

# Exhibit C

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# Interrogating the Enemy

**The Story of the CIA's Interrogation of Top al-Qa'ida Terrorists**

**(Working Title)**

**By James E. Mitchell, Ph.D.,**

**Architect of the CIA Interrogation Program**

**With Bill Harlow**

1 tion team had been debated and decided before I arrived at CIA Headquarters that af-  
2 ternoon, it was new information to me. I had left my home outside Fort Bragg, North  
3 Carolina a couple of days before, expecting to be gone overnight. The only clothes I had  
4 with me was the suit I was wearing and the jeans and polo shirt I had worn driving up.  
5 Now I was being asked to leave the country for who knows where or how long with a  
6 crumpled suit, one change of clothes and a pair of operationally worthless dress shoes.  
7 To complicate matters, my contract with the CIA did not cover what they were asking  
8 me to do. Both had to be remedied that night before departure.

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10 The early evening was spent negotiating a new contract. Because of time constraints, it  
11 was written in ball point pen on the front side of a single sheet of yellow legal paper. Af-  
12 ter some back and forth with the contracting office to iron out details, I was finally free to  
13 hurriedly scramble through a nearby shopping center in Tyson's Corner to buy a suit-  
14 case, work shoes and a few clothes for the trip.

15  
16 The expectation was that I would be gone for two weeks. I called my wife and told her I  
17 was going on an unexpected trip. My wife was used to me leaving on a moment's no-  
18 tice at all hours of the day and night for unpredictable amounts of time. She took it in  
19 stride. At that time, we had been married 32 years. Over the course of that, I had been  
20 on a bomb squad and often called away to work emergencies involving explosive devic-  
21 es or dropped into aircraft crashes to disarm dangerous missiles and bombs in the re-  
22 mote Alaskan wilderness. I had been on a hostage negotiations team and called out to  
23 work barricaded gunmen and attempted suicides. As a psychologist, I had worked acute

1 tion. CIA analysts contrasted the information gotten from Abu Zubaydah with threat up-  
2 dates from elsewhere, emphasizing credible intelligence suggesting another wave of  
3 catastrophic attacks was imminent.

4

5 It was clear to me from discussions I had been part of and from comments I'd overheard  
6 that CIA officers and agency lawyers had been thinking for some months about getting  
7 rough, if necessary, to stop future attacks. The lawyers said the President, using his  
8 constitutional authority, directed that al-Qa'ida operatives be treated as unlawful com-

9 batants rather than Prisoners of War (POWs)—a designation that, at the time, meant, al-

10 Qa'ida terrorists did not qualify for the protections of the Third Geneva Convention. I

11 understood that because of this they were considering using coercive physical pressure  
12 on high value detainees withholding information if they were convinced the detainee had  
13 information which could save lives. Officers were repeatedly being asked to “think out-  
14 side the box.” I had been asked to do that myself, several times, in fact.

15

16 In the climate of fear after 9/11 and with near certainty by intelligence experts that fol-  
17 low-on terror attacks by radical jihadists were imminent, CIA officers were encouraged  
18 by political leaders to do everything and anything that was legal, to take it right up to the  
19 line of what was lawful, if necessary, to get actionable intelligence. I realized as I sat  
20 and listened that CIA officers were going to use physical coercion to interrogate Abu  
21 Zubaydah, it was just a question of which techniques they decided to use.

22

1 after waterboarding they didn't believe they could protect secrets anymore. I told Jose  
2 about waterboarding at a meeting the next day.

3

4 A day or so later Rodriguez asked me if I would help put together an interrogation pro-  
5 gram using EITs. I told him I would, thinking I would remain in the role I had occupied  
6 during the first few months, pointing out resistance techniques employed by the detain-  
7 ees and advising on the psychological aspects of interrogation. But that's not what he  
8 had in mind. Jose not only wanted me to help them craft the program, he wanted me to  
9 conduct the interrogations using EITs myself.

10

11 I was surprised. And reluctant. I knew that if I agreed, my life as I knew it would be over.  
12 I would never again be able to work as a psychologist. Hesitantly I said, "I can help you  
13 find somebody..." But then one of Jose's colleagues cut me off saying, "Knowing all you  
14 know about the threat, if you're not willing to help, how can we ask someone else?"

15

16 My mind flashed to the victims of 9/11—to the "falling man" who chose to dive headfirst  
17 off the Twin Towers rather than burn to death and to the passengers of United Flight 83  
18 who bravely sacrificed their lives to save the lives of other Americans. I thought, if they  
19 can sacrifice their lives, I can do this. I didn't want to, but I would ...

20

21 So I agreed. "But," I said, "I can't do it by myself. I need someone more familiar with the  
22 techniques than I am." Rodriguez said, "Who do you need?" I said, "Bruce Jessen." He  
23 was onboard by the end of the next week.

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Back in my room that night I had trouble sleeping. The magnitude of what I had agreed to do for Rodriquez was gnawing on me. Now in the stillness of my hotel room with nothing to distract me, two things were pulling at the edge of my thoughts, keeping me awake: Could I do it and should I do it?

Could I do it? I ran a mental check list of experiences that prepared me to do what they were asking, and concluded I could, especially with Bruce's help.

Rodriquez wasn't asking me to do law enforcement interrogations. They had already tried that and it wasn't working. And I knew they were going to have a CIA law enforcement interrogation expert deployed with us. By this time, I'd watched him and the two FBI agents conduct hundreds of interrogations.

I also knew that they were going to get rough with Abu Zubaydah whether I helped or not.

No, the question was about my qualifications to put together a psychologically based interrogation program that would condition Abu Zubaydah to cooperate and then interrogate him using it. I knew it would need to be based on what is called "Pavlovian Classical Conditioning" (more on this later) and I was very familiar with it because my early training was as a behavioral psychologist. I used Pavlovian conditioning many, many

1 times to help people overcome fear and anxiety. I thought about how to use it for what  
2 Rodriquez was asking me to do.

3

4 And then I ran through a mental check list of other things that prepared me for this as-  
5 signment. At that time, I'd had 13 years-experience with resistance to interrogation train-  
6 ing, but that wasn't all.

7

8 I had undergone both basic and advanced resistance to interrogation training myself. I  
9 had experienced all of the enhanced measures I eventually recommended, except for  
10 waterboarding, (I experienced that before we waterboarded Abu Zubaydah.) Also I had  
11 been taught to use enhanced measures and had applied them in training situations.

12

13 In the 13 years I'd worked with resistance to interrogation training I had over 14,000  
14 hours of direct experience providing and directing psychological monitoring of interroga-  
15 tion laboratory exercises employing enhanced measures. The emotional responses of  
16 both instructors and students during these exercises could be unpredictable.

17

18 I had observed hundreds of survival instructors and DOD interrogators apply enhanced  
19 measures. My job was to note what went wrong, what caused these problems, and what  
20 could be done to prevent similar issues in the future. A big component of that was to  
21 monitor and directly intervene to prevent escalating abusive drift in the brutality of en-  
22 hanced measures that could lead to increased risk of lasting mental or physical harm  
23 among students.

1 who are actively withholding information that could disrupt a potentially catastrophic at-  
2 tack was justified as long as those methods are lawful, authorized and carefully moni-  
3 tored. I dismissed the notion, later put forward by some, that it was somehow unfair or  
4 unethical to put the lives of thousands of innocent Americans ahead of the interests of a  
5 handful of Islamic terrorists who had not only made the personal decision to attack us  
6 and continue to try to mount terror attacks, but continued to deliberately withhold infor-  
7 mation that could stop attacks and save lives. No, instead, I concluded that it would be  
8 immoral and unethical to ignore my obligation to use what I know to defend our citizens  
9 and our way of life against enemies who themselves initiated the conflict and whose  
10 stated goal was to destroy us.

11

12 So in the end I decided I should do it. This wouldn't be the last time I had to examine the  
13 ethics and morality of what I was being asked to do.

14

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15 Less than a week later after CTC had decided to move ahead with efforts to incorporate  
16 SERE interrogation techniques in to the CIA's interrogation program, Jose asked me to  
17 accompany him to go see CIA Director, George Tenet. That meeting took place some-  
18 time in the early evening in Tenet's wood-paneled office on the seventh floor of Agency  
19 headquarters. John Rizzo, the CIA's chief legal advisor, was also there. Rodriguez in-  
20 troduced me and said that I was the person who had agreed to help them put together  
21 the CIA's interrogation program. Tenet and Rizzo greeted me graciously and we shook  
22 hands. Then we all sat down around a coffee table located in the front section of the Di-



1 Ever since he had been moved from the hospital to the Black Site, physicians had Abu  
2 Zubaydah on a diet of mostly red beans and rice. Medical personnel wanted 10 hours to  
3 pass after a meal before he was waterboarded. They also required us to waterboard  
4 him on a full sized hospital gurney, one of the wheeled ones used in surgery suites and  
5 emergency rooms. They reasoned that in case of medical emergency, he would already  
6 be on a gurney for treatment. It was awkward, but the gurney could be reclined to a 45  
7 degree angle. The guards had practiced lifting the head end of the gurney with a volun-  
8 teer roughly Abu Zubaydah's size strapped to it to ensure that Abu Zubaydah's head  
9 could be quickly and safely raised to a vertical position to clear his sinuses after longer  
10 pours. It was doable, but it took a lot of people. One guard timed how long the water  
11 was poured and counted off the seconds with his fingers. Other guards were positioned  
12 at various spots around the gurney for lifting and security.

13

14 Bruce poured the water out of a one-liter plastic bottle and I controlled the duration of  
15 the pours by standing at the top by Abu Zubaydah's head, raising and lowering a black  
16 cloth to cover his face. When I lowered the cloth, Bruce was to pour. I would watch the  
17 guard count out the seconds. When I raised the cloth, Bruce was to immediately stop.  
18 The legal guidance said we could pour water between 20 to 40 seconds, allow the per-  
19 son to breathe unimpeded for 3 or 4 breaths and then lower the cloth and pour water  
20 another 20 to 40 seconds, and so on, for 20 minutes. That would have been one water-  
21 boarding session with multiple applications or pours of water.

22

1 But it quickly became apparent that 20 seconds was too long for the shortest pour. Dur-  
2 ing one of the longer pours, Abu Zubaydah seemed slow to expel the water out of his  
3 sinuses. After the guards raised Abu Zubaydah to a vertical position, I waited a couple  
4 of heartbeats and then pressed on his chest and he immediately cleared. Shortly after  
5 that, to our surprise, even though more than the recommended 10 hours had passed  
6 since his last meal, Abu Zubaydah threw up undigested beans and rice (This prompted  
7 medical personnel to switch him to a diet of Ensure). As practiced, the guards immedi-  
8 ately raised the gurney so Abu Zubaydah wouldn't breathe in any thrown up food.

9

10 It was an ugly sight. Abu Zubaydah had beans and rice stuck to his face and in his  
11 chest hair. Because the fluid around his lips was kind of thick, it bubbled as he  
12 breathed in and out. We wiped it off with a hood and waited what seemed like a long  
13 time to see if medical personnel were going to intervene. When they didn't (although  
14 one stuck his head in the door for a confirming glance) and we were sure Abu  
15 Zubaydah was breathing ok, we did one or two more short pours so that Abu Zubaydah  
16 didn't get the idea that a dramatic display would stop procedures. Then we took him off  
17 the waterboard.

18

19 I decided, on the spot, to shorten the pours. It seemed to me that most of the pours  
20 should not be longer than 3 to 10 seconds, with no more than 2 pours lasting twenty  
21 seconds and only 1 pour lasting forty seconds. I didn't think it was safe to take full ad-  
22 vantage of the length of time Justice Department guidance would have allowed us to  
23 pour water on the cloth or to use as much water as permitted. I reasoned that if the Jus-

1 tice Department approved a pour of 20 seconds, they should not object to ones much  
2 shorter than that. When I had the chance, I checked with a CTC attorney and he  
3 agreed.

4

5 Critics of the program assert that there was some evil motive behind my shortening the  
6 length of time water was poured on the cloth. They assume the end result somehow  
7 made the experience rougher on the detainees we waterboarded. But that is not the  
8 case. We did not exceed the total number of pours the OLC guidance would have al-  
9 lowed. In addition, by shorting the pours, we actually allowed the detainees to breath  
10 move often and used less water than the OLC required.

11

12 It has often been alleged that we waterboarded Abu Zubaydah 83 times. This is non-  
13 sense. The 83 represents the number of times Bruce tipped his bottle and poured water.  
14 Abu Zubaydah later told the ICRC that he was waterboarded five times. That is closer  
15 to the correct number of times he was strapped to the gurney and subjected to the  
16 technique.

17

18 During the water boarding session we told Abu Zubaydah that we wanted information to  
19 stop operations inside the United States. We wanted to know what the plots were, when  
20 they were going to happen, who was involved, and where the attacks were going to oc-  
21 cur. We said he could immediately stop what was happening to him if he showed us he  
22 was willing to provide information that could help locate the people involved.

23

1 After he observed Abu Zubaydah being waterboarded, the COS set up a video confer-  
2 ence with the leadership at CTC so we could discuss the issue. Those of us at the Black  
3 Site thought that those at headquarters didn't have a good idea of what waterboarding  
4 was really like. They talked about it like it was some kind of sterile, impersonal proce-  
5 dure. So to prepare for the conference call, the criminal investigator at the site spliced  
6 together a video of what a typical waterboarding session looked like and then added in  
7 multiple scenes of Abu Zubaydah clearing water from his sinuses taken from several  
8 different sessions.

9  
10 Jose Rodriguez chaired the video conference. My take was that he was trying to be an  
11 honest arbitrator of the issue. He seemed focused on preventing another attack inside  
12 the United States, and wanted to do it in the most straightforward way possible. He was  
13 being assailed by advocates on both side of the argument, but seemed objective and  
14 not locked in on any one approach. We showed the video tape and voiced our opinion  
15 that we didn't need to continue using EITs, especially waterboarding. Not surprisingly  
16 some in the room with Rodriguez objected. One or two, objected vigorously. They in-  
17 sisted we continue waterboarding Abu Zubaydah for at least 30 days. That's when it  
18 dawned on me that my answer months before to Jose Rodriguez's question about how  
19 long it would take for me to believe a person subjected to EITs "either didn't have the  
20 information or was going to take it to the grave with them" had come back to haunt us. I  
21 pointed out that comment was made before waterboarding was incorporated into the list  
22 of potential EITs and didn't apply anymore. Bruce and I told them we would not continue  
23 routinely waterboarding Abu Zubaydah. We asked them to send their "most skeptical"

1 Later, while the subject matter expert and I were standing in the makeshift interrogation  
2 room discussing the report she was going to write back to headquarters that evening,  
3 Bruce told me another detainee with an amazing resistance posture was being ques-  
4 tioned in a nearby room. Bruce said the detainee was refusing to acknowledge who he  
5 was despite being confronted with a driver's license bearing his photograph—a license  
6 the detainee had on him when captured. Bruce said, the detainee was highly skilled at  
7 resisting interrogation and tough. He steadfastly refused to give up any information  
8 while still maintaining a polite and apparently cooperative demeanor. Bruce said the de-  
9 tainee was so good, he might have been resistance trained.

10

11 As I was leaving the shed, I stopped by the room where the detainee was being interro-  
12 gated. He was sitting on the floor with his back against the plywood wall, his wrists and  
13 ankles raw and bloody underneath handcuffs and shackles. He looked bad. Not sick, so  
14 much, as just "not right."

15

16 "How are you?" I asked.

17

18 "Very well. Thank You," he said in perfect English. "And you?"

19

20 "I'm fine. Is there anything I can do for you? Anything I can get you...or bring you?"

21

22 "No, thank you. I'm fine." He said it as casually as if we were acquaintances who hap-  
23 pened to bump into each other in the parking lot of a coffee shop.

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The CIA officer handed me the license with the detainee’s photo and said. “He says this isn’t him. He’s been insisting on that for days.”

I wasn’t there to interrogate the detainee, but I took the license, looked at the photo, and showed it to him. Pointing to his picture I asked, “This isn’t you?”

“No,” he said. “That’s not me. He looks like me, but I don’t know who he is.”

“It sure looks like you,” I said, tilting my head to one side. “And you had it on you. Kind of suspicious, don’t you think?”

“I know, it seems odd. I can’t explain it, but it’s not me. I don’t know where they got that,” he said, his voice calm and pleasant.

I didn’t want to get into a prolonged exchange with the detainee, I just wanted to see firsthand his resistance posture, so I handed the license back and asked if I could speak to the CIA officer questioning him outside of the cell.

I was wondering why, if the agency was sure of the detainee’s true identity, the focus was on getting him to admit who he was? My resistance training background told me that focusing on getting him to confess his identity provided the detainee with the opportunity to protect information that was more important. The focus gave him a chance to

1 guarded secret about Abu Ahmed couriating messages between bin Ladin in hiding and  
2 al-Qa'ida operational leaders in other parts of the Middle East. He said that KSM had  
3 told him that Abu Ahmed delivered letters for Bin Ladin. When confronted, an otherwise  
4 cooperating KSM denied telling Ammar that. When Ammar was asked again, however,  
5 he insisted KSM had told him about the courier and said that KSM was lying when he  
6 denied it. Both were questioned many times about this.

7

8 I was not involved in Ammar al-Baluchi's enhanced interrogations, but Bruce was. Am-  
9 mar was already answering questions when I sat in my first debriefing with him. The  
10 rough stuff was over and we were using standard social influence techniques to get him  
11 to participate in debriefings with subject matter experts. He had already fingered Abu  
12 Ahmed as the courier by the time I arrived, and my part in his ongoing debriefings was  
13 to sit in and help debriefers elicit his cooperation as he responded to follow-up ques-  
14 tions about the courier and requests for other sorts of information.

15

16 Another terrorist, Hassan Gul provided additional insights that were vital to identifying  
17 Abu Ahmed as Bin Ladin's courier. Before enhanced interrogations, Gul said that Abu  
18 Ahmed was someone, one of three people, who *might* have looked after Bin Ladin's  
19 needs and possibly passed messages from Bin Ladin to the man who took over for  
20 KSM as al-Qa'ida's Chief of External Operations, Abu Faraj al-Libi.

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## CHAPTER 10 – THE WHEELS COME OFF

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It was in late 2003 when KSM told me that eventually the United States would “present its neck for slaughter.” Little did I know that KSM’s predictions would come true so soon.

April 28, 2004. I was at home, between trips, just back from 41 days out of the country, when the Abu Ghraib photographs slammed into America’s consciousness and set in motion a cascading series of events that would eventually cause the wheels to completely come off the CIA’s interrogation program.

The photos were awful. Naked prisoners piled on top of each other with grinning U.S. military police in the back ground making a thumbs-up gesture. A soldier sitting on a detainee pressed between two stretchers. Naked prisoners led around on leashes. And some poor prisoner standing on a box, hooded, draped in a black blanket, arms out like he had been crucified, with electric wires attached to his fingers.

My heart sunk as soon as I saw them. I understood what had happened. I had studied the psychological mechanisms that lead to that sort of abusive drift, even so I was surprised and dismayed to see it. I was also angry.

Not only was it morally wrong to treat detainees this way, I knew the CIA’s interrogation program would take a hit because of the stupid and self-indulgent criminal activities of a few bored and poorly supervised Military Police officers.



1 In September 6, 2006, President Bush publicly acknowledged the existence of the CIA's  
2 detention and interrogation program (which for some time had been one of the world's  
3 worst kept secrets). The President announced that all the existing CIA detainees had  
4 been moved into military custody at GTMO. As a result, the CIA lost the ability to tap  
5 into their al-Qa'ida knowledge base. KSM University was closed for good. I understood  
6 and appreciated that it was important that high-value detainees, especially KSM, even-  
7 tually be tried for their crimes. Americans had a right to justice. But, I knew we would  
8 miss being able to rely on their collective understanding of al-Qa'ida terror networks,  
9 their knowledge of key players moving into al-Qa'ida leadership roles, and their capacity  
10 to help us make sense out of coded or obscure messages.

11  
12 During the last stand down, while we were waiting for Congress to act, interrogators  
13 were asked to provide a bare bones list of EITs that CIA could submit to the DOJ for re-  
14 view and be used to seek congressional support. All the interrogators converged on  
15 Langley and spend several days putting together recommendations. Almost unanimous-  
16 ly we all agreed that only two EITs were required for the conditioning process: walling  
17 and sleep deprivation. The others, while occasionally useful, were not critical. And  
18 some, like nudity, slaps, facial holds, dietary manipulation, and cramped confinement,  
19 Bruce and I now believed were completely unnecessary.

20  
21 We briefed our recommendations to the mid-level CIA officers who were working the  
22 issue for CIA leadership. We told them we only needed walling and sleep deprivation.