

## TERROR

**'We Could Have Done This the Right Way'****How Ali Soufan, an FBI agent, got Abu Zubaydah to talk without torture.**By **Michael Isikoff** | NEWSWEEK

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The arguments at the CIA safe house were loud and intense in the spring of 2002. Inside, a high-value terror suspect, Abu Zubaydah, was handcuffed to a gurney. He had been wounded during his capture in Pakistan and still had bullet fragments in his stomach, leg and groin. Agency operatives were aiming to crack him with rough and unorthodox interrogation tactics—including stripping him nude, turning down the temperature and bombarding him with loud music. But one impassioned young FBI agent wanted nothing to do with it. He tried to stop them.

The agent, Ali Soufan, was known as one of the bureau's top experts on Al Qaeda. He also had a reputation as a shrewd interrogator who could work fluently in both English and Arabic. Soufan yelled at one CIA contractor and told him that what he was doing was wrong, ineffective and an affront to American values. At one point, Soufan discovered a dark wooden "confinement box" that the contractor had built for Abu Zubaydah. It looked, Soufan recalls, "like a coffin." The mercurial agent erupted in anger, got on a secure phone line and called Pasquale D'Amuro, then the FBI assistant director for counterterrorism. "I swear to God," he shouted, "I'm going to arrest these guys!"

D'Amuro and other officials were alarmed at what they heard from Soufan. They fretted about the political consequences of abusive interrogations and the Washington blowback they thought was inevitable, say two high-ranking FBI sources who asked not to be identified discussing internal matters. According to a later Justice Department inspector general's report, D'Amuro warned FBI Director Bob Mueller that such activities would eventually be investigated. "Someday, people are going to be sitting in front of green felt tables having to testify about all of this," D'Amuro said, according to one of the sources.

Mueller ordered Soufan and a second FBI agent home. He then directed that bureau personnel no longer participate in CIA interrogations. In the corridors of the White House, Justice Department and U.S. intelligence agencies, heated debates ensued. Three months later, on Aug. 1, 2002, Justice lawyers issued a chilling memo blessing everything the CIA contractors had proposed—including waterboarding, or simulated drowning, a ghoulish technique that was administered to Abu Zubaydah 83 times.

This was a decisive moment in the campaign against Al Qaeda—the point at which, in the eyes of many



critics, the Bush administration took a fateful step away from the rule of law. The administration, believing it faced an extraordinary threat that justified extreme measures, shifted toward what former vice president Dick Cheney once grimly called "the dark side." But the debates that began in that spring of 2002 never really ended.

Last week Soufan, 37, now a security consultant who spends most of his time in the Middle East, decided to tell the story of his involvement in the Abu Zubaydah interrogations publicly for the first time. In an op-ed in *The New York Times* and in a series of exclusive interviews with *NEWSWEEK*, Soufan described how he, together with FBI colleague Steve Gaudin, began the interrogation of Abu Zubaydah. They nursed his wounds, gained his confidence and got the terror suspect talking. They extracted crucial intelligence—including the identity of Khalid Sheikh Mohammed as the architect of 9/11 and the dirty-bomb plot of Jose Padilla—before CIA contractors even began their aggressive tactics.

"I've kept my mouth shut about all this for seven years," Soufan says. But now, with the declassification of Justice memos and the public assertions by Cheney and others that "enhanced" techniques worked, Soufan feels compelled to speak out. "I was in the middle of this, and it's not true that these [aggressive] techniques were effective," he says. "We were able to get the information about Khalid Sheikh Mohammed in a couple of days. We didn't have to do any of this [torture]. We could have done this the right way."

Soufan's assertion was buttressed by Philip Zelikow, the former executive director of the 9/11 Commission, who last week called Soufan "one of the most impressive intelligence agents—from any agency" that the panel encountered. After joining the Bush administration in 2005, Zelikow argued against the enhanced-interrogation techniques. He wrote a memo questioning the legal justification for the methods—advice he says the White House ordered destroyed.

For their part, CIA officials dispute Soufan's argument that harsh methods weren't productive. They say that early on, Zubaydah stopped talking—and that after the FBI agents left the scene, the enhanced interrogations produced important information that led to the capture of Ramzi bin al-Shibh, a key 9/11 plotter.

The debate will only intensify in the weeks ahead. People who were not privy to the more gruesome aspects of this secret war now want to know what was done in America's name and how those decisions were made. Soufan's account and the torture memos released to date provide some answers. But they also raise just as many questions, especially about how the legal approval for enhanced interrogations came about. Now, with the Obama administration in office and Democrats controlling Congress, pressure is growing for a "truth commission" or, perhaps, even criminal prosecutions.

As Soufan tells the story, he challenged a CIA official at the scene about the agency's legal authority to do what it was doing. "We're the United States of America, and we don't do that kind of thing," he recalls shouting at one point. But the CIA official, whom Soufan refuses to name because the agent's identity is still classified, brushed aside Soufan's concerns. He told him in April 2002 that the aggressive techniques already had gotten approval from the "highest levels" in Washington, says Soufan. The official even waved a document in front of Soufan, saying the approvals "are coming from Gonzales," a reference to Alberto Gonzales, then the White House counsel and later the attorney general. (A lawyer for Gonzales declined to comment.)

What this document was—and what, exactly, it authorized—is unclear. Soufan notes that, at that point,

there had not been any talk in his presence of waterboarding, the most extreme of the techniques. But, as he later told Justice Department investigators, Soufan considered the methods he witnessed to be "borderline torture." A CIA spokesman declined to comment on what Soufan may have been shown, but wrote in an e-mail to NEWSWEEK: "The Aug. 1, 2002, memo from the Department of Justice wasn't the first piece of legal guidance for the [interrogation] program." "There are still gaping holes in the record," says Jameel Jaffer, the American Civil Liberties Union lawyer who spearheaded the Freedom of Information Act lawsuit that forced the disclosure of the Justice memos. The ACLU is now suing for further disclosures.

The revelation of more details could be cathartic. But the process could also become a political circus. Already, former Bush aides and other Republicans have erupted in anger, portraying the program as necessary and the revelations as dangerous to American security. With no hint of irony, Karl Rove told Fox News last week, "We're going to turn ourselves into the moral equivalent of a Latin American country run by colonels in mirrored sunglasses." More noteworthy, perhaps, Sens. John McCain and Lindsey Graham—who both condemned the use of torture during the Bush era—issued a statement along with Sen. Joseph Lieberman dismissing the idea of a truth commission. They argued such a panel would "focus on the mistakes of the past" rather than "looking forward to solutions."

If a truth commission is formed, Soufan will almost certainly be a key witness. The son of a Beirut journalist, Soufan grew up in Lebanon and later moved with his parents to the Philadelphia suburbs. As a young street agent in New York, he became a protégé of John O'Neill, the flamboyant and controversial FBI counterterrorism agent who became well known for his warnings (mostly ignored) about the threat posed by Osama bin Laden.

Working with O'Neill, Soufan was a key investigator of the bombing of the USS Cole in the Gulf of Aden in October 2000. Robert McFadden, a U.S. naval criminal investigator who also worked on the Cole bombing, says that Soufan could quote Qur'anic passages to radical jihadist prisoners, challenging them about the meaning of the prophet's words and ultimately gaining enough trust to engage them in extended conversations about their lives. "It's amazing the amount of information that came out of his interviews," says McFadden.

Soufan became a teacher for other interrogators. McFadden says that in early 2002, Soufan flew to Guantánamo to conduct a training course. He gave a powerful talk, preaching the virtues of the FBI's traditional rapport-building techniques. Not only were such methods the most effective, Soufan explained that day, they were critical to maintaining America's image in the Middle East. "The whole world is watching what we do here," Soufan said. "We're going to win or lose this war depending on how we do this." As he made these comments, about half the interrogators in the room—those from the FBI and other law-enforcement agencies—were "nodding their heads" in agreement, recalls McFadden. But the other half — military intelligence officers—sat there "with blank stares. It's like they were thinking, This is bullcrap. Their attitude was, 'You guys are cops; we don't have time for this!'"

Only weeks later, this clash of cultures played out in the heated dispute over how to handle Abu Zubaydah. A Palestinian who is believed to have served as logistics chief for Afghan terrorist-training camps, Abu Zubaydah was captured after a bloody gunfight. He was transferred from Pakistan to Thailand, where Soufan and Gaudin immediately sought to gain his trust by nursing his wounds. (Soufan would not comment on the location of the interrogation; sources, who like others interviewed for this story didn't want to be named discussing sensitive information, have placed him in Thailand at this time. An FBI

spokesman says Gaudin, who is still in the bureau, would not comment on his role in the Abu Zubaydah interrogations.) "We kept him alive," Soufan says. "It wasn't easy, he couldn't drink, he had a fever. I was holding ice to his lips." Gaudin, for his part, cleaned Abu Zubaydah's buttocks. During this time, Soufan and Gaudin also began the questioning; it became a "mental poker game." At first, Abu Zubaydah even denied his identity, insisting that his name was "Daoud."

But Soufan had poured through the bureau's intelligence files and stunned Abu Zubaydah when he called him "Hani"—the nickname that his mother used for him. Soufan also showed him photos of a number of terror suspects who were high on the bureau's priority list. Abu Zubaydah looked at one of them and said, "That's Mukhtar."

Now it was Soufan who was stunned. The FBI had been trying to determine the identity of a mysterious "Mukhtar," whom bin Laden kept referring to on a tape he made after 9/11. Now Soufan knew: Mukhtar was the man in the photo, terror fugitive Khalid Sheikh Mohammed, and, as Abu Zubaydah blurted out, "the one behind 9/11."

As the sessions continued, Soufan engaged Abu Zubaydah in long discussions about his world view, which included a tinge of socialism. After Abu Zubaydah railed one day about the influence of American imperialist corporations, he asked Soufan to get him a Coca-Cola—a request that prompted the two of them to laugh. Soon enough, Abu Zubaydah offered up more information—about the bizarre plans of a jihadist from Puerto Rico to set off a "dirty bomb" inside the country. This information led to Padilla's arrest in Chicago by the FBI in early May.

But the tenor of the Abu Zubaydah interrogations changed a few days later, when a CIA contractor showed up. Although Soufan declined to identify the contractor by name, other sources (and media accounts) identify him as James Mitchell, a former Air Force psychologist who had worked on the U.S. military's Survival, Evasion, Resistance and Escape training—a program to teach officers how to resist the abusive interrogation methods used by Chinese communists during the Korean War. Within days of his arrival, Mitchell—an architect of the CIA interrogation program—took charge of the questioning of Abu Zubaydah. He directed that Abu Zubaydah be ordered to answer questions or face a gradual increase in aggressive techniques. One day Soufan entered Abu Zubaydah's room and saw that he had been stripped naked; he covered him with a towel.

The confrontations began. "I asked [the contractor] if he'd ever interrogated anyone, and he said no," Soufan says. But that didn't matter, the contractor shot back: "Science is science. This is a behavioral issue." The contractor suggested Soufan was the inexperienced one. "He told me he's a psychologist and he knows how the human mind works." Mitchell told NEWSWEEK, "I would love to tell my story." But then he added, "I have signed a nondisclosure agreement that will not even allow me to correct false allegations."

The tipping point came when, after a few weeks, Soufan saw the coffinlike box that Mitchell had constructed. Soufan refuses to say what he was told the box was for. But other sources who heard accounts of the confrontation say the idea was to stage a "mock burial." (A CIA spokesman says, "The CIA's high-value-detainee program did not include mock burials. That wasn't done.") When an incensed Soufan told his superior what was happening, the response was quick: D'Amuro told him to leave the scene of the interrogations. Then, a few days later, he was told, "Come on home." Now the debate Soufan began in Thailand has come home, too. If given the opportunity, he may again play a starring role.

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