



15 FACTS ABOUT THE **CIA TORTURE PROGRAM**

In the aftermath of the September 11, 2001 attacks, the CIA built a torture program.

Between 2002 and 2008, it held at least 119 Muslim men captive in secret “black site” prisons around the world and subjected them to abuses that many Americans rightly associate with foreign dictators, tyrants and terrorists. The program was built largely by two contracts psychologists, James Mitchell and Bruce Jessen. Neither had any experience as an interrogator, any knowledge of al Qaeda, or any science to justify their methods. The torture tactics they developed included chaining men to the ceiling, naked except for a diaper, in the dark with music blaring, sometimes for days on end; stuffing them for hours into (at times insect-filled) boxes the size of small dog crates or in the shape of coffins; and drowning them, just not to the point of death. Mitchell, Jessen and the CIA called this torture “enhanced interrogation” and said it would produce unique, otherwise unobtainable intelligence that would save lives. It did not.

For five years, the Senate intelligence committee investigated the torture program by reviewing over six million pages of the CIA’s own records, including operational cables, reports, internal memos, emails, letters, briefing materials, intelligence products, classified testimony, summaries of more than 100 CIA inspector general interviews with CIA personnel, and other records. The investigation resulted in a 6,700-page oversight report, the longest in Senate history. It has become known as the Torture Report. In late December, 2014, the intelligence committee released a 525 page, redacted executive summary of the Torture Report. The rest remains classified.

The following are fifteen facts about the CIA torture program, the intelligence committee’s investigation, and related developments since, including some eye-opening excerpts from the Torture Report’s executive summary.

Note: Mitchell and Jessen are referred to in the Torture Report by the pseudonyms SWIGERT and DUNBAR.

FACT 1

The Torture Report is the story of the CIA torture program told through the CIA's own records, which the public was never meant to see.

The Torture Report tells the story of the CIA torture program essentially in the CIA's own words. That is to say, the Report is derived from CIA records, including but not limited to operational cables, reports, internal memos, emails, letters, briefing materials, intelligence products, classified testimony and summaries of more than 100 CIA inspector general interviews with CIA personnel. Almost every fact in the Torture Report is sourced to a CIA record, which is why it contains nearly 38,000 footnotes. It is also why the Report can fairly be said to have provided an objective and unvarnished recounting of what the CIA did and the consequences that flowed.

Here is just one example, related to torture's efficacy and the way in which the CIA misrepresented—in this case, to the President of the United States—whether torture was working:

(TS//[REDACTED]/NF) In late 2005, during the period the U.S. Senate was debating the Detainee Treatment Act barring “cruel, inhuman, or degrading treatment or punishment,”⁹⁰⁰ the CIA subjected Abu Ja’far al-Iraqi to its enhanced interrogation techniques.⁹⁰¹ A draft Presidential Daily Brief (PDB) stated that Abu Ja’far al-Iraqi provided “almost no information that could be used to locate former colleagues or disrupt attack plots”—the type of information sought by the CIA, and the CIA’s justification for the use of its enhanced interrogation techniques.⁹⁰² Later, the statement that Abu Ja’far al-Iraqi provided “almost no information that could be used to locate former colleagues or disrupt attack plots” was deleted from the draft PDB.⁹⁰³ Abu Ja’far al-Iraqi remained in CIA custody until early September 2006, when he was transferred to U.S. military custody in Iraq.⁹⁰⁴

⁹⁰³ PDB Draft titled: [REDACTED], Date: December 16, 2005, ALT ID: 20051217 PDB on Abu Jafar al-Iraqi. Urging the change to the draft PDB, one of the interrogators involved in Abu Ja’far al-Iraqi’s interrogation wrote, “If we allow the Director to give this PDB, as it is written, to the President, I would imagine the President would say, ‘You asked me to risk my presidency on your interrogations, and now you give me this that implies the interrogations are not working. Why do we bother?’ We think the tone of the PDB should be tweaked. Some of the conclusions, based on our experts’ observations, should be amended. The glass is half full, not half empty, and is getting more full every day.” See email from: [REDACTED] [REDACTED]; to: [REDACTED], [REDACTED], [REDACTED]; cc: [REDACTED], [REDACTED], [REDACTED]; subject: PDB on [Abu Ja’far al-Iraqi]; date: December 15, 2005, at 12:25 AM.

According to the CIA, these are some of the abuses to which Abu Jafar al-Iraqi was subjected:

⁹⁰¹ According to CIA records, Abu Ja'far al-Iraqi was subjected to nudity, dietary manipulation, insult slaps, abdominal slaps, attention grasps, facial holds, walling, stress positions, and water dousing with 44 degree Fahrenheit water for 18 minutes. He was shackled in the standing position for 54 hours as part of sleep deprivation, and experienced swelling in his lower legs requiring blood thinner and spiral ace bandages. He was moved to a sitting position, and his sleep deprivation was extended to 78 hours. After the swelling subsided, he was provided with more blood thinner and was returned to the standing position. The sleep deprivation was extended to 102 hours. After four hours of sleep, Abu Ja'far al-Iraqi was subjected to an additional 52 hours of sleep deprivation, after which CIA Headquarters informed interrogators that eight hours was the minimum rest period between sleep deprivation sessions exceeding 48 hours. In addition to the swelling, Abu Ja'far al-Iraqi also experienced an edema on his head due to walling, abrasions on his neck, and blisters on his ankles from shackles. See [REDACTED] 1810 [REDACTED] DEC 05); [REDACTED] 1813 [REDACTED] DEC 05); [REDACTED] 1819 [REDACTED] DEC 05); [REDACTED] 1847 [REDACTED] DEC 05); [REDACTED] 1848 [REDACTED] DEC 05); HEADQUARTERS [REDACTED] [REDACTED] DEC 05). See additional information on Abu Ja'far al-Iraqi in Volume III.

Because the Torture Report was developed this way—on the basis of the CIA's own records—it is not surprising that a still-secret internal CIA review evidently of those same records (known as the Panetta Review) reached many of the same findings as the Torture Report. What is surprising, and deeply troubling, is that the CIA's formal written response to the Torture Report, prepared long after the Panetta Review, differs from the Panetta Review in fundamental ways that paint the agency and the program in a far better light. In late 2014, former Senator Mark Udall, then a member of the Senate intelligence committee, described the Panetta Review as “a smoking gun.”

FACT 2

Every vote in Congress related to the investigation into the CIA torture program was bipartisan.

There have been four votes in the Senate directly related to the Torture Report and the oversight investigation that produced it. Every vote has had both Democrat and Republican support, and all but one have been overwhelmingly bipartisan:

- In March 2009, the Senate intelligence committee voted 14-1 to launch an investigation into the torture program.
- In December 2012, the committee voted 9-6 to adopt the Torture Report, with one Republican member voting yes.
- In April 2014, the committee voted 11-3 to approve the Torture Report's executive summary for declassification and public release, with three Republicans voting with the majority.
- In June 2015, the full Senate voted 78-21 in favor of legislation, co-sponsored by the late Senator John McCain and Senator Dianne Feinstein, that was developed as a response to the horrors revealed by the Torture Report's executive summary and designed to prevent a return to anything like the CIA torture program. Thirty three Republican senators supported the legislation, which has since become law.

FACT 3

“Enhanced interrogation” was torture and the CIA knew it.

The CIA has always referred, at least publicly, to the torture tactics it employed as “enhanced interrogation.” Each technique itself was given a similarly innocuous sounding name: for example, “sleep deprivation,” “cramped confinement” and “waterboarding.” In practice, “sleep deprivation” often meant chaining men to the ceiling, naked except for a diaper, in the dark with music blaring, sometimes for days on end; “cramped confinement” meant stuffing men for hours into (at times insect-filled) boxes the size of small dog crates or in the shape of coffins; and “waterboarding” meant actually drowning them, just not to the point of death.

CIA interrogators also subjected detainees to abuses beyond those formally labeled “enhanced interrogation.” Some examples include: “rectal rehydration” (a form of rape accomplished by pumping fluid, or sometimes food, into a detainee’s rectum through a tube forced into his anus against his will); threatening a detainee with a power drill; and dousing detainees with freezing cold water, which led to one detainee’s death.

Conditions of confinement also served as forms of torture and cruel treatment. As the CIA’s chief of interrogations told the CIA’s inspector general: “[DETENTION SITE COBALT] is good for interrogations because it is the closest thing he has seen to a dungeon, facilitating the displacement of detainee expectations.”

Although the CIA may not have known from the outset that these were the specific methods it would employ, officials there clearly knew the CIA would engage in torture because, months before the CIA took custody of its first detainee, CIA lawyers were researching legal defenses to torture. As the Torture Report explains:

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

“[i]t would, therefore, be a novel application of the *necessity* defense to avoid prosecution of U.S. officials who tortured to obtain information that *saved many lives*... A policy decision must be made with regard to U.S. use of torture in light of our obligations under international law, with consideration given to the circumstances and to international opinion on our current campaign against terrorism—states may be very unwilling to call the U.S. to task for torture when it resulted in *saving thousands of lives*.”¹⁰⁶⁵

In interviews with the CIA's office of inspector general after torture had begun, James Pavitt, the CIA's deputy director of operations, described possible public revelation of what the CIA was doing as "the CIA's worst nightmare." According to records of an interview with CIA director George Tenet himself, "Tenet believes that if the general public were to find out about this program, many would believe we are torturers."

FACT 4

The CIA torture program caused profound, and in numerous cases permanent, psychological and physical harm to its victims.

CIA torture program victims have suffered permanent psychological and physical damage, as it should have been clear from the outset they would if subjected to “enhanced interrogation.” To take just three examples:

- According to Dr. Sondra Crosby, a physician with deep expertise in torture and trauma evaluation, Abd al-Rahim al-Nashiri—whom Dr. Crosby has evaluated repeatedly—“presents as one of the most severely traumatized individuals I have ever seen,” and “is most likely irreversibly damaged by torture that was unusually cruel and designed to break him.” The CIA tortured al-Nashiri extensively through methods including waterboarding, rape (euphemized as “rectal rehydration” or “rectal feeding”), and mock execution with both a handgun and a power drill. In describing detainees at one of the black sites at which Mr. al-al-Nashiri was held, a CIA interrogator said “[they] literally looked like [dogs] that had been kenneled.’ When the doors to their cells were opened, ‘they cowered.’”
- Abu Zubaydah suffers from permanent brain damage, seizures and loss of vision in his left eye. According to internal CIA communications, CIA officers were well aware that these types of consequences, and potentially more serious ones, were foreseeable if they subjected Zubaydah to the torture being proposed, and they sought to devise ways in advance to shield themselves from accountability:

(TS// [REDACTED] //NF) On July 15, 2002, a cable providing details on the proposed interrogation phase stated that only the DETENTION SITE GREEN chief of Base would be allowed to interrupt or stop an interrogation in process, and that the chief of Base would be the final decision-making authority as to whether the CIA’s interrogation techniques applied to Abu Zubaydah would be discontinued.¹⁵⁰ The CIA officers at the detention site added:

“If [Abu Zubaydah] develops a serious medical condition which may involve a host of conditions including a heart attack or another catastrophic type of condition, all efforts will be made to ensure that proper medical care will be provided to [him]. In the event [Abu Zubaydah] dies, we need to be prepared to act accordingly, keeping in mind the liaison equities involving our hosts.”¹⁵¹

(TS// [REDACTED] //NF) To address these issues, the cable stated that if Abu Zubaydah were to die during the interrogation, he would be cremated.¹⁵² The interrogation team closed the cable by stating:

“regardless which [disposition] option we follow however, and especially in light of the planned psychological pressure techniques to be implemented, we need to get reasonable assurances that [Abu Zubaydah] will remain in isolation and incommunicado for the remainder of his life.”¹⁵³

The CIA repeatedly slammed Zubaydah against a concrete wall, locked him in “confinement boxes” for more than 12 days over a 20-day period, and waterboarded him to the point that he “became completely unresponsive with bubbles rising through his open, full mouth.” Some of the sessions were so gruesome that the CIA reported officers being “profoundly affected,” in some cases “to the point of tears and choking up,” and that several personnel were “likely to elect transfer” if the torture continued.

- Gul Rahman was killed. According to the CIA’s own review and autopsy, he likely died from hypothermia after being stripped naked from the waist down and shackled to the wall such that he was forced to sit on the bare, freezing cold concrete floor overnight. Nobody involved in Rahman’s death was reprimanded, and at least one CIA officer was given a performance bonus:

(TS////NF) The death of Gul Rahman resulted in increased attention to CIA detention and interrogation activities in Country █ by CIA Headquarters. The CTC formally designated the CTC’s Renditions Group²⁷⁴ as the responsible entity for the management and maintenance of all CIA interrogation facilities, including DETENTION SITE COBALT, in early December 2002.²⁷⁵ Despite this change, many of the same individuals within the CIA—including DUNBAR, officers at DETENTION SITE COBALT, and officers within ALEC Station who had recommended the use of the CIA’s enhanced interrogation techniques against Gul Rahman—remained key figures in the CIA interrogation program and received no reprimand or sanction for Rahman’s death. Instead, in March 2003, just four months after the death of Gul Rahman, the CIA Station in Country █ recommended that █ [CIA OFFICER 1] receive a “cash award” of \$2,500 for his “consistently superior work.”²⁷⁶ █ [CIA OFFICER 1] remained in his position as manager of the detention site until July 2003 and continued to be involved in the interrogations of other CIA detainees. He was formally certified as a CIA interrogator in April 2003 after the practical portion of his training requirement was waived because of his past experience with interrogations at DETENTION SITE COBALT.²⁷⁷

To this day, both Zubaydah and al-Nashiri—like other torture program victims—remain captive at the Guantanamo prison with no current prospect of release. The prolonged, indefinite detention they continue to endure exacerbates the trauma they have experienced. None of them has access to rehabilitation services, or, in many cases, to adequate medical care more generally.

FACT 5 | Torture did not work.

Once the CIA began taking custody of detainees, it turned immediately to torture on the uneducated assumption—peddled by contract psychologists James Mitchell and Bruce Jessen—that torture was necessary to produce actionable intelligence that would save lives. It was not, and did not.

Detainees fabricated information just to stop the pain. For example:

¹⁴⁴⁰ See [REDACTED] 45953 (151241Z SEP 03) and [REDACTED] 1323 (161749Z SEP 03). CIA cables describe how Hambali was repeatedly questioned on this issue while being subjected to the CIA's enhanced interrogation techniques. A CIA cable states: "With the gradual ramp-up of intensity of the session and the use of the enhanced measures, [Hambali] finally stepped over the line and provided the information." Months later Hambali admitted to fabricating the information provided. A cable explained that Hambali "gave answers that were similar to what was being asked and what he inferred the interrogator or debriefer wanted, and when the pressure subsided or he was told that the information he gave was okay, [Hambali] knew that he had provided the answer that was being sought." (See [REDACTED] 1142 (November 30, 2003), [REDACTED] 1144 (010823Z DEC 03).) The CIA represented in the

Similarly:

email address.)¹⁵⁰⁴ Over the next six months, KSM retracted or provided conflicting reporting on Issa. On June 22, 2003, CIA interrogators reported that "[KSM] nervously explained to debriefer that he was under 'enhanced measures' when he made these claims" about terrorist recruitment in Montana, and "simply told his interrogators what he thought they wanted to hear."¹⁵⁰⁵ A CIA Headquarters response cable stated that the CIA's ALEC Station believed KSM's fabrication claims were "another resistance/manipulation ploy" and characterized KSM's contention that he "felt 'forced' to make admissions" under enhanced interrogation techniques as "convenient excuses." As a result, ALEC Station urged CIA officers at the detention site to get KSM to reveal "who is the key contact person in Montana?"¹⁵⁰⁶ By June 30, 2005, ALEC Station had concluded that KSM's reporting about African American Muslims in Montana was "an outright fabrication."¹⁵⁰⁷

Detainees were tortured notwithstanding interrogators telling CIA headquarters that the detainees were cooperating and the interrogators did not believe they possessed the information headquarters wanted:

(TS// [REDACTED] //NF) Later, after multiple follow-up debriefings, DETENTION SITE BLUE officers again wrote that they had "reluctantly concluded" that al-Nashiri was providing "logical and rational explanations" to questions provided by CIA Headquarters and therefore they recommended "against resuming enhanced measures" unless ALEC Station had evidence al-Nashiri was lying.³⁴³ A cable from the detention site stated:

“without tangible proof of lying or intentional withholding, however, we believe employing enhanced measures will accomplish nothing except show [al-Nashiri] that he will be punished whether he cooperates or not, thus eroding any remaining desire to continue cooperating.... [The] bottom line is that we think [al-Nashiri] is being cooperative, and if subjected to indiscriminate and prolonged enhanced measures, there is a good chance he will either fold up and cease cooperation, or suffer the sort of permanent mental harm prohibited by the statute. Therefore, a decision to resume enhanced measures must be grounded in fact and not general feelings.”³⁴⁴

In the end, none of the significant intelligence gathering “successes” the CIA attributed to torture was, in fact, a result of torture. The Torture Report “reviews 20 of the most frequent or prominent examples of reported intelligence successes that the CIA has attributed to the use of its ‘enhanced interrogation techniques,’” including “terrorist plots thwarted, terrorists captured, and the collection of other terrorism-related intelligence.”

In some cases, there was no relationship between the cited counterterrorism success and any information provided by detainees during or after the use of the EITs. In the remaining cases, the CIA inaccurately claimed that specific, otherwise unavailable information was acquired from a CIA detainee “as a result” of the EITs, when in fact the information was either (1) corroborative of information already available to the Intelligence Community from sources other than the CIA detainee (and was therefore not “otherwise unavailable”); or (2) acquired from the CIA detainee prior to the use of the EITs.

None of this is surprising. As a group of the world’s leading interrogation researchers and experts on interrogation has explained, “harsh interrogation methods (including both physical and psychological coercion) are ineffective, particularly when compared with alternative, evidence-based approaches that promote cooperation, enhance recall of relevant and reliable information, and facilitate assessments of credibility.” Indeed, a report from the U.S. government’s elite, inter-agency interrogation component—the High Value Detainee Interrogation Group—has determined the same:

Based on the comprehensive research and field validation studies detailed in this report, it is concluded that the most effective practices for eliciting accurate information and actionable intelligence are non-coercive, rapport-based, information-gathering interviewing and interrogation methods.

FACT 6

The CIA torture program was never legal.

The fact that lawyers in the Department of Justice signed off on “enhanced interrogation” does not mean that it was “legal.” Torture was just as unlawful then as it is now. Here’s why:

First, the idea that “enhanced interrogation” was anything other than torture is absurd (see Fact 3 and Fact 4).

Second, both U.S. domestic law and international law—in particular, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment—categorically prohibit torture, everywhere and at all times, both in peace and in war.

Third, the legal opinions that authorized “enhanced interrogation”—which have become known as the torture memos—were built on a foundation of lies. Specifically, the memos’ authors say over and over that their legal analysis is contingent upon the “facts” as described to them by the CIA. The two CIA-provided “facts” that the authors relied on most heavily, and that proved most consequential to their conclusions, were that torture was working and that it was medically safe. Both were untrue. (See Fact 5 and Fact 4).

Finally, the torture memos were so irresponsible and/or poorly reasoned that the Justice Department eventually withdrew most of them. Upon taking office, President Obama prohibited government lawyers from relying on any of them going forward, and his executive order remains in force today.

FACT 7

The CIA torture program was unprofessional and inept.

The torture program was built largely by two contract psychologists, James Mitchell and Bruce Jessen, neither of whom had any experience as an interrogator, any knowledge of al Qaeda, any relevant regional or cultural experience, or any science to justify their methods. They were allowed both to conduct interrogations and to evaluate the efficacy of their own torture tactics. This obvious conflict of interest was raised repeatedly by CIA personnel:

enhanced interrogation techniques. The decision to send the contract psychologists to DETENTION SITE BLUE prompted an OMS psychologist to write to OMS leadership that “[a]ny data collected by them from detainees with whom they previously interacted as interrogators will always be suspect.”³²⁸ [REDACTED] OMS then informed the management of the Renditions Group that “no professional in the field would credit [SWIGERT and DUNBAR’s] later judgments as psychologists assessing the subjects of their enhanced measures.”³²⁹ At the end of their deployment, in June 2003, SWIGERT and DUNBAR provided their assessment of KSM and recommended that he should be evaluated on a monthly basis by “an experienced interrogator known to him” who would assess how forthcoming he is and “remind him that there are differing consequences for cooperating or not cooperating.”³³⁰ In his response to the draft Inspector General Special Review, [REDACTED] OMS noted that “OMS concerns about conflict of interest... were nowhere more graphic than in the setting in which the same individuals applied an EIT which only they were approved to employ, judged both its effectiveness and detainee resilience, and implicitly proposed continued use of the technique – at a daily compensation reported to be \$1800/day, or four times that of interrogators who could not use the technique.”³³¹

According to senior operators of the torture program, the CIA’s own officers were similarly unqualified and unprepared for the mission with which they were tasked. For example:

⁷²¹ The chief of Station in the country that hosted the CIA’s first detention site told the OIG that “[t]he Reports Officers did not know what was required of them, analysts were not knowledgeable of the target, translators were not native Arab speakers, and at least one of the [chiefs of Base] had limited field experience.” See Interview report of [REDACTED], Office of the Inspector General, May 20, 2003. According to [REDACTED] of CTC Legal, there was no screening procedure in place for officers assigned to DETENTION SITE GREEN. See interview of [REDACTED], by [REDACTED] and [REDACTED], Office of the Inspector General, February 14, 2003. See also interview of [REDACTED], Office of the Inspector General, March 24, 2003.

The chief of the CIA's Rendition Detention and Interrogation Group told the CIA's office of the inspector general:

“CTC does not know a lot about al-Qa’ida and as a result, Headquarters analysts have constructed ‘models’ of what al-Qa’ida represents to them. [REDACTED] noted that the Agency does not have the linguists or subject matter experts it needs. The questions sent from CTC/Usama bin Laden (UBL) to the interrogators are based on SIGINT [signals intelligence] and other intelligence that often times is incomplete or wrong. When the detainee does not respond to the question, the assumption at Headquarters is that the detainee is holding back and ‘knows’ more, and consequently, Headquarters recommends resumption of EITs. This difference of opinion between the interrogators and Headquarters as to whether the detainee is ‘compliant’ is the type of ongoing pressure the interrogation team is exposed to. [REDACTED] believes the waterboard was used ‘recklessly’ – ‘too many times’ on Abu Zubaydah at [DETENTION SITE GREEN], based in part on faulty intelligence.”⁷²⁵

A senior interrogator expressed similar concerns to the inspector general's office:

interrogator [REDACTED] told the OIG that interrogators “suffered from a lack of substantive requirements from CIA Headquarters,” and that “in every case so far, Headquarters’ model of what the detainee should know is flawed.” [REDACTED] told the OIG that “I do not want to beat a man up based on what Headquarters says he should know,” commenting that, “I want my best shot on something he (the detainee) knows, not a fishing expedition on things he should know.” (See interview of [REDACTED], Office of the Inspector General, April 30, 2003.) Two interviewees told the OIG that requirements were sometimes based on inaccurate or improperly translated intercepts. See interview of interrogator [REDACTED], Office of the Inspector General, March 24, 2003; Interview of [REDACTED] [former chief of Station in the country that hosted the CIA’s first detention site], Office of the

With respect to personnel at one of the CIA's black site prisons—“DETENTION SITE BLACK”—the chief of base there wrote:

“I am concerned at what appears to be a lack of resolve at Headquarters to deploy to the field the brightest and most qualified officers for service at [the detention site]. Over the course of the last year the quality of personnel (debriefers and [security protective officers]) has declined significantly. With regard to debriefers, most are mediocre, a handful [sic] are exceptional and more than a few are basically incompetent. From what we can determine there is no established methodology as to the selection of debriefers. Rather than look for their best, managers seem to be selecting either problem, underperforming officers, new, totally inexperienced officers or whomever seems to be willing and able to deploy at any given time. We see no evidence that thought is being given to deploying an ‘A-Team.’ The result, quite naturally, is the production of mediocre or, I dare say, useless intelligence....

We have seen a similar deterioration in the quality of the security personnel deployed to the site.... If this program truly does represent one of the agency's most secret activities then it defies logic why inexperienced, marginal, underperforming and/or officers with potentially significant [counterintelligence] problems are permitted to deploy to this site. It is also important that we immediately inact [sic] some form of rigorous training program."⁸⁷²

Management and oversight of the torture program were so deficient that at one point, almost two years after the CIA took custody of its first detainee, a CIA officer overseeing a black site in one country informed CIA headquarters:

"In the process of this research, we have made the unsettling discovery that we are holding a number of detainees about whom we know very little. The majority of [CIA] detainees in [Country ■] have not been debriefed for months and, in some cases, for over a year. Many of them appear to us to have no further intelligence value for [the CIA] and should more properly be turned over to the [U.S. military], to [Country ■] authorities or to third countries for further investigation and possibly prosecution. In a few cases, there does not appear to be enough evidence to continue incarceration, and, if this is in fact the case, the detainees should be released."⁶⁴²

FACT 8

The CIA torture program caused strategic damage to the United States and jeopardized U.S. national security.

The torture program also caused strategic damage to the United States. Alberto Mora, former Navy General Counsel during the George W. Bush administration, worked with a team of researchers at the Carr Center for Human Rights Policy at the Harvard Kennedy School to identify and assess those strategic costs. He and his team concluded:

"...Washington's use of torture greatly damaged national security. It incited extremism in the Middle East, hindered cooperation with U.S. allies, exposed American officials to legal repercussions, undermined U.S. diplomacy, and offered a convenient justification for other governments to commit human rights abuses."

Here are three (of many) specific examples of the authors' evidence in support of that conclusion:

- "The torture revelations ... made it harder for the United States' to recruit potential Iraqi allies.... As General Stanley McChrystal, the former head of the U.S. Joint Special Operations Command, acknowledged in a 2013 interview with this magazine, 'The thing that hurt us more than anything else in the war in Iraq was Abu Ghraib.' He continued: 'The Iraqi people . . . felt it was proof positive that the Americans were doing exactly what Saddam Hussein had done—that it was proof [that] everything they thought bad about the Americans was true.' Without much cooperation from local populations, coalition forces found it difficult to develop the kind of intelligence sources necessary to identify and target insurgents."
- "In 2005, a U.S. military attorney told [Mr. Mora] that the British army had captured an enemy combatant in Basra, Iraq, but released him because it did not have adequate detention facilities and did not trust U.S. or Iraqi forces to treat him humanely (aiding and abetting torture is a crime under British law). Later, in 2005, Australian, British, Canadian, and New Zealand military lawyers approached Mora at a military conference sponsored by U.S. Pacific Command in Singapore and advised him that their countries' cooperation with the United States 'across the range of military, intelligence, and law enforcement activities in the war on terror would continue to decline' so long as Washington persisted in using torture."
- "According to State Department cables made public by WikiLeaks, in the spring of 2006, a group of senior U.S. officials gathered in Kuwait to discuss how to stem the flow of foreign fighters into Iraq. Their conclusion was startling: that the mistreatment of detainees at Abu Ghraib and Guantánamo Bay was 'the single most important motivating factor' in persuading foreign jihadists to join the war. U.S. Senator John McCain reached a similar conclusion in 2008, when he asked a captured senior al Qaeda leader what had allowed the group to establish a foothold in Iraq. 'Two things,' the prisoner replied, according to a State Department cable. 'The chaos after the success of the initial invasion, and the greatest recruiting tool: Abu Ghraib.' Of course, the claims of a captured terrorist are easy to discount. But in 2009, a Saudi official echoed this sentiment, when, according to another cable, he concurred with the Obama administration's decision not to release any more photos of Abu Ghraib, alleging that when the scandal first broke, Saudi authorities arrested 250 people attempting to leave the country to join extremist groups."

FACT 9

The CIA torture program was wasteful.

The CIA paid contract psychologists and torture program architects James Mitchell and Bruce Jessen over \$80 million. Torture program non-personnel costs exceeded \$300 million. The CIA then spent nearly \$40 million in an unprecedented effort to keep documents away from the Senate intelligence committee during its oversight investigation:

Rather than provide documents for the committee to review in its own secure Senate office—as is standard practice—the CIA insisted on establishing a separate leased facility and a “stand-alone” computer network for committee use.

The CIA hired teams of contractors to review every document, multiple times, to ensure they were relevant and not potentially subject to a claim of executive privilege. Only after those costly reviews were the documents then provided to committee staff.

Chairman Feinstein wrote several letters objecting to this unprecedented action, pointing out the wasted expense and unnecessary delays. Later, this arrangement at the off-site CIA facility allowed CIA personnel to remove documents it had provided for the committee’s use and to inappropriately gain access to the committee staff’s computer network.

FACT 10

The CIA went to extraordinary lengths to cover up the torture program's futility and brutality, including repeated misrepresentations to senior executive branch officials, Congress, and the public.

The Senate intelligence committee's investigation into the torture program began because the committee discovered that the CIA had videotapes of its interrogations, and that it had destroyed them. Why? According to Jose Rodriguez, chief of the CIA's counterterrorism center at the time, what was on those tapes was so profoundly disturbing that Rodriguez feared that their public release represented "a threat" to the CIA. Michael Morell, who would eventually become deputy director of the CIA, echoed Rodriguez's concern in his memoir: "There was no doubt that waterboarding did not make a pretty picture, and publication of those images would have had a devastating effect on CIA, damaged the reputation of the United States abroad, and undermined the security of US officials serving abroad." Even contract psychologist and torture program architect James Mitchell—who personally waterboarded Abu Zubaydah—says he "had a visceral reaction to the tapes. I thought they were ugly." He compared them to videos of "aborting babies on YouTube."

Perhaps this is why the cable authorizing the tapes' destruction, which was sent by Rodriguez and drafted by his then-chief of staff (and now CIA director) Gina Haspel, specified using an "industrial-strength shredder to do the deed" so as to leave "nothing to chance." In terms of timing, the CIA's records make clear that the tapes were destroyed to avoid Congress getting their hands on them:

²⁴⁸⁸ On October 31, 2005, John Rizzo wrote an email stating that "Sen. Levin's legislative proposal for a 9/11-type outside Commission to be established on detainees seems to be gaining some traction, which obviously would serve to surface the tapes' existence." Rizzo then added that "I think I need to be the skunk at the party again and see if the Director is willing to let us try one more time to get the right people downtown on board with the notion of our [sic] destroying the tapes." [REDACTED], a senior CIA attorney who had viewed the videotapes, responded, "You are correct. The sooner we resolve this the better." [REDACTED] CTC Legal, [REDACTED], also agreed that "[a]pproaching the DCIA is a good idea," adding, "[c]ommissions tend to make very broad document production demands, which might call for these videotapes that should have been destroyed in the normal course of business 2 years ago." See email from: John A. Rizzo; to: [REDACTED]; [REDACTED], [REDACTED], [REDACTED]; subject: Re: principals want PR plan to publicly roll the CTC program in some fashion; date: October 31, 2005, at 10:37 AM; email from: [REDACTED]; to John A. Rizzo; cc: [REDACTED], [REDACTED], [REDACTED], [REDACTED]; subject: Re: principals want PR plan to publicly roll the CTC program in some fashion; date: October 31, 2005, at 12:32 PM; email from: [REDACTED]; to: John

The tapes' destruction was only the first of many steps the CIA would take to hide the truth about the torture program, both during and after. Below are just three examples.

The CIA concealed *from the President* that torture was not working:

(TS// [REDACTED]//NF) In late 2005, during the period the U.S. Senate was debating the Detainee Treatment Act barring “cruel, inhuman, or degrading treatment or punishment,”⁹⁰⁰ the CIA subjected Abu Ja’far al-Iraqi to its enhanced interrogation techniques.⁹⁰¹ A draft Presidential Daily Brief (PDB) stated that Abu Ja’far al-Iraqi provided “almost no information that could be used to locate former colleagues or disrupt attack plots”—the type of information sought by the CIA, and the CIA’s justification for the use of its enhanced interrogation techniques.⁹⁰² Later, the statement that Abu Ja’far al-Iraqi provided “almost no information that could be used to locate former colleagues or disrupt attack plots” was deleted from the draft PDB.⁹⁰³ Abu Ja’far al-Iraqi remained in CIA custody until early September 2006, when he was transferred to U.S. military custody in Iraq.⁹⁰⁴

⁹⁰³ PDB Draft titled: [REDACTED], Date: December 16, 2005, ALT ID: 20051217 PDB on Abu Jafar al-Iraqi. Urging the change to the draft PDB, one of the interrogators involved in Abu Ja’far al-Iraqi’s interrogation wrote, “If we allow the Director to give this PDB, as it is written, to the President, I would imagine the President would say, ‘You asked me to risk my presidency on your interrogations, and now you give me this that implies the interrogations are not working. Why do we bother?’ We think the tone of the PDB should be tweaked. Some of the conclusions, based on our experts’ observations, should be amended. The glass is half full, not half empty, and is getting more full every day.” See email from: [REDACTED] [REDACTED]; to: [REDACTED], [REDACTED], [REDACTED]; cc: [REDACTED], [REDACTED], [REDACTED]; subject: PDB on [Abu Ja’far al-Iraqi]; date: December 15, 2005, at 12:25 AM.

The CIA told the White House, the Department of Justice, Congress and the American public that Abu Zubaydah’s torture produced critical intelligence that thwarted a terrorist plot. And yet, the chief of the Abu Zubaydah task force made clear to colleagues internally that was not the case:

(TS// [REDACTED]//NF) Over several years CIA officers identified errors in the CIA’s representations concerning the “effectiveness” of the CIA’s enhanced interrogation techniques in relation to the Abu Zubaydah reporting pertaining to Jose Padilla and Padilla’s alleged plotting. In response to one such representation, the chief of the Abu Zubaydah Task Force wrote to [REDACTED] CTC Legal in 2002 that “AZ’s info alone would never have allowed us to find [Jose Padilla and Binyam Mohammed].”¹³⁴⁴ In 2004, she sought to correct inaccurate CIA representations again, telling colleagues:

“AZ never really gave ‘this is the plot’ type of information. He claimed every plot/operation he had knowledge of and/or was working on was only preliminary. (Padilla and the dirty bomb plot was prior to enhanced and he never really gave us actionable intel to get them).”¹³⁴⁵

(TS// [REDACTED]//NF) In October 2005, the chief of CTC’s CBRN (Chemical, Biological, Radiological, and Nuclear) Group wrote, under the heading, “Don’t Put All Your Uranium in One Bucket”:

“Jose Padilla: we’ll never be able to successfully expunge Padilla and the ‘dirty bomb’ plot from the lore of disruption, but once again I’d like to go on the record that Padilla admitted that the only reason he came up with so-called ‘dirty bomb’ was that he wanted to get out of Afghanistan and figured that if he came up with something spectacular, they’d finance him. Even KSM says Padilla had a screw loose. He’s a petty criminal who is well-versed in US criminal justice (he’s got a rap sheet as long as my arm). Anyone who believes you can build an IND or RDD by ‘putting uranium in buckets and spinning them clockwise over your head to separate the uranium’ is not going to advance al-Qa’ida’s nuclear capabilities.”¹³⁴⁶

In 2008, the Senate intelligence committee held a hearing on the legal memos relating to the torture program, to which committee members had been provided limited access. The committee sent the CIA written questions following the hearing, including on testimony the witnesses had given regarding torture's efficacy. The CIA drafted a response that would have finally come clean on its misrepresentations about Abu Zubaydah, but never sent it:

²⁵⁴¹ See CIA document prepared in response to "Questions for the Record" submitted by the Senate Select Committee on Intelligence on September 8, 2008. The Committee had inquired why information provided by Abu Zubaydah about Jose Padilla was included in the CIA's "Effectiveness Memo" for the Department of Justice, given that Abu Zubaydah provided the information to FBI Special Agents prior to being subjected to the CIA's enhanced interrogation techniques. The CIA response, prepared but never sent to the Committee, stated that the CTC attorney who prepared the CIA "Effectiveness Memo," ██████████, "simply inadvertently reported this wrong." The unsent CIA response added that "Abu Zubaydah provided information on Jose Padilla while being interrogated by the FBI," and cited a specific CIA cable, ██████████ 10991. In contrast to the CIA's unsent response to Committee

The CIA's misrepresentations were incorporated into what was essentially a public relations campaign for the media. As the Torture Report's executive summary finds: "The CIA's Office of Public Affairs and Senior CIA officials coordinated to share classified information on the CIA's Detention and Interrogation Program to select members of the media to counter public criticism, shape public opinion, and avoid congressional action to restrict the CIA's detention and interrogation authorities and budget." In 2005, shortly before being interviewed by a media outlet, the deputy director of the CIA's counterterrorism center wrote the following to a colleague:

"maybe people should know we're trying to sell their program. if they complain, they should know that we're trying to protect our capability to continue. we're not just out there to brag... they don't realize that we have few options here. we either get out and sell, or we get hammered, which has implications beyond the media. congress reads it, cuts our authorities, messes up our budget. we need to make sure the impression of what we do is positive... we must be more aggressive out there. we either put out our story or we get eaten. there is no middle ground."²²⁶⁵

(TS//██████████//NF) Mudd counseled not to "advertise" the discussions between CIA personnel and the media with the CIA "workforce," because "they'd misread it."²²⁶⁶ After ██████████ promised to keep the media outreach "real close hold," Mudd wrote:

"most of them [CIA personnel] do not know that when the w post/ny times quotes 'senior intel official,' it's us... authorized and directed by opa."²²⁶⁷

FACT 11

The CIA torture program has prevented justice for the families of those killed during the September 11, 2001 attacks.

In November 2001, President George W. Bush issued an order establishing military commissions to prosecute those captured in the “war on terror.” Eighteen years later, the commissions have obtained only one conviction that has survived review by the federal appellate courts. The defendants who are alleged to have borne the most significant responsibility for 9/11 have not yet even gone to trial. Just from 2012 to 2018, the defense department reports that it has spent \$679.6 million on the commissions, and “plans to spend almost \$1.0 billion more from fiscal year 2019 through at least fiscal year 2023.”

As legal expert Steve Vladeck has explained, a significant reason for the military commissions’ failure is that “they couldn’t escape the shadow of CIA torture of many of the defendants, which continues to play a role in so many of the evidentiary disputes in these cases.” Secrecy in particular—the government’s ongoing efforts to prevent any more information about CIA torture from seeing the light of day—has handcuffed the commissions. One interrogator foreshadowed exactly this problem during the torture program’s early days:

to one detainee that he would only leave in a coffin-shaped box.⁷ One interrogator told another detainee that he would never go to court, because “we can never let the world know what I have done to you.”⁸ CIA officers also threatened at least three detainees with harm to their families—

For these and other reasons, September 11 Families for Peaceful Tomorrows—an organization founded by family members of those killed on September 11th—is seeking to end the military commissions.

FACT 12

Architects and operators of the CIA torture program have risen to prestigious positions in government, the private sector, the federal judiciary and academia.

Notwithstanding United States federal law making torture a crime, nobody has been charged in connection with the CIA torture program. What is worse, architects and operators of the program have risen to prestigious—and often powerful—positions in the government, the federal judiciary, the private sector, and academia. For example:

Gina Haspel, who ran a CIA black site where both Abu Zubaydah and Abd al-Rahim al-Nashiri were tortured, and who was deeply complicit in destroying CIA videotapes of that torture, now runs the CIA. A majority of the same Senate intelligence committee that investigated the torture program, developed the Torture Report, and released the report's executive summary supported her nomination and voted to confirm her.

James Pavitt, the CIA's deputy director of operations during the torture program, is a Senior Advisor at the prestigious Scowcroft Group, a global business advisory firm. He also sits on the Board of Directors of CACI, a U.S.-based government contractor with \$5 billion in 2019 annual revenue that is being sued for its participation in the torture of four Iraqi men at Abu Ghraib prison in Iraq.

John Yoo, Jay Bybee, and Steven Bradbury were all principal authors of the "torture memos"—the legal opinions authorizing CIA torture. In 2003, Bybee was appointed, and Senate confirmed, as a federal judge to the Ninth Circuit Court of Appeals, which is one of the 12 most powerful courts in the United States federal court system, sitting just below the Supreme Court. Yoo is the Emanuel Heller Professor of Law and director of the Korea Law Center, the California Constitution Center, and the Law Program in Public Law and Policy at the University of California at Berkley Law School. In 2017, Steven Bradbury was appointed, and Senate confirmed, as the general counsel for the Department of Transportation.

FACT 13

Almost nobody in the executive branch has read a single word of the Torture Report, and the report's fate remains uncertain.

On December 9, 2014, then-Senate intelligence committee chair Dianne Feinstein filed the final, nearly 6,700-page Torture Report with the Senate. She sent copies to the heads of relevant executive branch agencies the next day, making clear that she wanted as many government officials as possible to read it "to help make sure that this experience is never repeated."

And yet, when the Justice Department, State Department, Defense Department and CIA received their respective copies of the Torture Report, each immediately locked it away. According to a government court filing six weeks later, "[n]either DOJ nor DOS, moreover, has even opened the package with the [compact disc] containing the full Report. And CIA and DoD have carefully limited access to and made only very limited use of the report." The State Department went so far as to mark the envelope containing the report "Congressional Record – Do Not Open, Do Not Access." The FBI did not even retrieve its copy, which was sent to the Justice Department, much less review it.

What is worse, with limited exception each of these agencies subsequently returned its copy to the Senate intelligence committee in response to a demand by Senator Richard Burr, who became committee chairman in January 2015. There is no evidence that anyone in the executive branch made a meaningful attempt (if any) to read the report prior to its return.

How this episode played out in the office of the CIA inspector general is illustrative. In October 2017, the Senate intelligence committee held a hearing on Christopher Sharpley's nomination to become the next CIA inspector general. Sharpley had been the CIA's acting inspector general since early 2015 and was the official who decided to comply with Senator Burr's demand on behalf of that office. When this fact arose during the hearing, Senator Ron Wyden was not impressed:

"If your office and the committee are going to be erasing historical records because somebody down the road is unhappy with them," he said, "our country is going to need a lot of erasers." Wyden worried aloud about the precedent Sharpley's decision set, and was so exasperated by the nominee's refusal to acknowledge as much that he spontaneously announced his intention to vote "no" from the dais. Sen. Martin Heinrich (D-N.M.) followed up by pointing out that the report includes chapters dealing specifically with the IG's office, then asked Sharpley if he at least "consider[ed] reading the report before returning [it]...so you could do your job more effectively?" "No, I did not," Sharpley replied. He conceded that he could have done so, but "chose not to." Ranking Member Dianne Feinstein (D-Calif.) took a moment to remind Sharpley of the obvious: "The point of distributing [the report] to the departments was in the hope they would read it, not look at it as some poison document, and learn from it."

To this day, the Torture Report remains out of reach of almost anybody who could make productive use of it. This includes the detainees (and their lawyers) whose torture is detailed in the Report.

FACT 14

Retired military leaders, former interrogators, medical professionals, faith leaders, families of those who died on 9/11, and many others—from across the political spectrum—are opposed to torture.

People from all walks of life and from across the political spectrum oppose torture. Here are just some of the stakeholders and communities that have publicly expressed their opposition to torture:

- Military leaders
- Interrogators
- Families of 9/11 victims
- Faith leaders
- Diplomats and foreign policy leaders
- Medical professionals
- Elected officials

FACT 15

The next president can do a lot to further truth, justice, and accountability for CIA torture.

As a champion of and a State party to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United States has embraced and reinforced obligations to prevent acts of torture; to investigate, prosecute and punish its perpetrators; to exclude evidence obtained under torture; and to refuse to send a person to a place where he or she would be at risk of being tortured. It has also assumed responsibility for ensuring that torture victims obtain redress and have an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible.

After the grievous failures to live up to these commitments after 9/11 and continued support for such practices from some quarters, the next President must meaningfully commit to the United States' anti-torture obligations, including truth and accountability measures that still can, and should, be taken with respect to those subjected to the CIA torture program. Principal among these measures are:

- Declassify and release the full Torture Report.
- Redistribute the Torture Report throughout the executive branch and require government officials to read it and develop lessons learned.
- Exclude from her or his administration anyone involved in managing, directly carrying out, or providing legal arguments for the CIA torture program, or for torture in U.S. military custody.
- Acknowledge and apologize to torture program victims.
- Ensure that torture program victims obtain redress and have access to rehabilitation services in a manner in which those services can be effective.

15 Facts about the CIA Torture Program

is produced by the Center for Victims of Torture.



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*The Center for Victims of Torture heals
the wounds of torture on individuals,
their families and their communities and
works to stop torture worldwide.*