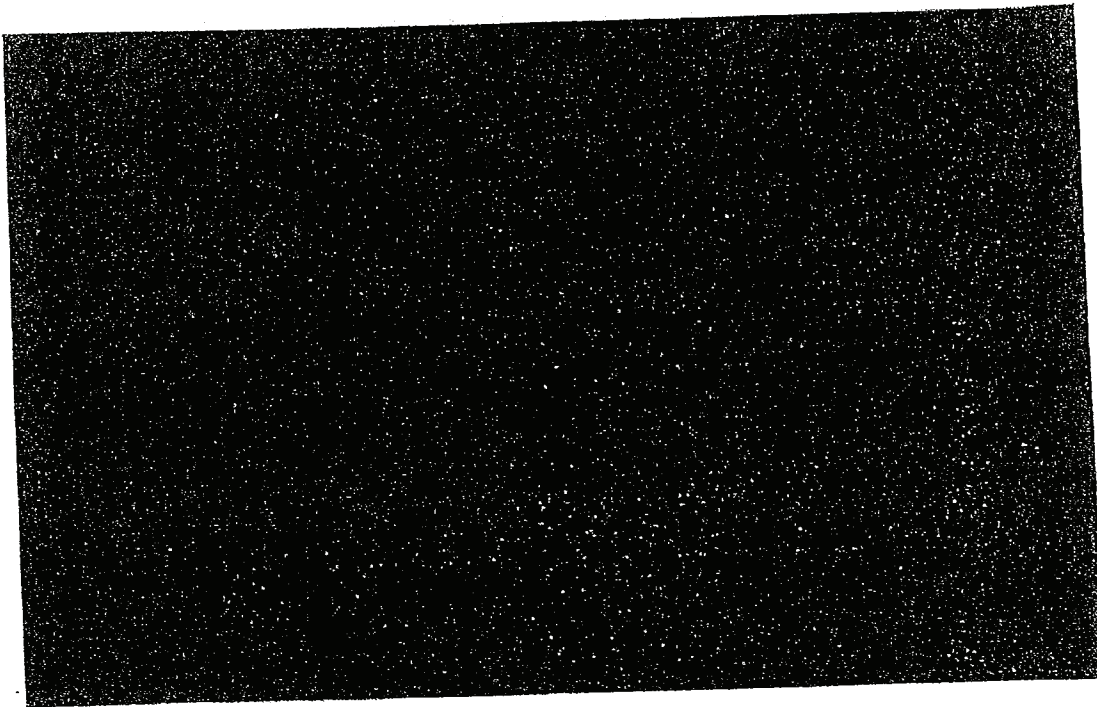
~~TOP SECRET~~ [REDACTED]

54. [REDACTED]

55. [REDACTED]

56. [REDACTED]

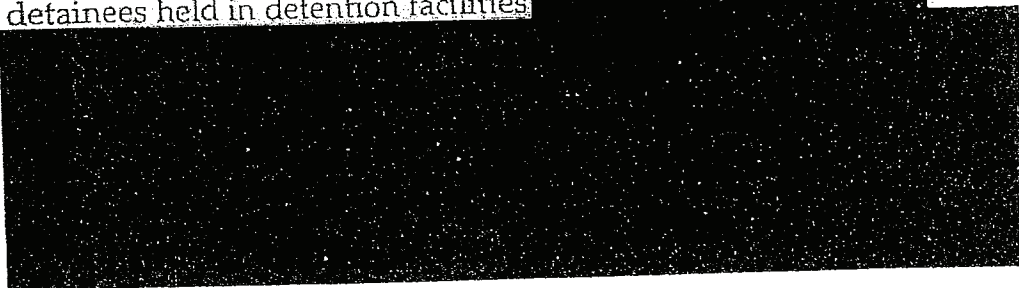
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~~TOP SECRET~~ [REDACTED]

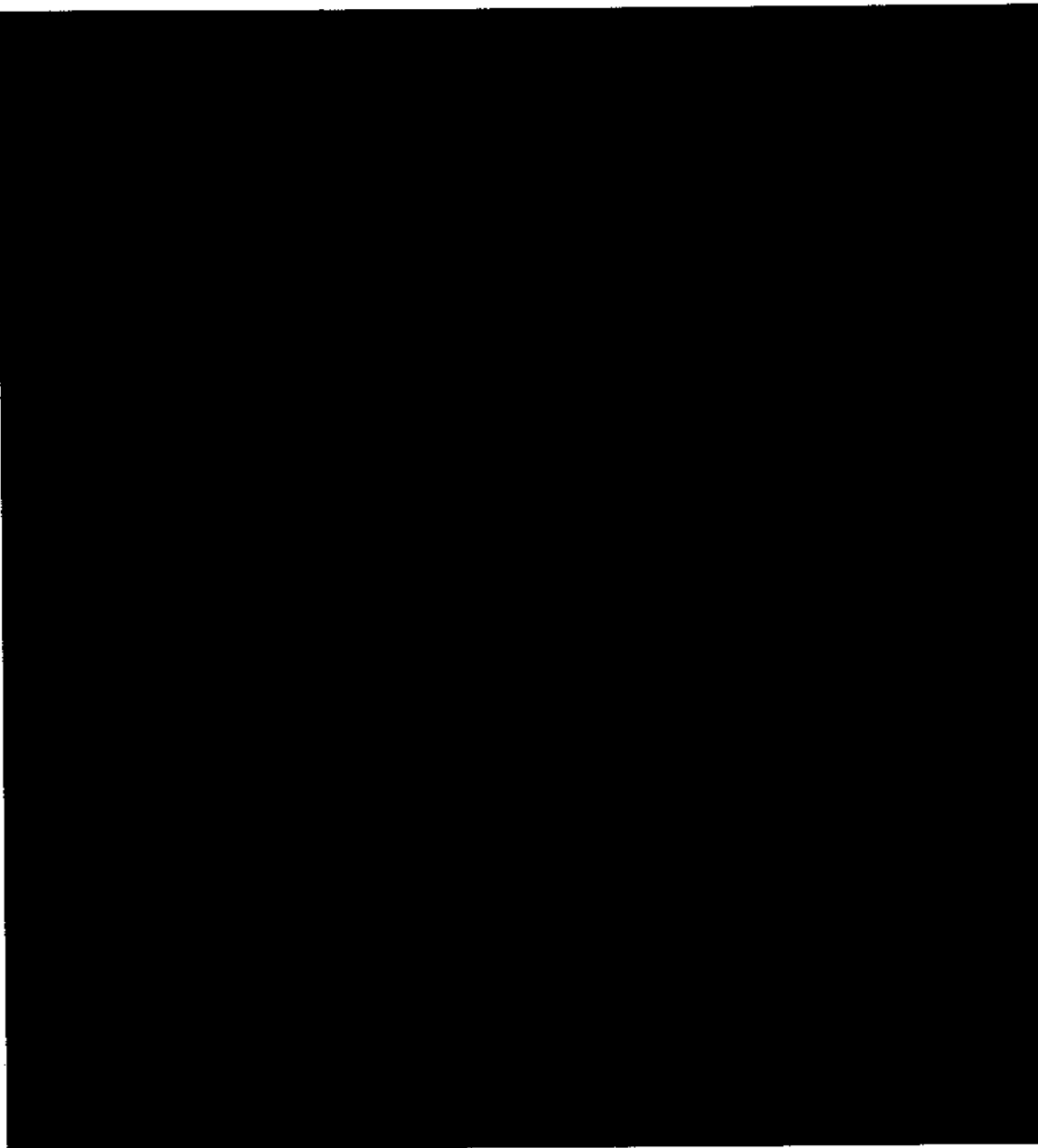
DCI Confinement Guidelines

57. (TS) [REDACTED] Before January 2003, officers assigned to manage detention facilities developed and implemented confinement condition procedures. [REDACTED]

[REDACTED] The January 2003 DCI Guidelines govern the conditions of confinement for CIA detainees held in detention facilities [REDACTED]

~~TOP SECRET~~ [REDACTED]

3. ACTIONS WITHOUT WORDS

~~TOP SECRET~~ [REDACTED]

Waterboard Technique

99. ~~(TS)~~ [REDACTED]
interrogators used the waterboard on Khalid Shaykh Muhammad

[REDACTED]

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~ [REDACTED]

[REDACTED]

100. (TS [REDACTED] Cables indicate that Agency
interrogators [REDACTED] applied the waterboard technique to
Khalid Shaykh Muhammad [REDACTED]

[REDACTED]

[REDACTED]

~~TOP SECRET~~ [REDACTED]

~~TOP SECRET~~

waterboard on Abu Zubaydah

~~TOP SECRET~~

SPECIAL REVIEW

PAGES 86 TO 89

Denied in Full

~~TS~~ ~~NOFORN~~

In some cases, a prisoner's hands would be shackled above the head for more than two hours at a time. CIA personnel were expected to monitor the subjects to ensure that they carried all their weight on their feet, rather than hanging from the chains, which could result in injuries. In some cases, a prisoner would be shackled in a seated position to a small stool so that he had to stay awake to keep his balance.

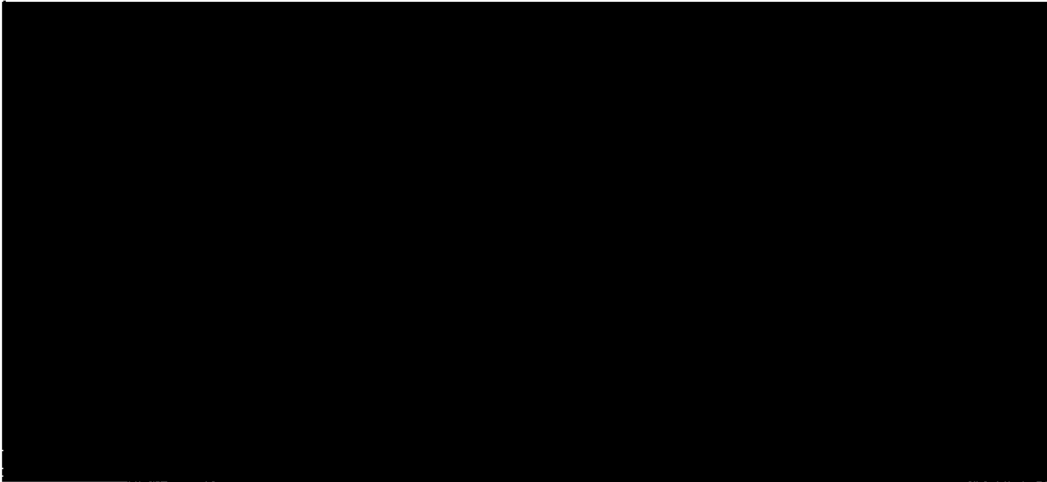
Levin approved the CIA's request to use the waterboard in a letter to Rizzo dated August 6, 2004. Levin wrote to "confirm our advice that, although it is a close and difficult question, the use of the waterboard technique in the contemplated interrogation of [REDACTED] . . . would not violate any United States statute, including [the torture statute], nor would it violate the United States Constitution or any treaty obligation of the United States."⁹⁸ Levin noted that OLC would subsequently provide a legal opinion that explained the basis for his conclusion, and listed certain conditions and assumptions to the approval, which he noted were "consistent with the [Classified Bybee Memo] and with the previous uses of the technique, as they have been described to us."⁹⁹

⁹⁸ Although Levin concluded that use of the waterboard was lawful, [REDACTED]

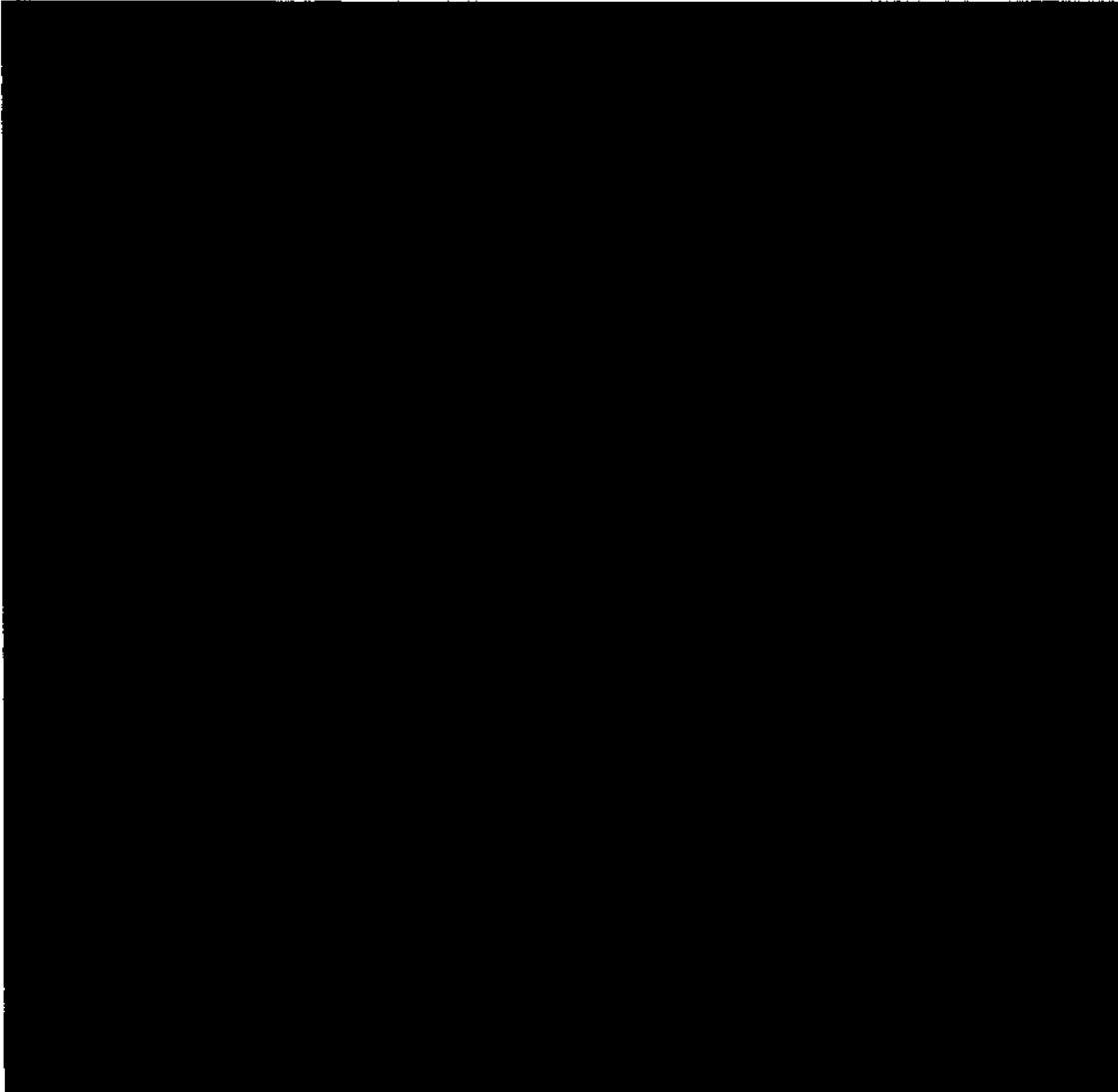
⁹⁹ The conditions of Levin's approval were: (1) the use of the technique would conform to the description in Rizzo's August 2, 2004 letter; (2) a physician and psychologist would approve the use of the technique before each session, would be present for the session, and would have the authority to stop the session at any time; (3) there would be no material change in the subject's medical and psychological condition as described in the attachment to Rizzo's letter, with no new medical or psychological contraindications; and (4) consistent with the description in the Classified Bybee Memo, the technique would be administered during a thirty-day period, would be used on no more than fifteen days during that period, would be applied no more than twice on any given day, and the subject would be waterboarded no more than a total of twenty minutes each day.

~~TS~~ ~~NOFORN~~

~~TOP SECRET~~



Waterboard Technique.....44



~~TOP SECRET~~

~~TOP SECRET~~ [REDACTED]

[REDACTED]

Enhanced Techniques [REDACTED]

the water board,

~~TOP SECRET~~ [REDACTED]

Other Document #131

~~TOP SECRET~~

00130

00131

Successful raid and capture of Abu Zubaydah

116

139

0001390

~~TOP SECRET~~

Document #131

(FOIA DOC 116)

PAGES 2 TO 5

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~~TOP SECRET~~



Zubaydah subjected

to

the water board.

water board,

used

Zubaydah subjected to waterboard,

0001395

~~TOP SECRET~~

Document #131
(FOIA DOC 116)

PAGE 7

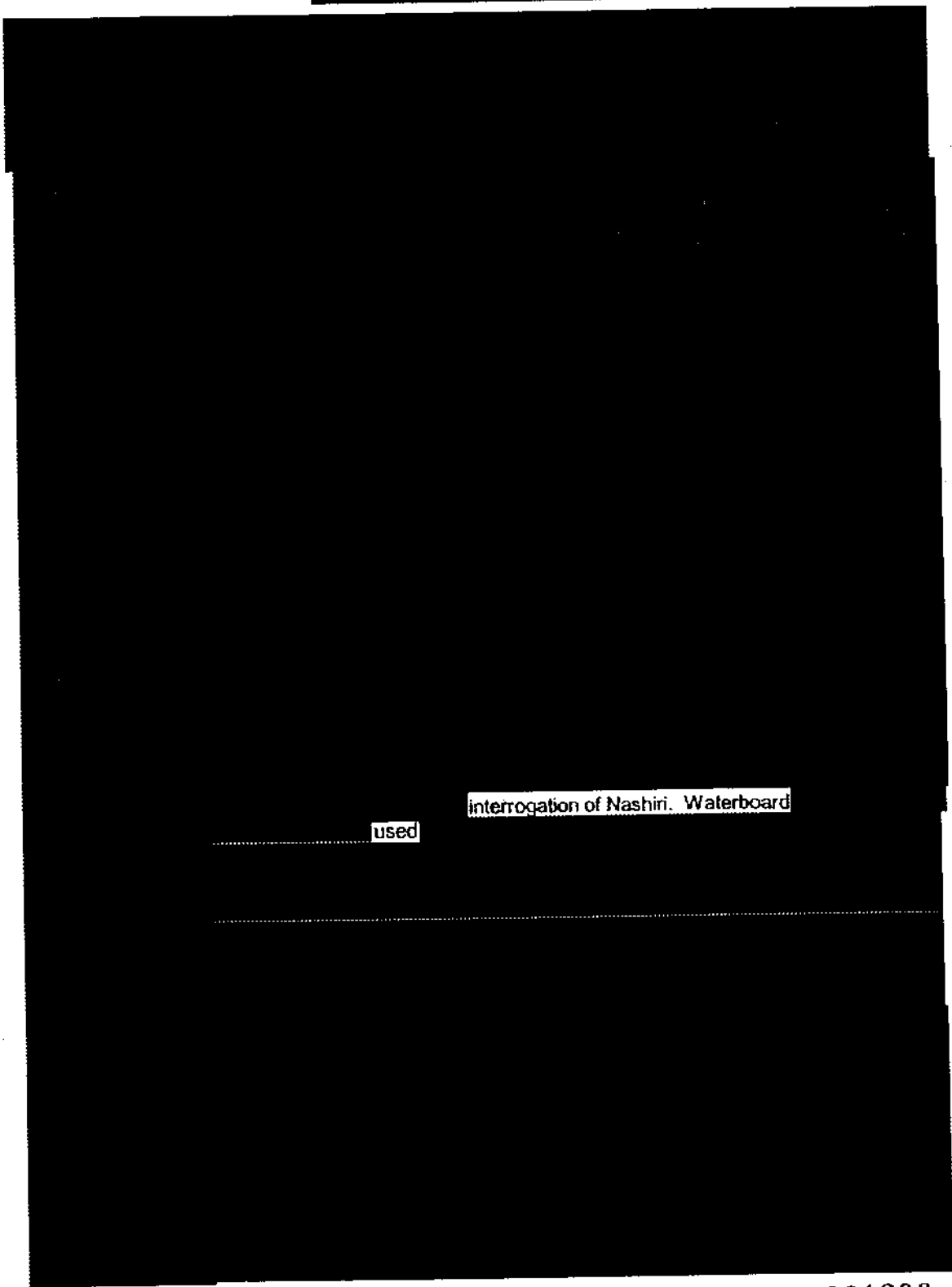
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briefs HPSCI Chairman and Ranking Minority Member on
 Ubaydahi interrogations

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interrogation of Nashiri. Waterboard

used

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OGC attorney

reviews videotapes

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GT 2-2

~~TOP SECRET~~~~/NOFORN//X1~~CIA Interrogation Techniques: Abu Zubaydah~~(TS)~~ Abu Zubaydah: Terrorist Activities

- Abu Zubaydah was born a Palestinian and now holds Saudi citizenship. He was a senior lieutenant to Bin Ladin.
- At the time of his capture in Pakistan, he was heavily involved in al-Qa'ida's operational planning, and had previously been an external liaison and logistics coordinator.
- Taking him out of circulation has hurt al-Qa'ida operations in key nodes and helped disrupt a number of ongoing plots.

~~(S//NF)~~ Injuries at Time of Capture

- Abu Zubaydah was hit by two bullets during the arresting operation.
A second bullet caused a large wound in his leg.
-
- Abu Zubaydah was provided adequate and appropriate medical care.
- The medical treatment the Agency provided to Abu Zubaydah saved his life. He should now be considered healthy, other than some leg and knee pain.

~~(S//NF)~~ Highlights from Reporting by Abu Zubaydah

- Information from Abu Zubaydah—who was captured in late March—led to the capture of other operatives, and continues to provide some of our most valuable insights into the inner workings of al-Qa'ida. Over time, he has become more willing to cooperate on many issues, and his extensive familiarity with other al-Qa'ida terrorists and their methodologies daily helps us identify ways to exploit other detainees and to assess the credibility of reporting from a variety of sources.

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and consulted extensively with Department of Justice (DoJ) and National Security Council (NSC) legal and policy staff. Working with DoJ's Office of Legal Counsel (OLC), OGC determined that in most instances relevant to the counterterrorism detention and interrogation activities [REDACTED] the criminal prohibition against torture, 18 U.S.C. 2340-2340B, is the controlling legal constraint on interrogations of detainees outside the United States. In August 2002, DoJ provided to the Agency a legal opinion in which it determined that 10 specific "Enhanced Interrogation Techniques" (EITs) would not violate the torture prohibition. This work provided the foundation for the policy and administrative decisions that guide the CTC Program.

7. (TS [REDACTED]) By November 2002, the Agency had Abu Zubaydah and another high value detainee, 'Abd Al-Rahim Al-Nashiri, in custody [REDACTED]

[REDACTED] and the Office of Medical Services (OMS) provided medical care to the detainees.

8. [REDACTED]

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- Abu Zubaydah identified Jose Padilla and Binyam Muhammad as al-Qa'ida operatives who had plans to detonate a uranium-topped "dirty bomb" in either Washington, DC, or New York City. Both have been captured.
 - In addition, Abu Zubaydah identified [REDACTED] senior al-Qa'ida operator in [REDACTED]
- [REDACTED]
- [REDACTED]

- As of mid-December 2002, Abu Zubaydah had been the source of over [REDACTED] disseminated counter-terrorism intelligence reports.

~~(TS)~~ [REDACTED]~~TOP SECRET~~ [REDACTED] ~~NOFORN//X1~~

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While EITs were being administered, several unauthorized techniques were also used on Al-Nashiri. Sometime around the end of December, [REDACTED]

[REDACTED] debriefer tried to frighten Al-Nashiri by cocking an unloaded pistol next to the prisoner's head while he was shackled in a sitting position in his cell. On what may have been the same day, Al-Nashiri was forced to stand naked and hooded

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in his cell while the debriefer operated a power drill, creating the impression that he was about to use it to harm Al-Nashiri. *Id.* at ¶¶ 92, 93.

On another occasion in December 2002, [REDACTED] debriefer [REDACTED] told Al-Nashiri that, if he did not talk, his mother and family would be brought to the facility. According to the CIA OIG report, there is a widespread perception in the Middle East that [REDACTED] intelligence services torture prisoners by sexually abusing female family members in their presence. *Id.* at ¶ 94.

On other occasions, the CIA debriefer blew cigar smoke in Al-Nashiri's face, manhandled him while he was tied in stress positions, and stood on his shackles to induce pain. [REDACTED]

According to CIA OIG, [REDACTED] Al-Nashiri [REDACTED] At some point, [REDACTED] interrogators determined that he was cooperating and the use of EITs was discontinued.

In January 2003, the CIA's Deputy Director of Operations notified the CIA OIG that CIA personnel had used the above unauthorized interrogation techniques on Al-Nashiri and asked CIA OIG to investigate. As discussed below, DOJ was notified on January 24, 2003.

3. Khalid Sheik Muhammed

EITs were also used on Khalid Sheik Muhammed (KSM), a high-ranking al Qaeda official who, according to media reports, was captured in Pakistan on March 1, 2003, [REDACTED] to a CIA black site [REDACTED] CIA officers have been quoted in the media as saying that KSM was defiant to his captors and was extremely resistant to EITs, including the waterboard.

The CIA OIG Report stated that KSM was taken to [REDACTED] facility for interrogation and that he was accomplished at resisting EITs. He reportedly

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sexually abusing female relatives in front of the detainee. The debriefer denied threatening Al-Nashiri through his family. The debriefer also said he did not explain who he was or where he was from when talking with Al-Nashiri. The debriefer said he never said he was [REDACTED] intelligence officer but let Al-Nashiri draw his own conclusions.

95. (TS [REDACTED]) An experienced Agency interrogator reported that the [REDACTED] interrogators threatened Khalid Shaykh Muhammad [REDACTED]. According to this interrogator, the [REDACTED] interrogators said to Khalid Shaykh Muhammad that if anything else happens in the United States, "We're going to kill your children." According to the interrogator, one of the [REDACTED] interrogators said [REDACTED]

[REDACTED] With respect to the report provided to him of the threats [REDACTED] that report did not indicate that the law had been violated.

Smoke

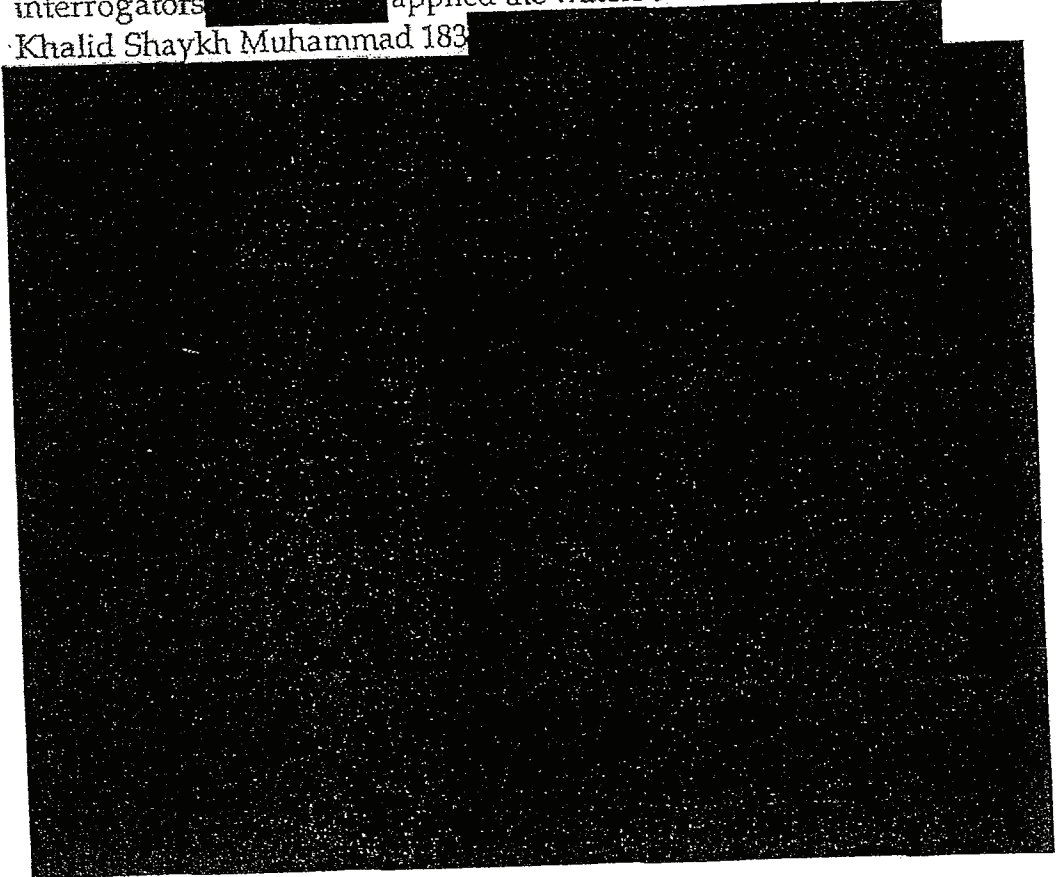
96. (TS [REDACTED]) An Agency [REDACTED] interrogator admitted that, in December 2002, he and another [REDACTED] smoked cigars and blew smoke in Al-Nashiri's face during an interrogation. The interrogator claimed they did this to "cover the stench" in the room and to help keep the interrogators alert late at night. This interrogator said he would not do this again based on "perceived criticism." Another Agency interrogator admitted that he also smoked cigars during two sessions with Al-Nashiri to mask the stench in the room. He claimed he did not deliberately force smoke into Al-Nashiri's face.

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~~TOP SECRET~~ [REDACTED]

General acknowledged he is fully aware of the repetitive use of the waterboard and that CIA is well within the scope of the DoJ opinion and the authority given to CIA by that opinion. The Attorney General was informed the waterboard had been used 119 times on a single individual.

100. (TS [REDACTED]) Cables indicate that Agency interrogators [REDACTED] applied the waterboard technique to Khalid Shaykh Muhammad 183 [REDACTED]



47 [REDACTED]

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45

~~TOP SECRET~~ [REDACTED]

101. [REDACTED]

102. [REDACTED]

48 (TS [REDACTED]) The OLC opinion dated 1 August 2002 states: "You have also orally informed us that it is likely that this procedure [waterboard] would not last more than 20 minutes in any one application." [REDACTED]

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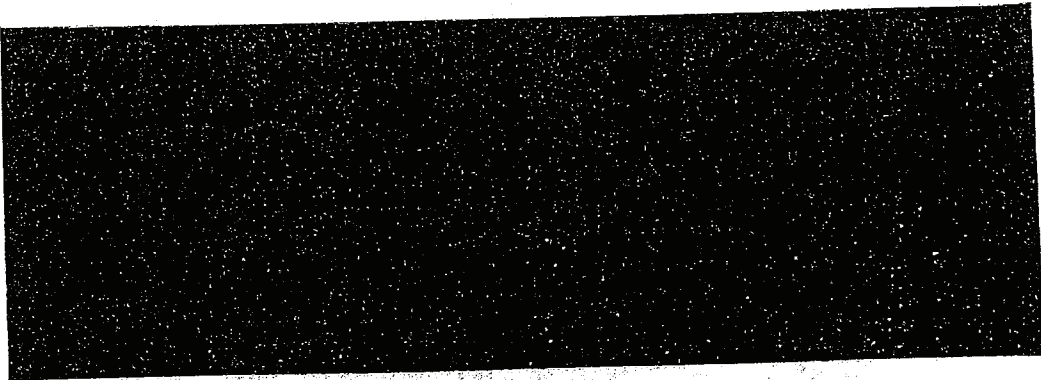
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111.



112.



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113. [REDACTED]

114. [REDACTED]

115. [REDACTED]

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116.

117.

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~~TOP SECRET~~ [REDACTED]118. [REDACTED]
[REDACTED]119. [REDACTED]
[REDACTED]120. [REDACTED]
[REDACTED]

53 (TS) [REDACTED] The first session of the interrogation course began in November 2002. See paragraphs 64-65.

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121. [REDACTED]

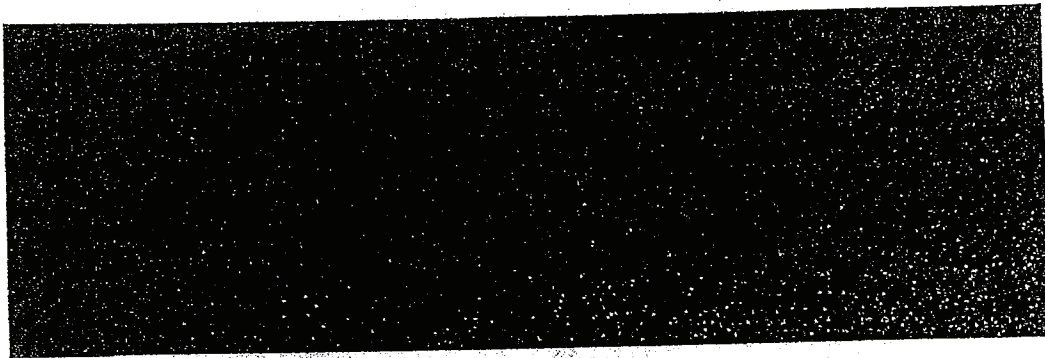
122. [REDACTED]

Interrogators are required to sign a statement certifying they have read and understand the contents of the folder.

123. [REDACTED]

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124.



125.



126.



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and will coordinate with and ensure that the student is monitored by a controller or coordinator.

PREAL Manual, ¶¶ 1.6 and 5.3.1.³⁴

The CIA psychologists eventually proposed the following twelve EITs to be used in the interrogation of Abu Zubaydah:

- (1) **Attention grasp:** The interrogator grasps the subject with both hands, with one hand on each side of the collar opening, in a controlled and quick motion, and draws the subject toward the interrogator;
- (2) **Walling:** The subject is pulled forward and then quickly and firmly pushed into a flexible false wall so that his shoulder blades hit the wall. His head and neck are supported with a rolled towel to prevent whiplash;
- (3) **Facial hold:** The interrogator holds the subject's head immobile by placing an open palm on either side of the subject's face, keeping fingertips well away from the eyes;
- (4) **Facial or insult slap:** With fingers slightly spread apart, the interrogator's hand makes contact with the area between the tip of the subject's chin and the bottom of the corresponding earlobe;
- (5) **Cramped confinement:** The subject is placed in a confined space, typically a small or large box, which is usually dark. Confinement in the smaller space lasts no more than two hours and in the larger space up to 18 hours;

³⁴ OLC's files included a copy of the PREAL Manual but no indication of how or when it was obtained.

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- (6) **Insects:** A harmless insect is placed in the confinement box with the detainee;
- (7) **Wall standing:** The subject may stand about 4 to 5 feet from a wall with his feet spread approximately to his shoulder width. His arms are stretched out in front of him and his fingers rest on the wall to support all of his body weight. The subject is not allowed to reposition his hands or feet;
- (8) **Stress positions:** These positions may include having the detainee sit on the floor with his legs extended straight out in front of him with his arms raised above his head or kneeling on the floor while leaning back at a 45 degree angle;
- (9) **Sleep deprivation:** The subject is prevented from sleeping, not to exceed 11 days at a time;³⁵
- (10) **Use of Diapers:** The subject is forced to wear adult diapers and is denied access to toilet facilities for an extended period, in order to humiliate him;
- (11) **Waterboard:** The subject is restrained on a bench with his feet elevated above his head. His head is immobilized and an interrogator places a cloth over his mouth and nose while pouring water onto the cloth. Airflow is restricted for 20 to 40 seconds; the technique produces the sensation of drowning and suffocation;

(12)

³⁵ As initially proposed, sleep deprivation was to be induced by shackling the subject in a standing position, with his feet chained to a ring in the floor and his arms attached to a bar at head level, with very little room for movement.

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Enhanced Interrogation Techniques

- ♦ The attention grasp consists of grasping the detainee with both hands, with one hand on each side of the collar opening, in a controlled and quick motion. In the same motion as the grasp, the detainee is drawn toward the interrogator.
- ♦ During the walling technique, the detainee is pulled forward and then quickly and firmly pushed into a flexible false wall so that his shoulder blades hit the wall. His head and neck are supported with a rolled towel to prevent whiplash.
- ♦ The facial hold is used to hold the detainee's head immobile. The interrogator places an open palm on either side of the detainee's face and the interrogator's fingertips are kept well away from the detainee's eyes.
- ♦ With the facial or insult slap, the fingers are slightly spread apart. The interrogator's hand makes contact with the area between the tip of the detainee's chin and the bottom of the corresponding earlobe.
- ♦ In cramped confinement, the detainee is placed in a confined space, typically a small or large box, which is usually dark. Confinement in the smaller space lasts no more than two hours and in the larger space it can last up to 18 hours.
- ♦ Insects placed in a confinement box involve placing a harmless insect in the box with the detainee.
- ♦ During wall standing, the detainee may stand about 4 to 5 feet from a wall with his feet spread approximately to his shoulder width. His arms are stretched out in front of him and his fingers rest on the wall to support all of his body weight. The detainee is not allowed to reposition his hands or feet.
- ♦ The application of stress positions may include having the detainee sit on the floor with his legs extended straight out in front of him with his arms raised above his head or kneeling on the floor while leaning back at a 45 degree angle.
- ♦ Sleep deprivation will not exceed 11 days at a time.
- ♦ The application of the waterboard technique involves binding the detainee to a bench with his feet elevated above his head. The detainee's head is immobilized and an interrogator places a cloth over the detainee's mouth and nose while pouring water onto the cloth in a controlled manner. Airflow is restricted for 20 to 40 seconds and the technique produces the sensation of drowning and suffocation.

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4. OBJECTS WITHOUT SUBJECTS

UNCLASSIFIED

2. ^U(S/NF) Incentive/Removal of Incentive: Providing a reward or removing a privilege, above and beyond those that are required by the Geneva Convention, from detainees, (Privileges above and beyond POW-required privileges).
3. ^U(S/NF) Emotional Love: Playing on the love a detainee has for an individual or group.
4. ^U(S/NF) Emotional Hate: Playing on the hatred a detainee has for an individual or group.
5. ^U(S/NF) Fear Up Harsh: Significantly increasing the fear level in a detainee.
6. ^U(S/NF) Fear Up Mild: Moderately increasing the fear level in a detainee.
7. ^U(S/NF) Reduced Fear: Reducing the fear level in a detainee.
8. ^U(S/NF) Pride and Ego Up: Boosting the ego of a detainee.
9. ^U(S/NF) Pride and Ego Down: Attacking or insulting the ego of a detainee, not beyond the limits that would apply to a POW.
10. ^U(S/NF) Futility: Invoking the feeling of futility of a detainee.
11. ^U(S/NF) We Know All: Convincing the detainee that the interrogator knows the answer to questions he asks the detainee.
12. ^U(S/NF) Establish Your Identity: Convincing the detainee that the interrogator has mistaken the detainee for someone else.
13. ^U(S/NF) Repetition Approach: Continuously repeating the same question to the detainee within interrogation periods of normal duration.
14. ^U(S/NF) File and Dossier: Convincing detainee that the interrogator has a damning and inaccurate file, which must be fixed.
15. ^U(S/NF) Mutt and Jeff: A team consisting of a friendly and harsh interrogator. The harsh interrogator might employ the Pride and Ego Down technique.
16. ^U(S/NF) Rapid Fire: Questioning in rapid succession without allowing detainee to answer.
17. ^U(S/NF) Silence: Staring at the detainee to encourage discomfort.
18. ^U(S/NF) Change of Scenery Up: Removing the detainee from the standard interrogation setting (generally to a location more pleasant, but no worse).

UNCLASSIFIED

Classified Report Dated April 4, 2003

~~TS~~ [REDACTED] ~~NOFORN~~

the Classified Bybee Memo. All of these factors combined to create a picture of the interrogation process that was quite different from the one presented in 2002.

Philbin Response at 14.

Philbin was also concerned that, under the new reading of the law under the Levin Memo (OLC's determination that, in referring to "severe physical . . . pain or suffering," the torture statute was referring to distinct concepts of "pain" or "suffering," and that if either were inflicted with the necessary intent, a violation could be established), he could not agree with the Combined Techniques Memo that the use of all of the specified practices, taken together, would not violate the statute. *Id.* at 15. Philbin believed that the Combined Effects Memo did not adequately deal with the category of "severe physical suffering." Philbin told OPR:

[I] did not think the memo provided a sufficient analysis to conclude that depriving a person of sleep for days on end while keeping him shackled to the ceiling in a diaper and at the same time using other techniques on him would not cross the line into producing "severe physical suffering."

Id. at 15. Philbin said he recommended to former DAG Comey that Comey should not concur in the Bradbury Combined Effects Memo.

Former DAG Comey told us that he reviewed and approved the 2005 Bradbury Memo, which found the CIA's proposed use of thirteen EITs, including forced nudity, extended sleep deprivation, and the waterboard to be lawful, but that, after he reviewed the Combined Techniques Memo, he argued that the Combined Techniques Memo should not be issued as written. His main concern was that the memorandum was theoretical and not tied to a request for the use of specific techniques on a specific detainee. Comey believed it was irresponsible to give legal advice about the combined effects of techniques in the abstract.

In an email to ODAG Chief of Staff Chuck Rosenberg dated April 27, 2005, Comey recounted a meeting on April 27, 2005 with Philbin, Bradbury, and AG Gonzales in which Comey expressed his concerns about the memorandum.

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expertise, and divergence from the SERE model in the CIA interrogation program. The 2005 Bradbury Memo stated that

we have carefully considered the [CIA OIG Report] and have discussed it with OMS personnel. As noted, OMS input has resulted in a number of changes in the application of the waterboard, including limits on the frequency and cumulative use of the technique.

Id. at 41, n.51.

Thus, "assuming adherence to the strict limitations" and "careful medical monitoring," the 2005 Bradbury Memo concluded that "the authorized use of the waterboard by adequately trained interrogators and other team members could not reasonably be considered specifically intended to cause severe physical or mental pain or suffering and thus would not violate" the torture statute. *Id.* at 45.

2. The Combined Techniques Memo (May 10, 2005)

The Combined Techniques Memo began by briefly recapping the 2005 Bradbury Memo's conclusions, and stated that it would analyze whether the combined effects of the authorized EITs could render a prisoner unusually susceptible to physical or mental pain or suffering, and whether the combined, cumulative effect of the EITs could result in an increased level of pain or suffering. The memorandum outlined the phases, conditions, and progression of a "prototypical" CIA interrogation, based upon the "Background Paper on CIA's Combined Use of Interrogation Techniques" that the CIA had sent to Levin on December 30, 2004 (CIA Background Paper). The Combined Techniques Memo noted that the waterboard would be used only in certain limited circumstances, and that it may be used in combination with only two EITs: dietary manipulation and sleep deprivation.¹¹¹

¹¹¹ The Combined Techniques Memo noted that the waterboard must be used in combination with dietary manipulation, "because a fluid diet reduces the risks of the technique." Combined Techniques Memo at 16. According to the CIA OMS Guidelines, a liquid diet is imposed

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The memorandum classified EITs into three categories based on their purpose. The first category, referred to as "conditioning techniques" was designed "to bring the detainee to 'a baseline, dependent state' . . . demonstrat[ing] . . . 'that he has no control over basic human needs'" Combined Techniques Memo at 5 (quoting CIA Background Paper at 5). The EITs included in this category were forced nudity, sleep deprivation, and dietary manipulation. *Id.*

Techniques in the second category, classified as "corrective techniques," are those that require physical action by the interrogator, and which "are used principally to correct, startle, or . . . achieve another enabling objective with the detainee." *Id.* (quoting CIA Background Paper at 5). This category includes the insult slap, the abdominal slap, the facial hold, and the attention grasp.

The third category, "coercive techniques," includes walling, water dousing, stress positions, wall standing, and cramped confinement. Their use "places the detainee in more physical and psychological stress." *Id.* at 5-6 (quoting CIA Background Paper at 7).¹¹²

The memorandum then examined whether the combined use of EITs would result in severe physical pain, severe physical suffering, or severe mental pain or suffering. With respect to severe physical pain, the memorandum noted that some of the EITs did not cause any physical pain, and that none of them used individually caused "pain that even approaches the 'severe' level required to violate the [torture] statute" The memorandum concluded that the combined use of the EITs therefore "could not reasonably be considered specifically intended to . . . reach that level." Combined Techniques Memo at 11-12. Acknowledging that some individuals might be more susceptible to pain, or that sleep deprivation might make some detainees more susceptible to pain, the memorandum described the medical and psychological monitoring procedures that CIA OMS had

¹¹² The waterboard, which was not discussed in the CIA Background Paper or in this section of the Combined Techniques Memo, is another coercive technique, and "is generally considered to be 'the most traumatic of the enhanced interrogation techniques'" Article 16 Memo at 15 (quoting CIA OMS Guidelines at 17).

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Hard Takedown

190. [REDACTED]

191. (TS) [REDACTED] According to [REDACTED] the hard takedown was used often in interrogations at [REDACTED] as "part of the atmospherics." For a time, it was the standard procedure for moving a detainee to the sleep deprivation cell. It was done for shock and psychological impact and signaled the transition to another phase of the interrogation. The act of putting a detainee into a diaper can cause abrasions if the detainee struggles because the floor of the facility is concrete. The [REDACTED] stated he did not discuss the hard takedown with [REDACTED] managers, but he thought they understood what techniques were being used at [REDACTED]. [REDACTED] stated that the hard takedown had not been used recently. [REDACTED] After taking the interrogation class, he understood that if [REDACTED]

[REDACTED]

TOP SECRET [REDACTED]

TOP SECRET [REDACTED]

Water Dousing

187. (TS/ [REDACTED] According to [REDACTED] and others who have worked [REDACTED] "water dousing" has been used [REDACTED] since early 2003 when [REDACTED] officer introduced this technique to the facility. Dousing involves laying a detainee down on a plastic sheet and pouring water over him for 10 to 15 minutes. Another officer explained that the room was maintained at 70 degrees or more; the guards used water that was at room temperature while the interrogator questioned the detainee.

188. (TS/ [REDACTED] A review [REDACTED] from April and May 2003 revealed that [REDACTED] sought permission from CTC [REDACTED] to employ specific techniques for a number of detainees. Included in the list of requested techniques was water dousing.⁷² Subsequent cables reported the use and duration of the techniques by detainee per interrogation session.⁷³ One certified interrogator, noting that water dousing appeared to be a most effective technique, requested CTC to confirm guidelines on water dousing. A return cable directed that the detainee must be placed on a towel or sheet, may not be placed naked on the bare cement floor, and the air temperature must exceed 65 degrees if the detainee will not be dried immediately.

189. (TS/ [REDACTED] The DCI Guidelines do not mention water dousing as a technique. The 4 September 2003 draft OMS Guidelines, however, identify "water dousing" as one of 12 standard measures that OMS listed, in ascending degree of intensity, as the 11th standard measure. OMS did not further address "water dousing" in its guidelines.

⁷³ (TS/ [REDACTED] reported water dousing as a technique used, but in a later paragraph used the term "cold water bath."

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TOP SECRET [REDACTED]

170. (TS) [REDACTED] The debriefer claimed he did not think he needed to report this incident because the [REDACTED] had openly discussed this plan [REDACTED] several days prior to and after the incident. When the debriefer was later [REDACTED] and believed he needed a non-traditional technique to induce the detainee to cooperate, he told [REDACTED] he wanted to wave a handgun in front of the detainee to scare him. The debriefer said he did not believe he was required to notify Headquarters of this technique, citing the earlier, unreported mock execution [REDACTED]

171. (TS) [REDACTED] A senior operations officer [REDACTED] recounted that around September 2002 [REDACTED] heard that the debriefer had staged a mock execution. [REDACTED] was not present but understood it went badly; it was transparently a ruse and no benefit was derived from it. [REDACTED] observed that there is a need to be creative as long as it is not considered torture. [REDACTED] stated that if such a proposal were made now, it would involve a great deal of consultation. It would begin with [REDACTED] management and would include CTC/Legal, [REDACTED] and the CTC [REDACTED]

172. (S//NF) The [REDACTED] admitted staging a "mock execution" in the first days that [REDACTED] was open. According to the [REDACTED] the technique was his idea but was not effective because it came across as being staged. It was based on the concept, from SERE school, of showing something that looks real, but is not. The [REDACTED] recalled that a particular CTC interrogator later told him about employing a mock execution technique. The [REDACTED] did not know when this incident occurred or if it was successful. He viewed this technique as ineffective because it was not believable.

TOP SECRET [REDACTED]