

CIA HEADQUARTERS ORDERED JANAT GUL'S TORTURE TO KEEP GOING FOR AN OLC APPROVAL

I'm working on a longer post on how the torture of Hassan Ghul and Janat Gul relate to the three May 2005 OLC memos, which – as Mark Udall has pointed out – were based on a series of lies from CIA.

But for the moment, I want to point to a narrower point.

As I have explained, CIA got the White House and DOJ to approve the resumption of torture in 2004 by claiming that Janat Gul had information on a pre-election threat. By October 2004, CIA confirmed that claim was based on a fabrication by a CIA source.

But even before CIA's source admitted to fabricating that claim, on August 19, 2004, CIA's torturers had come to the conclusion that Gul didn't have any information on an imminent threat. The "team does not believe [Gul] is withholding imminent threat information," they wrote in a cable that day. Two days later, folks at CIA headquarters wrote back and told the torturers to keep torturing. The cable "stated that Janat Gul 'is believed' to possess threat information, and that the 'use of enhanced techniques is appropriate in order to obtain that information.'"

So, as had happened in the past, the torturers had decided the detainee had given up all the information he had, but HQ ordered them to keep torturing.

But that's not all HQ did.

As I sort of lay out here (and will lay out at more length in my new post), we know from the

May 30, 2005 CAT memo that several of the August 2004 OLC letters authorizing torture pertained to Janat Gul. At a minimum, that includes a request in response to which John Ashcroft authorized the use of most torture techniques approved in 2002 on July 22, 2004, and a series of requests in response to which Daniel Levin authorized the use of the remaining technique – the waterboard – on August 6, 2004.

And an August 25, 2004 letter in response to which Daniel Levin authorized four new techniques: dietary manipulation, nudity, water dousing, and abdominal slaps. [Update: The May 10, 2005 Techniques memo – which Comey described as “ready to go out and I concurred” in an April 27, 2005 email – served to retroactively approve all these memos and Gul’s treatment.]

That August 25, 2004 letter had to have made the claim (because Levin repeated the judgment in his letter) – 6 days after the torturers had told HQ Gul was not withholding any imminent threat information and 4 days after HQ had said, no, Gul “is believed” to have threat information – that Gul “is believed to possess information concerning an imminent terrorist threat to the United States.”

That is, CIA’s HQ made the torturers resume torturing a guy who had already asked to be killed so as to sustain the claim he had imminent threat information so as to be able to get OLC to cough up another memo.

Significantly, there’s no indication all of those four new techniques – or waterboarding – were ever used on Gul. Indeed, here’s what the torture report describes in its last description of the specific torture used on Gul.

On August 25, 2004, CIA interrogators sent a cable to CIA Headquarters stating that Janat Gul “may not possess all that [the CIA] believes him to know.”⁸²⁴ The interrogators added that “many issues linking [Gul] to al-Qaida are derived from single source

reporting" (the CIA source).⁸²⁵
Nonetheless, CIA interrogators continued to question Gul on the pre-election threat. According to an August 26, 2004, cable, after a 47-hour session of standing sleep deprivation, Janat Gul was returned to his cell, allowed to remove his diaper, given a towel and a meal, and permitted to sleep.⁸²⁶

They got their memo, authorizing techniques that had been used without any official authorization from OLC on detainees in the years before (including on Gul Rahman before he died). And then they finally let the suicidal Janat Gul sleep.

And only months later did they get around to checking (perhaps using a polygraph?) whether their original source had been bullshitting them, as at least one CIA officer had surmised back in March.

I reported in December that they used Gul and the threat of an election year threat to get OLC to reauthorize torture generally. But this sequence makes it clear that they continued to torture Gul, all in the name of getting OLC to approve torture techniques they had already used without approval, even after the torturers were convinced he was not withholding any information.

No wonder Jim Comey doesn't want to read any more details about Gul's torture, which he retroactively signed off on.