

The Role of 9/11 in Justifying Torture and War: The Criminalization of the US State Apparatus. Senate Report on CIA Torture is a Whitewash

By [Prof Michel Chossudovsky](#)

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Region: [USA](#)

Theme: [Crimes against Humanity](#),
[Intelligence](#), [Law and Justice](#)

The words “possible criminal actions” by CIA employees are used in the report.

The terms unethical and immoral are mentioned. The criminality of those who ordered these actions at the highest levels of government, however, is not acknowledged.

The actions directed against alleged jihadists are categorized as ineffective in the process of revealing intelligence. This in itself is a red herring. The objective of torture was not to reveal intelligence.

What of course is not acknowledged is that the alleged terrorists who were tortured were framed by the CIA.

Known and documented the Al Qaeda network is a creation of US intelligence.

The jihadists are “intelligence assets”.

Torture serves to perpetuate the legend that the evil terrorists are real and that the lives of Americans are threatened.

Torture is presented as “collateral damage.” Torture is an integral part of war propaganda which consists in demonizing the alleged terrorists.



And the Senate committee report ultimately upholds the legitimacy of the US intelligence apparatus, the US government, its military and intelligence agenda and its “humanitarian wars” waged in different parts of the World.

Guantanamo Camp (right)

The term “legally misguided” is mentioned but the fact that these actions were “illegal” and “criminal” is casually dismissed.

According to Senator Feinstein: “The CIA plays an incredibly important part in our nation’s security and has thousands of dedicated and talented employees.”

The actions documented by the Senate report were undertaken from 2001-2009, namely during the Bush administration, overlapping into the Obama presidency. This inevitably raises the issue of responsibility of the current US administration. There is no evidence that these practices were abandoned by the Obama presidency. In fact quite the opposite.

And the “Global War on Terrorism” prevails with new initiatives on the drawing board of the Pentagon.

The Role of 9/11

9/11 serves as a justification for the torture program in the same way as it served as a justification to wage war on Afghanistan and Iraq. According to Senator Feinstein:

“All of us have vivid memories of that Tuesday morning when terror struck New York, Washington and Pennsylvania.

“Make no mistake, on September 11, 2001 war was declared on the United States.

“Terrorists struck our financial center. They struck our military center. And they tried to strike our political center and would have, had brave and courageous passengers not brought down the plane.

“We still vividly remember the mix of outrage and deep despair and sadness as we watched from Washington.

“Smoke rising from the Pentagon. The passenger plane lying in a Pennsylvania field. The sound of bodies striking canopies at ground level as innocents jumped to the ground below from the World Trade Center.



Enemy Number One: Osama bin Laden, alleged mastermind of the 9/11 attacks

The tacit argument –which is contained in the Senate report– is that America was under attack. Evil folks are lurking. The security of the Homeland was at stake.

And these evil people knew things (namely intelligence) which were threatening our security. They were arrested by the CIA. And the CIA had a mandate “to go after the terrorists”.

Yet we all know by now that the 9/11 official narrative is a fabrication. The official 9/11 story is that Osama bin Laden was behind the 9/11 attacks. Lest we forget, bin Laden was hospitalized in a Pakistani military hospital in Rawalpindi on September 9, 2001.

9/11 was used as a pretext, a casus belli to wage an illegal war against Afghanistan. What we are dealing with is the criminalization of the US State apparatus.

Jihadists were not behind the 9/11 attacks. The evidence points to a conspiracy at the highest levels of the US government including the involvement of the intelligence apparatus.

We must “learn from our mistakes”, says Senator Feinstein.

These decisions were from an administrative point of view “misguided”, according to the



Senate Committee. It was all a “big mistake”, according to the Senate report.

The evidence contained in the report, nonetheless, points to criminal wrongdoing at the highest levels of government. Yet the political statements underlying the report as well as the media coverage constitute a whitewash.

The September 11, 2001 attacks provided the green light to wage a “Global War on Terrorism”. While the report acknowledges CIA brutality, it does not question the legitimacy of the “Global War on Terrorism”. The acts of torture were all for a good cause.

The truth is that the CIA is a criminal entity within the US State apparatus.

Nobody is to be held responsible. The report is in essence a political whitewash. In substance what the report says is:

We are clean and moral people, it was an administrative error to torture the terrorists. But under the circumstances with our nation under attack, it is understandable that we acted in that way. Let us learn from our mistakes. It will never happen again.
(paraphrase)

“But history will judge us by our commitment to a just society governed by law and the willingness to face an ugly truth and say ‘never again.’”

Never again? The ugly truth underlying the “Global War on Terrorism” has not acknowledged.

The fact that torture has been routinely applied since the establishment of the CIA under the Truman presidency, extensively applied in Latin America, Africa and South East Asia, is casually dismissed.

President Bush is not alone. What he did was to implement a policy which was already firmly entrenched in the intelligence community. Blaming Bush is a convenient scapegoat. It avoids opening up a can of worms.

Every single administration since the end of World War II has endorsed the practices of torture.

What distinguishes the Bush and Obama administrations in relation to the historical record of U.S. sponsored crimes and atrocities, is that the concentration camps, targeted assassinations and torture chambers are known to the public and are openly considered as legitimate forms of intervention, which sustain “the global war on terrorism” and support the spread of Western democracy.

The Criminalization of Justice: Will the Architects of Torture be Indicted for Crimes against Humanity?

Today’s legal system in America has all the essential features of an inquisitorial order, which supports torture and provides a green light to CIA atrocities.

The Senate report ultimately upholds clearly defined “guidelines” of the Department of Justice adopted in the immediate wake of 9/11. Torture is permitted “under certain circumstances”, according to an August 2002 Justice Department “legal opinion” which had been requested by the CIA:

“if a government employee were to torture a suspect in captivity, ‘he would be doing so in order to prevent further attacks on the United States by the Al Qaeda terrorist network,’ said the memo, from the Justice Department’s office of legal counsel, written in response to a CIA request for legal guidance. It added that arguments centering on “necessity and self-defense could provide justifications that would eliminate any criminal liability” later. (See [Washington Post](#), June 7, 2004)

What the above DoJ report confirms is that the CIA had received a green light to torture alleged “jihadists” inasmuch as it contributes to preventing further attacks by Al Qaeda directed against the US. It follows that “interrogation methods” bordering on torture do not imply an unconstitutional infringement according to the U.S. Justice Department:

“Even if an interrogation method might arguably cross the line drawn in Section and application of the statute was not held to be an unconstitutional infringement of the President’s Commander in Chief authority, we believe that

under current circumstances [the war on terrorism] certain justification defenses might be available that would potentially eliminate criminal liability." ([Complete pdf memorandum, Department of Justice](#), August 1, 2002: "Justice Dept. Memo Says Torture 'May Be Justified'" [Washington Post, June 13, 2004](#))

**Memorandum for Alberto R. Gonzales
Counsel to the President**

Re: Standards of Conduct for Interrogation under 18 U.S.C. §§ 2340–2340A

You have asked for our Office's views regarding the standards of conduct under the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment as implemented by Sections 2340–2340A of title 18 of the United States Code. As we understand it, this question has arisen in the context of the conduct of interrogations outside of the United States. We conclude below that Section 2340A proscribes acts inflicting, and that are specifically intended to inflict, severe pain or suffering, whether mental or physical. Those acts must be of an extreme nature to rise to the level of torture within the meaning of Section 2340A and the Convention. We further conclude that certain acts may be cruel, inhuman, or degrading, but still not produce pain and suffering of the requisite intensity to fall within Section 2340A's proscription against torture. We conclude by examining possible defenses that would negate any claim that certain interrogation methods violate the statute.

In Part I, we examine the criminal statute's text and history. We conclude that for an act to constitute torture as defined in Section 2340, it must inflict pain that is difficult to endure. Physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death. For purely mental pain or suffering to amount to torture under Section 2340, it must result in significant psychological harm of significant duration, e.g., lasting for months or even years. We conclude that the mental harm also must result

Screenshot of first page of original memo ([to consult complete doc click here](#))

According to the Washington Post,

"The memo was written at the request of the CIA. The CIA wanted authority to conduct more aggressive interrogations than were permitted prior to the terrorist attacks of Sept. 11, 2001. The interrogations were of suspected al Qaeda members whom the CIA had apprehended outside the United States. The CIA asked the White House for legal guidance. The White House asked the Justice Department's Office of Legal Counsel for its legal opinion on the standards of conduct under the Convention Against Torture and Other Cruel, Inhumane and Degrading Treatment or Punishment." (WP, June 13, 2004)

A legal opinion is an interpretation of the law. It cannot under any circumstances be considered as providing "legal authority".

In other words, a legal opinion by the Justice Department's Office of Legal Counsel for Alberto R. Gonzales, who was counsel to President Bush does not imply that CIA actions are legal. The Justice department cannot override the law by issuing an enabling "carte blanche" legal opinion to the CIA. What this legal opinion entails -when it is used to bypass the law- is the de facto criminalization of Justice. The White House instructed the Justice Department to instruct Alberto R. Gonzalez

Under a criminalized judicial system, the "Inquisitors" in high office cannot be indicted or

prosecuted. In a twisted irony, anybody who doubts the legitimacy of the American inquisition (i.e. 9/11 and the “Global War on Terrorism”) is a heretic conspiracy theorist or an accomplice of the terrorists, who can be indicted on criminal charges.

Michel Chossudovsky, December 11, 2014

Read this statement very carefully.

Statement by Senator Feinstein (emphasis added)

“Today a 500-page executive summary of the Senate Intelligence Committee’s five and a half year review of the CIA’s detention and interrogation program—which was conducted between 2002 and 2009—is being released publicly.

“The executive summary, which is going out today, is backed up by a 6,700 page classified and unredacted report (with 38,000 footnotes), which can be released if necessary at a later time.

“The report released today examines **the CIA’s secret overseas detention of at least 119 individuals and the use of coercive interrogation techniques—in some cases amounting to torture.**

“Over the past couple of weeks, I have gone through a great deal of introspection about whether to delay the release of this report to a later time. This clearly is a period of turmoil and instability in many parts of the world. Unfortunately, that’s going to continue for the foreseeable future, whether this report is released or not.

“There are those who will seize upon the report and say ‘see what Americans did,’ and they will try to use it to justify evil actions or to incite more violence. We cannot prevent that. But history will judge us by our commitment to a just society governed by law and the willingness to face an ugly truth and say ‘never again.’

“There may never be the ‘right’ time to release this report. The instability we see today will not be resolved in months or years. But this report is too important to shelve indefinitely.

“My determination to release it has also increased due to a campaign of mistaken statements and press articles launched against the report before anyone has had the chance to read it. As a matter of fact, the report is just now, as I speak, being released.

“This is what it looks like. Senator Chambliss asked me if we could have the minority report bound with the majority report. For this draft, that is not possible. But in the final draft, it will be bound together. But this is what the summary of the 6,000 pages look like.

“My words give me no pleasure. I am releasing this report because **I know there are thousands of employees at the CIA who do not condone what I will speak about this morning, and who work day in and out, day and night, long hours, within the law for America’s security in what is certainly a difficult world. My colleagues on the intelligence committee and I are proud of them, just as everyone in this chamber is, and we will always support them.**

"In reviewing the Study in the past few days with the decision looming over the public release, I was struck by a quote, found on page 126 of the Executive Summary. It cites the former CIA Inspector General, John Helgerson, who in 2005 wrote the following to the then-Director of the CIA, which clearly states the situation with respect to this report years later as well: '... we have found that the Agency over the decades has continued to get itself in messes related to interrogation programs for one overriding reason: **we do not document and learn from our experience - each generation of officers is left to improvise anew, with problematic results for our officers as individuals and for our Agency.**' (Source: E-mail, John Helgerson to Porter Goss, Jan. 28, 2005)

"I believe that to be true. I agree with Mr. Helgerson. His comments are still true today. But this must change.

"On March 11, 2009, the Committee voted 14-1 to begin a review of the CIA's detention and interrogation program. Over the past five years, a small team of committee investigators pored over the more than 6.3 million pages of CIA records the leader spoke about to complete this report, or what we call the 'study.'

"It shows that the CIA's actions a decade ago are a stain on our values and on our history.

"The release of this 500-page summary of our report cannot remove that stain, **but it can and does say to our people, and the world, that America is big enough to admit when it's wrong and confident enough to learn from its mistakes.** Releasing this report is an important step to restore our values and show the world that we are in fact a just and lawful society.

"Over the next hour, I'd like to lay out for senators and the American public the report's key findings and conclusions.

"And I ask that when I complete this, Senator McCain be recognized.

"Before I get to the substance of the report, I'd like to make a few comments about why it's so important that we make this study public.

"All of us have vivid memories of that Tuesday morning when terror struck New York, Washington and Pennsylvania.

"Make no mistake, on September 11, 2001 war was declared on the United States.

"Terrorists struck our financial center. They struck our military center. And they tried to strike our political center and would have, had brave and courageous passengers not brought down the plane.

"We still vividly remember the mix of outrage and deep despair and sadness as we watched from Washington.

"Smoke rising from the Pentagon. The passenger plane lying in a Pennsylvania field. The sound of bodies striking canopies at ground level as innocents jumped to the ground below from the World Trade Center.

"Mass terror that we often see overseas had struck in our front yard, killing 3,000 innocent men, women, and children. What happened? We came together as a nation, with one singular mission: bring those who committed these acts to justice.

“But it’s at this point where the values of America come into play — where the rule of law and the fundamental principles of right and wrong become important.

“In 1990 the United States Senate ratified the Convention Against Torture. The Convention makes clear that this ban against torture is absolute. It says: ‘No exceptional circumstances whatsoever, (including what I just read) whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.’

“Nonetheless, it was argued that the need for information on terrorist plots after 9/11 made extraordinary interrogation techniques necessary.

“Even if one were to set aside all of the moral arguments, our review was a meticulous and detailed examination of records. It finds that coercive interrogation techniques did not produce the vital, otherwise unavailable intelligence the CIA has claimed.

“I will go into further detail on this issue in a moment. But let me make clear, these comments are not a condemnation of the CIA as a whole. **The CIA plays an incredibly important part in our nation’s security and has thousands of dedicated and talented employees.**

“What we have found is that a surprisingly few people were responsible for designing, carrying out, and managing this program. Two contractors developed and led the interrogations. There was little effective oversight. Analysts — analysts — on occasion, gave operational orders about interrogations and CIA management of the program was weak and diffuse.

“Our final report was approved by a bipartisan vote of 9-6 in December 2012 and exposes brutality in stark contrast to our values as a nation.

“This effort was focused on the actions of the CIA from late 2001 to January of 2009. The report does include considerable detail on the CIA’s interactions with the White House; the Departments of Justice, State, and Defense; and the Senate Intelligence Committee.

“The review is based on contemporaneous records and documents during the time the program was in place and active. Now, these documents are important because they aren’t based on recollection, they aren’t based on revision and they aren’t a rationalization a decade later.

“It’s these documents, referenced repeatedly in thousands of footnotes, that provide the factual basis for the study’s conclusions.

“The committee’s majority staff reviewed more than 6.3 million pages of these documents provided by the CIA, as well as records from other departments and agencies.

“These records include: finished intelligence assessments, CIA operational and intelligence cables, memoranda, e-mails, real-time chat sessions, inspector general reports, testimony before Congress, pictures, and other internal records.

“It’s true we didn’t conduct our own interviews. Let me explain why that was the case.

“In 2009, there was an ongoing review by DOJ Special Prosecutor John Durham.

“On August 24, Attorney General Eric Holder expanded that review. This occurred six months after our study had begun.

“Durham’s original investigation of the CIA’s destruction of interrogation videotapes was broadened to include possible criminal actions of CIA employees in the course of CIA detention and interrogation activities.

“At the time, the committee’s Vice Chairman Kit Bond withdrew the minority’s participation in the study, citing the attorney general’s expanded investigation as the reason.

“The Department of Justice refused to coordinate its investigation with the Intelligence Committee’s review. As a result, possible interviewees could be subject to additional liability if they were interviewed.

“And the CIA, citing the attorney general’s investigation, would not instruct its employees to participate in our interviews. (*Source: classified CIA internal memo, Feb. 26, 2010*)

“Notwithstanding this, I am really confident of the factual accuracy and comprehensive nature of this report for three reasons:

“First, it’s the 6.3 million pages of documents reviewed, and they reveal records of actions as those actions took place, not through recollections more than a decade later.

“Second, the CIA and CIA senior officers have taken the opportunity to explain their views on CIA detention and interrogation operations. They have done this in on-the-record statements in classified Committee hearings, written testimony and answers to questions, and through the formal response to the Committee in June 2013 after reading the Study.

“And third, the committee had access to, and utilized, an extensive set of reports of interviews conducted by the CIA inspector general and the CIA’s oral history program.

“So while we could not conduct new interviews of individuals, we did utilize transcripts or summaries of interviews of those directly engaged in detention and interrogation operations. These interviews occurred at the time the program was operational and covered the exact topics we would have asked about had we conducted interviews ourselves.

“Those interview reports and transcripts included, but were not limited to, the following: George Tenet, director of the CIA when the agency took custody and interrogated the majority of its detainees; Jose Rodriguez, director of the CIA Counterterrorism Center (CTC), a key player in the program; CIA General Counsel Scott Muller; CIA Deputy Director of Operations James Pavitt; CIA Acting General Counsel John Rizzo; CIA Deputy Director John McLaughlin; and a variety of interrogators, lawyers, medical personnel, senior counterterrorism analysts and managers of the detention and interrogation program.

“The best place to start, about how we got into this, and I’m delighted Senator Rockefeller is on the floor, is a little more than eight years ago, on September 6, 2006, when the Committee met to be briefed by then Director Michael Hayden.

“At that 2006 meeting, the full committee learned for the first time — for the first time — of the use of so-called ‘enhanced interrogation techniques,’ or EITs.

“It was a short meeting, in part because President Bush was making a public speech later

that day, disclosing officially for the first time the existence of CIA “black sites” and announcing the transfer of 14 detainees from CIA custody to Guantanamo Bay, Cuba.

“It was the first time the interrogation program was explained to the full Committee as details had previously been limited to the chairman and vice chairman.

“Then, on December 7, 2007, the New York Times reported that CIA personnel in 2005 had destroyed videotapes of the interrogation of two CIA detainees: the CIA’s first detainee, Abu Zubaydah, as well as ‘Abd al-Rahim al-Nashiri.

“The committee had not been informed of the destruction of the tapes. Days later, on December 11, 2007, the committee held a hearing on the destruction of the videotapes.

“Director Hayden, the primary witness, testified that the CIA had concluded that the destruction of videotapes was acceptable, in part, because Congress had not yet requested to see them. *(Source: SSCI transcript, Dec. 11, 2007 hearing)*

“Director Hayden stated that, if the committee had asked for the videotapes, they would have been provided. But, of course, the committee had not known that the videotapes existed. And we now know from CIA emails and records that the videotapes were destroyed shortly after senior CIA attorneys raised concerns that Congress might find out about the tapes.

“In any case, at that same December 11th committee hearing, Director Hayden told the committee that CIA cables related to the interrogation sessions depicted in the videotapes were, and I quote, “a more than adequate representation of the tapes and therefore, if you want them, we’ll give you access to them.” *(Source: SSCI transcript, December 11, 2007 hearing)*

“Senator Rockefeller, then chairman of committee, designated two members of the committee staff to review the cables describing the interrogation sessions of Abu Zubaydah and al-Nashiri.

“Senator Bond, then vice chairman, similarly directed two of his staffers to review the cables.

“The designated staff members completed their review and compiled a summary of the content of the CIA cables by early 2009, by which time I had become chairman. The description in the cables of CIA’s interrogations and the treatment of detainees presented a starkly different picture from Director Hayden’s testimony before the committee.

“They described brutal, around the clock interrogations, especially of Abu Zubaydah, in which multiple coercive techniques were used in combination and with substantial repetition. It was an ugly, visceral description.

“The summary also indicated that Abu Zubaydah and al-Nashiri did not, as a result of the use of these so-called EITs, provide the kind of intelligence that led the CIA to stop terrorist plots or arrest additional suspects.

“As a result, I think it’s fair to say the entire committee was concerned, and it approved the scope of an investigation by a vote of 14-1, and the work began.

"In my March 11, 2014, floor speech about the study, I described how in 2009 the committee came to an agreement with the new CIA director, Leon Panetta, for access to documents and other records about the CIA's detention and interrogation program, so I won't repeat that here.

"From 2009 until 2012, our staff conducted a massive and unprecedented review of CIA records.

"Draft sections of the report were produced by late 2011 and shared with the full committee. The final report was completed in December 2012 and approved by the committee by a bipartisan vote of 9-6.

"After that vote, I sent the full report to the president and asked the administration to provide comments on it before it was released.

"Six months later, in June of 2013, the CIA responded.

"I directed then that if the CIA pointed out any error in our report, we would fix it, and we did fix one bullet point that did not impact our Findings and Conclusions. If the CIA came to a different conclusion than the report did, we would note that in the report and explain our reasons for disagreeing, if we disagreed.

"You will see some of that documented in the footnotes of that executive summary as well as in the 6,000 pages.

"In April 2014, the committee prepared an updated version of the full study and voted 12-3 to declassify and release the executive summary, findings and conclusions, and Minority and additional views.

"On August 1, we received a declassified version from the Executive Branch. It was immediately apparent that the redactions to our report prevented a clear and understandable reading of the Study and prevented us from substantiating the findings and conclusions. So we obviously objected.

"For the past four months, the Committee and the CIA, the Director of National Intelligence, and the White House have engaged in a lengthy negotiation over the redactions to the report. We have been able to include some more information in the report today without sacrificing sources and methods or our national security. I'd like to ask following my remarks that a letter from the White House dated yesterday conveying the report, also points out that the report is 93 percent complete and redactions amount to 7 percent of the bulk of the report.

"Mr. President, this has been a long process. The work began seven years ago when Senator Rockefeller directed committee staff to review the CIA cables describing the interrogation sessions of Abu Zubaydah and al-Nashiri.

"It's been very difficult. But I believe the documentation and the findings and conclusions will make clear **how this program was morally, legally and administratively misguided, and that this nation should never again engage in these tactics.**

"Let me turn now to the contents of the study.

“As I noted, we have 20 findings and conclusions, which fall into four general categories:

“First, the CIA’s enhanced interrogation techniques were not an effective way to gather intelligence information.

“Second, the CIA provided extensive amounts of inaccurate information about the operation of the program and its effectiveness to the White House, the Department of Justice, Congress, the CIA inspector general, the media and the American public.

“Third, the CIA’s management of the program was inadequate and deeply flawed.

“And fourth, the CIA program was far more brutal than people were led to believe.

“Let me describe each category in more detail:

“The first set of findings and conclusions concern the effectiveness — or lack thereof — of the interrogation program.

“The committee found that the CIA’s coercive interrogation techniques were not an effective means of acquiring accurate intelligence or gaining detainee cooperation.

“The CIA and other defenders of the program have repeatedly claimed that the use of so-called interrogation techniques was necessary to get detainees to provide critical information, and to bring detainees to a ‘state of compliance’ in which they would cooperate and provide information.

“The study concludes that both claims are inaccurate. [but not criminal!]

“The report is very specific in how it evaluates the CIA’s claims on the effectiveness and necessity of its enhanced interrogation techniques. Specifically, we used the CIA’s own definition of effectiveness as ratified and approved by the Department of Justice’s Office of Legal Counsel. *(Source: DOJ Office of Legal Counsel memos)*

“The CIA’s claims that EITs were necessary to obtain ‘otherwise unavailable’ information, that could not be obtained from any other source, to stop terrorist attacks and save American lives — that’s a claim we conclude is inaccurate.

“We took 20 examples that the CIA, itself, claimed to show the success of these interrogations. These include cases of terrorist plots stopped or terrorists captured.

“The CIA used these examples in presentations to the White House, in testimony to Congress, in submissions to the Department of Justice, and ultimately to the American people.

“Some of the claims are well-known: the capture of Khalid Shaykh Mohammad, the prevention of attacks against the Library Tower in Los Angeles, and the take-down of Osama bin Laden.

“Other claims were made only in classified settings, to the White House, Congress, and Department of Justice.

“In each case, the CIA claimed that critical and unique information came from one or more detainees in its custody after they were subjected to the CIA’s coercive techniques, and that

information led to a specific counterterrorism success.

“Our staff reviewed every one of the 20 cases, and not a single case holds up.

“In every single one of these cases, at least one of the following was true:

“One, the intelligence community had information separate from the use of EITs that led to the terrorist disruption or capture; two, information from a detainee subjected to EITs played no role in the claimed disruption or capture; and three, the purported terrorist plot either didn’t exist or posed no real threat to Americans or U.S. interests.

“Some critics have suggested the study concludes that no intelligence was ever provided from any detainee the CIA held. That is false, and the Study makes no such claim.

“What is true is that actionable intelligence that was ‘otherwise unavailable’ — otherwise unavailable — was not obtained using these coercive interrogation techniques.

“The report also chronicles where the use of interrogation techniques that do not involve physical force were effective.

“Specifically, the report provides examples where interrogators had sufficient information to confront detainees with facts and know when the detainees were lying, and where they applied rapport-building techniques developed and honed by the U.S. military, the FBI, and more recently the interagency High-Value Detainee Interrogation Group, called the ‘HIG,’ that these techniques produced good intelligence.

“Let me make a couple of additional comments on the claimed effectiveness of CIA interrogations.

“At no time did the CIA’s coercive interrogation techniques lead to the collection of intelligence on an imminent threat that many believe was the justification for the use of these techniques. The committee never found an example of this hypothetical ‘ticking time bomb’ scenario.

“The use of coercive technique methods regularly resulted in fabricated information. Sometimes, the CIA knew detainees were lying. Other times, the CIA acted on false information, diverting resources and leading officers or contractors to falsely believe they were acquiring unique or actionable intelligence and that its interrogations were working when they were not.

“Internally, CIA officers often called into question the effectiveness of the CIA’s interrogation techniques, noting how the techniques failed to elicit detainee cooperation or produce accurate information.

“The report includes numerous examples of CIA officers questioning the agency’s claims, but these contradictions were marginalized and not presented externally.

“The second set of findings and conclusions is that the CIA provided extensive inaccurate information about the program and its effectiveness to the White House, the Department of Justice, Congress, the CIA inspector general, the media, and the American public.

“This conclusion is somewhat personal for me. I recall clearly when Director Hayden briefed

the Intelligence Committee for the first time on the so-called EITs at that September 2006 committee meeting.

“He referred specifically to a ‘tummy slap,’ among other techniques, and presented the entire set of techniques as minimally harmful and applied in a highly clinical and professional manner. They were not.

“The committee’s report demonstrates that these techniques were physically very harmful and that the constraints that existed, on paper, in Washington did not match the way techniques were used at CIA sites around the world.

“Of particular note was the treatment of Abu Zubaydah over a span of 17 days in August 2002.

“This involved non-stop interrogation and abuse, 24/7 from August 4 to August 21, and included multiple forms of deprivation and physical assault. The description of this period, first written up by our staff in early 2009, while Senator Rockefeller was chairman, is what prompted this full review.

“But the inaccurate and incomplete descriptions go far beyond that. The CIA provided inaccurate memoranda and explanations to the Department of Justice while its [Office of] Legal Counsel was considering the legality of the coercive techniques.

“In those communications to the Department of Justice, the CIA claimed the following: the coercive techniques would not be used with excessive repetition; detainees would always have an opportunity to provide information prior to the use of the techniques; the techniques were to be used in progression, starting with the least aggressive and proceeding only if needed; medical personnel would make sure that interrogations wouldn’t cause serious harm, and they could intervene at any time to stop interrogations; interrogators were carefully vetted and highly trained; and each technique was to be used in a specific way, without deviation, and only with specific approval for the interrogator and detainee involved.

“None of these assurances, which the Department of Justice relied on to form its legal opinions, were consistently or even routinely carried out.

“In many cases, important information was withheld from policymakers. For example, former Intelligence Committee Chairman Bob Graham asked a number of questions after he was first briefed in September 2002, but the CIA refused to answer him, effectively stonewalling him until he left the committee at the end of the year.

“In another example, the CIA, in coordination with White House officials and staff, initially withheld information of the CIA’s interrogation techniques from Secretary of State Colin Powell and Secretary of Defense Donald Rumsfeld.

“There are CIA records stating that Colin Powell wasn’t told about the program at first because there were concerns that, and I quote, ‘Powell would blow his stack if he were briefed.’ *(Source: E-mail from John Rizzo dated July 31, 2003)*

“CIA records clearly indicate and definitively that — after he was briefed on the CIA’s first detainee, Abu Zubaydah — the CIA didn’t tell President Bush about the full nature of the EITs until April 2006. That’s what the records indicate.

“The CIA similarly withheld information or provided false information to the CIA inspector general during his conduct of a special review by the IG in 2004.

“Incomplete and inaccurate information from the CIA was used in documents provided to the Department of Justice and as a basis for President Bush’s speech on September 6, 2006, in which he publicly acknowledged the CIA program for the first time.

“In all of these cases, other CIA officers acknowledged internally — they acknowledged internally — that information the CIA had provided was wrong.

“The CIA also misled other White House officials. When Vice President Cheney’s counsel, David Addington, asked CIA General Counsel Scott Muller in 2003 about the CIA’s videotaping the waterboarding of detainees, Muller deliberately told him that videotapes “were not being made,” but did not disclose that videotapes of previous waterboarding sessions had been made and still existed. (*Source: E-mail from Scott Muller dated June 7, 2003*)

“There are many, many more examples in the committee’s report.

“The third set of findings and conclusions notes the various ways in which CIA management of the Detention and Interrogation Program — from its inception to its formal termination in January ’09 — was inadequate and deeply flawed.

“There is no doubt that the Detention and Interrogation Program was, by any measure, a major CIA undertaking. It raised significant legal and policy issues and involved significant resources and funding. It was not, however, managed as a significant CIA program. Instead, it had limited oversight and lacked formal direction and management.

“For example, in the six months between being granted detention authority and taking custody of its first detainee, Abu Zubaydah, the CIA had not identified and prepared a suitable detention site.

“It had not researched effective interrogation techniques or developed a legal basis for the use of interrogation techniques outside of the rapport-building techniques that were official CIA policy until that time.

“In fact, there is no indication the CIA reviewed its own history — that’s just what Helgerson was saying in ’05 — with coercive interrogation tactics. As the executive summary notes, the CIA had engaged in rough interrogations in the past.

“In fact, the CIA had previously sent a letter to the Intelligence Committee in 1989, and here is the quote, that “inhumane physical or psychological techniques are counterproductive because they do not produce intelligence and will probably result in false answers.” (*Source: Letter to the SSCI from John Helgerson, CIA Director of Congressional Affairs, Jan. 8, 1989*)

“However, in late 2001 and ’02, rather than research interrogation practices and coordinate with other parts of the government with extensive expertise in detention and interrogation of terrorist suspects, the CIA engaged two contract psychologists who had never conducted interrogations themselves or ever operated detention facilities.

“As the CIA captured or received custody of detainees through 2002, it maintained separate lines of management at headquarters for different detention facilities.

“No individual or office was in charge of the detention and interrogation program until January of 2003, by which point more one-third of CIA detainees identified in our review had been detained and interrogated.

“One clear example of flawed CIA management was the poorly managed detention facility, referred to in our report by the code name “COBALT” to hide the actual name of the facility. It began operations in September of 2002.

“The facility kept few formal records of the detainees housed there and untrained CIA officers conducted frequent, unauthorized and unsupervised interrogations using techniques that were not — and never became — part of the CIA’s formal enhanced interrogation program.

“The CIA placed a junior officer with no relevant experience in charge of the site. In November 2002, an otherwise healthy detainee — who was being held mostly nude and chained to a concrete floor — died at the facility from what is believed to have been hypothermia.

“In interviews conducted in 2003 by the CIA Office of the Inspector General, CIA’s leadership acknowledged that they had little or no awareness of operations at this specific CIA detention site, and some CIA senior officials believed, erroneously, that enhanced interrogation techniques were not used there.

“The CIA, in its June 2013 response to the committee’s report, agreed that there were management failures in the program, but asserted that they were corrected by early 2003. While the study found that management failures improved somewhat, we found they persisted until the end of the program.

“Among the numerous management shortcomings identified in the report are the following:

“The CIA used poorly trained and non-vetted personnel.

“Individuals were deployed — in particular, interrogators — without relevant training or experience.

“Due to the CIA’s redactions to the report, there are limits to what I can say in this regard, but it is clear fact that the CIA deployed officers who had histories of personal, ethical and professional problems of a serious nature.

“These included histories of violence and abusive treatment of others and should have called into question their employment with the United States government, let alone their suitability to participate in a sensitive CIA covert action program.

“The two contractors that CIA allowed to develop, operate, and assess its interrogation operations conducted numerous ‘inherently governmental functions’ that should never have been outsourced to contractors.

“These contractors are referred to in the report in special pseudonyms ‘SWIGERT’ and ‘DUNBAR,’ they developed the list of so-called enhanced interrogation techniques that the CIA employed.

“They personally conducted interrogations of some of the CIA’s most significant detainees

using the techniques, including the waterboarding of Abu Zubaydah, Khalid Shaykh Mohammad, and al-Nashiri.

“The contractors provided the official evaluations of whether detainees’ psychological states allowed for the continued use of the enhanced techniques, even for some detainees they themselves were interrogating or had interrogated.

“Evaluating the psychological state of the very detainees they were interrogating is a clear conflict of interest and a violation of professional guidelines.

“The CIA relied on these two contractors to evaluate the interrogation program they had devised and in which they had obvious financial interests, again, a clear conflict of interest and an avoidance of responsibility by the CIA.

“In 2005, the two contractors formed a company specifically for the purpose of expanding their work with the CIA. From ’05 to ’08, the CIA outsourced almost all aspects of its Detention and Interrogation program to the company as part of a contract valued at more than \$180 million.

“Ultimately, not all contract options were exercised. However, the CIA has paid these two contractors and their company more than \$80 million.

“Of the 119 individuals found to have been detained by the CIA during the life of the program, the committee found that at least 26 were wrongfully held. These are cases where the CIA itself determined that it had not met the standard for detention set out in the 2001 Memorandum of Notification, which governs a covert action.

“Detainees often remained in custody for months after the CIA determined they should have been released. CIA records provide insufficient information to justify the detention of many other detainees.

“Due to poor record keeping, a full accounting of how many specific detainees were held and how they were specifically treated while in custody may never be known.

“Similarly, in specific instances, we found that enhanced interrogation techniques were used without authorization, in a manner far different and more brutal than had been authorized by the Office of Legal Counsel, and conducted by personnel not approved to use them on detainees.

“Decisions about how and when to apply interrogation techniques were ad hoc and not proposed, evaluated, and approved in the manner described by the CIA in written descriptions and testimony about the program.

“Detainees were often subject to harsh and brutal interrogation and treatment because CIA analysts believed, often in error, that they knew more information than what they had provided.

“Sometimes, CIA managers and interrogators in the field were uncomfortable with what they were being asked to do and recommended ending the abuse of a detainee. Repeatedly in such cases, they were overruled by people at CIA headquarters who thought they knew better, such as by analysts with no line authority. This shows again how a relatively small number of CIA personnel — perhaps 40 to 50 — were making decisions on detention and

interrogation, despite the better judgments of other CIA officers.

“The fourth and final set of findings and conclusions concern how the interrogations of CIA detainees were absolutely brutal, far worse than the CIA represented them to policymakers and others.

“Beginning with the first detainee, Abu Zubaydah, and continuing with numerous others, the CIA applied its so-called enhanced interrogation techniques in combination and in near non-stop fashion for days or even weeks at a time, on one detainee.

“In contrast to CIA representations, detainees were subjected to the most aggressive techniques immediately—stripped naked and diapered, physically struck, and put in various painful stress positions for long periods of time.

“They were deprived of sleep for days — in one case up to 180 hours — that’s 7 and half days, over a week with no sleep, usually standing or in stress positions, at times with their hands tied together over their heads, chained to the ceiling.

“In the COBALT facility I previously mentioned, interrogators and guards used what they called ‘rough takedowns’ in which a detainee was grabbed from his cell, clothes cut off, hooded, and dragged up and down a dirt hallway while being slapped and punched.

“The CIA led several detainees to believe they would never be allowed to leave CIA custody alive, suggesting to Abu Zubaydah that he would only leave in a coffin-shaped box. (*Source: CIA cable from Aug. 12, 2002*)

“According to another CIA cable, CIA officers also planned to cremate Zubaydah should he not survive his interrogation. (*Source: CIA cable from July 15, 2002*)

“After the news and photographs emerged from the United States military detention of Iraqis at Abu Ghraib, the Intelligence Committee held a hearing on the matter on May 12, 2004.

“Without disclosing any details of its own interrogation program, CIA Deputy Director John McLaughlin testified that CIA interrogations were nothing like what was depicted at Abu Ghraib, the United States prison in Iraq where detainees were abused by American personnel.

“This, of course, was false.

“CIA detainees at one facility, described as a “dungeon,” were kept in complete darkness, constantly shackled in isolated cells with loud noise or music and only a bucket to use for human waste.

“The U.S. Bureau of Prisons personnel went to that location in November 2002 and, according to a contemporaneous internal CIA email, told CIA officers they had never ‘been in a facility where individuals are so sensory deprived.’ (*Source: CIA e-mail, sender and recipient redacted, Dec. 5, 2002*)

“Throughout the program, multiple CIA detainees subject to interrogations exhibited psychological and behavioral issues including hallucinations, paranoia, insomnia, and attempts at self-harm and self-mutilation.

“Multiple CIA psychologists identified the lack of human contact experienced by detainees as a cause of psychiatric problems.

“The executive summary includes far more detail than I am going to provide here about things that were in these interrogation sessions, and the summary itself includes only a subset of the treatment of the 119 CIA detainees. There is far more detail, all documented, in the full 6,700-page study.

“This summarizes, briefly, the committee’s findings and conclusions.

“Before I wrap up, I’d like to thank the people who made this enormous undertaking possible.

“First, I thank Senator Jay Rockefeller. He started this project by directing his staff to review the operational cables that described the first recorded interrogations after we learned that the videotapes of those sessions had been destroyed. And that report was what led to this multi-year investigation. And without it, we wouldn’t have any sense of what happened.

“I thank the other members of the Senate Intelligence Committee — one of whom is on the floor today, from the great state of New Mexico, others have been on the floor — who voted to conduct this investigation, to approve its result and to make the report public.

“But most importantly, I want to thank the Senate Intelligence Committee staff who performed this work.

“They are dedicated and committed public officials who sacrificed, really sacrificed, a significant portion of their lives to see this report through to its publication.

“They have worked days, nights, weekends for years, in some of the most difficult circumstances, it’s no secret to anyone the CIA did not want this report coming out, and I believe the nation owes them a debt of gratitude.

“They are: Dan Jones, who has led this review since 2007. More than anyone else, today is a result of his effort; Evan Gottesman and Chad Tanner, two other members of the Study Staff. Each wrote thousands of pages of the full report and have dedicated themselves and much of their lives to this project; and Alissa Starzak, who began this review as co-head and contributed extensively until her departure from the committee in 2011.

“Other key contributors to the drafting, editing and review of the report were Jennifer Barrett, Nick Basciano, Mike Buchwald, Jim Catella, Eric Chapman, John Dickas, Lorenzo Goco, Andrew Grotto, Tressa Guenov, Clete Johnson, Michael Noblet, Michael Pevzner, Tommy Ross, Caroline Tess, and James Wolfe.

“And finally, David Grannis, who has been a never-faltering staff director throughout this review.

“Madame President, this study is bigger than the actions of the CIA.

“It’s really about American values and morals. It’s about the Constitution, the Bill of Rights, our rule of law.

“These values exist regardless of the circumstances in which we find ourselves. They exist

in peacetime and in wartime. And if we cast aside these values when convenient, we have failed to live by the very precepts that make our nation a great one.

“There is a reason why we carry the banner of a great and just nation. So we submit this Study on behalf of the committee, to the public, in the belief that it will stand the test of time. And with it, the report will carry the message “never again.”

“I very much appreciate your attention, and I yield to Senator McCain.”

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About the author:

Michel Chossudovsky is an award-winning author, Professor of Economics (emeritus) at the University of Ottawa, Founder and Director of the Centre for Research on Globalization (CRG), Montreal, Editor of Global Research. He has taught as visiting professor in Western Europe, Southeast Asia, the Pacific and Latin America. He has served as economic adviser to governments of developing countries and has acted as a consultant for several international organizations. He is the author of 13 books. He is a contributor to the Encyclopaedia Britannica. His writings have been published in more than twenty languages. In 2014, he was awarded the Gold Medal for Merit of the Republic of Serbia for his writings on NATO's war of aggression against Yugoslavia. He can be reached at crgeditor@yahoo.com

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