

Testimony of

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"Coercive Interrogation Techniques: Do They Work, Are They Reliable, and What did the FBI Know About Them?"

Opening Comments by John E. Cloonan, Retired FBI Special Agent

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Senator Leahy and distinguished members of the Committee. Good morning and thank you for the opportunity to testify about coercive interrogation techniques, their effectiveness, the reliability of the information obtained in this way and the FBI's knowledge of these matters. It is my belief, based on a 27 year career as a Special Agent and interviews with hundreds of subjects in custodial settings, including members of al Qaeda, that the use of coercive interrogation techniques is not effective. The alternative approach, sometimes referred to as "rapport building" is more effective, efficient and reliable. Scientists, psychiatrists, psychologists, law enforcement and intelligence agents, all of whom have studied both approaches, have come to the same conclusion The CIA's own training manual advises its agents that heavy-handed techniques can impair a subject's ability to accurately recall information and, at worst, produce apathy and complete withdrawal.

I have personally used the rapport building approach successfully with al Qaeda members and other terrorists who were detained by US authorities. The information elicited led to numerous indictments, successful prosecutions and actionable intelligence which was then disseminated to the CIA and the NSA and others.. This approach, which the FBI practices, is effective, lawful and consistent with the principles of due process - And in addition to its intelligence gathering potential, it can do nothing but improve our image in the eyes of the world community.

A skilled interrogator, using elicitation techniques and understanding the end game, will serve the public's safety and our national security. The ultimate outcomes might be gathering evidence to support a prosecution or obtaining actionable intelligence to prevent a terrorist attack. I accept the argument that coercion will obtain a certain kind of information. I do not, however, accept the argument that sleep deprivation, sensory deprivation, head slapping, isolation, temperature extremes, stress positions, water boarding and the like will produce accurate information. An interrogation using rapport building obtains more reliable information and changes the relationship between the interrogator and the subject. Once a bond is formed between the two, the latter takes the investigator on a journey of discovery and sheds light on the darkest, most closely held secrets of an organization like al Qaeda. US intelligence and law enforcement agents seldom get the chance to interrogate al Qaeda subject matter experts like Khalid Sheikh Mohammed, Ramzi Bin Al-Shib, Jamal Ahmed Al-Fadel, L'housseine Kertchtou, Ali Abelseoud Mohamed and Ibhn Sheikh Al-Libi and these opportunities are too precious to waste. I am convinced by my experience that the rapport building approach is the way to go in these circumstances.

As the conversion from antagonist to ally takes hold within the process and the recalcitrant subject begins to cooperate, the interrogator assumes the role of caretaker. He or she can then shape the conversation, listen intently for inconsistencies and finally save untold man hours (or woman) chasing after false leads. Critics of rapport building often say that the enemy we face today(the radical Islamist who is ready and willing to die for Allah) requires a more aggressive approach. They frame the debate by injecting the "ticking bomb" scenario. They suggest that there is no time to break bread with these killers. In fact, there are those who believe that the 9/11 attacks occurred because we treated terrorism as a law enforcement issue. This was not the case. In the months before the attacks, the "chatter" suggested that "something big" was imminent, but neither the law enforcement or intelligence community has an agent who knew what al Qaeda intended to do on that fateful day. The rapport building approach used on an al Qaeda might have helped to address this frightening and dangerous reality.

I participated in many interviews with suspected al Qaeda members where actionable, reliable information was obtained. It was used in the successful prosecutions of al Qaeda operatives who murdered American citizens. The

image of former al Qaeda operatives testifying under oath in District Court and repudiating Bin Laden and al Qaeda and its ideology of hate sent a powerful message to citizens of America and the world. Showcasing that message had an immediate impact. It highlighted the fact that Bin Laden and al Qaeda are vulnerable and it effectively answered those who believe in his omnipotence, America's weakness and the hypocrisy of her leaders.

Bin Laden and his advisors often refer to US intelligence and law enforcement agents as "blood" people. They mean simply this: we, according to Bin Laden, use torture to extract information. Bin Laden has theorized that the most loyal al Qaeda sympathizer will break within 72 hours and give up operational information. Therefore, he has kept operational details about impending attacks strictly compartmentalized. In other words, those in the know or with a need to know were limited to a few trusted followers. My experiences and those of my former FBI colleagues would certainly support this conclusion.

The majority of jihadists detained post 9/11 were clueless when it came to al Qaeda's operational plans, and I don't believe many of the detainees posed a direct threat to the US or were confidants of Bin Laden or Ayman Zawahiri. A heavy-handed approach with these detainees was unlikely to generate any useful intelligence, and it served to validate Bin Laden's take on American and our intelligence gathering propensities.

Of course, obtaining reliable information from jihadist foot soldiers in Afghanistan and Iraq is vital to protect our troops, who are in harm's way. But even on the battlefield and under exigent circumstances, rapport building is more effective in gaining information for force protection in my opinion. Enhanced and coercive interrogation techniques are ineffective even under extreme circumstances. I've spoken to a number of FBI agent's who were seconded to Gitmo as interrogator's. In confidence, they told me the vast majority of detainees questioned under these stressful conditions were of little or no value as sources of useful intelligence.

Information is power, and the lack of reliable human intelligence assets, who are capable of telling us what al Qaeda is up to, is the greatest challenge facing US law enforcement and intelligence communities faces. Technological assets, like signals intelligence, targeted wire- tapping and computer exploitation have pre-empted some terrorist attacks, and we are all grateful for that. I submit, however, that the most effective countermeasure to the threat posed by al Qaeda and like-minded groups is and always will be the apostate who chooses to cooperate, and, if your pardon the expression "spills the beans." Gaining the cooperation of an al Qaeda member is a formidable task, but it is not impossible. I've witnessed al Qaeda members, who pledged "bayat" to Bin Laden, cross the threshold and cooperate with the FBI because they were treated humanely, understood what due process was about and were literally seduced by our legal system, as strange as that might sound.

I am reminded of a conversation I had with an aide to Bin Laden. He told me al Qaeda believes in the "sleeping dog" theory. The Sheik is very patient and the brothers will wait for as long as it takes for the dog to nod off before they attack. I believe we cannot relax our vigilance in the hope that Bin Laden will forget. There are 3 questions I would like this committee to ponder. Has the use of coercive interrogation techniques lessened Al Qaeda's thirst for revenge against the US? Have these methods helped to recruit a new generation of jihadist martyrs? Has the use of coercive interrogation produced the reliable information its proponents claim for it? I would suggest that the answers are "no", "yes" and "no". Based on my experience in talking to al Qaeda members, I am persuaded that revenge, in the form of a catastrophic attack on the homeland, is coming, that a new generation of jihadist martyrs, motivated in part by the images from Abu Ghraib, is, as we speak, planning to kill American and that nothing gleaned from the use of coercive interrogation techniques will be of any significant use in the forestalling this calamitous eventuality.

Torture degrades our image abroad and complicates our working relationships with foreign law enforcement and intelligence agencies. If I were the director of marketing for al Qaeda and intent on replenishing the ranks of jihadists. I know what my first piece of marketing collateral would be. It would be a blast e-mail with an attachment. The attachment would contain a picture of Private England (sp) pointing at the stacked, naked bodies of the detainees at Abu Ghraib. The picture screams out for revenge and the day of reckoning will come. The consequences of coercive intelligence gathering will not evaporate with time.

I am hopeful that this committee will use its oversight responsibility judiciously and try to move the debate in the direction of the prohibition of coercive interrogation techniques. This debate is a crucial one, and I know each member of the committee understands that. The decisions you make will have a far-reaching impact on our national

security.

Proponents of the "ticking bomb" scenario seek to forestall discussions on interrogation techniques by ratcheting up the intensity of the debate to "panic mode". There simply is no time to talk with a terrorist who might have information about an impending attack. Lives are at stake, and the clock is ticking, so it just makes sense to do whatever it takes to get the information. Experienced interrogators do not buy this scenario. They know that a committed terrorist caught in this conundrum will seek to throw his interrogator off the track or use it to his propaganda advantage. " Go ahead and kill me, God is great." Neither the "ticking bomb" scenario nor the idea of a torture warrant makes sense to me.

To the best of my recollection, the first time I learned that coercive interrogation techniques were being used on detainees was in November, 2001 at Bagram Air Base in Afghanistan. One case I'm personally aware of involved Ibhbn Sheikh Al-Libi, the emir of an al-Qaeda training camp in Afghanistan. The FBI agents on the scene were prepared to accord Al-Libi the due process rights he might expect as and American citizen. The agents concluded after questioning that he would be a high value and cooperative source of information as well as a potential witness in the trials of Richard Reid and Zacharias Massouai (sic). Before the agents could proceed, a robust debate ensued between the FBI and the CIA. The CIA prevailed , and Al-Libi was rendered to parts unknown, possibly Egypt. I don't know the exact nature of the information his interrogation produced, bit it is common knowledge that he has since recanted all that he said. I feel that a very significant opportunity to utilize the rapport building approach was missed.

Without compromising delicate investigations, I can tell you that the FBI has amassed a considerable amount of reliable information on al Qaeda using rapport building. I won't attempt a full recounting in the interest of brevity, but here are a few salient examples. I personally learned that al Qaeda tried unsuccessfully to obtain fissionable material in 1993 and that they experimented with chemical and biological agents. I also became ware of how they selected targets and conducted surveillance on them. I learned of their intention to use airplanes as weapons before this became a deadly reality. These interrogations also yielded information about al Qaeda's finances, recruiting methods, the location of camps, the links between al-Qaeda and Hezbollah, Bin Laden's security detail and the identities of other al-Qaeda members who were subsequently indicted in absentia and remain on the FBI's most wanted list. I am convinced of the efficacy of rapport building interrogation techniques by these and other experiences. Ladies and gentlemen of the committee, let me say that my heart tells me that torture and all forms of excessive coercion are inhumane and un-American, and my experience tells me that they just don't work.

With that , I conclude my comments and welcome your questions.