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Testimony of

## Ali Soufan

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Mr. Chairman, Committee members, thank you for inviting me to appear before you today. I know that each one of you cares deeply about our nation's security. It was always a comfort to me during the most dangerous of situations that I faced, from going undercover as an al Qaeda operative, to unraveling terrorist cells, to tracking down the killers of the 17 U.S. sailors murdered in the USS Cole bombing, that those of us on the frontline had your support and the backing of the American people. So I thank you.

The issue that I am here to discuss today – interrogation methods used to question terrorists – is not, and should not be, a partisan matter. We all share a commitment to using the best interrogation method possible that serves our national security interests and fits squarely within the framework of our nation's principles.

From my experience – and I speak as someone who has personally interrogated many terrorists and elicited important actionable intelligence– I strongly believe that it is a mistake to use what has become known as the "enhanced interrogation techniques," a position shared by many professional operatives, including the CIA officers who were present at the initial phases of the Abu Zubaydah interrogation.

These techniques, from an operational perspective, are ineffective, slow and unreliable, and as a result harmful to our efforts to defeat al Qaeda. (This is aside from the important additional considerations that they are un-American and harmful to our reputation and cause.)

My interest in speaking about this issue is not to advocate the prosecution of anyone. People were given misinformation, half-truths, and false claims of successes; and reluctant intelligence officers were given instructions and assurances from higher authorities. Examining a past we cannot change is only worthwhile when it helps guide us towards claiming a better future that is yet within our reach.

And my focus is on the future. I wish to do my part to ensure that we never again use these harmful, slow, ineffective, and unreliable techniques instead of the tried, tested, and successful ones – the ones that are also in sync with our values and moral character. Only by doing this will we defeat the terrorists as effectively and quickly as possible.

Most of my professional career has been spent investigating, studying, and interrogating terrorists. I have had the privilege of working alongside, and learning from, some of the most dedicated and talented men and women our nation has– individuals from the FBI, and other law enforcement, military, and intelligence agencies.

In my capacity as a FBI Agent, I investigated and supervised highly sensitive and complex international terrorism cases, including the East Africa bombings, the USS Cole bombing, and the events surrounding the attacks of 9/11. I also coordinated both domestic and international counter-terrorism operations on the Joint Terrorist Task Force, FBI New York Office.

I personally interrogated many terrorists we have in our custody and elsewhere, and gained confessions, identified terror operatives, their funding, details of potential plots, and information on how al Qaeda operates, along with other actionable intelligence. Because of these successes, I was the government's main witness in both of the trials we have had so far in Guantanamo Bay – the trial of Salim Ahmed Hamdan, a driver and bodyguard for Osama Bin Laden, and Ali Hamza Al Bahlul, Bin Laden's propagandist. In addition I am currently helping the prosecution prepare for upcoming trials of other detainees held in Guantanamo Bay.

There are many examples of successful interrogations of terrorists that have taken place before and after 9/11. Many of them are classified, but one that is already public and mirrors the other cases, is the interrogation of al Qaeda terrorist Nasser Ahmad Nasser al-Bahri, known as Abu Jandal. In the immediate aftermath of 9/11, together with my partner Special Agent Robert McFadden, a first-class intelligence operative from the Naval Criminal Investigative Service (NCIS), (which, from my experience, is one of the classiest agencies I encountered in the intelligence community), I interrogated Abu Jandal. Through our interrogation, which was done completely by the book (including advising him of his rights), we obtained a treasure trove of highly significant actionable intelligence. For example, Abu Jandal gave us extensive information on Osama Bin Laden's terror network, structure, leadership, membership, security details, facilities, family, communication methods, travels, training, ammunitions, and weaponry, including a breakdown of what machine guns, rifles, rocket launchers, and anti-tank missiles they used. He also provided explicit details of the 9/11 plot operatives, and identified many terrorists who we later successfully apprehended.

The information was important for the preparation of the war in Afghanistan in 2001. It also provided an important background to the 9/11 Commission report; it provided a foundation for the trials so far held in Guantanamo Bay; and it also has been invaluable in helping to capture and identify top al Qaeda operatives and thus disrupt plots.

The approach used in these successful interrogations can be called the Informed Interrogation Approach. Until the introduction of the "enhanced" technique, it was the sole approach used by our military, intelligence, and law enforcement community.

It is an approach rooted in experiences and lessons learned during World War II and from our Counter-insurgency experience in Vietnam – experiences and lessons that generated the Army Field Manual. This was then refined over the decades to include how to interrogate terrorism suspects specifically, as experience was gained from interrogations following the first World Trade Center bombing, the East Africa Embassy bombings, and the USS Cole bombing. To sum up, it is an approach derived from the cumulative experiences, wisdom, and successes of the most effective operational people our country has produced. Before I joined the Bureau, for example, traditional investigative strategies along with intelligence derived from human sources successfully thwarted the 1993 New York City Landmark Bomb Plot (TERRSTOP), a plot by the Blind Sheikh Omar Abdel-Rahman, to attack the UN Headquarters, the FBI's New York office, and tunnels and bridges across New York City, -- as a follow-up to the 1993 World Trade Center bombings. That remains to this day the largest thwarted attack on our homeland. I had the privilege of working with, and learning from, those who conducted this successful operation.

The Informed Interrogation Approach is based on leveraging our knowledge of the detainee's culture and mindset, together with using information we already know about him.

The interrogator knows that there are three primary points of influence on the detainee:

First, there is the fear that the detainee feels as a result of his capture and isolation from his support base. People crave human contact, and this is especially true in some cultures more than others. The interrogator turns this knowledge into an advantage by becoming the one person the detainee can talk to and who listens to what he has to say, and uses this to encourage the detainee to open up.

In addition, acting in a non-threatening way isn't how the detainee is trained to expect a U.S. interrogator to act. This adds to the detainee's confusion and makes him more likely to cooperate.

Second, and connected, there is the need the detainee feels to sustain a position of respect and value to interrogator. As the interrogator is the one person speaking to and listening to the detainee, a relationship is built – and the detainee doesn't want to jeopardize it. The interrogator capitalizes on this and compels the detainee to give up more information.

And third, there is the impression the detainee has of the evidence against him. The interrogator has to do his or her homework and become an expert in every detail known to the intelligence community about the detainee. The interrogator then uses that knowledge to impress upon the detainee that everything about him is known and that any lie will be easily caught.

For example, in my first interrogation of the terrorist Abu Zubaydah, who had strong links to al Qaeda's leaders and who knew the details of the 9/11 plot before it happened, I asked him his name. He replied with his alias. I then asked him, "how about if I call you Hani?" That was the name his mother nicknamed him as a child. He looked at me in shock, said "ok," and we started talking.

The Army Field Manual is not about being nice or soft. It is a knowledge-based approach. It is about outwitting the detainee by using a combination of interpersonal, cognitive, and emotional strategies to get the information needed. If done correctly it's an approach that works quickly and effectively because it outwits the detainee using a method that he is not trained, or able, to resist.

This Informed Interrogation Approach is in sharp contrast with the harsh interrogation approach introduced

by outside contractors and forced upon CIA officials to use.

The harsh technique method doesn't use the knowledge we have of the detainee's history, mindset, vulnerabilities, or culture, and instead tries to subjugate the detainee into submission through humiliation and cruelty. The approach applies a force continuum, each time using harsher and harsher techniques until the detainee submits.

The idea behind the technique is to force the detainee to see the interrogator as the master who controls his pain. It is an exercise in trying to gain compliance rather than eliciting cooperation. A theoretical application of this technique is a situation where the detainee is stripped naked and told: "Tell us what you know."

If the detainee doesn't immediately respond by giving information, for example he asks: "what do you want to know?" the interviewer will reply: "you know," and walk out of the interrogation room. Then the next step on the force continuum is introduced, for example sleep deprivation, and the process will continue until the detainee's will is broken and he automatically gives up all information he is presumed to know. There are many problems with this technique.

A major problem is that it is ineffective. Al Qaeda terrorists are trained to resist torture. As shocking as these techniques are to us, the al Qaeda training prepares them for much worse – the torture they would expect to receive if caught by dictatorships for example.

This is why, as we see from the recently released Department of Justice memos on interrogation, the contractors had to keep getting authorization to use harsher and harsher methods, until they reached waterboarding and then there was nothing they could do but use that technique again and again. Abu Zubaydah had to be waterboarded 83 times and Khalid Shaikh Mohammed 183 times. In a democracy there is a glass ceiling of harsh techniques the interrogator cannot breach, and a detainee can eventually call the interrogator's bluff.

In addition the harsh techniques only serves to reinforce what the detainee has been prepared to expect if captured. This gives him a greater sense of control and predictability about his experience, and strengthens his will to resist.

A second major problem with this technique is that evidence gained from it is unreliable. There is no way to know whether the detainee is being truthful, or just speaking to either mitigate his discomfort or to deliberately provide false information. As the interrogator isn't an expert on the detainee or the subject matter, nor has he spent time going over the details of the case, the interrogator cannot easily know if the detainee is telling the truth. This unfortunately has happened and we have had problems ranging from agents chasing false leads to the disastrous case of Ibn Sheikh al-Libby who gave false information on Iraq, al Qaeda, and WMD.

A third major problem with this technique is that it is slow. It takes place over a long period of time, for example preventing the detainee from sleeping for 180 hours as the memos detail, or waterboarding 183 times in the case of KSM. When we have an alleged "ticking timebomb" scenario and need to get information quickly, we can't afford to wait that long.

A fourth problem with this technique is that ignores the end game. In our country we have due process, which requires evidence to be collected in a certain way. The CIA, because of the sensitivity of its operations, by necessity, operates secretly. These two factors mean that by putting the CIA in charge of interrogations, either secrecy is sacrificed for justice and the CIA's operations are hampered, or justice is not served. Neither is a desirable outcome.

Another disastrous consequence of the use of the harsh techniques was that it reintroduced the "Chinese Wall" between the CIA and FBI – similar to the wall that prevented us from working together to stop 9/11. In addition, the FBI and the CIA officers on the ground during the Abu Zubaydah interrogation were working together closely and effectively, until the contractors' interferences. Because we in the FBI would not be a part of the harsh techniques, the agents who knew the most about the terrorists could have no part in the investigation. An FBI colleague of mine, for example, who had tracked KSM and knew more about him than anyone in the government, was not allowed to speak to him.

Furthermore, the CIA specializes in collecting, analyzing, and interpreting intelligence. The FBI, on the other hand, has a trained investigative branch. Until that point, we were complimenting each other's expertise, until the imposition of the "enhanced methods." As a result people ended doing what they were not trained to do.

It is also important to realize that those behind this technique are outside contractors with no expertise in intelligence operations, investigations, terrorism, or al Qaeda. Nor did the contractors have any experience in the art of interview and interrogation. One of the contractors told me this at the time, and this lack of experience has also now been recently reported on by sources familiar with their backgrounds.

The case of the terrorist Abu Zubaydah is a good example of where the success of the Informed Interrogation Approach can be contrasted with the failure of the harsh technique approach. I have to restrict my remarks to what has been unclassified. (I will note that there is documented evidence supporting everything I will tell you today.)

Immediately after Abu Zubaydah was captured, a fellow FBI agent and I were flown to meet him at an undisclosed location. We were both very familiar with Abu Zubaydah and have successfully interrogated al-Qaeda terrorists. We started interrogating him, supported by CIA officials who were stationed at the location, and within the first hour of the interrogation, using the Informed Interrogation Approach, we gained important actionable intelligence.

The information was so important that, as I later learned from open sources, it went to CIA Director George Tennenet who was so impressed that he initially ordered us to be congratulated. That was apparently quickly withdrawn as soon as Mr. Tennenet was told that it was FBI agents, who were responsible. He then immediately ordered a CIA CTC interrogation team to leave DC and head to the location to take over from us.

During his capture Abu Zubaydah had been injured. After seeing the extent of his injuries, the CIA medical team supporting us decided they were not equipped to treat him and we had to take him to a hospital or he would die. At the hospital, we continued our questioning as much as possible, while taking into account his medical condition and the need to know all information he might have on existing threats.

We were once again very successful and elicited information regarding the role of KSM as the mastermind of the 9/11 attacks, and lots of other information that remains classified. (It is important to remember that before this we had no idea of KSM's role in 9/11 or his importance in the al Qaeda leadership structure.) All this happened before the CTC team arrived.

A few days after we started questioning Abu Zubaydah, the CTC interrogation team finally arrived from DC with a contractor who was instructing them on how they should conduct the interrogations, and we were removed. Immediately, on the instructions of the contractor, harsh techniques were introduced, starting with nudity. (The harsher techniques mentioned in the memos were not introduced or even discussed at this point.)

The new techniques did not produce results as Abu Zubaydah shut down and stopped talking. At that time nudity and low-level sleep deprivation (between 24 and 48 hours) was being used. After a few days of getting no information, and after repeated inquiries from DC asking why all of sudden no information was being transmitted (when before there had been a steady stream), we again were given control of the interrogation.

We then returned to using the Informed Interrogation Approach. Within a few hours, Abu Zubaydah again started talking and gave us important actionable intelligence.

This included the details of Jose Padilla, the so-called "dirty bomber." To remind you of how important this information was viewed at the time, the then-Attorney General, John Ashcroft, held a press conference from Moscow to discuss the news. Other important actionable intelligence was also gained that remains classified.

After a few days, the contractor attempted to once again try his untested theory and he started to re-implementing the harsh techniques. He moved this time further along the force continuum, introducing loud noise and then temperature manipulation.

Throughout this time, my fellow FBI agent and I, along with a top CIA interrogator who was working with us, protested, but we were overruled. I should also note that another colleague, an operational psychologist for the CIA, had left the location because he objected to what was being done.

Again, however, the technique wasn't working and Abu Zubaydah wasn't revealing any information, so we were once again brought back in to interrogate him. We found it harder to reengage him this time, because of how the techniques had affected him, but eventually, we succeeded, and he re-engaged again.

Once again the contractor insisted on stepping up the notches of his experiment, and this time he requested the authorization to place Abu Zubaydah in a confinement box, as the next stage in the force continuum. While everything I saw to this point were nowhere near the severity later listed in the memos, the evolution of the contractor's theory, along with what I had seen till then, struck me as "borderline torture."

As the Department of Justice IG report released last year states, I protested to my superiors in the FBI and refused to be a part of what was happening. The Director of the FBI, Robert Mueller, a man I deeply respect, agreed passing the message that "we don't do that," and I was pulled out.

As you can see from this timeline, many of the claims made in the memos about the success of the enhanced techniques are inaccurate. For example, it is untrue to claim Abu Zubaydah wasn't cooperating before August 1, 2002. The truth is that we got actionable intelligence from him in the first hour of interrogating him.

In addition, simply by putting together dates cited in the memos with claims made, falsehoods are obvious. For example, it has been claimed that waterboarding got Abu Zubaydah to give up information leading to the capture of Jose Padilla. But that doesn't add up: Waterboarding wasn't approved until 1 August 2002 (verbally it was authorized around mid July 2002), and Padilla was arrested in May 2002.

The same goes for KSM's involvement in 9/11: That was discovered in April 2002, while waterboarding was not introduced until almost three months later. It speaks volumes that the quoted instances of harsh interrogation methods being a success are false.

Nor can it be said that the harsh techniques were effective, which is why we had to be called back in repeatedly. As we know from the memos, the techniques that were apparently introduced after I left did not appear to work either, which is why the memos granted authorization for harsher techniques. That continued for several months right till waterboarding was introduced, which had to be used 83 times – an indication that Abu Zubaydah had called the interrogator's bluff knowing the glass ceiling that existed.

Authoritative CIA, FBI, and military sources have also questioned the claims made by the advocates of the techniques. For example, in one of the recently released Justice Department memos, the author, Stephen Bradbury, acknowledged a (still classified) internal CIA Inspector General report that had found it "difficult to determine conclusively whether interrogations have provided information critical to interdicting specific imminent attacks."

In summary, the Informed Interrogation Approach outlined in the Army Field Manual is the most effective, reliable, and speedy approach we have for interrogating terrorists. It is legal and has worked time and again.

It was a mistake to abandon it in favor of harsh interrogation methods that are harmful, shameful, slower, unreliable, ineffective, and play directly into the enemy's handbook. It was a mistake to abandon an approach that was working and naively replace it with an untested method. It was a mistake to abandon an approach that is based on the cumulative wisdom and successful tradition of our military, intelligence, and law enforcement community, in favor of techniques advocated by contractors with no relevant experience.

The mistake was so costly precisely because the situation was, and remains, too risky to allow someone to experiment with amateurish, Hollywood style interrogation methods- that in reality- taints sources, risks outcomes, ignores the end game, and diminishes our moral high ground in a battle that is impossible to win without first capturing the hearts and minds around the world. It was one of the worst and most harmful decisions made in our efforts against al Qaeda.

For the last seven years, it was not easy objecting to these methods when they had powerful backers. I stood up then for the same reason I'm willing to take on critics now, because I took an oath swearing to protect this great nation. I could not stand by quietly while our country's safety was endangered and our moral standing damaged.

I know you are motivated by the same considerations, and I hope you help ensure that these grave mistakes are never made again.

Thank you.