THE ABU ZUBAYDAH DOCUMENT

One of the most curious documents turned over in last week's FOIA dump is the last one, titled "The CIA Interrogation of Abu Zubaydah" (PDF 110-122). While these are just wildarsed guesses, I suspect it may either have been a summary developed for the CIA Inspector General's office for use in its review of the torture program or a summary to prepare Stan Moskowitz, then head of CIA's Office of Congressional Affairs, to brief the Gang of Four in early February 2003.

The Timing

This document must have been written between January 9 and January 28, 2003. On PDF 117, the document describes CIA's Office of General Counsel completing its review of the torture tapes; that report was finalized on January 9. The same page describes the "Guidelines on Interrogation Standards," which was ultimately signed by George Tenet on January 28, as not yet having been approved. The document makes no mention of the Inspector General's plan to review the torture tapes impacting the decision on destroying the torture tapes, that decision was initiated in early February. It also refers to the need to brief Congress on the torture tapes in the future.

The Structure

The document includes a long Top Secret section, followed by a short summary of the document classified Secret. That suggests that the audience of this document might in turn have its own audience with which it could use the Secret summary. So, for example, if the IG were the audience, it might be permitted to use the summary description in its final report. If Gang of Four members were the audience, they might be permitted to keep the Secret summary but not to see the Top Secret report.

The Top Secret section of the document has the following sections (each section has its own classification mark, which shows in the margin, which is how we know where redacted titles appear):

- Abu Zubaydah: Terrorist Activities
- Injuries at Time of Capture
- Highlights from Reporting by Abu Zubaydah
- [Completely redacted section]
- Interrogation Techniques Used on Abu Zubaydah
- [Redacted title and page and a half, though this section includes discussion of videotapes and training, which suggests the section describes the management controls on the torture]
- [Completely redacted section]

The Hand-Written Notes

Curiously, this document showed up in the January 8, 2010 Vaughn Index but not—as best as I can tell—in the November 20, 2009 Vaughn Index (or, if it showed up in the earlier Index, John Durham had not yet protected it under a law enforcement privilege). That means that the document existed as an electronic document. Yet, as the Vaughn Index tells us, this document has "handwritten marginalia" on it. These are presumably what the redactions are to the right of the main text on PDF 111 and 112. The redactions on PDF 113 are also wider than other sections, suggesting there is marginalia there, too.

In other words, the reader of this document made

notes in response to the following claims (in addition to whatever appears in the long redacted section on PDF 113):

- [AZ] was heavily involved in al Qa'ida's operational planning, and had previously been an external liaison and logistics coordinator.
- Abu Zubaydah was provided adequate and appropriate medical care.
- Abu Zubaydah identified Jose Padilla and Binyam Muhammad as al-Qa'ida operatives who had plans to detonate a uranium-topped "dirty bomb" in either Washington DC, or New York City.

The first and third of these claims, of course, are somewhat dubious (though the first is more restrained than the CIA was publicly making at the time). So the reader may have been questioning these claims. And the notation next to the claim about AZ's "adequate" medical care reminds me of the Ron Suskind report that George Bush got enraged when he learned AZ had been given pain killers. In any case, these notations suggest the reader of this document may have had a very high level of information on AZ.

The Contents

Here are notable contents, by section:

Abu Zubaydah: Terrorist Activities

As I said above, the claims made in this section are more restrained than the CIA was making publicly in January 2003. Rather than call AZ the number 3 guy in al Qaeda, it calls him a lieutenant of Osama bin Laden (a claim that is still incorrect, however). The description of AZ

as “an external liaison and logistics coordinator,” however, is a much more accurate description of AZ’s true role than CIA has traditionally given.

Injuries at Time of Capture

The report describes two bullet wounds: one, in his leg. The description of the second is redacted (but I believe this was a gut wound, though it might refer to him losing a testicle, which AZ described in his CSRT). There is a separate bullet point describing another physical issue; I wonder whether this is a description of the lingering effects of his 1992 head wound?

Highlights from Reporting by Abu Zubaydah

There are seven bullet points of information here. Perhaps most telling is the admission that “Over time, he had become more willing to cooperate on many issues.” You’d think someone might have questioned whether AZ’s cooperation increased as he got further from his torture?

First redacted section

This section would be the logical sequitur between AZ’s past interrogation and the techniques used to interrogate him. I wonder whether they discussed either inaccuracies in his information, or described the things he had not yet revealed (such as the location of Osama bin Laden) that they thought he knew? Alternately, it might describe what they had planned for his interrogation going forward.

Interrogation Techniques Used on Abu Zubaydah

By far the most interesting detail in this section is the redaction in the section on which torture techniques they’ve used on Abu Zubaydah:

> The Agency sought and received Department of Justice approval for the following [redacted] enhanced techniques. [Four and a half lines redacted] the waterboard.

What **should** lie behind those redactions are the word "ten" and the names of the techniques approved in the Bybee Two memo. The fact that the passage is redacted must mean that that's not what this passage says—which suggests that this document claimed DOJ had approved techniques they had not actually approved (or, that DOJ approved techniques verbally that were not ultimately approved in the Bybee Two memo). Given that we know this document is one John Durham considered important to his investigation, it may support the notion that some things shown on the videos—perhaps things like mock burial—were one of the things CIA was trying to hide by destroying them.

Also, as I noted earlier, this passage suggests how AZ's sleep deprivation got out of control in the early days. But it doesn't admit how long they did use sleep deprivation with him.

This section makes the ludicrous claim that AZ "is the author of a seminal al Qaida manual on resistance to interrogation methods," presumably referring to the Manchester Manual. (Though AZ would describe "the Encyclopedia" in interrogations in June 2003.)

I find this description of James Mitchell and Bruce Jessen laughable:

> Agency employees engaged in the interrogation are complemented by expert personnel who possess extensive experience, gained within the Department of Defense, on the psychological and physical methods of interrogation (SERE) and the resistance techniques employed as countermeasures to such interrogation. These expert medical personnel were present throughout the interrogations.

I find it curious that this passage makes no mention that Mitchell and Jessen developed the torture program, nor that they were contractors. And I'm amused that they are described as

“medical” personnel, as if they had any concerns for AZ’s medical condition.

I find it really telling that this passage boasts of having done medical examinations before and during the torture, but not psychological evaluations before and after.

> Medical evaluations were conducted on Abu Zubaydah before and during the interrogations. In addition, a psychological profile was conducted on him before the interrogation began.

You’d think someone at CIA would order up a psychological evaluation after all this torture, huh? But what this passage seems designed to do, instead, is spin the medical monitoring that was part of the experimental side of AZ’s torture as good medical care (which is also what the description of Mitchell and Jessen as “medical personnel” seems designed to do).

Which may be what the following section is designed to do, too:

> It is not and has never been the Agency’s intent to permit Abu Zubaydah to die in the course of interrogation and appropriately trained medical personnel have been on-site in the event an emergency medical situation arises.

Let’s unpack this. First, the denial that the Agency ever intended to let AZ die suggests perhaps the denial itself is untrue. I’m curious why this passage describes these personnel as “appropriately trained medical personnel” and not something like “doctor,” “nurse,” or “medic”? Is it a way to try to explain away the presence of people collecting medical research information, to suggest that they had to have that kind of training? And the reference to “an emergency medical situation,” when we know that they had real concerns about AZ’s injuries and were closely tracking whether torture caused severe pain, is just cynical. The whole passage

is one of the creepiest in the entire document!

This section describes the terms of approval for torture from DOJ. But it never once mentions the Bybee memos (perhaps because it might lead someone to discover that the ten techniques in the Bybee Two memo don't match the techniques listed in this section)?

Finally, look at how underwhelming this claim about the effectiveness of torture is:

> The use of enhanced interrogation techniques proved productive; Abu Zubaydah provided additional useful information.

It's telling, too, that they make this claim in an entirely different section from where they boast of all the good intelligence AZ provided. They chose not to tie the specific pieces of intelligence he gave to the techniques use.

Redacted title—probably on management controls on interrogation

As I said, the title of the section that includes the videotapes and training is redacted, along with three primary and two secondary bullet points (which span a page and a half) before the videotape section, and two more after the training section (which take up another half page). I'm wondering if this redacted section talks about the reporting from the Field to HQ?

The section on videotapes makes a claim that—from what we see of the McPherson interview report—appears to be false.

> The attorney concluded that the cable traffic did in fact accurately describe the interrogation methods employed and that the methods conformed to the applicable legal and policy guidance.

At the time of his interview, it appears that McPherson said he'd have to review the guidance

again before he could say whether the torture portrayed in the videotapes matched the guidance (which, the IG team concluded, it did not). And here's how this document describes the state of the discussion on destroying the torture tapes.

> After his review, the General Counsel advised the DCI that OGC had no objection to the destruction of the videotapes, but strongly recommended that the new leadership of the committees first be notified about the existence of the tapes and the reasons why the Agency has decided to destroy them.

Boy, I guess Jane Harman really screwed up their plans when she objected, in writing, to the destruction of the tapes? This passage is one of the things that makes me wonder whether this document wasn't written to fill in Stan Moskowitz before he briefed Congress; though I'm inclined to think CIA wouldn't give the Gang of Four this much information, even though it is very deceptive in parts.

The Summary

The Secret Summary section covers the following four areas:

- AZ's nationality
- His role in AQ (again using the "external liaison and logistics coordinator" language)
- The intelligence he gave
- His physical condition

Of note, the intelligence section includes this language, which is either redacted or not present in the Top Secret description of the intelligence he gave.

> [AZ] has provided information on Al Qa'ida's CBRN program and on individuals

> associated with that program.

Also compare how the Top Secret report refers to AZ's intelligence on Padilla and Binyam Mohamed…

> Abu Zubaydah identified Jose Padilla and Binyam Muhammad as al-Qa'ida operatives who had plans to detonate a uranium-topped "dirty bomb" in either Washington, DC, or New York City. Both have been captured.

…to how the Secret summary refers to it:

> Information from AZ was instrumental in the capture near Chicago of Jose Padilla, a "dirty bomb" plotter, explosives expert, and terrorist trainer at Qandahar.

Other Details

I'm interested, then, in what this says about Durham's investigation. Obviously, it provides a great snapshot of what CIA claimed it believed at the time it first planned to destroy the torture tapes. It may show CIA claiming it had approval for torture techniques it did not have approval for. Oddly, the document doesn't appear to explain why the tapes were first made—it appears that the first mention of them comes in the description of McPherson's review.

This document has three sets of Bates stamps on it: the five-number series, the six-number series, and the IG series from 2007. So it has been reviewed several times in a legal context.