

IG REPORT: WORKING THREAD

Spencer and the Washington Independent have posted the documents.

There is significantly more in here.

One thing to note: IG was complaining about water dousing in 2004. And then they wrote the 2005 memos to include water dousing, done on Hassan Ghul, sometime in 2004. Interesting timing.

The report started because of illegal techniques used with al-Nashiri, among others. Yet Durham hasn't found any reason to show that the torture tapes were destroyed because of that?

It says CTC with Office of Technical Services came up with the techniques. I suspect Jeff Kaye will have a lot to say about that combination.

Note, it doesn't say that OGC (John Rizzo) was also working with DOD's GC (Jim Haynes) to come up with the torture techniques, thereby hiding SERE's involvement.

"OGC briefed DO officers" at interrogation sites on what was legal. Doesn't say whether OGC briefed the contractors. But in any case, Rizzo bears some responsibility here, right?

Okay, this is significant.

With respect to two detainees at those sites, the use and frequency of one EIT, the waterboard, went beyond the projected use of the technique as originally described to DoJ. The Agency, on 29 July 2003, secured oral DoJ concurrence that certain deviations are not significant for the purposes of DoJ's legal opinions.

Remember, this is two days after they got the oral okay in the first place (based on the JPRA document), and two days before DOJ wrote the

memo. Yet the memo still used restrictions that they had just orally okayed the torturers to exceed.

This also suggests the techniques, as we suspected, preceded the authorization.

Page 7:

The DCI Guidelines ... still leave substantial room for misinterpretation and do not cover all Agency detention and interrogation activities.

Also page 7:

Officers are concerned that public revelation of the CTC Program will seriously damage Agency officers' personal reputations, as well as the reputation and effectiveness of the Agency itself.

No mention of international law or, more importantly, endangering Americans captured by others. That's nice.

On page 11, they've kept two paragraphs describing the legal basis for the program redacted.

Page 12

OGC shared these "draft" papers [on techniques] with Agency officers responsible [for the interrogations?]

Page 13

...in late 2001, CIA had tasked an independent contractor psychologist, ... to research and write a paper on Al-Qa'ida's resistance to interrogation techniques.

Note this shifts the chronology SASC gives, suggesting CIA started it. It also doesn't say who in CIA asked Mitchell and Jessen to develop

the program.

Page 22: Rizzo got a follow-up document we haven't seen yet, which basically says War Crimes are off the table. This is where they dismiss the 5th, 8th, and 14th Amendments.

Page 23:

In early 2003, CIA officials, at the urging of the General Counsel, continued to inform senior Administration officials and the leadership of the Congressional Oversight Committees of the then-current status of the CRC Program.

Close to an admission that the Fall 2002 briefing was not on the then-current status. Goes onto claim that GC says that "none of the participants expressed any concern about the techniques or the program" even though Jane Harman did, to then GC, Scott Muller, in writing.

Page 31 fn 36 suggests that they didn't put the medical guidelines in writing bc "Seventh Floor" would need to approve the promulgation of any further former guidelines." This was, of course, right after the month of KSM's worst torture.

Page 37:

OIG found 11 interrogation videotapes to be blank. Two others were blank except for one or two minutes of recording. Two others were broken and could not be reviewed. OIG compared the videotapes to [redacted] logs and cables and identified a 21-hour period of time, which included two waterboard sessions, that was not captured on the videotape.

Note, CIA is trying to withhold precisely those logs from ACLU. I wonder what else is in that 21-hour gap.

Page 44

According to the General Counsel, the Attorney 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 on a single individual.

Cables indicate that Agency interrogators [redacted] applied the waterboard technique to Khalid Shaykh Muhammed 183 [redacted]

Well, I guess that's one explanation for why they didn't prosecute...

Page 71: These guys couldn't even stage a mock execution credibly. What morans.

Page 83

According to a number of those interviewed for this Review, the Agency's intelligence on Al-Qa'ida was limited prior to the initiation of the CTC Interrogation Program. The Agency lacked adequate linguists or subject matter experts and had very little hard knowledge of what particular Al-Qa'ida leaders—who later became detainees—knew. This lack of knowledge led analysts to speculate about what a detainee "should know," vice information the analyst could objectively demonstrate the detainee did know.

Page 84

According to a senior CTC officer, the interrogation team [redacted] considered Abu Zubaydah to be compliant and wanted to terminate EITs. [redacted] believed Abu Zubaydah continued to withhold information [redacted] at the time it generated substantial pressure from

Headquarters to continue use of the EITs. According to this senior officer, the decision to resume use of the waterboard on Abu Zubaydah was made by senior officers of the DO [redacted] to assess Abu Zubaydah's compliance and witnessed the final waterboard session, after which, they reported back to Headquarters that the EITs were no longer needed on Abu Zubaydah.

Page 87, on KSM (note the focus on Americans, some of them on totally bogus charges)

He provided information that helped lead to the arrests of terrorists including Sayfullah Paracha and his son Uzair Paracha, businessmen whom Khalid Shaykh Muhammed planned to use to smuggle explosives into the United States; Saleh Almari, a sleeper operative in New York; and Majid Khan, an operative who could enter the United States easily and was tasked to research attacks [redacted] Khalid Shaykh Muhammed's information also led to the investigation and prosecution of Iyman Faris, the truck driver arrested in early 2003 in Ohio.

Page 94

One officer expressed concern that one day, Agency officers will wind up on some "wanted list" to appear before the World Court for war crimes stemming from activities [redacted] Another said "Ten years from now we're going to be sorry we're doing this ... [but] it has to be done." He expressed concern that the CTC Program will be exposed in the news media and cited particular concern about the possibility of being named in a leak.