

# Exhibit R

## **Interrogation and Coercive Physical Pressures: A Quick Overview**

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Interrogation is one in a spectrum of approaches for exploiting detainees for intelligence purposes, which also includes collection of information through voluntary debriefing, deception operations and technical means. The goal of an interrogation conducted to gather intelligence is to obtain accurate and actionable information<sup>1</sup>. It is not to elicit confessions to be used in criminal proceedings. It is not to force compliance with rules for prisoner conduct imposed by detaining authorities. It is not to dispense punishment.

The naive observer often assumes interrogation techniques are limited to the exclusive use of some combination of coercive physical pressures. Some believe these physical interrogation techniques constitute the whole or major part of the interrogation process—and further, that there is a direct correlation between the invasive harshness of the interrogation technique and the amount of information obtained from its application.

These beliefs are fallacious and becoming more widespread, producing political, emotional, and policy momentum that can negatively affect the sponsor's mission. They have crept into the discourse on interrogation from many public and political commentators. They have shown up in the thinking of public officials and key decision-makers. Reactions incited by these beliefs cover a wide spectrum of extremes. From those who fear that we risk becoming a nation of thugs that trample on human rights, these erroneous beliefs trigger efforts to curtail the use of coercive interrogation approaches; while from, those who think that under extreme circumstances use of coercive techniques may be both necessary and justified, undue pressure arises to move quickly to the most coercive physical measures available. Both extremes are wrong; and both are detrimental to the intelligence gathering efforts of the sponsor.

### **Coercive physical pressures and interrogation**

In situations, such as impending terrorist attacks, actionable information is perishable and time urgency becomes a major consideration. The withholding of actionable intelligence required to stop a terrorist attack by a high value detainee could endanger the lives of United States citizens and their allies, and place at risk US interests around the world. Under such conditions, legal and approved coercive interrogation techniques may be considered.

Interrogators servicing intelligence requirements would prefer not to use coercive pressure. What interrogators would like is for the detainee to answer questions directly, fully and completely, without being deceptive, dishonest or misleading. In contrast, what

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a determined, uncooperative detainee who is trying to withhold actionable information often wants to do is claim ignorance or provide vague and misleading answers that steer the interrogators away from sensitive topics and delay or evade providing actionable intelligence. Complicating the situation is the fact that the detainee being questioned may or may not have the information sought—and if he does, he may have true difficulty recalling details of interest because of the passage of time, attention to detail during the incident in question, injury, sickness, fatigue, fear, etc.<sup>ii</sup>

Interrogation is an emergent process that takes place in the context of the relationship between the interrogator and the detainee – it is not an all-or-nothing event. The willingness of detainees to discuss topics will vary from topic to topic and interrogation session to interrogation session<sup>iii</sup>. Detainees may be willing to freely discuss some topics or events of critical interest to the sponsor. However, with other topics or events—even those that seem superficially similar—detainees may attempt to use a variety of ploys to avoid providing direct answers.

Our experience has been that initially most, but not all, high value detainees attempt to withhold actionable information. Detainees may actively attempt to withhold actionable information for a variety of reasons that include:

- Wanting to delay providing information that could be used to disrupt or prevent an upcoming attack
- Wanting to avoid providing information that could be used to apprehend other members of the terrorist organization or disrupt ongoing funding, planning or recruitment efforts
- Wanting to protect a loved one, or alternatively protect a colleague who is looking after loved ones during the detainee's detention
- Fear that providing the desired information would further implicate them in crimes against the United States and lead to longer prison terms and possibly execution
- Fear that providing the desired information may lead to punishment in the form of harsher treatment by detaining authorities or loss of privileges (especially if it means the detainee must retract earlier false statements)

#### **Relationships as delivery systems for weapons of influence**

What is sometimes missed in discussions of interrogation is the criticality of the role of the relationship between the interrogator and the detainee. Because of their graphic nature, there is a tendency to focus on the interrogation techniques—to imagine that it is the techniques that produce the answers, and then to drift into thinking that *this* or *that* specific technique has efficacy independent of the relational circumstances under which it is employed.

That is a mistake. The application of any given interrogation technique will not automatically yield a predictable outcome. It is not as if a menu of techniques exist which will work the same way on everyone. Refusal to provide intelligence is not

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overcome through the use of *this physical technique* to obtain *that effect* as if some mechanical principle were in play, independent of the other forces at work.

Such thinking lead some people not involved in the actual process of interrogation to believe that the relative contribution of individual interrogation techniques can be teased out and quantified. It is as if, they think "if you want this kind of information, use this technique; if you want that kind of information, use this other one." But that's not how it works, in application.

In operational applications, the choice of which physical techniques, *if any*, to use is driven by an individually tailored interrogation plan and by a real-time assessment of the detainee's strengths, weaknesses and reactions to what is happening. In this process, a single physical interrogation technique is almost never employed in isolation from other techniques and influence strategies, many of which are not coercive. Rather, multiple techniques are deliberately orchestrated and sequenced as a means for inducing an unwilling detainee to actively seek a solution to his current predicament, and thus work with the interrogator who has been responding to the detainee in a firm, but fair and predictable way. As in all cases of exploitation, the interrogator seeks to induce an exploitable mental state and then take advantage of the opening to further manipulate the detainee<sup>v</sup>. In many cases, coercive interrogation techniques are used initially to induce a sense of despair,<sup>1</sup> but then discontinued when the detainee seeks to find a way out of his current predicament and becomes susceptible to other influence techniques. Interrogators then offer the detainee hope, and subsequently exploit this hope for intelligence purposes. In other words, physical techniques, if used, are most effective when employed to create an exploitable state of mind, rather than force rote compliance.

To put it even more plainly, the process of interrogation as we describe it in this short monograph is not *ask a question... use a given technique... get an answer... ask another question... use a given technique... etc.*, as if physical pressures were carpenter's tools to be selected and used for a discrete purpose to achieve a predictable result. Rather, it is the structuring of external events to activate powerful internal regulators of both intentional and unintentional thoughts, feelings, and actions that can be exploited for intelligence within the structure of the ongoing interrogator-detainee relationship.

It is within this relationship that the real work of interrogation gets done. To effectively resist, and achieve desired outcomes while avoiding those that are unwanted, an unwilling detainee must adapt in the emerging moment as the interrogation unfolds. Detainees must interact with the interrogator in real-time. In the milliseconds-to-moments timescale of thought, they must attempt to select, construct, regulate, and evaluate various evolving courses of action, often in emerging situations fraught with

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<sup>1</sup> One thing that is often poorly understood by advocates of "friendly only" approaches is that an uncooperative high value detainee who is deliberately withholding time sensitive information to protect ongoing operations or attacks may have little incentive to seek an interrogator's "friendship" unless he is motivated by conditions of his detention and treatment to do so. Under the right conditions, coercive pressures make a detainee more vulnerable to exploitation by someone employing the friendly approach.

complex, novel challenges and hazards. They must choose how they are going to answer questions. Detainees must decide in real-time whether to be duplicitous and use resistance techniques, whether to provide truthful, but vague and misleading answers, or whether to answer in a straight forward way. In spite of what their intentions are going into the interrogation session, when a question is asked, detainees must decide in the emerging moment whether to try to hedge, omit critical facts, feign forgetfulness, pretend ignorance, gloss over critical points in the story, bridge gaps with clichés that contain no information, answer questions with questions, attempt to control the flow of conversation with conversational tricks, or attempt some other means of misleading or redirecting the interrogator. They must do this while trying to mobilize the cognitive and motivational resources necessary to persevere and exercise control over potentially self-hindering thought patterns and emotional reactions.<sup>v</sup> In many ways, what a detainee ultimately chooses to attempt will be based on the situational context of the interrogation and the detainee's relationship with those asking the questions.

The relationship an interrogator establishes with a detainee allows him or her to exploit the preconscious effects of emotions that can act as a back door to a detainee's mental processes, manipulate a detainee's decision-making processes so that the apparent facts of the situation, options for decisions and representations of future outcomes favor operationally exploitable courses of action, and exposes the detainee to ideas and beliefs that have a contagious effect. In short, it is the relationship between the interrogator and detainee that is critical. The interrogation techniques are tools to be used strategically within that relationship; but in and of themselves they provide no *silver bullet*.

For example, experimental research<sup>vi</sup> on the induction of learned helplessness indicates that approximately 15 to 25 percent of animals and human subjects will not develop learned helplessness even under repeated exposure to helpless inducing procedures. Similarly, 15 to 25 percent of animal and human subjects showed signs of helplessness even when no helplessness inducing techniques had been applied.

It is more accurate to say that "*most people exposed to coercive procedures will talk and usually reveal some information that they might not have revealed otherwise (p. 44),*" but the use of coercive techniques is no guarantee that a detainee will provide a specific item of information he possesses.

Note how this statement differs from the often repeated "*Information obtained under coercive pressure is highly unreliable.*" In our experience information provided under coercion may be either reliable or unreliable depending on both the conditions under which it is solicited, and the detainee's expectations and beliefs concerning what will happen if he continues to withhold of information.

Certainly it is the case that people can be inducted to fabricate information to stop aversive treatment, particularly if they are asked leading questions and led to believe that the only way to stop the harsh treatment is to tell those asking those questions what they want to hear. But, in our view, this is an amateurish, misguided use of coercive pressure.

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Moreover, when titrated improperly and administered in an unpredictable relationship, coercive interrogation techniques may induce a severe sense of hopelessness, conditioned neurosis<sup>viii</sup> or disturbance in brain functioning that can undermine efforts to obtain intelligence. Even if the effects of poorly applied interrogation techniques are not severe enough to disturb brain functioning, misapplied interrogation techniques (especially when a detainee has been acting in good faith) can have adverse effects on intelligence collection. Detainees may become angry and contentious and withhold information out of spite, rather than out of efforts to protect ongoing operations.

But that doesn't mean that all use of coercive pressure is inherently flawed. When appropriately used as one tool in a broader strategic approach, coercive pressure may lead to reliable information – particularly when the detainee knows that what he says will be vetted against information obtained from other sources and believes that in the end, outright lying will have more severe consequences than “sticking to the truth,” even if “the truth” does not match the conventional wisdom of the intelligence community. It is within the relationship with the interrogator that such beliefs get established.

In our view, interrogators questioning Muslim terrorists are most effective when they have a sound knowledge of Islam in general and specific knowledge of jihadist philosophy, views and teachings – especially with regard to what is expected of a “true Muslim” in the hands of his enemy. This knowledge provides a relevant context for judging if, when, and how to utilize coercive interrogation techniques. Islam teaches that each man must do his personal best to resist the enemy in captivity and avoid providing information helpful to the enemy's cause. However, Islam teaches, that when a man has endured sufficiently, Allah accepts his effort and he is then free from condemnation to make the best of his situation, even if that means providing the enemy with information that should be protected. Well-trained and experienced interrogators recognize when the detainee has reached this point. They reduce the use of physical pressure and shift to other influence strategies.

Bottom line:

- Coercive interrogation techniques may or may not be useful in time urgent situations when confronted with a determined high value detainee known to have perishable actionable intelligence that could be critical to disrupting on-going attacks, depending on how they are used.
- The use of any given coercive interrogation technique will not automatically yield valid or invalid information; nor will a given technique have a uniform effect on everyone.
- Moving quickly to the most coercive techniques available may be appropriate or inappropriate, but such decisions can not be made in advance of an assessment of the resistance posture of the detainee.



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- People can be inducted to fabricate information to stop aversive treatment, if they are asked leading questions and led to believe that the only way to stop the harsh treatment is to tell the people asking those questions what they want to hear.
- When used effectively coercive techniques aim at producing an exploitable state of mind rather than forcing rote compliance.
- Relying solely on coercive techniques is apt to be counterproductive for intelligence collection in the long run.

#### End Notes

<sup>i</sup> Hinkle, L. W. (1961) The physiological state of the interrogation subject as it affects brain function. In Albert D. Biderman and Herbert Zimmer (Eds.). *The manipulation of human behavior*. New York: John Wiley & Sons. This chapter and others in Biderman & Zimmer (1961) influenced our thinking about how to introduce this topic. Biderman & Zimmer (1961) is an excellent source for what was known circa 1960 about the science of human manipulation and the interrogation of highly resistant subjects. Hinkle's chapter presents an excellent review of the effects of various pressures such as isolation; sleep deprivation, hunger, fatigue, etc on brain functioning and the implications for the accuracy of information obtained during interrogation.

<sup>ii</sup> See Mitchell, J. E. & Jessen, J. B. (March 2004). *Five Things Interrogators and Debriefers Must Know About Human Memory*. Manuscript available through the Sponsor.

<sup>iii</sup> Even detainees who have been relatively engaged and actively participating in providing intelligence may have off-days when they are less cooperative. This can happen for a variety of reasons other than wanting to protect ongoing operations, ranging from simply being grumpy because of detentions conditions to having an interpersonal conflict with someone on the interrogation team or detention staff.

<sup>iv</sup> See the Mitchell and Jessen (2004) referenced in endnote 2 for a discussion of initiating and following through on a program of covert influence.

<sup>v</sup> See Bandura, A. (1986). *Social foundations of thought and action: A social cognitive theory*. Englewood Cliffs, NJ: Prentice Hall. Also, see Bandura, A. (2001). Social cognitive theory: An agentic perspective. *Annual Review of Psychology*, 52, 1 – 26; Bandura, A. (1995), *Self-efficacy in changing societies*. New York: Cambridge University Press; and, Bandura, A. (1997). *Self-efficacy: The exercise of control*. New York: Freeman.

<sup>vi</sup> No technique functions as a "silver bullet." For discussions of incident rates and factors affecting the introduction of learned helplessness see Peterson, C., Maier, S., and Seligman, M.E.P. (1993) *Learned Helplessness: A Theory for the Age of Personal Control*. New York: Oxford University Press. Also, see, Seligman, M.E.P. (1990). *Learned Optimism*. New York: Knopf; and Garber, J. and Seligman, M.E.P. (Eds.). (1980). *Human Helplessness: Theory and Applications*. New York: Academic Press.

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The implication for exploiting detainees for intelligence is that each detainee must be continually assessed as the situation emerges.

<sup>vii</sup> Quote is from: Hinkle, L. W. (1961) The physiological state of the interrogation subject as it affects brain function. In Albert D. Biderman and Herbert Zimmer (Eds.). *The manipulation of human behavior*. New York: John Wiley & Sons.

<sup>viii</sup> This condition is also referred to as *experimental neurosis* in the Pavlovian conditioning literature. The technique involves using classical conditioning to establish conditioned responses between two clearly different stimuli and then manipulating the stimuli in subsequent sessions so that they become increasingly impossible to tell apart. Animals subjected to such procedures generally become nonfunctional and show intense behavioral disturbance. The effect can also be produced by 1) repeated, random application of inescapable aversive stimuli progressive, 2) increases in the time between the onset of the conditioned stimulus and the unconditioned stimulus, 3) rapid presentation of two mutually antagonistic conditioned stimuli, 4) the use of positive reinforcement after previously conditioning a inhibitory response, and 5) repeated exposure to strong or unusual stimuli. Such conditioning techniques have been used by political regimes to "break the will" of dissents (see the paper by Basoglu, M. & Mineka, S. (1992). A discussion of the role of uncontrollable and unpredictable stress in post-traumatic stress responses in torture victims in Metin Basoglu (Ed). *Torture and it's consequences: Current treatment approaches*. Cambridge: Cambridge University Press) However, in our view, carrying procedures to such lengths, *even if it were legal to do so*, is inappropriate and counterproductive since the goal is to gather information, rather than leave the subject broken and non-functional, and such activities may directly interfere with obtaining accurate intelligence.