



Senate Intelligence Committee  
investigation into CIA Use of Torture

Chair: Claire Masiée '21  
Rapporteur: Zahaan Khalid '21

Dear delegates,

Welcome to the Senate Intelligence Committee! I am your chair Claire Masiée and your rapporteur is Zahaan Khalid. Both of us are seniors from San Jose and Miami who have participated in Model UN since sophomore year, going to YMUN together and always having fun at CAMUN as well. Feel free to email us anytime for help planning and researching or for any other questions.

This is a specifically interesting committee—the CIA’s use of torture breaks international law and stains the United States’ international record, possibly for years. There are many complex and multifaceted layers to the investigation, including the ethics of warfare, violence, and corruption within the nation’s investigative organizations. If the investigation is not handled correctly and truthfully, then the US is at risk of international embarrassment and potentially criminal offenses from conventions and treaties that they signed and created themselves. Simply, what will bring the US more scrutiny: not releasing the report, or releasing it? Both Zahaan and I are excited to hear the members of this committee debate these questions.

We look forward to seeing you in April!

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## Introduction

The Senate Intelligence Committee was created in 1976 to investigate and oversee the United States intelligence programs and to propose legislation to the Senate related to intelligence activities. The Senate Intelligence Committee also ensures that all US intelligence programs and activities are legal under the US Constitution and other laws. The committee is composed of 15 senators: eight from the majority party and seven from the minority party. The committee works to achieve bipartisanship in their decision making, and members come from various different areas of the US government. This includes two members (one Republican and one Democrat) of the Appropriations, Armed Services, Foreign Relations, and Judiciary Committees. The staff of the committee analyzes intelligence reports, budgets, prepares legislation, receives briefings, and studies intelligence matters. Senators in the committee are allowed to view certain classified intelligence documents that non-committee senators cannot view. It is the President's duty to ensure that all committee members are kept up to date on US intelligence activities, but the President has the right to restrict some classified information to just the Chair and Vice Chair. Still, in these instances all committee members are notified and given a "general description". The committee meets weekly to hold hearings, usually in closed session, and rarely in open session. Every year, the committee plans and writes an intelligence authorization bill authorizing funding for the US intelligence programs, and providing legislation for intelligence activities. Every day, the committee members are updated by their staff on intelligence issues and concerns so that they are prepared in advance for any problems. At CAMUN, the committee of 15 members will proceed as usual in a closed session. The members will include senators from the 113th Congress (2013-2014):

**Chair:** Diane Feinstein (D-California)

**Vice Chair:** Saxby Chambliss (R-Georgia)

<b>Democrats</b>	<b>Republicans</b>
John D. Rockefeller IV (West Virginia)	Richard Burr (North Carolina)
Ron Wyden (Wyoming)	James E. Risch (Idaho)
Barbara A. Mikulski (Maryland)	Daniel Coats (Indiana)
Mark Udall (Colorado)	Marco Rubio (Florida)
Mark Warner (Virginia)	Susan Collins (Maine)
Martin Heinrich (New Mexico)	Tom Coburn (Oklahoma)
Angus King (Maine)	--

## **Background**

The attacks on the World Trade Center and the Pentagon on September 11, 2001 shocked the United States. The entire nation was locked down and exactly a week later anthrax letters were sent to four states (Florida, New York, New Jersey, and Connecticut) killing five and harming 17 others, including prominent politicians. In response to this and earlier terrorist attacks against the United States in 1993 and 2000, on September 17th 2001, President George W. Bush signed a classified covert action memorandum giving CIA agents the right to detain terrorists in secret prisons around the world, known as “Black Sites”. Before the first culprit linked to the attacks, Abu Zubaydah, is found, Bush signed another action memorandum on February 7th 2002, stating that the Geneva Convention does not apply to the terrorist organization Al Qaeda.

At that time the CIA began creating new interrogation techniques not previously allowed in the Army Field Manual. These include Waterboarding, Stress Positions, Short Shackling, Walling, Large Confinement Boxes, Small Confinement Boxes, and Sleep Deprivation. Until September 13th, 2003, when secretaries of State and Defense were briefed, only CIA officials were aware of the interrogation program. Throughout 2004 and 2005, the Office of Legal Counsel in the US Department of Justice released three separate reports analyzing the legality of the program under the federal anti-torture statute and Article 16 of the Convention Against Torture. In November of 2005, only a month before Congress passed the Detainee Treatment Act banning the use of “cruel, inhuman, or degrading treatment or punishment” against any individual in custody, videos of the interrogation techniques against Zubaydah and detainee Abd al Rahim al Nashiri from 2002 were destroyed, under the command of the CIA’s National Clandestine Service, Jose Rodriguez. On June 29th, 2006, the Supreme Court case Hamdan v. Rumsfeld affirmed that the Geneva Convention must be applied in the US conflict with Al Qaeda, yet torture on Black Sites continued. It was not until 2008 that Attorney General Michael Muskasey and Assistant US Attorney John Durham led an investigation into the missing tapes of the interrogation techniques. From 2002 to 2008, the CIA’s detention and interrogation facilities used illegal methods of torture on 119 people, killing two.

On April 3rd, 2014, The Senate Select Committee on Intelligence met to vote on the investigation’s findings, and whether to send them to White House for redactions before being released to the public.

## Timeline

- **September 11th, 2001**, Al Qaeda attacks the World Trade Center in New York City killing 2,977 people.
- **September 17th, 2001**, George Bush signs classified covert memorandum authorizing CIA detention of terrorists.
- **February 7th, 2002**, George Bush signs memorandum claiming that article 3 of the Geneva Convention does not apply to terrorist organization Al Qaeda.
- **March-June, 2002**, Abu Zubaydah is arrested and put in isolation for 47 days.
- **August 1st, 2002**, Office of Legal Counsel for the Justice Department (OLC) releases two memorandums stating that the “enhanced interrogation techniques” do not violate the anti-torture statute.
- **August 4th, 2002**, Enhanced interrogation techniques are begun on Zubaydah.
- **September 2002**, Sen. Bob Graham, chairman of Senate Intelligence Committee and Richard Shelby, vice chairman are first briefed on the program.
- **November 2002**, Abd al-Rahim al-Nashiri is arrested and enhanced interrogation techniques are begun.
- **January-July 2003**, The Office of Inspector General to the CIA investigates the program and National Security Council reaffirm the use of the techniques.
- **September 16th, 2003**, CIA briefs secretaries of State and Defense on techniques for the first time.
- **May 7th, 2004**, Inspector General to the CIA completes investigation and deems program legal.
- **May 2005**, The OLC releases three classified memorandums analyzing the legality of the program under the federal anti-torture statute and article 16 of the Convention Against Torture- deems it legal.
- **November 2nd, 2005**, The Washington Post publishes an article about potential secret black sites organized by the CIA.
- **November 8-9, 2005**, Jose Rodriguez destroys videotapes showing interrogation techniques including one of the instances of waterboarding. This is against what the White House and the Office of the Director of National Intelligence tells him to do.
- **June 29th, 2006**, Supreme Court case Hamden v. Rumsfeld declares that article 3 of the Geneva Convention applies to the US conflict with Al Qaeda.
- **September 6th, 2006**, Members of the Senate Intelligence Committee are briefed for the first time on the black sites.

- **September 28-29, 2006**, The Military Commissions Act is passed, allowing for President Bush to have the right to “interpret the meaning and application of the Geneva Conventions and to promulgate higher standards and administrative regulations for violations of treaty obligations which are not grave breaches of the Geneva Conventions.”
- **December 6th, 2007**, The New York Times reports that the CIA destroyed videotapes of interrogation techniques in November 2005. That same day, the CIA acknowledges that videotapes from 2002 were destroyed.
- **December 11th, 2007**, Director Vincent Hayden lets a small number of Senate Intelligence Committee staff review the cables describing interrogation techniques from 2002.
- **January 2nd, 2008**, Investigation begins into the destruction of CIA video tapes.
- **March 8th, 2008**, President George Bush vetoes the Intelligence Authorization Act and allows for new interrogation techniques not allowed in the Army Field Manual to be continued by the CIA.
- **January 22nd, 2009**, President Barack Obama creates Executive Order 13491 banning interrogation techniques not written in the Army Field Manual.
- **February 11th, 2009**, The Senate Intelligence Committee meets for the first time to begin addressing a CIA staff memo on the cables from 2002.
- **March 5th, 2009**, Senate Committee votes 14-1 to begin investigation into the CIA’s detention and interrogation program.
- **April 16th, 2009**, President Barack Obama states that the Department of Justice will not pursue criminal cases against members who participated in investigative interrogations.
- **February 2010**, CIA removes approximately 870 documents from Senate Committee’s access.
- **May 2010**, An additional 50 documents are removed.
- **End of 2010**, Senate Committee members are provided the Panetta Review, a group of reviewed CIA documents on the issue.
- **May 2nd, 2011**, Osama Bin Laden is killed in Pakistan.
- **October 20th, 2011**, Senate Committee gives out all information to entire committee staff.
- **April 30th, 2012**, Senator Diane Feinstein and Senate Armed Services Chairman Senator Carl Levin address that the CIA’s interrogation techniques did not provide information on the location of Osama Bin Laden.
- **December 13th, 2012**, Senate Intelligence Committee votes 9-6 to allow the committee to study the report.
- **Summer 2013**, Committee Staff and CIA staff meet 13 times to discuss the CIA’s response to the report.
- **January 2014**, After Senator Diane Feinstein requests to be given the full Panetta Review documents, the CIA refuses because the documents are “Privileged”.

- **January 15th, 2014**, Chairman and Vice Chairman Diane Feinstein and Saxby Chambliss meet with Director of CIA John Brennan to discuss the “search” of committee members computers for documents. Brennan states that the committee members had inappropriately obtained the documents.
- **January-March, 2014**, CIA Inspector General David Buckley investigates CIA’s actions into “searching” committee’s computers and provides a crime report to the Department of Justice. Shortly afterward, CIA general counsel Robert EATINGER provides the Department of Justice a crime report stating that the Senate Intelligence Committee staff engaged in criminal behavior by obtaining the Panetta Review.
- **March 11th, 2014**, Senator Diane Feinstein addresses in a speech to the Senate that the CIA committed crimes by searching committee members’ computers. Brennan denies accusations.
- **March 19th, 2014**, Senate sergeant-at-arms begins investigation into CIA allegations that the Senate Intelligence Committee had illegally and inappropriately accessed documents.

### Sources for further research

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