

THE 9/11 COMMISSION AND TORTURE

The Daily Beast is out with a story reporting that much of the information from the 9/11 Commission Report came from detainees who had been subjected to torture. That story has been picked up by people claiming, "Much of the material cited in the 9/11 Commission's findings was derived ... during brutal CIA interrogations authorized by the Bush administration," which is not what the Daily Beast reports (though the original NBC report uses similar language, stating that the "critical information it used in [the 9/11 Report] was the product of harsh interrogations."

As someone halfway through such a study myself (and who spent much of last week combing through the 9/11 Archives), let me caution about the language used here. Much of the material cited in the 9/11 Report came from detainees—particularly KSM—after they had been tortured. But we have no evidence that the evidence came exclusively from torture, and we have a great deal of evidence that little of the information from Khalid Sheikh Mohammed and Abu Zubaydah came from waterboarding.

I've written about how little the 9/11 Commission actually used from Abu Zubaydah here (just 10 pieces of intelligence in the entire report, one of which almost certainly came before he was waterboarded), and how the Commission used just slightly more from al-Nashiri (16 pieces of intelligence, almost all of it either corroborated with other reports or—in two cases—the accuracy of which the Commission questioned). So the story for Abu Zubaydah and al-Nashiri is that while the 9/11 Commission may have gotten a lot of information from them (though as late as 2004, they said they hadn't gotten much from al-Nashiri), they didn't use it.

The story with KSM, though, is different. Huge

swaths of the report rely on interrogations of KSM. Here's an incomplete compilation of the intelligence the 9/11 Commission got from KSM (this hasn't been proofed). It shows:

- Hundreds of claims in the 9/11 Report rely on KSM's interrogation reports
- The most productive interrogations with KSM came several months after he was waterboarded, in sessions in July, August, and November 2003 and February 2004
- Just five of 127 citations of KSM interrogations catalogued thus far (remember, I'm only halfway) came within the month after he was waterboarded
- One of the early citations—asserting a year-long al Qaeda anthrax program—may have come as a result of waterboarding
- The only KSM reference to Moussaoui thus far (there are others, I think) came from the month of the harshest torture

That's significant for a couple of reasons. We know from KSM himself that after the first month of intense torture, the waterboarding, beatings, sleep and food deprivation, and stress positions largely stopped.

After about one month I was moved to another cell. I was given clothes to wear. I was no longer kept in a standing position. I was only shackled by the

ankles. I could shower once a week. The interrogation became less harsh. No more physical assault, but threats along the lines of "we will take you to another room" or by having the plastic collar put on the table in front of me during the questioning. I was provided with a Styrofoam mattress. They started to give me food twice a day. To begin with the it consisted only of rice and beans. Later, after June 2003, I began to receive some meals with sardines, canned meat and bread buns. The guards would sometimes bring the food already bitten, and would handle me roughly when they took me to the shower. These things improved after I complained to one of the 'emirs'.

On June 4th I was moved to a third cell. This move occurred after I complained about the constant music that was still being played outside my cell. The new cell was a cage like structure built inside an underground room. I preferred it as there was no music and, as it was a cage structure instead of solid walls, the ventilation was better. I was again kept shackled by the feet, but not the wrists. Water was provided in two bottles. One for drinking, one for the toilet. Toilet paper was provided. Toilet still consisted of a bucket inside the cell. It was removed on a daily basis.

Given that by far the bulk of information KSM provided came after June 2003, we can say that information came after the worst torture, at a time when carrots **and** the threat of sticks—and a great deal of rapport building—were being used, but not directly as a result of the harshest kinds of torture.

And KSM himself points to the "harshest period of ... interrogation" as that period when he gave false information, suggesting that, speaking in

2006 to the ICRC, he stood by the veracity of what he said after that point.

During the harshest period of my interrogation I gave a lot of false information in order to satisfy what I believed the interrogators wished to hear in order to make the ill-treatment stop. I later told the interrogators that their methods were stupid and counterproductive. I'm sure that the false information I was forced to invent in order to make the ill-treatment stop wasted a lot of their time and led to several false red-alerts being placed in the US."

Now, that doesn't mean the 9/11 Commission shouldn't have raised flags about possible torture (though I can tell, having looked at the materials, the real doubts came fairly late in the process, not long before the Abu Ghraib story was breaking). I'm much more concerned, however, that the Commission didn't raise public concerns about evidence of the sheer incompetence of those conducting the interrogations. By October 16, 2003, the 9/11 Commission was asking direct questions about the linguistic skills and knowledge base (and, possibly, biases) of the interrogators. As Ali Soufan reported yesterday, the CIA's interrogators were not just brutal, they were also amateurish. That was clear to the 9/11 Commission by fall 2003.

The Daily Beast story is correct in reporting that much of the information in the 9/11 Report came from detainees who had been subject to torture. But most of that information came after the torture had largely stopped.