
*** TX REPORT ***

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FAX COVER SHEET

Date: April 16 2018

To: Information and Privacy Coordinators

Organization: CIA

From: Thomas Blanton

Number of pages (including cover sheet) 5

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Message: Request for expedited processing of FOIA request #
20180355 CIA033



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Monday, April 16, 2018

Information and Privacy Coordinator
Central Intelligence Agency
Washington, DC 20505

Re: Request under the FOIA, in reply refer to Archive number: 20180355CIA033

Dear Information and Privacy Coordinator:

Pursuant to the Freedom of Information Act (FOIA), I hereby request **expedited processing** of the following:

The twelve cables referenced in footnotes 336 and 337 on page 67 of the Senate Select Committee on Intelligence's Committee Study of the Central Intelligence Agency's Detention and Interrogation Program declassified in 2014.

These cables are:

11246 (November 02)
11258 (November 02)
11263 (November 02)
11270 (November 02)
11284 (November 02)
11294 (November 02)
11293 (November 02)
11322 (November 02)
11352 (December 02)
11359 (December 02)
11344 (November 02)
78275 (December 02)

For your reference, I have included the relevant page from the report.

This request qualifies for expedited processing according to Subsection 552(a)(6)(E) of FOIA, which states that expedited processing must be granted to requests with a “compelling need ... made by a person primarily engaged in disseminating information [with] urgency to inform the public concerning actual or alleged Federal Government activity.” As described below, the National Security Archive is a news media organization primarily engaged in disseminating information. This request concerns a matter of current exigency to the American public (the documents were authored or authorized by Gina Haspel, now Deputy Director of the CIA, whose nomination to be Director of the CIA is under consideration by the US Senate). The consequences of delaying this response would compromise a significant recognized interest (delay

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would harm the public's ability to access information about Gina Haspel's prior role in the CIA's use of enhanced interrogation until after the Senate has concluded considering her nomination). This request concerns federal government activity (the role and actions of Gina Haspel while working for the CIA in 2002). On April 13, 2018, Senators Martin Heinrich, Ron Wyden, and Dianne Feinstein also requested that the CIA declassify records about Gina Haspel's career, including the twelve cables requested here. As this request demonstrates a "compelling need" for information as defined by the Freedom of Information Act, please grant it "expedited processing."

The information requested must be searched for and reviewed under FOIA, and is not exempted from search by the CIA Operational Files Exemption (50 U.S.C. § 3141). The CIA Operational Files Exemption states that "operational files shall continue to be subject to search and review for information concerning... the specific subject matter of an investigation by the congressional intelligence committees." The referenced cables about the CIA's Detention and Interrogation Program are clearly among the subject matter investigated by the Senate Select Committee on Intelligence as they prepared their report, Committee Study of the Central Intelligence Agency's Detention and Interrogation Program, in which they were identified by footnote 336 on page 67.

If you regard any of these documents as potentially exempt from the FOIA's disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. As the FOIA requires, please release all reasonably segregable non exempt portions of documents. To permit me to reach an intelligent and informed decision whether or not to file an administrative appeal of any denied material, please describe any withheld records (or portions thereof) and explain the basis for your exemption claims.

As a representative of the news media, the National Security Archive qualifies for "representative of the news media" status under 5 U.S.C. Sec. 552(a)(4)(A)(ii)(II) and, therefore, may not be charged search and review fees. (See *National Security Archive v. U.S. Department of Defense*, 880 F.2d 1381 Cir. 1989, *cert denied*, 110 S.Ct. 1478 (1990)). This request is made as part of a scholarly and research project that is intended for publication and is not for commercial use. For details on the Archive's research and extensive publication activities please see our website at www.nsarchive.org.

Please notify me before incurring any photocopying costs over \$100. If you have any questions regarding the identity of the records, their location, the scope of the request or any other matters, please call me at (202) 994-7000 or email me at foiamail@gwu.edu. I look forward to receiving your response within the ten calendar days required by law for expedited requests.

Sincerely yours,

A handwritten signature in blue ink that appears to read 'Thomas Blanton'.

Thomas Blanton

UNCLASSIFIED

~~TOP SECRET~~ [REDACTED] ~~NOFORN~~

Senate Select Committee on Intelligence

Committee Study of the Central Intelligence Agency's Detention and Interrogation Program



Foreword by Senate Select Committee on Intelligence Chairman Dianne Feinstein

Findings and Conclusions

Executive Summary

Approved December 13, 2012

Updated for Release April 3, 2014

Declassification Revisions December 3, 2014

~~TOP SECRET~~ [REDACTED] ~~NOFORN~~

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CIA to DETENTION SITE COBALT in Country [REDACTED] on November [REDACTED], 2002, where he was held for [REDACTED] days before being transferred to DETENTION SITE GREEN on November [REDACTED], 2002.³³⁵ At DETENTION SITE GREEN, al-Nashiri was interrogated using the CIA's enhanced interrogation techniques, including being subjected to the waterboard at least three times.³³⁶ In December 2002, when DETENTION SITE GREEN was closed, al-Nashiri and Abu Zubaydah were rendered to DETENTION SITE BLUE.³³⁷

(TS// [REDACTED] //NF) In total, al-Nashiri was subjected to the CIA's enhanced interrogation techniques during at least four separate periods, with each period typically ending with an assessment from on-site interrogators that al-Nashiri was compliant and cooperative.³³⁸ Officers at CIA Headquarters disagreed with these assessments, with the deputy chief of ALEC Station, [REDACTED], commenting that DETENTION SITE BLUE interrogators should not make "sweeping statements" in cable traffic regarding al-Nashiri's compliance.³³⁹ Officers at CIA Headquarters sought to reinstate the use of the CIA's enhanced interrogation techniques based on their belief that al-Nashiri had not yet provided actionable intelligence on imminent attacks.³⁴⁰

(TS// [REDACTED] //NF) Shortly after al-Nashiri arrived at DETENTION SITE BLUE, CIA interrogators at the detention site judged al-Nashiri's cooperation and compliance by his engagement and willingness to answer questions, while CIA Headquarters personnel judged his compliance based on the specific actionable intelligence he had provided (or the lack thereof). For example, in December 2002, interrogators informed CIA Headquarters that al-Nashiri was "cooperative and truthful," and that the "consensus" at the detention site was that al-Nashiri was

[REDACTED] 70879 [REDACTED]; [REDACTED] 70866 [REDACTED]; [REDACTED] 70868 [REDACTED]
[REDACTED] 70870 [REDACTED] For disseminated intelligence, see [REDACTED]; [REDACTED]

³³⁵ [REDACTED] 29768 ([REDACTED] NOV 02); [REDACTED] 11243 ([REDACTED] NOV 02)
³³⁶ See, for example, [REDACTED] 11246 ([REDACTED] NOV 02); [REDACTED] 11258 ([REDACTED] NOV 02); [REDACTED] 11263 ([REDACTED] NOV 02); [REDACTED] 11270 ([REDACTED] NOV 02); [REDACTED] 11284 ([REDACTED] NOV 02); [REDACTED] 11294 ([REDACTED] NOV 02); [REDACTED] 11293 ([REDACTED] NOV 02); [REDACTED] 11322 ([REDACTED] NOV 02); [REDACTED] 11352 ([REDACTED] DEC 02); [REDACTED] 11359 ([REDACTED] DEC 02); [REDACTED] 11322 ([REDACTED] NOV 02); [REDACTED] 11344 ([REDACTED] NOV 02).

³³⁷ [REDACTED] 78275 ([REDACTED] DEC 02)
³³⁸ Al-Nashiri's time at DETENTION SITE COBALT is not well documented in CIA records. As described elsewhere, standard operating procedure at COBALT at the time included total light deprivation, loud continuous music, isolation, and dietary manipulation. Based on CIA records, the other four "enhanced interrogation" periods of al-Nashiri took place at DETENTION SITE BLUE on December 5-8, 2002; December 27, 2002 – January 1, 2003; January 9-10, 2003; and January 15-27, 2003. See [REDACTED] 10030 (111541Z DEC 02); [REDACTED] 10078 (211733Z DEC 02); [REDACTED] 10140 (031727Z JAN 03); ALEC [REDACTED] (191729Z JAN 03).
³³⁹ Email from: [REDACTED]; to: [REDACTED]; [REDACTED]; cc: [REDACTED]; [REDACTED]; [REDACTED]; subject: [DETENTION SITE BLUE] follow-up; date: December 15, 2002.

³⁴⁰ See, for example, ALEC [REDACTED] (072315Z DEC 02); ALEC [REDACTED] (130352Z DEC 02); ALEC [REDACTED] (180247Z DEC 02); ALEC [REDACTED] (191729Z JAN 03); CIA Office of Inspector General, Report of Investigation: Unauthorized Interrogation Techniques at [DETENTION SITE BLUE], (2003-7123-IG), October 29, 2003. See also CIA Office of Inspector General report, Counterterrorism Detention And Interrogation Activities (September 2001 - October 2003) (2003-7123-IG), released on May 7, 2004.

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