Senate Report on CIA Torture: Frequently Asked Questions

☑ **Question**: Why did the Senate Select Committee on Intelligence (SSCI) conduct a review into the CIA's post-9/11 rendition, detention, and interrogation (RDI) program?

☑ **Answer**: In response to evidence that the CIA misled the SSCI about the interrogation program and destroyed videotapes of interrogation sessions against the objections of President Bush's White House Counsel and Director of National Intelligence, the SSCI initiated a comprehensive review of the program with a 14-1 vote. The review was designed to determine how and why the program was created, the intelligence value of detaining and interrogating individuals in the program, whether and to what extent the CIA described the program accurately to the SSCI and other elements within the executive branch, and whether and to what extent the CIA implemented the program in compliance with operative executive branch guidance and policy.

☑ **Question**: What resulted from the SSCI review into the RDI program?

☑ **Answer**: In 2012, the SSCI adopted on a bi-partisan 6-9 vote a comprehensive report based on its review of the RDI program, which included an examination of over 6 million pages of official government records. In April 2014, after an extensive consultation process in which the SSCI incorporated feedback from the administration on the report's findings, the SSCI voted 11-3 to declassify key parts of the report. The final report is upwards of 6,700 pages, though what was released is the executive summary, findings, and conclusions of the report—more than 500 pages of material. The SSCI minority and CIA have also released reports in response to the SSCI majority report.

☑ **Question**: What are the findings and conclusions of the SSCI report?

☑ **Answer**: The SSCI report demonstrates how detention and interrogation in the RDI program was more widespread and abusive than previously known, and significantly less effective at gathering actionable intelligence than officials who authorized the program have claimed. For example, detainees were placed in painful stress positions and deprived of sleep for up to 180 hours, and even hooded, shackled, and dragged on the floor in practices reminiscent of the abuses at the Abu Ghraib detention center. In one case, a detainee was waterboarded to the point that he "became completely unresponsive, with bubbles rising through his open, full mouth."[1] In other cases, interrogators threatened to rape or kill the wives and children of detainees. In a practice described as "rectal rehydration" or "rectal feeding," detainees had large tubes inserted in their anuses, with no medical necessity for such practices.[2]

The report also documents how the use of torture and other cruel interrogation methods was less effective than what many—including the CIA—have claimed. For example, in interrogating Abu Zubaydah, key intelligence the CIA claimed was elicited through the use of torture (including the alias of 9/11 planner Khalid Sheikh Mohammed) was actually provided before the CIA started using torture, during non-coercive interviews with FBI and CIA

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[1] Senate Select Committee on Intelligence, "Committee Study of the Central Intelligence Agency's Detention and Interrogation Program," December 9, 2014, *available at* http://www.intelligence.senate.gov/study2014/sscistudy1.pdf, 43-44.
[2] Physicians for Human Rights, "CIA Torture Report Highlights Unnecessary Medical Procedure," December 10, 2014, *available at* http://physiciansforhumanrights.org/press/press-releases/cia-torture-report-highlights-unnecessary-medical-procedure.html.

personnel.[3] Though the CIA claimed that torture elicited valuable information from Khalid Sheikh Mohammed (KSM) too, the record shows that EITs (including waterboarding) were not effective at getting KSM to provide information, and that he lied to interrogators during and after their use, repeatedly providing bad intelligence.[4]

The report also details how the CIA misled the Bush Administration's White House and Department of Justice, and the SSCI, regarding the impacts and effectiveness of the program. The CIA repeatedly claimed that the intelligence gained from Abu Zubaydah was a result of the EIT program, which was untrue.[5] The CIA also told Committee staff that EITs were not applied before giving the detainee a chance to cooperate. This was untrue as well.[6] In many other cases, intelligence that the CIA claimed to have elicited through the use of torture was either bad information, or obtained through non-coercive means.[7] And in some cases, the CIA simply omitted the fact that a detainee provided no information after torture.[8]

The SSCI minority report and CIA response dispute some aspects of these findings, but acknowledge that the CIA made significant mistakes in the program. Importantly, Director Brennan acknowledged that the CIA has not concluded that critical intelligence came directly from the use of so-called "enhanced interrogation" as compared to the detention program more generally.[9] Director Brennan stated in response to release of the SSCI report that it is "unknowable" whether so-called "enhanced interrogation" produced vital intelligence to prevent terrorist attacks.

☑ **Question**: Some have suggested that the SSCI report is a partisan document. Is this a fair characterization?

☑ **Answer**: It is true that the SSCI report was written by the Democratic committee staff, though the review initially included Republican staff and the full support of Republican members, before the committee's Republican minority withdrew their involvement. Importantly, the report was initiated, adopted, and declassified with three separate bi-partisan votes. Key findings and conclusions in the report are supported by prominent Republicans on and off the committee, including Senators McCain,[10] Graham,[11] and Collins.[12] The SSCI's efforts also have the support of a wide range of national security experts, including dozens of retired military flag officers, professional interrogators, career diplomats, and even former CIA director General David Petraeus.[13] By contrast, the SSCI minority report does not have bi-partisan support, and its conclusions have been disputed by prominent Republicans such as Senators McCain and Graham.[14] Nonetheless, the SSCI report, minority report, and CIA response should each be evaluated on its own merits, not based on party affiliation.

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[3] Senate Select Committee on Intelligence, 25, 29-30.

[4] Ibid., 212-215.

[5] Ibid., 25, 29-30, 45.

[6] Ibid., 76-77.

[7] Ibid., 130, 172-178, 212-215

[8] Ibid., 149.

[9] "TRANSCRIPT: CIA Director John Brennan Addresses Senate's Report on CIA Interrogation Program," *ABC News*, December 11, 2014, *available at* http://abcnews.go.com/International/transcript-cia-director-john-brennan-senates-report-cia/story?id=27539690&singlePage=true.

[10] Senator John McCain, Statement by Senator John McCain on Intelligence Committee Report on Torture, December 13, 2012, *available at* http://www.mccain.senate.gov/public/index.cfm/press-releases?ID=95e0a445-d569-80f9-f216-89ec7a7b6928

[11] Michal McAuliff, "Republicans Had to Explain to Colleagues Why Torture Is Wrong," *Huffington Post*, August 4, 2014, *available at* http://www.huffingtonpost.com/2014/08/04/cia-torture_n_5648234.html.

[12] Senator Susan Collins and Senator Angus King, Collins, King Announce Support for Declassification of Intelligence Committee Report on CIA Detention & Interrogation Program, April 2, 2014, *available at* http://www.collins.senate.gov/public/index.cfm/2014/4/collins-king-announce-support-for-declassification-of-intelligence-committee-report-on-cia-detention-interrogation-program.

[13] *See* "Quotes: Release the SSCI Torture Report," Human Rights First, *available at* http://www.humanrightsfirst.org/wp-content/uploads/Quotes-Release-the-SSCI-Torture-Report.pdf.

[14] Michal McAuliff, "Republicans Had to Explain to Colleagues Why Torture Is Wrong," *Huffington Post*, August 4, 2014, *available at* http://www.huffingtonpost.com/2014/08/04/cia-torture_n_5648234.html.

☑ **Question**: The CIA's RDI program was terminated several years ago. Why is it important that this study was released?

☑ **Answer**: The American people have never had a full and accurate accounting of what happened in the CIA program—and what resulted. This accounting is essential for informing future policy decisions regarding the detention and interrogation of terrorism suspects, and ensuring that past mistakes are not repeated. Further, former CIA officials have made strong claims about the safety, legality, and effectiveness of so-called "enhanced interrogation techniques" (EITs)—claims that they maintained were supported by still-classified information, and which form the basis of efforts to reinstate the RDI program. The SSCI's review of the classified record, as well as disclosing that review to the fullest extent possible, is important for evaluating the accuracy of these claims. Several Bush Administration officials closely associated with the CIA program endorsed the release of the SSCI report for this reason.[15]

☑ **Question**: Many are calling the SSCI's report the "torture report" though the document itself does not describe the interrogations in question as torture. Why the difference?

☑ **Answer**: The SSCI's mandate was limited to examining the factual aspects of the CIA program (what happened, when, and why), and did not extend to rendering legal assessments regarding whether particular actions or techniques amounted to "torture" or other unlawful forms of abuse. However, the SSCI report examines interrogation techniques that have long been considered torture or cruel, inhuman, or degrading treatment—both of which are unlawful under domestic and international law. (For example, the United States prosecuted waterboarding—one of the more prominent CIA techniques—as a war crime during World War II.)[16] Because many of the detention and interrogation practices detailed in the SSCI report have already been described publicly and meet the legal and colloquial definition of torture, many are referring to the report as the "torture report."

☑ **Question**: Some claim Congress was fully briefed in the CIA program, and is now objecting in hindsight. Is this true?

☑ **Answer**: It is not true that Congress generally, or even the SSCI, was fully briefed on the CIA's RDI program. As John Rizzo—former General Counsel of the CIA during the creation and implementation of the RDI program—has said: "[O]ther than the chair and ranking member, the two intelligence committees would be kept in the dark for the first five years of the program, as was every other member of Congress."[17] The only current member of the SSCI who was briefed on the program is Senator Rockefeller, and he was not permitted to discuss the details publicly or with other members (though he did advocate for an investigation into the program at the time).[18] The SSCI report also describes how even the limited briefings provided to the SSCI by the CIA were misleading or inaccurate, and how the CIA kept key details of the RDI program from members of Congress.

☑ **Question**: Why did the CIA "hack" into SSCI computers as the SSCI was preparing its report?

☑ **Answer**: In a public dispute, Chairman Feinstein accused the CIA of inappropriately and potentially unlawfully accessing files and e-mails on computers that had been made available for the exclusive use of SSCI staff.[19] CIA

[15] Id. *See* "Quotes: Release the SSCI Torture Report," Human Rights First, *available at* http://www.humanrightsfirst.org/wp-content/uploads/Quotes-Release-the-SSCI-Torture-Report.pdf.

[16] *See* Eric Weiner, *Waterboarding: A Tortured History*, NPR, November 3, 2007, *available at* http://www.npr.org/2007/11/03/15886834/waterboarding-a-tortured-history.

[17] John Rizzo, "9/11: Three Major Mistakes," Hoover Institution, September 8, 2011, *available at* http://www.hoover.org/research/911-three-major-mistakes

[18] Senate Select Committee on Intelligence, Transcript, Open Hearing on the Nomination of John O. Brennan to Be Director of the Central Intelligence Agency, February 7, 2013, p. 41, *available at* http://www.intelligence.senate.gov/130207/transcript.pdf

[19] Senator Dianne Feinstein, Statement on Intel Committee's CIA Detention, Interrogation Report, March 11, 2014, *available at* http://www.feinstein.senate.gov/public/index.cfm/2014/3/feinstein-statement-on-intelligence-committee-s-cia-detention-interrogation-report.

staff conducted the searches because they were concerned that SSCI staff had gained access to the so-called "Panetta review"—a CIA document that reportedly confirms many of the findings in the SSCI report but contradicts the CIA's official response to the SSCI report. CIA Director Brennan denied the allegations of inappropriate spying, but the CIA Inspector General (IG) later confirmed chairman Feinstein's account of events, and Director Brennan apologized to Chairman Feinstein and Vice-Chair Saxby Chambliss.[20] The episode is the latest in a series of events demonstrating that the CIA is intent on evading and even undermining congressional oversight in this area. Previously, the CIA had apologized for removing or revoking access to documents that were previously made available. In addition, the CIA Inspector General determined that CIA staff had misled the IG in his investigation, and made inappropriate criminal complaints against SSCI staff based on false information.[21]

☑ **Question:** Wasn't it dangerous to release this report when there are so many threats in the world, and United States is prosecuting a war against the Islamic State in Iraq and al Shām (ISIS)?

Answer: The global reaction to the report's release has been muted,[22] possibly due to the fact that before the release of the report, substantial amounts of information about the United States' use of torture and other cruel interrogation methods had already been made public, including a CIA Inspector General report, and a Senate Armed Services Committee (SASC) report on detainee abuse in the military. The SASC report was made public, despite the fact that the United States had nearly 100,000 troops on the ground fighting in Iraq. Even if there had been more of a reaction, there is always a risk that terrorists or other opponents of the United States will use information regarding the past mistakes of the United States in harmful ways. But this is not an excuse to hide information from the American people regarding what was done in their names. In order for the CIA to be a stronger institution in the long-run, it needs to be subjected to rigorous congressional oversight, which includes making the SSCI report public.

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[20] Transcript, John O. Brennan Remarks to the Council of Foreign Relations, March 11, 2014, available at http://www.cfr.org/intelligence/cia-director-brennan-denies-hacking-allegations/p32563; Mark Mazzetti & Carl Hulse, "Inquiry By CIA Affirms It Spied on Senate Panel," *New York Times*, July 31, 2014, *available at* http://www.nytimes.com/2014/08/01/world/senate-intelligence-commitee-cia-interrogation-report.html

[21] Benjamin Wittes, "On the CIA Inspector General's Findings," *Lawfare*, August 1, 2014, *available at* http://www.lawfareblog.com/2014/08/on-the-cia-inspector-generals-findings/.

[22] Joseph Krauss, "Bitter Mideast Greets US Torture Report with Shrug," *AP*, December 10, 2014, *available at* http://bigstory.ap.org/article/323b8501df1f4892bba10dd57d7f2c4a/bitter-mideast-greets-us-torture-report-shrug.