



U.S. Department of Justice

Civil Division
Federal Programs Branch
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February 19, 2010

By Federal Express

Paul J. Orfanedes, Esq.
501 School St., SE
Suite 700
Washington, D.C. 20024
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POrfanedes@JudicialWatch.org

Re: *Judicial Watch v. C.I.A.*, Case No. 09-cv-01352-CKK (D.D.C.)

Dear Paul:

Enclosed is a set of documents provided today to plaintiffs in *Amnesty Int'l v. CIA*, Case No. 07-cv-5435 (LAP) (S.D.N.Y.), which are also likely responsive to the Freedom of Information Act request at issue in the above-captioned case. Pursuant to the Court's January 25, 2010 Minute Order we will provide a complete set of responsive, non-exempt records with Bates stamps no later than Thursday, April 15, 2010.

Sincerely,

A handwritten signature in blue ink, appearing to read "John R. Coleman".

John R. Coleman
Trial Attorney
United States Department of Justice

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OCA 2007-00193
11 April 2007

MEMORANDUM FOR: Director Central Intelligence
FROM: Christopher J. Walker, Director
SUBJECT: Information for 12 April SSCI Hearing

Here is the information that you requested:

1. A catalogue of CIA written Congressional Notifications since 2001 regarding CIA renditions, detentions and interrogations. (Attachment 1)

2. A list of all Members and Staff briefed on CIA Interrogation program. (Attachment 2)

- Total Members and Staff briefed on Interrogation program (no EIT discussion) = (88)
- Total Members and Staff briefed on Interrogation program (including EITs) = (68)

3. A list of all Members and Staff briefed on CIA Rendition program 2001-present. (Attachment 3).

4. List of current SSCI information requests to CIA. (Attachment 4)

[REDACTED]
Christopher J. Walker

Attachment(s):

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C05470331

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SUBJECT: 12 April 2007 Hearing

DCI/OCA [REDACTED]

11 April 2007

[REDACTED] 12 April 2007 hearing

OCA 2007-00193

Distribution:

DD/CIA
ADD/CIA
AGC
DAC without attachments
DD/OCA
OCA/COS
D/OCA Chron

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Attachment 1

DATE DELIVERED	CONGRESSIONAL NOTIFICATION TITLE
05/15/01	
10/03/01	(S/ [redacted]) Delegation of Authority
11/27/01	
3/13/02	
04/15/02	(C/ [redacted]) Capture of Abu Zubaydah
05/22/02	
06/25/02	(S/ [redacted]) Arrest of Jose Padilla
06/25/02	
09/25/02	(TS/ [redacted]) Successful Raids Against al-Qa'ida in Pakistan
11/22/02	(TS/ [redacted]) Key al-Qa'ida Operative al-Nashiri in Custody
06/27/03	(S/ [redacted]) Death of Detainee in Afghanistan
11/13/03	
01/29/04	
05/12/04	(S/ [redacted]) Recent steps taken to investigate activities at Abu Gharib prison in Baghdad and related matters
05/26/04	
06/24/04	
07/07/04	

[redacted]

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DATE DELIVERED	CONGRESSIONAL NOTIFICATION TITLE
07/14/04	
08/25/04	
11/04/04	
01/19/05	
03/21/05	
04/01/05	
	Detention History, Claims of Links to Iraq, and Recantations
04/06/05	
05/20/05	
08/23/05	
09/01/05	
03/22/06	
10/06/05	
10/17/06	

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DATE DELIVERED	CONGRESSIONAL NOTIFICATION TITLE
11/30/06	
12/08/06	(S/ [REDACTED]) Accountability Review
12/08/06	
12/20/06	
02/06/07	
02/22/07	
03/21/07	

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Interrogation Briefings to the Hill

Date	Subject	Committee	Members
24-Apr-2002	Ongoing interrogations of Abu Zubaydah	HPSCI	Douglas Bereuter Leonard Boswell Richard Burr Michael Castle Gary Condit Peter Hoekstra Nancy Pelosi Silvestre Reyes
24-Apr-2002	Discussion of debriefing of Abu Zubaydah and references to techniques	SSCI	Chairman Bob Graham Evan Bayh Mike Dewine Jon Kyl John Rockefeller Richard Shelby Fred Thompson
30-Jul-2002		SSCI	
7-Aug-2002	Mention of EITs to include examples	SSCI	
20-Nov-2002		SSCI	
4-Dec-2002	Interrogation of Bin al-Shibh and	HPSCI	
4-Sep-2002	EITs	HPSCI	Chairman Goss Ranking Member Harman
9-Sep-2002	EITs	SSCI	Chairman Graham Vice Chairman Shelby
27-Sep-2002	EITs	SSCI	Chairman Graham Vice Chairman Shelby

Attachment 2

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Interrogation Briefings to the Hill

Date	Subject	Committee	Members
4-Feb-2003	EITs	HPSCI	Chairman Goss Ranking Member Harman
4-Feb-2003	Detailed briefing on EITs	SSCI	Chairman Roberts
5-Feb-2003	Detainee Interrogation Activities	HPSCI	Chairman Goss Ranking Member Harman
10-Feb-2003		HPSCI	
27-Feb-2003		SSCI	
11-Jul-2003		SSCI	
Summer 2003	EITs	HPSCI	Chairman Goss Ranking Member Harman
		SSCI	Chairman Roberts Vice Chairman Rockefeller
4-Sep-2003	EITs	HPSCI	Chairman Goss Ranking Member Harman
		SSCI	Chairman Roberts Vice Chairman Rockefeller
4-Sep-2003	OTC Interrogation Programs	HPSCI	Chairman Goss Ranking Member Harman
27-Oct-2003		SSCI	
31-Oct-2003		HAC/DEF	
26-Jan-2004		SSCI	
28-Jan-2004		HPSCI	Chairman Goss Ranking Member Harman
9-Mar-2004		SFRC	Joseph Biden Richard Lugar

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Interrogation Briefings to the Hill			
Date	Subject	Committee	Members
11-May-2004		HAC/DEF	None
4-Jun-2004	vague	SAC	None
	discussion of techniques	SAC/DEF	None
13-Jul-2004	EITs	HPSCI	Chairman Goss Ranking Member Harman
15-Jul-2004		Leadership	Sen. Bill Frist
15-Jul-2004	IG Report on CTC Program	SSCI	Chairman Roberts Vice Chairman Rockefeller
6-Aug-2004	Provided general overview of renditions, detention and interrogation	SGAC	
25-Jan-2005	EITs	HPSCI	Chairman Hoekstra Ranking Member Harman
15-Feb-2005	Mr. Holt	HPSCI	Leonard Boswell Randy Cunningham JoAnn Davis Jane Harman Alcee Hastings Peter Hoekstra Rush Holt Ray Lahood John McHugh Rick Renzi C.A. Ruppertsberger Mac Thornberry Todd Tiahrt John Tierney Heather Wilson
7-Mar-2005	questioned when is rendition useful.		
7-Mar-2005	EITs	SSCI	Chairman Roberts Vice Chairman Rockefeller

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Interrogation Briefings to the Hill:

Date	Subject	Committee	Members
8-Mar-2005	EITs	SSCI	Chairman Roberts Vice Chairman Rockefeller
		HPSCI	Chairman Goss
10-Mar-2005		HPSCI	
16-Mar-2005		HPSCI	Chairman Hoekstra Rep. Jane Harman
17-Mar-2005	Open Hearing - Discussion of Renditions, interrogations, detainees, and prisoner abuse	SASC	Sen. Hillary Clinton Sen. John Comyn Sen. Mark Dayton Sen. James Inhofe Sen. Edward Kennedy Sen. Carl Levin Sen. Joseph Lieberman Sen. John McCain Sen. Benjamin Nelson Sen. Bill Nelson Sen. Pat Roberts Sen. Jeff Sessions Sen. James Talent Sen. John Thune Sen. John Warner
17-Mar-2005		SSCI	
18-Apr-2005		HPSCI	
7-Jun-2005		SSCI	
30-Jun-2005		SSCI	Senator John Rockefeller

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Interrogation Briefings to the Hill

Date	Subject	Committee	Members
1-Jul-2005		HPSCI	Chairman Hoekstra Speaker Dennis Hastert
14-Oct-2005		SSCI	
14-Oct-2005		SSCI	
18-Oct-2005	EITs	SAC	Senator Stevens Senator Cochran
31-Oct-2005		HPSCI	Rep. Mac Thornberry
late Oct-2005	EITs	SASC	Senator McCain
1-Nov-2005	EITs	Senate	Majority Leader Frist
1-Nov-2005	Detainee Program, no EITs	HPSCI	
8-Nov-2005	EITs	HASC	Chairman Hunter
8-Nov-2005	EITs	HPSCI	Chairman Hoekstra
18-Nov-2005		HPSCI	Rep. Mike Rogers Chairman Hoekstra
4-Apr-2005	Detainee Program, no EITs	Senate	Majority Leader Frist

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Interrogation Briefings to the Hill

Date	Subject	Committee	Members
19-Apr-2005	Detainee Program, no EITs	HPSCI	Mac Thornberry
			Bud Cramer
12-Jan-2006		HPSCI	
23-Jan-2006		Senate	Senator Cornyn
2-Feb-2006	Discussed history of program, number of detainees, rendition, interrogations, regulations, and legal issues	HPSCI	
7-Feb-2006	Discussion w/IG about investigations into rendition, detainee, and interrogation practices	HPSCI	
15-Feb-2006	Program history, description of facilities, philosophy and mechanics of interrogation planning, threshold for admission, and value of intelligence	HPSCI	Robert Cramer
			Ranking Member Harman
			Rick Renzi
			Mike Rogers
			Dutch Ruppersberger
			Todd Tiahrt
7-Mar-2006	Program history, description of facilities, philosophy and mechanics of interrogation planning, threshold for admission, and value of intelligence	SSCI	
15-Mar-2006	Status of program, suspension of EITs, value of intelligence, DTA, need for new legislation	SSCI	Chairman Roberts
			Vice Chairman Rockefeller
			Evan Bayh
			Christopher Bond
			Saxby Chambliss
			Russell Feingold
			Dianne Feinstein
			Chuck Hagel
			Carl Levin
			Trent Lott
	Barbara Mikulski		
	John Warner		

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Interrogation Briefings to the Hill			
Date	Subject	Committee	Members
31-Mar-2006		HPSCI	
31-Mar-2006	Discussion of legal issues	HPSCI	
12-Apr-2006		HPSCI	
25-Apr-2006	Detainee Program, no EITs	HPSCI	
2-May-2006	IG Reports; implementation of IG recommendations	HPSCI	
8-May-2006		SSCI	
6-Jun-2006		HPSCI	
7-Jun-2006	CTC Detainee Program	SSCI	Chairman Roberts
8-Jun-2006	CTC Detainee Program	HPSCI	Chairman Hoekstra
			Ranking Member Harman
11-Jul-2006	CTC Detainee Program	SSCI	Chairman Roberts
			Vice Chairman Rockefeller
17-Jul-2006	CTC Detainee Program	Senate	Majority Leader Frist
18-Jul-2006	CTC Detainee Program	HPSCI	Hearing
6-Sep-2006	Full Detainee Program, including EITs	Senate Leadership	Senators Frist and Reid
6-Sep-2006	Full Detainee Program, including EITs	HPSCI	Rep. Hainman
6-Sep-2006	Full Detainee Program, including 13 EITs	SSCI	Full SSCI

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Interrogation Briefings to the Hill			
Date	Subject	Committee	Members
6-Sep-2006	Full Detainee Program, including 13 EITs	HPSCI	(Wyden only no show) Full HPSCI
19-Sep-2006	Full Detainee Program, including 13 EITs	House	Reps. Young and Murtha Murtha did not stay for EIT
16-Nov-2006		SSCI	Full SSCI
16-Nov-2006		HPSCI	Full HPSCI
19-Dec-2006	Detainee Program	HPSCI	Rep. Reyes
14 Feb 2007	Renditions Hearing	SSCI	Full Committee
14 Mar 2007	RDI Briefing, including EITs	HPSCI	Full Committee
23-Mar-2007	Including EITs	SSCI	
9-Apr-2007	Including EITs	SSCI	



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SECRET BRIEFINGS TO HILL

Date	Subject	Committee	Members
14 March 2001		HPSCI	Douglas Bereuter Richard Burr Saxby Chambliss James Gibbons Jané Harman Alcee Hastings Peter Hoekstra Asa Hutchinson Norman Sisisky
28 March 2001		SSCI	Richard Shelby Evan Bayh John Edwards Bob Graham Jon Kyl Richard Lugar Pat Roberts John Rockefeller Ron Wyden
9 May 2001		HPSCI	Sanford Bishop James Gibbons Alcee Hastings Nancy Pelosi Collin Peterson Douglas Bereuter Gary Condit Tim Roemer

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[] BRIEFINGS TO HILL

Date	Subject	Committee	Members
15 Mar 2002	[]	SSCI	
19 Mar 2002		HPSCI	Tim Roemer
19 Jul 2002		SSCI	
25 Jul 2002		SSCI	
30 Jul 2002		SSCI	
30 Jul 2002			
2 Aug 2002		SSCI	
5 Sep 2002		SSCI	
16 Sep 2002		HPSCI	
19 Nov 2002		SSCI	

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[REDACTED] BRIEFINGS TO HILL

Date	Subject	Committee	Members
20-Nov-2002		SSCI	
20-Nov-2002		SSCI	
4-Dec-2002	Interrogation of Bin al-Shibh	HPSCI	
5-Feb-2003	Detainees Interrogation Activities	HPSCI	Chairman Goss Ranking Member Harman
13-Feb-2003		SSCI	
08-July-2003		SSCI	
04-Feb-2004		HAC/D	

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[REDACTED] BRIEFINGS TO HILL

Date	Subject	Committee	Members
06-May-2004		HAC/DEF	Young Visclosky Tiaht Sabo Obey Murtha Moran Hobson Dicks Bonilla Lewis Wicker Frelinghuysen
4-Sep-2003	CTC Interrogation Programs	HPSCI	Chairman Goss Ranking Member Harnan
11-May-2004		HAC/DEF	None
15-Jul-2004	IG Report on CTC Program	SSCI	Chairman Roberts Vice Chairman Rockefeller
26-Jul-2004		SSCI	
27-Oct-2004		SSCI	

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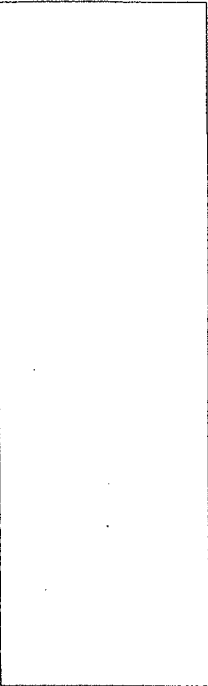
[Redacted] BRIEFINGS TO HILL

Date	Subject	Committee	Members
6-Dec-2004			
31-Jan-2005		SSCI	
1-March-2005	Briefing on rendition authorities	HPSCI	
8-Mar-2005		SSCI	Roberts
9-Mar-2005		SSCI	
30-Mar-2005		HPSCI	

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[] BRIEFINGS TO HILL

Date	Subject	Committee	Members
1-Nov-2005	Detainee Program, no EITs	HPSCI	
4-Apr-2005	Analytical and legal aspect of renditions/detentions/interrogations	Senate	Majority Leader Frist
6-Apr-2005	Renditions, detention, debriefing SMD brief	HPSCI	
14-Apr-2005		SSCI	
19-Apr-2005	Renditions and Detainee Program	HPSCI	Mac Thornberry
25-Apr-2005		HPSCI	
3-May-2005		SSCI	
4-May-2005		HAC/DEF	
5-May-2005		HPSCI	
16-May-2005		HPSCI	Bud Cramer
29-June-2005		HAC/DEF	Young



[] BRIEFINGS TO HILL

Date	Subject	Committee	Members
29-Jun-2005		SSCI	Warner Feinstein Hatch Hagel Roberts Rockefeller Lott DeWine Bond
30-Jun-2005		HPSCI	Wilson Ruppersberger Holt Rogers Gallegly Davis Thomberry
14-Jul-2005		SSCI	
9-Sep-2005		SSCI	
14-Oct-2005		SSCI	

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[REDACTED] BRIEFINGS TO HILL

Date	Subject	Committee	Members	
01-Nov-2005		HPSCI		
13-Dec-2005		HPSC		
26-Jan-2006		SSCI	Roberts Rockefeller	
2-Feb-2006		HPSCI		
		SSCI		
7-Feb-2006		HPSCI		
15-Feb-2006		HPSCI	Thornberry Robert Cramer	

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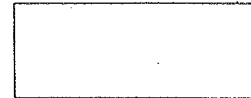
BRIEFINGS TO HILL

Date	Subject	Committee	Members
16-Feb-2006	DCIA discusses [Redacted]	HPSCI	Rogers Renzi McHugh Ruppertsberger Wilson Davis Holt Thornberry Harman Everett Cramer Tierney Tiaht Reyes Ranking Member Harman Rick Renzi Mike Rogers Dutch Ruppertsberger Todd Tiaht
1 Mar 2006	Intelligence Reform and Terrorism Prevention Act (DNI defer question to DCIA)		
7 Mar 2006	Background on Detainee Program. Clarification between [Redacted] and detainees	SSCI	

[Redacted]

BRIEFINGS TO HILL

Date	Subject	Committee	Members
7-Mar-2006	Program history, philosophy and mechanics of interrogation planning, threshold for admission, and value of intelligence	SSCI	
15-Mar-2006		SSCI	Chairman Roberts Vice Chairman Rockefeller Evan Bayh Christopher Bond Saxby Chambliss Russell Feingold Dianne Feinstein Chuck Hagel Carl Levin Trent Lott Barbara Mikulski John Warner
20 Mar 2006		SSCI	
31-Mar-2006		HPSCI	



[REDACTED] BRIEFINGS TO HILL

Date	Subject	Committee	Members
31-Mar-2006	Discussion of legal issues	HPSCI	
12-Apr-2006		HPSCI	
19 Apr 2006		SSCI	
25-Apr-2006	Detainee Program, no EITs	HPSCI	
2-May-2006	IG Reports; implementation of IG recommendations	HPSCI	
8-May-2006		SSCI	
12 May 2006	Hand Delivery of CTC and IG comments on HPSCI draft Report on rendition, detainees, interrogations	HPSCI	
17-May-2006	IG provides staff with feedback on the HPSCI draft report on renditions, detainees, interrogations	HPSCI	

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[Redacted] BRIEFINGS TO HILL

Date	Subject	Committee	Members
6-Jun-2006		HPSCI	
9 Jun 2006		HPSCI	
13 July 2006		HAC/DEF	
19 Jul 2006		HAC/DEF	
1 Aug 2006		SSCI	
10 Aug 2006		SSCI	
15 Sep 2006		HPSCI	
19-Sep-2006		Full Detainee Program, including 13 EITs	House

[Redacted]

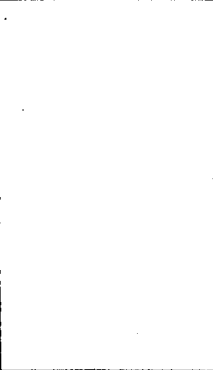
[] BRIEFINGS TO HILL

Date	Subject	Committee	Members
25 Sep 2006		SSCI	
17 Oct 2006			
16 Nov 2006	Latest Status of CIA high value terrorist detention program	SSCI	Pat Roberts Mike Dowling Orrin Hatch John Rockefeller
21 Nov 2006		SSCI	
8 Dec 2006		HPSCI	

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[Redacted] BRIEFINGS TO HILL

Date	Subject	Committee	Members
11 Dec 2006		HPSCI	
12 Dec 2006		SSCI	
19-Dec-2006		HPSCI	Rep. Reyes
14 Feb 2007		SSCI	Full Committee
14 Mar 2007	Hereditary Hearing RDI Briefing, including EITs	HPSCI	Full Committee



TS/

SSCI Requests to CIA

Description	# Questions	Due Date	Status
1	n/a	4/3/2007	DoD will provide transcripts
2	1	4/9/2007	with NCS/ORMS
3	1	4/9/2007	with ODNCs
4	2	4/11/2007	Being worked
5	1	4/12/2007	On schedule
6	16	4/13/2007	On schedule
7	117	4/13/2007	On schedule, but will require DNI coordination
8	n/a	4/15/2007	On schedule
9	23	4/16/2007	On schedule
10	40	4/27/2007	On schedule
11	n/a	none given	
12	3	none given	Response being finalized
13	15	none given	Being worked
14	2	none given	Being worked
15	42	4/11/2007	Sent 4/11/07
16	63	4/2/2007	Sent 4/11/07
17	n/a	none given	Sent 4/11/07
18	28	4/2/2007	Sent 4/11/07 with interim letter sent 4/9/07
19	n/a	4/10/2007	Sent 4/10/07
20	2	4/11/2007	Sent 4/9/07
21	1	4/6/2007	Completed with briefing on 4/3/07
22	17	4/5/2007	Completed

TS/

PRINTED: Monday, December 06, 2004
 AT: 16:15

CODEWORDS:

(b)(1)
 (b)(3)
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HANDLE VIA

CHANNELS 30 November 2004

Memorandum for the Record

KEY: C/2004-00730

EVENT: MEMBER BRIEFING DATE: 07/13/2004 TIME: 14:15 STATUS: COMPLETED
 PLACE: H-405 CAPITOL
 FOR: HPSCI
 SUBJECT: INTERROGATIONS

ATTENDEES:

<u>ASSOCIATION</u>	<u>NAME</u>	<u>ROLE</u>
DCI/OCA	MOSKOWITZ, STAN	SUPPORT
DDO	PAVITT, JAMES (JIM)	BRIEFER
		SUPPORT
GC	MULLER, SCOTT	BRIEFER
HPSCI	GOSS, PORTER [R-FL]	CHAIRMAN
HPSCI	HARMAN, JANE [D-CA]	REP
HPSCI		STAFF
HPSCI/STAFF		STAFF
IG	HELGERSON, JOHN	BRIEFER
		SUPPORT

Executive Summary:

Summary Text:

(S) This briefing was at the request of D/OCA. There were three purposes. One was for the IG to present his recent report on interrogations and to answer questions. The second was for an update on the status of the interrogation process. The third purpose was to allow the General Counsel to inform them of the legal and policy issues that had recently arisen and give an appreciation of where all that stood.

(TS) [REDACTED] D/OCA began the meeting by outlining the three purposes of the meeting. The IG then briefed his report. He said that at first much went right with the debriefing and interrogation program, although the program was put together quickly. (He briefed from the paper attached.) He said that there was considerable substantive success; thousands of reports had been written; interrogations had led to the exposure and defeat of terrorist cells and terrorists. Chairman Goss asked how many of the reports were "strategic" and how many were "tactical". The IG indicated he was not sure. Ms. Harman asked when did we begin using "enhanced techniques." The DDO responded that it began with Abu Zabayda. The IG indicated that the interrogations were legal, including the use of enhanced techniques. The General Counsel said that the effort was working effectively under the DOJ 1 August 2002 memo which was the legal foundation for the debriefings and interrogations. The IG indicated that the 1 August memo did not address Article 16 of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. The article 16 that required signatory states to prevent in any territory subject to their jurisdiction acts of cruel, inhuman and degrading treatment or punishment not amounting to torture. The question was whether CIA's use of the enhanced techniques would transgress U.S. obligations under Article 16. The IG indicated he was also bothered in that the DOJ 1 August document did not address interrogations as we carried them out. He said that for the

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most part [redacted] and [redacted] detainees were well handled, except for the event in November 2003 in which a CIA officer brandished a handgun in front of a detainee. He indicated that was the event previously reported to the Chairman and Ranking Democratic Member. The DOJ, the IG indicated, took no action on that case. It was also true that none of the detainees who had died had been subjected to the enhanced techniques.

The IG indicated that all deaths were communicated to the two committees- [redacted]

[redacted] The [redacted] death in Afghanistan [redacted] in which David Passaro, a CIA contractor, was involved. Passaro was recently indicted on four counts of assault. He allegedly beat a person who subsequently died. It took a period of time for DOJ to move to the indictment because people who needed to be interviewed were scattered. The IG said the common link in these cases is that the Agency officers lacked timely guidance, training, experience and judgment.

(TS [redacted]) The IG then turned to the waterboard issue. He said that three people had been interrogated with the waterboard. On one, the IG felt it had been used excessively, beyond what the IG thought was the agreement with DOJ. Khalid Sheikh Mohammed (KSM) got 183 applications [redacted] The IG indicated the guidance in cables sent to the field evolved over time and that the guidance did not get to everybody who was involved in debriefing interrogations. In January 2003, the DCI issued guidance, seven months after the first debriefings began, and addressed only those detained [redacted] Harman asked if we were talking about the [redacted] She asked why the DCI guidance was late. The IG indicated that guidance had gone out earlier, but the real guidance was in January of 2003. The DDO explained that after 9/11 "we were thrown into a fury of activity." There was lots of confusion over interrogations, the enhanced program, and what was fully authorized. A [redacted] for instance, no one was authorized to do interrogations. This was also true at [redacted] He indicated that every instance of wrongdoing was promptly reported and investigated by the IG. He said there was no instance of the IG being kept in the dark.

reaction to the Attorney General's seeming withdrawal of an earlier opinion that enhanced interrogations did not "shock the conscience" and that the techniques, therefore, were constitutional.

[redacted] The Chairman asked whether [redacted] had stood down in their activities. The IG said no. Rep. Harman noted that the [redacted] did not specify interrogations and only authorized capture and detention. She asked whether we had questioned detainees before the [redacted] The GC said yes, but no enhanced techniques had been used before Abu Zabayda and there was

Abu Zabayda and enhanced techniques which started in August 2002. In August 2002 there was a lengthy unclassified opinion by DOJ generally discussing interrogations. In a separate and classified opinion addressed to John Rizzo, OGC, DOJ concluded the ten specific CIA techniques, which included the waterboard, were legal for use with Abu Zabayda. [redacted]

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[REDACTED]

(S) The GC laid out the legal analysis. The Attorney General had consistently advised the NSC Principals that the CIA techniques did not violate US statutes, met all obligations under the treaties, including Article 16 of the Torture Convention, and would not violate U.S. constitution standards were those standards to apply to aliens overseas. But the AG's willingness to stand behind these prior statements changed after DoJ's the lengthy unclassified legal memo on interrogations leaked and after the Abu Ghurayrabib scandal. CIA is now seeking to have DoJ reaffirm its prior written opinion that CIA's techniques do not violate the torture statute, and to issue a new written opinion on Article 16 of the Convention Against Torture and U.S. constitutional standards. At the same time, CIA is seeking renewed policy approval from the NSC Principals to continue using the enhanced interrogation techniques.

[REDACTED]

~~Stanley A. Moskowitz~~
Director of Congressional Affairs

Distribution:

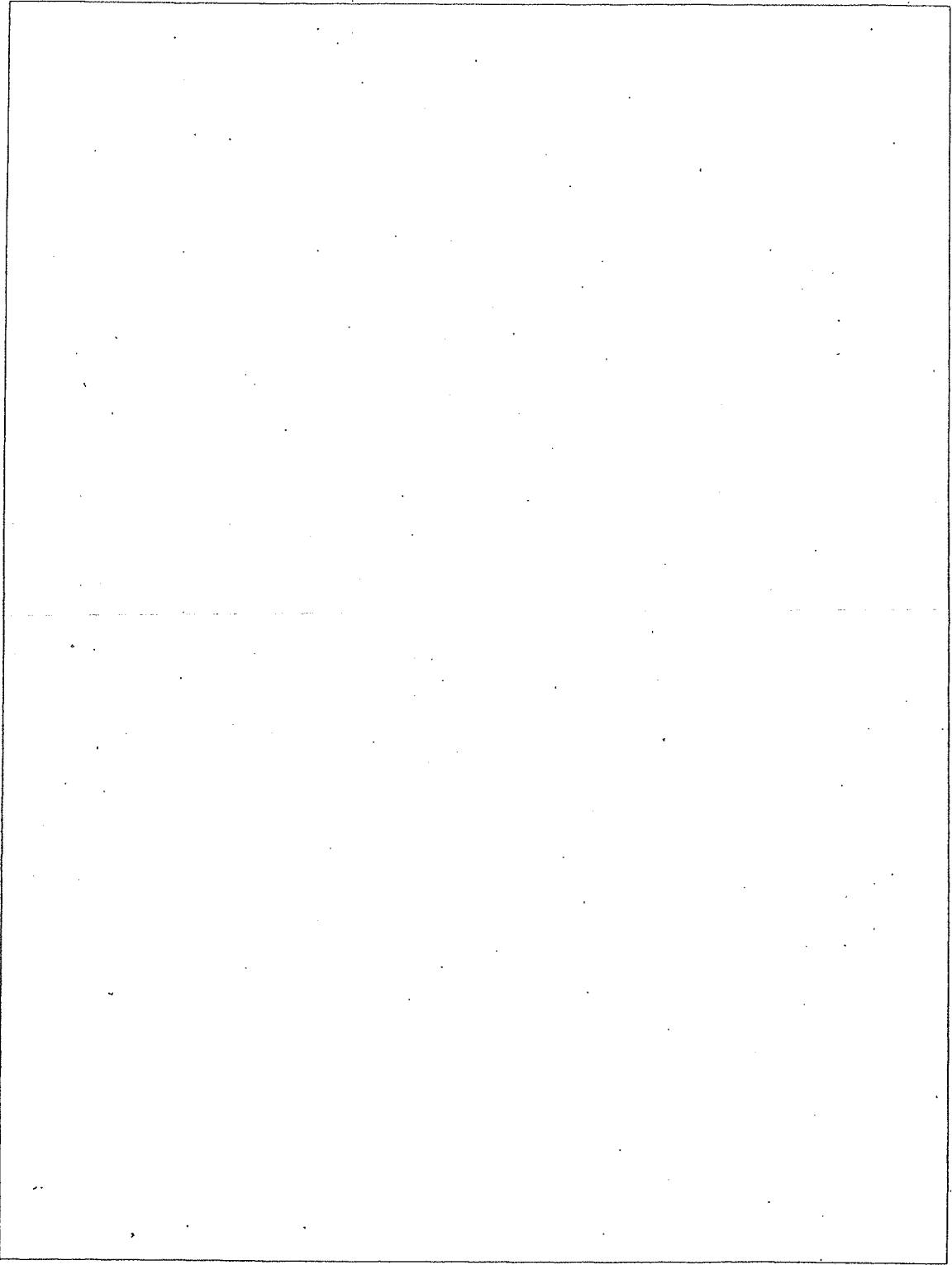
- 1 - DAC (Official OCA Record)
- 1 - GC
- 1 - D/OCA

Follow-up Action Items:**Additional Information:**

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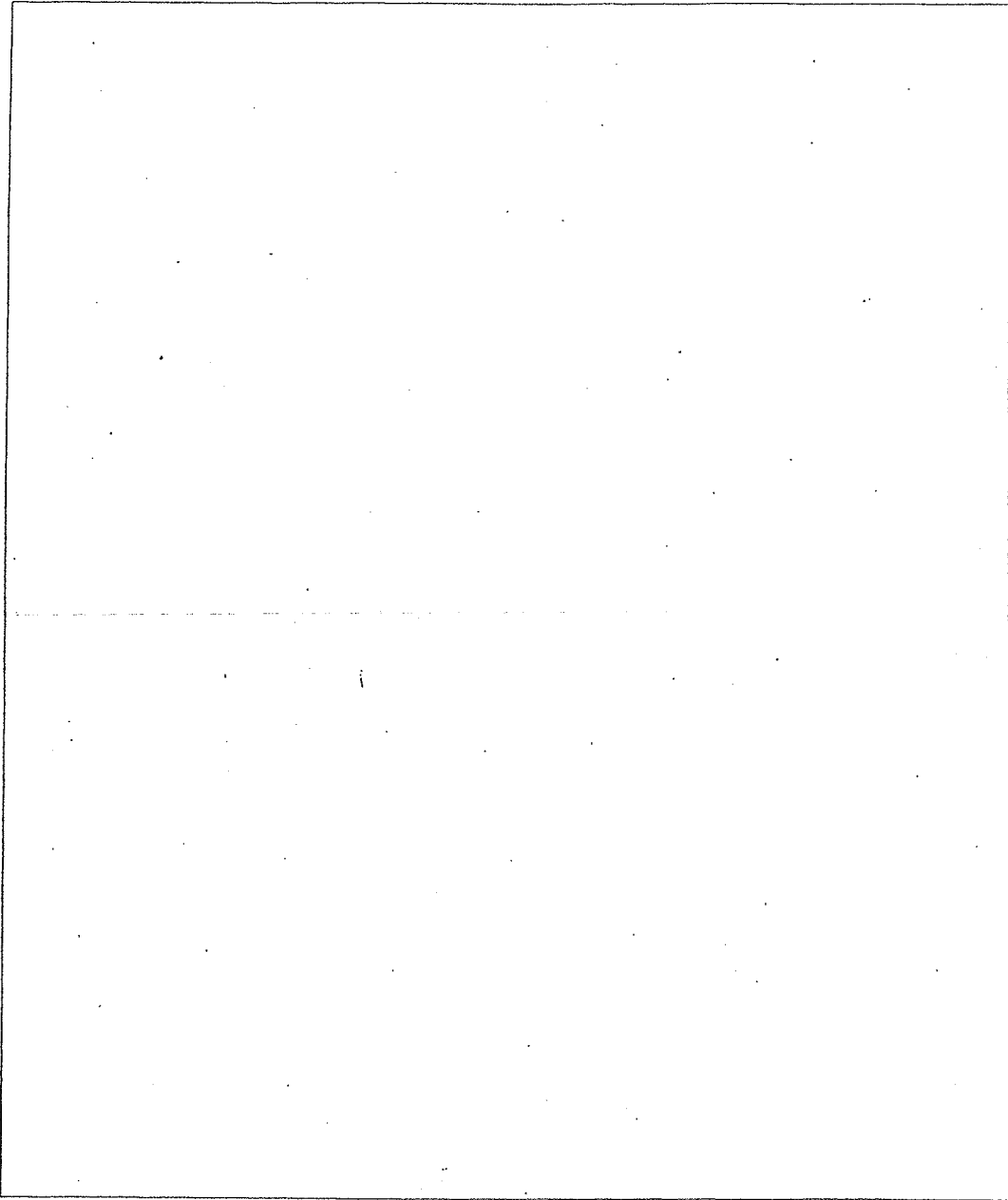
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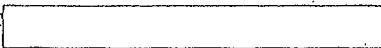
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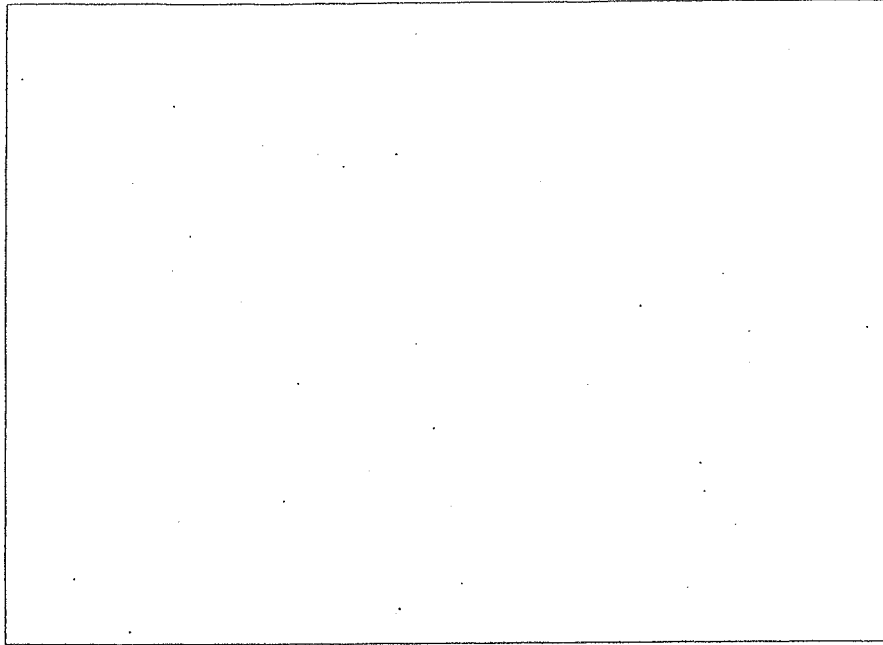
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PRINTED: Friday, April 02, 2004
AT: 10:45

CODEWORDS:

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(b)(3)

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30 November 2004

Memorandum for the Record

KEY: C/2003-00086

EVENT: MEMBER BRIEFING DATE: 02/04/2003 TIME: 10:30 STATUS: COMPLETED
PLACE: 211 HART
FOR: SSCI
SUBJECT: SENSITIVE NOTIFICATION

ATTENDEES:

<u>ASSOCIATION</u>	<u>NAME</u>	<u>ROLE</u>
DCI/OCA	MOSKOWITZ, STANLEY	
DDO	PAVITT, JAMES (JIM)	
GC	MULLER, SCOTT	
SSCI	ROBERTS, PAT [R-KS]	CHAIRMAN
SSCI		STAFF
SSCI/STAFF		

Executive Summary:

Summary Text:

(TS) [redacted] This briefing for Senators Roberts and Rockefeller took place in SH211 from 1030 to 1210 on 4 February. Rockefeller was unable to attend; he was to be briefed by his principal staffer. The purpose of the meeting was to brief the Senators in their new capacities as Chairman and Vice Chairman on our "enhanced interrogation techniques". The briefing was to be similar to that given to their predecessors Senators Graham and Shelby. Before the meeting could be scheduled, two events occurred about which the Senators needed to be informed. These were, in chronological order, the awareness of senior officers, to include the General Counsel, the D/ OCA, and the DCI/COS that tapes had been taken and retained of the interrogation of Abu Zubayda and, in late December 2002, the inappropriate "interrogation" of terrorist operative Nashiri by CIA officers. All three subjects were briefed in considerable detail to Senator Roberts and staffers

(TS) [redacted] The first part of the briefing by Pavitt and [redacted] described in great detail the importance of the information provided by Zubayda and Nashiri, both of whom had information of on-going terrorist operations, information that might well have saved American lives, the difficulty of getting that information from them, and the importance of the enhanced techniques in getting that information. Both Zubayda and Nashiri were described as founts of useful information, even though it seems clear that they have not, even under enhanced techniques, revealed everything they know of importance [redacted]

(TS) [redacted] The enhanced techniques were described in considerable detail, including how the water board was used. The General Counsel described the process by which the techniques were approved by a bevy of lawyers from the NSC, the Vice President's office and the Justice Department, including the Criminal Division and the Attorney General.

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TOP SECRET

who opined that the techniques were legal under U.S. law.

(TS [redacted]) The Senator was briefed by Pavitt on the events surrounding the inappropriate "interrogation" of Nashiri. These included the cocking of a pistol (reportedly unloaded) near his blind-folded face, and the brandishment of an electric hand held drill (at this, Senator Roberts winced). Pavitt spoke disparagingly of the actions of the officers who violated guidance and stated that he had asked for the Inspector General's investigation, of which the SSCI has recently been notified.

(TS [redacted]) Pavitt and Muller briefly described the circumstances surrounding the existence of tapes of the Zubayda debriefing, the inspection of those tapes by OGC lawyers, the comparison of the tapes with the cables describing the same interrogations. According to Muller, the match was perfect and [redacted] who did the review was satisfied that the interrogations were carried out in full accordance with the guidance. Muller indicated that it was our intention to destroy these tapes, which were created in any case as but an aide to the interrogations, as soon as the Inspector General had completed his report. (In a subsequent briefing to Congressmen Goss and Harman, Muller said that the interrogators themselves were greatly concerned that the tapes might leak one day and put themselves and their families at risk.) Senator Roberts listened carefully and gave his assent.

[redacted]

(TS [redacted]) Throughout the briefing Senator Roberts posed no objection to what he had heard. It seemed clear that he supported the interrogation effort.

(TS [redacted]) Roberts' [redacted] asked me whether I had "taken up the line" the Committee's, actually Senator Graham's, late November request to undertake its own "assessment" of the enhanced interrogation. I explained to Senator Roberts the dialogue I had had with [redacted], and our response that we would not support reading another staffer into the program nor allow any staffer to review the interrogations in real time or visit the clandestine site where the interrogations were taking place. Quickly, the Senator interjected that he saw no reason for the Committee to pursue such a request and could think of "ten reasons right off why it is a terrible idea" for the Committee to do any such thing as had been proposed. Turning to [redacted], he asked whether they thought otherwise and they indicated that they agreed with the Senator.

[redacted]
Stanley M. Moskowitz
Director of Congressional Affairs

Distribution:

Orig - DAC (Official OCA Record)

1 - D/OCA

1 - General Counsel

Follow-up Action Items:

Additional Information:

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(b)(3)

TOP SECRET / [REDACTED] 0300307

0000022

[REDACTED]



03/07/05 12:52 PM

To:

cc:

[REDACTED]

Subject: SSCI 3-hour briefing now on for this afternoon 2-5

FYI, Apparently learning the briefing with the VP had been moved to tomorrow, the SSCI (unclear exactly who) is calling for a 3-hour briefing this afternoon on the detention/interrogation/rendition program. It only makes sense to have the same set of briefers cover all these matters, but that will complicate preparing the DCI for tomorrow. [REDACTED] going to call one of the DCI EAs for guidance.

Given the scope of the expected 3-hour session [REDACTED] should be represented as well.

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30 November 2004

Memorandum for the Record

KEY: C/2004-00520

EVENT: STAFF BRIEFING DATE: 05/10/2004 TIME: 17:15 STATUS: COMPLETED
PLACE: 119 DIRKSEN
FOR: SAC/DEF
SUBJECT: INTERROGATIONS

ATTENDEES:

<u>ASSOCIATION</u>	<u>NAME</u>	<u>ROLE</u>
DCI/OCA	MOSKOWITZ, STANLEY	
GC	MULLER, SCOTT	
SAC/DEF		STAFF
SAC/DEF		STAFF
SAC/DEF		STAFF

Executive Summary:

Summary Text:

(S) On 10 May 2004, CIA's General Counsel outlined for the staffers the legal regimen that dictated our interrogation activities that principally arose from the Geneva III and IV agreements. He described the differences between the two Geneva agreements as they pertained to situation. He indicated that CIA was following Geneva, and in fact that some of our rules might be described as more stringent than Geneva required.

(S) The General Counsel had previously received White House concurrence to acknowledge that, with respect to counterterrorism, which was approved by the White House and the Attorney General. These were deemed lawful and were not strictly under the Geneva agreement. He indicated that the Chairmen and Ranking Members of the Senate and House Intelligence Committees had been briefed as well as staff directors, but those are the only Members/staff of Congress that had been briefed. Mr. indicated that he would pass on the details of the General Counsel's briefing to his principal, Sen. Inouye.

Stanley M. Moskowitz
Director of Congressional Affairs

Distribution:

1 - DAC (Official OCA Record)
1 - GC
1 - D/OCA

Follow-up Action Items:

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~~SECRET~~

Additional Information:

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0000002

Mr.

OCA 2005-00241

CIA/OCA/

(8 June 2005)

\SSCI cover letter to

QFR_060705.doc

Enclosure1:

SSCI QFRs June 05

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DMR

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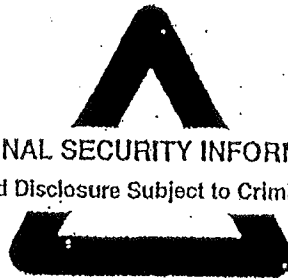
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Washington, D.C. 20505

OCA 2005-00241

8 June 2005

Mr.
Minority Staff Director
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear

(C) Enclosed are responses to questions posed by you and other staff members of your Committee during the 15 April 2005 Counterterrorism briefing. Our response to Question 6 relative to the Interagency Intelligence Committee on Terrorism (IICT) will be forthcoming.

(U) Because of the sensitivity of the information, access should be limited only to those individuals on your staff briefed on this compartment.

(C) Should you have any questions regarding this matter, please do not hesitate to call me or contact _____ of my staff at _____

Sincerely,

Joe Wippl
Director of Congressional Affairs

Enclosures

cc: Mr.

~~CONFIDENTIAL~~ When Separated
from Enclosures

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~~//MR~~

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~~//MR~~

Question 2. Why were these statements/claims declassified for use in the various speeches cited in the Congressional Notification if there was no corroboration of the reporting? Who authorized the declassification of this material? Who made the decision to use this uncorroborated reporting?

Response:

Question 5. One of the briefers said that lying is a detainee strategy, as are allegations of torture, and that this is in their Training Manual. Please provide details via reporting, finished intelligence, or provide a copy of this portion of the Training Manual.

Response:

(X) The Training Manual can be found on the Internet in various locations, one being the Department of Justice website. The address to the specific page is:

<http://www.usdoj.gov/ag/trainingmanual.htm>

(The search term "al Qaeda Training Manual" can be used to get to the manual once you are on the DOJ website.)

Response:

(U) Response will be forthcoming.

Question 9. Please provide copies of the DoJ opinions provided to CIA on issues such as renditions, detainees, and interrogations—to include how to interpret Article 16 of the International Convention Against Torture. If we cannot provide copies, please provide dates for the array of opinions so that SSCI can ask DoJ for them.

Response:

(U) In order for the SSCI to have the most current opinion, please make this request directly to the Department of Justice.

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Classified Statement for the Record

0000014

Senate Select Committee on Intelligence

General Michael V. Hayden
Director, Central Intelligence Agency

12 APRIL 2007

(U) Thank you Mr. Chairman and members of the Committee.

~~(TS//NF)~~ On 14 February 2007, we discussed renditions, one of the key tools the Central Intelligence Agency uses in the Global War on Terror; today, I have come to speak with you in more depth about a related program, our detention of key members and associates of al-Qa'ida. The Committee may remember that I have spoken with you in some detail on the subject of the CIA Rendition, Detention and Interrogation program in September 2006.

~~(TS//NF)~~ This Statement for the Record will focus on the detention program authorized by the [redacted] and established in the wake of the March 2002 capture of senior al-Qa'ida lieutenant Abu Zubaydah, expanding on my oral remarks with details about the history of the program, the safeguards we have built into it, the reasons CIA is best placed to manage this high value detainee interrogation and debriefing effort.

~~(TS//NF)~~ History of the Detention Program

~~(TS//NF)~~ As I mentioned in my 14 February statement on the renditions program, in the wake of the 11 September attacks on this country—which represented the most devastating single assault on our territory in the nation's history—the President directed all agencies of the US Government to work to assure that no such barbaric act could happen again. The

~~(TS//NF)~~ it was not until the capture of key al-Qa'ida lieutenant Abu Zubaydah in March 2002 that the need for a CIA program became clear. Abu Zubaydah was an up-and-coming lieutenant of

Usama Bin Ladin (UBL) who had intimate knowledge of al-Qa'ida's current operations, personnel, and plans. Because of the importance of his information to protecting the United States, it was necessary for US officials to interrogate Zubaydah to ensure that: 1) the US Government had timely access to actionable intelligence, 2) all US Government intelligence, homeland security, and law enforcement questions were asked, 3) there was no filter between Zubaydah's information and the US Government.

~~(TS//NF)~~ While FBI and CIA continued unsuccessfully to try to glean information from Abu Zubaydah using established US Government interrogation techniques, all of those involved were mindful that the perpetrators of the 11 September attacks were still at large and, according to available intelligence reportedly, were actively working to attack the US Homeland again. CIA also knew from its intelligence holdings that Abu Zubaydah was withholding information that could help us track down al-Qa'ida leaders and prevent attacks. As a result, CIA began to develop its own interrogation program, keeping in mind at all times that any new interrogation techniques must comply with US law and US international obligations under the 1984 UN Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.

~~(PS//NF)~~ A handful of techniques were developed for potential use; these techniques are effective, safe, and do not violate applicable US laws or treaty obligations. In August 2002, CIA began using these few and lawful interrogation techniques in the interrogation of Abu Zubaydah. As stated by the President in his speech on 6 September 2006, "It became clear that he (Abu Zubaydah) had received training on how to resist interrogation. And so the CIA used an alternative set of procedures...the procedures were tough, and they were safe, and lawful, and necessary."

- Prior to using any new technique on Abu Zubaydah, CIA sought and obtained from the Department of Justice an opinion confirming that none of these new techniques violated US statutes prohibiting torture or US obligations under the UN Convention Against Torture.

- As CIA's efforts to implement these authorities got underway in 2002, the majority and minority leaders of the Senate, the Speaker and the minority leader of the House, and the chairs and ranking members of the intelligence committees were fully briefed on the interrogation procedures.
- After the use of these techniques, Abu Zubaydah became one of our most important sources of intelligence on al-Qa'ida.

~~(S)~~~~(NF)~~ The Procedures Governing the Interrogation Program~~(S)~~

~~(NF)~~ The CIA interrogation program from late 2002 until the passage of the Detainee Treatment Act in 2005 included the use of 13 "exceptional interrogation techniques" (EITs) derived from the Department of Defense's SERE training program, which is used to prepare US servicemen for possible capture, detention, and interrogation in hostile areas.

- All interrogation sessions in which one of these lawful procedures are authorized for use must be observed by non-participants to ensure the procedures are applied appropriately and safely. These observers are authorized to terminate an interrogation immediately should they believe anything unauthorized is occurring.
- Any deviations from approved program procedures and practices are to be immediately reported and immediate corrective action taken, including referral to CIA's Office of the Inspector General and the Department of Justice, as appropriate.

(U) Shortly after 11 September 2001, the majority and minority leaders of the Senate, the Speaker and the minority leader of the House, and the chairs and ranking members of the intelligence committees were briefed on:

- Briefings to the chairs, ranking members, and majority and minority staff directors have been provided on multiple occasions since that time, and in the fall of 2005, in connection with discussion on the Detainee Treatment Act, several other members were briefed on the program, including the *interrogation procedures*.

- The Department of Justice (DOJ) has reviewed procedures proposed by the CIA on more than one occasion and determined them to be lawful.
- The program has been investigated and audited by the CIA's Office of the Inspector General (OIG), which was given full and complete access to all aspects of the program.

~~(S//)~~
Lives~~(NF)~~ Benefits of the Program: Capturing Terrorists, Saving

~~(S//)~~ Since the 2002 inception of the program, high value detainee reporting has become a crucial pillar of US counterterrorism efforts. CIA assesses that a significant number of its knowledge of al-Qa'ida has been derived from detainee reporting, and well over half of our finished intelligence products on the group since 2002 make some reference to this reporting.

- For both warning and operational purposes, detainee reporting is disseminated broadly among US intelligence and law enforcement entities and
- For today's briefing, I'm going to highlight a few key areas where detainee reporting has played a significant role: capturing other terrorists, disrupting plots, advancing our analytical understanding of and operations against al-Qa'ida, and helping to corroborate and direct other sources of collection. The President discussed some of these successes in his September 2006 speech and some of this material was briefed to staff members during previous Congresses, but I believe it is worthwhile for the sake of the current Committee to provide this explicitly detailed account to you today, so that you can get a better sense of why we view this program as so key to our fight against al-Qa'ida.

~~(S//)~~ ~~(NF)~~ Capturing Other Terrorists: Detainees have played some role—from identification of photos to providing in depth targeting information—in nearly every capture of al-Qa'ida members and associates since 2002.

- In March 2003, former al-Qa'ida external operations chief Khalid Shaykh Muhammad (KSM) provided information about an al-Qa'ida operative, Majid Khan, whom he was aware had recently been captured. KSM—possibly believing the detained operative was “talking”—admitted to having tasked Majid with delivering \$50,000
- Khan—confronted with KSM's information about the money—acknowledged that he delivered the money to an operative named “Zubair” and provided Zubair's physical

description and contact number. Based on that information, Zubair was captured in June 2003.

- During debriefings, Zubair revealed that he worked directly for Jemaah Islamiyah (JI) leader and al-Qa'ida's South Asia representative Hambali.

we used the information provided by Zubair to arrest Hambali.

- Next, KSM—when explicitly queried on the issue—identified Hambali's brother, 'Abd al-Hadi, as a prospective successor to Hambali. Information from multiple detainees, including KSM, narrowed down 'Abd al-Hadi's location and enabled his capture in Karachi in September 2003.
- Bringing the story full circle, 'Abd al-Hadi identified a cell of JI operatives whom Hambali had sent to Karachi for possible al-Qa'ida operations. When confronted with his brother's revelations, Hambali admitted that he was grooming members of the cell for US operations—at the behest of KSM—probably to continue trying to implement KSM's plot to fly hijacked planes into the tallest building on the US West Coast.

(TS/) In addition to these two key cases, a number of other significant captures have resulted thanks to detainee reporting. It is important to highlight that these cases involve law enforcement's use of our detainee reporting:

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- Jose Padilla: After his capture in March 2002, Abu Zubaydah provided information leading to the identification of alleged al-Qa'ida operative Jose Padilla. Arrested by the FBI in 2002 as he arrived at O'Hare Airport in Chicago, he was transferred to military custody in Charleston, South Carolina, where he is currently being held.
- Iyman Faris: Soon after his arrest, KSM described an Ohio-based truck driver whom the FBI identified as Iyman Faris, already under suspicion for his contacts with al-Qa'ida operative Majid Khan. FBI and CIA shared intelligence from interviews of KSM, Khan, and Faris on a near real-time basis and quickly ascertained that Faris had met and accepted operational taskings from KSM on several occasions. Faris is currently serving a 20-year sentence for conspiracy and material support to a terrorist organization.

~~(S)~~~~(NF) I~~

~~(S)~~ ~~(NF)~~ **Disrupting plots:** One of the fall-outs of detaining these additional terrorists has been the thwarting of a number of al-Qa'ida operations in the United States and overseas.

- **The West Coast Airliner Plot:** In the early planning stage of the attacks of 11 September, al-Qa'ida leaders considered an ambitious plot that called for striking both coasts of the United States with as many as ten planes in one operation. Usama Bin Ladin (UBL) reportedly scaled back that plan to the US East Coast only—saving the West Coast for a follow-on attack—and UBL specifically mentioned California as a target to be attacked in the weeks following 11 September, according to detainee reporting. Operatives assigned to this plot were detained during 2002 and 2003, including KSM. Evidence suggests—as I noted earlier—that Hambali was considering pursuing this plot, and his efforts were disrupted by his detention and his cell of operatives.

- Heathrow Airport plot: Shortly after his capture in March 2003, KSM divulged limited information about his plot to use commercial airliners to attack Heathrow Airport and other targets in the United Kingdom; he discussed this plot probably because he believed that key Heathrow plotter Ramzi bin al-Shibh, who had been detained six months previously, had already revealed the information. KSM speculated that the operation was completely disrupted with the detention of senior al-Qa'ida planner Khallad Bin Attash and Ammar al-Baluchi; a variety of other reporting suggests this assessment is accurate.
- The Karachi plots. Key members of al-Qa'ida's Pakistan network who were detained in 2003 have provided details of the anti-US attacks they were planning in Karachi against the US Consulate, Westerners at the airport, and Western housing compounds.

~~(S//NF)~~) Advancing Our Understanding of Al-Qa'ida: Prior to the capture of Abu Zubaydah in March 2002, we had large gaps in knowledge of al-Qa'ida's organizational structure, key members and associates, intentions and capabilities, possible targets for the next attack, and its presence around the globe. Within months of his arrest, Abu Zubaydah provided details about al-Qa'ida's organizational structure, key operatives, and modus operandi. For example, it was Abu Zubaydah, early in his detention, who identified KSM as the mastermind of 9/11. Until that time, KSM did not even appear in our chart of key al-Qa'ida members and associates.

- In the years since 9/11, successive detainees have helped us gauge our progress in the fight against al-Qa'ida by providing updated information on the changing structure and health of the organization, in part because they can help illuminate other sensitive collection platforms for us.

~~(TS//~~

~~//NF)~~ Army Field Manual

~~(TS//~~ ~~//NF)~~ The Army Field Manual (FM 2.22.3) governs the interrogation of large numbers of detainees held by the US Military, who are captured in the course of traditional military hostilities. It is used by U.S. military personnel to help them collect tactical military intelligence from military detainees. Should the CIA be limited only to the interrogation techniques contained in the new Army Field Manual,

would not be sufficient to justify

continuing a covert CIA detention and interrogation program. The CIA program has proven to be effective after c

~~(TS//~~ ~~(NF)~~ We have been advised there is no/no classified annex describing or authorizing additional techniques. It must be noted that the cover sheet for FM 2.22.3 clearly states the manual is "Approved for public release; distribution is unlimited", hence UNCLASSIFIED. Consequently, we must assume that AQ and other organizations have or can easily obtain a copy and train their people to resist these techniques and the methodology. Hence, we have not only laid out our game plan for the taking but have included the entire playbook as well. As a result, should our interrogation of AQ suspects be limited to the techniques outlined in the field manual, we are left with very little offense and are relegated to rely primarily on defense. Without the approval of EITs to compliment the techniques approved in FM 2.22.3, we have severely restricted our attempts to obtain timely information from HVDs who possess information that will help us save lives and disrupt operations. Limiting our interrogations tools to those detailed in the field manual will increase the probability that a determined, resilient HVD will be able to withhold critical, time-sensitive, actionable intelligence that could prevent an imminent, catastrophic attack. In essence, we would be back to a pre-9/11 posture.

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(U) The Way Forward

~~(TS//NF)~~ CIA currently has no Enhanced Interrogation Techniques (EITs) approved for use with a detainee. Prior to being authorized for use, CIA requires a signed Executive Order, as required by the Military Commissions Act, and a DOJ opinion that each proposed method, whether applied individually or in tandem with others, would comply with applicable US law. Currently, seven EITs are under consideration.

~~(TS//NF)~~) At the entrance to an office in CIA's Counterterrorism Center is a sign and a reminder: "Today's date is September 12th, 2001." We make no apologies for this attitude or for the lawful and legitimate actions we have taken to counter al-Qa'ida. And let me be clear, our enemy is still potent and able to attack us here and overseas.

- While al-Qa'ida has conducted no new attack on the US Homeland, this is not for lack of trying. Al-Qa'ida was within weeks, if not days, of mounting an attack against planes

flying into the United States from London last summer that could have been more lethal than the 11 September attacks, and its leaders also continue to try to gain access to chemical, radiological, biological, and nuclear weapons.

- Al-Qa'ida's only obstacle to attacking us again is our continued assertive effort to stop them. CIA's detention and interrogation program remains critical to our ability to sustain this effort and protect the American people from another attack. As the President stated in his 6 September 2006 speech to the nation on The Creation of Military Commissions to Try Suspected Terrorists, "... the most important source of information on where the terrorists are hiding and what they are planning is the terrorists, themselves."

Thank you.



C/CTC

02/14/05 08:43 AM

To:

cc:

Subject: Phone call from NSC/LGL re NY Times article

I was called this morning by NSC Legal (who was calling at request of WH Counsel) in response to NY Times article over the weekend that SSCI would hold hearings on CIA's detention/interrogation of terrorists. NSC Legal (Dan Levin) asked whether any such hearing were scheduled. I told him I was unaware of any such hearings and that weekend reporting caught me by surprise. I also referred him to the Wolf Blitzer transcript (in today's Media Highlights) that indicated that SSCI was not planning to "investigate" but to "monitor" any CIA activities.

Mr. Levin asked me to check and get back to him whether SSCI has actually asked for any hearing. If they have not yet, but do at some point in the future, he would like to know soonest.