

THE CIA IG REPORT: IS WATERBOARDING KSM 183 TIMES REALLY EFFECTIVE?

 I think I've finally gotten some folks to pay attention to the OLC Memo revelation that KSM was waterboarded 183 times in a month.

In that post, I suggested that if it took 183 uses of waterboarding to make KSM comply with interrogators wishes, then waterboarding is far less effective than the CIA would like us to believe. It appears the CIA IG was raising the number of times KSM was waterboarded in the same context I am—to question the efficacy of waterboarding someone that many times.

As I described last night, Steven Bradbury spends four pages of the May 30, 2005 memo trying to prove that enhanced interrogation is effective. He appears to be responding to a six-page passage in the CIA IG Report addressing the efficacy of enhanced interrogation.

I dealt with that section in some detail last night. But by reconstructing that section best as we can from the fragments Bradbury gives us (see my work below), we see the IG Report was tying the number of times KSM and Abu Zubaydah were waterboarded with its judgment of waterboarding's (in)efficacy.

Bradbury doesn't reveal how the IG Report begins the discussion of the efficacy of the enhanced interrogation program. But shortly after the beginning, the IG Report seems to refute claims that individual, high value detainees are the key to collecting information on al Qaeda. It points out that CTC relies on the information from lower-level detainees—presumably collected without enhanced methods since CIA claims it only uses enhanced methods on high value detainees—to round out its understanding of

information collected from high value detainees.

CTC frequently uses the information from one detainee, as well as other sources, to vet the information from another detainee. Although lower-level detainees provide less information than the high value detainees, information from these detainees has, on many occasions, supplied the information needed to probe the high value detainees further. ... [T]he triangulation of intelligence provides a fuller knowledge of Al-Qa'ida activities than would be possible from a single detainee.

Bradbury leaves out the next part of the IG Report's discussion. But from there, the IG Report says we can't conclusively determine whether enhanced interrogations have provided information that has prevented specific attacks (note, the wording of this discussion is very vague, perhaps intentionally so; it could mean any number of things, including that we have zero evidence that torture has prevented attacks, or that we just don't have evidence one way or another). Then, the IG Report appears to elaborate on this difficulty, noting that, "there is limited data on which to assess their individual effectiveness." Again, this quotation is unclear, but it appears to refer to the effectiveness of one enhanced interrogation method over another. That is, the IG Report appears to be saying it has no way of assessing whether waterboarding is more effective than sleep deprivation than persuasion. Finally, the IG Report admits that enhanced interrogation—or perhaps just waterboarding—is tied to an increase in the number of reports (though it appears to have already dismissed any possibility of assessing the quality of these reports). And it is in that context in which the IG Report discusses the sheer number of times that Abu Zubaydah and KSM were waterboarded.

In other words, at the tail end of an extended discussion explaining all the reasons we can't

say enhanced interrogation prevented any specific attacks and why it may be a mistake to focus exclusively on individual high value detainees, the IG Report connects the sheer number of reports CIA has gotten when using waterboarding with the sheer number of times it was used on Abu Zubaydah and KSM.

And significantly, 12 pages later the IG Report notes that CIA was using waterboarding more than it had said it had been using it.

Now all of this is obviously very fragmentary, and Bradbury seems to have deliberately obscured the IG Report's language in key passages. As it happens, though, both the White House and SSCI are in the middle of attempts to assess the efficacy of waterboarding.

In response to those efforts, the CIA has begun assembling thousands of classified cables that contain daily reports from the agency's secret prisons, tracking the interrogation methods used on high-value detainees and how much information was obtained as a result.

Let's hope this inquiry—unlike the memos sent to Steven Bradbury tailored to allow him to claim that torture was effective—do more than track the number of reports gathered under torture. And heck, while they're at it, perhaps the White House and the SSCI could release this part of the IG Report, which seems to conclude—after having watched thousands of hours of torture videos—that it was not effective.

Sign the petition telling Attorney General Eric Holder to appoint a special prosecutor to investigate torture here.

As Bradbury notes on page 10 of his memo, the IG Report discusses the efficacy of enhanced interrogation from page 85 through 91. Here are the topics that discussion covers, in order,

with the Bradbury description of the reference:

Page 85: No direct reference

Page 86: A description of an increase in intelligence reports attributable to enhanced methods and a discussion arguing that you can't measure the efficacy of interrogation by pointing to just the reports from one detainee..

See IG Report at 86, 90-91 (describing increase in intelligence reports attributable to use of enhanced techniques).

According to the CIA Inspector General:

CTC frequently uses the information from one detainee, as well as other sources, to vet the information from another detainee. Although lower-level detainees provide less information than the high value detainees, information from these detainees has, on many occasions, supplied the information needed to probe the high value detainees further. ... [T]he triangulation of intelligence provides a fuller knowledge of Al-Qa'ida activities than would be possible from a single detainee.

IG Report at 86.

Page 87: No direct reference

Page 88: A statement that it is difficult to determine whether interrogations have stopped specific attacks.

As the IG Report notes, it is difficult to determine conclusively whether interrogations have provided information

critical to interdicting specific imminent attacks. See *id.* at 88.

Page 89: A statement noting that there is limited data on whether enhanced methods are effective (note—Bradbury pitches this as an observation that the techniques were used "sparingly," which from the context appears to be disingenuous).

And, because the CIA has used enhanced techniques sparingly, "there is limited data on which to assess their individual effectiveness." *Id.* at 89.

Page 90: A comment on the increased number of reports tied to enhanced methods, along with a discussion of the number of times Abu Zubaydah was waterboarded.

See IG Report at 86, 90-91 (describing increase in intelligence reports attributable to use of enhanced techniques).

The CIA used the waterboard "at least 83 times during August 2002" in the interrogation of Zubaydah. *IG Report* at 90, and 183 times during March 2003 in the interrogation of KSM, see *id.* at 91.

Page 91: A comment on the increased number of reports tied to enhanced methods, along with a discussion of the number of times KSM was waterboarded.

See IG Report at 86, 90-91 (describing increase in intelligence reports attributable to use of enhanced techniques).

The CIA used the waterboard ... 183 times

during March 2003 in the interrogation of KSM, see *id.* at 91.

Pages 103 and 104: An observation that waterboarding was used more than initially indicated.

The IG Report noted that in some cases the waterboard was used with far greater frequency than initially indicated, see IG Report at 5, 44, 46, 103-04,