

Classified Statement for the Record

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Senate Select Committee on Intelligence

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Director, Central Intelligence Agency

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(U) Thank you Mr. Chairman and members of the Committee.

~~(S//NF)~~ On 14 February 2007, we discussed renditions, one of the key tools the Central Intelligence Agency uses in the Global War on Terror; today, I have come to speak with you in more depth about a related program, our detention of key members and associates of al-Qa'ida. The Committee may remember that I have spoken with you in some detail on the subject of the CIA Rendition, Detention and Interrogation program in September 2006.

~~(S//NF)~~ This Statement for the Record will focus on the detention program authorized by the [redacted] and established in the wake of the March 2002 capture of senior al-Qa'ida lieutenant Abu Zubaydah, expanding on my oral remarks with details about the history of the program, the safeguards we have built into it, the reasons CIA is best placed to manage this high value detainee interrogation and debriefing effort.

~~(S//NF)~~ History of the Detention Program

~~(S//NF)~~ As I mentioned in my 14 February statement on the renditions program, in the wake of the 11 September attacks on this country—which represented the most devastating single assault on our territory in the nation's history—the President directed all agencies of the US Government to work to assure that no such barbaric act could happen again. The

~~(S//NF)~~ it was not until the capture of key al-Qa'ida lieutenant Abu Zubaydah in March 2002 that the need for a CIA program became clear. Abu Zubaydah was an up-and-coming lieutenant of

Usama Bin Ladin (UBL) who had intimate knowledge of al-Qa'ida's current operations, personnel, and plans. Because of the importance of his information to protecting the United States, it was necessary for US officials to interrogate Zubaydah to ensure that: 1) the US Government had timely access to actionable intelligence, 2) all US Government intelligence, homeland security, and law enforcement questions were asked, 3) there was no filter between Zubaydah's information and the US Government.

~~(TS//NF)~~ While FBI and CIA continued unsuccessfully to try to glean information from Abu Zubaydah using established US Government interrogation techniques, all of those involved were mindful that the perpetrators of the 11 September attacks were still at large and, according to available intelligence reportedly, were actively working to attack the US Homeland again. CIA also knew from its intelligence holdings that Abu Zubaydah was withholding information that could help us track down al-Qa'ida leaders and prevent attacks. As a result, CIA began to develop its own interrogation program, keeping in mind at all times that any new interrogation techniques must comply with US law and US international obligations under the 1984 UN Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.

~~(TS//NF)~~ A handful of techniques were developed for potential use; these techniques are effective, safe, and do not violate applicable US laws or treaty obligations. In August 2002, CIA began using these few and lawful interrogation techniques in the interrogation of Abu Zubaydah. As stated by the President in his speech on 6 September 2006, "It became clear that he (Abu Zubaydah) had received training on how to resist interrogation. And so the CIA used an alternative set of procedures...the procedures were tough, and they were safe, and lawful, and necessary."

- Prior to using any new technique on Abu Zubaydah, CIA sought and obtained from the Department of Justice an opinion confirming that none of these new techniques violated US statutes prohibiting torture or US obligations under the UN Convention Against Torture.

- As CIA's efforts to implement these authorities got underway in 2002, 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 fully briefed on the interrogation procedures.
- After the use of these techniques, Abu Zubaydah became one of our most important sources of intelligence on al-Qa'ida.

~~TOP SECRET//~~~~(NF)~~ The Procedures Governing the Interrogation Program~~TOP SECRET//~~

~~(NF)~~ The CIA interrogation program from late 2002 until the passage of the Detainee Treatment Act in 2005 included the use of 13 "exceptional interrogation techniques" (EITs) derived from the Department of Defense's SERE training program, which is used to prepare US servicemen for possible capture, detention, and interrogation in hostile areas.

- All interrogation sessions in which one of these lawful procedures are authorized for use must be observed by non-participants to ensure the procedures are applied appropriately and safely. These observers are authorized to terminate an interrogation immediately should they believe anything unauthorized is occurring.
- Any deviations from approved program procedures and practices are to be immediately reported and immediate corrective action taken, including referral to CIA's Office of the Inspector General and the Department of Justice, as appropriate.

(U) Shortly after 11 September 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:

- Briefings to the chairs, ranking members, and majority and minority staff directors have been provided 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 the *interrogation procedures*.

- The Department of Justice (DOJ) has reviewed procedures proposed by the CIA on more than one occasion and determined them to be lawful.
- The program has been investigated and audited by the CIA's Office of the Inspector General (OIG), which was given full and complete access to all aspects of the program.

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~~(NF)~~ Benefits of the Program: Capturing Terrorists, Saving

~~(S//~~ ~~(NF)~~ Since the 2002 inception of the program, high value detainee reporting has become a crucial pillar of US counterterrorism efforts. CIA assesses that a significant number of its knowledge of al-Qa'ida has been derived from detainee reporting, and well over half of our finished intelligence products on the group since 2002 make some reference to this reporting.

- For both warning and operational purposes, detainee reporting is disseminated broadly among US intelligence and law enforcement entities and
- For today's briefing, I'm going to highlight a few key areas where detainee reporting has played a significant role: capturing other terrorists, disrupting plots, advancing our analytical understanding of and operations against al-Qa'ida, and helping to corroborate and direct other sources of collection. The President discussed some of these successes in his September 2006 speech and some of this material was briefed to staff members during previous Congresses, but I believe it is worthwhile for the sake of the current Committee to provide this explicitly detailed account to you today, so that you can get a better sense of why we view this program as so key to our fight against al-Qa'ida.

~~(S//~~ ~~(NF)~~ Capturing Other Terrorists: Detainees have played some role—from identification of photos to providing in depth targeting information—in nearly every capture of al-Qa'ida members and associates since 2002.

- In March 2003, former al-Qa'ida external operations chief Khalid Shaykh Muhammad (KSM) provided information about an al-Qa'ida operative, Majid Khan, whom he was aware had recently been captured. KSM—possibly believing the detained operative was “talking”—admitted to having tasked Majid with delivering \$50,000
- Khan—confronted with KSM's information about the money—acknowledged that he delivered the money to an operative named “Zubair” and provided Zubair's physical

description and contact number. Based on that information, Zubair was captured in June 2003.

- During debriefings, Zubair revealed that he worked directly for Jemaah Islamiyah (JI) leader and al-Qa'ida's South Asia representative Hambali.

we used the information provided by Zubair to arrest Hambali.

- Next, KSM—when explicitly queried on the issue—identified Hambali's brother, 'Abd al-Hadi, as a prospective successor to Hambali. Information from multiple detainees, including KSM, narrowed down 'Abd al-Hadi's location and enabled his capture in Karachi in September 2003.
- Bringing the story full circle, 'Abd al-Hadi identified a cell of JI operatives whom Hambali had sent to Karachi for possible al-Qa'ida operations. When confronted with his brother's revelations, Hambali admitted that he was grooming members of the cell for US operations—at the behest of KSM—probably to continue trying to implement KSM's plot to fly hijacked planes into the tallest building on the US West Coast.

(TS/) In addition to these two key cases, a number of other significant captures have resulted thanks to detainee reporting. It is important to highlight that these cases involve law enforcement's use of our detainee reporting:

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- Jose Padilla: After his capture in March 2002, Abu Zubaydah provided information leading to the identification of alleged al-Qa'ida operative Jose Padilla. Arrested by the FBI in 2002 as he arrived at O'Hare Airport in Chicago, he was transferred to military custody in Charleston, South Carolina, where he is currently being held.
- Iyman Faris: Soon after his arrest, KSM described an Ohio-based truck driver whom the FBI identified as Iyman Faris, already under suspicion for his contacts with al-Qa'ida operative Majid Khan. FBI and CIA shared intelligence from interviews of KSM, Khan, and Faris on a near real-time basis and quickly ascertained that Faris had met and accepted operational taskings from KSM on several occasions. Faris is currently serving a 20-year sentence for conspiracy and material support to a terrorist organization.

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~~(S//~~ ~~MF)~~ **Disrupting plots:** One of the fall-outs of detaining these additional terrorists has been the thwarting of a number of al-Qa'ida operations in the United States and overseas.

- The West Coast Airliner Plot: In the early planning stage of the attacks of 11 September, al-Qa'ida leaders considered an ambitious plot that called for striking both coasts of the United States with as many as ten planes in one operation. Usama Bin Ladin (UBL) reportedly scaled back that plan to the US East Coast only—saving the West Coast for a follow-on attack—and UBL specifically mentioned California as a target to be attacked in the weeks following 11 September, according to detainee reporting. Operatives assigned to this plot were detained during 2002 and 2003, including KSM. Evidence suggests—as I noted earlier—that Hambali was considering pursuing this plot, and his efforts were disrupted by his detention and his cell of operatives.

- Heathrow Airport plot: Shortly after his capture in March 2003, KSM divulged limited information about his plot to use commercial airliners to attack Heathrow Airport and other targets in the United Kingdom; he discussed this plot probably because he believed that key Heathrow plotter Ramzi bin al-Shibh, who had been detained six months previously, had already revealed the information. KSM speculated that the operation was completely disrupted with the detention of senior al-Qa'ida planner Khallad Bin Attash and Ammar al-Baluchi; a variety of other reporting suggests this assessment is accurate.
- The Karachi plots. Key members of al-Qa'ida's Pakistan network who were detained in 2003 have provided details of the anti-US attacks they were planning in Karachi against the US Consulate, Westerners at the airport, and Western housing compounds.

(S//NF) Advancing Our Understanding of Al-Qa'ida: Prior to the capture of Abu Zubaydah in March 2002, we had large gaps in knowledge of al-Qa'ida's organizational structure, key members and associates, intentions and capabilities, possible targets for the next attack, and its presence around the globe. Within months of his arrest, Abu Zubaydah provided details about al-Qa'ida's organizational structure, key operatives, and modus operandi. For example, it was Abu Zubaydah, early in his detention, who identified KSM as the mastermind of 9/11. Until that time, KSM did not even appear in our chart of key al-Qa'ida members and associates.

- In the years since 9/11, successive detainees have helped us gauge our progress in the fight against al-Qa'ida by providing updated information on the changing structure and health of the organization, in part because they can help illuminate other sensitive collection platforms for us.

~~(TS//~~~~//NF) Army Field Manual~~

~~(TS//~~ ~~//NF)~~ The Army Field Manual (FM 2.22.3) governs the interrogation of large numbers of detainees held by the US Military, who are captured in the course of traditional military hostilities. It is used by U.S. military personnel to help them collect tactical military intelligence from military detainees. Should the CIA be limited only to the interrogation techniques contained in the new Army Field Manual,

would not be sufficient to justify

continuing a covert CIA detention and interrogation program. The CIA program has proven to be effective after c

~~(TS//~~ ~~NF)~~ We have been advised there is no/no classified annex describing or authorizing additional techniques. It must be noted that the cover sheet for FM 2.22.3 clearly states the manual is "Approved for public release; distribution is unlimited", hence UNCLASSIFIED. Consequently, we must assume that AQ and other organizations have or can easily obtain a copy and train their people to resist these techniques and the methodology. Hence, we have not only laid out our game plan for the taking but have included the entire playbook as well. As a result, should our interrogation of AQ suspects be limited to the techniques outlined in the field manual, we are left with very little offense and are relegated to rely primarily on defense. Without the approval of EITs to compliment the techniques approved in FM 2.22.3, we have severely restricted our attempts to obtain timely information from HVDs who possess information that will help us save lives and disrupt operations. Limiting our interrogations tools to those detailed in the field manual will increase the probability that a determined, resilient HVD will be able to withhold critical, time-sensitive, actionable intelligence that could prevent an imminent, catastrophic attack. In essence, we would be back to a pre-9/11 posture.

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(U) The Way Forward

~~(TS//NF)~~ CIA currently has no Enhanced Interrogation Techniques (EITs) approved for use with a detainee. Prior to being authorized for use, CIA requires a signed Executive Order, as required by the Military Commissions Act, and a DOJ opinion that each proposed method, whether applied individually or in tandem with others, would comply with applicable US law. Currently, seven EITs are under consideration.

~~(TS//NF)~~) At the entrance to an office in CIA's Counterterrorism Center is a sign and a reminder: "Today's date is September 12th, 2001." We make no apologies for this attitude or for the lawful and legitimate actions we have taken to counter al-Qa'ida. And let me be clear, our enemy is still potent and able to attack us here and overseas.

- While al-Qa'ida has conducted no new attack on the US Homeland, this is not for lack of trying. Al-Qa'ida was within weeks, if not days, of mounting an attack against planes

flying into the United States from London last summer that could have been more lethal than the 11 September attacks, and its leaders also continue to try to gain access to chemical, radiological, biological, and nuclear weapons.

- Al-Qa'ida's only obstacle to attacking us again is our continued assertive effort to stop them. CIA's detention and interrogation program remains critical to our ability to sustain this effort and protect the American people from another attack. As the President stated in his 6 September 2006 speech to the nation on The Creation of Military Commissions to Try Suspected Terrorists, "... the most important source of information on where the terrorists are hiding and what they are planning is the terrorists, themselves."

Thank you.