

Statement by ex-CIA agent and whistleblower John Kiriakou, currently in prison in the US, to the hearing of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE) on “Improving the protection of whistleblowing”, held in Strasbourg on 29 January 2015

Ladies and Gentlemen,

Thank you allowing me to address the esteemed Legal Affairs and Human Rights Committee of the Parliamentary Assembly of the Council of Europe. I am honored by this opportunity and humbled by the notion that I may help you to help American leaders end the abomination that is torture. I address you from my prison cell at the Federal Correctional Institution at Loretto, Pennsylvania.

I served in the Central Intelligence Agency for more than 14 years, first as an analyst and later as a counterterrorism operations officer. Like all of you, I was appalled and sickened by the events of September 11, 2001, and like most CIA officers that day, I volunteered to go to the Middle East or South Asia to bring the perpetrators of that terrible crime to justice. The CIA had several very important successes in the immediate aftermath of the attacks, capturing several senior al-Qaeda leaders and their associates. Most of us thought these terrorists would be returned to the United States and brought to justice. We were wrong.

My first inkling that a decision had been made to violate both U.S. and international law was in mid-2002, when a senior CIA officer asked if I wanted to be "certified" in the use of torture techniques. I declined, saying that I had a moral problem with torture, that it was wrong, and that it was a slippery slope that would lead to disaster. Dianne Feinstein, the chairwoman of the Senate Select Committee on Intelligence, later said that the torture program was a "brutality that stands in stark contrast to our values as a nation. It is a stain on our history that must never be allowed to happen again." She was right.

There is precedent for how the U.S. government dealt with torture in the past. The Washington Post on January 21, 1968 published a photo of a U.S. soldier waterboarding a North Vietnamese prisoner. The Defense Department investigated, court-martialed the soldier, and convicted him of committing torture. It was wrong to torture in 1968 and it was wrong in 2002.

Many CIA leaders, past and present, will argue that torture led to unique intelligence that saved American lives. This is simply not true. But even if it were true it would be irrelevant. The question isn't whether torture works. The question is whether it is right, whether it is moral.

On my first day at the CIA in January 1990, all newly-hired officers were welcomed and briefed by a senior officer. All these years later, I still remember one thing he told us. He said that as CIA officers we must always act ethically. We should never do anything that we would be ashamed to see on the front page of the New York Times. Torture is something we should be ashamed of. It is something we must ensure never happens again, whether as a part of official government policy or not. If any American President fails to hold CIA officers accountable when their actions merit it, that failure doesn't strengthen the CIA. It weakens it. The fact is, by holding CIA officers accountable, the government would honor all officers who act lawfully.

In December 2007, in a nationally-televised interview, I said that the CIA was torturing prisoners and that torture was an official U.S. government policy approved by the President. I was called a liar and a malcontent. Indeed, one U.S. senator said I should be tried for treason, a death penalty charge. I was fired from my job, and the Internal Revenue Service began to audit my finances, an annual harassment that continues to this day. The FBI began investigating me, and after four years I was charged with five felonies, including three counts of espionage, all for talking about torture. Facing 45 years in prison, I took a plea to a lesser charge so that I would be out of prison to see my five children grow up. Even still, my wife, a CIA officer, was forced from her job simply for being married to me; the government confiscated my pension, at a cost to me of nearly \$1 million; and I accrued another \$1 million in legal fees. I lost everything, including my freedom for 30 months.

But it was worth it. Somebody had to stand up and say, "Enough. This is wrong. And the world has the right to know it." I'm proud that I could play that role.

There is also a broader bureaucratic problem here. That is, where does a national security whistleblower go when the chain of command—including the CIA Director, senior CIA officers, the CIA Inspector General, the CIA General Counsel, the Justice Department, the White House, and even the Congressional oversight committees—are a part of the conspiracy of silence? The short answer is that there is nowhere to go but to the media. Indeed, in the United States, the "Whistleblower Protection Act" does not apply to national security and intelligence whistleblowers—the ones who have revealed torture, secret surveillance, and war crimes. The "Intelligence Community Whistleblower Protection Act" is little more than a tool of entrapment. There is now an untested Presidential Policy Directive, but it was not in existence when I blew the whistle and does not cover contractors like Edward Snowden, from whom you heard testimony last April. The Whistleblower Protection Enhancement Act of 2012 provides millions of federal workers with the rights they need to report government corruption and wrongdoing safely, but federal employees still lack most of the basic rights available to whistleblowers in the private sector such as a trial by jury. Additionally, it excludes national security and whistleblowers. A modest improvement was passed two years later, but it still excludes contractors and the enforcement mechanism is far inferior than that of other federal employees.

Meaningful, effective, and enforceable “best practices” whistleblower protection is needed in the United States and Europe, especially in national security fields and cultures of deeply-rooted secrecy, in order to hold governments to account. Otherwise, the whistleblower must be prepared to be ruined personally, professionally, and financially, and to face decades in prison. An employee should not have to choose his conscience over his career, and especially his very freedom.

Thank you for shedding light on this important issue. Perhaps Congress can learn from your leadership.

John Kiriakou