



American ideals. Universal values.

BACKGROUNDER: MAY 2018

Gina Haspel, CIA Director

On May 17, 2018, the Senate voted to confirm Gina Haspel as director of the CIA. She was confirmed by a vote of 54-45—the lowest number of affirmative votes for any CIA director in history. Haspel played a key role in the CIA's torture program. She ran a CIA "black site"—a secret prison where detainees were tortured—in Thailand and facilitated the destruction of 92 video tapes documenting the unlawful abuse of detainees. This document provides information on Haspel's involvement in the CIA's program and includes links to additional details and sources.

Gina Haspel played a direct role in the CIA's torture program

■ Haspel was the chief of base of the CIA black site located in [Thailand](#) (referred to as Detention Site GREEN in the [Senate Torture Report](#)), a secret prison where detainees were subjected to torture and other unlawful abuse. While Haspel was chief of base, [Abd al-Rahim al-Nashiri](#) was brutally tortured there, including at least three waterboarding sessions. It is not clear based on public reporting what role, if any, Haspel played in the torture of [Abu Zubaydah](#). Zubaydah was [waterboarded](#) 83 times, and in "at least one session...[became completely unresponsive](#), with bubbles rising through his open, full mouth and required medical intervention." Senator Dianne Feinstein, who reviewed the classified record on Haspel, stated: "[S]urprisingly few people were responsible for designing, carrying out, and managing the torture program... [and these people were] limited to the agency's top leadership and staff including Directors, Deputy Directors for Operations, and senior level management at the Counterterrorism Center among others. As we know from the extremely limited information Ms. Haspel has publicly

provided, she did hold positions including senior level management at the Counterterrorism Center." Based on Haspel's various management and supervisory roles at the CIA, it is likely that her involvement in the torture program was much more significant than has been publicly revealed, but this contention cannot be verified until the relevant information is made public.

- According to the [Senate Torture Report](#), as chief of base, a person we know to be Haspel was the only person at the black site who was permitted to "interrupt or stop an interrogation in process." There is no indication based on public reporting that Haspel took any steps to stop any torture or abuse, despite clear signs of physical and psychological trauma on the part of detainees. According to credible reporting, some officials with access to non-public records [suggest](#) Haspel was an enthusiastic supporter of the torture program.
- Bruce Jessen and James Mitchell, the architects of the torture program, who were supervised by Haspel at Detention Site GREEN, [were sued](#) by two former detainees whom the CIA tortured and the family of a third detainee who was also tortured and died in U.S. custody. In their defense, [Jessen and Mitchell argued](#) that they should not be held liable because they conducted their work for the CIA, and they sought to depose Haspel to prove their claim. In their filing, Jessen and Mitchell [claimed](#) "Ms. Haspel was centrally involved in the events alleged" in the lawsuit.

Haspel supported and helped facilitate the destruction of evidence and tapes documenting the torture at the black site she oversaw

- In late 2002, the CIA shut down the black site in Thailand that Haspel ran. According to [James Mitchell](#), Haspel [told her security officer](#) “to burn everything that he could in preparation for sanitizing the black sites.” When she asked superiors in Washington, DC if nearly 100 video tapes of the interrogations could also be destroyed, they advised her not to.
- In 2004, Haspel served as chief of staff to Jose Rodriguez when, as director of the CIA’s National Clandestine Service, he was in charge of the torture program. During this time, Haspel wrote the cable that authorized the destruction of the same video tapes that her superiors and White House officials had previously said not to destroy. Rodriguez wrote [in his memoir](#) that in 2005, “my chief of staff drafted a cable approving the action we had been trying to accomplish for so long. The cable left nothing to chance. It even told them how to get rid of the tapes. They were to use an industrial-strength shredder to do the deed.”
- In April 2018, the CIA released a 2011 [memo](#) from then-deputy director Michael Morell on his investigation into the destruction of the video tapes. Experts from the Constitution Project’s Task Force on Detainee Treatment [have explained](#) in depth why Morrell’s memo is not credible in seeking to clear Haspel of wrongdoing in the destruction of the tapes. While finding “no fault with the performance of Ms. Haspel,” the memo confirms that she was “directly involved in the decision to destroy the tapes,” including advocating for and authoring the cable authorizing the tapes’ destruction. In doing so, notwithstanding the investigation’s conclusion that “it was not her decision to destroy the tapes; it was Mr. Rodriguez’s,” the memo does not dispute that Haspel played a leading role in defying orders from CIA

superiors, White House lawyers, a federal court, and members of Congress to preserve the tapes.

- During her confirmation hearing, Haspel claimed that she did not know Rodriguez would order the destruction without first receiving approval from the CIA director. But Rodriguez [disputes](#) Haspel’s account and claims he told Haspel directly that he intended to send the cable to destroy the tapes with or without higher-level authorization. Senator Ron Wyden, a senior member of the Senate Intelligence Committee, [noted](#) that the Morell memo not only “confirms some extremely troubling facts about Haspel and the destruction of interrogation videotapes,” it is also “highly incomplete.” Morell has defended the CIA’s torture program, and [told](#) press of those involved in torture—including Haspel—“I’m going to defend my guys to my last breath.”
- In 2009, the Senate Select Committee on Intelligence was so concerned about the destruction of the videotapes, that it [voted](#) 14-1 to open an investigation, which led to a wholesale examination of the CIA’s torture program and the numerous false and misleading statements the CIA made about the program to the White House, the Department of Justice, Congress, and the American people.

Military leaders, interrogators, and other senior national security professionals have strongly opposed the torture tactics that occurred under Haspel’s supervision

- In January 2017, 176 of the country’s most distinguished retired generals and admirals [wrote](#) to President Trump, advising him against the torture or cruel, inhuman, or degrading treatment of detainees in U.S. custody. They wrote, “The use of waterboarding or any so-called ‘enhanced interrogation techniques’ is unlawful under domestic and international law,” and added, “It increases the risks to our troops, hinders cooperation with allies, alienates

populations whose support the United States needs in the struggle against terrorism, and provides a propaganda tool for extremists who wish to do us harm.”

- Experienced interrogators and intelligence professionals also oppose the use of torture and abusive interrogation techniques. Officials from the CIA, NCIS, FBI, DEA, DIA, and U.S. military wrote, “Torture is not only illegal and immoral; it is counterproductive. It tends to produce unreliable information because it degrades a detainee’s ability to recall and transmit information, undermines trust in the interrogator, and often prompts a detainee to relay false information that he believes the interrogator wants to hear.”
- In April 2018, 109 retired generals and admirals of the U.S. armed forces expressed to the Senate their “profound concern” over Haspel’s nomination. They urged Senators to reject her nomination if they were to discover “that she played any role in carrying out, supervising, or directing the torture or abuse of people in U.S. custody, or the destruction of evidence relating to these activities.”
- On May 9, 2018, a group of 115 retired and former U.S. ambassadors addressed a public letter to the Senate opposing Haspel on the grounds that her confirmation would undercut U.S. moral authority and harm America’s national security.
- Former Chairman of the Joint Chiefs of Staff Admiral Mike Mullen agreed with Senator John McCain—a torture survivor—who said, “Haspel’s role in overseeing the use of torture by Americans is disturbing. Her refusal to acknowledge torture’s immorality is disqualifying. I believe the Senate should exercise its duty of advice and consent and reject this nomination.” About Haspel’s past, Mullen said, “morally it was wrong. It was torture and she should be held responsible for that.”

Haspel was previously blocked from a senior government position due to her involvement in the torture program

- Haspel became acting head of the CIA’s National Clandestine Service on February 28, 2013. Several prominent government officials, including Senator Dianne Feinstein, raised concerns with then-CIA Director John Brennan about Haspel’s involvement with the torture program.
- When it came time for Brennan to appoint a permanent head of the National Clandestine Service, Haspel was not selected. Reports indicate that Feinstein blocked the promotion due to Haspel’s role in the CIA’s torture program and destruction of evidence.

Haspel may have been involved in the use of techniques beyond what was authorized, and disobeyed direct orders from the White House

- Some who support Haspel insist that she was simply “following orders,” and that she should not be held accountable for her actions. Principle IV of the Nuremberg Principles states that “the fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.” The so-called “enhanced interrogation techniques,” including waterboarding, were clearly unlawful under domestic and international law at the time they were “authorized” by U.S. officials, and in fact the United States had previously prosecuted others for waterboarding and similar forms of torture. The aforementioned group of 109 retired military generals and admirals rejected Haspel’s “just following orders” defense, stating: “[We] do not accept efforts to excuse her actions relating to torture and other unlawful abuse of detainees by offering that she was “just following orders,” or that shock from the 9/11 terrorist attacks should excuse illegal and unethical conduct. We did not accept the “just following orders”

justification after World War II, and we should not accept it now. Waterboarding and other forms of torture or cruel and inhuman treatment are—and always have been—clearly unlawful. Individuals in the service of our country, even at the lowest levels, have a duty to refuse to carry out such actions.” Instead, in later facilitating the destruction of evidence, Haspel helped prevent accountability for such activities.

- According to the [Senate Torture Report](#) and the [CIA Inspector General](#), Haspel likely had knowledge of, and may have had some involvement in, so-called “enhanced interrogation techniques” that exceeded the authority of what the DOJ and CIA Headquarters authorized. The result, in many cases, was brutal and unlawful interrogation approaches that caused lasting physical and psychological harm to detainees. Unfortunately, Haspel’s role in the use of unauthorized abuse is not known, as she has refused to make available any information about her involvement in such cases, or disclaim that she had any involvement.
- Al-Nashiri and other detainees were also subjected [to several other unauthorized techniques](#), including mock executions, threats with power drills and pistols, and threats against family members. Haspel, at minimum, would have likely had knowledge of these actions, and it should be clarified what role, if any, she may have played in helping carry them out.

Haspel refused to state that the torture program was immoral, but she said it was a mistake and pledged to never revive it

- During her May 9 confirmation hearing before the Senate Intelligence Committee, in response to repeated questioning, Haspel refused to say that torture is immoral. Many of the senators who voted against Haspel’s confirmation cited this refusal as disqualifying, despite her assurances that she would not restart a torture program at the CIA.

- In her confirmation hearing, Haspel was asked what she would do if the president ordered her to restore the CIA’s so-called “enhanced interrogation” program. Haspel [responded](#) that she “would not restore it under any circumstances.”
- In a letter to Senator Mark Warner, Haspel described the CIA torture program as a mistake, [stating](#): “[T]he enhanced interrogation program is not one the CIA should have undertaken. The United States must be an example to the world, and I support that.”