

SSCI STUDY ON CIA DETENTION AND INTERROGATION

FREQUENTLY ASKED QUESTIONS

Content

Question: Did the CIA’s “enhanced interrogation techniques” (EITs) produce “otherwise unavailable” intelligence that “saved lives,” as the CIA claimed?

No. The Study reviews 20 of the most frequent or prominent examples of reported intelligence successes that the CIA has attributed to the use of its “enhanced interrogation techniques.” Those examples include terrorist plots thwarted, terrorists captured, and the collection of other terrorism-related intelligence. In some cases, there was *no* relationship between the cited counterterrorism success and any information provided by detainees during or after the use of the EITs. In the remaining cases, the CIA inaccurately claimed that specific, otherwise unavailable information was acquired from a CIA detainee “as a result” of the EITs, when in fact the information was either (1) corroborative of information *already available* to the Intelligence Community from sources other than the CIA detainee (and was therefore not “otherwise unavailable”); or (2) acquired from the CIA detainee *prior to* the use of the EITs.

Question: How did the Study evaluate the effectiveness of the CIA’s “enhanced interrogation techniques”?

First, the Study used the methodology and standard for effectiveness that the *CIA itself established*. The CIA claimed the effectiveness of EITs could not be measured, but stated that the best evidence for the effectiveness of its EITs was specific examples whereby, “as a result” of EITs, CIA detainees produced “otherwise unavailable” actionable intelligence that “saved lives.” It was on the basis of these representations that the CIA obtained legal and policy approvals to use the EITs. The Study did not assess intelligence derived from the “detainee program” (which would include intelligence *unrelated* to EITs) or whether CIA detainees produced “useful” intelligence. The CIA did not obtain legal and policy approvals for the use of EITs based on this low bar. As described in the Study, the standard by which the EITs were approved at the legal and policy levels was the acquisition of unique, critical intelligence, which could not otherwise be obtained from the intelligence community that “saved lives.”

Second, the Study reviews the interrogations of the 119 known CIA detainees and, in particular, the 39 detainees known to have been subjected to the EITs. The Study found that detainees generally provided the same type of intelligence *before* the use of EITs as they would *after* the use of EITs. In some cases, they provided the intelligence while still in foreign government custody, before their rendition to CIA custody. In other cases, when the CIA did not immediately subject them to the EITs, they provided the intelligence in CIA custody, but prior to the use of the EITs. The Study also found that, during and after the use of the EITs, detainees fabricated significant information. These fabrications were reportedly provided to get interrogators to stop using the CIA's EITs. Interrogators could often not distinguish between the accurate and the inaccurate information provided.

Question: Does the Study provide context for the use of EITs by acknowledging the terrorist threat?

Yes. The CIA's reasons for detaining and interrogating detainees, the threats about which the detainees were interrogated, and the ways in which detainee reporting did or did not contribute to the overall threat picture are meticulously documented in the 6,700-page Study. Further, as the Chairman's Foreword acknowledges, the 9/11 attacks created an urgent need for the Intelligence Community to stop a second attack before it occurred. In the years following the attacks, there were real counterterrorism successes that were achieved through traditional intelligence and law enforcement methods, unilaterally and with our allies and partners. Unfortunately, the CIA's inaccurate representations about the effectiveness of EITs obscured real intelligence successes from public view (and within the Intelligence Community) by falsely attributing many of those successes to EITs.

Moreover, it is unacceptable any time to detain and interrogate individuals in a way that amounts to torture. It is forbidden in U.S. law and international treaties without exception. Upholding that principle is among the many reasons why the United States has always been a global leader on human rights.

Question: Does the Study call the CIA's actions torture?

No. The committee does not reach a legal judgment on whether the CIA's actions constituted torture because such a determination was outside of the committee's bipartisan Terms of Reference. However, in the Foreword and additional views of several Senators, Senators individually find that the CIA engaged in torture. The Attorney General and President Obama have made similar statements.

Question: Does the Study name any covert CIA officers?

No. The Study does not identify covert officers, either by their true names, by the pseudonyms they use in their undercover CIA work, or by the pseudonyms the CIA created for them just for this Study. At the request of the administration, the Study also redacts the names of many CIA officers who are *not* undercover. The only names of CIA officers in the Study are very senior CIA officials who are already public figures.

Question: What happened in the dispute over redacting pseudonyms?

The committee sought to use pseudonyms created specifically for this Study so that the readers could connect the actions of the same CIA officer throughout the report, but without their actual name or other personally identifying information. To address the CIA's concerns, the committee agreed to reduce the number of CIA personnel listed in pseudonym from a few hundred ultimately down to 14 people who were most intimately involved in the CIA's Detention and Interrogation Program. The CIA and the White House refused to allow these 14 individuals to be listed in pseudonym. The lack of pseudonyms, and in many cases even a title of a CIA officer, means that connections between a person's actions and statements cannot be made, and that the seniority and positions of authority of individuals in the Study are hidden.

Question: Does the Study name any foreign countries that hosted CIA detention sites?

No. Like CIA officer names, no foreign countries that hosted CIA detention facilities are named in the Study. The countries were originally identified in the Study by a letter (for example, "Country J"). The administration has since redacted these letter designations in the public version so the countries are shown as "Country ■."

Question: Did the White House or CIA impose limitations on who in Congress could be told about the program?

Yes. Limitations were imposed by the Bush White House, and the Study's conclusions make that clear. However, as the CIA acknowledged in 2013, the CIA was "comfortable" with the decision to limit the committee's access to the program to only the chairman and vice chairman from 2002 until September 6, 2006, the

day the program was publicly acknowledged. The Study also documents how the CIA decided what to tell the chairman and vice chairman prior to September 6, 2006, and what to tell the full committee afterwards. Much of that information was found by the Committee to be verifiably inaccurate.

Question: How did the Study reach the conclusion that the CIA impeded the work of its inspector general?

The Study reached its conclusion in large part based on inaccurate information conveyed to the Office of Inspector General in official CIA documents, as well as inaccurate information conveyed to the Office of Inspector General in interviews. The inaccurate information was later included in a now-declassified inspector general report. The inspector general cannot conduct its work if it is not provided accurate information by the CIA. Moreover, in 2005, the CIA Director took the unusual step of asking the CIA inspector general not to initiate new planned investigations. In 2007, the CIA Director ordered his own review of the CIA Office of Inspector General.

Question: Did former CIA directors know all the details of this program?

The Study details the inaccurate information that was compiled and provided to senior CIA leaders, including CIA Directors, which they then used themselves to brief more senior officials and external audiences.

Question: Does the Study place blame on President Bush and Vice President Cheney?

No. The Study concerns the CIA, the agency over which the Intelligence Committee has oversight authority. The Study found that the CIA repeatedly provided the Bush White House—including Vice President Cheney—with inaccurate information about the use of EITs, as well as false claims of counterterrorism successes resulting from EITs. The Study does document the CIA's interactions with the White House, including White House decision-making as understood by the CIA, as well as the information on which the decisions were made.

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Process

Question: Is the Study partisan?

No. Each key vote during the process of completing and releasing the Study had both Democrats and Republicans voting yes. Even after Republicans ceased their work on the Study, they were given full access to background materials and all draft versions and were repeatedly asked (in writing) for input, which they declined to provide.

- In March 2009, the Senate Intelligence Committee initiated the Study by a 14-1 vote, with six Republican voting yes.
- In September 2009, then-Vice Chairman Kit Bond withdrew the Minority from the Study citing the DOJ investigation.
- Between September 2009 and October 2011, Republicans on the committee were asked at least five times to rejoin the Study. Each request was declined.
- Starting in October 2011, draft documents were provided to all members of the committee. The minority was informed in writing, at least seven times, that its comments, suggestions and ideas to improve the drafts were welcome. Each request was declined.
- In December 2012, the Intelligence Committee approved the Study by a 9-6 vote, with one Republican voting yes.
- And in April 2014, the committee approved the executive summary and findings and conclusions for declassification and public release by an 11-3 vote, with three Republicans voting yes.

Question: How comprehensive is the Study?

The Study is one of the most thoroughly researched, heavily footnoted congressional oversight reports in history. The full Study is more than 6,700 pages with nearly 38,000 footnotes citing to CIA and other official records. Every finding and conclusion is thoroughly supported by documentation.

Question: Did the CIA have the opportunity to thoroughly review the Study?

Yes. After the Study was approved in December 2012, the CIA took more than six months to review the Study prior to submitting its formal response in June 2013. The CIA was informed that the committee would make updates to the Study based on the CIA's Response. The CIA's Response, provided on June 27, 2013, identified only one minor error (one bullet point among a long list of bullet points), which was corrected by deleting the bullet point from the Study. The deletion had no impact on the findings and conclusions, or even the section of the Study where the bullet point was located. The committee held extensive discussions with the CIA on the Study and the CIA's June 2013 Response in the summer of 2013. While the CIA disagreed with some of the committee's findings and conclusions drawn from the full report, the CIA identified no other factual errors.

Question: Did the Minority have adequate time to review the Study?

Yes. Despite withdrawing from the Study, the minority had constant access to all 6.3 million pages of CIA documents at the same off-site CIA facility. Despite the minority's voluntary withdraw from the Study, Chairman Feinstein began making draft Study documents available to the minority and the majority at the same time—as soon as they were completed, beginning in October 2011, more than a year before the December 2012 committee vote on the Study. Information found in the first batch of draft documents supports many of the Committee's key findings. Chairman Feinstein repeatedly offered to discuss draft documents with the minority and encouraged the minority to offer comments or critiques, but each offer was declined.

Question: Only a small percentage of the Study was initially redacted. Does that really make a difference?

Yes. The executive summary represents less than 8% of the full 6,700-page report, so it's particularly important that redactions in the executive summary and findings and conclusions are minimal. Initial redactions of 15% of the executive summary were excessive and made the report almost impossible to understand. The version being publicly released, which reflects several months of negotiations with the Executive Branch, is a significant improvement. Redactions to pseudonyms and, in some cases, titles and positions, nonetheless impede the committee's efforts to explain how a small number of senior CIA officers were responsible for the development, management, and inaccurate representations concerning the effectiveness of the CIA program.

Question: Did the committee conduct its own interviews of CIA personnel?

No. The committee could not conduct its own interviews because of a simultaneous DOJ investigation into the CIA's Detention and Interrogation Program. The Minority's withdrawal further complicated efforts to conduct interviews. However, the committee found that additional interviews were not necessary because of the comprehensive nature of documents available for review, including transcripts of extensive interviews of CIA personnel conducted by the CIA's inspector general and others while the CIA's detention and interrogation activities were ongoing.

DOJ actions

- In January 2008, John Durham, a federal prosecutor, was appointed to head the DOJ's criminal investigation into the alleged destruction of interrogation tapes by the CIA in 2005.
- In August 2009, that investigation was expanded to include a broader "preliminary review" of whether criminal offenses occurred in the CIA's detention and interrogation program.
- After the investigation was expanded, DOJ refused to allow the committee to communicate with Durham in order to identify witnesses the committee could interview without impairing the DOJ investigation.

CIA actions

- Because of the DOJ criminal investigation, CIA refused to require personnel to participate in committee interviews.

SSCI minority actions

- Compounding this issue, in September 2009, SSCI Vice Chairman Kit Bond withdrew Republicans from the Study because of the DOJ investigation.
- Because the Study no longer had the support of the Vice Chairman, it would have been very difficult to compel witnesses to testify. Enforcement of Senate subpoenas requires a resolution of the Senate; without the vice chairman's support, that would have been very difficult, if not impossible, to obtain.

Lack of new interviews had no effect on the Study

- The CIA's own documents provided a robust, contemporaneous, and firsthand record of the EIT program.
- These documents included summaries of more than 100 CIA inspector general interviews with extensive quotations, as well as CIA cables, emails, letters, briefing notes, intelligence products, classified testimony, and other records.
- Of particular value were the interview summaries, which included responses to many of the questions the committee would have asked had the committee been able to conduct its own interviews.
- The committee also reviewed transcripts of the committee's own hearings, in which CIA leaders described their views of the EIT program and responded to questions from committee members.
- The committee also reviewed extensive email correspondence from CIA personnel involved in the program, including emails of senior CIA leaders, another source of direct insight into the program.
- Finally, in preparing its June 2013 Response to the Study, the CIA reached out to CIA officials for their current perspectives on the program. The views in the June 2013 CIA Response were considered by the committee and referenced in the updated version of the report.

Question: Did the committee conduct its own interviews of detainees held and interrogated by the CIA?

No. The committee did not conduct its own interviews of detainees. However, the committee did thoroughly review accounts provided to the committee by representatives of CIA detainees, internal CIA records detailing detainee abuse allegations, CIA inspector general reviews, interview transcripts of key CIA personnel, and non-governmental reports that stemmed from CIA detainee interviews, including the February 2007 report by the International Committee of the Red Cross. The reports and allegations of detainee abuse are referenced numerous times in relevant sections of the Study.

Question: Why did the Study cost more than \$40 million to complete?

The committee conducted the Study with its existing resources, with only minor staff additions at some early stages of the Study. The overwhelming majority of the \$40 million cost was incurred by the CIA and was caused by the CIA's own unprecedented demands to keep documents away from the committee.

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

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

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

Question: When did the committee learn about the CIA detention and interrogation program?

CIA had already started using its “enhanced interrogation techniques” before the chairman and vice chairman of the Intelligence Committee were briefed on them in 2002. The full committee wasn’t briefed on the techniques until September 6, 2006, the day President Bush publicly acknowledged the program. Both the leadership and full committee were provided extensive inaccurate information about the program by the CIA for many years, and the CIA repeatedly refused to provide requested documents or answers to official questions.

As soon as the full committee was briefed, concerns were registered by Senators. The committee approved a bill to end the use of coercive interrogation techniques and Congress passed it in 2008, but it was vetoed by President Bush. The Study was initiated the following year, in 2009.

Question: If the program was discontinued years ago, why was the Study necessary?

The CIA’s Detention and Interrogation Program, formally discontinued by executive order, could be resumed at any time by this or a future President. This possibility only increases when former officials and members of Congress continue to assert that the CIA program was proper and that the use of torture was necessary and effective—all of which is inaccurate.

This report is necessary to document what happened. And to ensure that such a program will never again be contemplated.

There is a responsibility to correct the record, as detailed in public statements and declassified documents, that even the CIA acknowledges are wrong. The Study also identifies numerous institutional and management problems related to the CIA, including misrepresentations to the White House and the Department of Justice, that extend beyond the detention and interrogation program and will require meaningful reform.

Question: What is the “Panetta Review”?

While reviewing CIA documents in 2010 that were provided to the committee, SSCI staffers reviewed an internal CIA review of the detention and interrogation program, now known as the Panetta Review. This document appeared to be based on the same source material used by the committee to review the program and reached many of the same findings. The Panetta Review only became significant and important after the CIA provided its June 2013 Response. The Panetta Review comes to very different conclusions than the CIA Response provided by Director Brennan.

As Chairman Feinstein recounted in her March 2014 speech on the Senate Floor, sometime after the committee staff identified and reviewed the Panetta Review documents, access to the vast majority of them was removed by the CIA. This was in addition to two prior occasions when CIA personnel electronically removed committee access to CIA documents after having provided them to the committee. (This included roughly 870 documents—or pages of documents—that were removed in February 2010 and, secondly, roughly another 50 that were removed in mid-May 2010.)

When the Panetta Review documents disappeared from the committee's computer system, this suggested once again that the CIA had removed documents already provided to the committee in violation of CIA agreements and White House assurances that the CIA would cease such activities.

As Chairman Feinstein detailed in her March 2014 floor speech, because of past CIA actions to destroy information about its detention and interrogation program—and the fact that the Panetta Review was factually at odds with the CIA's June 2013 Response—there was a need to preserve and protect the Panetta Review in

the committee's own secure spaces. For these reasons, the committee staff securely transported a portion of the Panetta Review to the committee's secure office space.

The relocation of the Panetta Review to the committee was lawful. No law prevents the relocation of a document in the committee's possession from a CIA facility to secure committee offices on Capitol Hill. The document was handled and transported in a manner consistent with its classification, redacted appropriately, and it remained secure with restricted access in committee spaces.

Question: Why were criminal complaints sent to the Justice Department related to the Study?

The CIA's Inspector General sent a criminal referral to the Department of Justice concerning the unauthorized search by CIA personnel of the computers used by the SSCI. Following this referral, the CIA made unsubstantiated criminal allegations against committee staff conducting the investigation of the CIA's Detention and Interrogation Program.

An Inspector General investigation of the CIA found the following regarding the criminal referral against SSCI staff: "the factual basis for the referral was not supported, as the author of the referral had been provided inaccurate information on which the letter was based. After review, the DOJ declined to open a criminal investigation of the matter alleged in the crimes report."

CIA Director Brennan later privately apologized to Chairman Feinstein for the actions of CIA personnel who improperly accessed the committee computers. A CIA accountability board has not yet completed its work.

Question: Why release this Study now?

The Intelligence Committee voted six months ago by an 11-3 vote to declassify and release the Study. Since then, the Study has been redacted by the Executive Branch and officially declassified by the Director of National Intelligence. The redactions and other steps taken to remove certain information from the Study ensure that intelligence sources and methods are not disclosed and that unnecessary harm is not done to other U.S. national security interests.

There is a risk that the release of this report, like any admission of U.S. wrongdoing, will be used by terrorist groups to justify their heinous acts. However, these groups have been killing innocent people, including Americans, before the

release of the report, and they will seize on any possible excuse to continue to do so.

Further, there is no ideal time to release a report like this. There will always be instability and violence in the world. The committee has agreed to release the Study only after all appropriate precautions have been taken and it has coordinated the release carefully with the Executive Branch. Both President Obama and DNI Clapper have said they support releasing the report and specifically that it be released this week.