

CHAPTER 2

THE EVOLUTION OF CIA TORTURE

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The CIA torture programme, running from 2001 until 2008, was highly dynamic and did not exist in isolation. Rather, it took place within the context of a large-scale and long-running covert intelligence programme, global in scope and interconnected with both US military capture and detention operations and the activities of foreign liaison partners.¹ Building a picture of the historical evolution of the programme, from its inception immediately after the terrorist attacks of 11 September 2001 until its closure in January 2009, has been central to our work to understand how secret detention, rendition and torture played out on the ground. An analysis of data relating to the programme – such as flight records by aircraft suspected of involvement – which does not take account of how the programme itself developed, is likely to result in findings which have little basis in the reality of CIA torture.² Indeed, the spatial architecture of the torture programme emerged rather haphazardly in the months and years after 9/11, and remained dynamic throughout its existence. Individual black sites were often closed at very short notice as their existence was threatened with exposure. Prisoners were moved between locations as a result of these closures, and of overcrowding at particular sites, rather than necessarily as a result of assessments of where best to interrogate those considered to be terror suspects. This chapter tells the story of how the black site network evolved during the entire period of the programme's operation, based on the analysis of all the data at our disposal. Although much still remains unknown, what follows is the fullest account to date of how the torture programme evolved on the ground, and of where and when the CIA's prisoners were rendered, secretly detained, and tortured.

THE FIRST MONTHS: ESTABLISHING THE PROGRAMME

Presidential authorisation for CIA capture and detention operations in the 'War on Terror' began almost immediately after the attacks of 11 September 2001. Less than a week later, on 17 September 2001, President Bush signed a 14-page covert action Memorandum of Notification (MoN) for the National Security Council, authorising the Director of Central Intelligence (DCI), George Tenet, to 'undertake operations designed to capture and detain persons who pose a continuing, serious threat of violence or death to US persons and interests or who are planning

terrorist activities.³ By then, discussions within the CIA had already begun: on request from the chief of the CIA's Counterterrorism Center (CTC), CIA stations across Africa were asked to consider appropriate locations for detention facilities, and discussions over the following weeks centred on four countries in Africa and one in Southeast Asia.⁴ Authority for managing and overseeing the programme was quickly delegated by Tenet to James Pavitt, Deputy Director of Operations (DDO), and Cofer Black, Director of CTC. On the back of discussions by lawyers at the National Security Council, Tenet established an approval process for each proposed capture and detention operation. Accordingly, in each case 'the reasons for the determination that the individual targeted meets the criteria' laid down by the MoN were to be set out in writing, for approval or otherwise by the Principals Committee of the National Security Council. In cases where time did not permit such prior approval, Pavitt was to have authority to approve all 'hostile capture and detention operations', whereas Black was authorised to approve 'consented capture and detention operations'.⁵

By November 2001 the CIA had paused its search for appropriate locations for black sites, given the myriad problems that were foreseen in running its own facilities. Senior officials worried about the need for 'intensive negotiation' with host governments, the 'uncontrollable risks' to facility security posed by having a foreign country involved, the likelihood of exposure as a result of the lengthy detention of suspects – which already the CIA was suggesting might be years in some cases – and the adverse media and public reaction which would result from this.⁶ Given the ways in which the programme eventually unravelled, this list was prescient. The CIA's preference at this point was to establish and fund a short-term facility while contracting out actual operations to other US Government agencies, commercial companies, and foreign governments. Simultaneously, the CIA sought to persuade the Department of Defense (DoD) to host a long-term facility for detention, ideally at the US Naval Base at Guantánamo Bay.⁷

Although the 17 September MoN made no mention of interrogation – 'enhanced' or otherwise – by November the CIA was considering possible legal arguments which could be deployed to defend the use of torture. Discussion of the 'necessity defence' – a legal principle which might exonerate those who commit a crime, if they could demonstrate that such action prevented a greater harm than would adherence to the law – allowed one draft memo, 'Hostile Interrogations: Legal Considerations for CIA Officers', to suggest that 'if we follow the Israeli example, CIA could argue that torture was necessary to prevent imminent, significant, physical harm to persons, where there is no other available means to prevent the harm.' Moreover, and regardless of US legal commitments under international law, other states 'may be very unwilling to call the US to task for torture when it resulted in saving thousands of lives.'⁸ Another memo, sent in February 2002, continued the theme, this time in the context of the possible application of the Geneva Conventions to CIA detainees: 'In short, if a detainee were granted POW status, and therefore is covered by the Geneva convention, there are few alternatives to simply asking questions... the optic becomes how legally defensible is a particular act that probably violations the convention, but ultimately saves lives.'⁹

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(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)

NOTE FOR:

FROM:

OFFICE: CTC

DATE: 02/01/2002 01:02:12 PM

SUBJECT: POW's and Questioning

(b)(3) CIAAct
(b)(5)
(b)(6)

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)

In short, if a detainee were granted POW status, and therefore is covered by the Geneva convention, there are few alternatives to simply asking questions.

(b)(5)

CONFIDENTIAL//NOFORN

While discussions continued throughout 2001 and early 2002 of how and where to operate detention facilities, and the legal consequences for the proposed use of torture, CIA capture operations on the ground were proceeding apace. Starting in October 2001, the CIA worked with partner governments across the globe to identify, locate and arrest suspects, and render them to the custody of foreign governments across the Middle East and North Africa. Prisoners were then detained in secret, tortured and interrogated – often in the presence of CIA officials.¹⁰ By this time, Tenet's procedure for case-by-case approval by the NSC Principals had been overridden by Pavitt, who issued a 'blanket approval' within DDO for determining those individuals who 'pose the requisite "continuing serious threat of violence or death to US persons and interests or who are planning terrorist activities";' and for undertaking subsequent capture and detention operations.¹¹ Operations needed to be recorded in cable traffic, but not preapproved by Headquarters.¹²

Our analysis of flight data and other information has enabled us to identify specific rendition operations which transferred at least ten prisoners to foreign custody in Egypt, Morocco and Jordan in 2001 and 2002,¹³ although there were undoubtedly others subjected to a similar fate. Investigations by the UK Parliament's Intelligence and Security Committee (ISC), for example, have found that at least 29 renditions were undertaken to one particular country, reported to have been Egypt, by January 2002. One MI6 officer witnessed the rendition of a prisoner from Bagram: 'About half an hour later [redacted] was sitting with one of the team outside the hanger when a pick up jeep with a six-foot, sealed box on the back drove past. It was [redacted] on the way to the waiting plane.' It has been further reported that Ibn Sheikh al-Libi (#42) was in the 'coffin'.¹⁴

RENDITIONS TO FOREIGN CUSTODY, 2001– 2002

Jamil Qasim Saeed Mohammed	Pakistan to Jordan	October 2001	Circuit 1
Mohamed el-Zery, Ahmed Agiza	Sweden to Egypt	December 2001	Circuit 2
Mohammed Saad Iqbal Madni	Indonesia to Egypt (via Diego Garcia)	January 2002	Circuit 3
Ali al-Hajj al-Sharqawi (#93)	Pakistan to Jordan	February 2002	Circuit 4
Abou Elkassim Britel	Pakistan to Morocco	May 2002	Circuit 7
Binyam Mohamed (#95)	Pakistan to Morocco	July 2002	Circuit 8
Umar Faruq (#14)	Indonesia to Egypt (via Diego Garcia)	September 2002	Circuit 9

Pacha Wazir (#38)	UAE to Morocco	October 2002	Circuit 11
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Maher Arar	United States to Jordan (via Italy)	October 2002	Circuit 12
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As one example, Mohammed Saad Iqbal Madni was detained by Indonesian officials in Jakarta in January 2002, on request from the CIA, and passed to CIA and Egyptian personnel at the airport. There he was beaten severely by Egyptian intelligence, stripped naked and bundled onto the plane. During the flight he was bleeding from his nose, mouth and ears, and was unable to move because shackles wound tightly around his body.¹⁵ Rendered to Egypt, he was detained for over three months in an underground cell 'like a grave', hung from the ceiling, and repeatedly tortured with electric shocks and beatings. Although the torture was undertaken by Egyptian officials, CIA personnel were in the room during at least some of the sessions, and passed questions in silence to the torturers.¹⁶

CIA access was also granted to Ali al-Hajj al-Sharqawi (#93) while he was detained in Jordan, having been rendered by the CIA from Pakistan in February 2002. During his two years in Jordanian custody, al-Sharqawi says he was tortured continuously: 'They beat me in a way that does not know any limits. They threatened me with electricity, with snakes and dogs. They say we'll make you see death.'¹⁷ Likewise, Binyam Mohamed (#95) has testified that his torture in Morocco clearly took place on the back on British questioning and intelligence, and that at least one US agent was involved in his interrogation.¹⁸

We still do not have the full picture of renditions to foreign custody. Binyam Mohamed reported being rendered to Morocco alongside two other prisoners, whom we have yet to identify.¹⁹ Mamdouh Habib was reported to have been rendered from Pakistan to Egypt in November 2001,²⁰ while Mohamedou Ould Slahi was rendered from Mauritania to Jordan in the same month.²¹ We do not have flight records to allow us to confirm either of these operations. Research by the Open Society Justice Initiative and Open the Government has identified a further list of individuals reported to have been rendered by the CIA,²² although at present we have been unable to verify these through flight data matches. We do know, however, that such operations continued to be a key part of the programme, even as the CIA's own facilities were established. These included both renditions to foreign custody for the purposes of interrogation, where the prisoner has little or no connection with the country concerned, and renditions to the country from which the prisoner had originally come. In March 2004, for example, British intelligence arranged for the rendition of Libyans Abdel Hakim Belhadj and Fatima Boudchar from Thailand to custody in Tripoli, with the CIA supplying the aircraft and rendition crew (**Circuit 40**).

TOP SECRET

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TOP SECRET 250731Z APR 02

10116

TOP SECRET 250728Z APR 02

CITE 10116

SUBJECT: EYES ONLY - UPDATED INTERROGATION PLAN FOR ABU ZUBAYDAH

TEXT:

1. ACTION REQUIRED: THE FOLLOWING IS AN UPDATED INTERROGATION PLAN FOR ABU ZUBAYDAH AS OF 24 APRIL 2002. THIS UPDATE IS TO BRING ADDRESSES UP TO DATE ON THE CURRENT PROCESS AND PROCEDURES THAT ARE IN PLACE HERE AT

2. HAS BEEN INVOLVED IN THE FULL PHASE INTERROGATION OF ABU ZUBAYDAH (SUBJECT) FOR THE PAST 8 DAYS AND HAVE BEEN FOLLOWING THE PLAN THAT WAS OUTLINED. THIS CABLE IS TO UPDATE AND AFFIRM THE CURRENT STRATEGIC INTERROGATION PROCESS AND PROCEDURES THAT ARE IN EFFECT.

3. PHYSICAL ENVIRONMENT: THE SUBJECT HAS SPENT THE ENTIRE 8 DAYS IN THE WHITE CELL THAT HAS NO NATURAL LIGHTING NOR WINDOWS. THE CELL HAS FOUR BRIGHT HALOGEN LIGHTS THAT HANG OUTSIDE OF THE BARS AND POINT IN TOWARD THE CELL. THERE IS AN AIR CONDITIONER UNIT IN THE INTERROGATION ROOM THAT IS ON THE OTHER SIDE OF THE BARS THAT IS USED TO MAINTAIN ROOM TEMPERATURE. THERE IS A WHITE CURTAIN THAT MOVES ON A CURTAIN TRACK IN THE INTERROGATION ROOM THAT PROHIBITS THE SUBJECT FROM SEEING THE INTERROGATION ROOM BEYOND THE BARS IN HIS CELL. ENTRY INTO THE CELL IS THROUGH A

TOP SECRET

058-51

THAILAND: THE FIRST 'BLACK SITE'

While the CIA became increasingly involved in renditions to foreign custody, it appears to have been the anticipation of capturing its first so-called 'High Value Detainee', Abu Zubaydah (#1), which finally tipped the balance in favour of the CIA establishing its own detention facilities. One March 2002 PowerPoint presentation, 'Options for Incarcerating Abu Zubaydah', listed pros and cons of a number of possibilities. Guantánamo Bay was described as having a 'high degree of physical security' although the 'viability of maintaining secrecy of Abu Zubaydah's presence' was an issue, as was risking 'possible loss of control to US military and/or FBI' and the 'possible impact on prisoners if AZ's presence becomes known'.²³ According to reporting at the time, CIA officials were clear that 'it's imperative to keep him isolated from other detainees as part of psychological warfare, and even more aggressive tools may be used.'²⁴ US military custody in Afghanistan was also highlighted as problematic, given issues around 'maintaining secrecy' and 'poor area security'. Rendition to an existing partner country (likely Morocco) was discounted, given the poor results of recent interrogations by the liaison partners and the desire to participate directly in his interrogation.²⁵

Ultimately, the CIA decided to keep Abu Zubaydah away from the US military and other prisoners, and to establish its own facility in a partner country. Thailand was the chosen location.²⁶ Although there would be 'diplomatic/policy decisions' required with this option, and ultimately it was 'not a USG-controlled facility', the benefits included 'no issues of possible US court jurisdiction'.²⁷ After authorisation from President Bush on 29 March 2002, the local CIA station obtained approval from Thai officials, and Abu Zubaydah was rendered to Thailand from Pakistan on 31 March 2002. The CIA had taken formal custody of its first detainee.

The precise location of the Thai site is unclear. It has been reported as being at least an hour's drive from Bangkok,²⁸ although others have suggested locations in the provinces of Udon Thani or Chiang Mai, both of which are much further away.²⁹ It has also been reported as being located in a small, disused warehouse on an active airbase,³⁰ and it appears as though this was within, or adjacent to, a city.³¹ Ali Soufan, an FBI agent who was present at the site and initially interviewed Abu Zubaydah there as well as in a nearby hospital, gives a sparse description: it was a 'very primitive location' which had a 'safe house' and a 'makeshift hospital room.' Soufan reached the facility on a small plane after arriving in the host country.³² Other reporting has confirmed that the facility was makeshift, with one senior CIA official acknowledging that 'it was just a chicken coop we remodelled.'³³ Despite its initial primitive state, the site was transformed over the next couple of weeks into 'an actual cell... monitored by hidden cameras and microphones'.³⁴ A fuller picture of the conditions of confinement at the site emerges from CIA cables sent during April 2002, after Abu Zubaydah had been moved back to the facility following a period in a local hospital. The cell was described as 'white with no natural lighting or windows, but with four halogen lights pointed into the cell. An air conditioner was also in the room. A white curtain separated the interrogation room from the cell. The interrogation cell had three padlocks.' Security personnel wore 'all black uniforms, including boots, gloves, balaclavas, and goggles to

keep Abu Zubaydah from identifying the officers, as well as to prevent Abu Zubaydah from seeing the security guards as individuals who he may attempt to establish a relationship or dialogue with.' The officers used 'hand signals when they were with Abu Zubaydah and used hand-cuffs and leg shackles to maintain control. In addition, either loud rock music was played or noise generators were used to enhance Abu Zubaydah's "sense of hopelessness".³⁵ These modifications – which included 'the sanding of the holding cell bars to reduce AZ's ability to stimulate his sensorium via rubbing of the bars' – were designed, according to the interrogation team, specifically 'to create an atmosphere that enhances the strategic interrogation process of AZ. The deliberate manipulation of the environment is intended to cause psychological disorientation, and... an increased sense of learned helplessness.'³⁶

The black site had no permanent staff, with temporary duty officers taking up the position of Chief of Base as well as security, medical and communications personnel. Interrogations of Abu Zubaydah, and later Abd al-Rahim al-Nashiri (#26), were led by the two contracted psychologists/interrogators, James Mitchell and Bruce Jessen, who the CIA had employed to develop and oversee the 'enhanced interrogation techniques'.³⁷

Abu Zubaydah was interrogated during April and May 2002,³⁸ and then placed in isolation for 47 days (from 18 June to 4 August) while the interrogation team **departed Bangkok, Thailand** 'for a break and to attend to personal matters.'³⁹ Cables from the site during this time log his condition during this phase, which was designed 'to induce doubt and uncertainty about subject's disposition. Disrupting the routine to which subject is accustomed and limiting his contact with people will maximise psychological pressure.'⁴⁰

It was during this time that CIA Headquarters, working from the contract psychologists' untested theories on interrogation, developed its set of 'novel interrogation methods' for use on Abu Zubaydah, ostensibly based on techniques deployed by the US military's SERE (Survival, Evasion, Resistance and Escape) school. These discussions took place within the context of the February 2002 Executive Order by President Bush, which had determined that the Geneva Conventions did not apply to al-Qaeda detainees, that 'Prisoner of War' status did not apply to al-Qaeda or Taliban detainees, and that Common Article 3 (which outlaws inhumane treatment of prisoners) also did not apply to either.⁴¹

Almost immediately after Abu Zubaydah's capture, some within the CIA were pushing for an interrogation strategy which should, as one cable put it, 'be designed to facilitate... psychological dependence. Although Zubaydah's medical condition will likely require continued attention from a medical physician in the near term, these medical evaluations will need to be controlled in a fashion that the dependence with the primary interrogator is not diluted.'⁴²

As a result of these discussions, a list of twelve 'potential physical and psychological pressures' was drafted by the CIA for use against Abu Zubaydah: attention grasp; walling; facial hold; facial slap; cramped confinement; wall standing; stress positions; sleep deprivation; water board; use of diapers; insects; and mock burial.⁴³

Although most of these techniques were eventually used against a number of detainees, they were initially developed in the light of what was known about Abu Zubaydah personally.

Thus, the diaper would ‘leverage his concerns’ over being clean and his particular sensitivity ‘to situations that reflect a loss of status or are potentially humiliating.’ Likewise, the suggested use of insects was designed to play on Abu Zubaydah’s personal fears, to ‘increase his sense of dread.’ The use of the ‘mock burial’, although ultimately not passed to the Department of Justice (DoJ) for authorisation, envisaged the prisoner being ‘placed in a cramped confinement box that resembles a coffin. The box has hidden air holes to prevent suffocation. The individual is moved to a prepared site where he hears digging. The site has a prepared hole, dug in such a way that the box can be lowered into the ground and shovels of dirt thrown in on top of it... This procedure would be used as part of a threat and rescue scenario where the “burial” is interrupted and the subject is rescued by a concerned party. The rescuers then use the subject’s fear of being returned to the people trying to bury him as a means of pressuring the subject for information.’¹⁴⁴

In attempting to get the legal green light from the DoJ for these techniques, Mitchell and Jessen were asked to ‘comment on the short and long term psychological effects of the water board and mock burial,’ and when doing so were asked to ‘keep in mind the statutory definition that the technique must not cause severe mental pain or suffering.’ This might prove difficult, the cable implied, given that both techniques ‘are no longer being used [in SERE training] because they are extremely effective.’¹⁴⁵

CIA personnel at the Thai site were also involved in these discussions, up to and including outlining their plan for dealing with Abu Zubaydah’s possible death under torture: ‘If subject 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 subject. In the event subject dies we need to be prepared to act accordingly keeping in mind the liaison equities involving our hosts. If subject dies, we plan on seeking [redacted] assistance for the cremation of subject.’¹⁴⁶ As the Chief of Base wrote in one cable: ‘We are a nation of laws and we do not wish to parse words. A bottom line in considering the new measures proposed for use at [redacted] is that subject is being held in solitary confinement, against his will, without legal representation... [We] will make every effort to ensure that subject is not permanently physically or mentally harmed but we should not say at the outset of this process that there is no risk.’¹⁴⁷

Given the severity of torture proposed for Abu Zubaydah, site personnel were also keen to ‘get reasonable assurances that subject will remain in isolation.’¹⁴⁸ Such assurances were received from Headquarters, where there was ‘a fairly unanimous sentiment... that AZ will never be placed in a situation where he has any significant contact with others and/or has the opportunity to be released.... All major players are in concurrence that AZ should remain incommunicado for the remainder of his life.’¹⁴⁹ Given this risk, and the fact that the proposed methods ‘include certain activities that normally would appear to be prohibited’ under the torture convention, the Attorney General was asked to ‘grant a formal declination of prosecution, in advance, for any employees of the United States, as well as any other personnel acting on behalf of the United States, who may employ methods in the interrogation of Abu Zubaydah that otherwise might subject those individuals to prosecution.’¹⁵⁰

By 18 July 2002, officials at the site were constructing the two confinement boxes, as well as the 'walling' wall, so that 'it can be quickly pieced together and placed inside subject's cell.'⁵¹ In the following days, Mitchell and Jessen were conducting 'a walk-through rehearsal with security staff... which choreographed moving Abu Zubaydah in and out of the large and small confinement boxes, as well as use of the water board.'⁵² By 24 July 2002 the Attorney General was approving the use of the so-called 'enhanced interrogation techniques' proposed by the CIA (supported by Mitchell and Jessen), and the DoJ's Office of Legal Counsel (OLC) circulated its classified legal opinion on 1 August.⁵³ From this point on, CIA torture was firmly on the table, and interrogators led by Mitchell and Jessen quickly began to apply these techniques to Abu Zubaydah.

Cables describing Abu Zubaydah's torture at the black site in Thailand during August 2002 provide excruciating detail of near-24/7 abuse to which he was subjected, as well as the clear physical and psychological effects it had on him.⁵⁴ We have reproduced some of these cables in full here, to illustrate the ways in which black site personnel and interrogators recorded the daily use of severe torture on those held within the programme. These sessions were videotaped, with 12 tapes recording 83 separate applications of the waterboard. The use of the waterboard in practice deviated from the authorised technique: rather than applying small amounts of water in a controlled manner, interrogators 'continuously applied large volumes of water.'⁵⁵ This resulted in vomiting and 'involuntary spasms of the torso and extremities', as well as 'hysterical pleas' from the prisoner. At one point, he needed medical resuscitation after becoming 'completely unresponsive, with bubbles rising through his open, full mouth.' When not being interrogated, he was left strapped to the waterboard with a cloth over his face, placed in a stress position, or locked in confinement boxes. Overall, Abu Zubaydah spent a total of more than 11 days in a coffin-sized box, and 29 hours in a box which measured just 75cm x 75cm x 55cm.⁵⁶

He then dragged me to another very tiny squared box. With the help of the guards he shoved me inside the box. It was so painful. As soon as they locked me up inside the box I tried my best to sit up, but in vain, for the box was too short. I tried to take a curled position but to no vain, for it was too tight. It was a serious problem. I spent long countless hours inside. I felt I was going to explode from bending my legs and my back...

When they pulled me outside it took me a long time before I was able to stand on my feet. They were shoving me thinking that I was deliberately refusing to stand up... They restrained me to a metal bed that had many belts in every direction... I suddenly felt water being poured. It shocked me because it was very cold. But the water didn't stop.... They kept pouring water and concentrating on my nose and my mouth until I really felt I was drowning and my chest was just about to explode from the lack of oxygen. Indeed that was the first time and the first day that I felt I was going to die from drowning... All I know or remember is that I started vomiting water but also rice and string beans.⁵⁷

Date: 20020804

TO: [REDACTED]

FROM: [REDACTED]

SUBJECT: EYES ONLY - DETAILS RE INITIAL CYCLE OF INTERROGATIONS OF

[REDACTED]

TOR: 041559Z AUG 02

[REDACTED] 10586

~~SECRET~~ 041556Z AUG 02 [REDACTED]

CITE: [REDACTED]

TO: [REDACTED]

FOR: [REDACTED]

SUBJECT: EYES ONLY - DETAILS RE INITIAL CYCLE OF INTERROGATIONS OF
04 AUGUST 02 OF ABU ZUBAYDAH

REF: [REDACTED]

TEXT:

1. ACTION REQUIRED: -- PLEASE ENSURE THAT SUBSTANTIVE PORTIONS
OF INFORMATION BELOW ARE SHARED WITH FBI HQS [REDACTED]

[REDACTED]

[REDACTED]

2. SESSION I: FOLLOWING RECEIPT OF REF A HQS APPROVAL CABLE, THE FIRST SESSION OF THE AGGRESSIVE PHASE COMMENCED AT 1150 HOURS. THIS SESSION FOLLOWED ABU ZUBAYDAH (SUBJECT)'S 1033 HOURS DRESSING CHANGE AND SUBJECT'S COMPLETION OF HIS MEAL OF RICE AND BEANS. THE FIRST SESSION WENT EXACTLY AS EXPECTED AND DISCUSSED/SCRIPTED DURING THE 0900 HOURS [REDACTED] TEAM MEETING. THE 0900 HOURS MEETING WAS CONDUCTED ONCE ALL MEMBERS HAD READ AND REVIEWED REF A, WHICH OUTLINED HQS FORMAL APPROVAL CABLE TO PROCEED WITH THE NEXT PHASE OF INTERROGATIONS. DURING THE MEETING, PROCEDURAL STEPS WERE REVIEWED AND EVERYONE UNDERSTOOD THEIR RESPECTIVE ROLES WITHOUT ANY CONCERNS EXPRESSED. [REDACTED] HQS WILL BE CONSULTED (VIA [REDACTED] IF NECESSARY) SHOULD ANY MEMBER OF THE TEAM OR ON-SITE PERSONNEL SUGGEST/REQUEST THAT THE INTERROGATION BE HALTED FOR ANY REASON. HOWEVER, SHOULD A SITUATION ARISE THAT WOULD NECESSITATE AN IMMEDIATE DECISION BY BASE, THE FINAL DECISION MUST REST WITH BOTH COB AND THE SENIOR CTC OFFICER, AFTER CONSULTATIONS WITH ALL MEMBERS OF THE TEAM. BOTH COB AND THE SENIOR CTC OFFICER MUST BE IN AGREEMENT BEFORE ANY ACTION IS TAKEN; AND [REDACTED] HQS MUST BE ADVISED IMMEDIATELY.

3. AT 1150 HOURS SECURITY PERSONNEL WENT INTO THE CELL AND SHACKLED AND HOODED SUBJECT AND REMOVED SUBJECT'S TOWEL. WHEN THIS WAS ACCOMPLISHED IC SERE PSYCHOLOGIST (ICSP) ENTERED THE CELL. IC SERE PSYCHOLOGIST PLACED A ROLLED TOWEL BEHIND SUBJECT'S NECK AND BACKED SUBJECT UP TO THE CELL WALL. THE IC SERE PSYCHOLOGIST REMOVED SUBJECT'S HOOD, PERFORMED AN ATTENTION GRAB AND HAD SUBJECT WATCH WHILE THE LARGE CONFINEMENT BOX WAS BROUGHT INTO THE CELL AND LAID ON THE FLOOR. THE IC SERE PSYCHOLOGIST THEN DEMANDED THAT SUBJECT, PER REF B GUIDANCE, PROVIDE DETAILED AND VERIFIABLE INFORMATION ON OPERATIONS PLANNED AGAINST THE U.S., TO INCLUDE NAMES, PHONES NUMBERS, EMAIL ADDRESSES, WEAPONS CACHES, AND SAFEHOUSES OF ANYONE SUPPORTING TERRORIST OPERATIONS IN THE U.S. IN AN EFFORT TO DETERMINE SUBJECT'S COMPLETE COMPREHENSION OF THE SITUATION, IC SERE PSYCHOLOGIST HAD SUBJECT REPEAT THE KIND OF INFORMATION HE EXPECTED SUBJECT TO PROVIDE. SUBJECT ARTICULATED THAT HE NEEDED TO PROVIDE INFORMATION ON/ABOUT OPERATIONS AND PERSONS INVOLVED IN THESE OPERATIONS.

4. SUBJECT APPEARED APPREHENSIVE. SUBJECT SAID HE HAD ALREADY PROVIDED THE REQUIRED INFORMATION AND DENIED HAVING ADDITIONAL INFORMATION. SUBJECT RECEIVED INSULT SLAP AND FACE GRAB AT EACH POINT THAT HE DENIED HAVING ADDITIONAL INFORMATION. AS HIS DENIALS WERE EXPECTED, SUBJECT WAS AGAIN HOODED WHILE SECURITY OFFICERS STOOD THE BOX UPRIGHT AND SECURED IT TO THE CELL BARS. SUBJECT WAS BACKED INTO THE BOX AND PROVIDED THE CONTAINER FOR HIS WASTE, WATER, AND TOILET PAPER. SUBJECT'S HOOD WAS REMOVED AND HE WAS TOLD THIS WAS HIS NEW HOME UNTIL HE WAS PREPARED TO PROVIDE DETAILED AND VERIFIABLE INFORMATION ON OPERATIONS PLANNED AGAINST THE U.S.. THIS VERBAL DEMAND SERVES AS A BRIDGE TO THE NEXT SESSION OF INTERROGATION AND IS WHAT SUBJECT IS LEFT TO THINK ABOUT DURING HIS CONFINEMENT. SUBJECT

WAS THEN SHUT INTO THE LARGE CONFINEMENT BOX. THE FIRST SESSION LASTED APPROXIMATELY TEN MINUTES. [REDACTED]

5. AT 1230 HOURS [REDACTED] TEAM MEMBERS ASSISTED ICSP IN PUTTING UP THE "WALLING" WALL IN SUBJECT'S CELL. DURING THE PERIOD FROM 1200 HOURS UNTIL THE BEGINNING OF THE NEXT INTERROGATION SESSION AT 1645 HOURS SUBJECT APPEARED TO ADAPT TO HIS TIME IN THE CONFINEMENT BOX. DURING THE FIRST HOUR IN THE BOX SUBJECT SHOWED SIGNS OF DISTRESS BUT APPEARED TO ADAPT TO THIS ENVIRONMENT AFTER 4 HOURS. SUBJECT ALTERNATELY SPENT HIS TIME IN THE BOX SITTING AND STANDING.

6. AT 1630 HOURS [REDACTED] TEAM REGROUPED TO PREPARE FOR THE SECOND INTERROGATION SESSION. [REDACTED]

[REDACTED] AT 1645 HOURS SECURITY GUARDS ENTERED THE CELL WITH ICSP. IN A LOUD AND HARSH VOICE ICSP TOLD SUBJECT TO STAND AT THE FRONT OF THE BOX. THE CONFINEMENT BOX WAS OPENED AND SUBJECT STUMBLED OUT. SUBJECT HAD OBVIOUSLY BEEN MANIPULATING HIS BANDAGE AND THE REMAINING VESTIGE OF THE BANDAGE CAME COMPLETELY OFF WHEN HE LEFT THE BOX. ICSP TOLD SUBJECT TO STAND UP STRAIGHT AND PLACED A ROLLED TOWEL SUBJECT'S NECK. SUBJECT WAS THEN WALKED TO THE "WALLING" WALL. WHEN ICSP HAD SUBJECT SECURELY POSITIONED ON THE WALL AND THE SMALL CONFINEMENT BOX WAS PLACED INTO THE CELL THE SECURITY OFFICERS DEPARTED THE IMMEDIATE VICINITY OF THE CELL.

7. ICSP IMMEDIATELY TRANSITIONED SUBJECT INTO THE INTERROGATION PROCESS BY DEMANDING INFORMATION ON OPERATIONS PLANNED AGAINST THE U.S. AND DETAILS ABOUT THE NETWORK IN THE U.S. THAT WOULD SUPPORT THESE OPERATIONS. SUBJECT ATTEMPTED TO APPEAR SINCERE IN HIS RESPONSES. HE FEIGNED HELPLESSNESS AND A GENERALLY PATHETIC POSTURE. SUBJECT WAS TOLD TO COMPOSE HIMSELF AND BEHAVE IN A MORE DIGNIFIED MANNER. ON THE OCCASIONS WHEN SUBJECT AGAIN ATTEMPTED TO DENY KNOWLEDGE OF ANY ADDITIONAL INFORMATION THEN WHAT HE HAS PREVIOUSLY PROVIDED HE RECEIVED AN INSULT SLAP AND WAS PUSHED UP AGAINST THE "WALLING" WALL. SUBJECT WAS TOLD WE KNOW HE HAS MORE INFORMATION AND THAT HE ONLY HAD A FEW MINUTES AVAILABLE TO HIM BEFORE HIS SITUATION WOULD GET WORSE AND THAT HE WOULD FIND HIMSELF IN THE SMALL CONFINEMENT BOX. AT THE SAME TIME THAT ICSP WAS DELIVERING HIS VERY FIRM AND POINTED MESSAGE THAT THINGS WOULD CONTINUE TO GET WORSE FOR SUBJECT, THE LATTER WAS TOLD THAT AT ANY TIME SUBJECT COULD STOP THE SITUATION FROM GETTING WORSE BY PROVIDING THE REQUIRED INFORMATION. WHEN ICSP DETERMINED THAT SUBJECT DID NOT INTEND TO BE FORTHCOMING WITH ANY INFORMATION HE (ICSP) SIGNALLED THE GUARDS BACK IN AND SUBJECT WAS PUT INTO THE SMALL CONFINEMENT BOX. THE SESSION ENDED AT 1700 HOURS. [REDACTED]

[REDACTED] TEAM MEMBERS ASSESSED THAT SUBJECT DID NOT BEHAVE IN A TRUTHFUL MANNER DURING THIS SESSION.

8. SUBJECT REMAINED IN THE SMALL FOR ONE HOUR AND TEN MINUTES. SUBJECT SOUNDED MORE DISTRESSED AND DID NOT APPEAR TO ADAPT AS WELL TO HIS TIME IN THE SMALLER BOX. GUARDS AND BOTH ICSP'S ENTERED THE CELL AT 1809 HOURS. SUBJECT SCOOTED OUT OF THE BOX ON HIS HINDQUARTERS. HE WAS BROUGHT TO THE STANDING POSITION BY THE ICSP AND SECURITY GUARD. A ROLLED TOWEL WAS AGAIN PLACED BEHIND SUBJECT'S NECK AND HE WAS BACKED UP AGAINST THE "WALLING" WALL. GUARDS DEPARTED THE CELL AND THE TWO ICSP'S BEGAN TO DOUBLE TEAM SUBJECT WITH RAPID FIRE QUESTIONS ON WHAT SUBJECT KNOWS ABOUT OPERATIONS IN THE U.S. SUBJECT CONTINUED TO DENY ANY ADDITIONAL KNOWLEDGE. ICSP'S TOLD SUBJECT THEIR JOB WAS TO OBTAIN INFORMATION AND THAT IF SUBJECT DID NOT COOPERATE HE WAS ONLY GOING TO BRING MORE MISERY ONTO HIMSELF. AT 1815 HOURS SUBJECT WAS HOODED AND THE WATER BOARD WAS BROUGHT INTO THE CELL. AT 1820 HOURS THE WATER BOARD TECHNIQUE WAS APPLIED FOR THE FIRST TIME. THROUGHOUT THE PROCESS SUBJECT WAS ASKED AND GIVEN THE OPPORTUNITY TO RESPOND TO ICSP'S QUESTIONS ABOUT THREATS TO THE U.S. SUBJECT COUGHED AND VOMITED IN SMALL AMOUNTS BUT CONTINUED TO MAINTAIN HIS POSITION THAT HE DID NOT HAVE ANY ADDITIONAL INFORMATION OTHER THAN WHAT HE HAD ALREADY PROVIDED TO FBI SA [REDACTED] AND [REDACTED]. ICSP'S CAME OUT TO CONSULT WITH [REDACTED] TEAM MEMBERS. AT 1829, 1915, AND 2001 HOURS BETWEEN SESSIONS ON THE WATER BOARD. SUBJECT'S LAST SESSION ON THE WATER BOARD WAS BETWEEN 2050 AND 2053 HOURS. AT 2054 HOURS SUBJECT WAS MOVED INTO THE SMALL CONFINEMENT BOX. AT 2130 HOURS SUBJECT WAS MOVED FROM THE SMALL CONFINEMENT BOX TO THE LARGE CONFINEMENT BOX..

9. CURRENT STATUS: SUBJECT HAS NOT PROVIDED ANY NEW THREAT OR ELABORATED ON ANY OLD THREAT INFORMATION. [REDACTED]

[REDACTED] MEDICAL ASSESSMENT IS THAT SUBJECT REMAINS STABLE AND THAT HIS PHYSIOLOGIC CONDITION IS CLOSE TO NORMAL GIVEN HIS PRESENT CIRCUMSTANCES.

10. PLANS: SUBJECT WAS BRIDGED BACK INTO THE LARGE CONFINEMENT WITH THE DEMAND THAT HE PROVIDE TRUTHFUL AND VERIFIABLE INFORMATION ABOUT IMMINENT TERRORIST THREATS IN THE U.S. SUBJECT WILL SPEND THE REST OF THE EVENING IN THE LARGE CONFINEMENT BOX. INTERROGATIONS WILL RESUME MORNING OF 05 AUGUST 02.

[REDACTED]

12. CLARIFICATION RE SMALL CONFINEMENT BOX: [REDACTED] UNDERSTANDING THAT [REDACTED] SUPERSEDE THE ORIGINAL [REDACTED] PARAMETERS LIMITING THE USE OF THE SMALL CONFINEMENT BOX TO THREE TIMES. AS SUCH WE PLAN TO USE THE SMALL CONFINEMENT BOX AS OFTEN AS

NECESSARY, NOT TO EXCEED THE 2 HOUR LIMIT AT ANY ONE SESSION. UNLESS
OTHERWISE ADVISED, WILL PRESUME THAT OUR UNDERSTANDING IS CORRECT AND
WILL PROCEED AS SUCH. REGARDS.



END OF MESSAGE

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AUG 02

SUBJECT: EYES ONLY - DETAILS RE 05 AUGUST 02 CYCLE OF INTERROGATIONS
OF ABU ZUBAYDAH

2. [] HQS APPROVAL AND PER [] CONCURRENCE, 5
AUGUST 2002 INTERROGATION CYCLE COMMENCED AT 1012 HOURS. []

[] TEAM DISCUSSED STRATEGY FOR THE FIRST
SESSION OF THE DAY. MEDICAL STAFF PROVIDED GUIDANCE ABOUT WHAT IC
SERE PSYCHOLOGISTS AND [] TEAM MEMBERS SHOULD BE LOOKING FOR TO
HELP ASSESS ABU ZUBAYDAH (SUBJECT)'S GENERAL CONDITION IN THE COURSE
OF INTERROGATIONS. IC SERE PSYCHOLOGISTS WILL BE REFERRED TO AS
"INTERROGATORS" FOR THE PURPOSE OF THIS CABLE.

3. SUBJECT SPENT THE PREVIOUS EVENING IN THE LARGE CONFINEMENT
BOX. [] SUBJECT HAS ADAPTED TO THE LARGE BOX BUT
NONETHELESS, MEDICAL TEAM ON SITE REPORTED THAT OVER THE COURSE OF
THE NIGHT SUBJECT HAD A TOTAL OF ABOUT 10-20 MINUTES SLEEP. AT 1012
HOURS SECURITY TEAM AND INTERROGATORS ENTERED THE CELL AND SUBJECT
WAS TOLD TO STAND AND FACE THE DOOR. SUBJECT WAS LED TO THE
"WALLING" WALL AT WHICH TIME A ROLLED TOWEL WAS PLACED BEHIND
SUBJECT'S NECK. SUBJECT WAS ASKED WHAT HE REMEMBERED ABOUT
RATIONS IN THE U.S. FOLLOWING HIS TIME IN THE LARGE CONFINEMENT
BOX. WHEN SUBJECT DID NOT RESPOND HE WAS ASKED WHAT IT WAS THAT HE
WAS SUPPOSED TO REMEMBER. []

058-105

~~SECRET~~

[REDACTED]

4. AT 1235 HOURS THE GUARDS AND INTERROGATORS ENTERED THE CELL AND SUBJECT CAME OUT OF THE SMALL CONFINEMENT BOX AND WAS BROUGHT TO THE WALL. SUBJECT APPEARED TO SHOWS SIGNS OF DISTRESS IN THE SMALL BOX AFTER A PERIOD OF ONE HOUR. THE WATER BOARD WAS PARTIALLY IN SUBJECT'S VIEW WHEN HE WAS BROUGHT TO THE "WALLING" WALL THIS SESSION. THE INITIAL SIGHT OF THE WATER BOARD PROVOKED AN OBVIOUS NEGATIVE REACTION IN SUBJECT. [REDACTED]

[REDACTED]

[REDACTED] SUBJECT WAS TOLD THAT HE MIGHT BE ABLE TO DO A BETTER JOB ON THE WATER BOARD THEN AT THE WALL. AT 1254 HOURS THE WATER BOARD WAS BROUGHT INTO THE CELL. WHILE LYING ON THE WATER BOARD AND WITHOUT ANY APPLICATION OF WATER [REDACTED]

[REDACTED]

5. INTERROGATORS RETURNED TO THE CELL AT 1320 HOURS AND TRANSITIONED INTO A MODE OF QUESTIONING ON THE "REAL OPERATION PLANNED AGAINST THE U.S." THE WATER BOARD TREATMENT BEGAN AT 1323 HOURS. AT 1329 HOURS INTERROGATORS LEFT THE CELL AND TOLD SUBJECT TO THINK ABOUT WHAT INFORMATION SUBJECT HAD NOT TOLD HIS EARLIER INTERROGATORS. SUBJECT REMAINED ON THE WATER BOARD. [REDACTED]

[REDACTED]

6. AT 1408 HOURS INTERROGATORS RETURNED TO THE CELL AND BEGAN THE WATER BOARD TECHNIQUE WITHOUT ASKING ANY QUESTIONS. SUBJECT PLED AND SPIT UP WATER BUT HE DID NOT PROVIDE ANY INFORMATION. AT 1420 HRS SUBJECT WAS TAKEN OFF THE WATER BOARD AND HANDCUFFED TO A WHITE PLASTIC PATIO CHAIR; WHICH IN THE PAST HAS CAUSED HIM GREAT DISCOMFORT. A COLLECTIVE DECISION WAS MADE TO RANDOMIZE THE ENTIRE RANGE OF TECHNIQUES TO APPLY AGAINST SUBJECT IN ORDER TO DISLOCATE [REDACTED]

[REDACTED]

P.S.R.-106

~~SECRET~~

HIS EXPECTATIONS, RATHER THAN TO ATTEMPT TO CHANGE THE LINE OF QUESTIONING, WHICH FROM THE BEGINNING, WAS NARROWLY FOCUSED AND SOLELY DESIGNED TO ESTABLISH WHAT SUBJECT KNOWS ABOUT OPERATIONS IN U.S. PER HQS GUIDANCE.

7. AT 1447 HOURS SECURITY TEAM AND INTERROGATOR ENTERED THE CELL. SUBJECT WAS BROUGHT TO THE WALL, A ROLLED TOWEL WAS PLACED BEHIND SUBJECT'S NECK AND AN ATTENTION GRAB WAS PERFORMED. [REDACTED]

[REDACTED] AT 1500 HOURS SUBJECT ENTERED THE SMALL CONFINEMENT BOX [REDACTED]

8. AT 1611 HOURS SECURITY TEAM WENT INTO THE CELL, REMOVED SUBJECT FROM THE SMALL BOX, HOODED HIM AND THEN PLACED HIM AT THE "WALLING" WALL. AN INTERROGATOR ENTERED THE ROOM AND WITHOUT SPEAKING FORCEFULLY WALLED SUBJECT INTERMITTENTLY FOR 1 MINUTE. AT 1616 HOURS SUBJECT WHILE STILL HOODED WAS PUT IN A STRESS POSITION. SUBJECT WAS SEATED ON THE FLOOR WITH LEGS EXTENDED AND ARMS OVER HIS HEAD. SUBJECT'S HANDS WERE SHACKLED AND HIS LEGS WERE ANCHORED TO THE BARS OF THE CELL. SUBJECT HAD GREAT DIFFICULTY WITH THIS POSITION AND AT 1706 HOURS SUBJECT WAS MOVED BACK INTO THE SMALL CONFINEMENT BOX. AT NO TIME IN THIS PROCESS DID SUBJECT VOLUNTEER INFORMATION. AT 1823 HOURS SUBJECT WAS MOVED FROM THE SMALL BOX TO THE LARGE CONFINEMENT BOX.

9. AT 2005 HOURS SUBJECT WAS REMOVED FROM THE LARGE CONFINEMENT BOX. HE WAS HOODED AND IMMEDIATELY PROCEEDED TO THE WATER BOARD. SUBJECT'S HOOD WAS REMOVED AND INTERROGATORS WAITED FOR SUBJECT TO VOLUNTEER INFORMATION. [REDACTED]

[REDACTED] IN THE COURSE OF THIS ROUND ON THE WATER BOARD SUBJECT VOMITED, AFTER WHICH SUBJECT WAS MOVED FROM THE WATER BOARD AND PLACED IN A STRESS POSITION ON THE FLOOR. AT 2119 HOURS SUBJECT WAS SEATED ON THE FLOOR WITH LEGS EXTENDED AND ARMS OVER HIS HEAD. INTERROGATORS CONTINUED QUESTIONING SUBJECT. AT 2125 HOURS SUBJECT WAS THEN MOVED INTO THE SMALL BOX.

10. AT 2205 HOURS SUBJECT WAS REMOVED FROM THE SMALL BOX AND WAS MOVED ONTO THE WALL. SUBJECT WAS GIVEN A BRIDGE AS HE WAS PUT INTO THE LARGE CONFINEMENT BOX. THE ESSENCE OF THE BRIDGE WAS THAT THERE THAT THERE WAS SOMETHING HE DID NOT WANT US TO KNOW AND THAT WHEN WE OPENED THE DOOR NEXT TIME, SUBJECT IS GOING TO TELL US WHAT THAT WAS. SUBJECT WAS PUT IN THE LARGE BOX AT 2207 HOURS.

11. CURRENT STATUS: SUBJECT HAS NOT PROVIDED ANY NEW THREAT INFORMATION OR ELABORATED ON ANY OLD THREAT INFORMATION. [REDACTED] TEAM ASSESSES THAT, SINCE THE LAST REPORTING PERIOD, THERE HAS BEEN A NOTICEABLE SHIFT IN SUBJECT'S BEHAVIOR. SUBJECT HAS BECOME MORE PLIANT AND HIS PREVIOUS PERSISTENT PROTESTATIONS HAVE BECOME PERSISTENT DENIALS. BASED ON THE LAST SESSION, HOWEVER, THERE STILL APPEARS TO BE AREAS THAT SUBJECT IS WITHHOLDING INFORMATION ON -- WE HAVE NOT PINPOINTED WHAT THOSE AREAS ARE. SUBJECT'S MEDICAL CONDITION IS STABLE.

058-107

~~SECRET~~

12. PLANS: SUBJECT WILL REMAIN IN THE LARGE CONFINEMENT BOX WITH HIS SLEEP DISRUPTED THROUGHOUT THE NIGHT UNTIL INTERROGATIONS BEGIN MORNING OF 6 AUGUST 02. THIS IS TO ALLOW SUBJECT A CHANCE TO SUME ENSURE AND FLUIDS IN ORDER TO FACILITATE THE INTERROGATION PROCESS.

13. REQUEST FOR CLARIFICATION: CONSISTENT WITH THE TWO HOUR TIME LIMIT ON THE SMALL CONFINEMENT BOX, UNLESS OTHERWISE ADVISED WE WILL PRESUME THAT SUBJECT CANNOT SPEND MORE THAN 18 HOURS IN THE LARGE CONFINEMENT BOX AT ONE TIME.

END OF MESSAGE

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CS8-108

~~TOP SECRET~~

E

061558Z AUG 02

10594

SUBJECT: EYES ONLY - DETAILS RE 06 AUGUST 02 CYCLE OF INTERROGATIONS
OF ABU ZUBAYDAH

TEXT:

1. ACTION REQUIRED: PLEASE ENSURE THAT SUBSTANTIVE PORTIONS
OF INFORMATION BELOW ARE SHARED WITH FBI HQS MARKED ATTENTION:

2. DAY THREE OF THE ENHANCED INTERROGATION PHASE COMMENCED AT 1042 HOURS. ABU ZUBAYDAH (SUBJECT) SPENT THE PREVIOUS EVENING IN THE LARGE CONFINEMENT BOX. PER THE CURRENT INTERROGATION STRATEGY SUBJECT'S SLEEP CONTINUES TO BE DISRUPTED THROUGHOUT THE NIGHT. AT 1042 HOURS THE GUARDS AND IC SERE PSYCHOLOGISTS (INTERROGATORS) ENTERED THE CELL AND SUBJECT WAS TAKEN OUT OF THE LARGE BOX. AS DISCUSSED DURING THE 0900 HOURS STAFF MEETING, [] TEAM MEMBERS IN CONSULTATION WITH THE MEDICAL STAFF CRAFTED A SCENARIO IN WHICH SUBJECT COULD CLEAN HIS EXPOSED WOUND WITHOUT DISRUPTING THE INTERROGATION PROCESS. FYI: AS PREVIOUSLY REPORTED, SUBJECT'S BANDAGE CAME COMPLETELY OFF WITHIN THE FIRST 4 HOURS OF THE ENHANCED PHASE OF INTERROGATION. THE GUARDS SWAPPED OUT SUBJECT'S WRIST SHACKLES, FOR A CLEAN PAIR, SINCE THEY OCCASIONALLY COME INTO CONTACT WITH THE EXPOSED WOUND. SUBJECT WAS BROUGHT TO THE "WALLING" WALL.

~~TOP SECRET~~

1258-109

~~TOP SECRET~~

A ROLLED TOWEL WAS PLACED BEHIND SUBJECT'S NECK. WHEN ASKED WHAT WAS THE ONE THING SUBJECT DID NOT WANT US TO KNOW, SUBJECT DENIED HE WAS WITHHOLDING ANY INFORMATION. SUBJECT RECEIVED AN INSULT SLAP. SUBJECT WAS "WALLED" WHEN HE DENIED HAVING ANY INFORMATION TO STOP OPERATIONS AGAINST THE U.S.

3. THE INTERROGATORS DEMANDED THAT SUBJECT CLEAN HIS WOUND AS THEY HAD NO INTEREST IN GETTING ANY EXUDATE FROM HIS WOUND OR ANY OTHER OF HIS BODILY FUNCTIONS ON OR NEAR THEM. SUBJECT WAS PROVIDED 6 GAUZE PADS SOAKED IN BETADINE SOLUTION AND WAS TOLD IN A FIRM AND PERFUNCTORY MANNER THAT HE ONLY HAD A FEW MINUTES TO TAKE CARE OF HIMSELF. SUBJECT WAS TOLD THE PEOPLE WHO WERE FORMERLY TAKING CARE OF HIM HAD LEFT THE PREMISES AND THAT SUBJECT WAS TO GET THE JOB DONE AND NOT WASTE THE INTERROGATORS TIME. IMMEDIATELY FOLLOWING THIS BRIEF INTERLUDE, SUBJECT WAS WALLED WITH THE QUESTION, "WHAT IS IT THAT YOU DO NOT WANT US TO KNOW?" SUBJECT CONTINUED TO DENY THAT HE HAD ANY INFORMATION. AT 1110 HOURS THE INTERROGATOR WALKED SUBJECT INTO THE LARGE CONFINEMENT BOX AND PERFORMED AN ATTENTION GRAB. SUBJECT WAS BRIDGED INTO THE BOX WITH THE FOLLOWING PHRASE: WHAT INFORMATION DID SUBJECT HAVE AT THE TIME OF HIS ARREST WHICH WOULD STOP OPERATIONS.

4. AT 1130 HOURS SUBJECT WAS TAKEN OUT OF THE LARGE CONFINEMENT BOX AND HOODED. HE WAS BROUGHT TO THE "WALLING" WALL AND IN AN EFFORT TO CONTINUE TO DISLOCATE HIS EXPECTATIONS SUBJECT WAS LEFT STANDING HOODED IN THE PRESENCE OF THE GUARDS UNTIL 1209 HOURS. AT THAT TIME THE SECURITY TEAM MOVED SUBJECT BACK TO THE LARGE BOX, REMOVED THE HOOD, POINTED TO HIS WASTE BUCKET AND PLACED HIM BACK IN THE BOX. THE SECURITY TEAM HAD BEEN INSTRUCTED WITH THIS MOTION IN AN ATTEMPT TO GET SUBJECT TO RELIEVE HIS BLADDER.

5. AT 1246 HOURS THE INTERROGATORS BROUGHT THE WATER BOARD INTO THE CELL. THE LARGE BOX WAS OPENED AND SUBJECT WAS HOODED. SUBJECT'S HOOD WAS REMOVED AND SUBJECT MOVED ONTO THE WATER BOARD WITH NO RESISTANCE. SUBJECT BEGAN CRYING AS HE WAS TOLD THAT WE WANTED INFORMATION TO STOP OPERATIONS AGAINST THE U.S. SUBJECT WAS TOLD THAT HE COULD STOP THE PROCESS AT ANY TIME. SUBJECT CONTINUED WITH HIS APPEAL THAT HE HAS TOLD ALL THAT HE HAS AND MUTTERED "HELP ME".

BETWEEN 1250 AND 1315 THE WATER BOARD TECHNIQUE WAS APPLIED NUMEROUS TIMES. SUBJECT WAS PUT INTO THE LARGE BOX AT 1317 AND TAKEN BACK OUT AT 1321 HOURS AND PLACED ON THE WATER BOARD IN A SITTING POSITION. SUBJECT APPEARED DESPONDENT AND SAT HUNCHED OVER AT THE END OF THE BOARD AND CRIED IN AN APPARENTLY GENUINE FASHION. SUBJECT CONTINUED TO SAY THAT AFTER HE HAD PRAYED HE WAS TELLING THE TRUTH IN AN EFFORT TO SAVE HIMSELF AND HIS BROTHERS. AT 1326 HOURS SUBJECT WAS PUT BACK IN THE LARGE CONFINEMENT BOX.

6. AT 1629 HOURS, THE TEAM ENTERED THE CELL AND OPENED THE BOX. THE INTERROGATOR GAVE THE SAME BRIDGE WHICH SUBJECT WAS LEFT WITH WHEN HE WAS PUT IN THE BOX REGARDING OPERATIONS AGAINST THE UNITED STATES AND WHAT INFORMATION HE HELD BACK FROM THE PREVIOUS INTERROGATORS. SUBJECT HAD NO RESPONSE, AND WAS LED FROM THE BOX TO THE WATER BOARD AND AGAIN ASKED THE BRIDGE. SUBJECT STARTED CRYING AND CLAIMED HE HAD GIVEN US EVERYTHING. SUBJECT WAS INFORMED HE NEEDED TO START GIVING NEW INFORMATION IN ORDER TO STOP THE WATER TREATMENT; HE WAS WARNED NOT TO MANUFACTURE INFORMATION.

~~TOP SECRET~~

200-114

~~TOP SECRET~~

7. [REDACTED]

[REDACTED] SUBJECT WAS
TRANSITIONED BACK TO THE LARGE BOX AT 1754 HOURS [REDACTED]

8. CURRENT STATUS: AFTER THREE DAYS OF THE AGGRESSIVE INTERROGATION PHASE, SUBJECT HAS FAILED TO PROVIDE ANY NEW INFORMATION REGARDING IMMINENT THREATS OR ATTACKS AGAINST THE US. AT THE RISK OF STATING THE OBVIOUS, THERE ARE POTENTIALLY TWO REASONS FOR HIS FAILURE TO PROVIDE SUCH INFORMATION: (A) SUBJECT KNOWINGLY POSSESSES ACTIONABLE INTELLIGENCE INFORMATION AND CONTINUES TO CONCEAL THIS INFORMATION DESPITE THE SIGNIFICANT ESCALATION OF THE INTERROGATION PROCESS OR (B) SUBJECT HAS NO SIGNIFICANT ADDITIONAL INFORMATION DIRECTLY RELATED TO THREATS/ATTACKS AGAINST THE UNITED STATES, BEYOND THAT WHICH HE HAS ALREADY PROVIDED, BUT MAY BE WITHHOLDING INFORMATION RELATED TO PAST OPERATIONS AND/OR ACTIVITIES NFI. WISH TO UNDERSCORE THAT IN THE OPINION OF [REDACTED] TEAM MEMBERS IT IS PREMATURE IN THE NEW INTERROGATION PHASE TO ADEQUATELY DISCERN WHICH RATIONALE (ITEM A OR B) IS THE CORRECT REASON FOR THE LACK OF NEW INFORMATION.

SUBJECT'S MEDICAL CONDITION IS STILL STABLE GIVEN THE PRESENT CIRCUMSTANCES.

9. PLANS: SUBJECT WILL REMAIN IN THE LARGE CONFINEMENT BOX WITH HIS SLEEP DISRUPTED THROUGHOUT THE NIGHT UNTIL INTERROGATIONS RESUME MORNING OF [REDACTED] AUGUST 02. THIS IS TO ALLOW SUBJECT A CHANCE TO CONSUME ENSURE AND FLUIDS IN ORDER TO FACILITATE THE INTERROGATION PROCESS.

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100-111

~~TOP SECRET~~



END OF MESSAGE

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200 111

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TOR: [] AUG 02 []

~~SECRET~~ []

AUG 02 []

CITE []

SUBJECT: EYES ONLY - DETAILS RE 07 AUGUST 2002 CYCLE OF INTERROGATIONS OF ABU ZUBAYLAH

TEXT:

1. ACTION REQUIRED: NONE.

2. DAY FOUR OF THE AGGRESSIVE INTERROGATION PHASE COMMENCED ON 7 AUGUST 2002 AT 0949 HOURS LOCAL TIME. ((ABU ZUBAYDAH)) (SUBJECT) SPENT THE PREVIOUS EVENING IN THE LARGE CONFINEMENT BOX. PER THE CURRENT INTERROGATION STRATEGY SUBJECT'S SLEEP CONTINUES TO BE DISRUPTED THROUGHOUT THE NIGHT. THE INTERROGATION TEAM ENTERED THE CELL, THE DOOR TO THE LARGE CONFINEMENT BOX WAS OPENED AND THE INTERROGATOR ASKED SUBJECT WHETHER HE HAD BEEN THINKING DURING HIS TIME IN THE BOX. SUBJECT HAD NO RESPONSE AND WAS LED TO THE WALLING WALL. AS PART OF THE STRATEGY FOR THIS SESSION, THE WATER BOARD WAS PLACED IN THE CELL DOOR WHERE SUBJECT COULD EASILY SEE IT. []

[] USING THE ROLLED TOWEL/NECK SUPPORT, THE INTERROGATOR INTERMITTENTLY WALLIED SUBJECT AND TURNED SUBJECT'S HEAD TOWARD THE WATER BOARD, TELLING SUBJECT THAT HIS (THE INTERROGATOR'S) JOB IS TO EITHER PUT SUBJECT ON THE WATER BOARD OR GET INFORMATION FROM SUBJECT TO STOP OPERATIONS AGAINST THE UNITED STATES. [] []

Page 1

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AT 1000 HOURS, SUBJECT WAS PUT IN THE SMALL CONFINEMENT BOX

WHILE IN THE SMALL CONFINEMENT BOX, SUBJECT WAS HEARD RECITING A LITANY OF PRAYERS IN ARABIC. SUBJECT MURMURED FREQUENTLY TO HIMSELF AND MAY HAVE POSSIBLY BEEN CRYING AT TIMES.

3. AT 1115 HOURS, SUBJECT WAS REMOVED FROM THE SMALL BOX. THE INTERROGATOR WAS HOLDING THE NECK BRACE/COLLAR--USED WHEN SUBJECT IS PUT ON THE WATER BOARD--AND ALSO HOLDING THE ROLLED TOWEL/NECK SUPPORT, WHICH IS USED WHEN SUBJECT IS PUT AGAINST THE WALLING WALL. SUBJECT WAS ASKED TO CHOOSE WHICH ONE SHOULD THE INTERROGATOR USE; SUBJECT DID NOT PICK ONE. THE INTERROGATOR SAID THEY WOULD START WITH THE NECK SUPPORT (I.E., THE WALLING WALL) AND WOULD USE THE COLLAR (BOARD) LATER. SUBJECT WAS LED TO THE WALLING WALL

INTERROGATOR BRIEFLY "WALLED" SUBJECT AND USED AN INSULT SLAP AS SUBJECT APPEARED SOMEWHAT DEFIANT. THE NECK COLLAR FOR THE WATER BOARD WAS THEN PLACED AROUND SUBJECT'S NECK AND THE INTERROGATOR MOTIONED FOR THE SECURITY TEAM TO ROLL IN THE WATER BOARD. SUBJECT WAS MOVED TO AN ADJACENT WALL (TO ALLOW SECURITY TEAM TO ROLL IN BOARD)

AND THEN MOVED TO THE WATER BOARD AT 1123 HOURS. AS THE STRAPS WERE PUT IN PLACE, SUBJECT SAID HE WANTED TO STOP THIS (HIS TREATMENT). THE INTERROGATOR TOLD HIM HE COULD STOP IT AT ANY TIME BY PROVIDING THE INFORMATION SOUGHT, EVEN STARTING WITH JUST ONE PIECE OF THE OPERATION(S). SUBJECT WAS ALSO WARNED NOT TO MAKE UP AN ANSWER. SUBJECT BEGAN TO WHIMPER AND WAS VISIBLY TREMBLING; HE CONTINUED TO DENY HE HAD ANY NEW INFO TO GIVE,

AT 1128 HOURS, THE INTERROGATORS INITIATED THE WATER TREATMENT, WHICH CONTINUED ON AND OFF FOR THE NEXT FEW MINUTES, INTERSPERSED WITH QUESTIONING

4. THE INTERROGATORS RETURNED TO THE CELL AT 1157 HRS AND NOTED THAT SUBJECT'S DISTRESS LEVEL INCREASED THE MOMENT THE TEAM ENTERED

Page 2

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THE CELL, A SIGN THAT THE CONDITIONING STRATEGY WAS WORKING. TO DISRUPT SUBJECT'S EXPECTATIONS, INTERROGATORS IMMEDIATELY BEGAN TO APPLY THE WATER TREATMENT. THE INTERROGATORS AGAIN EXITED THE CELL, AND LEFT SUBJECT ON THE TABLE (TO VARY ROUTINE), AGAIN WITH HIS EYES COVERED. THIS ALLOWED ONE OF THE MEDICAL TEAM MEMBERS, DRESSED UP AS A GUARD, TO INSPECT SUBJECT'S LEG WOUND UP CLOSE WITHOUT SUBJECT'S KNOWLEDGE GIVEN THAT WE HAD PASSED THE 72 HOUR MARK SINCE LAST DRESSING CHANGE. THE MEDICAL OFFICER THEN LEFT THE CELL TO BRIEF THE TEAM ON STATUS OF SUBJECT'S WOUND, AND THE TEAM DEVISED A STRATEGY ON HOW BEST TO ACCOMPLISH A DRESSING CHANGE WITHOUT NEGATIVELY IMPACTING THE INTERROGATION STRATEGY. AT 1230 HOURS, THE INTERROGATION TEAM REENTERED THE CELL, AND COVERED SUBJECT'S ENTIRE FACE WITH THE CLOTH, BUT DID NOT APPLY THE TREATMENT. SUBJECT BEGAN MURMURING, SOMETIMES IN ARABIC. THE INTERROGATOR WARNED SUBJECT NOT TO ACT CRAZY LIKE HE DID WHEN THE PAKISTANIS HAD HIM IN CUSTODY (1994). SUBJECT SAID IN ARABIC THAT HE NEEDED OXYGEN (WHEN THE WATER TREATMENT IS APPLIED) AND THEN REPEATED IT IN ENGLISH. SUBJECT CLAIMED THAT HE WAS NOT CRAZY. SUBJECT WAS UNSTRAPPED FROM THE WATER BOARD AND TOLD TO SIT UP.

THEN, AS PLANNED WITH THE MEDICAL TEAM MEMBERS, THE INTERROGATOR MADE A REMARK ABOUT THE STATE OF SUBJECT'S WOUND AND REMINDED HIM THAT HE HAD BEEN WARNED NOT TO TEAR OFF THE ORIGINAL BANDAGE THAT HAD BEEN APPLIED WHEN THE AGGRESSIVE INTERROGATION PHASE BEGAN. SUBJECT WAS PUT IN THE LARGE BOX AT 1237 HOURS WITH THE DOOR OPEN. THE INTERROGATORS LEFT THE CELL, AND THE SECURITY TEAM, INCLUDING THE MEDICAL OFFICER STILL DRESSED UP AS A SECURITY TEAM MEMBER, BROUGHT SUBJECT BETADINE AND BANDAGES FOR SUBJECT TO APPLY TO HIS WOUND. ONE INTERROGATOR RETURNED TO INDICATE TO THE SECURITY TEAM TO REMOVE SUBJECT'S HANDCUFFS LONG ENOUGH TO APPLY THE DRESSING. SUBJECT APPLIED THE DRESSING CHANGE, AND AT 1246 HOURS, SECURITY TEAM REATTACHED THE HANDCUFFS AND LOCKED SUBJECT IN THE LARGE BOX, ALONG WITH HIS WASTE BUCKET, AND BOTTLES OF WATER AND ENSURE.

5. IN ORDER TO DISRUPT THE CYCLE OF PLACING SUBJECT IN THE LARGE BOX OVERNIGHT, AS HAD BEEN DONE THE PREVIOUS TWO EVENINGS, THE TEAM CHANGED THE TIMING BY LEAVING SUBJECT IN THE LARGE BOX FOR SEVERAL HOURS DURING THE AFTERNOON, AND AGAIN RESUMED INTERROGATIONS AT 2131 HOURS. RESULTS OF THE 2131 HOURS SESSION WILL BE REPORTED SEPARATELY.

END OF MESSAGE

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Page 3

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TOR: [] AUG 02 []

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CITE []

SUBJECT: EYES ONLY - DETAILS OF 8 AUGUST 2002 CYCLE OF
INTERROGATIONS OF ABU ZUBAYDAH

TEXT:

1. ACTION REQUIRED: PLEASE SEE 8 AUGUST 2002 [] TO BE
SENT SEPARATELY, FOR ADDITIONAL COMMENTS REGARDING OUTCOME AND
ASSESSMENT OF THE BELOW INTERROGATION SESSIONS.

2. DAY FIVE OF THE AGGRESSIVE INTERROGATION PHASE COMMENCED AT
1031 HOURS LOCAL TIME. ((ABU ZUBAYDAH)) (SUBJECT) SPENT THE PREVIOUS
EVENING IN THE LARGE CONFINEMENT BOX. PER THE CURRENT INTERROGATION
STRATEGY SUBJECT'S SLEEP CONTINUES TO BE DISRUPTED THROUGHOUT THE
NIGHT. THE SECURITY TEAM NOTED THAT SUBJECT MANAGED TO OCCASIONALLY
NAP, THOUGH NO LONGER THAN 20 MINUTES AT A TIME.

3. AT 1032 HOURS, THE SECURITY TEAM HOODED SUBJECT, TOOK HIM
OUT OF THE LARGE CONFINEMENT BOX, AND PLACED HIM AGAINST THE WALLING
WALL. ONE OF THE INTERROGATORS REMOVED THE HOOD AND THE SECURITY
TEAM LEFT THE CELL. THE INTERROGATOR WRAPPED THE ROLLED TOWEL/NECK
PORT AROUND SUBJECT'S NECK []

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Page 1

~~SECRET~~

SUBJECT WAS WALLED WHEN HE BEGAN TO DENY ANY KNOWLEDGE OF
CURRENT/FUTURE OPS [REDACTED]

[REDACTED] INTERROGATORS TOLD SUBJECT HE
WAS STALLING, AND SIGNALLED FOR THE SECURITY TEAM TO ROLL IN THE WATER
BOARD (AT 1045 HOURS). SUBJECT WAS TAKEN TO AN ADJACENT WALL AS THE
SECURITY TEAM BROUGHT IN THE WATER BOARD [REDACTED]
[REDACTED]

4. SUBJECT WAS TOLD TO SIT DOWN ON THE WATER BOARD. SUBJECT
WAS RELUCTANT TO LIE BACK AND BEGAN TO PLEAD THAT HE HAD NOTHING NEW
TO GIVE. THE INTERROGATORS CUT HIM OFF AND TOLD HIM TO LIE DOWN.
THE TEAM SAW A NOTICEABLE CHANGE IN SUBJECT'S BREATHING PATTERN WHEN
IT BECAME MORE RAPID AS HE WAS STRAPPED ONTO THE BOARD. SUBJECT
BEGAN TO CRY AND AGAIN PLEADED HIS DENIALS. SUBJECT WAS TOLD THAT
DESPITE THE INTERROGATORS' EFFORTS TO GIVE HIM IDEAS OF THE KIND OF
INFORMATION WE WANTED, HE CONTINUED TO DENY. [REDACTED]

[REDACTED] AT 1053 HOURS, THE FIRST OF TWO WATER
TREATMENTS WAS APPLIED. THE BOARD WAS IMMEDIATELY ELEVATED IN ORDER
TO CLEAR SUBJECT'S AIR PASSAGE. DURING THIS AND THE SECOND WATER
TREATMENT, SUBJECT RAISED HIS VOICE IN ADAMANT DENIALS, AND
INTERRUPTED INTERROGATORS WITH THESE DENIALS EVEN AS MORE WATER WAS
APPLIED. [REDACTED]

[REDACTED] SUBJECT WAS REMINDED
THAT HE HAD THE CHOICE TO STOP THIS TREATMENT AT ANY TIME BY
[REDACTED] PROVIDING THE INFORMATION WE SOUGHT, THAT HE SHOULD NOT WASTE OUR
TIME WITH DENIALS, AND THAT HE BETTER NOT TELL ANY LIES. SUBJECT
CONTINUED TO CRY.

Page 2

~~SECRET~~

~~SECRET~~

5. AT 1057 HOURS, SUBJECT WAS UNSTRAPPED AND TOLD TO SIT UP.

SUBJECT WAS TOLD TO GET OFF THE BOARD, AND TOLD TO SIT ON THE FLOOR IN FRONT OF THE SMALL BOX. SUBJECT WAS THEN INSTRUCTED TO GET INTO THE SMALL BOX, WHICH HE DID AT 1059 HOURS.

6. AS NOTED IN THE 8 AUGUST [REDACTED] BETWEEN 1100 AND 1637 HOURS, SUBJECT WAS MOVED IN AND OUT OF THE LARGE AND SMALL BOXES, MADE TO STAND AGAINST THE WALL, OR SIT IN A STRESS POSITION. IN LIGHT OF SUBJECT'S RESPONSE TO THE MORNING SESSION, AND IN ORDER TO TITRATE THE PRESSURES ON SUBJECT TO PREVENT SEVERE AND PROLONGED MENTAL HARM, THE TEAM DECIDED FOR THE AFTERNOON SESSION (1637-1657 HRS) TO PLACE SUBJECT ON THE WATER BOARD BUT NOT APPLY ANY WATER.

| MORE SPECIFICALLY:

AT 1637 HOURS, SUBJECT WAS TAKEN OUT OF THE LARGE BOX BY THE SECURITY TEAM AND IMMEDIATELY PLACED ON THE WATER BOARD. SUBJECT EXHIBITED HEAVY BREATHING AS HE WAS STRAPPED DOWN ON THE BOARD, AND REPEATEDLY DENIED KNOWING ANY INFORMATION, CLAIMING, "I TRY, I TRY."

SUBJECT CONTINUED WITH THE SAME LEVEL OF DENIALS REGARDING KNOWLEDGE OF FUTURE THREATS AGAINST THE UNITED STATES, WHILE MANIFESTING THE SAME DEGREE OF DESPAIR AND HELPLESSNESS AS DISPLAYED DURING THE MORNING SESSION.

| SUBJECT WAS RESTRAPPED TO THE

WATER BOARD.

| SUBJECT ADMITTED |

THAT HE COULD TELL US ANYTHING WE WANTED TO KNOW ABOUT ALL THE PREVIOUS OPERATIONS, BUT STILL MAINTAINED THAT HE DID NOT HAVE ANY INFORMATION REGARDING CURRENT THREATS/OPERATIONS PLANNED. SUBJECT FURTHER STATED THAT HE TRAINED OPERATIVES, THAT HE HAD GIVEN \$50,000 TO BIN LADIN, AND THAT HE HAD \$100,000 READY FOR OPERATIONS AGAINST ISRAEL AT THE TIME OF HIS ARREST, BUT HE DID NOT KNOW ANY NEW INFORMATION. SUBJECT SAID THAT ANYTHING HE KNEW, HE WOULD TELL US.

Page 3

~~SECRET~~

~~SECRET~~

[REDACTED]

SUBJECT WAS THEN TOLD TO GET INTO THE SMALL BOX, WHICH HE DID AT 1657 HOURS.

7. SUBJECT STAYED IN THE SMALL BOX FOR TWO HOURS AND WAS THEN TRANSITIONED BACK TO THE LARGE BOX. IN ORDER TO KEEP WITHIN THE GUIDELINES OF NOT EXCEEDING 18 TOTAL HOURS WITHIN A 24 HOUR PERIOD, THE PLAN IS FOR THE SECURITY TEAM TO BRING SUBJECT OUT OF THE LARGE BOX AT 2317 HOURS (THE END OF THE 24 HOUR PERIOD), AND SIT HIM ON THE FLOOR HOODED UNTIL APPROXIMATELY 0200 HOURS. AT THAT TIME, THE SECURITY TEAM WILL PLACE BOTTLES OF WATER AND ENSURE IN THE LARGE BOX, AND PLACE SUBJECT BACK IN THE LARGE BOX UNTIL THE NEXT INTERROGATION SESSIONS COMMENCE.

8. PLEASE SEE THE [REDACTED] FOR 8 AUGUST, TO BE SENT SEPARATELY, FOR ADDITIONAL [REDACTED] TEAM ASSESSMENT OF SUBJECT'S BEHAVIOR DURING TODAY'S SESSIONS.

[REDACTED]

END OF MESSAGE

~~SECRET~~

[REDACTED]

Page 4

~~SECRET~~

Cable traffic describing the torture of Abu Zubaydah was clear that practice at the site may not be in full compliance with the legal authorisations from the DoJ, with Jose Rodriguez, Director of CTC, emailing midway through to ‘strongly urge that any speculative language as to the legality of given activities or, more precisely, judgment calls as their legality vis-à-vis operational guidelines... be refrained from in written traffic (email or cable traffic). Such language is not helpful.’⁵⁸ Nonetheless, despite the devastating effects of the torture on Abu Zubaydah, and its likely violation of the approved guidelines, the interrogators were urging that ‘the aggressive phase at [DETENTION SITE GREEN] should be used as a template for future interrogation of high value captives.’⁵⁹

Officials did not have to wait long. Abu Zubaydah was joined by a second detainee, Abd al-Rahim al-Nashiri, who was rendered to the site on 15 November 2002 (**Circuit 14**). While in Thailand, al-Nashiri was kept naked and shackled, and was ‘threatened with sodomy, and with the arrest and rape of his family.’⁶⁰ By this point, Gina Haspel (now Director of the CIA) was in post as Chief of Base for the Thai site, and oversaw al-Nashiri’s torture.⁶¹ CIA records document his torture at this site, including the use of the waterboard on multiple occasions from 27 November.⁶² Authorisation for this was granted for use immediately upon his arrival, and was conducted by Mitchell and Jessen, who had ‘successfully used these measures against Abu Zubaydah.’⁶³ Cables recently released document al-Nashiri’s torture in some detail, including the use of confinement boxes and the waterboard over a number of days.⁶⁴

By 1 December 2002, the cables relating to al-Nashiri’s torture had taken on an absurd theatricality. One noted that interrogators and linguists ‘strode, catlike, into the well-lit confines of the cell at 0902hrs. [Redacted] deftly removed the subject’s black hood with a swipe, paused, and in a deep measured voice said that subject... should reveal what subject had done to vex his guards to the point of rage.’⁶⁵

Guidance from Headquarters, issued in December 2002, instructed the black sites to ‘fully document in advance any decisions to employ any enhanced techniques’, in order to evidence ‘good faith’ that there was no specific intent to cause ‘severe physical or mental pain or suffering’ (i.e., torture) during these sessions. Furthermore, the guidance continued, ‘the critical need for such documentation is reinforced by the concern that a detainee may suffer a heart attack, for example, and die in the course of his detention. The documentation serves a number of functions, not the least of which is to protect the officers on our interrogation teams.’⁶⁶ Ultimately, the videotapes of the torture of Abu Zubaydah and al-Nashiri were destroyed, with one CIA email making clear that ‘the heat from destroying is nothing compared to what it would be if the tapes ever got into public domain... out of context, they would make us look terrible; it would be devastating to us.’⁶⁷

Meanwhile, during 2002, the CIA’s detention operations in Afghanistan were gaining momentum, with the use of Afghan-run facilities over the summer complemented by the opening of the dungeon-like ‘Dark Prison’ in or near Kabul in September, and a consequent expansion of secret prisoner numbers.

DETENTION OPERATIONS IN AFGHANISTAN

The Thai black site was the only CIA prison to be established during the spring and summer of 2002, and Abu Zubaydah was the only prisoner held within an official CIA facility during these months. Nevertheless, it was soon after Abu Zubaydah's capture that the CIA determined that it would open a 'specialised detention facility', totally under CIA control, in Afghanistan. Planning began in April 2002 and \$200,000 of costs were approved in June.⁶⁸

While this new site was under construction, the CIA took custody of at least five prisoners captured outside Afghanistan and rendered them to Afghan-run facilities to which 'the CIA had unlimited access.'⁶⁹ Three men, Zakariya (#2), Jamal Eldin Boudraa (#3) and Abbar al-Hawari (#4), were captured by Georgian security forces on 28 April 2002, held in a warehouse for four days, before being driven to another location, examined, then taken to an airport and put on a plane (**Circuit 6**).

The Americans didn't capture me. The Mafia captured me. They sold me to the Americans... When I was first captured, a car came around and people inside were talking Russian and Georgian. I also heard a little Chechnya. We were delivered to another group who spoke perfect Russian. They sold us to the dogs. The Americans came two days later with a brief case full of money. They took us to a forest, then a private plane to Kabul, Afghanistan... There was four of us. Myself, my friend Abdal Haq [Boudraa], a Yemeni guy name Zackria [Zakariya], and a Chechnya driver, who was killed.⁷⁰

Abbar al-Hawari (#4)

Two further men, Hassan Abu Bakr Qa'id (#5) (better known as Abu Yahya al-Libi) and Ridha Ahmad al-Najjar (#6), were captured alongside a number of others in Karachi, Pakistan, on 22 May 2002.⁷¹ Both men were held and interrogated in a Pakistani facility, which sent reports from the interrogations to the CIA.⁷² They were then flown to Afghanistan on 6 June 2002, and held at a site referred to by the guards as 'Intelligence 2'. Al-Najjar reports being held in an underground cell with a window high up at street level, and believes it was in Kabul.⁷³ Qa'id was likely held at the same site (which he referred to as 'Rissat 2').⁷⁴

CIA records document the formal custody of just six men before September 2002: Abu Zubaydah plus the five held in proxy facilities in Afghanistan. However, the CIA were clearly involved in the detention and torture of others at Afghan-run sites during the summer of 2002, including those held at 'Rissat 2'. For example, Rafiq al-Hami (#18) and Tawfiq al-Bihani (#19) were both captured in Iran on 29 January 2002 and transferred to Afghan custody in mid-March.⁷⁵ As al-Hami has testified: 'I was in an Afghan prison but the interrogation was done by Americans. I was there for about a one-year period, transferring from one place to another.'⁷⁶ According to al-Bihani, while in the first Afghan prison they were hidden from Red Cross representatives until one of their fellow prisoners informed them of their existence.

I was handcuffed behind and they put a hood on my head so that I could not see anything. When I entered the interrogation room, the American guards pushed me down to the ground in a very savage manner. They started to cut my clothing with scissors. They undressed me completely and I was nude. They made me sit on a chair and it was very cold. I was also afraid and terrorized because the guards were aiming their weapons towards me. The interrogator put his personal gun on my forehead threatening to kill me.⁷⁷

Tawfiq al-Bihani (#19)

Al-Bihani says that he was held at this site for around 10 weeks, and then moved to a second site where he was held in solitary confinement for over five months. This appears to have been ‘Rissat 2’, given that Qa’id has said that he was held there alongside al-Bihani in June 2002.⁷⁸

Al-Najjar reports being tortured at the Afghan-run site throughout August and September 2002,⁷⁹ and CIA records document that this involved CIA personnel directly. One cable, dated 16 July 2002, was sent to the CIA station in Afghanistan, suggesting utilizing ‘Najjar’s fear for the well-being of his family to our benefit’; using ‘vague threats’ to create a ‘mind virus’ that would cause him to believe that his situation would continue to get worse; manipulating his environment using a hood, restraints, and music; and employing sleep deprivation through the use of round-the-clock interrogations.⁸⁰

By 26 July 2002, CIA officers in Afghanistan were proposing ‘breaking Najjar’ through the use of isolation, ‘sound disorientation techniques’, ‘sense of time deprivation’, limited light, cold temperatures, and sleep deprivation.⁸¹ This is also likely to have been the facility where the CIA applied a ‘pressure point technique’ in July 2002, as reported to the CIA’s Office of Inspector General (OIG). With both his hands on the prisoner’s neck, the officer repeatedly ‘manipulated his fingers to restrict the detainee’s carotid artery’, and then ‘watched his eyes to the point that the detainee would pass out; then [redacted] shook the detainee to wake him.’⁸²

THE DARK PRISON OPENS

The ‘specialised CIA detention facility’ in Afghanistan, authorised in June 2002, officially opened in August 2002,⁸³ although it did not receive its first prisoners until **xx** September.⁸⁴ By this point, the site manager described it as ‘not complete [but] functional.’⁸⁵ Prisoners who passed through it have commonly referred to it as the ‘Dark Prison’, while the Committee Study gave it the pseudonym DETENTION SITE COBALT. It has also been referred to as the ‘Salt Pit’ in some reports, although prior confusion has meant that that name has also been applied to ‘Rissat 2’, an Afghan-run facility in Kabul which held detainees on behalf of the CIA throughout 2002-2004.⁸⁶ The Dark Prison was also seemingly in or near Kabul, not far from the airport. All the rendition operations we have identified as transferring prisoners to and from the site landed in Kabul, and the prisoners themselves often speak of a 15-20 minute journey by road after landing.⁸⁷ Some CIA staff

working there in 2002 were referring to it as Afghan facility,⁸⁸ and reports suggest that it was housed within the grounds of an Afghan intelligence base.⁸⁹

The prison consisted of 20 cells, described as 'stand-alone concrete boxes' with a metal ring attached low to the wall to which prisoners were shackled. Four of the cells were designed specifically for sleep deprivation, with bars high up between two walls to which prisoners could be secured. Although cells had windows, these were blacked out with two coats of black paint and heavy curtains. Each cell had speakers.⁹⁰ Overall, the prison had been established 'with isolation of the detainee being the primary goal. Each detainee's interaction with the outside world was intended to be limited to brief contact with the guards and more extensive contact with his CIA interrogators. This allows CIA personnel to control almost all aspects of the detainees' existence.'⁹¹

According to the prison's site manager, this control was exercised through maximising the isolation and disorientation of prisoners, which was achieved through both continual darkness, 'so the detainees would not know the passage of time', and continual loud music, 'to prevent communications among the prisoners so they are given the sense that they exist in isolation.'⁹² These conditions were extreme, and 'WOW-ed' a delegation from the Federal Bureau of Prisons who arrived in November 2002 to assess practices, provide training and make recommendations. Reports from the delegation make clear that they had 'never been in a facility where individuals are so sensory deprived, i.e., constant white noise, no talking, everyone in the dark, with the guards wearing a light on their head when they collected and escorted a detainee to an interrogation cell, detainees constantly being shackled to the wall or floor, and the starkness of each cell (concrete and bars).' There is, the delegation reported, 'nothing like this in the Federal Bureau of Prisons.'⁹³

Prisoners were initially shackled with one hand to the wall in a seated position; sometimes after the passage of some weeks ('if the prisoner is older, or otherwise non-threatening') this might be reassessed.⁹⁴ Prisoners were fed just once a day.⁹⁵ They were held naked or clothed in diapers.⁹⁶ There was no drainage in the cells, and there were 'buckets for human waste'.⁹⁷ Presumably as a result of the lack of sanitary provision, guards at the site complained of smells; the CIA's solution was to provide them with surgical masks.⁹⁸ Officials from the CIA Renditions Group, visiting the site in December 2002, concluded that the facility's "baseline conditions" involved so much deprivation that any further deprivation would have limited impact on the interrogations.⁹⁹ Instead, guards provided comforts as incentive to cooperate, such as lights, blankets, or a mat to sleep on.¹⁰⁰ The site also had a cell referred to as the 'luxury suite', containing a rocking chair and 'foamies' for prisoners' ears to block out the noise.¹⁰¹

Temperature at the site was a contentious issue.¹⁰² 'In warm weather, keeping prisoners up (i.e., awake) was general SOP [Standard Operating Procedure],'¹⁰³ the site manager noted, but 'now [i.e. December 2002] nothing can be taken away, on account of the temperature. There are a variety of things that have been modified as a result of the temperature... For example, we do not chain the detainees by both hands because they could not pull their clothes over their bodies. For the same reason, there is no standing up at night. These softening conditions are getting in the way, and we need to be concerned about them. There is no central heating. There are now about 15 heaters in the cell area, spaced out... There is no insulation.'¹⁰⁴

Regarding medical care, the site manager noted that ‘the doc tries to get out to the facility at least every two weeks, and as needed.’¹⁰⁵ Guidelines stated that prisoners with ‘significant health problems’ should not be rendered to the site.¹⁰⁶ In November 2002, however, it was reported that ‘approximately a fourth of the prisoners have one or more significant pre-existing medical problems upon arrival.’¹⁰⁷

In addition to the concrete cells, the site had a second ‘section’ where ‘prisoners were interrogated and guards congregated.’¹⁰⁸ This consisted of three interrogation rooms, a staff room, a guardroom and a ‘conditioning room’, which was used for water dousing and which had a waterboard.¹⁰⁹ This layout has been independently confirmed by several prisoners who were held there. Mohammed Al-Shoroeiya, for example, has described the facility as comprising several different types of rooms used for interrogation and torture: ‘One was a group of rooms where he was interrogated. Another set of rooms were freezing cold and were used to submerge the prisoners in icy water while lying on plastic sheeting on the ground. A third set of rooms he called the “torture rooms,” where they used specific instruments. One of these instruments was a wood plank that they used to abuse him with water.’¹¹⁰

The Dark Prison soon became the heart of the CIA’s black site network. It functioned as ‘a detention, debriefing and interrogation facility for high and medium value detainees,’¹¹¹ a holding facility for assessing the potential ‘value’ of prisoners before deciding their final disposition, and as a transit point for detainees going to Thailand, Poland and Romania.¹¹² Its 20 cells were at full capacity by mid-October 2002, as the programme’s pace increased. The site held almost everyone taken into CIA custody by that time, with the exception of Abu Zubaydah (still in Thailand) and Hassan bin Attash (#10), who had been held at the Dark Prison for 2-3 days in mid-September 2002 then rendered to proxy detention in Jordan (**Circuit 9**).

DETAINEES IN THE DARK PRISON, OCTOBER 2002

Zakariya (#2)	Jamal Boudraa (#3)	Abbar al-Hawari (#4)
Hassan Abu Bakr Qa’id (#5)	Ridha al-Najjar (#6)	Ayub Marshid Salih (#7)
Bashir al-Marwalah (#8)	Ha’il al-Mithali (#9)	Musab al-Mudwani (#11)
Said Saleh Said (#12)	Shawqi Awad (#13)	Umar Faruq (#14)
Abd al-Salam al-Hilah (#15)	Asat Sar Jan (#16)	Zakaria Zeineddin (#17)
Rafiq al-Hami (#18)	Tawfiq al-Bihani (#19)	Lutfi al-Gharisi (#20)
Hikmat Shaukat (#21)	Yaqub al-Baluchi (#22)	

Throughout its period of operation, the Dark Prison held more than half of all CIA prisoners. Internal records document 64 prisoners at the site,¹¹³ although the Committee Study's scathing assessment of the site's management suggests this is just a lower-end estimate: 'The CIA maintained such poor records of its detainees in [Afghanistan] during this period that the CIA remains unable to determine the number and identity of the individuals it detained. The full details of the CIA interrogations there remain largely unknown, as DETENTION SITE COBALT was later found to have not reported multiple uses of sleep deprivation, required standing, loud music, sensory deprivation, extended isolation, reduced quantity and quality of food, nudity, and "rough treatment".'¹¹⁴

Some prisoners, such as Ramzi bin al-Shibh (#41), Abd al-Rahim al-Nashiri, and Khaled Sheikh Mohammed (#45), were held there for just the first few days of their time in CIA custody, before being rendered to sites outside of Afghanistan. Even in such cases, detainees report being tortured at the site. Al-Nashiri says his wrists were tied to a bar in the ceiling, and he was kept naked in a painful position with his feet just touching the floor.¹¹⁵ Mohammed was subjected to sustained torture during his time at the site, including facial and abdominal slaps, the facial grab, stress positions, standing sleep deprivation (with his hands at or above head level), nudity, water dousing and rectal rehydration.¹¹⁶

Others were held at the Dark Prison for months on end, and there are extensive, multiple prisoner accounts which confirm the conditions of confinement and torture to which they were subjected. For the first few months, there were no interrogation guidelines provided to staff at the site. Officers were 'left to their own devices in working with detainees', and developed their own 'standard operating procedures' – including 'the use of darkness, sleep deprivation, solitary confinement, and noise... [as well as] standing sleep deprivation, nakedness and cold showers.' Much of this was based on the 'model' provided by Headquarters in July 2002, in relation to the treatment of al-Najjar in the Afghan-run site.¹¹⁷ Techniques were also developed haphazardly in response to the facts on the ground. The decision to use darkness, for example, 'was arrived at simply (as an almost necessary expedient), since there was only one light switch for all lights in the cell areas.... Faced with the choice to keep them on all the time or off all the time, [the site manager] chose the latter.'¹¹⁸

From the outset, I was held in complete darkness and isolation and kept in leg shackles twenty-four hours a day. I was given very little water and fed only once every one or two days. My toilet was a very small bucket, which was difficult to use, especially in the continuous darkness. Despite the extreme cold, I was not provided with adequate clothing or blankets. Strange music and loud man-made sounds were played around the clock, which – in addition to the constant screams of the other prisoners around me – made sleeping extremely difficult and very disturbed. When I did manage to fall asleep I often had nightmares.¹¹⁹

Bisher al-Rawi (#35)

The procedures in situ at the Dark Prison were further developed during November 2002, as the result of both the Bureau of Prisons visit and the fact that Bruce Jessen travelled to the site to

lead on interrogations under torture.¹²⁰ This included the torture of Gul Rahman (#24), who died in custody on 20 November 2002 after being subjected to several days of sleep deprivation, water dousing and so-called 'hard takedowns'. Eventually, Rahman had his hands and feet shackled together with a short chain, and was then shackled to the ring on the floor of his cell. As the OIG found, the position 'forced Rahman, who was naked below the waist, to sit on a cold concrete floor and prevented him from standing up'. He was found dead the next morning.¹²¹

Overall, 38 prisoners entered the CIA programme in 2002. They included Abu Zubaydah and al-Nashiri (both held in Thailand); the three captured in Georgia, who had been held in Afghan proxy facilities since the summer of 2002; a group of seven captured in Pakistan who came under CIA control on 14-15 September; and Jamil el-Banna (#36) and Bisher al-Rawi (#35), captured in The Gambia after a tip-off from British intelligence. Between 14-16 prisoners left the programme during the same period, the majority of whom were transferred to Bagram.

FROM THAILAND TO POLAND

Throughout 2002, as the scale of detention operations in Afghanistan ratcheted up, the ongoing utility of the black site in Thailand was becoming increasingly uncertain. Over the course of the year, local officials responsible for supporting the site were replaced by 'different officials whom the CIA believed were not supportive'. Calls for the site to be closed gathered pace, and it survived only as a result of 'continued lobbying' by the CIA's Station Chief.¹²² However, word of the prison had already leaked out. By April, numerous local officials, as well as an unidentified media organisation, knew of Abu Zubaydah's presence in the country. By November, The New York Times was aware. Pressured by the CIA, neither outlet published the story, but the media's knowledge resulted in the decision to close the facility.¹²³

On 4 December, Abu Zubaydah and al-Nashiri were flown to a new site, in northern Poland (**Circuit 15**). Both Mitchell and Jessen accompanied them, in order to 'ensure continuity to the interrogation/debriefing process'.¹²⁴ From this point until March 2006, the black site programme was bifurcated. Prisoners of perceived 'high value' were moved between a group of smaller sites in Poland, Romania, Guantánamo Bay, Lithuania and Morocco (this last an overflow site maintained by the Moroccan government, not run by the CIA). Others were kept in Afghanistan, initially in the Dark Prison and a number of Afghan-run or informal facilities, and latterly in two modern facilities (referred to by the Committee Study as DETENTION SITE ORANGE and DETENTION SITE BROWN).

The Polish site consisted of two buildings within a military intelligence training base, located in the woods outside the village of Stare Kiejkuty in the lakes region of north-eastern Poland. It has been reported that the CIA paid at least \$300,000 for improvements at the site, including the installation of security cameras and the conversion of the two buildings. One of these was a two-storey villa, the other a shed. Both were used to detain prisoners, and there was also a gym for detainees to use a treadmill or exercise bike if they proved cooperative.¹²⁵ Polish officials

provided perimeter security for the site, as well as operational security during prisoner transfers to and from the airport at Szymany (13 miles from the site). They could visit the staff canteen, although they had no access to the prisoners.¹²⁶

The facility was initially intended to hold a maximum of two high-value detainees, but a lack of detention facilities elsewhere led to the construction of five cells. Three of these were purpose-built 'holding units', and it may be that the other two were cages supplied by a local contractor.¹²⁷ By April 2003 these cells were full,¹²⁸ and overall a total of eight prisoners were held in the site at various points.¹²⁹

DETAINEES HELD IN POLAND (FROM/TO)

Abu Zubaydah (#1)	December 2002 (Circuit 15)	September 2003 (Circuit 31)
Abd al-Rahim al-Nashiri (#26)	December 2002 (Circuit 15)	June 2003 (Circuit 23)
Ramzi bin al-Shibh (#41)	February 2003 (Circuit 17)	June 2003 (Circuit 23)
Khaled Sheikh Mohammed (#45)	March 2003 (Circuit 19)	September 2003 (Circuit 31)
Abu Yasir al-Jaza'iri (#47)	March 2003 (Circuit 20)	September 2003 (Circuit 31)
Walid bin Attash (#56)	June 2003 (Circuit 23)	September 2003 (Circuit 31)
Ammar al-Baluchi (#55)	July 2003 (Circuit 27)	September 2003 (Circuit 31)
Samr al-Barq (#67)	July 2003 (Circuit 27)	September 2003 (Circuit 31)

Not all eight prisoners were held at the site at the same time, as al-Nashiri and bin al-Shibh were rendered to Morocco on the same day as bin Attash was brought from Afghanistan **(Circuit 23)**. Nevertheless, officers were concerned that it had become overcrowded.¹³⁰ There were also

ongoing tensions with the Polish authorities, who were clearly aware of the activities taking place on Polish soil. Local officials proposed a written Memorandum of Understanding with the CIA, delineating relative roles and responsibilities, which the CIA refused to sign. In turn, the Polish authorities refused to approve the transfer of Khaled Sheikh Mohammed to the site in March, a decision that was only overturned after diplomatic intervention by the US ambassador. Ultimately, a multi-million dollar payment by the CIA to its Polish counterparts appears to have smoothed relations, and the political leadership in the country from that point 'was now flexible with regard to the number of CIA detainees at the facility and when the facility would eventually be closed.'¹³¹

The Polish site was run by a Chief of Base who 'oversaw interrogations and debriefings, released cables and reports, and communicated daily with the local Station and Headquarters.'¹³² There were half a dozen or so security personnel at the facility,¹³³ and these were responsible for monitoring detainees and the site perimeter, maintaining detainee records, and preparing three meals daily for the detainees 'which generally consisted of beans, rice, cheese sandwiches, vitamins, fruit, water, and Ensure nutritional supplement'.¹³⁴ One CIA review of its black sites, conducted in early 2003, concluded that prisoners in Poland 'received bi-weekly medical evaluations, brushed their teeth once a day, washed their hands prior to each meal, and could bathe once a week. Amenities such as solid food, clothing (sweatshirts, sweatpants, and slippers), reading materials, prayer rugs, and Korans were available depending on the detainee's degree of cooperation with interrogators.'¹³⁵

Although the conditions of confinement appear to have been a slight improvement on the dungeon-like conditions in Afghanistan, torture at the site was routine. The Chief of Base participated in the torture of al-Nashiri during December 2002 and January 2003, alongside an untrained and unqualified interrogator referred to in the Committee Study as CIA OFFICER 2 (about whom there were significant concerns, given his temper and 'security issues').¹³⁶ Al-Nashiri was subjected to sustained torture during four discrete periods in December and January,¹³⁷ which involved being placed in a standing stress position for days, followed by a mock execution with a hand gun and the use of a cordless power drill. According to the OIG investigation into these incidents, as the officer racked the handgun and pointed the barrel at al-Nashiri's temple, al-Nashiri began to cry. Later, when the power drill was revved, 'al-Nashiri stood naked and hooded; he flinched and shook, but did not cry.'¹³⁸ He was placed in stress positions so extreme that a medical officer had to intervene due to concerns that his shoulders would dislocate.¹³⁹

Later interrogation plans for al-Nashiri, drafted by Bruce Jessen, prompted concerns to be expressed at Headquarters. One cable, drafted by the CIA's chief of interrogations to the Polish site, made clear that 'we have serious reservations with the continued use of enhanced techniques with Nashiri (subject) and its long term impact on him. Subject has been held for three months in very difficult conditions, both physically and mentally.... Continued enhanced methods may push subject over the edge psychologically.'¹⁴⁰ On the same day, the CIA's chief of interrogations announced his early retirement, given his severe concerns over the torture programme: 'This morning I informed the front office of CTC that I will no longer be associated in any way with the interrogation program due to serious reservation I have about the current state of affairs.

Instead, I will be retiring shortly. This is a train wreck (sic) waiting to happen and I intend to get the hell off the train before it happens.’¹⁴¹

The death of Gul Rahman in the Dark Prison in November 2002, and the use of unauthorised techniques against al-Nashiri in Poland, prompted the CIA Director to issue the first set of high-level guidelines for interrogations and conditions of confinement in the black sites. These made a clear distinction between ‘standard techniques’ – which included the use of isolation, white noise or loud music, reduced calorific intake, and sleep deprivation and the use of diapers for up to 72 hours – and ‘enhanced techniques’, most (but not all) of which had been approved by the DoJ. However, in making such a clear distinction between the two sets of techniques, and mandating greater oversight of the use of ‘enhanced techniques’, the guidelines in fact protected the considerable autonomy which had developed at each black site. Interrogators were able to employ ‘standard techniques’ without prior authorisation, as this was only required ‘when feasible’. Sleep deprivation was now defined as a standard technique, as long as detainees were permitted a small amount of sleep every three days. Medical and psychological staff did not need to be present, as long as they were ‘readily available for consultation and travel to the interrogation site.’¹⁴²

The guidelines do not appear to have had significant effect on practice at the Polish site, where detainees continued to be subjected to sustained torture throughout 2003. Walid bin Attash (#56) was hung, naked, from a ring in the ceiling of his cell for a month after his arrival in June 2003, needing to defecate into an unchanged diaper. He was subjected to water dousing, threats of sexual assault (rectal rehydration), and 110 hours of sleep deprivation.¹⁴³ Likewise, Ramzi bin al-Shibh was subjected to ‘sleep deprivation, nudity, dietary manipulation, facial holds, attention grasps, abdominal slaps, facial slaps and walling.’ His torture began immediately upon arrival at the Polish site, alongside ‘sensory dislocation’ which included ‘shaving [his] head and face, exposing him to loud noise in a white room with white lights, keeping him unclothed and subjected to uncomfortably cool temperatures, and shackling him hand and foot with arms outstretched over his head.’¹⁴⁴

CIA records also document the extreme treatment of Khaled Sheikh Mohammed, who was rendered to Poland on 7 March 2003 (**Circuit 19**). He was tortured immediately upon his arrival, and ultimately subjected to 15 separate waterboarding sessions throughout March, with at least 183 applications of water. As a result, Mohammed ingested so much water that his ‘abdomen was somewhat distended and he expressed water when the abdomen was pressed.’ One medical officer present suggested that ‘we are basically doing a series of near drownings.’¹⁴⁵

I was kept for one month in the cell in a standing position with my hands cuffed and shackled above my head and my feet cuffed and shackled to a point in the floor. Of course during this month I fell asleep on some occasions while still being held in this position. This resulted in all my weight being applied to the handcuffs around my wrists resulting in open and bleeding wounds....

For the interrogation I was taken to a separate room.... If I was perceived not to be

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)

~~CONFIDENTIAL//X1~~

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)

(b)(3) CIAAct
(b)(3) NatSecAct

Office: CTC/RG

01/22/03 10:22 AM

To: [REDACTED]
cc: [REDACTED]
Subject: Re: [REDACTED]

This morning I informed the front office of CTC that I will no longer be associated in any way with the interrogation program due to serious reservation I have about the current state of affairs. Instead, I will be retiring shortly. This is a train wreck waiting to happen and I intend to get the hell off the train before it happens.

Original Text of (b)(1)
Original Text of (b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)

(b)(3) CIAAct
(b)(3) NatSecAct

22 January 2003

MEMORANDUM FOR:

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)

FROM:

OFFICE:

SUBJECT:

REFERENCE:

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)

~~CONFIDENTIAL//X1~~

*cooperating I would be put against a wall and punched and slapped in the body, head and face. A thick flexible collar would also be placed around my neck so that it could then be held at the two ends by a guard who would use it to slam me repeatedly against the wall. The beatings were combined with the use of cold water, which was poured over me using a hosepipe.*¹⁴⁶

Khaled Sheikh Mohammed

THE RESHUFFLE

The Poland facility was closed in **September** 2003, as had been agreed with the Polish authorities.¹⁴⁷ This provided the occasion for a major reshuffle of the CIA's perceived high-value detainees, which appears to have taken place on board one rendition aircraft: between 20-25 September 2003, N313P completed a global circuit which included stopovers in Afghanistan, Poland, Romania, Morocco and Guantánamo Bay. One CIA official, speaking off the record, labelled this circuit as a 'five-card straight revealing the program to outsiders: five stops, five secret facilities, all documented' (**Circuit 31**).¹⁴⁸

The Romanian black site had been negotiated with the Romanian government during 2002 and 2003. By **January** 2003 the local CIA station had been asked to consider ways to demonstrate to the Romanian government 'that we deeply appreciate the cooperation and support' for the black site,¹⁴⁹ and in **April** 2003 the station provided an '\$8 million "wish list"'.¹⁵⁰ By **May** 2003 Headquarters had provided significantly more funds than suggested, and by the fall of 2003 the site had received its first **five** prisoners.¹⁵¹ We have established that these were five of the six men held in Poland at its point of closure: Khaled Sheikh Mohammed, Abu Yasir al-Jaza'iri (#47), Walid bin Attash, Samr al-Barq (#67) and Ammar al-Baluchi (#55).

The sixth prisoner in Poland, Abu Zubaydah, stayed on the aircraft as it continued to Morocco, and then onto the two new black sites which were opening at the US Naval Station at Guantánamo Bay.

GUANTÁNAMO BAY

While the Romanian site was to remain a central hub for high-value prisoners until November 2005 (see below), the Guantánamo sites were less successful. Abu Zubaydah and Abd al-Rahim al-Nashiri arrived there in September 2003 (**Circuit 31**), and were joined by Mustafa al-Hawsawi (#46) and Ibn Sheikh al-Libi (#42) in November 2003 (**Circuit 33**). A fifth prisoner, Ramzi bin al-Shibh (#41), was rendered to the island in **December** 2003 (**Circuit 34**).¹⁵²

DETAINEES HELD IN GUANTÁNAMO BAY (FROM/TO)

Abu Zubaydah (#1)	September 2003 (Circuit 31)	April 2004 (Circuit 42 or Circuit 43)
Abd al-Rahim al-Nashiri (#26)	September 2003 (Circuit 31)	April 2004 (Circuit 42)
Mustafa al-Hawsawi (#46)	November 2003 (Circuit 33)	April 2004 (Circuit 42 or Circuit 43)
Ibn Sheikh al-Libi (#42)	November 2003 (Circuit 33)	April 2004 (Circuit 42 or Circuit 43)
Ramzi bin al-Shibh (#41)	December 2003 (Circuit 34)	April 2004 (Circuit 42 or Circuit 43)

Little is known about the sites themselves or their relationship to one another, although it has been reported that they comprised a new facility, entirely separate from the DoD prison on the base.¹⁵³ These five prisoners were held here until spring 2004. CIA lawyers became increasingly worried about the possible consequences of the upcoming ruling of the US Supreme Court in the case of *Rasul v. Bush*, which looked likely to grant habeas corpus rights to DoD prisoners at Guantánamo. The concern was that this ruling might apply to the CIA's own prisoners as well, making them both visible and eligible for legal representation if they remained on the base.¹⁵⁴ Ultimately, the DoJ recommended that the CIA move four of the prisoners off the island pending the Supreme Court judgement (Ibn Sheikh al-Libi had earlier been held under DoD authority and declared to the ICRC, and so was thought able to remain at Guantánamo Bay).¹⁵⁵ In the event, the CIA transferred all five prisoners out of the Guantánamo facilities to Romania and Morocco, with two rendition operations on 12 and 13 April 2004. The first was on board the aircraft N85VM, which flew to Romania and then Morocco (Circuit 42). The second was on board the aircraft N368CE, flying direct to Morocco (Circuit 43).

AFGHANISTAN FROM 2003

As high-value prisoners were flown out of Afghanistan into Poland, and onwards to Romania and Guantánamo, the general prison population in Afghanistan continued to expand. Some were flown in from far afield. After a lengthy period in Egyptian custody (during which he fabricated information linking Saddam Hussein to al-Qaeda that proved critical in the Bush administration's

(b)(3) NatSecAct

~~SECRET//NOFORN~~

Date: 200402 []

(b)(3) CIAAct

TO: James L. Pavitt@DO []

(b)(6)

FROM: Scott W. Muller

CC: George J. Tenet@DCI; John E. McLaughlin@DCI; John H. Moseman@DCI; []

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

SUBJECT: CIA Detainees at GITMO.

----- BODY -----

(b)(1)

(b)(3) NatSecAct

(b)(5)

In light of the Supreme Court's acceptance of a case presenting the question of whether GITMO is US territory, we asked DOJ for its advice on whether the CIA detainees should remain at GITMO or be moved out pending the Supreme Court decision. We also raised the issue with NSC and White House Counsel. Pat Philbin (OLC) called this afternoon and advised that, as agreed in an earlier conversation with White House counsel and others, the Solicitor General had been consulted. Philbin reported that DOJ (including specifically the Solicitor General) recommended that CIA move the detainees (except al-Libi) out of GITMO at this time.

(b)(1)

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public relations push around the Iraq war) Ibn Sheikh al-Libi was brought into Afghanistan in February 2003 (**Circuit 17**). Tanzanian national Suleiman Abdullah (#48) was flown in from Djibouti in March (**Circuit 21**). Several men captured in Pakistan were also transferred into Afghanistan, including Libyan anti-Gaddafi fighters Khaled al-Sharif (#51) and Mohammed al-Shoroeiya (#52), Asadallah (#43) (the son of the imprisoned Egyptian ‘blind sheikh’ Omar Abd al-Rahman), and Mustafa al-Hawsawi.

Although the DDO had, in December 2001, issued blanket approval to the field for capture and detention operations,¹⁵⁶ it appears that by April 2003 there was some nervousness about the resultant scope of the programme. A further guidance note was issued to the field, clarifying that the requisite standards for capture and detention under the MoN meant that ‘there must be an articulable basis on which to conclude that the actions of a specific person whom we propose to capture and/or detain pose a “continuing serious threat” of violence or death to US persons or interests or that the person is planning a terrorist activity.’ In practice, this meant that ‘we [must] possess reliable intelligence that identifies the reasons we conclude that the person poses the requisite threat.’ Although the guidance acknowledged that the capture and detention authorities under the MoN were ‘unprecedented’, it took the time to make clear that, ‘even so, the authority is not without limits. For example, we are not permitted to detain someone merely upon a suspicion that he or she has valuable information about terrorists or planned acts of terrorism... Similarly, the mere membership in a particular group, or the mere existence of a particular familial tie, does not necessarily connote that the threshold of “continuing, serious threat” has been satisfied.’¹⁵⁷

These concerns were valid. The majority of detainees were held in Afghanistan, yet CIA officers in the field conducted no written assessment of whether or not each of these men met the criteria laid down in the MoN. Indeed, contemporaneous recordkeeping in the country was so poor that the CIA has never been able to provide a full picture of who it detained there.¹⁵⁸ Nonetheless, we have identified that the numbers detained in the programme increased throughout 2003, topping 40 in August 2003 and staying at or above this level until May 2004. The high point in prisoner population at the black sites came in October 2003, when 55-57 men were being held. During this period, a handful of prisoners were held in sites outside of Afghanistan, but probably no more than ten at any one time. By May 2003 there were six held outside Afghanistan (five in Poland, one in Jordan), and by October 2003 this number had risen to nine (five in Romania, one Morocco, two in Guantánamo Bay, one in Jordan). By February 2004 there were ten held outside Afghanistan (five in Romania and five in Guantánamo Bay), and these numbers stayed level throughout the spring of 2004.

Although conditions improved a little after the death of Gul Rahman in November 2002, the Dark Prison continued to exist as little more than a dungeon, with unauthorised torture of prisoners routine throughout 2003. Detainees at the site were subjected to water dousing, where they were ‘held down, naked, on a tarp on the floor, with the tarp pulled up around them to form a makeshift tub, while cold or refrigerated water was poured on them.’¹⁵⁹ Others were subjected to ‘group torture’, and to ‘rectal rehydration’ without evidence of medical necessity, whereby

large tubes were used to pump pureed food through the anus. In the case of Mustafa al-Hawsawi, the 'rectal exams' were conducted with such force that they left him with 'chronic haemorrhoids, an anal fissure and symptomatic rectal prolapse.'¹⁶⁰ Sanad al-Kazimi (#74), meanwhile, reported being 'subjected to severe physical and psychological torture' during 2003 and 2004, including by being 'suspended with his arms above his head for extended periods of time and beaten with electric cables.'¹⁶¹

Waterboarding was clearly used at the site, despite CIA denials that this took place in Afghanistan. The Committee Study makes reference to a photo from the site which shows 'the waterboard device... surrounded by buckets, with a bottle of unknown pink solution (filled two thirds of the way to the top) and a watering can resting on the wooden beams of the waterboard.'¹⁶² Multiple prisoner testimony also suggests the use of the waterboard at the site. For example, Mohammed al-Shoroeiya told Human Rights Watch that he was repeatedly strapped to a board made of wood that could spin him around while he was wearing a hood that covered his nose and mouth. They would then pour buckets of extremely cold water over his nose and mouth to the point that he felt that he was going to suffocate: 'They wouldn't stop until they got some kind of answer from me.'¹⁶³ Likewise, Mustafa al-Hawsawi has testified that he was strapped to the board, which was 'a rotating table made of wood with a bed of shiny metal.' According to his account, 'his head was tilted in the down position' and 'several bottles of water were poured on his chest so that the water ran into his face and nose and he thought he was drowning. He said he was put on the table many times during that interrogation period, with multiple bottles of water each time.'¹⁶⁴ The OIG investigated these allegations, interviewing a number of CIA officials who were present at the site. Although some upheld official denials that the waterboard was ever used, and claimed that it was 'located in the back of the conditioning room collecting dust and used by the analysts to sit on or lean on during water dousing,' one official did admit to its use on either al-Hawsawi or Khaled Sheikh Mohammed during March 2003, and claimed that 'several personnel witnessed this usage.'¹⁶⁵

From at least May 2003 onwards, the prison population in Afghanistan exceeded the capacity of the Dark Prison, with around 30-50 held in the country at any one time from June 2003 – May 2004. Although poor record-keeping makes it hard to be certain, it appears that the population of the Dark Prison never exceeded capacity,¹⁶⁶ suggesting that 10-30 men were held at other sites in the country during this time.

The Committee Study has only acknowledged the existence of one other CIA-run black site in Afghanistan before April 2004: DETENTION SITE GRAY, which held eight prisoners between January and December 2003.¹⁶⁷ Very little is known about this facility. Another solution to the overcrowding problem was to use Afghan facilities for prisoners deemed not sufficiently important for the Agency's own sites. In these cases there was no independent reason for Afghan forces to detain these individuals, who were held solely at the behest of the CIA.¹⁶⁸ At least four prisoners were farmed out to Afghan sites in this way, including Hamid Aich (#49) and Mohamed Dinshah (#59). As the Dark Prison's manager wrote: 'They [Afghan officials] also happen to have 3 or 4 rooms where they can lock up people discretely (sic). I give them a few hundred bucks a

month and they use the rooms for whoever I bring over – no questions asked. It is very useful for housing guys that shouldn't be in [the Dark Prison] for one reason or another but still need to be kept isolated and held in secret detention.'¹⁶⁹

At least two of the CIA's prisoners, Laid Saidi (#57) and Majid Khan (#58), were held at a 'safehouse' in Afghanistan during May 2003, where they were subjected to 'ice baths'.¹⁷⁰ Declassified notes from Khan's lawyer in Guantánamo Bay, made public in June 2015, make clear that this was a form of waterboarding: 'Shackled and hooded, they placed Khan feet-first into the freezing water and ice. They lowered his entire body into the water and held him down, face-up in the water. An interrogator forced Khan's head under the water until he thought he would drown. The interrogator would pull Khan's head out of the water to demand answers to questions, and then force his head back under the water, repeatedly. Water and ice were also poured from a bucket onto Khan's mouth and nose when his head was not submerged.'¹⁷¹

In Saidi's case, detention at this site appears to have been for a relatively short period of time (around five days).¹⁷² Likewise, Hassan Ghul (#98), although only in Afghanistan for two days in January 2004, was moved from the Dark Prison to a '[redacted] facility for portions of his interrogations'.¹⁷³ However, throughout 2003 and 2004 prisoners also continued to be held for more extended periods of time in the Afghan facility known by some as 'Rissat 2'. It appears that Majid Khan was here from May 2003, and Laid Saidi from early June 2003. Abdul Rabbani (#23) and Ahmed Rabbani (#25) were also moved from the Dark Prison to this facility at about this time. All four men were held at the site for around a year (although Khan also spent some of this time in the Dark Prison). They were joined in January 2004 by Khaled el-Masri (#97), who had been rendered from Macedonia and who was held at the site until May 2004.

The prisoners describe the site as having Afghan guards, although the CIA clearly had full access to, and control of, the prisoners. There were two rows of six underground cells, each with a small opening in the door.¹⁷⁴ El-Masri has said that prisoners at the site 'slept on the floor, wore diapers and were given tainted water that made them vomit'.¹⁷⁵

*Here another era of torture, humiliation and abuse began. The place is underground; a room in the basement that does not see the sun, foul smells and breathing air is below normal. It is an old room like animals' bin, the walls are cracked and dirty, the food is inhumane, and the treatment is cruel with beating, nudity, and threats by the Afghans once when the Americans are absent and once by the Americans.... [T]his place is not better than the graveyard of the living (the darkness prison). I do not want to go in length describing it and the torture we received in it; yet, it is enough for you to know that we were under two managements; American and Afghani and each one practiced whatever they chose from the types of torture. It is enough to tell you that all the prisoners and I had a hunger strike nine times or more demanding the Americans to take us back to the darkness prison because it was easier and better than this prison...*¹⁷⁶

Ahmed Rabbani (#25)

Despite the death of Gul Rahman and the investigation that resulted from it, CIA Headquarters remained ill-informed about events in Afghanistan. In autumn 2003, personnel in Afghanistan provided a list of 44 detainees held there at that point, prompting Headquarters to observe that they had not previously been aware of all these names. The Afghanistan station then carried out 'an exhaustive search of all available records in an attempt to develop a clearer understanding of the [CIA] detainees'.¹⁷⁷ The search resulted in an 'unsettling discovery' that: 'We are holding a number of detainees about whom we know very little. The majority of [CIA] detainees in [Afghanistan] 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 [US military], to [Afghan] 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.'¹⁷⁸

This 'unsettling discovery' was followed by another blow: in January 2004 the International Committee of the Red Cross informed US authorities of their discovery that CIA prisoners in Afghanistan were being held 'incommunicado for extensive periods of time, subjected to unacceptable conditions of internment, to ill treatment and torture, while deprived of any possible recourse.' The letter, which included a 'fairly complete list' of CIA prisoners, 'prompted CIA Headquarters to conclude that it was necessary to reduce the number of detainees in CIA custody'.¹⁷⁹

As a result, the CIA released eight detainees between January-August 2004, and transferred another seven to foreign custody around the same time. In May 2004, 18 prisoners were transferred to US military custody in Bagram.¹⁸⁰ According to one of the men, Binyam Mohamed, 'we were transferred to Bagram Air Base by helicopter, tied like hens going for slaughter'.¹⁸¹ Eight of these prisoners were sent onwards to Guantánamo Bay in September 2004, while ten remained at Bagram.

It was also at this time that the CIA closed down the Dark Prison and moved its remaining occupants to a new site in Afghanistan, which the Committee Study refers to as DETENTION SITE ORANGE. This facility was billed as a 'quantum leap forward' in relation to the Dark Prison, given its 'heating/air conditioning, conventional plumbing, appropriate lighting, shower, and laundry facilities.' Nevertheless, it remained the case that 'detainees undergoing interrogation were kept in smaller cells, with waste buckets rather than toilet facilities'.¹⁸² An OIG audit of the CIA's black sites between July 2005 and February 2006, which included DETENTION SITE ORANGE, found that prisoners were 'held in solitary confinement in climate-controlled, lighted, above-ground, window-less cells... that are equipped with a mattress, a sink and toilet'.¹⁸³ The facility had an exercise room, and detainees were provided access to books, movies, and games.¹⁸⁴

This new site opened in **April** 2004, and the first prisoners arrived in an en-masse transfer from the Dark Prison on 24 April 2004. At least nine men were moved at this point. They were medically examined, subjected to the standard rendition procedure, then moved in several vehicles to a large plane with benches along each side. The flight lasted for several hours, although it seems likely that the plane was circling to disorientate the prisoners. The men were then transferred to helicopters and flown to another location, then driven to the facility.¹⁸⁵ They were

held in the new black site for anywhere from four months to nearly two-and-a-half years, and were later joined by others (either transferred from other facilities, or newly-captured).

DETAINEES HELD AT DETENTION SITE ORANGE, APRIL 2004 – SEPTEMBER 2006

Ramzi bin al-Shibh (#41)	Abu Yasir al-Jaza'iri (#47)	Sayed Habib (#50)
Khalid al-Sharif (#51)	Mohammed al-Shoroeiya (52)	Laid Saidi (#57)
Majid Khan (#58)	Salah Qaru (#75)	Mohamed Bashmilah (#89)
Majid al-Maghrebi (#91)	Mohammed al-Asad (#92)	Saleh Di'iki (#94)
Khaled al-Maqtari (#96)	Abd al-Bari al-Filistini (#106)	Mustafa al-Mehdi (#107)
Marwan al-Jabour (#108)	Qattal al-Uzbeki (#109)	Abu Faraj al-Libi (#114)

Although in some ways the site was an improvement on the Dark Prison, DETENTION SITE ORANGE remained the location of severe mistreatment for those held there. Mohammed al-Shoroeiya and Khalid al-Sharif say they were chained to the wall of their cells throughout, and that there was constant noise at the facility, including loud music and sounds played through speakers in the cells.¹⁸⁶ Some of the sounds, such as that of an electric shock, were used to wake the detainees up.¹⁸⁷ Khaled al-Maqtari has said that the temperature was controlled, through heating and air conditioning, but that these were used as reward and punishment rather than to keep the cells at a comfortable temperature.¹⁸⁸

By this time, some of the detainees who had been held for extended periods of time had begun to display evidence of profound psychological trauma. Acts of self-harm became more common, including slashing wrists, banging heads against the wall, and refusing food. The response from prison staff was brutal. Mohamed Bashmilah reports that: 'The guards untied my hands and sat me in a chair and strapped my arms to the arms of the chair. They then used a chain to connect the shackles on my feet to a metal ring in the floor. I saw blue cans on the table that contained what looked like pink coloured liquid. There were also tubes like those used for IVs and a metal IV pole. After I was strapped to the chair and chained to the floor they shoved a tube up into my nose and I began screaming because of the pain. I resisted because I was beginning to choke and the guards held my head back. In this way they forced the tube all the way into my stomach.'¹⁸⁹

So anyway, my worst day in [DETENTION SITE ORANGE] was December 31, 04. They had to send some kind of report that day... First they put so much food in me, through my rectum, that I didn't have any option but to dump it out... They nose fed

me, but this time I threw up by putting my finger in my throat. So now that was the big problem for them. So now they decided to feed me again, but this time they put me on one chair, hands cuffed behind, and taped me and my whole body with duct tape... then they overdosed me forcefully by injection. So I passed out until they sent reports but since then I was in so much pain, I get up in pain and go back to sleep, then get up, then back to sleep. So I broke my strike the next day, but still they kept me in the cold, freezing cell for another week or so to teach me a lesson.¹⁹⁰

Majid Khan (#58)

After its rapid growth in 2003, and the upheavals which followed this – the swift exit from the undisclosed Guantánamo sites, the wholesale transfer from the Dark Prison to DETENTION SITE ORANGE and the shedding of prisoners prompted by the ICRC's intervention – the programme's volume levelled off. In late June 2004 there were 34 prisoners spread between Afghanistan, Romania and the re-established temporary holding unit in Morocco. This number had dropped to 29 by the end of December. After the switch from the Dark Prison only eight prisoners entered the programme in the rest of 2004.¹⁹¹ Most of these are known to have been captured in Pakistan. The following year, only four prisoners entered the programme, two of whom were probably held in Afghanistan.¹⁹²

MOROCCO

Morocco played a key role in the secret detention and torture of CIA detainees from mid-2002 until February 2005. At least six prisoners – Abou Elkassim Britel, Binyam Mohamed, Pacha Wazir (#38), Ramzi bin al-Shibh, Saleh Di'iki (#94) and Mustafa al-Madaghi – were rendered by the CIA to Morocco and held in Moroccan custody. The CIA was granted access to all these prisoners, and participated in their interrogation (often under torture), although it is clear that Morocco retained ultimate authority over these men.¹⁹³ Some of these prisoners were later rendered to CIA custody at other black sites.¹⁹⁴

Glenn Carle, a CIA officer who interrogated Pacha Wazir while he was in Moroccan custody, has described the facility as located in the countryside, and clearly run by local officials. Moroccan personnel were in charge of Wazir's detention, and were also present during interrogations.¹⁹⁵ Al-Madaghi thought that the facility was on or near to a military base, given that he could hear military training exercises outside. His cell was below ground level but had a small window. Arabic poetry was written all over the walls. He could hear the shouts and screams of other prisoners.¹⁹⁶ Likewise, according to Di'iki, his cell was made of stone, and had a window and a mattress. On the wall were written the names of many people who eventually ended up at Guantánamo Bay, including one of the CIA's key prisoners: 'For the one who is going to read this, I am Ramzi bin al-Shibh and for anyone who can read these lines, I ask him to please inform my family in Yemen

that I believe that on this date I will be transferred to Guantánamo tomorrow.¹⁹⁷ This was likely to have been written in February 2003, several months before Di'iki found himself in the same cell.

Torture was routine at the site. Abou Elkassim Britel has testified that, during his repeated interrogations: 'I was handcuffed, blindfolded, and severely beaten on all parts of my body. I was threatened with worse torture, including having my genitals cut off and "bottle torture" (a torture technique whereby a bottle is forced into the victim's anus).'¹⁹⁸ Binyam Mohamed's account of his detention in Morocco tells a similar story. He was held initially in 'a series of houses which were dug down, almost underground. There were six rooms per house, and at least five houses in a group, with more further away. Three of the rooms were for prisoners, one for interrogation, one for the guards and one empty.'¹⁹⁹ Binyam was tortured on numerous occasions during his time in the prison:

They came in and cuffed my hands behind my back. Then three men came in with black ski masks that only showed their eyes...one stood on each of my shoulders and the third punched me in the stomach. The first punch...turned everything inside me upside down. I felt I was going to vomit. I was meant to stand, but I was in so much pain I'd fall to my knees. They'd pull me back up and hit me again. They'd kick me in the thighs as I got up. They just beat me up that night...I collapsed and they left. I stayed on the ground for a long time before I lapsed into unconsciousness. My legs were dead. I could not move. I'd vomited and pissed on myself.²⁰⁰

Detainee accounts of the layout of the prison, and the abuse to which they were subjected, matches with what is known about the Témara facility, 15km south of Rabat on the Moroccan coast. This centre is run by the National Surveillance Directorate (DST), and is reported to have received prisoners from a number of foreign authorities, including Pakistan, Syria and the US.²⁰¹

DETAINEES HELD IN MOROCCO

Abu Zubaydah (#1)	Abd al-Rahim al-Nashiri (#26)	Pacha Wazir (#38)
Ramzi bin al-Shibh (#41)	Ibn Sheikh al-Libi (#42)	Mustafa al-Hawsawi (#46)
Saleh Di'iki (#94)	Binyam Mohamed (#95)	Abou Elkassim Britel
Mustafa al-Madaghi		

In addition to Moroccan detention on behalf of the CIA, discussions regarding the construction of the CIA's own black site in Morocco began in **January** 2003. By **April** 2003, CIA Headquarters had instructed the local station to 'think big' about how it could support Moroccan intelligence

services, and by **May** local officials had surveyed potential sites. In **June** 2003 the CIA station in Morocco had proposed a multimillion-dollar subsidy package, designed to compensate its allies for support for the secret detention programme.²⁰²

While arrangements were being made for the CIA's own facility in Morocco, the CIA reached two separate agreements with its Moroccan counterparts. The first, struck in **May** 2003, involved a 'temporary patch' to enable the CIA to hold al-Nashiri and bin al-Shibh in a Moroccan facility while the black site was being built. This was clearly a short-term agreement, with the CIA promising to conclude its detention activities in the country by July 2003. In the event, both men were rendered from Poland on 6 June 2003 (**Circuit 23**), and held in Morocco for several months before eventually being rendered to the CIA sites at Guantánamo Bay. Al-Nashiri was transferred in September 2003 (**Circuit 31**), with bin al-Shibh following in **December** 2003 (**Circuit 34**), by which point there were no CIA detainees left in the country.²⁰³

The second agreement, reached in January 2004, referred to the five CIA detainees being held at Guantánamo Bay. Moroccan officials agreed to this arrangement for 'a limited period of time', and the detainees were transferred to the facility in April 2004 (**Circuit 42** and **Circuit 43**).²⁰⁴ Shortly thereafter, the CIA's detainees were reporting that they could hear the torture of other detainees at the site. Tensions began to rise between the two countries as the CIA reported these allegations to its Moroccan counterparts. In **August** 2004 the CIA was asked to remove all its prisoners from the country, and further reporting of allegations in **October** 2004 led to a significant deterioration in intelligence cooperation. By **January** 2005, Moroccan intelligence was insisting that the political leadership needed to be briefed on the 'more permanent and unilateral CIA detention facility' under construction, but in **February** 2005 all remaining CIA detainees were transferred out of the country. Despite the fact that the political leadership ultimately approved the construction of the facility, by **February** 2006 it was being decommissioned, and was described as an 'aborted' project.²⁰⁵

ROMANIA

The black site in Romania held at least 12 prisoners between September 2003 and November 2005. A number of locations have been suggested for the facility. The Council of Europe investigation focused on a secure area on the Black Sea coast which encompassed 'several current and former military installations, including all those facilities named in the Access Agreement of 2005, which have been used by the United States under a "special regime of access" since late 2001.' In particular, the report drew attention to the dual military-civil Mihail Kogalniceanu airport at Constanța, which played a key role in the broader 'War on Terror'.²⁰⁶

While the Council of Europe team felt unable to pinpoint the exact location of the black site in 2007, by December 2011 investigative journalists working for Associated Press and the German ARD news programme Panorama revealed that they had spoken to 'former US intelligence officials familiar with the location and inner working of the prison.' According to these reports, the

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Trip Number: 52158

TRIP DATE(S): 4/11/2004 - 4/13/2004

CUST-REF-NR:

Passengers: 6 pax, 6 pax, 6 pax, 9 pax, 5 pax

Route:	DEP ID:	DEP CITY:	ARR ID:	ARR CITY:
	KIAD	WASHINGTON	MUGM	GUANTANAMO BAY
	MUGM	GUANTANAMO BAY	GCXO	TENERIFE
	GCXO	TENERIFE	LRBS	BUCHAREST
	LRBS	BUCHAREST	GMME	RABAT
	GMME	RABAT	KIAD	WASHINGTON

Catering	1.00 Ea	\$2,443.66	\$2,443.66
Charter Aircraft	26.90 HR	\$4,900.00	\$131,810.00
Charter Aircraft	1.00 HR	\$5,000.00	\$5,000.00
Reposition Leg			
Charter Extra Crew	1.00 EA	\$4,800.00	\$4,800.00
2 x 3 days x \$800			
Charter Handling Fee	1.00 EA	\$20,000.00	\$20,000.00
Charter Handling Fee	1.00 EA	\$1,565.00	\$1,565.00
LRBS			
Charter Landing	1.00 EA	\$339.30	\$339.30
Subtotal:			\$166,957.96
Federal Excise Tax:			\$0.00
Total:			\$166,957.96
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INVOICE FROM RICHMOR AVIATION TO SPORTSFLIGHT AIR, FOR RENDITION OPERATION
BETWEEN BLACK SITES IN GUANTANAMO BAY, ROMANIA AND MOROCCO (CIRCUIT 42)

site was located in the basement of a building in northern Bucharest used by the National Registry Office for Classified Information (ORNISS) to store sensitive EU and NATO files. The basement was ‘one of the most secure rooms in all of Romania,’ with detainees flown to Bucharest’s airport, loaded into vans, then driven to the building. The site was just a 15 minute drive from the airport. Once there, they would be taken down a side road, and through a rear gate that led into the compound. They would then be taken underground, where six prefabricated cells had been built, on springs in order to keep detainees off-balance and disorientated.²⁰⁷ The internal layout of the site has also been reported by The New York Times, which described ‘a renovated building on a busy street in Bucharest’ built to house half a dozen prisoners in isolated cells.²⁰⁸

One of the men held at the site, Khaled Sheikh Mohammed, has described how ‘they kept our clothes on, but our feet shackled. The rooms were about four feet wide by nine feet long. The walls were ceramic, there was a hook in the ceiling and two hooks on the floor, and there was a drain in the floor. From time to time I would hear other detainees screaming.’²⁰⁹

Although the exact location of the facility has not been independently confirmed, the fact that a building was leased to the CIA in Bucharest has been, by both Ioan Talpeş (former Presidential Advisor on National Security) and ‘Witness Z’.²¹⁰

According to the Committee Study, the first detainees arrived in Romania in **September** 2003, and this included a batch of **five** prisoners.²¹¹ We have established the identities of these five men, plus at least seven others held there before it was closed.

DETAINEES HELD IN ROMANIA (FROM/TO)

Khaled Sheikh Mohammed (#45)	September 2003 (Circuit 31)	October 2005 (Circuit 58)
Abu Yasir al-Jaza’iri (#47)	September 2003 (Circuit 31)	October 2003 (Circuit 32)
Walid bin Attash (#56)	September 2003 (Circuit 31)	November 2005 (max)
Ammar al-Baluchi (#55)	September 2003 (Circuit 31)	November 2005 (max)
Samr al-Barq (#67)	September 2003 (Circuit 31)	October 2003 (Circuit 32)
Hassan Ghul (#98)	January 2004 (Circuit 37)	November 2005 (max)

Muhammad Ibrahim (#99)	January 2004 (Circuit 37 or Circuit 39)	October 2004 (Circuit 52)
Abd al-Rahim al-Nashiri (#26)	April 2004 (Circuit 42)	October 2005 (Circuit 58)
Janat Gul (#110)	July 2004 (Circuit 48)	November 2005 (max)
Ramzi bin al-Shibh (#41)	October 2004 (Circuit 51)	November 2005 (max)
Abu Faraj al-Libi (#114)	May 2005 (Circuit 57)	November 2005 (max)
Abu Munthir al-Magrebi (#115)	May 2005 (Circuit 57)	November 2005 (max)

Hambali and Lillie may also have been detained at the site, although the evidence for this is not conclusive.

Detainees who arrived in Romania shortly after their capture were often subjected to sustained torture. In January 2004, for example, Hassan Ghul was rendered to the site and immediately 'shaved and barbered, stripped, and placed in the standing position against the wall' with 'his hands above his head'.²¹² He was then subjected to one session of 59 hours' sleep deprivation, whereupon he experienced hallucinations, followed by further deprivation and other techniques, alongside further hallucinations.²¹³ Cables also describe the use of sleep deprivation on Muhammad Ibrahim for three days straight, from 27-30 January 2004,²¹⁴ exceeding the 48 hours authorised by CIA Headquarters at the beginning of this period.²¹⁵

Once in Romania, Janat Gul (#110) was subjected to 'extensive, customised application of "enhanced interrogation techniques"'.²¹⁶ CIA cables from the Romanian site document that Gul was tortured from 3-10 August 2004 and again from 21-25 August 2004,²¹⁷ and that this included continuous sleep deprivation, facial holds, attention grasps, facial slaps, stress positions, and walling, until he experienced auditory and visual hallucinations.²¹⁸ Gul became hugely disorientated, and could see 'his wife and children in the mirror and heard their voices in the white noise'.²¹⁹ After continued torture, Gul 'asked to die, or just be killed'.²²⁰ This torture took place throughout August 2004, and included a 47-hour session of standing sleep deprivation, after which he was returned to his cell, allowed to remove his diaper, given a towel and a meal, and permitted to sleep.²²¹

Abu Faraj al-Libi was also tortured on arrival in Romania, and throughout June 2005,²²² with

two key periods: from 28 May until 2 June, and then again from 17-28 June.²²³ This treatment continued even after he complained of loss of hearing (he was eventually fitted with a hearing aid after his transfer to US military custody at Guantánamo Bay).²²⁴

Some of the detainees who had been held by the CIA for longer before transfer to Romania also appear to have been interrogated at the site.²²⁵ Although the sustained use of interrogation under torture appears not to have been used against these prisoners while in Romania, mistreatment clearly continued. Walid bin Attash has testified that he was placed in a standing stress position for several days while at the site, and forced to defecate into a diaper.²²⁶ Likewise, Ramzi bin al-Shibh has testified that he was 'restrained on a bed, unable to move, for one month, February 2005 and subjected to cold air-conditioning during this period.' Referring to the prison as his 'eighth place of detention', he has also testified that he was forcibly but partially shaved in order to humiliate him.²²⁷

CIA cables from the site document severe psychological problems experienced by the detainees as a result of their torture and prolonged isolation, including depression, anxiety and insomnia.²²⁸ In at least one case this led to a hunger strike. This was quashed in May 2004, when Abd al-Rahim al-Nashiri was subjected to rectal feeding, with Ensure infused while he was 'in a forward-facing position (Trendlenberg) with head lower than torso'.²²⁹

By the time that Abu Faraj al-Libi and Abu Munthir al-Magrebi (#115) were transferred to Romania in May 2005 (**Circuit 57**), the site's own manager considered the prison to be dysfunctional. He was troubled by the 'natural and progressive effects of long-term solitary confinement on detainees,' and was exasperated by the personnel deployed there, many of whom were 'basically incompetent'. The quality of debriefers and security officers being sent to the site was degenerating, while the information coming out of it was 'mediocre or, I dare say, useless'.²³⁰

The Romanian site operated until November 2005. In the days before its closure, the CIA had learned that The Washington Post knew of the prison's existence. While seeking to prevent the paper from publishing the details, it also proposed moving the prisoners into DoD custody. When the Pentagon refused, the National Security Council directed the CIA to prepare other options.²³¹ At least two prisoners – Khaled Sheikh Mohammed and al-Nashiri – were rendered to the Lithuanian black site on 5 October 2005, via a plane switch in Albania (**Circuit 58**), although it is unclear if this took place before or after the CIA had learned of the newspaper's story.

The Washington Post published its story on 2 November 2005.²³² This caused significant tension with allies. US representatives to **the European Union** worried that public knowledge of the programme would cause 'considerable ramifications' for relations with the **the European Union**, and bilateral counterterrorism relations with **European** allies were clearly impacted as a result. From this point onwards, at least one government refused to provide information that could lead to US custody and interrogation of terror suspects, whether by the CIA or the DoD.²³³

Although The Washington Post story withheld the names of the 'Eastern European democracies' which hosted black sites, Human Rights Watch followed up quickly to identify Poland and Romania.²³⁴ As a result, the Romanian authorities demanded the closure of the black site within **xx** hours, and the CIA 'transferred the remaining **three** prisoners out of the facility shortly thereafter'.²³⁵

We have identified the rendition circuit which completed this transfer, with all prisoners moved to Afghanistan (via a plane switch in Jordan) **(Circuit 59)**.

The CIA now had only two active prison sites: one in Lithuania, the other in Afghanistan. At this point the programme held 27, with Abu Ja'far al-Iraqi (#117) added later in November once he had been transferred to Afghanistan from DoD custody in Iraq.

LITHUANIA

Discussions with Lithuanian officials regarding the construction of a black site started in 2002, and the Lithuanian intelligence service (SSD) began implementing what became known as Project No. 1. This involved equipping a facility 'suitable for holding detainees... taking account of the requests and conditions' set out by the CIA.²³⁶ The site was on Z. Sierakauskio gatvė, according to subsequent government disclosures.²³⁷ According to the Committee Study, this had been completed by mid-2003, although by that time it was considered too small given the requirement to hold multiple prisoners at once.²³⁸ It appears that Project No. 1 was never used as a detention site.²³⁹

The construction of a new, expanded facility was approved by Lithuanian officials, with awareness at the highest political levels and coordination by top-level officials in the SSD.²⁴⁰ The implementation of Project No. 2 began in 2004 with the purchase of a former horse riding school located in the village of Antaviliai, on the edge of woodland 15 miles from Vilnius.²⁴¹ Journalists obtained real estate records showing that the site had been sold by a local family in March 2004 to a Panamanian company, Elite LLC.²⁴² Locals have testified to significant construction activity during the summer of 2004, with the excavation of large amounts of earth and the conversion of existing buildings into a secure facility, with security cameras, fencing and no windows. Accounts exist of multiple shipping containers arriving by road throughout this time, carrying raw building materials and also prefabricated components. According to ABC News, citing unnamed Lithuanian and US officials: 'The riding academy originally consisted of an indoor riding area with a red metallic roof, a stable and a cafe. The CIA built a thick concrete wall inside the riding area. Behind the wall, it built what one Lithuanian source called "a building within a building". On a series of thick concrete pads, it installed what a source called "prefabricated pods" to house prisoners, each separated from the other by five or six feet. Each pod included a shower, a bed, and a toilet. Separate cells were constructed for interrogations. The CIA converted much of the rest of the building into garage space. Intelligence officers working at the prison were housed next door in the converted stable, raising the roof to add space. Electrical power for both structures was provided by a 2003 Caterpillar autonomous generator. All the electrical outlets in the renovated structure were 110 volts, meaning they were designed for American appliances.'²⁴³

The construction of this building was confirmed by the Lithuanian Parliament's Committee for National Security and Defence (CNSD), which found that 'the necessary acquisitions were made for the purposes of implementation of the project, construction works were carried out to equip the facility, with the progress of works ensured by the partners [i.e., the CIA] themselves.

The building was reconstructed to meet certain security requirements'. Although the Committee could not confirm that detainees were actually held in the prison, they were clear that 'the layout of the building, its enclosed nature and protection of the perimeter' was designed for such a function.²⁴⁴ Likewise, a delegation from the Council of Europe's Committee for the Prevention of Torture completed a site visit in June 2010, and confirmed key aspects of the facility. The final report concluded that, although by that time (over four years since the prison had closed) the site in Antaviliai 'did not contain anything that was highly suggestive of a context of detention', it could 'be adapted for detention purposes with relatively little effort'. Specifically, the delegation noted the existence of two interconnected buildings, one with a brown roof and one with a red roof. The latter building had a layout which 'resembled a large metal container enclosed within a surrounding external structure. Two parts of this building (a fitness room and a technical area) contained apparatus, machinery and spare parts of US origin as well as instructions and notices written in English.'²⁴⁵

According to the Committee Study, the Lithuanian black site received its first prisoners in February 2000.²⁴⁶ This is confirmed by our investigation, which has identified a rendition circuit connecting Morocco (from where the CIA had removed all its detainees by February 2005²⁴⁷), Romania and Lithuania on 18 February 2005 (**Circuit 55**). This circuit displays the characteristics of a rendition flight, including the filing of false flight plans to disguise the landings at Bucharest (Romania) and Palanga (Lithuania) and the absence of any customs inspection on the ground in Lithuania. The aircraft was recorded as carrying three crew members and five passengers.²⁴⁸

Based in part upon the findings of our investigation, the European Court of Human Rights (ECtHR) has found it proven that Abu Zubaydah was rendered to Lithuania in February 2005.²⁴⁹ Our new analysis of CIA cables confirms Abu Zubaydah's presence at the facility in March 2005, and thus his rendition the month previously.²⁵⁰ The Committee Study also notes that the site received multiple detainees at that time,²⁵¹ suggesting that others were brought on the flight from either Morocco or Romania. They may have included Mustafa al-Hawsawi, who was held in either Morocco or Romania (or both) from April 2004. Our analysis of CIA cables has confirmed that al-Hawsawi was held in Lithuania, with one cable from the site documenting his medical complications after the earlier use of rectal rehydration.²⁵²

We have also established that at least two detainees, Khaled Sheikh Mohammed and Abd al-Rahim al-Nashiri, were rendered from Romania to Lithuania on 5 October 2005 on board two separate aircraft which met in Tirana, Albania. This circuit involved the filing of flight plans to disguise the landings in Bucharest and Vilnius, and the prevention of customs and border guards in Lithuania from approaching the plane (**Circuit 58**). Our analysis of CIA cables confirms that al-Nashiri was in Romania up until at least 30 September 2005,²⁵³ and that he was later held in Lithuania.²⁵⁴ Likewise, the Committee Study explicitly states that Mohammed was held in Romania and then transferred to DETENTION SITE VIOLET on 1 October 2005.²⁵⁵ Our analysis of cables confirms his presence in Lithuania during December 2005.²⁵⁶

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Klanas

Vadybininkas
Boris Baryšnikov

19-24 Vadybininkas
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					plan.	fakt.		kel.	krov.	paštas
55	DUBLINAS	LAL	B-735	1	0600	5.31	AZY	46	0	0
41	RYGA	BTI	FOK-50	1	0925	09.24	VLBA	33	0	1
597	KOPENHAGA	DHL	AN-26	1	0925	10.11	LYAPN	0	2610	0
42	TALINAS	BTI	FOK-50	1	1010	10.03	VLBAZ	25	0	13
42	HELSINKIS	BTI	FOK-50	1	1045					
425	HELSINKIS	LAL	B-735	1	1045	10.40	HEQ	81	164	20
409	KOPENHAGA	LAL	S-2000	1	1155	11.45	SBC	12	163	0
42	KOPENHAGA	SAS	DASH-8	1	1220	12.18	LNRDP	26	213	123
52	FRANKFURTAS	DLH	B-737/500	1	1240	12.53	DABIR	57	1007	276
44	STOKHOLMAS	SAS	DASH-8	1	1310	13.02	DKCE	12	0	0
461	AMSTERDAMAS	LAL	B-735	1	1320	13.42	AZY	53	475	303
43	VIENA	AUA	CRJ	1	1335	13.57	OELCN	42	52	25
471	VARSUVA	LOT	ATR-72	1	1410	14.21	SPLFB	33	188	270
472	PRAHA	CSA	B-735	1	1435	14.50	DKXED	80	1046	79
455	LONDONAS(GAT)	LAL	B-737/500	1	1450	15.00	BSE	34	0	258
436	VIENA	BTI	FOK-50	1	1530	15.30	VLBA	17	0	0
491	MILANAS	LAL	S-2000	1	1530	15.28	SBD	22	0	38
439	KIEVAS(BORI)	LAL	ATR-42	1	1650	17.05	LYARY	34	24	7
472	KOPENHAGA	SAS	MD-81	1	1715	17.13	SFOIS	67	78	464
421	FRANKFURTAS	LAL	B-735	1	1735	17.16	AGQ	30	162	0
437	HELSINKIS	LAL	S-2000	1	1740					
443	RYGA	BTI	FOK-50	1	1755	17.43	VLBA	21	0	0
451	TALINAS	ELL	B-735	1	2005	19.50	ESABA	41	0	0
453	LONDONAS(GAT)	LAL	B-735	1	2105	21.06	AZY	35	33	0
429	MASKVA	LAL	B-737/500	1	2120	21.24	BSE	71	16	57
439	HELSINKIS	LAL	B-735	1	2140	21.38	HEQ	43	0	0
456	LONDONAS(GAT)	BTI	B-735	1	2145	21.47	VLBA	65	70	0
465	AMSTERDAMAS	LAL	B-735	1	2205	22.10	HEZ	38	0	0
456	OSLAS	BTI	FOK-50	1	2215	22.07	VLBA	23	0	0
413	STOKHOLMAS	LAL	ATR-42	1	2215	22.13	LYARY	20	59	0
473	VARSUVA	LOT	ATR-72	1	2220	22.25	SPLFF	46	0	231
4216	BERLYNAS	BTI	FOK-50	1	2245	22.52	VLBAU	33	0	0
466	KOPENHAGA	BTI	FOK-50	1	2250	22.57	VLBAZ	39	0	6
481	BRIUSELIS	LAL	S-2000	1	2255	22.13	SBD	42	10	0
4218	FRANKFURTAS	LAL	S-2000	1	01.15	2.23	SBC	10	0	0
206	HURGADA	LAL	B-735	1	1540	15.34	AGZ	107	0	0
24CL	AMMAN		B-721	1		20.15	N724CL	0	0	0
24LAW	RYGA		P-46T	5		21.25	OYLAW	2	0	0

DETAINEES HELD IN LITHUANIA (FROM/TO)

Abu Zubaydah (#1)	February 2005 (Circuit 55)	March 2006 (Circuit 6o)
Mustafa al-Hawsawi (#46)	February 2005 (Circuit 55)	March 2006 (Circuit 6o)
Khaled Sheikh Mohammed (#45)	October 2005 (Circuit 58)	March 2006 (Circuit 6o)
Abd al-Rahim al-Nashiri	October 2005 (Circuit 58)	March 2006 (Circuit 6o)

Little is known about the treatment of detainees in Lithuania. Mohammed has stated that the conditions were better, with bigger cells and better food, and a gym.²⁵⁷ We know that Lithuanian officers refused to admit al-Hawsawi to a local hospital, and as such care for his serious medical issues was delayed.²⁵⁸ He was ultimately transferred to a third-party country for treatment, which in turn received payment from the CIA.²⁵⁹ Indeed, an OIG audit of the Romanian and Lithuanian black sites, as well as DETENTION SITE ORANGE in Afghanistan, found that they did not have facilities for dealing with serious mental or physical problems in-house. Guidelines from the CIA's Office of Medical Services recommended that 'in situations where a detainee's medical condition cannot be adequately treated at the detention facility, detention facility staff and local CIA station personnel arrange access to the host country's health care system.' However, attempts to obtain support from host country officials had had 'limited success', and foreign partners had 'reneged on previous assurances that they would arrange inpatient treatment or have declined to become involved in providing medical treatment for CIA detainees'. Other issues identified include the 'unacceptable quality' of some of the medical facilities offered by partners.²⁶⁰ As an alternative to relying on host or third-party medical facilities, the CIA built its own hospital in another country between May and December 2005. This facility was not used. The final possibility – to use DoD medical facilities – was also off the table because DoD had refused access.²⁶¹

These problems resulted in the closure of the Lithuanian site in **March** 2006, and the transfer of the remaining detainees to a new site in Afghanistan, which the Committee Study calls DETENTION SITE BROWN.²⁶² This took place on a rendition operation using two aircraft: the first rendering the prisoners from Palanga to Cairo; the second taking them onwards to Afghanistan **(Circuit 6o)**.

Investigation by the Lithuanian Prosecutor's Office in 2010, subsequently disclosed during litigation at the ECtHR, offers granular detail of actions carried out by Lithuanian officers in support of the CIA.²⁶³ They had discussed with the CIA the provision of locations to house 'secret collaborators'. They had been assigned to assist the CIA in locating site for various uses. Regarding

Project No. 2, in Antaviliai, the CIA led the construction works, and no operation file was initiated for the building. Although Lithuanian officials had access to the building, they did not visit all of it, and were 'not aware of the contents of the operations that were carried out.' They were under the impression, they told the Prosecutor, that the building was an 'intelligence support centre', but that it was used 'minimally as the partners [i.e. the CIA] were slow to take any decisions' about it. The CIA 'changed their plans', 'stalled' and did not 'fully exploit' the building. Lithuanian officers assisted in transporting 'boxes' to Palanga airport in March 2006: the boxes were 'of not less than 1 metre length. They were carried by two persons... there were not less than three of them.' They had also escorted cargo coming from Vilnius International Airport on another occasion. The Prosecutor's Office concluded that 'notwithstanding the fact that there is no data... of a precise purpose of the cargo... it might be concluded that "some specific cargo" could have been communication equipment.'

ENDGAME

DoD's reservations about engaging with the black site programme extended to accepting former black site detainees. The CIA had identified problems with the ultimate disposition of its captives as early as January 2003, when officials drafted a set of 'lessons for the future' on the back of initial experience in Thailand. While suggesting that immediate legal issues in relation to host countries mean that 'particular care needs to be taken with respect to the selection of future interrogation sites,' this cable was also clear that, 'as an alternative to indefinite incarceration at temporary locations, [redacted] needs to revisit the issue of establishing and staffing at least one secure and well-designed facility at a location outside the United States, where there is a high degree of confidence in the ability to remain at the location for an open-ended period of time.'²⁶⁴ By 2004, officials were highlighting a series of 'drawbacks of ongoing indefinite detention,' including the need for regular relocation of detainees, the 'tiny pool of potential host countries' that was available to hold them, the 'high risks' that these countries ran in offering this assistance, the fact that 'prolonged detention without legal process increases likelihood of [prisoner] health, psychological problems [and] curtails intel flow', criticism of the US government if legal processes were delayed or denied, and the likelihood that such a delay would 'complicate, and possibly reduce the prospects of successful prosecutions of these detainees'.²⁶⁵

Six months later, an appraisal of problems facing the detention programme was prepared for CIA Director Porter Goss's meeting with the National Security Advisor, Condoleezza Rice. This stressed the need to 'establish a long-term disposition policy for the 12 High-Value Detainees we hold in overseas detention sites', given in particular the fact that 'liaison partners who host these sites are deeply concerned by [redacted] press leaks, and they are increasingly skeptical of the [US government's] commitment to keep secret their cooperation.' Existing black site hosts were considered likely to eventually 'ask us to close down our facilities on their territory,' while 'few countries are willing to accept the huge risks associated with hosting a CIA detention site,

so shrinkage of the already small pool of willing candidates could force us to curtail our highly successful interrogation and detention program'. As such, the 'establishment of a clear, publicly announced [detainee] "endgame" – one sanctioned by [the President] and supported by Congress – will reduce our partners' concerns and rekindle their enthusiasm for helping the US in the War on Terrorism.'²⁶⁶

These worries mounted throughout 2005, and were thrown into sharp relief by The Washington Post's revelations that November.²⁶⁷ In January 2006, Defense Secretary Donald Rumsfeld conveyed the message that he would not accept any CIA detainees at Guantánamo Bay.²⁶⁸ CIA officials viewed this prospect with alarm, arguing that the 'only viable "endgame" for continued US Government custody of these most dangerous terrorists is a transfer to GTMO... absent the availability of GTMO and eventual DoD custody, CIA will necessarily have to begin transferring those detainees no longer producing intelligence to third countries, which may release them, or [the CIA itself may need to] outright release them.'²⁶⁹ As Rumsfeld remained intransigent, Porter Goss was advised to take the matter to President Bush, and to 'stress that absent a decision on the long-term issue (so called "endgame") we are stymied and the program could collapse of its own weight.'²⁷⁰

Starting in February, the CIA gradually began to disperse the prisoners that it was willing to send to foreign custody. Those it kept began to be treated a little more humanely. For example, Khaled Sheikh Mohammed has stated that, towards the end of his time in CIA custody (which would have been in DETENTION SITE BROWN) there was a gym with an opening in the roof, where he could see the sun for the first time.²⁷¹ Some prisoners began to be afforded 'social visits' with another detainee 'for approximately one hour in a controlled and monitored setting', which was seen to have 'a positive impact on detainees' behavior and coping skills.'²⁷² Marwan al-Jabour (#108), for example, says that from the end of February 2006 he was allowed to meet Abu Yasir al-Jaza'iri, and the two would talk either weekly or monthly until he was transferred out of CIA custody.²⁷³

DETAINEES IN FINAL BLACK SITES, AFGHANISTAN, MARCH-SEPTEMBER 2006

Abu Zubaydah (#1)	Abd al-Rahim al-Nashiri (#26)	Ramzi bin al-Shibh (#41)
Ibn Sheikh al-Libi (#42)	Khaled Sheikh Mohammed (#45)	Mustafa al-Hawsawi (#46)
Abu Yasir al-Jaza'iri (#47)	Ammar al-Baluchi (#55)	Walid bin Attash (#56)
Majid Khan (#58)	Zubair (#62)	Lillie (#72)
Hambali (#73)	Khaled al-Maqtari (#96)	Hassan Ghul (#98)

Saud Memon (#100), possibly	Gouled Dourad (#102)	Abu 'Abdallah (#103)
Abd al-Bari al-Filistini (#106)	Marwan al-Jabour (#108)	Qattal al-Uzbeki (#109)
Janat Gul (#110)	Ahmed Ghailani (#111)	Abdi Rashid Samatar (#113)
Abu Faraj al-Libi (#114)	Abu Munthir al-Magrebi (#115)	Ibrahim Jan (#116)
Abu Ja'far al-Iraqi (#117)		

By September 2006, Rumsfeld's objections were finally overcome, and the CIA and DoD signed a Memorandum of Agreement for delineating duties and responsibilities concerning the CIA prisoners to be transferred to Guantánamo Bay. Although much of the Agreement remains classified, it is clear that former-CIA prisoners were to be held solely under military jurisdiction, including 'detainees' registration, movement, release, transfer, continued detention, treatment, interrogation, medical care and trial before military commissions.¹²⁷⁴ 14 'High Value Detainees' were sent to Guantánamo at the start of September 2006. On their arrival, President Bush announced to the world that in addition to those held in military detention, 'a small number of suspected terrorist leaders and operatives captured during the war have been held and questioned outside the United States, in a separate program operated by the Central Intelligence Agency.'¹²⁷⁵ The speech was the US government's first acknowledgement of what had by then become an open secret.

After September 2006 the programme was dormant. It was revived sporadically for the detention of the last two CIA prisoners: Abd al-Hadi al-Iraqi (#118) (held November 2006 to April 2007) and Muhammad Rahim (#119) (July 2007 to March 2008). After Rahim was sent to Guantánamo the CIA continued to maintain two prison sites, empty but ready to be reactivated. They were managed by a contracting company, Mitchell Jessen Associates (MJA). The company had been set up in 2005 by James Mitchell and Bruce Jessen, the two psychologists who had engineered the blueprint for the interrogation programme. A letter from the CIA's Director, Leon Panetta, in April 2009, obtained by Vice News, stated that MJA had a contract 'for services related to the two remaining CIA detention facilities.'¹²⁷⁶ Previously MJA had provided 'interrogation services, security teams for renditions, facilities, training, and other services.' By 2009, however, the CIA had informed them that their services would be reduced to providing security teams for the empty facilities, 'given that the agency would not be engaging in interrogation or operating black sites.'

The contract – due to run until March 2010 – was terminated early, but not before MJA had received more than \$81 million for its work with the torture programme.²⁷⁷ But – Panetta told congressional overseers – the Agency retained the authority to carry out renditions and 'to detain individuals on a short-term, transitory basis.'

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171. Center for Constitutional Rights, Former CIA Detainee Majid Khan's Torture Finally Public, 2 June 2015.
172. Craig S. Smith and Souad Mekhennet, Algerian Tells of Dark Term in US Hands, The New York Times, 7 July 2006.

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176. Ahmed Rabbani, Letter to Guantánamo Bay Interagency Review Taskforce, 1 May 2009, para 48.
177. SSCI, Committee Study, 9 December 2014 (redacted), p. 110.
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181. Reprieve, 'Human Cargo': Binyam Mohamed and the Rendition Frequent Flyer Programme, 10 June 2008, p. 37.
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186. Human Rights Watch, Delivered Into Enemy Hands: US-Led Abuse and Rendition of Opponents to Gaddafi's Libya, September 2012, pp. 53-56.
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188. Amnesty International, A Case to Answer: From Abu Ghraib to Secret CIA Custody; the Case of Khaled Al-Maqtari, March 2008, p. 28.
189. Binyam Mohamed et al v. Jeppesen Dataplan, Declaration of Mohamed Farag Ahmad Bashmilah, 5 December 2007, para 116-19.
190. DoD (CSRT), Majid Khan, 15 April 2007, p. 29.
191. Ayyub al-Libi, Qattal al-Uzbeki, Abd al-Bari al-Filistini, Marwan al-Jabbur, Janat Gul, Ahmed Khalfan Ghailani, Sharif al-Masri, Abdi Rashid Samatar.
192. Ibrahim Jan, Abu Ja'far al-Iraqi.
193. See, for example: Glenn Carle, The Interrogator: An Education, New York: Nation Books, 2011, p. 18. 'Our liaison partners were running the interrogation because it was occurring on their turf, even though the case, and [Wazir], were ours. It was a matter of sovereignty. Our hosts were willing to help, not do our bidding.'
194. Wazir was transferred to the Dark Prison in Afghanistan in December 2002 (Circuit 16), and Mohammed and Di'iki followed in January 2004 (Circuit 37). Bin al-Shibh was rendered to Poland in February 2003 (Circuit 17).
195. Glenn Carle, The Interrogator: An Education, New York: Nation Books, 2011, pp. 60-64.
196. Human Rights Watch, Delivered Into Enemy Hands: US-Led Abuse and Rendition of Opponents to Gaddafi's Libya, September 2012, p. 80.
197. Ibid., pp. 68-69.
198. Binyam Mohamed et al v. Jeppesen Dataplan, Declaration of Abou Elkassim Britel, 2 November 2007, para 17.
199. Reprieve, 'Human Cargo': Binyam Mohamed and the Rendition Frequent Flyer Programme, 10 June 2008, pp. 10-11.
200. Ibid., p. 12.
201. Amnesty International, Morocco/Western Sahara, Torture in the 'Anti-Terrorism' Campaign – The Case of Témara Detention Centre, 23 June 2004.
202. SSCI, Committee Study, 9 December 2014 (redacted), pp. 139-140.
203. Ibid., pp. 139-140, 143.
204. The Committee Study states that the site held CIA detainees 'beginning in April 2004.' SSCI, Committee Study, 9 December 2014 (redacted), p. 143. Another flight between Guantánamo Bay and Morocco, on 27 March 2004, may therefore have been logistical.
205. SSCI, Committee Study, 9 December 2014 (redacted), pp. 141-142.
206. Council of Europe, Secret Detentions and Illegal Transfers of Detainees Involving Council of

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207. Adam Goldman and Matt Apuzzo, Inside Romania's Secret CIA Prison, Associated Press, 8 December 2011; John Goetz and Kristopher Sell, CIA-Geheimgefängnis in Bukarest Enttarnt, Panorama, ARD, 7 December 2011.
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