

# THE TORTURE DEBATE

Dan Eggen and Walter Pincus have an interesting article describing the debate between CIA and FBI over whether waterboarding worked with Abu Zubaydah. If the timeline they describe is accurate, then it means that Abu Zubaydah may have given up his most important intelligence **before** they started torturing him (save, perhaps, fingering Ramzi bin al-Shibh). As to the information he gave up under torture, the CIA and FBI dispute whether it was useful or not. The article suggests the possibility that the CIA may have destroyed the torture tapes to hide the fact that the water-boarding was ineffective (which also might explain why Kiriakou so far hasn't gotten scolded for telling the world that the United States tortures, since he claims it was effective).

The article explains that Abu Zubaydah was first detained on March 28, 2002 and describes him undergoing traditional interrogation methods from April and August. And apparently, using those traditional methods, they were able to get two of the most public pieces of information from Abu Zubaydah.

There is little dispute, according to officials from both agencies, that Abu Zubaida provided some valuable intelligence before CIA interrogators began to rough him up, including information that helped identify Khalid Sheik Mohammed, the alleged mastermind of the Sept. 11 attacks, and al-Qaeda operative Jose Padilla.

[snip]

Other officials, including Bush, have said that during those early weeks – before the interrogation turned harsh – Abu Zubaida confirmed that Mohammed's role as the mastermind of the Sept. 11 attacks.

But then, the CIA and Bush wanted more, so they started water-boarding Abu Zubaydah, apparently in August (at least according to the CIA).

Whether harsh tactics were used on Abu Zubaida prior to official legal authorization by the Justice Department is unclear. Officials at the CIA say all its tactics were lawful. An Aug. 1 Justice document later known as the "torture memo" narrowly defined what constituted illegal abuse. It was accompanied by another memo that laid out a list of allowable tactics for the CIA, including waterboarding, according to numerous officials.

Note, there appears to be some debate about this detail. But the assertion by the CIA that it started in August implies that they didn't start waterboarding Abu Zubaydah until the Bybee memo authorized it. And that the intelligence used to arrest Padilla was gathered without using torture. Of course, the CIA has a big big incentive to say that they didn't start torturing Zubaydah until they were authorized to, so take that detail with motivation in mind.

Bush, at least, claims the water-boarding led to the capture of Ramzi bin al-Shibh.

"We knew that Zubaida had more information that could save innocent lives, but he stopped talking," Bush said in September 2006. "And so the CIA used an alternative set of procedures," which the president said prompted Abu Zubaida to disclose information leading to the capture of Sept. 11, 2001, plotter Ramzi Binalshibh.

But the FBI holds that the information gathered from Abu Zubaydah got increasingly crummy as the torture continued.

But FBI officials, including agents who questioned him after his capture or

reviewed documents seized from his home, have concluded that even though he knew some al-Qaeda players, he provided interrogators with increasingly dubious information as the CIA's harsh treatment intensified in late 2002.

Abu Zubaydah himself maintains as much, too.

In legal papers prepared for a military hearing, Abu Zubaida himself has asserted that he told his interrogators whatever they wanted to hear to make the treatment stop.

So that appears to be the big debate. Did Abu Zubaydah give up useful intelligence under torture, or just crap? Did he give up Ramzi bin al-Shibh before or after they started torturing him?

Now, one of the most interesting details of this article, given the debate, is that Abu Zubaydah identified al-Nashiri under torture, and then al-Nashiri was in turn tortured.

According to the 9/11 Commission, which had access to FBI and CIA summaries of the interrogation, after August 2002 – when the harsh questioning is said to have begun – Abu Zubaida identified Abd al-Rahim al-Nashiri as a productive recruiter for al-Qaeda. Nashiri was subsequently captured and subjected to harsh interrogation, including waterboarding, but videotapes of that questioning were also destroyed by the CIA

I find this particularly interesting. If Zubaydah gave up al-Nashiri under torture, was the intelligence any good? If not, it might explain why they'd eliminate Abu Zubaydah's and al-Nashiri's torture tapes, among all the tapes I presume they have. Or, there's another possibility. The evidence about what Abu

Zubaydah said when comes from the 9/11 Commission. Is it possible they got false information about what was gained under torture and what was gained before the torture started?