

Exhibit 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

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

CHAPTER 2 – GETTING ROUGH

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Abu Zubaydah simply wasn't talking. Before he shut down completely after Soufan called him a motherfucker and the failed effort on the part of the FBI to pitch him, Abu Zubaydah would at least engage with the interrogators. True, he employed a variety of resistance techniques to protect the things he wanted to keep secret: he hedged, feigned forgetfulness, answered questions with questions, glossed over critical facts, and provided superficial details while trying to sidestep the specifics that would make the information actionable. But by engaging, Abu Zubaydah occasionally revealed a piece of information that CIA analysts and targeters could combine with other intelligence to make actionable. But, after the run-in with Soufan, he completely disengaged. The FBI's efforts to bribe him into cooperating made matters worse.

CIA targeters and analysts were sure he had information he was holding back that could save lives. I was asked by Jose Rodriguez, who by that time had been elevated to Chief of CTC, to accompany other senior members of the interrogation team back to the U.S. to attend a meeting at Langley. The agenda was to discuss Abu Zubaydah's interrogation thus far and what could be done to get him not only talking again but providing more full and complete answers than he had provided before.

The meeting started with physicians providing a medical update. The discussion then went around the room, as the senior operations officer who served as COB at the Black Site, analysts, targeters, and an Agency criminal investigator all provided their assessment of the successes and failures of the first few months of Abu Zubaydah's interroga-

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 Eventually it was my turn to make comments and answer questions. Jose asked me to
2 discuss some of the resistance to interrogation ploys I'd seen Abu Zubaydah use. I dis-
3 cussed those mentioned in the first paragraph of this chapter, and emphasized his suc-
4 cess at turning the interrogators against one another. It's called "splitting" in psychology.
5 It is similar to how crafty teenagers play parents against each other.

6

7 Abu Zubaydah was manipulating each interrogator to falsely believe he that had a spe-
8 cial relationship with the terrorist and that he would finally deliver the motherlode if the
9 interrogator he was targeting at the moment could just cut the others out of the picture.

10

11 I believe it was especially effective on Soufan who made several pitches early on to be
12 the primary interrogator questioning Abu Zubaydah. He told me and the operational
13 psychologist who replaced the first one, "There is only one interrogator you need to
14 question Abu Zubaydah. It is Ali Soufan, Ali Soufan, Ali Soufan." Meanwhile Abu
15 Zubaydah led him on with tidbits implying he was about to deliver the goods, but instead
16 provided information that was vague, superficial, and non-actionable.

17

18 I also outlined the way Abu Zubaydah would distract interrogators by providing hours of
19 details on some terror operative, who—when interrogators asked where Abu Zubaydah
20 thought he might be—would turn out to be long dead, killed fighting during the jihad
21 against the Soviets in Afghanistan decades before. He did the same thing with terror
22 plots. He would spend hours going into detail, only to acknowledge the plot was against
23 the Soviets or other targets decades back. He would also willingly provide vague details

1 of past successful plots against U.S. targets of interest and the jihadi brothers killed in
2 them. Not things that would allow CIA officers to stop upcoming attacks, but things that
3 suggested he might have been part of a conspiracy and could be useful during prosecu-
4 tion. Something that would meet Soufan's goals, but not CIA's.

5

6 Since I was certain CIA intended to use physical coercion, I suggested that if they were
7 going to go down that path—if they were going to use coercive measures against Abu
8 Zubaydah—they should consider using a clearly defined set of some of the harsh tech-
9 niques employed by U.S. military SERE schools. I knew these techniques had been
10 used for over five decades, without significant injuries, to train war-fighters to protect
11 secrets. I had been subjected to them myself, I had used them to train others, and I had
12 researched the injury rates associated with them when I help the Air Force Survival
13 School revise their approach to resistance training following the first Gulf War.

14

15 As a psychologist with a strong background in emotionally demanding resistance to in-
16 terrogation training, I knew things could escalate quickly and get out of hand if interroga-
17 tors were allowed to make stuff up on the fly. In my opinion, the techniques CIA used,
18 whatever they were, needed to be carefully controlled and monitored to prevent "abu-
19 sive drift," a term Bruce and I used to describe the tendency for the intensity of physical
20 coercion to escalate in the absence of careful supervision by non-involved observers.
21 That is why I thought it important that whatever was done be clearly laid out and author-
22 ized.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

I think, in retrospect, the troublesome things done by the few officers who did go outside of approved guidelines illustrates how bad it could have been throughout the CIA's interrogation program without a carefully crafted list of techniques approved by the Department of Justice and closely monitored during implementation.

In the highly volatile atmosphere in the months following 9/11, with the ongoing fear of another catastrophic attack looming and the clamor to do anything it took to prevent it, the decision to adopt specific procedures, which became known as "enhanced interrogation techniques" or "EITs," was the right one. Although unpleasant, their use protected detainees from being subjected to unproven and perhaps harsher techniques made up on the fly that could have been much worse.

One false claim subsequently made by my critics and critics of the CIA's interrogation program is that I somehow manipulated the CIA into adopting coercive techniques, to the exclusion of other measures. The claim asserts, that had it not been for me, the CIA would have used traditional rapport-based law enforcement approaches to interrogate detainees rather than coercion.

That is simply not true. CIA officers had been using a rapport-based approach with Abu Zubaydah and it clearly wasn't working.

At the meeting I described some of the SERE techniques that were eventually adopted.

1 Jose asked how long I thought it would take to know whether a detainee exposed to
2 these techniques would be willing to cooperate or would “take his secrets to the grave.”
3 I told him thirty days. In my mind that was the upper limit. I fully expected it would take a
4 lot less time than that for hard-case high-value detainees initially intent on withholding
5 information to begin engaging with interrogators and debriefers in ways that allowed a
6 switch to “social influence” based approaches. Social influence tactics are defined as
7 “non-coercive techniques, devices, procedures and manipulations a person or a group
8 can use to change the thoughts, feelings and actions of another individual or group.”
9

10 In that meeting I described some of the techniques that were in use for SERE training,
11 but the topic of waterboarding had not come up. In fact, I didn’t think of waterboarding
12 until later that night back in my hotel room. I was mulling over the different SERE tech-
13 niques, making a short list of the ones I thought were most effective when it dawned on
14 me that I had left waterboarding, the most effective SERE technique I knew of, off the
15 list I discussed with Rodriguez earlier that day.

16
17 As senior SERE psychologists, Bruce Jessen and I had spent several years trying to get
18 the Navy SERE School to abandon its use of waterboarding, not because it didn’t work
19 but because we thought it was *too* effective. One-hundred percent of the warfighters
20 exposed to it in training capitulated, even if it cost them their jobs. In my view, water-
21 boarding students did the enemy’s job for them. The point of resistance training is to
22 teach students that they can protect secrets. But my personal experience interviewing
23 POWs and warfighters who had been waterboarded at the Navy SERE School is that

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.