

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

AMNESTY INTERNATIONAL USA, CENTER
FOR CONSTITUTIONAL RIGHTS, INC. and
WASHINGTON SQUARE LEGAL SERVICES,
INC.,

Plaintiffs,

v.

CENTRAL INTELLIGENCE AGENCY,
DEPARTMENT OF DEFENSE, DEPARTMENT
OF HOMELAND SECURITY, DEPARTMENT
OF JUSTICE, DEPARTMENT OF STATE, AND
THEIR COMPONENTS,

Defendants.

ECF CASE

07 CV 5435 (LAP)

DECLARATION OF GITANJALI S. GUTIERREZ

Gitanjali S. Gutierrez, pursuant to penalty of perjury under 28 U.S.C. § 1746, does hereby state the following:

1. I am an attorney with the Center for Constitutional Rights, Inc. (“CCR”), one of three co-Plaintiffs in the above-captioned matter. The other co-Plaintiffs are Amnesty International USA (“AIUSA”) and Washington Square Legal Services (“WSLS”).

2. The list of Undisputed Official Acknowledgments, attached hereto as Attachment 1, consists of the most pertinent information drawn from the list of documents identified as official acknowledgments by the Central Intelligence Agency (“CIA”) in the Second Declaration of Ralph S. DiMaio, Information Review Officer, National Clandestine Services, Central Intelligence Agency (“Second DiMaio Decl.”), ¶ 22. These documents consist of press

statements by the CIA and senior White House officials, congressional testimony by CIA officials and statements to employees by the Director of the CIA. *Id.*

3. Attachment 1 also indicates where Plaintiffs have attached the same sources to the Declaration of Margaret L. Satterthwaite (“Satterthwaite Decl.”), filed in support of Plaintiffs’ cross-motion for summary judgment.

4. As noted in paragraph 8 of Attachment 1, the CIA has acknowledged detaining sixteen named individuals. CIA Cross-Opp. at 22 n.9. The names of fifteen of these individuals are contained in the documents listed in ¶ 22 of the Second DiMaio Declaration. The sixteenth name, which the CIA acknowledges is known, was disclosed by the government in U.S. Department of Defense, Office of the Assistant Secretary of Defense (Public Affairs), News Release, *Defense Department Takes Custody of a High-Value Detainee*, Mar. 14, 2008. *See* Satterthwaite Decl. Ex. G.

Dated: October 7, 2008
New York, NY

 /GSG/
GITANJALI S. GUTIERREZ

ATTACHMENT 1

Undisputed Official Acknowledgments

1. “A small number of suspected terrorist leaders and operatives...have been held and questioned outside the United States, in a separate program operated by the Central Intelligence Agency.” White House Office of the Press Secretary, *News Release: President Discusses Creation of Military Commissions to Try Suspected Terrorists*, Sept. 6, 2006; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. A.
2. The first individual detained in the Central Intelligence Agency (“CIA”) program was Abu Zubaydah and the program began with his apprehension in Spring 2002. Michael V. Hayden, Director, CIA, *A Conversation with Michael Hayden presented by the Council on Foreign Relations*, Sept. 7, 2007; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. D.
3. The United States arranged medical care for Abu Zubaydah after the “firefight that brought him into custody.” White House Office of the Press Secretary, *News Release: President Discusses Creation of Military Commissions to Try Suspected Terrorists*, Sept. 6, 2006; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. A.
4. The CIA used an “alternative set of procedures” to interrogate Abu Zubaydah and Khalid Sheikh Mohammed. White House Office of the Press Secretary, *News Release: President Discusses Creation of Military Commissions to Try Suspected Terrorists*, Sept. 6, 2006; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. A.
5. The CIA program has been subject to “multiple legal reviews by the Department of Justice and CIA lawyers” as well as to oversight compliance by the CIA Inspector General. White House Office of the Press Secretary, *News Release: President Discusses Creation of Military Commissions to Try Suspected Terrorists*, Sept. 6, 2006; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. A.
6. The CIA’s Inspector General has investigated and audited the program and was given “full and complete access to all aspects” of the program. Announcement, Office of the Director of National Intelligence, *Summary of the High Value Terrorist Detainee Program*, Sept. 6, 2006, at 2; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. B.
7. Interrogators in the CIA program are subject to more than 250 hours of specialized training. White House Office of the Press Secretary, *News Release: President Discusses Creation of Military Commissions to Try Suspected Terrorists*, Sept. 6, 2006; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. A.
8. The United States held the following sixteen individuals in CIA custody and transferred them to Department of Defense (“DOD”) custody at Guantánamo Bay from September 2006 onward: Ramzi Binalshibh, Waleed Mohammed bin Attash (Tawfiq bin Attash, Tawfiq Attash Khallad); Riduan Isamuddin (Hambali); Khalid Sheikh Mohammed; Abu Zubaydah; Abd al Rahim al-Nashiri; Majid Khan; Ammar al Baluchi (Ali Abdul Aziz Ali); Abu Faraj al Libbi; Ahmed

Khalfam Ghailani; Zubair; Mustafa Ahmed Al-Hawsawi; Gouled Hassan Dourad; Mohammed Nazir Bin Lep (Lillie); Abd al-Hadi al-Iraqi; Muhammad Rahim al-Afghani. CIA Cross-Opp. at 22 n.13; First DiMaio Decl. ¶ 113. Second DiMaio Decl. ¶ 22 (Office of the Director of National Intelligence, *Summary of High Value Terrorist Detainee Program*, attachment *Biographies of High Value Terrorist Detainees Transferred to the US Naval Base at Guantánamo Bay*; *The Charlie Rose Show: Interview with Director Michael Hayden*, PBS television broadcast Oct. 22 & 23, 2007); Satterthwaite Decl. Ex. A, R & E; *see also* Satterthwaite Decl. Ex. G (DOD, Office of the Assistant Secretary of Defense (Public Affairs), News Release, *Defense Department Takes Custody of a High-Value Detainee*, Mar. 14, 2008).

9. As of September 6, 2006, the CIA did not have any terrorist suspects in its program. White House Office of the Press Secretary, *News Release: President Discusses Creation of Military Commissions to Try Suspected Terrorists*, Sept. 6, 2006; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. A.
10. The President acknowledged on September 6, 2006 his understanding that the Supreme Court decision in *Hamdan v. Rumsfeld*, 126 S. Ct. 2749 (2006), “put in question the future of the CIA program” and that “some believe our military and intelligence personnel involved in capturing and questioning terrorists could now be at risk of prosecution under the War Crimes Act . . .” White House Office of the Press Secretary, *News Release: President Discusses Creation of Military Commissions to Try Suspected Terrorists*, Sept. 6, 2006; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. A.
11. The President stated on September 15, 2006 that the CIA’s program would not “go forward if our professionals do not have clarity in the law” and that “If Congress passes a law that does not clarify the rules . . . the program is not going forward.” White House Office of the Press Secretary, *News Release: Press Conference of the President*, Sept. 15, 2006; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. ZZ.
12. The United States provided right of access to the International Committee of the Red Cross (“ICRC”) for prisoners when they were transferred from CIA to DOD custody. White House Office of the Press Secretary, *News Release: President Discusses Creation of Military Commissions to Try Suspected Terrorists*, Sept. 6, 2006; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. A.
13. In March 2002, the CIA, together with foreign personnel, captured Abu Zubaydah. Announcement, Office of the Director of National Intelligence, *Summary of the High Value Terrorist Detainee Program*, Sept. 6, 2006, at 1; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. B.
14. The CIA sought and obtained legal guidance from the Department of Justice (“DOJ”) concerning the legality of the new interrogation procedures under U.S. statutes prohibiting torture. The DOJ reviewed the procedures on more than one

- occasion. Announcement, Office of the Director of National Intelligence, *Summary of the High Value Terrorist Detainee Program*, Sept. 6, at 1, 2006, at 1-2; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. B.
15. The CIA's activities are "subject to multiple legal and policy reviews, inside CIA and beyond." *Statement to Employees by Director of the Central Intelligence Agency, General Michael V. Hayden on the CIA's Terrorist Interrogation Program*, Oct. 5, 2007; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. P.
 16. Abu Zubaydah told interrogators that Khalid Sheikh Mohammed's alias was "Muktar." White House Office of the Press Secretary, *News Release: President Discusses Creation of Military Commissions to Try Suspected Terrorists*, Sept. 6, 2006; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. A.
 17. Abu Zubaydah provided information leading to the capture of Ramzi bin al-Shibh. Announcement, Office of the Director of National Intelligence, *Summary of the High Value Terrorist Detainee Program*, Sept. 6, 2006, at 1; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. B.
 18. "Shortly after September 11, 2001, the majority and minority leaders of the Senate, the Speaker and the minority leader of the House, and the chairs and ranking members of the intelligence committees were briefed on the authorities for the CIA's detention and interrogation program . . ." Within weeks of that time, the same information was shared with the full intelligence committee. Announcement, Office of the Director of National Intelligence, *Summary of the High Value Terrorist Detainee Program*, Sept. 6, 2006, at 2; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. B.
 19. "As the CIA's efforts to implement these authorities got underway in 2002, the chairs, ranking members, and majority and minority staff directors of the intelligence committees were fully briefed on the interrogation procedures. Briefings to the chairs, ranking members, and majority an [sic] minority staff directors have been given on multiple occasions since that time, and in the fall of 2005, in connection with discussion on the Detainee Treatment Act, several other Members were briefed on the program, including interrogation procedures." Announcement, Office of the Director of National Intelligence, *Summary of the High Value Terrorist Detainee Program*, Sept. 6, 2006, at 2; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. B.
 20. The interrogators are "carefully chosen and screened for demonstrated professional judgment and maturity"; their average age is 43; and, once chosen, they must complete more than 250 hours of specialized training before meeting with a detainee; and they must complete additional fieldwork under the supervision of an experienced officer before they can direct an interrogation. Announcement, Office of the Director of National Intelligence, *Summary of the High Value Terrorist Detainee Program*, Sept. 6, 2006, at 2; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. B.

21. The CIA's interrogations in its detention facilities involving coercive interrogation techniques are carried out by government employees and contractors under the authority of the Director of the CIA. *Testimony of Director Michael Hayden Before the Senate Select Committee on Intelligence, Hearing on the Annual Threat Assessment*, Feb. 5, 2008; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. AA.
22. "Specific senior CIA officers, and currently only the Director of the CIA" must approve prior to use each and every interrogation procedure. Announcement, Office of the Director of National Intelligence, *Summary of the High Value Terrorist Detainee Program*, Sept. 6, 2006, at 2; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. B.
23. All interrogation sessions in the program must be observed by non-participants, who may terminate an interrogation session if they believe anything unauthorized is occurring. Announcement, Office of the Director of National Intelligence, *Summary of the High Value Terrorist Detainee Program*, Sept. 6, 2006 at 2; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. B.
24. Any deviations from the authorized procedures and practices are reported and corrective action taken, including referrals to the CIA Office of Inspector General or the DOJ, if necessary. Announcement, Office of the Director of National Intelligence, *Summary of the High Value Terrorist Detainee Program*, Sept. 6, 2006, at 2; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. B.
25. "Debriefers" work together with the CIA's operations officers to interrogate detainees. The debriefers are subject matter experts with experience studying members of al Qaeda and are carefully selected and trained. Announcement, Office of the Director of National Intelligence, *Summary of the High Value Terrorist Detainee Program*, Sept. 6, 2006 at 3; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. B.
26. The questioning of Khalid Sheikh Mohammed in March 2003 revealed the use of the Jemaah Islamiyah ("JI") network of an individual named "Hambali" and led to the capture of Hambali, his brother and other JI members. Announcement, Office of the Director of National Intelligence, *Summary of the High Value Terrorist Detainee Program*, Sept. 6, 2006, at 3; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. B.
27. The CIA's interrogation program led to the capture of an individual who was "casing" government and tourist targets in the United States in 2003 and 2004. This individual is in the custody of a foreign country. Announcement, Office of the Director of National Intelligence, *Summary of the High Value Terrorist Detainee Program*, Sept. 6, 2006, at 3; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. B.

28. In 2003, a CIA detainee provided information concerning an Ohio based truck driver who had “taken operational tasking from al Qa’ida.” This individual, identified by the Federal Bureau of Investigation as Lyman Fairs, was located and “acknowledged discussing the destruction of the Brooklyn Bridge.” Announcement, Office of the Director of National Intelligence, *Summary of the High Value Terrorist Detainee Program*, Sept. 6, 2006, at 3-4; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. B.
29. The CIA’s interrogations of Khalid Sheikh Mohammed and other detainees reportedly led to the capture of an individual who was “casing” financial buildings in East Coast cities. This individual is in the custody of a foreign country. Announcement, Office of the Director of National Intelligence, *Summary of the High Value Terrorist Detainee Program*, Sept. 6, 2006, at 4; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. B.
30. Detainees in the CIA program have provided names for approximately 86 individuals al Qaeda found suitable for Western operations. The United States has shared these names broadly with U.S. intelligence and law enforcement agencies and key foreign allies. Nearly half of these individuals have been “removed from the battlefield” by the United States and its allies. Announcement, Office of the Director of National Intelligence, *Summary of the High Value Terrorist Detainee Program*, Sept. 6, 2006, at 4; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. B.
31. Abu Zubaydah described Jafar al-Tayyar as a member of al Qaeda. His true name is Adnan El Shukrijumah and the United States posted a \$5 million dollar reward for his capture. Announcement, Office of the Director of National Intelligence, *Summary of the High Value Terrorist Detainee Program*, Sept. 6, 2006, at 4; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. B.
32. The CIA’s interrogation and detention program prevented the following plots, whose details are described in the Office of the Director of National Intelligence’s *Summary of the High Value Terrorist Detainee Program*: The West Coast Airliner Plot; the 2004 UK Urban Targets Plot; the 2003 Karachi Plot; the Heathrow Airport Plot; the 2002 Arabian Gulf Shipping Plot; the Straits of Hormuz Plot; the Tall Buildings Plot; and the Camp Lemonier Plot. Announcement, Office of the Director of National Intelligence, *Summary of the High Value Terrorist Detainee Program*, Sept. 6, 2006, at 4-5; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. B.
33. “Fewer than 100” people had been detained in CIA secret detention facilities. Michael V. Hayden, Director, CIA, *A Conversation with Michael Hayden presented by the Council on Foreign Relations*, Sept. 7, 2007; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. D.
34. In the “post-9/11 world” one technique of the United States is to “arrest people and send them back to their country of origin with the promise that they won’t be

- tortured.” White House Office of the Press Secretary, *President's Press Conference*, Mar. 16, 2005; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. H. *See also* White House Office of the Press Secretary, *Press Conference of the President*, Apr. 28, 2005; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. J.
35. The United States uses the practice of “rendition.” U.S. Secretary of State Condoleezza Rice, *Remarks Upon Her Departure for Europe*, Andrews Air Force Base, Dec. 5, 2005; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. K.
 36. The United States “make[s] decisions on a case-by-case basis, working with other countries, in terms of where individuals are rendered.” White House Office of the Press Secretary, *Press Briefing by Scott McClellan*, Dec. 6, 2005; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. L.
 37. The number of renditions conducted, apart from the “fewer than 100” individuals detained in CIA secret detention facilities, is a “mid-range two figures” number. Michael V. Hayden, Director, CIA, *A Conversation with Michael Hayden presented by the Council on Foreign Relations*, Sept. 7, 2007; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. D.
 38. The CIA was only able to capture Khaled Sheikh Mohammed and Mullah Dadullah through assistance of foreign allies. Michael V. Hayden, Director, Central Intelligence Agency, *A Conversation with Michael Hayden presented by the Council on Foreign Relations*, Sept. 7, 2007; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. D.
 39. From January 1, 2007 to September 7, 2007, CIA officers testified in five congressional hearings and responded to twenty-nine congressionally legislated requests for information. The CIA answered 1,140 “Questions for the Record” (“QFRs”) and 254 other congressional letters, questions and requests; CIA experts gave more than 500 briefings to members of Congress and their staff; and the CIA issued approximately 100 congressional notifications about its “sensitive programs.” Director Hayden briefed elected officials nine times between September 2006 and September 2007 about renditions, detentions and interrogations. Michael V. Hayden, Director, CIA, *A Conversation with Michael Hayden presented by the Council on Foreign Relations*, Sept. 7, 2007; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. D.
 40. Acknowledging that “[The CIA’s] problem was, we didn’t know what Common Article 3 meant in the context of American law.” Michael V. Hayden, Director, CIA, *A Conversation with Michael Hayden presented by the Council on Foreign Relations*, Sept. 7, 2007; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. D.
 41. CIA Director Michael Hayden stated that the Military Commissions Act is insufficient to assuage the CIA’s concerns about the legal basis for going forward with the agency’s program. Michael V. Hayden, Director, CIA, *A Conversation*

- with Michael Hayden presented by the Council on Foreign Relations*, Sept. 7, 2007; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. D.
42. When the CIA has custody of someone it has three options: hold them in detention, send them to Guantánamo Bay, or render them to another country. Michael V. Hayden, Director, CIA, *A Conversation with Michael Hayden presented by the Council on Foreign Relations*, Sept. 7, 2007; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. D.
 43. Fifteen named CIA detainees were transferred to Guantánamo Bay from CIA custody because their intelligence value degraded to the point where the CIA believed they could transfer them so that they could be prosecuted. *The Charlie Rose Show: Interview with Director Michael Hayden*, PBS television broadcast Oct. 22 & 23, 2007; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. E.
 44. Of the “fewer than a hundred” people detained by the CIA, since March 2002, the CIA has used “enhanced interrogation techniques” against “fewer than a third.” *The Charlie Rose Show: Interview with Director Michael Hayden*, PBS television broadcast Oct. 22 & 23, 2007; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. E.
 45. The approximately 100 detainees in CIA custody produced nearly 9,000 intelligence reports. *The Charlie Rose Show: Interview with Director Michael Hayden*, PBS television broadcast Oct. 22 & 23, 2007; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. E.
 46. The CIA began videotaping interrogations in its secret detention and interrogation program during 2002, stopped taping later in 2002, and destroyed the tapes in 2005. *Statement to Employees by Director of the Central Intelligence Agency, General Mike Hayden on the Taping of Early Detainee Interrogations*, Dec. 6, 2007; DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. Q.
 47. “The decision to destroy the tapes was made within the CIA itself.” *Statement to Employees by Director of the Central Intelligence Agency, General Mike Hayden on the Taping of Early Detainee Interrogations*, Dec. 6, 2007; DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. Q.
 48. “The tapes were meant chiefly as an additional, internal check on the program in its early stages.” *Statement to Employees by Director of the Central Intelligence Agency, General Mike Hayden on the Taping of Early Detainee Interrogations*, Dec. 6, 2007; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. Q.
 49. The United States captured Ryuduan bin Isomuddin also known as Hambali, in August 2003 in Southeast Asia in a joint operation and placed him in U.S. custody where he was to be interrogated. *Press Gaggle by Scott McClellan and a Senior Administration Official*, Aug. 14, 2003; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. X.

50. The CIA used waterboarding on three detainees: Khalid Sheikh Mohammed, Abu Zubaydah, and Abd al Rahim al Nashiri. *Testimony of Director Michael Hayden Before the Senate Select Committee on Intelligence, Hearing on the Annual Threat Assessment*, Feb. 5, 2008; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. AA.
51. The CIA has not used waterboarding since 2003. *Statement to Employees by Director of the Central Intelligence Agency, General Michael V. Hayden on Lawful Interrogation*, Feb. 13, 2008; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. DDD.
52. Waterboarding was “deemed legal by the Department of Justice when it was used.” *Statement to Employees by Director of the Central Intelligence Agency, General Michael V. Hayden on Lawful Interrogation*, Feb. 13, 2008; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. DDD.
53. The United States mistakenly informed the United Kingdom that the United States had not used any British soil or airspace for rendition flights since September 11, 2001. The CIA discovered in late 2007 that twice in 2002, a U.S. plane with a detainee aboard refueled in Diego Garcia, a British territory, for renditions. One of these detainees was ultimately sent to Guantánamo Bay for detention and the other was returned to his home country. *Director’s Statement on the Past Use of Diego Garcia*, Feb. 21, 2008; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. EE.
54. The CIA did not have a holding facility on Diego Garcia. *Director’s Statement on the Past Use of Diego Garcia*, Feb. 21, 2008; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. EE.
55. Waterboarding is “not included in the current program” and in the view of the Director of the CIA, his lawyers and the DOJ, “it is not certain that the technique would be considered lawful under current statute.” *Statement to Employees by Director of the Central Intelligence Agency, General Michael V. Hayden on Lawful Interrogation*, Feb. 13, 2008; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. DDD.
56. The DOJ authorized the CIA’s use of specific interrogation techniques and there is a process in place to review the legality of any technique proposed for the CIA’s future use. *Statement to Employees by Director of the Central Intelligence Agency, General Michael V. Hayden on Lawful Interrogation*, Feb. 13, 2008; Second DiMaio Decl. ¶ 22; Satterthwaite Decl. Ex. DDD.