

tioners' counsel at 10:00 a.m. on Tuesday, December 11, 2007, an individual from each agency who has personal knowledge of the handling of all evidence potentially subject to the Court's preservation order, subject to such security measures as the Court may deem appropriate.

Dated: December 9, 2007

Respectfully submitted,

/s/

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MAHMOAD ABDAH, et al.,

Petitioners,

v.

GEORGE W. BUSH, et al.,

Respondents.

Civil Action 04-1254 (HHK)

ORDER

On January 10, 2005, petitioners filed a Motion for Leave to Take Discovery and For Preservation Order [#96]. On February 3, 2005, the court (Green, J.) ordered that the proceedings in this and ten other coordinated cases be “stayed for all purposes pending resolution of all appeals in this matter.” To the extent that petitioners seek to take discovery, their motion must be stayed in accordance with Judge Green’s order.

Petitioners also seek a preservation order, which they argue is necessary to ensure that the government will maintain “the very sensitive evidence it now possesses about the torture, mistreatment, and abuse of the detainees now at Guantánamo.” Pet’rs’ Mot. for Disc./Protective Order at 8-9. Respondents counter that petitioners have failed to satisfy the four-part preliminary injunction standard, which they assert is required for entry of a protective order; that petitioners have not identified specific documents at risk for destruction; and that respondents are “well aware of their obligation not to destroy evidence that may be relevant in pending litigation.” Resp’ts’ Opp’n at 25.

While preservation orders take the form of an injunction, in that they order a party to perform or refrain from performing an act, petitioners need not meet the four-part preliminary injunction test in order to protect relevant documents from destruction. In fact, “a document preservation order is

no more an injunction than an order requiring a party to identify witnesses or to produce documents in discovery.” *Pueblo of Laguna v. United States*, 60 Fed. Cl. 133, 138 n.8 (Fed. Cl. 2004) (citing *Mercer v. Magnant*, 40 F.3d 893, 896 (7th Cir. 1994)); *see also* *Ditlow v. Shultz*, 517 F.2d 166, 173-74, n.31 (D.C. Cir. 1975) (preservation order issued when moving party presented “sufficiently substantial” challenge on the merits, non-moving party agreed to maintain documents at issue, and preservation of documents presented only a “limited housekeeping burden”).

Furthermore, in this case, all of the documents relevant to the adjudication of petitioners’ claims, along with petitioner-detainees themselves, are in the sole custody and control of respondents. In addition, petitioners’ counsel’s access to their clients is quite restricted. It is almost inconceivable that within these confines, petitioners could identify specific instances of document destruction. Rather, the court finds entry of a preservation order appropriate in light of the purpose animating Judge Green’s February 3, 2005 stay order, namely to preserve the status quo pending resolution of appeals. Finally, because respondents represent that they will not destroy the information at issue, a preservation order will not impose any harm or prejudice upon them. *See Al-Marri v. Bush*, No. 04-2035 (D.D.C. March 7, 2005) (preservation order). Accordingly, it is this 10th day of June, 2005, hereby

ORDERED, that petitioners’ motion is **STAYED** insofar as petitioners seek discovery and **GRANTED** insofar as they seek a preservation order; and it is further

ORDERED, that respondents shall preserve and maintain all evidence and information regarding the torture, mistreatment, and abuse of detainees now at the United States Naval Base at Guantánamo Bay, Cuba.

Henry H. Kennedy, Jr.
United States District Judge

December 9, 2007

Man Held by C.I.A. Says He Was Tortured

By WILLIAM GLABERSON

WASHINGTON, Dec. 8 — The first of the so-called high-value Guantánamo detainees to have seen a lawyer claims he was subjected to “state-sanctioned torture” while in secret C.I.A. prisons, and he has asked for a court order barring the government from destroying evidence of his treatment.

The request, in a filing by his lawyers, was made on Nov. 29, before officials from the Central Intelligence Agency acknowledged that the agency had destroyed videotapes of interrogations of two operatives of Al Qaeda that current and former officials said included the use of harsh techniques.

Lawyers for the detainee, Majid Khan, a former Baltimore resident, released documents in his case on Friday. They claim he “was subjected to an aggressive C.I.A. detention and interrogation program notable for its elaborate planning and ruthless application of torture” to numerous detainees.

The documents also suggest that Mr. Khan, 27, and other high-value detainees are now being held in a previously undisclosed area of the Guantánamo prison in Cuba he called Camp 7.

Those detainees include 14 men, some suspected of being former Qaeda officials, who President Bush acknowledged were held in a secret C.I.A. program. They were transferred to military custody at Guantánamo last year.

Asked about Mr. Khan’s assertions, Mark Mansfield, a C.I.A. spokesman, said, “the United States does not conduct or condone torture.” He said a small number of “hardened terrorists” had required what he called “special methods of questioning” in what he called a lawful and carefully run program.

The documents were heavily redacted by government security officials, and none of Mr. Khan’s specific assertions of torture could be read. One entire page was blacked out.

In addition to the court filing, Mr. Khan’s lawyers at the Center for Constitutional Rights in New York released recently declassified notes of their first meetings with Mr. Khan, in October. The notes asserted that he had symptoms of post-traumatic stress disorder because of his treatment, including memory problems and “frantic expression.” They said he was “painfully thin and pale.”

A Pentagon spokesman, Cmdr. Jeffrey D. Gordon, declined to respond to the assertions about Mr. Khan’s condition, saying that most detainees at Guantánamo gain weight.

Pentagon officials have said they believe that Khalid Shaikh Mohammed, the mastermind of the Sept. 11 attacks, selected Mr. Khan, who grew up in the suburbs of Baltimore, to study the feasibility of blowing up gasoline stations and poisoning reservoirs in the United States. But he has not been charged with any

offenses.

His lawyers said Mr. Khan, while living in Pakistan, was “forcibly disappeared” and that he had “admitted anything his interrogators demanded of him, regardless of the truth.”

Lawyers who represent Guantánamo detainees agree to stringent restrictions that bar them from disclosing information from their clients until it is cleared by government security officials.

The notes that were declassified from Mr. Khan’s lawyers, Gitanjali S. Gutierrez and J. Wells Dixon, say he “lives in Camp 7” and imply that he has contact with at least one other high-value detainee, Abu Zubaydah.

Officials at Guantánamo have not discussed the existence of a Camp 7. They often say publicly that the most recent center constructed there is Camp 6, a modern maximum-security building.

Commander Gordon, citing security concerns, declined to comment on the indication that there may be a secret detention unit, and added that “we do not disclose the exact location of detainees within Guantánamo.”

The request for an order barring the government from destroying any evidence of torture was filed in the United States Court of Appeals for the District of Columbia Circuit, which is considering a challenge by Mr. Khan to his detention.

Mr. Khan’s lawyers claim that “there is a substantial risk that the torture evidence will disappear.” They did not specify what evidence they believe may exist.

An intelligence official speaking on the condition of anonymity said the C.I.A.’s interrogations of Mr. Khan were not videotaped.

Mr. Dixon, one of Mr. Khan’s lawyers, said Saturday that the admission that officials had destroyed videotapes of interrogations showed why such an order was needed.

“They are no longer entitled to a presumption that the government has acted lawfully or in good faith,” Mr. Dixon said.

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CIA Destroyed Videos Showing Interrogations

Harsh Techniques Seen in 2002 Tapes

By Dan Eggen and Joby Warrick
Washington Post Staff Writers
Friday, December 7, 2007; A01

The CIA made videotapes in 2002 of its officers administering harsh interrogation techniques to two al-Qaeda suspects but destroyed the tapes three years later, CIA Director Michael V. Hayden said yesterday.

Captured on tape were interrogations of Abu Zubaydah, a close associate of Osama bin Laden, and a second high-level al-Qaeda member who was not identified, according to two intelligence officials. Zubaydah has been identified by U.S. officials familiar with the interrogations as one of three al-Qaeda suspects who were subjected to "waterboarding," a technique that simulates drowning, while in CIA custody.

The tapes were made to document any confessions the two men might make and to serve as an internal check on how the interrogations were conducted, senior intelligence officials said.

All the tapes were destroyed in November 2005 on the order of Jose A. Rodriguez Jr., then the CIA's director of clandestine operations, officials said. The destruction came after the Justice Department had told a federal judge in the case of al-Qaeda operative Zacarias Moussaoui that the CIA did not possess videotapes of a specific set of interrogations sought by his attorneys. A CIA spokesman said yesterday that the request would not have covered the destroyed tapes.

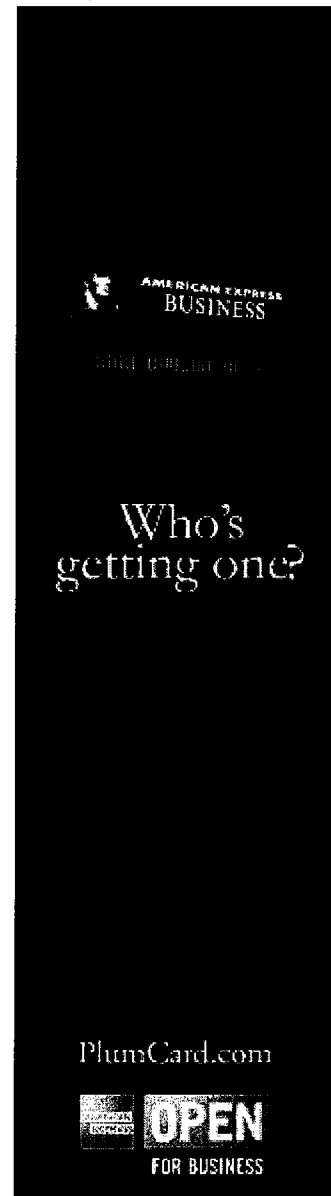
The tapes also were not provided to the Sept. 11 commission, the independent panel that investigated the 2001 terrorist attacks on the World Trade Center and the Pentagon, which demanded a wide array of material and relied heavily on classified interrogation transcripts in piecing together its narrative of events.

The startling disclosures came on the same day that House and Senate negotiators reached an agreement on legislation that would prohibit the use of waterboarding and other harsh interrogation tactics by the CIA and bring intelligence agencies in line with rules followed by the U.S. military.

The measure, which needs approval from the full House and Senate, would effectively set a government-wide standard for legal interrogations by explicitly outlawing the use of simulated drowning, forced nudity, hooding, military dogs and other harsh tactics against prisoners by any U.S. intelligence agency.

The proposed ban sets the stage for a potential election-season standoff between congressional Democrats and the Bush administration, which has fought vigorously on Capitol Hill and in the courts to preserve intelligence agencies' ability to use aggressive interrogation techniques against terrorism

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suspects.

White House spokesman Tony Fratto warned that the administration had threatened to veto similar legislation proposed in the House.

In a note to agency employees yesterday, Hayden said that the decision to destroy the videotapes was made to protect the identities of CIA officers who were clearly identifiable on them.

"Beyond their lack of intelligence value -- as the interrogation sessions had already been exhaustively detailed in written channels -- and the absence of any legal or internal reason to keep them, the tapes posed a security risk," Hayden said. "Were they ever to leak, they would permit identification of your CIA colleagues who had served in the program, exposing them to and their families to retaliation from al-Qaeda and its sympathizers."

Hayden said he decided to discuss the tapes publicly because of news media interest and the possibility that "we may see misinterpretations of the facts in the days ahead." The New York Times said on its Web site that it had informed the CIA on Wednesday night that it was preparing a story about the destroyed tapes.

Agency officials declined to describe the contents of the tapes, but knowledgeable U.S. officials said they depicted hours of interrogations of the two men, both of whom were subjected to aggressive interrogation methods. Whether the tapes show waterboarding or any other specific techniques is not clear.

The existence of the tapes was revealed to congressional oversight committees, and Congress was also informed about the decision to destroy the tapes, two senior intelligence officials said. The CIA was headed by former GOP congressman Porter J. Goss at the time.

But Sen. John D. Rockefeller IV (D-W.Va.), chairman of the Senate intelligence committee, said in a statement last night that lawmakers did not learn about the destruction of the tapes for another year.

"While we were provided with very limited information about the existence of the tapes, we were not consulted on their usage nor the decision to destroy the tapes," Rockefeller said.

Civil liberties advocates denounced the CIA's decision to destroy the tapes, saying the agency should have known by 2005 that the actions depicted on them were potentially the subject of litigation and congressional investigations.

Jameel Jaffer, a national security lawyer at the American Civil Liberties Union, said the tapes were destroyed at a time when a federal court had ordered the CIA to comply with a Freedom of Information Act request by the ACLU seeking records related to interrogations.

"The CIA appears to have deliberately destroyed evidence that would have allowed its agents to be held accountable for the torture of prisoners," Jaffer said. "They are tapes that should have been released to the courts and Congress, but the CIA apparently believes that its agents are above the law."

Whether the agency faces potential legal jeopardy depends on timing -- specifically, whether investigations into the interrogation practices had been launched when the tapes were destroyed, said A. John Radsan, a former federal prosecutor and CIA assistant general counsel.

"Once an investigation has begun -- whether it's an attorney general or an inspector general investigation -- it's much more problematic to have destroyed any kinds of documents or tapes that fall within the scope of the investigation," Radsan said.

U.S. District Judge Leonie M. Brinkema of Alexandria ordered the CIA in 2003 to turn over tapes of terrorists whose testimony might be relevant to Moussaoui's defense. Moussaoui briefly trained to become one of the hijackers in the Sept. 11 attacks but was taken into custody before they occurred.

The Justice Department revealed in a letter to Brinkema and an appeals court judge in October that the CIA's previous claims had been wrong and that it had found two videotapes and one audiotape of unidentified detainee interrogations. Those tapes still exist, prosecutors said in a court filing.

CIA spokesman Mark Mansfield said the tapes acknowledged by Hayden "did not involve anyone judged relevant by the court in the Moussaoui proceedings."

Mansfield also said that the CIA did not withhold evidence from the Sept. 11 commission, contending that its members did not ask specifically for tapes. "The tapes were destroyed only when it was determined that they were no longer of intelligence value and not relevant to any internal, legislative or judicial inquiries," he said.

Zubaydah was captured in March 2002, becoming the first of the "high-value" detainees in CIA custody and the first to be subjected to harsh interrogation methods, which included sleep deprivation as well as waterboarding. Zubaydah, who was shot and gravely wounded during his capture, later became "defiant and evasive," according to Hayden, leading to the decision to apply more aggressive measures.

Hayden said the methods shown on the videotapes were legal under guidelines approved by the Justice Department and the Bush administration, and he said the interrogation provided "crucial information."

Intelligence officials have acknowledged that the CIA used waterboarding on three prisoners after the 2001 attacks but say the agency stopped the practice in 2003. The technique was revived as a political issue in recent months during the confirmation process for Attorney General Michael B. Mukasey, who refused to say whether waterboarding is considered torture under U.S. law. Most Senate Democrats voted against his nomination as a result, giving Mukasey the lowest level of Senate support of any attorney general in the past half-century.

The waterboarding ban was added to the 2008 intelligence authorization bill through an amendment offered by one of the few Democrats to support Mukasey, Sen. Dianne Feinstein (D-Calif.). Under the amendment, no prisoner in U.S. custody "shall be subject to any treatment or technique of interrogation not authorized by the United States Army Field Manual."

The Army field manual on interrogations was amended last year to explicitly prohibit eight aggressive and controversial interrogation tactics, including some methods used on military prisoners at the Abu Ghraib detention facility in Iraq and the military prison at Guantanamo Bay, Cuba. The manual also singles out the use of waterboarding.

"The national debate over torture will end if this amendment to place the CIA under the Army Field Manual becomes law," Feinstein said in a statement.

But Sen. Christopher S. Bond (R-Mo.) accused Democrats of trying "to kill an important tool in our efforts to fight terror."

Staff writer Walter Pincus and staff researcher Julie Tate contributed to this report.

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Starks, Brent

From: Remes, David
Sent: Saturday, December 08, 2007 7:40 PM
To: 'mfalkoff@niu.edu'; 'jasonmknott@yahoo.com'; Lipper, Gregory; Starks, Brent; Armijo, Enrique; Braverman, Elizabeth; Shuford, David; Vernia, Benjamin; Perryman, Skye; Huber, Jonathan
Subject: Mot Ex D

----- Original Message -----

From: Remes, David
To: Remes, David
Sent: Sat Dec 08 18:52:00 2007
Subject: Hayden Email

-----Original Message-----

Message from the Director: Taping of Early Detainee Interrogations

The press has learned that back in 2002, during the initial stage of our terrorist detention program, CIA videotaped interrogations, and destroyed the tapes in 2005. I understand that the Agency did so only after it was determined they were no longer of intelligence value and not relevant to any internal, legislative, or judicial inquiries-including the trial of Zacarias Moussaoui. The decision to destroy the tapes was made within CIA itself. The leaders of our oversight committees in Congress were informed of the videos years ago and of the Agency's intention to dispose of the material. Our oversight committees also have been told that the videos were, in fact, destroyed.

If past public commentary on the Agency's detention program is any guide, we may see misinterpretations of the facts in the days ahead.

With that in mind, I want you to have some background now.

CIA's terrorist detention and interrogation program began after the capture of Abu Zubaydah in March 2002. Zubaydah, who had extensive knowledge of al-Qa'ida personnel and operations, had been seriously wounded in a firefight. When President Bush officially acknowledged in September 2006 the existence of CIA's counter-terror initiative, he talked about Zubaydah, noting that this terrorist survived solely because of medical treatment arranged by CIA. Under normal questioning, Zubaydah became defiant and evasive. It was clear, in the President's words, that "Zubaydah had more information that could save innocent lives, but he stopped talking."

That made imperative the use of other means to obtain the information-means that were lawful, safe, and effective. To meet that need, CIA designed specific, appropriate interrogation procedures.

Before they were used, they were reviewed and approved by the Department of Justice and by other elements of the Executive Branch. Even with the great care taken and detailed preparations made, the fact remains that this effort was new, and the Agency was determined that it proceed in accord with established legal and policy guidelines. So, on its own, CIA began to videotape interrogations.

The tapes were meant chiefly as an additional, internal check on the program in its early stages. At one point, it was thought the tapes could serve as a backstop to guarantee that other methods of documenting the interrogations- and the crucial information they produced- were accurate and complete. The Agency soon determined that its documentary reporting was full and exacting, removing any need for tapes. Indeed, videotaping stopped in 2002.

As part of the rigorous review that has defined the detention program, the Office of General Counsel examined the tapes and determined that they showed lawful methods of questioning. The Office of Inspector General also examined the tapes in 2003 as part of its look at the Agency's detention and interrogation practices. Beyond their lack of intelligence value- as the interrogation sessions had already been exhaustively detailed in written channels- and the absence of any legal or internal reason to keep them, the tapes posed a serious security risk. Were they ever to leak, they would permit identification of your CIA colleagues who had served in the program, exposing them and their families to retaliation from al-Qa'ida and its sympathizers.

These decisions were made years ago. But it is my responsibility, as Director today, to explain to you what was done, and why. What matters here is that it was done in line with the law. Over the course of its life, the Agency's interrogation program has been of great value to our country. It has helped disrupt terrorist operations and save lives. It was built on a solid foundation of legal review. It has been conducted with careful supervision. If the story of these tapes is told fairly, it will underscore those facts.

Mike Hayden

December 9, 2007

Inquiry Begins Into Tapes' Destruction

By MARK MAZZETTI and DAVID JOHNSTON

WASHINGTON, Dec. 8 — The Justice Department and the Central Intelligence Agency's internal watchdog on Saturday began a joint preliminary inquiry into the spy agency's destruction of hundreds of hours of videotapes showing interrogations of top operatives of Al Qaeda.

The announcement comes amid new questions about which officials inside the C.I.A. were involved in the decision to destroy the videotapes, which showed severe interrogation methods used on two Qaeda suspects, Abu Zubaydah and Abd al-Rahim al-Nashiri.

The agency operative who ordered the destruction of the tapes in November 2005 was Jose A. Rodriguez Jr., then the chief of the C.I.A.'s national clandestine service, known as the Directorate of Operations until 2005. On Saturday, a government official who had spoken recently with Mr. Rodriguez on the matter said that Mr. Rodriguez told him that he had received approval from lawyers inside the clandestine service to destroy the tapes.

This disclosure could broaden the scope of the inquiry into the tapes' destruction. Several officials said that top lawyers at the White House and the Justice Department advised the C.I.A. in 2003 not to destroy the videos.

Current and former intelligence officials said that the agency's senior lawyer, John A. Rizzo, had not been notified about the decision and was angered to learn about the destruction of the tapes, which could complicate the prosecution of Abu Zubaydah and others.

Mr. Rizzo's position, together with the fact that the C.I.A. inspector general, John L. Helgerson, is now examining the matter, indicates a greater level of internal concern at the agency over the destruction than Gen. Michael V. Hayden, the C.I.A. director, indicated in his message to agency employees on Thursday. General Hayden's message said that Mr. Helgerson's office had reviewed the tapes in 2003, but did not mention whether the inspector general had signed off on their destruction.

In a statement released on Saturday, General Hayden said he welcomed the inquiry and the "C.I.A. will cooperate fully."

Investigators will gather facts to determine whether a full inquiry is warranted. If it is determined that any agency employee broke the law, the standard procedure would be for Mr. Helgerson to issue a criminal referral to the Justice Department.

The investigation comes after both the Senate and House intelligence committees started their own investigations into the destruction of the tapes. In a statement on Saturday, the chairman of the House

Intelligence Committee, Representative Silvestre Reyes, Democrat of Texas, said the inquiry would be an "important first test" for Attorney General Michael B. Mukasey to demonstrate his independence. "I have yet to receive a satisfactory answer as to why Congress was kept in the dark about this matter," he said.

In a letter to the C.I.A. on Saturday, Assistant Attorney General Kenneth L. Wainstein, who heads the Justice Department's National Security Division, requested to meet with Mr. Helgeson and Mr. Rizzo early next week to discuss the inquiry.

Mr. Rodriguez, who could not be reached for comment, announced his retirement from the agency this summer. The New York Times has made a request through an agency spokesman to speak with him.

Officials have acknowledged that the destruction of evidence like videotaped interrogations could raise questions about whether the C.I.A. was seeking to hide evidence of coercion. A review of records from military tribunals indicates that five lower-level detainees at Guantánamo Bay, Cuba, were initially charged with offenses based on information provided by or related to Abu Zubaydah.

Military defense lawyers said the fact that interrogation tapes were destroyed could provide a way to challenge other cases that may be based on information from Abu Zubaydah, though such challenges would face major legal obstacles under the current rules for military prosecutions. They said the defense could argue that the tapes might have raised questions about whether the information was believable or whether Abu Zubaydah had invented it simply to stop aggressive interrogation techniques. Col. Steven David, the chief military defense lawyer for the Guantánamo war crimes cases, said at a trial, "The inference is they destroyed it because it was bad for them."

He said the disclosure of the destroyed tapes "raises serious concerns" about other potential prosecutions, but it was too early to say how many, or how serious the damage might be. In any case based on information from Abu Zubaydah, defense lawyers could raise the issue of the destroyed tapes as a way to challenge the case. From a defense lawyer's perspective, Colonel David said, "the issue becomes what is lost, what is destroyed, what else has been destroyed and what else is out there that we are not aware of."

Abu Zubaydah and Mr. al-Nashiri, who is said to be the chief planner of the 2000 attack on the Navy destroyer Cole, are the only suspected Qaeda figures identified so far as the subjects of interrogations recorded on the destroyed tapes.

The destruction of the tapes has intensified the focus on Abu Zubaydah, who was captured in March 2002. As one of the first close associates of Osama bin Laden to be caught after the 9/11 attacks, Abu Zubaydah became a test case on which the C.I.A. built and then adjusted its program of aggressive interrogations and overseas secret jails in the years that followed.

Current and former intelligence officials have said that Abu Zubaydah was subjected to coercive techniques by C.I.A. interrogators even before the Justice Department issued a formal, classified legal opinion in August 2002 declaring that the coercive techniques did not constitute torture.

It is not known whether the videotape depicting his interrogation preceded the 2002 opinion, nor is it known what acts were recorded on the tapes. General Hayden said in his statement that the tapes were intended as

an "internal check on the program in its early stages," despite what he called "the great care taken and detailed preparations made."

But the destruction of the tapes in 2005 appeared to reflect what former and current intelligence officials have described as longstanding worries about the legality of the C.I.A.'s interrogation practices and the possible legal jeopardy for any employees who engaged in them.

Abu Zubaydah's case opens a window on a broader debate about the Bush administration's interrogation policies and the tactics used on Abu Zubaydah and other terrorism suspects.

President Bush has argued, since officially confirming the existence of the interrogation program in September 2006, that Abu Zubaydah's case proved the value of harsh interrogation methods because Abu Zubaydah yielded valuable intelligence about the 9/11 plot only after those tactics were employed. That assertion was repeated on Thursday by General Hayden.

But other government officials have long disputed some aspects of the C.I.A.'s version of events. These officials said Abu Zubaydah, who had been taken to a secret location in Thailand, cooperated with interviewers from the F.B.I., who used a nonconfrontational approach, until C.I.A. interrogators took over the questioning in April or May of 2002 and used more aggressive techniques.

After the Thailand confrontation, the F.B.I. forbade its agents from taking part in sessions in which harsh methods were used. In his early F.B.I. interviews, Abu Zubaydah, who had been severely wounded during his capture, identified Khalid Shaikh Mohammed as the chief planner of the 9/11 attacks. He also identified Jose Padilla, an American who was convicted in a Miami federal court in August on terrorism-related charges, as a low-ranking follower of Al Qaeda.

Government officials said that during Abu Zubaydah's interrogation sessions, his C.I.A. questioners used tactics including noise, stress positions, isolation and waterboarding, in which a subject is made to believe he is being drowned. In 2002, during parts of June and July, current and former intelligence officials have said, the C.I.A. suspended the use of harsh techniques against Abu Zubaydah.

William Glaberson contributed reporting from Washington, and Margot Williams from New York.

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
MAHMOAD ABDAH, <i>et al.</i>,)	
Petitioners,)	
)	
<i>v.</i>)	Civil Action No. 04-CV-1254 (HHK)
)	
GEORGE W. BUSH, <i>et al.</i>,)	
Respondents.)	
_____)	

[PROPOSED] ORDER

Upon consideration of petitioners' Emergency Motion For Inquiry Into Respondents' Compliance With Document Preservation Order [and respondents' opposition thereto], it is

ORDERED, that the parties shall appear at 10:00 a.m. on Monday, December 10, 2007, for a hearing to inquire into the government's compliance with the Court's preservation order; and it is further

ORDERED, that the government shall produce for questioning by the Court and petitioners' counsel at 10:00 a.m. on Tuesday, December 12, an individual from each agency who has personal knowledge of the handling of all evidence potentially subject to the Court's preservation order, subject to such security measures as the Court may deem appropriate.

Dated: _____

United States District Judge