

[5.]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED] You have asked for our advice. [REDACTED]
[REDACTED]
[REDACTED] ¹ [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] ² [REDACTED]
[REDACTED]
[REDACTED]

V. In November 2004, the Deputy Director of Operations (DDO) informed the Office of the Inspector General (OIG) that the Agency had established a program in the Counter Terrorism Center to detain and interrogate terrorists at sites abroad ("the CTC program"). He also informed the OIG that he had just dispatched a team to investigate [REDACTED]. Separately, OIG received information that some employees were concerned that certain covert Agency activities at an overseas detention and interrogation site might involve human rights violations. In January 2005, OIG initiated a review of Agency counterterrorism and detention activities related to [REDACTED] and the incident with [REDACTED] [REDACTED].³ [REDACTED] [REDACTED] [REDACTED] This review will determine whether there has been any professional misconduct in the treatment of [REDACTED]. It covers the period September 2002 to 2007.

VI. [REDACTED] [REDACTED] [REDACTED] [REDACTED]⁴ [REDACTED] [REDACTED]

VII. [REDACTED] We have faced great difficulty in completing this review. There are generally two circumstances in which we would make a finding of professional misconduct. (1) Where Agency personnel have intentionally violated an obligation or standard imposed by law, (2) where agency personnel have acted in reckless disregard of their obligation to comply with that standard. We may also find professional misconduct in cases where agency personnel have intentionally ignored instructions from higher-ranking personnel. Finally, we may also find that Agency personnel have exhibited bad judgment, made mistakes, or unintentionally violated legal norms or unintentionally disobeyed direct instructions; such findings do not constitute professional misconduct.

VIII. In order to assess whether an incident is the result of professional misconduct, it has been necessary to reconstruct, as precisely as possible, the chain of direct commands, the precise legal history, and the states of mind of the concerned, in the

case of [REDACTED] Our investigation has been long and difficult. Most of the videotapes related to the incidents in question were accidentally destroyed. We have been hampered by our need to seek voluntary co-operation of witnesses (in the case of almost all Agency lawyers, and for all the witnesses from the White House aside from Alberto Gonzalez). Our investigation was slowed by witnesses' reluctance to provide information, as well as time spent obtaining the necessary security clearances for the staff involved in the case. Further, we were not allowed to copy or to retain copies of many of the key documents, which increased the difficulty of our task. All these problems were exacerbated by the loss of key email records.⁵

IX. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1 [REDACTED]
2 [REDACTED]

3 Appendix A addresses the Procedure and Resources that the OIG employed in conducting this review. The review does not address interrogations conducted jointly with [REDACTED]
[REDACTED]

4 [REDACTED]
[REDACTED]

5 [REDACTED] initially provided us with a relatively small number of emails, files and draft documents. After it became apparent, during the course of our review, that relevant documents were missing, we requested and were given direct access to the email and computer records of [REDACTED] Yoo, Philbin, Bybee and Goldsmith. However, we were told that most of Yoo's email records had been deleted and were not recoverable.