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6 December 2006

DISPOSITION MEMORANDUM

SUBJECT: (S) Alleged Use of Unauthorized Interrogation Techniques

CASE: (U) 2004-7717-IG

(b)(1) ISSUES UNDER INVESTIGATION: (b)(3) NatSecAct

(b)(1) NF) On 18 August 2004, the 1. (TS// (b)(3) CIAAct (b)(3) NatSecActOffice of Inspector General (OIG) received information from the FBI that Agency officers applied an interrogation technique to Libyan (b)(6) Islamic Fighting Group member Abu Hazim Al-Libi in a manner (b)(7)(c) (b)(7)(d) considered inconsistent with Agency procedures. (b)(7)(f)linguist, provided the information to FBI Special Agents who were interviewing on an unrelated information to OIG for matter. The FBI, in turn, referred action.

> (b)(1) (b)(3) CIAAct (b)(3) NatSecAct (b)(6) (b)(7)(c) (b)(7)(d) (b)(7)(f)

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C05959918. Approved for Release: 2016/06/10 C05959918 (r)(r) (b)(1) - RN//MR TOP SECRI (b)(3) CIAAct _(b)(1)_ (b)(3) NatSecAct (b)(3) NatSecAct (b)(3) NatSecAct (b)(6) (b)(7)(c) 3. (S//NF) advised OIG that he was the interpreter (b)(7)(d) when interrogator used enhanced interrogation (b)(7)(f) techniques (EITs) on detainee Abu Hazim at alleges that when water dousing was used on Abu Hazim, a cloth covered Abu Hazim's face, and poured cold water directly onto Abu Hazim's face to disrupt his breathing. said when Abu Hazim turned blue, Physician's Assistant (b)(1) removed the cloth so that Abu Hazim could breathe. said this (b)(3) CIAAct (b)(3) NatSecActwas the first and only time he witnessed water dousing, and that (b)(6) other CIA personnel were present during this water (b)(7)(c)dousing session. (b)(3) CIAAct (b)(7)(f)

> 4.-(S//NF) CIA operational records indicate that Headquarters personnel approved the use of water dousing at the time. However, the water dousing technique did not include the use of a cloth over the face, and pouring water on the face was not allowed. Hence, if water dousing was applied as described, it could be a violation of Title 18 U.S.C. §2340A Torture.

INVESTIGATI^(b)(1)**FFORTS**:

(b)(3) NatSecAct 5. (TS/ (NF) OIG reviewed relevant documents. Agency policy and guidelines on the use of interrogation (b)(1) (b)(3) NatSecActtechniques were reviewed. The Directorate of Operations (DO) [now known as the National Clandestine Service] provided cable traffic of concerning the detention and interrogation at Abu Hazim, a.k.a. Abu Hazum Al-Libi, Muhammad Dawud, variant Daud, Dawood, Dawud, a.k.a. Ali 'Abdullah Sharid Al-Din, a.k.a. Abu Muhammad, a.k.a. Abu Hamid. Relevant Lotus Notes concerning Abu Hazim and water dousing were received from CTC/Legal, CTC/Renditions and Detainees Group (RDG), and the (b)(1) Office of Medical Services (OMS). OIG reviewed Security Files and (b)(3) CIAAct (b)(3) NatSecActOfficial Personnel Folders for selected personnel who had contact with Abu Hazim during this period of time. (b)(1) 6. (S//NF) OIG interviewed several Agency employees and (b)(3) CIAAct (b)(3) NatSecActontractors, including the employees who worked with (b)(6) and witnessed the interrogations of Abu Hazim by (b)(7)(c)

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7. -(S) On 10 September 2004, OIG reported this incident as a possible violation of federal criminal law to Chief, Criminal Division, U.S. Attorney's Office, Eastern District of Virginia. Assistant U.S. Attorney was assigned to the case and has been apprised of the progress of this investigation.

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(b)(3) CIAAct POLICY AND GUIDELINES:

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8. (S//NF) DO Handbook 50-2 explains the Agency's general interrogation policy:

It is CIA policy to neither participate directly in nor encourage. interrogation that involves the use of force, mental or physical torture, extremely demeaning indignities, or exposure to inhumane treatment of any kind as an aid to interrogation.

(b)(1)

(b)(3) NatSecAct

NF) According to the 9. (TS/ Inspector General's Special Review, the capture and initial Agency interrogation of the high value detainees (HVDs) presented the Agency with a significant dilemma.¹ The Agency was under pressure to prevent additional terrorist attacks. Agency officials believed that a more robust approach was necessary to elicit threat information from senior al-Qa'ida HVDs. With the knowledge that al-Qa'ida personnel had been trained in the use of resistance techniques, another challenge was to identify interrogation techniques that Agency personnel $\widehat{(b)(1)}^{l}$ d lawfully use to overcome the resistance.

(b)(3) NatSecAct 10. (TS/ **NF)** The Office of General Counsel (OGC) consulted extensively with Department of Justice (DoJ) and National Security Council (NSC) legal and policy staffs in determining and documenting the legal parameters and constraints for interrogations. In August 2002, DoJ's Office of Legal Counsel (b)(3) NatSecAct

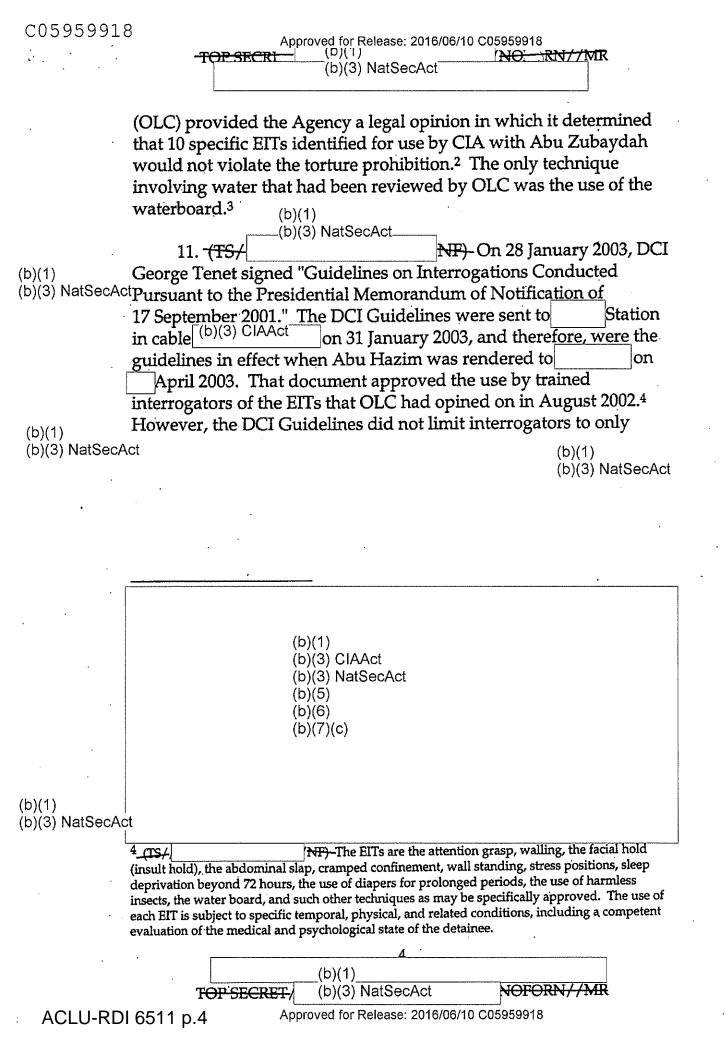
> 1 (787) (ANF) Counterterrorism Detention and Interrogation Activities (September 2001 - October 2003) (2003-7123-IG), dated 7 May 2004.

> > (b)(1)TOP SECRET NOFORN//MR (b)(3) NatSecAct

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those techniques.⁵ The DCI Interrogation Guidelines stated that if any other technique is to be introduced, it must be reviewed and approved by Headquarters pursuant to the guidelines below.

(b)(1) (b)(3) NatSecAct

12. (TS7) NF) The DCI Interrogation Guidelines define "Permissible Interrogation Techniques" and specify, "Unless otherwise approved by Headquarters, CIA officers and other personnel acting on behalf of CIA may use only Permissible Interrogation Techniques. Permissible Interrogation Techniques consist of both (a) standard techniques and (b) EITs." Use of EITs require advance approval from Headquarters, as do standard techniques whenever feasible. The field must document the use of both standard techniques and EITs.

(b)(1) (b)(3) NatSecAct

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(b)(1) (b)(3) NatSecAct

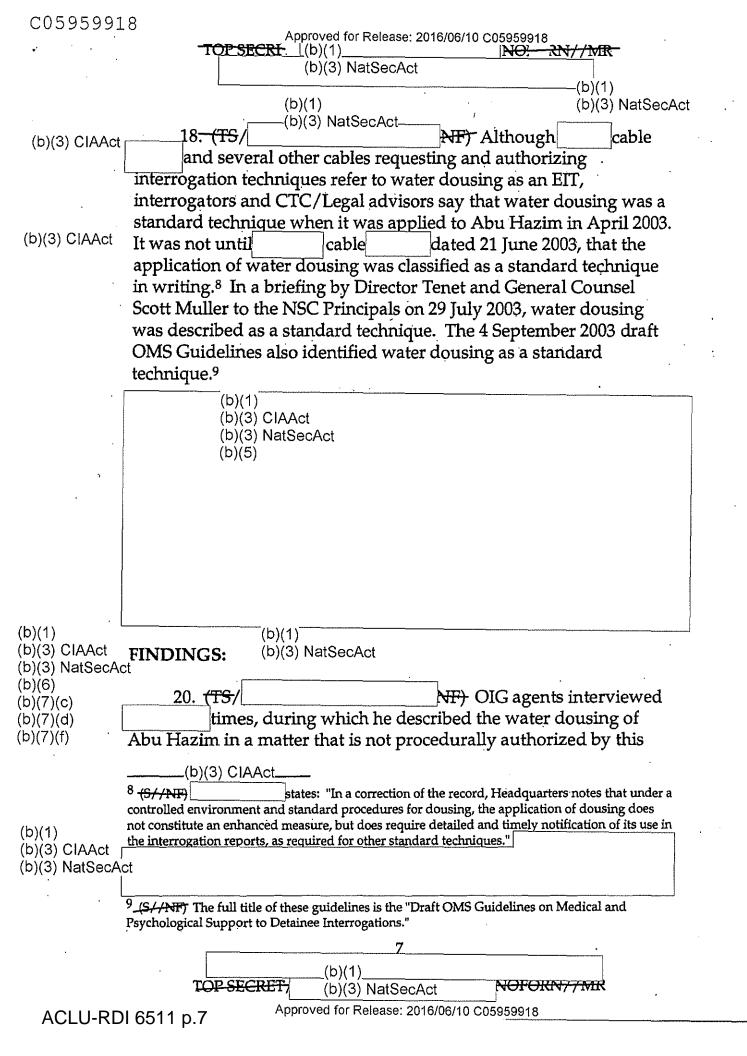
5-(TS/ /NF) According to the DCI Interrogation Guidelines were meant to eliminate freelancing, not to eliminate the introduction of other techniques. Consideration was given for additional techniques as long as they were reviewed and approved by Headquarters.

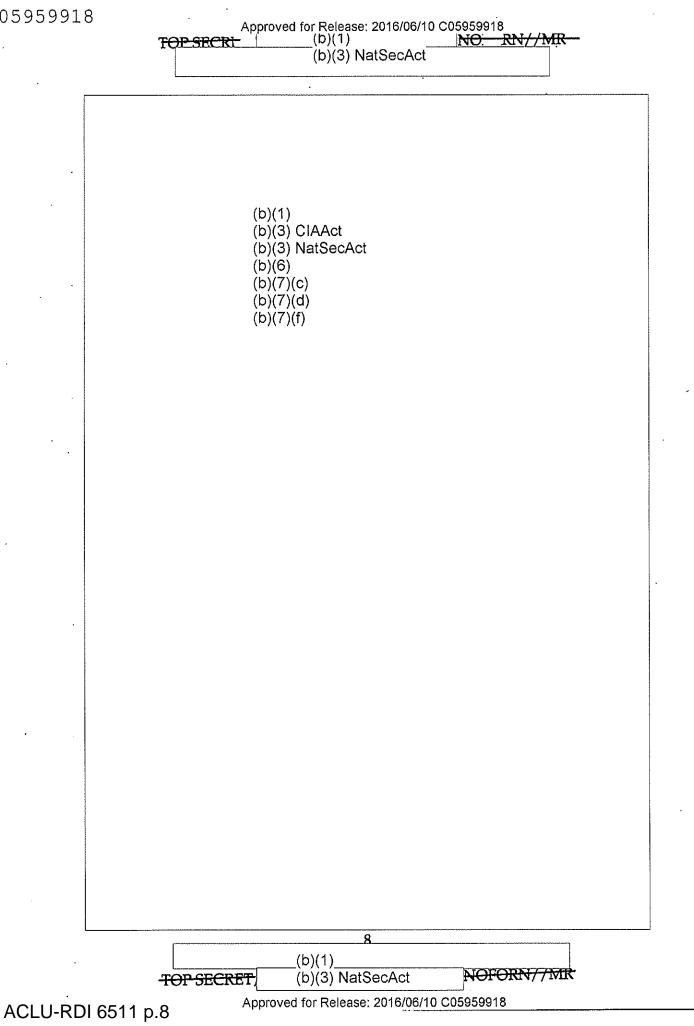
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C05959918 Approved for Release: 2016/06/10 C05959918 PSECRI _(b)(1)_ NO RN//MR (b)(1) (b)(3) NatSecAct (b)(3) NatSecAct 15. -(TS/) NF) The DCI Interrogation Guidelines define EITs as "techniques that do incorporate physical or psychological pressure beyond Standard Techniques." Headquarters must approve the use of each specific EIT in advance. EITs may be employed only by trained and certified interrogators for use with a specific detainee and with appropriate medical and psychological monitoring of the process.6 (b)(1) (b)(3) NatSecAct 16. (TS/ NF) Relevant to this investigation, in particular, is the technique of water dousing. Water dousing involves laying a detainee down on a plastic sheet or towel. Water is poured on the detainee from a container while the interrogator questions the detainee. A session can last from 10 (b)(1) minutes (a single application) to an hour (multiple applications). (b)(3) NatSecAct Water is applied so as to not enter the nose or mouth. Interrogators are not allowed to cover the detainee's face with a cloth.⁷ (b)(1) (b)(3) NatSecAct 17.-(TS/ NF) The January 2003 DCI Interrogation Guidelines do not include water dousing as a standard (b)(1) or enhanced technique. However, cables between and (b)(3) NatSecAct Headquarters indicate that water dousing was used at (b)(1)_since early 2003. It appears that water dousing was introduced a(b)(3) NatSecAct (b)(1) when submitted (b)(3) CIAAct (b)(3) NatSecAct**rable** on March 2003, requesting approval to use water (b)(6) dousing as an additional EIT for Khalid Shayk Mohammed (KSM). (b)(7)(c) On the same date, cable was sent to approving the use of water dousing with certain conditions. The cable specified that KSM could not be placed naked on bare cement floor, but he had (b)(3) CIAAct to be placed on a sheet or towel. OMS advised that placing KSM on bare cement could cause his body heat to leach much faster than if he (b)(3) CIAAct is placed on a towel or sheet. Also, the air temperature must be above 65 degrees if KSM would not be dried immediately. (b)(1)(b)(1) (b)(3) NatSecAct-(b)(3) NatSecAct 6 (TS/-**WP** Before EITs are administered, a detainee must receive a detailed psychological assessment and physical exam. Daily physical and psychological (b)(3) CIAAct evaluations are continued throughout the period of EIT use. (b)(3) NatSecAct (TS/ NF) Based upon interviews of interrogators who administered water dousing and witnesses to water dousing, this was the policy in effect when water dousing was used at (b)(1) even though it is not documented as policy until January 2004. (b)(1) (b)(3) NatSecAct (b)(1) (b)(3) NatSecAct (b)(3) NatSecAct (b)(1) /NOFORN//MR TOP SECRET / (b)(3) NatSecAct ACLU-RDI 6511 p.6 Approved for Release: 2016/06/10 C05959918



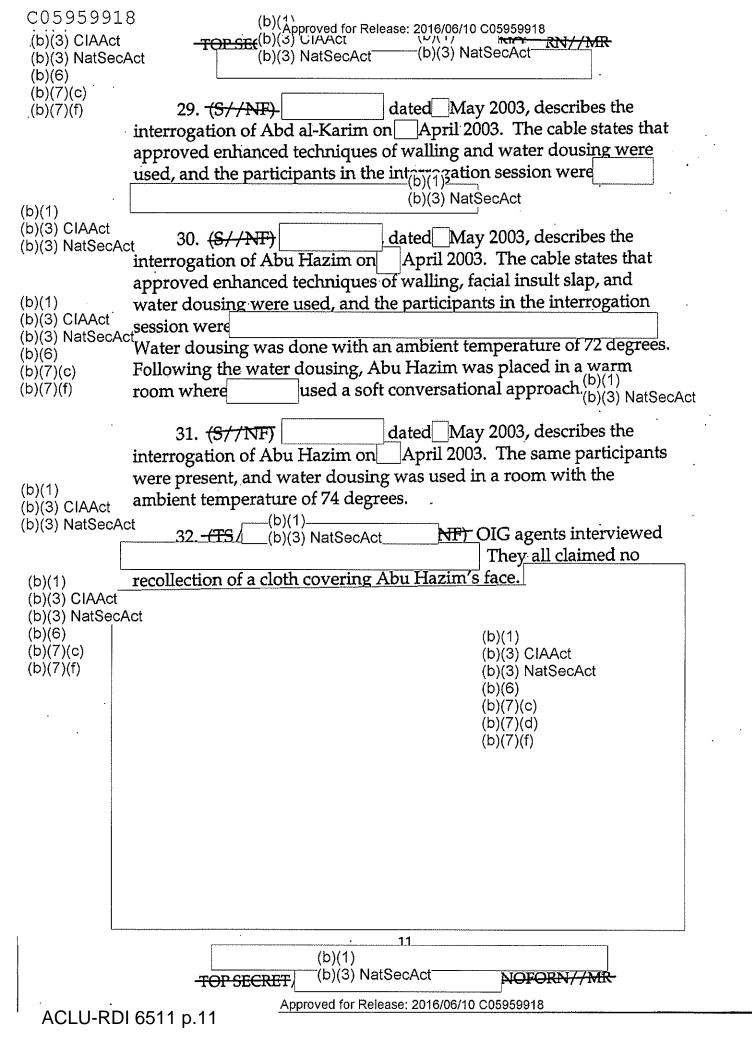


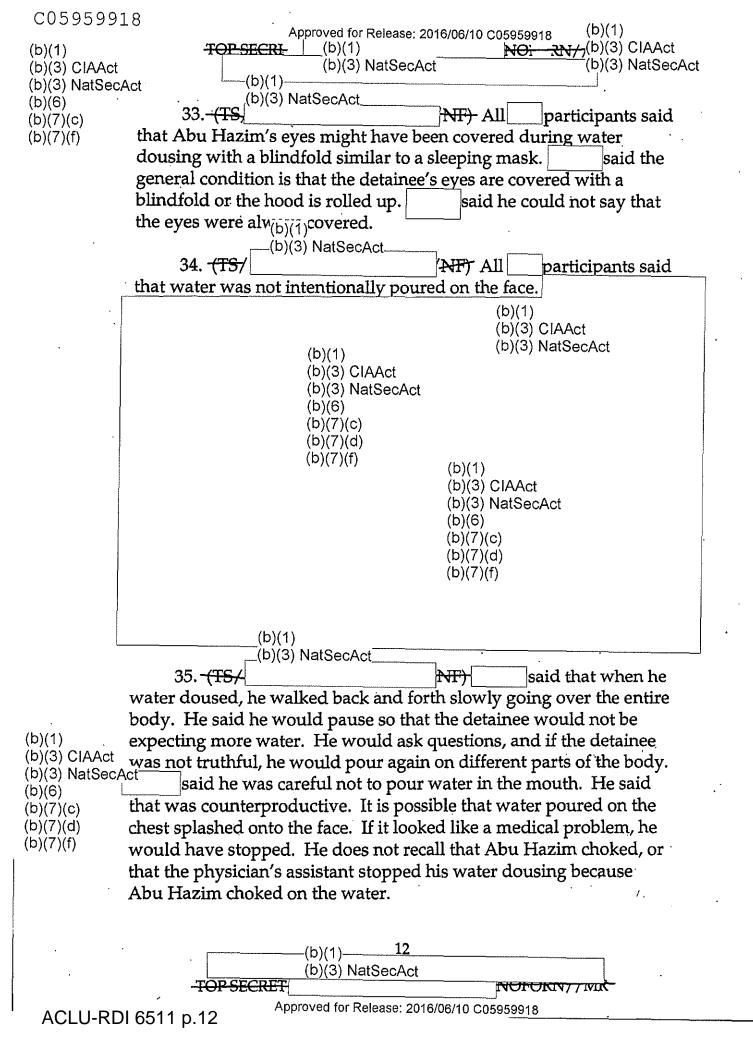
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Approved for Release: 2016/06/10 C05959918 ₩R TOP SECRI (b)(3) NatSecAct (b)(1) (b)(3) CIAAct (b)(3) NatSecAct (b)(6) (b)(7)(c)(b)(7)(d)(b)(7)(f)(b)(1) (b)(3) NatSecAct-NF)-The review of cables 24. (TS/ was the primary interrogator for (b)(3) CIAAct indicate that (b)(3) NatSecAct Abu Hazim and Abd al-Karim prior to taking that on April 2003, responsibility. The initial cable sent by (b)(7)(c)requesting EITs for Abu Hazim, stated that Abu Hazim would be (b)(7)(f). requested guidance water doused. In paragraph 11, (b)(1) concerning water dousing: (b)(3) NatSecAct (b)(1)-(b)(3) CIAAct (b)(3) NatSecAct (b)(5)(b)(6)(b)(7)(c) (b)(7)(f)(b)(1) (b)(3) CIAAct (b)(1)(b)(3) NatSecAct (b)(3) CIAAct (b)(5) (b)(3) NatSecAct (b)(6) (b)(6) (b)(7)(c)(b)(7)(c)(b)(7)(f)(b)(1) (b)(7)(f) (b)(3) CIAAct (b)(3) NatSecAct used similar language when requesting dated April 2003. 11 (S//NF) authorization to use water dousing with Abd al-Karim. (b)(1) 9 (b)(3) NatSecAct-(b)(1)NOFORN//MR TOP SECRET (b)(3) NatSecAct ACLU-RDI 6511 p.9 Approved for Release: 2016/06/10 C05959918

C05959918 Approved for Release: 2016/06/10 C05959918 (1)(4) PCEOD NO RN//MR (b)(3) NatSecAct (b)(5) (b)(1) (b)(1) (b)(3) CIAAct (b)(3) NatSecAct (b)(3) NatSecAct (b)(6) departed 26. (S//NF) When on April 2003, (b)(7)(c) sent a cable to CTC/RDG requesting authorization to replace (b)(7)(f)and use EITs on Abu Hazim. CTC/RDG responded the same day with the authorization for to use EITs, including water dousing. (b)(1) (b)(3) NatSecAct 27. (S//NF) cables indicate that Abu Hazim was interrogated and water doused on April 2003, April 2003, and (b)(1) April 2003. The cables indicate that participated in and (b)(3) NatSecAct witnessed the three water dousing sessions, as well as the water dousing of al-Karim on April 2003, for a total of four occasions. (b)(1) The same cables indicate that the other participants in the water (b)(3) CIAAct (b)(3) NatSecActdousing sessions were guards provided security and assistance, with the The (b)(6) (b)(7)(c)exception of April 2003, when officers were (b)(7)(f) available and provided security. 28.-(S//NF) dated April 2003, describes the interrogation of Abu Hazim on April 2003. The cable states, in $(\tilde{b})(3)$ NatSecActpart, that approved enhanced techniques, facial grab, facial slap, belly (b)(1) slap, and water dousing were used. Abu Hazim was doused with water in a room preheated to 74 degrees. Due to the rapidly well water had reportedly warming temperatures in (b)(1) risen to a comfortably cool temperature, and as a result, the water (b)(3) CIAAct (b)(3) NatSecAct dousing did not have the psychological shocking impact it does in colder months. (b)(1)(b)(3) NatSecAct (b)(3) CIAAct 12-(S) dated April 2003, paragraph 5. (b)(1)⁻ (b)(3) NatSecAct TOP SECRET NOFOR ACLU-RDI 6511 p.10 Approved for Release: 2016/06/10 C05959918





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(b)(1) (b)(3) CIAAct (b)(3) NatSec, (b)(6) (b)(7)(c) (b)(7)(f)	Act CONCLUSIONS: (b)(1) (b)(3) NatSecAct
(b)(1) (b)(3) CIAAct	38. (TS/) [NF)- Headquarters authorized the water dousing of Abu Hazim by in accordance with the DCI Interrogation Guidelines. The alleged use of a cloth over Abu Hazim's face was not authorize(b)(1) (b)(3) NatSecAct
(b)(3) NatSecA (b)(6) (b)(7)(c) (b)(7)(d) (b)(7)(f)	ct 39. (TS/
(b)(1) (b)(3) CIAAct (b)(3) NatSecAd (b)(6) (b)(7)(c)	of the other participants in the session corroborates allegation. There is no evidence that a cloth was placed over Abu Hazim's face during water dousing or that his breathing was impaired. (b)(1) (b)(1)
(b)(7)(f)	13 (b)(1) TOP SECRET/ (b)(3) NatSecAct VOFORN//MR

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	40. (TS/NF) There were other ^{ct} discrepancies between what described and what the cables and
	<u>other witnesses stated</u> . There were also discrepancies between what
(b)(7)(c) (b)(7)(d)	said in his first interview and what he said in his second
(b)(7)(d) (b)(7)(f)	interview. Those discrepancies include claim that this was
	the first and only time he witnessed water dousing. The cables
	indicate he observed water dousing four times. said
	Abu Hazim was chained to the ground and not restrained by the
	guards. All available evidence indicates that the guards restrained
(b)(1)	Abu Hazim during water dousing, and restraining rings were not
(b)(3) CIAAct	available in the conditioning room. In his first interview said
(b)(3) NatSecA	
(b)(6) (b)(7)(c)	blue. In the second interview claimed that he removed the
(b)(7)(f)	cloth not Based on these discrepancies, the veracity of
	allegation is questionable.
	(b)(3) NatSecAct (b)(5)
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	(b)(6)
	42. (U/ /AIUO) Assistant U.S. Attorney has been
·	apprised of the progress of this investigation and has reviewed this
	report. In a Letter of Declination, dated 5 December 2006, he advised
	that they have concluded that there is insufficient evidence to
	warrant a criminal prosecution in this matter.
	(b)(3) CIAAct (b)(6)
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	(b)(3) CIAAct
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	Supervisory Special Agent
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