

# THE IG REPORT

## CHRONOLOGY

I wanted to make some observations about the chronology included in the CIA IG Report—Appendix B of the report. These are mostly just observations, so I apologize if this post is incoherent.

### Three columns

First, notice that the chronology has three columns, only one of which (Events at Washington) is labeled. The other two columns appear to be organized in parallel structure to the report itself, with the High Value Detainee program—which corresponds with pages 33 through 45 in the report—in the third column, and a program that appears to be in Afghanistan and Pakistan—which corresponds with pages 46 through 77 [note—someone smart already pointed out this structure WRT the report itself—apologies for forgetting who it was]—in the center column.

The most interesting detail of the three-column structure is that it shows the capture of Khalid Sheikh Mohammed in the center column, whereas the capture of Abu Zubaydah is in the third column, suggesting a different administrative entity captured KSM than captured AZ (though KSM was transferred into that other entity immediately after being captured).

### *First Column*

So let's look at the first column. The first redaction probably pertains to the Finding authorizing the program in general—I'll come back to treatment of this after that Finding is released on Monday. It also describes CIA OGC "beginning research" on interrogation issues as early as September 2001. That suggests legal research (and no doubt refers to work done in cooperation with John Yoo and David Addington), but I wonder if OGC also started the technical research—which would put that genesis of the torture program (unsurprisingly) much earlier

than the December 2001 date currently claimed.

The rest of the column—at least the unredacted bits—include four different kinds of information:

- Policy maker deliberations (July 2002)
- DOJ deliberations and authorizations (July 2002, August 2002, July 2003)
- Congressional briefings (Fall 2002, February to March 2003—I'll return to these later)
- Management improvements (November 2002, January 2003, April 2003, June 2003, September 2003)

Of those, one very interesting detail (in addition to the redacted event in December 2002) is the repeated focus on OMS (Office of Medical Services) guidelines, which demonstrates the degree to which they used medical personnel to make this look legit. Note that the CIA doesn't include the "Legal Principles" document in there, even though it considered that a key authorization—or so it says.

In addition, there's the June 2003 guidelines requiring "that subject pose a continuing serious threat," which suggests they realized by that point that they had detainees who **didn't** pose a continuing threat (that might stem from a realization that we had a bunch of taxi drivers stuck at Gitmo).

#### *Second Column*

The first entries in the middle column (Afghanistan) program appear as soon as November 2001, which is not a surprise but worth noting (Could that be the capture of John Walker Lindh? The related prison uprising?).

The redacted cell in the center column for November 2002 must pertain to the multiple deaths that occurred in CIA custody in Afghanistan that month.

### *Third Column*

Next, note the at-least three redacted items in the third column in March 2002—pertaining to Abu Zubaydah's early detention period. While some of this might refer simply to the establishment of the Thai location for interrogation, it also might include the turf war with FBI, and/or the early experimentation with and authorization of enhanced techniques in April 2002.

Note, too, the redacted event in September 2003—I have no idea what that would be.

### **Accuracy**

Next, note the way the chronology tries to fudge or mis-represent details.

### *Congressional Briefings*

It dates the first, September 2002 briefings of Congress to "Fall 2002," even though CIA claims in its own briefing schedule that those briefings happened on known dates in September 2002. Oddly, though, this replicates earlier references you'd see in news coverage. I used to think they did that to obscure that the first briefing happened after Abu Zubaydah's waterboarding was already completed. But now I wonder whether there's another reason for it. Is it possible they didn't have solid dates (and therefore, solid records) for one or another of the briefings? This would be particularly likely in the case of the Shelby-Graham briefing from the end of September. We know Graham has, and shared, details of that briefing with the CIA, so I wonder if they didn't have details of that briefing originally? Another possibility is that there were more briefings—briefings not included on the CIA Briefing list. Is it possible that Porter Goss got an earlier briefing on Abu Zubaydah in August (rounding up to "Fall"), or that the Republicans got another briefing in

October or November pertaining to al-Nashiri or admitting that waterboarding had already been used?

Likewise the second Congressional briefing—listed here as "February to March." There **is** no briefing in March listed in the CIA briefing list. Is it now saying it conducted a briefing? Of whom? Porter Goss, again?

Whatever the explanation, the reference to these Congressional briefings is yet another reason to distrust the CIA's own representation of its own briefings.

#### *Ashcroft's "Reaffirmation"*

Then there's the reference to the July 2003 "reaffirmation" of the legality by John Ashcroft. As I've shown, this is a contested event. Which makes it notable that it features so prominently in CIA's chronology of important events in DC.

#### *Al-Nashiri's Chronology*

And, finally, there's the chronology's treatment of al-Nashiri (much of which is redacted). The chronology shows al-Nashiri being "captured" in November 2002. But we know that's not right—he was captured in October 2002, but held and "allegedly" interrogated in Dubai for a month before being handed over to the CIA. Did the IG know about this earlier treatment? Did he account for it in his treatment of al-Nashiri's fitness to be tortured by the US?

Then there's the depiction of the "unauthorized interrogation techniques" (presumably referring to the drill threats, etc.) as occurring in "late December or early January." I find that somewhat dubious given two supporting documents included with the IG Report release on Monday. There's the "spot report" of al-Nashiri's interrogation, dated November 20. And then there's the email forwarding that same report which we can't see but DOJ made clear is dated January 23, 2003 (See the ACLU titles for these documents, which are the same used by DOJ). Now

given the IG Report's explanation for the genesis of the review:

In January 2003, the DDO informed OIG that he had received allegations that Agency personnel had used unauthorized interrogation techniques with a detainee, 'Abd Al-Rahim Al-Nashiri, at another foreign site, and requested that OIG investigate.

It seems that that January email may pertain to either Deputy Director of Operations James Pavitt passing this complaint onto IG John Helgerson, or Pavitt learning of it himself. If so, that would place the unauthorized techniques in November, not January.

Now, that's all speculative. But it does raise questions of whether the unauthorized techniques occurred in December, as the chronology shows, or in November, which would mean they would have been captured on the videotapes but might well be among the videotapes that are damaged or blank.

#### *Timelines and the Interrogation Index*

Between the vagueness pertaining to Congressional briefings and the questions about al-Nashiri's timeline, there is reason to question whether or not the chronology in the IG Report has been massaged—either by the OIG itself, or by withholding information from Helgerson—to present the least damning story.

I find that particularly interesting given the reference to at least four "draft timelines" in the materials pertaining to the destroyed torture tapes in the interrogation index CIA submitted to ACLU during this FOIA. Those timelines are long—from 10 to 38 pages—and we don't actually know whether they cover just the torture tapes, the interrogation program altogether (which might make them draft work for this chronology), or for the torture tape destruction. CIA ultimately withheld them from the Vaughn Index, claiming they were derivative

works. But seeing the holes even in this simple one-page chronology, it sure makes me want to see those longer timelines, whatever their content.