

~~SECRET//NOFORN//20330528~~**(U//~~FOUO~~) CLASSIFICATION GUIDANCE FOR CIA  
HIGH VALUE DETAINEE INFORMATION**

(U//~~FOUO~~) CIA developed the following classification guidelines to be applied throughout the legal process for the protection of classified national security information regarding former CIA High Value Detainees (HVDs) currently in DOD custody at Guantanamo Bay, Cuba. The classified information controlled by CIA relates to the CIA's HVD rendition, detention and interrogation (RDI) program prior to September 6, 2006. Upon transfer of a CIA HVD to DOD custody, detention and interrogation is controlled by DOD and not governed by these CIA guidelines.

(U//~~FOUO~~) It is important to note, however, that these are merely guidelines intended to provide DOD's Court Security Officers with general direction about when national security information may be at issue and therefore triggering the need for protection. Since classification determinations often turn on subtle nuances and carefully parsed distinctions, however, this is not an exhaustive or complete list of all categories of classifiable information.

**(U//~~FOUO~~) Declassified Information:**

- (U//~~FOUO~~) On 6 September 2006, the President revealed the existence of the CIA High Value Detainee detention and interrogation program, when he publicly declassified the transfer of 14 HVDs from CIA custody to DOD custody at Guantanamo. The transfer of two additional HVDs was publicly declassified in April 2007 and March 2008.
- (U//~~FOUO~~) General allegations of torture are unclassified, unless such allegations reveal specific details and information as noted below.
- (U//~~FOUO~~) The fact that interrogation techniques were used with a limited number of detainees has been declassified. Also, it is declassified that fewer than 100 detainees have been in the CIA program and that less than two-thirds experienced interrogation techniques.
- (U//~~FOUO~~) It has been declassified that the waterboarding interrogation technique was used only against Abu Zubaydah, Khalid Shaykh Muhammad, and Abd al-Rahim al-Nashiri and that it has not been used at all since mid-2003.

**(U//~~FOUO~~) Classified Information:**

- (U//~~FOUO~~) All statements from HVDs regarding their time in CIA's RDI program are presumptively classified at the TOP SECRET//SENSITIVE COMPARTMENTED INFORMATION (TS//SCI) level, until determined otherwise by a CIA Original Classification Authority, a CIA derivative classification authority, or other individual duly delegated, pursuant to the attached National Security Privilege delegation of authority.



(b)(3) CIAAct  
(b)(3) NatSecAct

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- (S//NF) Sources and methods related to the RDI Program are currently and properly classified TS//SCI, including but not limited to the fact, nature and details concerning:
  - capture and transfer of detainees, including method and types of transport, length of trips,
  - detention of detainees,
  - conditions of confinement of detainees, (b)(1)
  - treatment of detainees; and (b)(3) NatSecAct
  - names or description of any personnel involved in the RDI Program

(b)(1)  
(b)(3) NatSecAct

- (S//NF) Foreign [redacted] cooperation in the RDI Program is currently and properly classified TS//SCI, including but not limited to the fact, nature and details concerning:

- identity of cooperating foreign [redacted] partners,
- description of foreign [redacted] cooperation, [redacted]
- [redacted] detention, [redacted] (b)(1)
- location of any overseas detention facilities. (b)(3) NatSecAct

(b)(1)  
(b)(3) NatSecAct

- (S//NF) Interrogation techniques are currently and properly classified, including but not limited to the fact, nature, and details concerning:

- any interrogation techniques applied to detainees, (b)(1)
- sequencing, frequency, duration and/or limitations on any interrogation methods, (b)(3) NatSecAct
- information beyond the fact of waterboarding for the three named HVDs, such as when, where, and how it was conducted remains classified. Allegations of waterboarding by any detainees other than the three HVDs are false allegations of torture and are TS//SCI; and

(b)(1)  
(b)(3) NatSecAct

[redacted]

- (S//NF) Information about questions, answers, and requirements used in CIA interrogation and debriefing sessions are currently and properly classified at the TS//SCI level.

(b)(1)  
(b)(3) NatSecAct

- (S//NF) All information concerning the above operational sources and methods, [redacted] cooperation and/or interrogation techniques, whether accurate or inaccurate, is currently and properly classified at the TS//SCI level.

- (S//NF) All information, whether related to the Program or not, that is otherwise classifiable under applicable Executive Orders including intelligence sources, methods, activities. This includes, but is not limited to, (a) specific CIA activities or intelligence collection occurring overseas, (b) identities of CIA personnel, and (c) CIA relationships with foreign persons or governments...

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(U//FOUO) The classified information controlled by CIA relates to the CIA's HVD Rendition, Detention and Interrogation Program (called the RDI or HVD Program interchangeably throughout).

(U//FOUO) CIA national security information on the above topics can only be declassified by the President of the United States, the Director of National Intelligence, the Director of CIA, or a CIA Information Review Officer with delegated authority. For instance, leaked documents, statements of former intelligence officers, or reports by senior officials of other agencies cannot declassify CIA information. Reports in the press, even those sourced to knowledgeable intelligence officials, do not constitute an official declassification.<sup>1</sup>

(U//FOUO) The release of the four OLC memos in April 2009 was a one-time discretionary release by the President. Additional memos and the CIA Inspector General's (IG) Special Review were released for a Freedom of Information Act litigation. Only this information has been declassified at this time, along with prior Presidential or D/CIA declassifications, most notably when former President Bush acknowledged the HVDs who had been in CIA's program on September 6, 2006 as they were transferred to Guantanamo Bay Naval Station for prosecution, and the January 2008 declassification of the three named HVDs who were waterboarded. Apart from these limited releases, however, what is now declassified is often a matter of interpretation in which classification determinations often turn on subtle nuances and carefully parsed distinctions. Therefore, the following is not an exhaustive or complete list of all categories of declassified information on the RDI Program, but is meant to provide a general overview and to inform.

**(U//FOUO) Declassified Information Relating to the RDI Program**

(U//FOUO) On April 16, 2009, President Obama declassified redacted versions of four Office of Legal Counsel memos from August 1, 2002, May 10, 2005 (two memos) and May 30, 2005. These memos released the number of enhanced interrogation techniques (EITs) approved for use at those points in time and gave detailed descriptions of the techniques. More details about the CIA Program emerged in the CIA Inspector

<sup>1</sup> (U//FOUO) One example is the International Committee of the Red Cross (ICRC) report leaked to the New York Review of Books in early 2009. Although not classified by a US Intelligence Community agency, it is confidential and the information contained in it may not be used by HVD defense attorneys to confirm information that would otherwise be classified when coming from the detainees themselves.



(b)(3) CIAAct  
(b)(3) NatSecAct  
(b)(1)

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General's 2004 Special Review, and in three additional OLC memos from 2006 and 2007 that the White House released on 24 August 2009.

- The August 2002 memo listed 10 techniques that could be applied to a named prisoner, Zayn al Abidin Muhammad Husayn aka Abu Zubaydah, who was the first high level prisoner in CIA custody.
- The 2005 memos released the maximum number of techniques (13 techniques in May 2005), the names and descriptions of all techniques approved for use at that time, and specified how they could be used. The Later OLC memos released the decreasing number of techniques approved for use at each point in time, and the 2007 memo put the total number of detainees that had been in the CIA program, at 97.
- Various OLC memos have stated that CIA Office of Medical Service doctors and psychologists monitored detainees' health during the application of coercive techniques, including waterboarding, but that medical personnel did not participate in any interrogations themselves.
- The 30 May 2005 memo released the fact that Abu Zubaydah had been waterboarded 83 times during the most aggressive phase of his interrogation, August 2002, and that Khalid Shaykh Muhammad had been waterboarded 183 times in March 2003. Both numbers are from the CIA IG report on detainee interrogations, dated 7 May 2004, which was declassified for a FOIA litigation on 24 August 2009.
- Information gleaned from HVD interrogations is mentioned in the 2005 memos and detailed in two Directorate of Intelligence papers on detainee reporting also released in August 2009 – for example, that Abu Zubaydah and KSM provided information about numerous plots; that their information led to the capture of other HVDs; and that information combined from detainee interrogations was analyzed and cross-checked, leading to the confirmation of more information and plots from other HVDs.
- The May 2005 memos note that as of 2004, over 6,000 reports had been gleaned from HVD information. As of 2008, the number had risen to over 8,000 intelligence reports, which were provided to the SSCI in unredacted form in May 2009.

(U//FOUO) Former President Bush announced on September 6, 2006 that 14 HVDs formerly in CIA custody had been transferred to DOD custody at Guantanamo for prosecution. The transfers of two additional HVDs, Abd al-Hadi al-Iraqi and Muhammad Rahim were publicly announced in April 2007 and March 2008 respectively. Ahmed

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Khalifan Ghailani was transferred from Guantanamo to federal custody in New York for trial on 9 June 2009.

(U//~~FOUO~~) Other information that is unclassified or has been declassified:

- General allegations of torture by HVDs, unless such allegations reveal specific details about enhanced interrogation techniques, the identities or descriptions of CIA personnel or contractors, or speculation about foreign locations
- The fact that fewer than 100 detainees have been in the CIA program and that less than two-thirds experienced enhanced interrogation techniques.
- The fact that the waterboarding interrogation technique was used only against the following three detainees: Abu Zubaydah, Khalid Sheikh Muhammad, and Abd al-Rahim al-Nashiri, and has not been used since mid-2003.

(b)(1)  
(b)(3) NatSecAct

(S//NF) Information Relating to the RDI Program that Remains Classified

(S//NF) The OLC memos did not release:

- The names or identities of any HVDs other than Abu Zubaydah and KSM against whom interrogation techniques had been applied.
- Details of the specific application of any techniques to named detainees, including Abu Zubaydah and KSM. The 2002 memo was written in anticipation of using coercive techniques against Abu Zubaydah when he did not cooperate with less coercive means of questioning.

(S//NF) Other information that remains classified:

- The names or identities of any detainees other than the 16 HVDs publicly identified by former President Bush.
- The locations of or information about the operation of any overseas detention facilities.
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- The names, pseudonyms, descriptions, or identities of any CIA personnel or contractors involved in the High Value Detainee Program.

(b)(1)  
(b)(3) NatSecAct

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(b)(1)  
(b)(3) NatSecAct

- Any information about any foreign [redacted] cooperation with the CIA in administering or hosting any aspect of the RDI Program, including the names of individuals, identities of, or any other details regarding such foreign [redacted] partners. (b)(1)  
(b)(3) NatSecAct
- Any information about the capture and transfer of individual detainees, [redacted] and the length and location of trips. (b)(1)  
(b)(3) NatSecAct
- Conditions of confinement of individual detainees. (b)(1)  
(b)(3) NatSecAct
- Details of treatment of detainees while in CIA [redacted] custody. (b)(1)  
(b)(3) NatSecAct
- Any information about interrogation techniques as applied to individual detainees except the fact that the three named HVDs were waterboarded.
- [redacted] (b)(1)  
(b)(3) NatSecAct
- Information about questions, answers, and requirements used in CIA interrogation and debriefing sessions.

(b)(1)  
(b)(3) NatSecAct

~~(S//NF)~~ Other Classified Information Not Relating to the RDI Program

- ~~(S//NF)~~ All information that is not specific to the RDI Program, but is otherwise classifiable under applicable Executive Orders including intelligence sources, methods, and activities.

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