

setting the conditions for successful exploitation of the internees," according to General Taguba's report.

At the end of September, Lt. Gen. Ricardo S. Sanchez, the top American officer in Iraq, sent his inspector general to Abu Ghraib. According to Colonel Phillabaum, the visiting officer told him, "You guys are the forgotten."

Isolated and without amenities like gyms and barbershops that were available to other troops in Iraq, morale in the 320th plummeted. Many reservists who had been sent home when their tours were complete had not been replaced, adding to the burden of the remaining guards even as the number of prisoners continued to rise.

Army doctrine calls for a military police brigade to handle about 4,000 prisoners. But a single battalion — about a third the size of a brigade — was handling 6,000 to 7,000 prisoners at Abu Ghraib. When battalion commanders sought to release hundreds of detainees deemed to be no threat to allied forces, they were blocked from doing so by officers in Baghdad, they have complained.

At the end of October, Colonel Phillabaum briefed General Sanchez on the deteriorating, dysfunctional conditions at Abu Ghraib. "It was a real heart-to-heart," Colonel Phillabaum said in an interview. "I told it the way it was."

Rocket-propelled grenades and small-arms fire were "a constant threat," General Karpinski said.

"Abu Ghraib was in the middle of a hostile fire zone," she said, adding that the unit was "mortared every night, practically." Within days of the briefing to General Sanchez, General Karpinski sent Colonel Phillabaum to Kuwait for two weeks "to give him some relief from the pressure" at the camp, General Taguba's inquiry found.

Colonel Phillabaum contends that General Karpinski was angry because his briefing reflected poorly on her command, so she began a process to reassign him to her headquarters. Colonel Phillabaum, however, returned to his post.

According to General Taguba, Colonel Phillabaum and his chain of command were part of the problem, rarely supervising their troops and failing to set basic soldiering standards for them or make them aware of the protections afforded to prisoners under the Geneva Conventions.

"Despite his proven deficiencies, as both a commander and leader," General Taguba concluded, General Karpinski allowed Colonel Phillabaum "to remain in command of her most troubled battalion guarding, by far, the largest number of detainees in the 800th M.P. Brigade."

In October 2003, the 372nd Military Police Company joined Colonel Phillabaum's battalion at Abu Ghraib.

In Hilla, they had seen little combat; in Abu Ghraib the soldiers suddenly found themselves under attack virtually every night from insurgents outside the prison.

In Hilla, the 372nd had been focusing on law enforcement. Staff Sgt. Ivan L. Frederick, one of the soldiers from western Maryland, for one, had spent six months working in operations, "manning radio's, mission board etc.," according to a journal entry he made on Jan. 24. In Abu Ghraib, however, unit members were assigned as prison guards, with responsibilities that included the so-called Tier 1 cellblock of the prison.

A few weeks later, on Nov. 19, 2003, General Sanchez made a surprising decision: he transferred formal command of Abu Ghraib to the 205th Military Intelligence Brigade under Colonel Thomas M. Pappas, a 32-year military veteran whose unit, based in

Wiesbaden, Germany, had been assigned to the prison as the chief interrogators since it opened. Working with Colonel Pappas was Lt. Col. Steve Jordan, who headed the Joint Interrogation and Debriefing Center at the prison.

General Karpinski, Colonel Phillabaum and the military police in the battalion contend that the military intelligence officers had, even before Nov. 19, essentially taken control of the prisoners in the Tier 1 cellblock and had encouraged their mistreatment. General Taguba concluded that the 372nd "was directed to change facility procedures to 'set the conditions' " for interrogations.

"It was like they were in charge now; it's a military intelligence unit now," said a member of the 320th Battalion, Sgt. John Lamela, of Wilkes-Barre, Pa.

The intelligence officers' practice of wearing uniforms without insignia made it difficult for soldiers to identify the officers or even to determine which of them were military and which belonged to other agencies, including the C.I.A., whose officers periodically visited Abu Ghraib prison to participate in interrogations.

"They were in charge; it was almost like whatever his battalion wanted, his battalion got," Sergeant Lamela said of one senior intelligence officer at the prison. "He moved people out of their units so his personnel could live in their units. His personnel could walk around without proper uniforms; we as M.P.'s were not to correct them; he would say, 'Let it slide.' "

Sgt. First Class Joseph Mood of Benton, Pa., had a similar view of the intelligence officers' influence. "They took over the whole base; it was their show," he said. "That was their wording. 'This is our show now.' They would try to get us to keep prisoners up all night, make them stand outside, have them stand up all the time — sometimes they asked the guards to do something that was totally against what you believed in doing."

An Open Secret

Reports of Abuse Trickle Out

During the summer and fall human rights groups in Iraq say they heard repeated complaints of prisoners being roughed up or abused by their American jailers. Those were not the only breakdowns of discipline in that period.

On three days, Nov. 5, 7 and 8, detainees escaped from the prison and Camp Ganci, according to the results of military investigations that have been made public. Then, in what appears to have been the worst of the incidents, a riot broke out on Nov. 24 in Camp Ganci in which 12 detainees were shot, and 3 of them killed, after members of the military police battalion opened fire. For reasons that have not been explained, nonlethal and lethal rounds were mixed in their chambers, according to the investigation.

Also at Abu Ghraib that month, an Iraqi detainee died as he was being questioned by a C.I.A. officer and a linguist who was working as a contract employee with the agency, in an investigation still under review by the agency's inspector general. Through December and January, there were more shootings, riots and escapes. The worst abuses at Abu Ghraib took place on or around Nov. 8, according to the details of the military investigation made public so far, and principally in Cellblock 1-A, the group of cells set aside for high risk prisoners.

It was largely in that cellblock that some guards from the 372nd are accused of committing abuses that General Taguba called "sadistic, blatant and wanton" criminal acts. Prisoners were punched, slapped and kicked and forced to strip naked and form human pyramids. Some were ordered to simulate sexual acts. In some of the photographs

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of the abuse that have surfaced in recent days, the M.P.'s are grinning.

Specialist Charles A. Graner Jr. is shown with his arms folded as he stands behind a pile of naked Iraqi prisoners; an unidentified Iraqi prisoner is seen hooded and standing on a small box, with wires attached to his body; and Pfc. Lynndie England is seen glaring down at a naked Iraqi prisoner, whom she is holding by a leash.

So far, seven enlisted soldiers from the western Maryland company face criminal charges, all from the incidents in Tier 1. But several inquiries are still under way, and the question of who was primarily responsible has still not been answered.

The report by General Taguba, though limited to the conduct of the military police, said that the general suspected much of the fault, either directly or indirectly, should be attributed to military intelligence units under Colonel Pappas and Colonel Jordan.

Through a spokesman, Colonel Pappas declined to comment, and Army officials would not even say which unit Colonel Jordan is currently assigned to. General Taguba also blamed Mr. Stefanowicz and another contractor, John Israel, neither of whom could be reached for comment.

General Taguba's inquiry also criticized commanders, including Colonel Phillabaum, for failing to supervise his troops and allowing a climate of abuse to take hold.

Colonel Phillabaum said he felt he was being made a scapegoat for the Army. "I have suffered shame and humiliation for doing the best job that anyone could have done given the resources I had to work with," he said.

Colonel Phillabaum pinned the bulk of the blame on two of the 372nd's soldiers, Sergeant Frederick and Specialist Graner, who are both corrections officers in civilian life. Neither of the two have spoken publicly about the episode.

"These two people were really the ringleaders of this whole thing," Colonel Phillabaum said. "Everybody else followed."

They were the natural leaders in the military police company, he said, since they spoke of their work experiences.

"Taking these prisoners out of their cells and staging bizarre acts were the thoughts of a couple of demented M.P.'s who in civilian life are prison correction officers who well know such acts are prohibited," Colonel Phillabaum said.

He said the abuses that were photographed only occurred between 2 a.m. and 4 a.m., times that Sergeant Frederick and Specialist Graner knew no commissioned officers would be checking in. He said the digital photos are all time-coded, and they are all taken over a couple of weeks in this brief window.

"If they thought these acts were condoned, then why were they only done a few nights between 0200 and 0400 instead of during any time between 0600 and 2400 when there were many others around?" Colonel Phillabaum asked.

Sergeant Frederick's uncle, William Lawson, said his nephew had told him the soldiers were photographing the Iraqi prisoners at the direction of military intelligence officers as an interrogation tool.

"Somebody photographed the Iraqis with the intent of using those photographs to show new prisoners that came in, 'This is what can happen to you,' to loosen them up psychologically," Mr. Lawson said.

In a letter to his family last year, Sergeant Frederick wrote that military intelligence officers encouraged mistreatment like confining naked inmates for three consecutive days without toilets in damp, unventilated cells with floors 3 feet by 3 feet. Inmates were also

handcuffed to cell doors and forced to wear female underpants. "We have a very high rate with our style of getting them to break," Sergeant Frederick wrote to a relative, Mimi Frederick, in an e-mail message on Dec. 18, 2003, according to a copy of the communication. "They usually end up breaking within hours."

General Karpinski has also said that she believed the military police were "coached" in their abusive actions by military intelligence officers. Neal Puckett, General Karpinski's lawyer, said the military police "took all their instructions from military intelligence interrogators, who instructed them to bring the prisoners to and away from these interrogation facilities, and sometimes perhaps to soften them up."

He suggested that the interrogators had instructed the guards to "bring them back naked this time, leave them naked tonight, don't give them any clothes. We think that escalated over a period of time until it ended up in what we see in the pictures."

A military official said Saturday that some of the photographs in the custody of military investigators, but not yet publicly disclosed, depict military working dogs snarling and intimidating Iraqi prisoners. "There are photos showing military working dogs used in a threatening manner," said the official, who spoke on condition of anonymity. The official said he was not aware of when or at which prison in Iraq the photos were taken.

General Karpinski has complained that the initial investigation ordered by General Sanchez was limited to the conduct of her military police brigade and did not examine in any detail the role played by military intelligence and private contractors.

Not until General Sanchez received a preliminary briefing on General Taguba's findings on March 12, which identified the intelligence officers and contractors as having possibly been primarily to blame, did he order a similar review of any wrongdoing by military intelligence officers at the prison. For reasons that remain unclear, that inquiry did not begin until April 23.

"I'd like to know who was the one that was giving instructions to the military intelligence personnel to turn up the heat?" General Karpinski asked.

Nearly a year ago, when her troops assumed their prison duty at Abu Ghraib, the Army made a promise. When it reopened Abu Ghraib last June, soldiers hung a sign at the gate that proclaimed: "America is a friend of all the Iraqi people."

Thom Shanker in Washington, Kate Zernike and Michael Moss in New York, Dexter Filkins and Ian Fisher in Baghdad and Patrick E. Tyler in Wiesbaden, Germany, contributed reporting for this article.

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LOS ANGELES TIMES

Leadership Central to Prison Inquiry

Top U.S. military officials seem unsure who was running the Iraqi facility where American troops abused Iraqi inmates.

By Greg Miller

Times Staff Writer

May 9, 2004

WASHINGTON — Who was in charge of Abu Ghraib prison?

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"I just think we've got to reform our structures, our authorities and our thinking to deal with the way the world is moving," Gen. Abizaid says. "You just can't let these places deteriorate ... unless you are willing to accept what they bring you -- terrorism and crime."

LOS ANGELES TIMES

## The Enemies in Their Midst

### Europe Confronts Suspected Terrorists Home-Grown and Inspired Abroad

By Sebastian Rotella  
Times Staff Writer

September 5, 2006

LONDON — The evolution of terrorism in Europe in the five years since the Sept. 11 attacks can be told as a tale of two threats.

The first spread consternation worldwide when it was revealed in London last month. The alleged plot to blow up transatlantic airliners in midair raised again the specter of Britain's "home-grown" problem: militants with British passports and the accompanying resources and Western ways, as well as links to lethal networks in Pakistan.

The second threat unfolded more quietly in Paris. The suspects arrested beginning last year were largely French, but their inspiration came from a North African network that had allied itself with groups in Iraq to forge a strategy for jihad beyond the war zone. The new target: Europe.

In the years since a group of Arab university students hatched a cell in Hamburg, Germany, that changed the world, Europe remains the front line for a post-Sept. 11 generation of extremists. Major attacks struck transport systems in Madrid and London. Amsterdam suffered a high-profile murder. Vast Muslim immigrant communities, primarily Pakistani here and North African on the European mainland, became a prime recruitment pool, with a staging area within striking distance of the United States.

The cases in London and Paris had elements typical of the fast-changing landscape of extremism: Big plans for massacres in the heart of the West. Ambiguity about the imminence of attacks and the nature of networks. And a dangerous nexus of battle-hardened foreign groups with militants born or bred in Europe.

In the years when Al Qaeda leader Osama bin Laden oversaw a multiethnic complex of training camps, the disparate networks intertwined in Afghanistan. Today, British extremists find inspiration and expertise in Pakistan, the suspected hide-out of the remnants of Al Qaeda, European anti-terrorism chiefs say. Extremists elsewhere in Europe gravitate toward hotbeds in North Africa and Iraq.

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Open borders, tolerant laws and social alienation combine to create a space for radical activity in Europe that does not exist in the U.S. Muslim community or even in some Muslim countries. The rise of the enemy within makes European leaders even more uncomfortable with the American-coined phrase "war on terror."

"We work very well with the United States in counter-terrorism," said Jean-Louis Bruguiere, France's top anti-terrorism judge. "They are our closest partners. The U.S. approach in one way is fundamentally different than the European approach. The U.S. method, though there has been progress, is still based very much on a military concept of the threat.

"In Afghanistan, where French and American troops fight side by side, that's appropriate. But how can military means do the job when the enemy is not yet identified, well integrated into the social fabric and plotting behind your back?"

With an anti-terrorism apparatus based on aggressive domestic spying and extensive judicial power, Bruguiere and other French security chiefs lead a regional alliance trying to overcome differences in law enforcement cultures. It benefits from partnerships with nations such as Algeria and Morocco.

Despite criticism in Europe of the U.S. detention camp at Guantanamo Bay, Cuba, and secret U.S. "renditions" of foreign suspects, European police acknowledge that they work closely with North African security services whose methods can be brutal but effective.

So the menace should not be overstated: Most European extremist cells are dismantled well before the attack stage. Moreover, the killing of Abu Musab Zarqawi, the Jordanian-born leader of Al Qaeda in Iraq, by the U.S. military this year hurt nascent efforts to build an anti-Western federation spanning Europe, North Africa and the Middle East, said Stefano Dambroso, an Italian former anti-terrorism prosecutor.

But hundreds, if not thousands, of "graduates" of the Afghan camps and jihadi combat theaters are potential new bosses. And Dambroso, now a judicial attache to international organizations, worries about the speed with which threats transform. He cited the recent case in which Lebanese suspects in Germany allegedly planted suitcase bombs on trains, an attempt seemingly inspired by Al Qaeda ideology and the recent Israel-Hezbollah conflict in Lebanon.

"There is an extremely fast evolution of things, and you can't underestimate the impact in Europe of things happening outside Europe," Dambroso said. "A lot of people aspire to replace Al Qaeda. There are new leaders we don't know about who seem always more ambitious. You have lots of guys who went to Iraq who were trained concretely. Before that they never had an opportunity to fight; now they are back in Europe and they know how to operate."

As for the old leaders of Al Qaeda, it's not clear to what extent they still call the shots

from refugees in the Pakistani-Afghan border area. The direct influence of Bin Laden and his deputy, Ayman Zawahiri, has been curtailed by life on the run. Few post-Sept. 11 plots can be traced to them, investigators say.

"I think Al Qaeda central, the original leaders, are hunted men and devote much energy to avoiding capture," Bruguere said. "They have been reduced in some cases mainly to propaganda and communication. But I think they still have an operational role as well."

Zawahiri's videotaped claim of responsibility for last year's London transit bombings seems opportunistic and after-the-fact, a British counter-terrorism official said. Nonetheless, this year's alleged airline plot and previous cases here reveal a strong Pakistani connection, whether to Al Qaeda or networks that Dambruoso calls "the sons of Al Qaeda."

The British official said: "It might not matter that much whether Al Qaeda central is involved. I don't think there's clarity or structure that the plotters in the various cases are going back to the same network or individuals in Pakistan. But there's so much there in Pakistan."

Pakistan abounds with Al Qaeda-connected or influenced ideologues, groups and training camps that are sometimes permitted or backed by the Pakistani government security forces, officials say. In Britain, meanwhile, second- and third-generation young people from Pakistani immigrant families have roots here giving them ease of travel and access to sources of funding such as bank loans, front companies or welfare scams. The Internet and the proliferation of ideologues here drive radicalization at home, but recent history shows that the path to violence invariably requires foreign support.

All that explains why Pakistani-British militants are the most dangerous of the moment, the British official said.

"With North Africans, many seem to become involved in terrorism through crime, whereas Brit-Paks are going straight to terrorism," the official said. "They are considerably more inspired, more pure. The scope is much greater. It's *the* threat. It's way ahead of everything else in terms of complexity. And it multiplies a thousandfold when they disappear back to Pakistan."

In a pattern resembling previous cells aided by planners and trainers in Pakistan, at least seven suspects in the alleged airline plot traveled there, officials say. A group at the heart of the suspected conspiracy was formed by "an experience at a training camp" in Pakistan, a British law enforcement official said.

The suspects communicated with operatives in Pakistan up until their arrest, officials said. There are also signs of travel to and contacts with South Africa that may be related to financing, officials say.

British officials say they have identified a suspected leader in London. They say a man in

his mid-20s oversaw the preparation of explosive devices and filming of six "martyrdom" videos in a so-called safe house: a second-floor apartment on Forest Road in Walthamstow, a heavily Pakistani, middle-class area on the eastern edge of the capital.

Investigators believe that the 11 suspects charged with conspiracy to murder also include bomb-makers and half a dozen would-be suicide bombers, officials said. Four suspects are charged with lesser offenses, and five more remain in custody and under investigation.

The suspected plan to use materials for liquid explosives smuggled in sports drinks containers for bombings over the Atlantic recalls a 1995 hijacking plot targeting airliners over the Pacific. The earlier plan was developed in Manila by Khalid Shaikh Mohammed, the Kuwaiti Pakistani godfather of the Sept. 11 attacks, and Ramzi Ahmed Yousef, who is serving a life sentence for his role in the 1993 World Trade Center bombing. But this time, the project may have been developed on Forest Road.

The possibility that a British mastermind aspired to match the carnage of the Sept. 11 attacks has profound implications as the anniversary approaches, officials said.

"It has the same audaciousness," the British official said.

But it raises doubts, too. British and European officials said in recent days that the suspected plotters did not target as many planes as first described publicly. Officials estimate a maximum of six planes as opposed to nine or 10. The group was under audio and video surveillance and had not chosen a date for the attacks, which were at least weeks away, officials said. Some European anti-terrorism officials suggest the initial British accounts were alarmist.

Other questions concern Rashid Rauf, a Birmingham, England, businessman living in Pakistan. His arrest there caused the suspects here to film a martyrdom video, which in turn triggered the police decision to round up the group last month, the British counter-terrorism official said. Pakistani authorities describe him as a key figure who has confessed to meeting with an Al Qaeda leader about the plot.

British officials, in contrast, say Rauf communicated frequently with the London group, but his role is unclear. One official said Rauf did not appear to be a mastermind. European anti-terrorism officials worry that information from Pakistan tends to be clouded by political manipulation and unsavory tactics.

Rauf confessed after four days of interrogation, which raises the specter that he was tortured, said a European anti-terrorism official with information about the case.

"After four days of interrogation, I think he would say pretty much what they wanted," the European official said. "I am a little bit skeptical."

Although the same problem haunts cooperation with North African and Arab security



agents, intelligence from North Africa helped police in Paris detect a major threat developing about a year ago. It emerged from the fury in Iraq, a land of jihad that is revitalizing and reshaping networks such as Algeria's Salafist Group for Call and Combat, known by the French initials GSPC. The GSPC, a longtime Al Qaeda ally, spent the late 1990s embroiled in Algeria's bloody civil conflict. It expanded throughout the Maghreb countries, north into Europe and south into the Sahel region of countries including Mali and Niger. With the advent of war in Iraq, combat-hardened Algerians were a large component of the jihadists flocking to join the insurgency along with inexperienced Europeans, who tended to be thrown into the fray.

"At the start of war there are very radicalized extremists, and it's kind of the era of cannon fodder in which Zarqawi and other organizations absorbed these people and sent them on suicide operations," Bruguere said. "Later, in 2005, while the situation is degrading in Iraq, some of these people are recuperated by the Zarqawi movement, and groups like it, to be trained for terror operations in Europe."

The Algerian network began working with Zarqawi and others to develop a regionwide version of Al Qaeda that would unite groups in Morocco, Mali, Libya and elsewhere and create "a zone of destabilization" across northern Africa, French and Italian investigators said.

"The strategy changes," a senior Italian police official said. "The GSPC loses its nationalist Algerian focus, embraces the anti-Western ideas of Al Qaeda. They set up new training camps on the border of Algeria and Mali that disappear whenever someone looks for them. And they form a big structure in Syria, in Aleppo and Damascus, that sends some foreign fighters who come to Syria into Iraq, and others back to Europe."

Leaders forged the alliance partly with traveling emissaries and e-mails, including one intercepted by the CIA in late 2004, officials say. But it was also a fluid process that is typical of Islamic extremism and has intensified as Al Qaeda's networks have been damaged and dispersed, they say. The "emirs" set a general strategy guiding the initiatives of the cells, which are often spontaneously formed and largely autonomous.

In exchange for fighters and logistics, Zarqawi and like-minded bosses in the Iraq region decided to provide manpower and training — in Iraq, Syria, Lebanon — to help the GSPC attack France, a dire foe because of its support for the Algerian government. The Jordanian began singling out Algeria and France in propaganda statements and terrorist operations.

As Iraq grew increasingly chaotic last year, insurgent chiefs had more wannabe foreign fighters than they could handle, investigators said.

"In 2005, the flow of jihadis to Syria was unmanageable," the senior Italian police official said. "There were too many, and too many were untrained. The structure in Syria decided that they only wanted serious people with combat experience, especially from the Algerian army. The others are sent to Algeria to the camps to train. Because the GSPC

wants to hit Europe."

The new alliance produced brazen schemes to bomb targets in France: the Paris subway, the Orly airport, the headquarters of the DST anti-terrorism agency, even a Parisian restaurant frequented by DST agents.

Starting with the capture of a boss in Algeria last September and continuing into the spring, security forces launched periodic raids north and south of the Mediterranean. The operations revealed that new cells inherited projects from dismantled groups and tried again.

The suspects were a cross-section of extremism today. French police arrested accused ringleaders Safe Bourada, 35, and Ouassini Cherifi, 31. Both are from Algerian immigrant families and grew up in tough suburbs of Paris. Both did time on previous terrorism charges.

Bourada was involved in a mid-1990s bombing campaign in France. Cherifi, who has a university math degree and had worked as a chief receptionist at a luxury hotel, was convicted in 2002 of providing fraudulent documents to a suspected Al Qaeda cell.

Their new-generation soldiers ranged from radicalized hoodlums, who raised a war chest by robbing armored cars and extorting from prostitutes, to fierce converts trained in bomb-making in Lebanon. Like militants across Europe, they were swept up in a wave of radicalization that is faster and wider than ever.

In December, French police found a stash of weapons and explosives in the garage of a housing project in the gray slums north of Paris. One plan called for simultaneous attacks during Bastille Day celebrations July 14, investigators said. In April, Moroccan police captured a Tunisian based in Milan and seven suspected henchmen accused of preparing to bomb a cathedral in Bologna, Italy, because it displays a painting of Muhammad in Dante's Inferno.

Nonetheless, the network did not come close to striking, officials say. Information from North Africa may have been manipulated, they say. The fog of the battlefield obscures the true dangers and even the face of the enemy.

"For me, using the term GSPC can be problematic," Dambruoso said. "I think it encompasses many things, many groups, it has stimulated and motivated a lot of different radicals. But in this world, it's difficult to talk about the networks as if they were very organized."

Five years from Ground Zero, the threats on this side of the Atlantic are fragmented and elusive. But they have moved uncomfortably close for Europeans and, as a result, for Americans as well.

European-born terrorists "are willing to attack their homeland," a U.S. law enforcement

official said. "Something's happening in their melting pot. And the fear with these guys is that they are just an e-ticket away from getting to the U.S."

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## WASHINGTON POST

### **Individuals, Small Groups Cited as Terrorist Threats**

U.S. Strategy Calls Democracy a Weapon

By Karen DeYoung  
Washington Post Staff Writer  
Wednesday, September 6, 2006; A04

A new counterterrorism strategy released yesterday by the White House describes al-Qaeda as a significantly degraded organization, but outlines potent threats from smaller networks and individuals motivated by al-Qaeda ideology, a lack of freedom and "twisted" propaganda about U.S. policy in the Middle East.

The National Strategy for Combating Terrorism reflects the intelligence community's latest analysis of the evolving nature of the threats from widely dispersed Islamic extremists who are often isolated and linked by little more than the Internet. It describes President Bush's "freedom agenda" of promoting democracy as the leading long-term weapon against them.

Attacking terrorist organizations, controlling weapons of mass destruction and protecting the homeland remain U.S. priorities, the document says. But the strategy places new emphasis on the need for training experts in languages and Islamic culture, for enhanced partnerships abroad and with the American Muslim community, and for better information-sharing among domestic counterterrorism agencies.

What today's extremists have in common, it says, is "that they exploit Islam and use terrorism for ideological ends." But "although al-Qaeda functions as the movement's vanguard . . . the movement is not controlled by any single individual, group or state."

The document's release came as Bush delivered one of a series of preelection speeches on national security and terrorism. But his address, in contrast to the strategy document,

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The fugitive group leader said experts in the fields of "chemistry, physics, electronics, media and all other sciences -- especially nuclear scientists and explosives experts" should join his group's holy war against the West.

"We are in dire need of you," said the speaker, who identified himself as Abu Hamza al-Muhajer -- also known as Abu Ayyub al-Masri. "The field of jihad can satisfy your scientific ambitions, and the large American bases are good places to test your unconventional weapons, whether biological or dirty, as they call them."

The 20-minute audio was posted on a Web site that frequently airs al-Qaeda messages. The voice could not be independently identified, but it was thought to be Muhajer's. He is believed to have succeeded Abu Musab al-Zarqawi, who was killed in a U.S. airstrike north of Baghdad in June, as head of the al-Qaeda-linked organization.

Thursday's message focused attention on Sheik Omar Abdel Rahman, 68, an Egyptian cleric who was convicted in 1995 of seditious conspiracy for his advisory role in a plot to assassinate Egypt's president and blow up five New York City landmarks.

"I appeal to every holy warrior in the land of Iraq to exert all efforts in this holy month so that God may enable us to capture some of the Western dogs to swap them with our sheik and get him out of his dark prison," said Muhajer, who is also Egyptian.

He also said more than 4,000 foreign militants have been killed in Iraq since the U.S.-led invasion in 2003 -- the first known statement from the insurgents about their death toll.

It was unclear why Muhajer would advertise the loss of the group's foreign fighters, but martyrdom is revered among Islamic fundamentalists and could be used as a recruiting tool. Analysts said the announcement was probably a boast aimed at drumming up support.

"It's showing the level of dedication to their cause, the level of sacrifice jihadists are making," said Ben N. Venzke, director of the Alexandria-based IntelCenter, which monitors terrorism communications.

## WASHINGTON POST

### **Belgium Rules Sifting of Bank Data Illegal**

Prime Minister Says SWIFT Group Wrongly Cooperated With U.S. Anti-Terrorism Effort

By John Ward Anderson  
Washington Post Foreign Service  
Friday, September 29, 2006; A14

PARIS, Sept. 29 -- A secret U.S. program to monitor millions of international financial transactions for terrorist links violated Belgian and European law and will have to be changed, the Belgian government said Thursday.

The decision, announced by Prime Minister Guy Verhofstadt, came as the country's Data Privacy Commission released a 20-page report finding that the Belgium-based Society for Worldwide Interbank Financial Telecommunication, or SWIFT, had improperly turned over data from millions of global financial transactions to U.S. anti-terrorism investigators.

"It has to be seen as a gross miscalculation by SWIFT that it has, for years, secretly and systematically transferred massive amounts of personal data for surveillance without effective and clear legal basis and independent controls in line with Belgian and European law," the report says.

Leonard H. Schrank, SWIFT's chief executive, said in a telephone interview that the cooperative "believes we complied with everything and respected to the fullest extent possible the privacy law in Belgium. But the trouble is data privacy laws in Europe are quite difficult to follow. They're not drafted for national security issues."

SWIFT said in a statement that it had relinquished data to the U.S. Treasury Department only after it had been "subject to valid and compulsory subpoenas" from U.S. authorities.

The Belgian ruling is the latest in a string of European complaints about how the United States is conducting global operations against terrorism. European governments, politicians, human rights groups and citizens have also criticized the treatment of inmates at the U.S. prison at Guantanamo Bay, Cuba, the operation of secret prisons by the CIA -- including some reportedly in Europe -- and the CIA's extrajudicial transfers of terror suspects.

Europeans tend to support strong efforts against terrorist groups -- many of their countries have terror cells within their borders, and two, Britain and Spain, have suffered major attacks on their transit systems. But many Europeans believe that U.S. policies go too far and fuel radicalism in the Muslim world.

Belgian authorities announced no plans for legal action against SWIFT, which conveys funds among 7,800 banks in 206 countries and territories. Verhofstadt called the anti-terrorist monitoring "an absolute necessity" and said U.S. and European negotiators should find a way to bring it into compliance with European law.

Asked about the Belgian ruling, U.S. Treasury spokeswoman Molly Millerwise said in an e-mail that the department was "mindful of privacy concerns and for that very reason implemented significant safeguards" for what the department calls the Terrorist Finance Tracking Program.

"The U.S. Treasury Department welcomes the suggestion of the Belgian government to engage in greater dialogue at an EU level on how to make the [tracking program] a more cooperative effort. The dialogue is already underway with our European counterparts; such cooperation can only further our common goals," Millerwise said.

Schrank added, "The message today is that there is a recommendation at long last that says, let's get the E.U. and the U.S. sitting down to get a framework for dealing with national intelligence and counterterrorism and the concerns of data privacy. Border security and data privacy are drawn different in every country, and the politicians have to draw the line."

None of the network's banks had made a privacy complaint in connection with the program, he said. "No one that I am aware of has been harmed in any way. . . . Thousands of lives have been saved" as a result of the program, he said. "Let's not forget that."

The Bush administration has called its secret international banking surveillance program a vital tool in uncovering terrorist networks. When newspapers first reported the program's existence in June, President Bush called the disclosure "disgraceful."

The program was begun without congressional or court approval shortly after the attacks of Sept. 11, 2001. With SWIFT's cooperation, U.S. investigators tapped records from the cooperative's banks, a total of millions of transactions, looking for suspicious patterns and links to terrorists.

A SWIFT spokesman said Thursday that "the status of the program is unchanged."

A European Union working group that oversees data protection is investigating SWIFT's transfers of data and is to release its report in November. After a meeting this week in Brussels, the group said it has "immediate concerns about the lack of transparency which has surrounded these arrangements."

Verhofstadt said SWIFT was "in a conflicting situation between American and European laws." But he said the cooperative "made several evaluation mistakes during the executing of the American subpoenas. From the very beginning, SWIFT should have been aware that fundamental European laws should also be respected."

The prime minister added, "Fundamental differences exist between the E.U. and the U.S.A. concerning legislations and the principles governing the treatment of personal data, mainly in the domain of the level of protection, which is higher in Europe. . . ."

"SWIFT is also clearly responsible because they made all the crucial decisions regarding data communication" to the U.S. Treasury, "behind the back of its 7,800 clients."

The report faulted SWIFT for not notifying European authorities of the program from its inception.

SWIFT said its "compliance was legal, limited, targeted, protected, audited and overseen." It added, "SWIFT also did its utmost to comply with the European data privacy principles of proportionality, purpose and oversight."

*Staff writer Dafna Linzer in New York and researcher Corinne Gavard in Paris contributed to this report.*

## WASHINGTON POST

### **Al-Qaeda's Far-Reaching New Partner**

Salafist Group Finds Limited Appeal in Its Native Algeria

By Craig Whitlock  
Washington Post Foreign Service  
Thursday, October 5, 2006; A01

PARIS -- In a video released last month on the Internet, al-Qaeda's deputy leader, Ayman al-Zawahiri, declared that he had "great news." Al-Qaeda, he reported, had joined forces with an obscure Algerian underground network and would work in tandem with the group to "crush the pillars of the crusader alliance."

The Algerian partner, the Salafist Group for Preaching and Combat, had fought the Algerian government in a barbaric civil war for almost a decade. But Zawahiri said the new alliance had different targets in mind. "Our brothers," he said, "will be a thorn in the necks of the American and French crusaders and their allies, and a dagger in the hearts of the French traitors and apostates."

Zawahiri's statement was the latest sign of how, with al-Qaeda's help, the Algerian network has rapidly transformed itself from a local group devoted solely to seizing power at home into a global threat with cells and operations far from North Africa.

Since 2003, the group known by its French initials GSPC has emerged as an umbrella for radical Islamic factions in neighboring countries, sponsoring training camps in the Sahara and supplying streams of fighters to wars in Iraq and Chechnya, according to counterterrorism officials and analysts in Europe and North Africa.

The network also has planted deep roots in Europe. In the past year, authorities have broken up cells in France, Germany, Italy, Spain and Switzerland, including one group that allegedly plotted to shoot down an Israeli airliner in Geneva.

On Sept. 1, the French Anti-Terrorist Coordination Unit issued a statement classifying the group as "one of the most serious threats currently facing France," Algeria's former colonial master. Ten days later, the assessment was given fresh urgency by Zawahiri's videotape, timed for the fifth anniversary of the Sept. 11, 2001, attacks in the United

## U.S. Strike in Somalia Targets Al-Qaeda Figure

By Karen DeYoung  
Washington Post Staff Writer  
Tuesday, January 9, 2007; A01

A U.S. Air Force AC-130 gunship attacked suspected al-Qaeda members in southern Somalia on Sunday, and U.S. sources said the operation may have hit a senior terrorist figure.

The strike took place near the Kenyan border, according to a senior officer at the Pentagon. Other sources said it was launched at night from the U.S. military facility in neighboring Djibouti. It was based on joint military-CIA intelligence and on information provided by Ethiopian and Kenyan military forces operating in the border area.

It was the first acknowledged U.S. military action inside Somalia since 1994, when President Bill Clinton withdrew U.S. troops after a failed operation in Mogadishu that led to the deaths of 18 Army Rangers and Delta Force special operations soldiers.

Sources said last night that initial reports indicated the attack had been successful, although information was still scanty.

"You had some figures on the move in a relatively unpopulated part of the country," said one source confirming the attack, who, like several others, would discuss the operation only on the condition of anonymity. "It was a confluence of information and circumstances," he said. The attack was first reported by CBS News.

One target of the strike, sources said, was Abu Talha al-Sudani, a Sudanese who is married to a Somali woman and has lived in Somalia since 1993 -- the year of the attack against U.S. troops that was chronicled in the book and movie "Black Hawk Down." In a 2001 U.S. court case against Osama bin Laden, Sudani was described by a leading witness as an explosives expert who was close to the al-Qaeda leader.

More recently, Sudani was identified by U.S. intelligence as a close associate of Gouled Hassan Dourad, head of a Mogadishu-based network that operated in support of al-Qaeda in Somalia. Dourad is one of 14 "high-value" prisoners transferred last September from CIA "black sites" to the U.S. military base at Guantanamo Bay, Cuba.

The Office of the Director of National Intelligence then disclosed that Dourad "worked for the East African al-Qaeda cell led by . . . al-Sudani" and carried out at least one mission for him, related to a plan to bomb the U.S. military base in Djibouti.



Others have identified Sudani as the financier for Fazul Abdullah Mohammed and Saleh Ali Saleh Nabhan, believed responsible for the 1998 bombing of U.S. embassies in Kenya and Tanzania. All are among the senior al-Qaeda operatives the Bush administration has charged were sheltered by Somalian Islamic fundamentalists controlling Mogadishu, the country's capital. They are believed to have fled late last month when Ethiopian troops drove the fundamentalists out of the capital and toward the Kenyan border.

[In an interview early Tuesday, Abdirizak Hassan, chief of staff for Prime Minister Ali Mohamed Gedi, confirmed the strike. Hassan said he heard from American officials that Fazul Abdullah Mohammed had been killed, although U.S. officials said he had not been in their immediate sights. "Among the targets was Fazul," he said, "and we understand that Fazul is no more."

Hassan also said Somali officials authorized the strike. "We gave permission for actions that are more than airstrikes," Hassan said. "Whatever it means to rout these people out, we have given them permission."]

The Bush administration has been leading an international diplomatic effort to stabilize Somalia, including organizing an African peacekeeping force. It has called on leaders of Somalia's new transitional government to negotiate a power-sharing arrangement with moderate members of the Islamic leadership who are not seen as terrorist facilitators and who are supported by a significant segment of Somali clans.

Neither effort has met with much success. African countries have been reluctant to offer troops and the new Somalian leaders have resisted negotiations.

Sources would not confirm that U.S. forces are operating on the ground along the border between Somalia and Kenya, although one emphasized that "we are working very, very closely" with Kenyan forces.

The aircraft carrier USS Eisenhower was deployed in the Indian Ocean to provide air cover for the operation and, if needed, to evacuate downed airmen and other casualties. It joined several Navy ships from the Fifth Fleet, based in Bahrain, that have been patrolling the area to prevent al-Qaeda members from fleeing Somalia by sea, a Navy spokesman said. Approximately 1,500 U.S. personnel, including Special Operations forces, are assigned to the Djibouti-based Combined Joint Task Force-Horn of Africa.

The AC-130 gunship is a heavily armed aircraft, with four cannons and a six-barrel Gatling gun capable of firing 1,800 rounds a minute. But its most striking weapon is a computer-operated 105mm howitzer that juts sideways from the middle of the aircraft. An offensive behemoth that is relatively defenseless against counterattack, it is flown only at night.

The Bush administration has long claimed the right to launch discrete military attacks in other countries when terrorist targets have been identified.

A strike by a U.S. Predator drone was ordered by the CIA last January in response to intelligence placing Ayman al-Zawahiri, the second-ranking al-Qaeda leader and bin Laden's chief deputy, at a compound near the Afghanistan border in Pakistan. The attack killed a reported 17 people, including six women and six children, but not Zawahiri, who apparently was not at the compound at the time.

*Staff writers Thomas E. Ricks and Robin Wright, correspondent Stephanie McCrummen in Nairobi and staff researchers Julie Tate and Madonna Lebling contributed to this report.*

## NEW YORK TIMES

January 9, 2007

# U.S. Airstrike Aims at Qaeda Cell in Somalia

By DAVID S. CLOUD

Page A3

WASHINGTON, Jan. 8 — A United States Air Force gunship carried out a strike Sunday night against suspected operatives of Al Qaeda in southern Somalia, a senior Pentagon official said Monday night.

The attack by an AC-130 gunship, which is operated by the Special Forces Command, is believed to have produced multiple casualties, the official said. It was not known Monday night whether the casualties included members of a Qaeda cell that American officials have long suspected was hiding in Somalia.

Special Forces units operating from an American base in Djibouti are conducting a hunt for Qaeda operatives who have been forced to flee Mogadishu, the Somali capital, since Islamic militants were driven from there by an Ethiopian military offensive last month.

The American attack was first reported by CBS News.

The Special Forces attack is the first military action in Somalia that Pentagon officials have acknowledged since American troops departed the lawless country in the wake of the infamous "Black Hawk Down" episode in 1993, when 18 American soldiers were killed in street fighting in Mogadishu.

American officials have long suspected that a handful of Qaeda suspects responsible for the 1998 embassy bombings in Kenya and Tanzania have been hiding inside Somalia, a country that has not had a central government since 1991.

The search for the terrorist suspects has driven American policy toward Somalia for several years.

*Jeffrey Gettleman reported from Mogadishu, and Mark Mazzetti from Washington. Mohammed Ibrahim and Yuusuf Maxamuud contributed reporting from Mogadishu.*

## CHRISTIAN SCIENCE MONITOR

Christian Science Monitor

February 1, 2007

Pg. 12

### **Al Qaeda 2006: Fighting In Iraq, Regrouping In Afghanistan, Enlisting In Europe**

*An assessment of some of last year's most significant gains and losses for the terrorist organization.*

By Carol Huang, Contributor to The Christian Science Monitor

In 2006, agents of Al Qaeda, as well as those inspired by its ideology, continued their attacks. Violence in Iraq intensified, and Afghanistan saw its most violent year since 2001.

Despite worsening chaos on those fronts, counterterrorist forces arrested and killed high-profile terrorists and kept the West free from attack. But these actions don't appear to have weakened the appeal of Al Qaeda's agenda. "Home-grown" militants around the world joined its jihad, as regional fighting heightened perceptions of a global war on Islam.

Here's an assessment of some of the most significant gains and losses for Al Qaeda last year:

**Afghanistan** -- Terrorism experts say that militant jihadists shifted focus to the original Al Qaeda base to utilize experience and tactics gained in Iraq -- as reflected in the increase in suicide bombings from 27 in 2005 to 139 in 2006, according to US estimates. Al Qaeda leader Osama bin Laden and his No. 2, Ayman al-Zawahiri, are widely believed to be hiding in the border region between Afghanistan and Pakistan.

**Algeria** -- Algeria's Salafist Group for Preaching and Combat declared an alliance with Al Qaeda in September.

**Britain** -- In August, authorities foiled a terrorist plot with all the hallmarks of an Al Qaeda attack. British security arrested dozens of suspects whom they allege were participating in a plan to bomb up to 10 passenger flights from England to the US.

But Europe's major problem in 2006, experts say, was "home-grown terrorism." Britain's spy chief, Eliza Manningham-Buller, warned in November that the security service MI5

was "working to contend with some 200 groupings or networks, totaling over 1,600 identified individuals."

Europe is a primary recruiting base for Al Qaeda as Muslim communities there have access to wealth and freedom of movement, says Rohan Gunaratna, author of "Inside Al Qaeda: Global Network of Terror."

Islamic militants are "busy recruiting from the Muslim diaspora," adds Paul Wilkinson, chairman of the advisory board of the Centre for the Study of Terrorism and Political Violence at the University of St. Andrews in Scotland. "It's very clear that the organization is still very much in business.... And that recruitment has been going on quite rapidly."

**Egypt** -- An April 24 attack in a Sinai resort town was not claimed by Mr. bin Laden, but the hotel bombings had many similarities to an Al Qaeda strike. The attacks were a sign that the group's tactics have gained a foothold among other radical groups.

**Indonesia** -- Hundreds of members of Jemaah Islamiyah (JI), a major terrorist group linked to Al Qaeda, were arrested, while more radical members split from the group in early 2006 to form Tanzim Qaedat al-Jihad. The biggest blow to counterterrorism efforts was the release of Abu Bakar Bashir from jail in June 2006 after he spent 26 months in prison. The radical Islamic cleric, who is said to lead JI, was cleared of conspiracy charges in December for his role in the 2002 Bali hotel bombings. "Indonesian counterterrorism law is gravely weak," says Mr. Gunaratna. "Abu Bakar Bashir is the leader of the most dangerous group in Southeast Asia. His group has killed more than 250 people."

**Iraq** -- The most violent offshoot of bin Laden's global organization, Al Qaeda in Iraq, seemed to suffer a major blow in 2006 with the killing of former chief Abu Musab al-Zarqawi in June.

But the loss of his leadership may have actually strengthened the group, says Gunaratna. "Zarqawi was a very able and ruthless man," he says, but "not a politician." His successor, Abu Ayyub al-Masri, "is following exactly the instructions of bin Laden and al-Zawahiri."

Al Qaeda in Iraq is small but vicious, says Gunaratna. It was linked to the February bombing of a Shiite shrine in Samarra – the impact of which ratcheted up sectarian killings in 2006.

In January, the UN said that more than 34,000 Iraqi civilians were killed last year, most in Sunni-Shiite violence that Al Qaeda is bent on fomenting.

**Pakistan** -- In September 2006, President Pervez Musharraf arranged his most recent peace deal with pro-Taliban militants in Pakistan's remote Federally Administered Tribal Areas along the Afghan border. Mr. Musharraf's peace-brokering, critics warn, has

allowed the Taliban to move freely between Afghanistan and Pakistan. John Negroponte, the first director of national intelligence who is expected to be confirmed as deputy secretary of state, said that the deal is allowing Al Qaeda operatives to reorganize in the area and to cultivate "stronger operational connections and relationships that radiate outward from their leaders' secure hideout in Pakistan to affiliates throughout the Middle East, North Africa, and Europe."

**Palestinian territories** -- In March, Israel for the first time charged two Palestinians for being members of a group possibly connected to Al Qaeda. Journalist kidnappings raised concerns that the group was infiltrating the territory or inspiring copycats.

**Philippines** -- The Philippine military killed two top members of the Al Qaeda-linked militant group Abu Sayyaf. Military officials say that the killing of the group's leader, Khadaffy Janjalani, in September 2006, and his deputy Abu Sulaiman, who was killed in January 2007, have rendered the group ineffective. Still, US-trained Philippine soldiers continue to regularly engage Abu Sayyaf militants.

**Saudi Arabia** -- In February, Saudi Arabia thwarted a bombing on an oil-processing plant. Raids and gun battles throughout the country netted more than 100 suspected Al Qaeda militants, but US officials have said that the kingdom could do more to curb terrorism, including stopping the flow of militants and funds across its borders.

**Somalia** -- In June, Islamists suspected of harboring key Al Qaeda operatives overran Mogadishu and took over most of the country except Baidoa, the seat of a weak transitional government. US-backed warlords could not stop the Union of Islamic Courts, which denies charges of ties with Al Qaeda. The country saw its first suicide bombing -- which Somali officials blamed on Al Qaeda -- on Sept. 19, a failed attempt to kill the interim president. The Islamists fled in the wake of an Ethiopian and Somali offensive that began Dec. 26.

**USA** -- North America saw no Al Qaeda attacks. American security forces working around the world have seen "an awful lot of victories," says Arnaud de Borchgrave, director of the Transnational Threats Project at the Center for Strategic and International Studies in Washington. "The CIA has carte blanche to track terrorists around the world," he says. Critics say that this has led to the use of secret prisons used to interrogate Al Qaeda suspects.

On the domestic front, officials say that they thwarted attacks on Chicago's Sears Tower and New York's transit system over the summer and arrested several people in the process -- although it was unclear how serious such plans were.

**Yemen** -- Yemen prevented bomb attacks at two oil facilities on Sept. 15 that were, according to intelligence consulting firm Stratfor, probably commissioned by Al Qaeda. Twenty-three suspected Al Qaeda fighters escaped from prison in February. The government killed or captured many of them, but officials say that those remaining may help Al Qaeda in Yemen to regroup.

“A dog wouldn’t use the toilet,” Muhammad said. “They charged us 150 Egyptian pounds a day (\$26.30) to use a seat, even the little kids. One Egyptian said, ‘Even a dead body has to pay.’ ” They bribed guards to bring them food and water.

The day of their flight, a Friday, they were brought to the departure hall. But an airlines security guard examined their documents and turned them away. Presumably, the visas were fake. “He looked at us as if we were evil,” Saado said. “There was no respect for us. I hate the Israelis, but I hate the Egyptians more.”

They were returned to the fetid waiting room, and a day later, when there was a busload, they were shipped back, first to El Arish. There they waited for days in an even more disgusting detention area, they said, until the Rafah crossing opened.

“When we finally got back to Gaza, I kissed the soil,” Muhammad said, laughing at his humiliation. “We said, ‘Gaza is paradise!’ ”

In his own quest to leave, Mr. Hussein, the cafe worker, has contacted the American Consulate in East Jerusalem. But, he said, “I can’t get a permit to go to Jerusalem to make an application.”

What about those who would accuse you of giving up your rights in your land?

Mr. Hussein turned away. “I don’t care,” he finally said. “I want to live happily.”

## WASHINGTON POST

### **Alleged Architect Of 9/11 Confesses To Many Attacks**

By Josh White  
Washington Post Staff Writer  
Thursday, March 15, 2007; A01

Khalid Sheik Mohammed, the alleged mastermind of the Sept. 11, 2001, attacks, confessed at a Guantanamo Bay military hearing that he planned and funded that al-Qaeda operation and said he was involved in more than two dozen other terrorist acts around the world, according to documents released by the Pentagon yesterday.

In a rambling statement delivered Saturday to a closed-door military tribunal, Mohammed declared himself an enemy of the United States and claimed some responsibility for many of the major terrorist attacks on U.S. and allied targets over more than a decade. He said that he is at war with the United States and that the deaths of innocent people are an unfortunate consequence of that conflict.

"I was responsible for the 9/11 operation, from A to Z," Mohammed told a panel of military officers through a personal representative, who read off a list of 31 terrorist acts

that were either carried out or planned but not executed. According to transcripts released by Defense Department officials last night, Mohammed later spoke in broken English and Arabic, saying, "For sure, I'm American enemies."

Mohammed took responsibility for the attacks on New York and Washington in an interrogation detailed in the Sept. 11 commission's report. But his appearance before the tribunal at Guantanamo Bay marked the first time since his March 2003 arrest that he was allowed to make an extended statement that was not delivered to interrogators.

His capture was followed by years of detention in secret CIA facilities, where he was held without any contact with the outside world.

The Pentagon released the transcript last night along with similar records from two other hearings for alleged terrorists. They were among a group of 14 high-value detainees transferred to Guantanamo Bay from CIA custody last September on orders from President Bush. Each detainee is entitled to such a review to determine whether he is an enemy combatant and whether he should remain in U.S. custody. The hearings may be a prelude to possible charges and, ultimately, military trials.

Mohammed presented evidence, in the form of a written statement, in which he appears to allege abuse. The tribunal president told Mohammed he had received the statement "regarding certain treatment that you claim to have received" before arriving at Guantanamo Bay.

The tribunal president also asked whether any statements he made under interrogation were "as the result of any of the treatment." Mohammed answered: "CIA peoples. Yes. At the beginning when they transferred me . . ." The rest of the sentence is redacted from the transcript.

The other hearings were for Abu Faraj al-Libi, who did not appear at his hearing, and Ramzi Binalshibh, who allegedly played a direct role in the Sept. 11 attacks. He also did not participate in the hearing.

Mohammed described himself as Osama bin Laden's operational director for the Sept. 11 attacks and as al-Qaeda's military operational commander for "all foreign operations around the world."

He claimed to have been "responsible" for the 1993 attack on the World Trade Center, Richard Reid's attempt to ignite a shoe bomb on an airliner over the Atlantic Ocean in December 2001, and the October 2002 bombing of a nightclub in Bali, Indonesia.

Mohammed also said he plotted to assassinate several former presidents, including Jimmy Carter, a scheme not previously revealed.

Mohammed described several other plots that never came about, such as attacks on buildings in California, Chicago and Washington state, and on the New York Stock Exchange.

Despite his statements, it is unclear how much involvement he could have had in the 31 separate attacks he listed. The Sept. 11 commission described Mohammed as a flamboyant operative who developed grandiose plans for attacks even as other al-Qaeda leaders urged him to focus on the Sept. 11 plot.

One of those plans revealed Mohammed as captivated by "a spectacle of destruction with KSM as the self-cast star -- the superterrorist," the commission wrote.

Mohammed contended that he and al-Qaeda are not terrorists, but are engaged in a long struggle against U.S. oppression in the Middle East. He apologizes for killing children in the Sept. 11 attacks.

"Because war, for sure, there will be victims," he said. "When I said I'm not happy that 3,000 been killed in America. I feel sorry even. I don't like to kill children and the kids."

Mohammed likened al-Qaeda's quest to Colonial America's struggles in the of America's Revolutionary War, drawing parallels between Laden and George Washington.

"So when we made any war against America, we are jackals fighting in the nights," he said, adding later that had Washington been arrested by the British, he, too, would have been considered an enemy combatant.

"As consider George Washington as hero, Muslims many of them are considering Osama bin Laden. He is doing same thing. He is just fighting. He needs his independence."

Mohammed said he wants to make a "great awakening" to force the United States to stop foreign policy "in our land."

He urged the U.S. military to release numerous detainees who were captured in Afghanistan and are now at Guantanamo, saying that many were wrongly swept up. At one point, he contended that a group of men sent to assassinate bin Laden and captured by al-Qaeda were later taken prisoner by U.S. forces in Afghanistan.

Bruce Hoffman, a professor of security studies at Georgetown University, said Mohammed sees himself as a "reluctant warrior and justified" in his actions, as many other terrorists have characterized themselves.

*Staff writer Ann Scott Tyson and staff researcher Julie Tate contributed to this report.*

NEW YORK TIMES

March 15, 2007

**Suspected Leader of 9/11 Attacks Is Said to Confess**

TRANSCOM GHOST DOCS 324



By ADAM LIPTAK

Page 1

Khalid Shaikh Mohammed, long said to be the mastermind of the Sept. 11 attacks, confessed to them at a military hearing held in Guantánamo Bay, Cuba, on Saturday, according to a transcript released by the Pentagon yesterday. He also acknowledged full or partial responsibility for more than 30 other terror attacks or plots.

“I was responsible for the 9/11 operation, from A to Z,” he said.

In a rambling statement, Mr. Mohammed, a chief aide to Osama bin Laden, said his actions were part of a military campaign. “I’m not happy that 3,000 been killed in America,” he said in broken English. “I feel sorry even. I don’t like to kill children and the kids.” [Excerpts, Page A23.]

He added, “The language of war is victims.”

Though American officials had linked Mr. Mohammed to the attacks of Sept. 11, 2001, and to several others, his confession was the first time he spelled out in his own words a panoply of global terror activities, ranging from plans to bomb landmarks in New York City and London to assassination plots against former Presidents Jimmy Carter and Bill Clinton and Pope John Paul II. Some of the plots he claimed to plan, including the attempt on Mr. Carter, had not previously been publicly disclosed.

Mr. Mohammed indicated in the transcript that some of his earlier statements to C.I.A. interrogators were the result of torture. But he said that his statements at the tribunal on Saturday were not made under duress or pressure.

His actions, he said, were like those of other revolutionaries. Had the British arrested George Washington during the Revolutionary War, Mr. Mohammed said, “for sure they would consider him enemy combatant.”

The hearing also summarized some of the evidence the Pentagon says supports the designation of Mr. Mohammed as an enemy combatant, including a computer hard drive containing information about the Sept. 11 hijackers, letters from Mr. bin Laden and the details of other plots. It was seized, the government says, when Mr. Mohammed was captured.

Mr. Mohammed spoke before a combatant status review tribunal that has the narrow task of determining whether President Bush had properly designated him an enemy combatant. Mr. Mohammed’s confession will almost certainly be used against him if and when he is tried for war crimes by a military commission.

TRANSCOM GHOST DOCS 325

Parts of the transcript were redacted by the military, and there were suggestions in it that Mr. Mohammed contended he was mistreated while in the custody of the C.I.A. after his arrest in 2003. He was transferred to military custody at Guantánamo Bay last year.

By tribunal rules, Mr. Mohammed was aided by a “personal representative,” not a lawyer. His attempt to call two witnesses was denied. And the tribunal indicated that it would consider classified evidence not made available to Mr. Mohammed.

Combatant status review tribunals are informal hearings created in response to a 2004 decision by the United States Supreme Court to judge whether prisoners at Guantánamo were properly designated as enemy combatants and subject to indefinite detention. Unlike the military commissions that hear war crimes charges, the combatant status review tribunals offer minimal procedural protections and are not recognizably judicial.

In the past, the hearings have been partly open to the press. But a series of recent hearings, involving some of the 14 so-called high-value detainees transferred to Guantánamo from secret C.I.A. prisons last year, were closed. In addition to the Mohammed transcript, the Pentagon yesterday also released transcripts of the hearings of Abu Faraj al-Libbi and Ramzi bin al-Shibh, top Qaeda operatives.

Mr. Libbi did not attend his hearing, and in a statement contained in the transcript he said he would refuse to do so until he could be tried according to accepted judicial principles in the United States. He said he had not been granted a lawyer and could not introduce witnesses in his defense.

“If I am classified as an enemy combatant,” he said in the statement, “it is possible that the United States will deem my witnesses are enemy combatants and judicial or administration action may be taken against them. It is my opinion the detainee is in a lose-lose situation.”

The tribunals in all three cases reserved judgment on the question of whether the men were indeed properly classified as enemy combatants, but there is little doubt that the president’s designation will be affirmed.

The prisoners may appeal the conclusions of the tribunals to a federal appeals court in Washington. While not contesting his own guilt, Mr. Mohammed asked the United States government to “be fair with people.” He said that many people who had been arrested as terrorists in the wake of 9/11 were innocent.

Mr. Mohammed’s representative, an Air Force lieutenant colonel whose name was not released, read a statement on Mr. Mohammed’s behalf “with the understanding he may interject or add statements if he needs to.”

In the statement, Mr. Mohammed described himself as the “military operational commander for all foreign operations around the world” for Al Qaeda.

He also took responsibility for the 1993 bombing of the World Trade Center and the 2002 bombing of a nightclub in Bali.

Mr. Mohammed also outlined a vast series of plots that were not completed. Among his targets, he said, were office buildings in Chicago, Los Angeles and New York; suspension bridges in New York; the New York Stock Exchange “and other financial targets after 9/11”; the Panama Canal; British landmarks including Big Ben; buildings in Israel; American embassies in Indonesia, Australia and Japan; Israeli embassies in India, Azerbaijan, the Philippines and Australia; airliners around the world; and nuclear power plants in the United States.

He said he managed “the cell for the production of biological weapons, such as anthrax and others, and following up on dirty-bomb operations on American soil.”

Mr. Mohammed also said that he had taken part in “surveying and financing for the assassination of several former American presidents, including President Carter.” He added that he was responsible for an assassination plot against President Clinton in the Philippines in 1994.

But Mr. Mohammed interrupted his representative to clarify that he was not solely responsible for a 1995 attempt on the life of Pope John Paul II during a visit to the Philippines.

“I was not responsible,” Mr. Mohammed said, “but share.”

American officials and President Pervez Musharraf of Pakistan have said that Mr. Mohammed took part in killing Daniel Pearl, a reporter for The Wall Street Journal, in Pakistan in 2002. Though Mr. Mohammed referred to Mr. Pearl in passing in the transcript, he did not confess to the killing. He did say that he had plotted to assassinate President Musharraf.

At the end of the recitation, Mr. Mohammed was asked, “Were those your words?”

“Yes,” he answered.

Later, he said: “What I wrote here, is not I’m making myself hero, when I said I was responsible for this or that. But you are military man. You know very well there are language for war.”

It is not clear how many of Mr. Mohammed’s expansive claims were legitimate. In 2005, the Sept. 11 commission said that Mr. Mohammed was noted for his extravagant ambitions, and, using his initials, described his vision as “theater, a spectacle of destruction with KSM as the self-cast star, the superterrorist.”

Mr. Mohammed declined to speak under oath, saying his religious beliefs prohibited it. But he said he was telling the truth.

“To be or accept the tribunal as to be, I’ll accept it,” he said. “That I’m accepting American Constitution, American law or whatever you are doing here. That is why religiously I cannot accept anything you do.”

He added: “When I not take oath does not mean I’m lying.”

Mr. Mohammed, 41, is an ethnic Pakistani who grew up in Kuwait and graduated from North Carolina State Agricultural and Technical State University in 1986. He was captured on March 1, 2003, in Rawalpindi, Pakistan, and was held in the secret C.I.A. prison system, where he is believed to have been subjected to harsh interrogation.

In a long monologue that fills about four single-spaced pages of the transcript, Mr. Mohammed said his motives were military ones.

“If America they want to invade Iraq they will not send for Saddam roses or kisses, they send for a bombardment,” he said. “I consider myself, for what you are doing, a religious thing as you consider us fundamentalist. So, we derive from religious leading that we consider we and George Washington doing the same thing.”

He pleaded on behalf of some of his fellow detainees. “I’m asking you again to be fair with many detainees which are not enemy combatant,” Mr. Mohammed said. “Because many of them have been unjustly arrested.”

The unclassified part of the hearing lasted for a little more than an hour, according to the transcript.

Near the end, Mr. Mohammed summed up. “The American have human right,” he said. “So, enemy combatant itself, it flexible word.”

“War start from Adam when Cain killed Abel until now,” he said.

*Margot Williams contributed reporting.*

LOS ANGELES TIMES

## **U.S. officials want more outreach to American Arabs, Muslims**

**Homeland Security aides note difficulty in recruiting interpreters and analysts.**

By Adam Schreck  
Times Staff Writer

March 15, 2007

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Gen. David Petraeus), says that in fighting nontraditional foes such as al-Qaeda, it is never possible to kill or capture every fighter. The key to victory lies in cutting off the enemy's "recuperative power" by diminishing its legitimacy while increasing your own.

"To establish legitimacy," the manual says, "commanders transition security activities from combat operations to law enforcement as quickly as feasible. When insurgents are seen as criminals, they lose public support."

What did the administration gain by treating suspected terrorists as combatants? Only a justification for interrogating them for years without bringing them to trial. These abusive interrogations probably yielded some useful information; many intelligence insiders have said that they also yielded much that was misleading. The gains have surely been outweighed by what has been lost: America's moral authority and the opportunity to discredit these killers as the cowardly criminals that they are.

Imagine if Khalid Sheik Mohammed had been brought before a real court after he was captured. It wouldn't have precluded using the military to strike at al-Qaeda in its Afghan hideaways or interrogating prisoners and using intelligence to preempt attacks. It would simply have showcased American justice and values in dealing with captives.

Imagine if President Bush, instead of aping al-Qaeda's call to war, had said to bin Laden and his ilk what federal Judge William Young said to "shoe bomber" Richard Reid when he convicted him: "You are not an enemy combatant. You are a terrorist. You are not a soldier in any war. . . . To give you that reference, to call you a soldier, gives you far too much stature."

Bush's challenge after Sept. 11 was to bring men like bin Laden and Mohammed to justice without elevating them. He has done the reverse. Not a single Sept. 11 planner has been held accountable for his crimes, but they can all crow that America sees them as they see themselves: as soldiers, not criminals.

*The writer is Washington advocacy director of Human Rights Watch.*

## WASHINGTON POST

### **Al-Qaeda Suspect Says He Planned Cole Attack**

By Josh White  
Washington Post Staff Writer  
Tuesday, March 20, 2007; A01

An alleged key al-Qaeda operative with close ties to Osama bin Laden told a military hearing at Guantanamo Bay, Cuba, that he organized the attack on the USS Cole that killed 17 U.S. sailors in 2000, according to Defense Department transcripts released yesterday.

Walid Muhammad bin Attash, also known as Tawfiq bin Attash, became the second high-value detainee in recent days to stand before U.S. military officers and take responsibility for major attacks against U.S. interests, barely challenging allegations against him. In a brief hearing on March 12 that was closed to the public, bin Attash also was said to have claimed responsibility for an al-Qaeda operation that led to the nearly simultaneous detonation of two truck bombs at the U.S. embassies in Kenya and Tanzania in 1998, killing more than 200 people and injuring thousands.

Joining the extensive claims of al-Qaeda leader Khalid Sheik Mohammed -- who told a tribunal at Guantanamo Bay on March 10 that he was the mastermind of the Sept. 11, 2001, attacks -- bin Attash linked himself to major attacks that came at the behest of bin Laden. U.S. intelligence officials also believe that bin Attash, who lost his right leg during a battlefield accident in 1997, helped select about two dozen operatives for special training in 1999, training that ultimately led some to participate in the suicide bombing of the Cole, the Sept. 11 attacks and other events.

Though the Pentagon transcripts cannot be independently verified, Mohammed's tribunal transcript matched the accounts of two U.S. senators who watched from an adjoining room. It is impossible to know whether the suspects were exaggerating their claims or taking responsibility because of prior abuse. Both were in secret CIA custody for years, and Mohammed has alleged mistreatment. Bin Attash, according to his transcript, did not allege wrongdoing by his captors.

Department of Justice officials named bin Attash, a Yemeni national, as an unindicted Cole co-conspirator in May 2003, about two weeks after he was captured in Pakistan. He was later secreted to a CIA prison. His brother Hassan bin Attash has been detained at Guantanamo Bay since September 2004.

U.S. authorities had long alleged Walid Muhammad bin Attash's role in al-Qaeda's training camps in Afghanistan, but his claim of responsibility for the USS Cole bombing was the first time he had asserted such close involvement in the Oct. 12, 2000, attack on the U.S. warship while it refueled in the Yemeni port of Aden. Bombers on a small boat filled with explosives waved at U.S. sailors, feigning an attempt to help the ship dock, before they detonated their vessel.

The blast tore a huge hole in the side of the Cole's steel-plated hull, killing 17 sailors and injuring dozens more.

"I participated in the buying or purchasing of the explosives," bin Attash said with the help of an interpreter, claiming many roles in the attack, such as faking travel documents for the bombers. "I put together the plan for the operation a year and a half prior to the operation. Buying the boat and recruiting the members that did the operations. Buying the explosives."

Bin Attash told the Combatant Status Review Tribunal at Guantanamo Bay that he was with bin Laden in Kandahar, Afghanistan, at the time of the Cole attack and that he was

in Karachi, Pakistan, meeting with the head of the African embassy bombing operation when those attacks took place. He said he was the link between bin Laden and the terrorism cell chief in Nairobi.

"I used to supply the cell with whatever documents they need from fake stamps to visas, whatever," bin Attash said, according to the Pentagon documents.

All Guantanamo Bay detainees are entitled to a tribunal that determines whether they are enemy combatants. A panel of three military officers will rule on bin Attash's status over the coming weeks, and military prosecutors could charge him with crimes at a future military commission.

Yesterday's release of bin Attash's transcript came just days after a civil trial against the government of Sudan. The families of the Cole victims had alleged that Sudan's support for the plotters -- allowing money, weapons and travel documents to flow through the country -- made the attacks possible. A federal judge ruled last week that Sudan was liable for the deaths of the 17 sailors but has yet to impose damages.

Mona Gunn, whose son, Seaman Cherone Gunn, 22, was killed in the Cole attack, said yesterday that she is pleased that bin Attash has taken responsibility for the bombing and that she believes he should face a death sentence.

"I think he needs to hear that he has torn 17 families apart, that 17 families continue to suffer every day as a result of losing a loved one," Gunn said. "My biggest concern now is what's the plan to get Osama bin Laden, to put an end to all of this."

Terrorism experts said the detainees may be claiming responsibility for attacks to shield al-Qaeda members who have not been captured or to increase their own standing in the jihadist community.

Paul Pillar, former deputy chief of the CIA's counterterrorist center and a professor at Georgetown University, said yesterday that bin Attash's transcript struck him as "mundane" and "about as plain and straightforward as possible."

"It shows that there are people who are genuinely guilty, and who genuinely deserve to be punished," Pillar said. "But it doesn't mean the books are closed on anything. For each of these operations we're talking about, there are a number of people who are certainly involved enough to deserve and warrant punishment."

*Staff researcher Julie Tate contributed to this report.*

## WALL STREET JOURNAL

OPINION:

# TRANSCOM GHOST DOCS 331

## **KSM's Confession**

By Edward Jay Epstein

Last week Khalid Sheikh Mohammed (KSM) admitted to having been responsible for planning no fewer than 28 acts of terrorism, including the horrific September 11 attacks, from "A to Z." The sensational confession, made during a military hearing at Guantanamo Bay, raises a number of serious questions -- most pointedly about the decision of the 9/11 Commission to rely on the CIA for information about this terrorist leader, who was captured in 2003.

Although the 9/11 Commission identified KSM as a key witness in the World Trade Center and Pentagon, it never was allowed to question him or his CIA interrogators. Instead, the staff received briefings from a CIA "project manager" -- who was himself briefed by other CIA case officers on what KSM had putatively revealed during his interrogation. As the 9/11 Commission chairmen noted, this was "third-hand" information; but it allowed the CIA to fill in critical gaps in the commission's investigation. Now KSM's claims throw this reliance on the CIA into question.

Consider the Feb. 26, 1993, attack on the north tower of the World Trade Center. A 1,500 pound truck bomb was exploded by Islamist terrorists, intending to topple the building. Over 1,000 people were injured, and eventually five of the perpetrators, including the bomb-builder, Ramzi Yousef, were caught and sentenced to life imprisonment.

Yousef is a relative of KSM, and was involved with him in a subsequent plot to blow up U.S. airliners. Nevertheless, the 9/11 Commission concluded that KSM had played at most a "cameo role" in the 1993 attack, limited to providing Yousef with \$600 and having a few phone conversations with him. And it based this conclusion largely on the CIA briefings of what KSM had said during his interrogation.

According to the CIA, for example, KSM had maintained that "Yousef never divulged to him the target of the attack." The 1993 WTC bombing, therefore, appeared unrelated to the 9/11 attack -- and so the 9/11 Commission had no need to investigate it, or the conspirators involved in it.

In his confession, however, KSM says that *he* was responsible for the WTC bombing. If so, both it and 9/11 are the work of the same mastermind -- and the planning, financing and support network that KSM used in the 1993 attack may be relevant to the 9/11 attack. Of especial interest are the escape routes used by Abdul Rahman Yasin and Ramzi Yousef, both of whom helped prepare the bomb and then fled America.



Yasin (who is not even mentioned in the 9/11 report) came to the U.S. from Iraq in 1992, at about the same time as Yousef, and then returned to Iraq via Jordan. Despite being indicted for the World Trade Center bombing, and put on the FBI's list of the most-wanted terrorist fugitives with a \$5 million price on his head (increased to \$25 million after 9/11), Iraqi authorities allowed Yasin to remain in Baghdad for 10 years (In 2003, after the U.S. invasion, he disappeared.)

His co-conspirator Yousef, who entered the U.S. under an alias on an Iraqi passport (switching passports to his Pakistani identity), escaped after the 1993 WTC bombing to Pakistan, where, after being involved in another bombing plot with KSM, he was arrested and is currently in a U.S. prison. But if indeed KSM had been behind the 1993 bombing - - and the 9/11 Commission had not been told the opposite by the CIA -- the question of what support KSM had in recruiting the conspirators and organizing the escape routes of the bomb makers would have become a far more pressing investigative issue for the commission.

Of course, KSM's credibility is a very big "if." He might have lied in his confession about his role in the 1993 WTC bombing; he might have lied to his CIA captors (which itself would say something about the effectiveness of their aggressive interrogation); or, in selecting bits and pieces out of their full context, the CIA project officer may have accidentally mis-briefed the 9/11 Commission staff.

But at the root of the problem is the failure of the commission itself to question KSM. This was not for lack of trying. The commission chairmen fully recognized the need to gain access to the author of 9/11, and took note that their staff was becoming "frustrated" at their inability to get information from KSM and other detainees. On Dec. 22, 2003 -- with less than seven months remaining before they had to deliver their report -- they brought the problem up with George Tenet, then CIA director. He told them, point blank, "You are not going to get access to these detainees."

The commission considered using its subpoena power, but was advised by its general counsel that since KSM was being held in a secret prison on foreign soil, it was unlikely that any court would enforce a subpoena. The commission also decided against taking the issue public, believing it could not win in a battle with the administration, at least in the time it had left. So, lacking any viable alternatives, it allowed the CIA to control the information it needed from KSM and other detainees.

The result is that basic issues concerning KSM's interrogation -- and the dozens of crucial citations in the 9/11 Report -- are now in such doubt that 9/11 Commissioner Bob Kerrey suggested last Sunday, in his Daily News column, that KSM be put on trial in New York, where presumably he could be properly cross-examined. While that remedy may be far-fetched, some resolution of this investigative failure is necessary.

*Mr. Epstein is writing a book on the 9/11 Commission.*

Ali, an Al-Karkh guard since 1993.

"They told me of demonstrations. They were shot at," he said.

Until recently, these sort of claims might have been greeted with disbelief. But the leak earlier this month of Maj. Gen. Antonio Taguba's classified investigation of the 800th Military Police Brigade, responsible for Abu Ghraib and several other detention camps in Iraq, laid bare a dysfunctional prison environment under U.S. management.

At Abu Ghraib, which usually houses 6,000 to 7,000 prisoners, the guard unit was understaffed, undertrained and poorly led, Taguba found. Officers failed to implement needed fixes after several escape attempts. One example: Insufficient lighting around the prison perimeter left "dark areas that have routinely become avenues of escape," the report said.

Eight detainees were shot during a June 13 riot; 12 more were shot during a Nov. 24 riot, Taguba's report says. On two occasions the following month, guards fired "non-lethal" rubber or plastic bullets to curb inmate disturbances, according to Taguba.

Abid said guards responding to last month's demonstration also sprayed a chemical aerosol on his skin that left him with a chronic itch. Peeling open his jumpsuit, he displayed an acne-like rash across his upper chest and back.

Still, Abid did not suffer the worst indignities the Americans meted out. No one made him strip and join a pyramid of naked men. No one forced him to simulate masturbation or wear women's underwear. All of that, and more, has been shown to the world in photographs of U.S. soldiers mistreating prisoners.

Abid's time at Abu Ghraib was divided between separate stays in a tent and a cramped 13-by-13-foot cell that held more than 30 others. Each day, they shared a small bucket containing no more than 8 gallons of water for washing, he said.

But Abid knew better than to complain. The dangers of running afoul of Abu Ghraib's guards were well known. Abid was frightened of the Americans, but he said some of the Iraqi guards often smuggled blankets, cigarettes and water to the inmates. "When the Americans discovered that was going on, they took their badges," Abid said.

As he waited to see the judge, Abid insisted he was innocent. His carjacking arrest followed a fight that spiraled out of control and happened to be witnessed by American military police. "It was just my bad luck that brought the Americans there," he said.

On Sunday, Abid's luck changed. Summoned to the judge's nondescript office, he emerged a few minutes later with a piece of paper ordering his release. The news transformed his tense, sweating face into a mask of relief and sent his mother, Khola Abid, into the traditional Arab ululating cry of joy. "I am very happy, thanks be to God," she said.

With that, she and her son walked into the strong Baghdad sunshine and began forgetting Abu Ghraib.

Washington Times

May 8, 2004

Pg. 1

Prison Torture Common In Mideast, Surveys Find

By David R. Sands, The Washington Times

The scandal over abuse at a U.S. military prison in Iraq is unfolding in a region where governments routinely employ torture, psychological abuse and secret detentions of common prisoners and political detainees, according to numerous U.S., U.N. and private

surveys.

Human rights activists say the long history of prisoner abuse and torture in the region makes the images of American troops at Abu Ghraib prison physically and sexually humiliating Iraqi prisoners all the more devastating to the campaign to improve civil liberties and government accountability across the Middle East.

"People in the Middle East relied on the United States to be the lead nation opposed to this kind of treatment," said Tom Malinowski, advocacy director for the Washington office of Human Rights Watch.

"The people who are feeling the most fear about [Abu Ghraib] are the people sitting in prison cells in Saudi Arabia and Egypt," he said.

Abderrahim Sabir, U.S. spokesman for the Paris-based Arab Commission for Human Rights, said the revelations coming out of Abu Ghraib prison will have "tremendous negative effects" on efforts to combat much larger systematic abuses in other countries in the region.

"Just in terms of lobbying other countries over prisoner treatment, torture and fair trials, the United States is simply not going to be able to do that for now," said Mr. Sabir, formerly head of North African affairs for Amnesty International.

Human rights activists have long chronicled examples of judicial abuse and prisoner torture in the region.

In Egypt, torture of detainees "in recent years had become epidemic," according to a lengthy Human Rights Watch investigation published in February.

Methods of torture include "beatings with fists, feet, and leather straps, sticks and electric cables; suspension in contorted and painful positions accompanied by beatings; the application of electric shocks; and sexual intimidation and violence," the report noted. State Department human rights reports track credible charges of torture, intimidation and prison overcrowding in numerous Middle East regimes, including Saudi Arabia, Egypt, Algeria, Syria and Yemen.

While Saudi Arabia's Islamic-based law prohibits the use of torture to obtain confessions, the U.S. report charged that Interior Ministry personnel were abusing prisoners, "including beatings, whippings and sleep deprivation."

"In addition, there were allegations of beatings with sticks and suspension from bars by handcuffs," according to State Department investigators.

Some in the Arab news media have remarked on the "paradox" that the Abu Ghraib facility outside Baghdad, where the pictures of U.S. soldiers abusing Iraqi detainees were taken, was formerly one of the most brutal and notorious prisons run by the regime of Saddam Hussein.

Musa Keilani wrote in the Jordan Times: "We in the Arab world did know what was going on in Abu Ghraib when Saddam was in power: summary executions, dismemberment and torture of the worst kind we ever heard of in modern times. It is true that few in the Arab world talked about it and scant attention was given to international organizations' criticism of the gross violations of human rights in Iraq while Saddam was in power."

Many authoritarian Middle East regimes have long resisted U.S. and U.N. criticism of their treatment of prisoners, "but the pictures we're seeing out of Abu Ghraib have been a real shock to the populations of the region," Mr. Sabir said.

Physical and mental abuse of detainees has long been common practice for many of Iraq's

neighbors, according to U.S. and independent observers:

- In Egypt, "everyone taken into detention is at risk of torture," according to Amnesty International, citing "overwhelming evidence that torture is widespread and practiced systematically."

The Egyptian Organization for Human Rights, in a 2003 report titled "Torture Must Be Stopped," said it could document five cases of death from torture in detention centers in 2002 and another 31 cases of torture in prison, "nine of which are expected to end in death."

- Torture of prisoners in Algeria remains "widespread," Amnesty International found. Reported cases "were believed to represent only the tip of the iceberg since many victims, particularly in common-law cases, chose not to complain, fearing this would only exacerbate their predicament or expose family members to reprisals from the authorities."

- The most recent State Department human rights survey credits Yemen with taking steps to curb prisoner abuse, but noted there remained "numerous allegations and credible evidence that authorities tortured and abused suspects and detainees to attempt to coerce confessions before or during trial."

- In Tunisia, Amnesty International reported last year on numerous hunger strikes by prison inmates "to protest overcrowding, poor hygiene, medical neglect, the assignment of prisoners to facilities far from their families and other abuses."

"Strikers were sometimes beaten, denied family visits or placed in isolation" by authorities, the organization reported.

USA Today

May 10, 2004

Pg. 4

Reservists Followed Orders, Defenders Say

By Dennis Cauchon and Alan Levin, USA Today

The families of seven Army reservists charged with abusing Iraqi prisoners are fighting back, saying their loved ones are being made scapegoats for doing what they were told. The families said the CIA, military intelligence and private contractors were running the show at the Abu Ghraib prison and should be held responsible.

"I'll be disappointed if the American people don't rise up and protest the treatment of the foot soldiers," said Ivan "Red" Frederick, whose son, Staff Sgt. Ivan "Chip" Frederick II, has been charged with abusing inmates.

In defending themselves, the reservists, and their supporters, have become increasingly vocal:

- The family of Pfc. Lynndie England, 21, who on Sunday became the seventh soldier charged, held a news conference in her hometown of Fort Ashby, W.Va. "Certain people in the Army told her to do what she did. She follows orders," said her sister, Jessica Klinefelter.

- Spc. Sabrina Harman, 26, told The Washington Post in an e-mail that intelligence officers delivered inmates "already hooded and cuffed. The job of the MP (military police) was to keep them awake, make it hell, so they would talk." Her mother, Robin Harman, told the Post, "They're passing the buck, putting it all on the little kids."

- Spc. Jeremy Sivits, 24, "was just following instructions," said his father, Daniel Sivits. "Apparently, he was told to take a picture, and he did what he was told."

- Sgt. Javal Davis, 26, told investigators he saw prisoners "being made to do things that I

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## TORTURE 3

LOS ANGELES TIMES

OPINION:

### **In the end, torture hurts us**

**Even hardened terrorists can be made to talk, but we pay a high price for information that can't be trusted.**

Rosa Brooks

November 25, 2005

EACH TIME I write anything objecting to the Bush administration's use of torture, I get dozens of e-mails from self-styled "realists." Some of my correspondents offer unprintable suggestions on punishments that should be meted out to people — like me, presumably — who just "don't get it" about terrorism. But my more polite correspondents make some variant of the following argument:

"Ms. Brooks: It's easy for you armchair critics to condemn torture as immoral. But though torture is not pretty, we need to get the information necessary to save American lives, and sometimes torture is the only way to make hardened terrorists talk."

Here's my answer: You're right, torture can make even hardened terrorists talk. But before you decide that it's a worthy interrogation tool, study the case of Ibn al-Shaykh al-Libi.

Libi was an alleged high-ranking Al Qaeda official who was captured in late 2001 in Pakistan. Initially, the FBI was in charge of interrogating him, and it did so by the book, reportedly even reading Libi his rights before questioning him. FBI interrogators soon felt they were establishing a good rapport with him, but he wasn't giving up the information that administration hawks wanted, so CIA officials proposed that interrogators up the ante by threatening to kill Libi and his family. When the FBI refused, CIA Director George Tenet got White House permission for the CIA to take over Libi's interrogation.

Libi subsequently disappeared, becoming one of the "ghost detainees" whose whereabouts and status U.S. officials refuse to discuss. Most likely, he was "rendered" to Egypt: A former FBI official told Newsweek that CIA agents cuffed Libi's wrists and ankles, covered his mouth with duct tape and hustled him toward a waiting plane. "At the airport, the CIA case officer goes up to [Libi] and says, 'You're going to Cairo, you know. Before you get there, I'm going to find your mother and I'm going to [rape] her.' "

We don't know exactly where Libi was sent, or exactly who interrogated him when he got

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there. According to ABC News, CIA sources said Libi was subjected to progressively harsher interrogation techniques, but still refused to give his interrogators the information they wanted. Finally, he was "waterboarded" (a technique designed to make a detainee think he's being suffocated or drowned) then forced to remain standing overnight in a cold cell, where he was repeatedly soaked with icy water.

After that, well, there's good news and there's bad news. The good news? Under torture, Libi finally broke and started to talk.

The bad news? What he told his interrogators wasn't true.

It was Libi who was the "senior terrorist operative" cited by former Secretary of State Colin Powell in his crucial February 2003 speech to the United Nations Security Council, making the case for the U.S. invasion of Iraq.

"Fortunately," Powell said, "this operative is now detained, and he has told his story. He says ... Iraq offer[ed] chemical or biological weapons training for two Al Qaeda associates ... [and] a militant known as Abu Abdula al Iraqi had been sent to Iraq several times ... for help in acquiring poisons and gases.... With this track record, Iraqi denials of supporting terrorism take their place alongside the other Iraqi denials of weapons of mass destruction. It is all a web of lies."

In fact, it was the evidence cited by Powell, derived from torturing Libi, that turned out to be a web of lies. A full year before Powell's U.N. speech, a Defense Intelligence Agency memo had warned that Libi's information was probably "misleading": Libi "has been undergoing debriefs for several weeks and may be describing scenarios to the debriefers that he knows will retain their interest."

In January 2003, before Powell's U.N. speech, the CIA acknowledged similar doubts in an internal document. The administration ignored this, and relied on Libi's assertions to build the case for war in Iraq. In 2004, Libi recanted his earlier statements.

Recently, CIA sources told ABC News that they doubted that Libi had intentionally misled his interrogators. Most likely, they say, he was just desperate to stop the torture. "You can get anyone to confess to anything if the torture's bad enough," Bob Baer, a former CIA officer, told ABC.

And that's the problem with torture. Sure, it can make even the most hardened terrorist talk, but it won't necessarily produce the truth, or save lives. When U.S. officials decided to allow the torture of Libi, they made a pact with the devil. And by my reckoning, that pact has not only cost us our national soul, but has contributed, indirectly but surely, to the loss of more than 2,100 American soldiers in Iraq.

Citation: <http://www.latimes.com/news/opinion/commentary/la-oe-brooks25nov25,0,3354243.column?coll=la-news-comment-opinions>

## TRANSCOM GHOST DOCS 338

The U.S. military leads some 20,000 troops, most of them Americans in Afghanistan, in the hunt for the Taliban and their Islamic allies such as Osama bin Laden's Al Qaeda network.

This latest incident comes amid rising violence in which more than 1,100 people, most of them militants, but also nearly 60 U.S. soldiers have died in the Taliban-led insurgency this year in the country, the bloodiest since U.S.-led forces overthrew Taliban's government in 2001.

Citation: [http://www.latimes.com/news/nationworld/world/la-afghan112605\\_wr\\_0,5720298.story?coll=la-home-headlines&track=morenews](http://www.latimes.com/news/nationworld/world/la-afghan112605_wr_0,5720298.story?coll=la-home-headlines&track=morenews)

LOS ANGELES TIMES

## Europe in Uproar Over CIA Operations

**Several countries are investigating alleged counter-terrorism missions on their turf, but some cases seem unlikely to advance.**

By Tracy Wilkinson  
Times Staff Writer

November 26, 2005

BARCELONA, Spain — From Scandinavia to the tropical Canary Islands, the CIA's clandestine use of European soil and airspace for counter-terrorism missions is triggering outrage, parliamentary inquiries and a handful of criminal prosecutions.

In the aftermath of the Sept. 11, 2001, attacks in the United States, Europe was either silent about or unaware of the ways in which American agents operated within its borders. But in recent weeks several European governments have become much more vocal about alleged CIA activity in their jurisdictions.

Among the complaints: CIA operatives, without formal permission, have seized suspects in European cities and transported them to third countries for interrogation; CIA flights that have transported suspected terrorists around the world purportedly have used European airports for layovers; and the CIA may be operating clandestine prisons in Europe.

Officially, Europe, with its long history of respect for civil rights, has been lukewarm to U.S. counter-terrorism measures. To find itself the territory on which some of Washington's most controversial tactics are being played out has become a matter of much debate and soul-searching.

But prospects for holding the CIA to account appear to be fading in some countries.

Two countries where some of the strongest evidence has emerged are Italy, where

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prosecutors are attempting to arrest 22 CIA operatives, and Spain, where officials have confirmed a steady parade of purported CIA flights into the nation's airports.

In Germany, prosecutors are investigating both the alleged kidnapping by the CIA of one of its citizens and a number of suspicious flights into German air bases. Sweden and Norway launched investigations after similar incidents. The Dutch accused Washington of hiding its alleged use of secret prisons in Europe, and the 46-member Council of Europe told Romania to investigate reports that it was the site of such illegal detentions.

Investigations into alleged CIA landings or flyovers are underway in Austria, Denmark, Iceland, Norway and Sweden.

The European Union said any of its members housing secret prisons for suspected Islamic terrorists, as first reported in the Washington Post, would be in violation of the law and subject to fines.

Spain this week said it would begin stricter monitoring of flights into its airports and closer screening of those aboard. This came after it was revealed that planes believed to be used by the CIA had landed at least 10 times at Spanish airports in 2004 and 2005 on excursions that had the earmarks of so-called extraordinary renditions — the transport of suspected terrorists from one country to another for interrogation that in some cases allegedly involves torture.

The first reports of the suspect air traffic were printed in a small local newspaper, the Diario de Majorca, in the Balearic Islands, where several of the flights landed.

As an investigation by Spanish Guardia Civil widened, similar flights were discovered to have touched down in Tenerife, in the Canary Islands.

One flight that originated at Guantanamo Bay, where the United States is holding hundreds of suspects, stopped over in Tenerife in April 2004 on its way to Bucharest, the Romanian capital.

The revelations have proved problematic for the leftist government of Prime Minister Jose Luis Rodriguez Zapatero. It was this government that, days after taking office last spring, pulled its troops from Iraq because of disagreement over the U.S.-led military occupation there. Spanish officials are reluctant to take on another fight with Washington.

Foreign Minister Miguel Angel Moratinos, called on Thursday to report to parliament on the case, found himself on the defensive. He told legislators that it appeared no laws had been broken by the flights and that the government had received assurances from Washington that the planes were not being used to transport prisoners.

"The government is convinced that all of the stopovers took place within the framework of the law," Moratinos said, reading from prepared remarks amid repeated questioning.

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Leftist legislators were openly incredulous, and even the right expressed perplexity over the foreign minister's justification of the U.S. action.

"You can say there is no evidence of a crime, but you cannot say there is no crime," Gaspar Llamazares of the United Left party told Moratinos.

The government's stance has not satisfied public opinion, either. A group of citizens is suing in Majorca. In the Canary Islands, Gov. Adan Martin demanded a fuller accounting.

"We need to be more vigilant," he said.

In Italy, prosecutors, using a trove of phone records and other paper trails, painstakingly documented CIA operatives' capture of a radical Egyptian cleric in Milan in 2003. The cleric, known as Abu Omar, was bundled off to Egypt via Ramstein Air Base in Germany, and has claimed he was tortured by Egyptian authorities with U.S. officials present.

Over the summer, prosecutors issued arrest warrants for the agents. This month, following protocol, they asked the Italian Justice Ministry to demand the extradition of the agents from the U.S. But last week, Justice Minister Roberto Castelli, who answers to the pro-U.S. prime minister, Silvio Berlusconi, questioned the motives of lead prosecutor Armando Spataro and called him a leftist militant.

The justice minister has not ruled definitively on the case.

In Germany, probes are proceeding on two fronts.

Eberhard Bayer, the public prosecutor in the region that covers the Ramstein base, in southwestern Germany, opened an investigation into the use of the base as a stopover in Abu Omar's abduction.

Suggestions that the CIA may have used U.S. bases in Germany to transport suspected terrorists have led some politicians to call for a federal investigation.

"The German foreign minister should have a talk with the U.S. ambassador," Sabine Leutheusser-Schnarrenberger, a top official with the Free Democratic Party, recently told the Berliner Zeitung newspaper.

"If the so-far-unproven accusations are correct, it would be outrageous."

Berliner Zeitung reported Tuesday that six CIA planes had stopped over at the Rhein-Main base near Frankfurt between December 2001 and August 2003. One of the aircraft was a Hercules C-130 that left Germany and headed for Baku, Azerbaijan, on Jan. 21, 2003.

In addition, Munich prosecutors opened an investigation this year into the alleged CIA kidnapping of Khaled Masri, a German citizen of Lebanese descent, who claims he was snatched in Macedonia on Dec. 31, 2003. Masri says he was then flown by the CIA to a prison in Afghanistan, where he was held and interrogated for five months before being released, with neither charges nor apologies.

His lawyer, Manfred Gnjudic, said he planned to sue the U.S. government.

But the political situation is delicate in Germany at the moment also. The new chancellor, Angela Merkel, is keen to improve ties with Washington that were strained under her predecessor, Gerhard Schroeder. So although German politicians are demanding answers about CIA activities, Merkel may be reluctant to pursue them.

Romania denied reports by Human Rights Watch that it was the site of secret CIA-operated prisons for suspected terrorists, whose detention abroad would relieve U.S. officials of respecting the Geneva Convention or other human rights concerns. Poland, also mentioned by the New York-based organization, issued a similar denial.

"We do not keep terrorists here, nor do we interrogate them," said Jerzy Szmajdzinski, defense minister until a change of government a few days ago. "I exclude that such a situation took place in Poland."

Romania and Poland, which are emerging from communist pasts, are key allies in Washington's war on terrorism.

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*Times staff writer Jeffrey Fleishman in Berlin and special correspondent Ela Kasprzycka in Warsaw contributed to this report.*

Citation: <http://www.latimes.com/news/nationworld/world/la-fg-flights26nov26,1,3965828.story?coll=la-headlines-world>

LOS ANGELES TIMES

## **Investigator Calls Secret CIA Prisons Unlikely Official doubts Europe has covert bases housing suspected terrorists but says questions remain.**

From Associated Press

November 26, 2005

BUCHAREST, Romania — The head of a European investigation into alleged secret CIA prisons in Eastern Europe said Friday that it was unlikely there were large clandestine detention centers in the region.

Dick Marty, the Swiss senator heading the investigation on behalf of the Council of Europe, said he did not believe a prison like the U.S. base at Guantanamo Bay, Cuba, was

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possible in the region.

"But it is possible that there were detainees that stayed 10, 15 or 30 days," Marty told reporters, without referring to any country. "We do not have the full picture." He was in Romania for a meeting of the Parliamentary Assembly of the council, Europe's main human rights watchdog.

The council's secretary-general, Terry Davis, said he had written to member nations asking whether they had laws against secret prisons and transportation of prisoners. The countries have until Feb. 21 to respond.

The council began investigations after published reports said CIA planes transported suspected terrorists through European countries. The reports raised the possibility that the CIA had set up secret detention facilities in Eastern Europe.

Human Rights Watch said flights stopped at the Romanian air base of Mihail Kogalniceanu and Poland's Szczytno-Szymany airport, basing its information on flight logs of suspected CIA aircraft from 2001 to 2004.

Romanian leaders and the Pentagon have denied that the Mihail Kogalniceanu base was the site of a covert detention center, and the Romanians insist the U.S. never used it as a transit point for Al Qaeda captives. Poland's prime minister said the reports were worth investigating.

Marty has asked the Brussels-based Eurocontrol air safety organization to provide details of 31 aircraft.

Citation: <http://www.latimes.com/news/nationworld/world/la-fg-prisons26nov26,1,3952054.story?coll=la-headlines-world>

## WASHINGTON POST

### **GIs Who Burned Fighters' Bodies to Be Disciplined**

By Daniel Cooney  
Associated Press  
Sunday, November 27, 2005; A24

KANDAHAR, Afghanistan, Nov. 26 -- Four U.S. soldiers face disciplinary action for burning the bodies of two dead Taliban fighters -- a videotaped incident that sparked outrage in Afghanistan -- but they will not be prosecuted because their actions were motivated by hygienic concerns, the military said Saturday.

## WASHINGTON POST

### **CIA Director Defends Detention Policy**

By William Branigin

Washington Post Staff Writer

Tuesday, November 29, 2005; 1:06 PM

CIA Director Porter J. Goss defended the agency's "debriefings" of terrorist suspects, saying in an interview broadcast today that they yield "good results" but do not involve torture.

In the rare interview on ABC's "Good Morning America" program, Goss expressed some frustration about the Central Intelligence Agency's inability to penetrate terrorist sanctuaries in remote areas or cities abroad, and he said terrorist leaders such as Osama bin Laden and Abu Musab Zarqawi are going to great lengths to avoid detection. But he said the CIA knows more about the men than it is able to say.

Goss did not deny the existence -- reported earlier this month by The Washington Post -- of a secret CIA prison system overseas that has included sites in Eastern Europe. Asked why the United States needed secret prisons, Goss said: "We're fighting a war on terror. We're doing quite well in it. Inevitably, we are going to have to capture some terrorists, and inevitably, they are going to have to have some due process, and inevitably, that is going to happen, and it's going to be done lawfully and under all of the law and order and protections of due process that this country affords."

The comments came as Secretary of State Condoleezza Rice prepared for a trip to Europe next week in which concerns about the reported prison system are expected to come up. Yesterday, the European Union's justice commissioner, Franco Frattini, warned that he would call on the organization to suspend the voting rights of any EU member state found to have hosted a secret CIA prison in violation of EU human rights principles. Human Rights Watch, a U.S.-based advocacy group, has reported that Poland and Romania appeared to be among the countries that have allowed the CIA to run covert detention centers on their territory. Officials from both countries have denied the allegations.

Poland is an EU member, while Romania has applied to join and hopes to be accepted in 2007.

Rice plans to visit Romania on her European trip, which also includes stops in Germany, Ukraine and Belgium, where she is scheduled to hold talks at the EU headquarters in Brussels.

In an interview published today in USA Today, Rice indicated she intends to remind Europeans that "we are fighting a war on terror" and that the United States must take certain actions "in order to protect not just ourselves but to protect others."

She added: "We haven't ever fought a war like this before. We've never fought a war before . . . where you can't allow somebody to commit the crime before you detain them, because if they commit the crime, then thousands of innocent people die."

In his interview with ABC, Goss said he was working to create "a leaner headquarters" with "a little less regulation" and "less red tape." The agency is "doing innovative things and putting people overseas in different ways than we've ever done before," he said. "It's a new game."

In response to a question from interviewer Charles Gibson, Goss said: "What I wish I knew more about now was how to penetrate into some of the sanctuary areas. They can be in harsh terrain that is hard to manage, or they can be in the heart of a city, in a ghetto or a slum area, where people don't regularly go and things can be going wrong. Knowing how to find those places and get in and penetrate them I think is going to be the hardest part of this business."

As for why the agency has not been able to find bin Laden or Zarqawi, Goss said: "Well, primarily because they don't want us to find them, and they're going to great lengths to make sure we don't find them. And I assure you we're employing a lot of efforts to find out where they are. And I don't want to get into the depth and the details, but we know a good deal more about bin Laden and Zarqawi and [top al Qaeda deputy Ayman] Zawahiri than we're able to say publicly."

Regarding torture, the CIA director said: "What we do does not come close because torture, in terms of inflicting pain or something like that, physical pain or causing a disability, those kinds of things that probably would be a common definition for most Americans, sort of, you know it when you see it, we don't do that because it doesn't get what you want."

He added: "We do debriefings because . . . the nature of our business is to get information. And we do all that. And we do it in a way that does not involve torture because torture is counterproductive."

Goss refused to discuss specific interrogation techniques. "What we do, as I said many times, is professional, is lawful, it yields good results, and it is not torture," he said.

Citation: <http://www.washingtonpost.com/wp-dyn/content/article/2005/11/29/AR2005112900667.html>

Wednesday, November 30, 2005

WASHINGTON POST

## **U.S. Will Address E.U. Questions on CIA Prisons**

Body May Sanction Countries Involved

By Glenn Kessler

Washington Post Staff Writer

Wednesday, November 30, 2005; A01

The Bush administration pledged yesterday to respond to a formal inquiry from the European Union over reports of covert CIA prisons for al Qaeda captives in Eastern Europe, acknowledging for the first time that the controversy over the secret prison system has upset European allies.

British Foreign Secretary Jack Straw, writing on behalf of the European Union, sent Secretary of State Condoleezza Rice a letter yesterday seeking "clarification" about the matter, the British Embassy said. Franco Frattini, the union's top justice official, warned Monday that any E.U. country discovered to have hosted CIA prisons will face "serious consequences," including losing its E.U. voting rights.

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The controversy over the prisons has threatened to overshadow Rice's planned five-day trip to Europe next week, and she used a meeting yesterday with Frank-Walter Steinmeier, Germany's new foreign minister, to respond to the growing clamor for answers.

"The United States realizes that these are topics that are generating interest among European publics as well as parliaments, and that these questions need to be responded to," State Department spokesman Sean McCormack told reporters, adding, "These are certainly legitimate questions."

McCormack said Rice assured Steinmeier that the United States has not violated either its own laws or international treaties, but he sidestepped questions about whether the prisons -- the existence of which he did not confirm or deny -- violate European laws.

Intelligence officials and legal experts have said that the CIA's internment practices would be considered illegal under the laws of several host countries.

The Washington Post reported early this month that the CIA has been hiding and interrogating some of its most important al Qaeda captives at a Soviet-era compound in Eastern Europe as part of a covert prison system that at various times has included sites in eight countries, including Thailand, Afghanistan and several democracies in Eastern Europe. The Post did not identify the Eastern European countries at the request of senior U.S. officials, who said the disclosure could disrupt counterterrorism efforts in those countries and elsewhere and make them targets of retaliation.

The report spawned a frenzy of investigations and news reports in Europe, dismaying administration officials who have painstakingly tried to repair U.S.-European relations this year after they ruptured over the Iraq invasion. "There is a tone in a European press, an anti-American sentiment, that I have not seen in a year," said one senior U.S. official, speaking on the condition of anonymity.

McCormack stressed to reporters that questions about the prisons should be viewed in a "larger context" of the battle against terrorist networks: "The terrorists know no boundaries. They know no regulations or rules or they don't comply with any laws."

After the Post report, Human Rights Watch cited flight records of aircraft allegedly linked to the CIA to suggest that facilities in Poland and Romania were used. Poland is an E.U. member and Romania is a candidate for admission; both countries have denied they housed secret CIA prisons.

An investigator for the parliamentary assembly of the Council of Europe, the continent's main human rights body, reported last week that he had received the information from Human Rights Watch. The investigator, Dick Marty, proposed to visit suspected sites, examine satellite imaging and analyze aircraft movements.

Rice will visit Germany, Romania, Ukraine and NATO headquarters in Brussels, and U.S. officials expect questions about the prisons to dog her at every stop.

European commentators have questioned how the United States can celebrate democracy in Ukraine when reports about the prisons appear to undermine its own traditions of freedom. In Romania, Rice will sign a bilateral defense cooperation agreement, formally permitting U.S. troops to use Romanian bases as part of a redeployment of forces in Europe.

Straw's letter was not publicly released. The United Kingdom holds the rotating presidency of the European Union, and a British Embassy spokesman said Straw wrote the letter at the request of several European delegations. The letter seeks "clarification on

the allegations that the CIA has terror camps in Eastern Europe," said the spokesman, who under British tradition was not identified. "They remain allegations, but nevertheless it is right to ask the United States for more information."

Rice and Steinmeier also discussed reports of transport flights for al Qaeda suspects by CIA aircraft in German airspace, McCormack said. German media have reported that some CIA planes landed at six German airports, a potential embarrassment for the government of Germany's new chancellor, Angela Merkel, who has hoped to improve relations with the United States.

U.S. officials are also keen to build ties after experiencing a rocky relationship with Gerhard Schroeder, Merkel's openly anti-Bush predecessor. Hours after Steinmeier's visit with Rice, Deputy Secretary of State Robert B. Zoellick flew to Berlin for two days of talks with top officials in the new government, including Merkel. Rice also will meet with Merkel in Berlin next week.

## NEW YORK TIMES

New York Times  
December 1, 2005

Page A14

### **Reports Of Secret U.S. Prisons In Europe Draw Ire And Otherwise Red Faces**

By Ian Fisher

ROME, Nov. 30 - It is not only anger that is rising in Europe over possible secret American prisons on the Continent, kidnappings of terror suspects and transfers of prisoners on C.I.A. airplanes.

There is also looming embarrassment, with suspicion that Americans, in many cases, operated with the knowledge or consent of local governments.

"Someone knew," said Daria Pesce, the lawyer for a former C.I.A. station chief in Milan, one of 22 Americans formally charged in the kidnapping of an Islamic militant from there to Egypt in 2003. "I don't think that it is possible that an American comes into Italy and kidnaps someone. It seems really unlikely."

In the last few weeks, a confusing - and combustible - array of allegations has been hardening into fact in the European mind, all pointing to a worry that people here, largely skeptical of America's effort to prevent terrorism, may be more involved in that project than thought, and in several ways.

The immediate furor was set off by a report that since the Sept. 11 terror attacks, the Central Intelligence Agency has created a covert prison system in eight countries,

# TRANSCOM GHOST DOCS 347

including several in Eastern Europe. There have been subsequent reports that C.I.A. planes have made stops in various European countries.

The flights have raised questions of whether they carried suspects bound for secret American prisons, though the flights do not prove that such transfers took place.

The concern is not limited to covert prisons, though. The biggest question is about so-called extraordinary renditions, or transfers, in which terror suspects captured abroad are sent by the United States to their home countries or to third countries, some of which have records of torturing prisoners.

The operations are by nature secret, so it has been hard to separate facts from the speculative murk around them. But the questions are fueled by some concrete evidence: hundreds of recorded flights by C.I.A. planes and at least one kidnapping, the one in Italy, documented in detail by prosecutors.

The questions seem likely to dominate the visit to Europe next week of Secretary of State Condoleezza Rice. They will focus on just how active America has been in the capture and transfer of terror suspects on European soil.

Adding to the chorus of such requests from other European nations, the British foreign minister, Jack Straw, sent a letter to Ms. Rice on Monday asking for clarification. Mr. Straw, writing on behalf of the European Union, asked specifically about accusations about covert prisons in Eastern Europe and news media reports of C.I.A. airplanes stopping in European bases.

The State Department said Monday that it would cooperate with such requests, adding that it had acted within international law.

The issue is steeped with emotion, given the high level of anger in Europe at reports that American interrogators have tortured prisoners in Iraq; Guantánamo Bay, Cuba, and other places. The stakes are high for many European governments, facing impassioned questions from opposition politicians and human rights groups about just how much they knew about American actions.

"We need full disclosure by our government," Sir Menzies Campbell, foreign affairs spokesman for the Liberal Democrats in Britain, told BBC radio on Wednesday. "If, in fact, people are being moved from a jurisdiction where torture is illegal to a jurisdiction where torture is permissible, that seems to me to be wholly contrary to international law."

"If we are allowing facilities for aircraft carrying out these actions," he added, "we are at the very least facilitating, and we may even be complicit in it."

A report on Nov. 2 in The Washington Post about a covert prison system did not identify the European countries, but Human Rights Watch has said such facilities were in Poland and Romania.



Poland and Romania have strongly denied the accusations, and American officials have declined comment.

On the issue of extraordinary renditions, more than 100 prisoners are suspected of being transferred in this way since September 2001. The case with the highest profile occurred here in Italy. On Feb. 17, 2003, an Islamic militant, Hassan Mustafa Osama Nasr, disappeared in Milan and appeared later in Egypt, where he said he had been tortured.

In the only case to have gone up the legal system, Italian prosecutors have charged 22 American operatives with the kidnapping. While the Italian government has denied any knowledge of the operation, it has also declined so far to ask the United States to extradite the suspects - raising much suspicion here that the government either knew about the operation or approved it.

"I don't see why they shouldn't have agreed with our secret services on an action like that," said Giuseppe Cucchi, a former three-star general, military representative to NATO and adviser to the center-left opposition here. "The condition often put on an action like that is that, 'If something comes out, we will declare that we didn't know anything.' "

Around Europe there have been varying media reports of C.I.A. planes making European stops.

A recent analysis done for The New York Times of 26 planes known to be operated by C.I.A. companies shows 307 flights in Europe since September 2001. The information was culled from Federal Aviation Administration data, aviation industry sources and, to a lesser extent, a network of plane spotters who often report to human rights groups.

It finds that there were 94 flights in Germany, the most in Europe. (An investigation has opened there on whether Mr. Nasr, the suspect seized in Italy, was flown out of an American air base in Germany.) Second is Britain, 76 flights, followed by Ireland (33), Portugal (16), then Spain and the Czech Republic (15 each).

In Britain, where opposition to the war in Iraq has been high despite Prime Minister Tony Blair's support for it, a human rights group, Liberty, said Wednesday that it was concerned that some of the flights might have carried secret prisoners - an allegation joined by Sir Menzies, but quickly denied by the government.

"We are not aware of the use of U.K. territory or airspace for the purpose of extraordinary renditions, nor have we received any requests, nor granted any permission for the use of U.K. territory or airspace for such purposes," said a Foreign Office spokeswoman, speaking anonymously because of the office's policy of not allowing the use of such officials' names.

There are more than half a dozen investigations into flights in various countries, as well as an inquiry by the Council of Europe that also covers the question of secret prisons in Eastern Europe. A council official said Wednesday that they were looking into flights of

nearly 40 planes believed to be operated by the C.I.A., but he said he believed that the number of prisoners aboard them was probably small.

"There are not these huge numbers flying around, as if the C.I.A. does nothing but disappear people and transfer them back and forth," said the official, speaking anonymously because the council has imposed a temporary halt to speaking publicly about its inquiry.

But he said it was important for American officials to cooperate with the inquiry, to clear the cloud of suspicion about the flights "that are illicit and the ones that are not."

The issue has careered around Europe. In Munich, prosecutors have opened an investigation into the abduction of a German citizen who says the C.I.A. flew him from Macedonia to Afghanistan early in 2004. There he was interrogated for five months before being released, he said.

A Macedonian official said the German, Khaled Masri, had left Macedonia of his own accord. But others are skeptical.

"What choice do you have when you are the size of Macedonia?" said Saso Ordanoski, a leading political commentator and editor of the weekly political magazine Forum. "Can you say no?"

The issue of flights has been particularly potent in Spain, where Prime Minister José Luis Rodríguez Zapatero abruptly withdrew its troops from Iraq after he was elected last year.

Since March, there has been a police investigation into 10 flights by suspected C.I.A. planes to the island of Majorca between January 2004 and January 2005. The government has also confirmed 46 stopovers in the Canary Islands by two planes apparently connected to the United States government.

Spanish officials have acknowledged that one flight in April 2004 originated in Guantánamo Bay, where the United States operates a large prison for terror suspects. It stopped over in Tenerife before flying on to Romania.

The government denies that the flights violated any Spanish or international law.

*Reporting for this article was contributed by Stephen Grey in Johannesburg; Alan Cowell in London; Richard Bernstein in Berlin; Renwick McLean in Barcelona, Spain; Nicholas Wood in Ljubljana, Slovenia; and Brian Wingfield in Rome.*

**THE GUARDIAN**

**London Guardian**  
December 1, 2005

**TRANSCOM GHOST DOCS 350**

## **Twist To Terror Suspects Row As Logs Show 80 CIA Planes Visited UK**

By Stephen Grey and Luke Harding, Berlin

The transatlantic row over the secret transfer of terror suspects by the Bush administration took a new twist yesterday when it emerged that more than 300 flights operated by the CIA had landed at European airports.

According to flight logs seen by the Guardian, Britain was second only to Germany as a transit hub for the CIA, which stands accused of operating a covert network of interrogation centres in eastern Europe. Several European governments have launched urgent investigations into whether clandestine CIA flights were used in the aftermath of September 11 to transfer Islamist prisoners to third countries where they could be interrogated beyond the reach of international law.

The allegations have provoked a furore in Europe. On Tuesday the foreign secretary, Jack Straw, acting on behalf of the EU, asked the US to clarify whether planes containing terror suspects - known as "rendition" flights - had stopped off in Europe. He also raised the allegations made by Human Rights Watch earlier this month about covert interrogation centres.

The US has so far refused to confirm or deny the reports. But on Tuesday the secretary of state, Condoleezza Rice, told Germany's new foreign minister, Franz-Walter Steinmeier, the administration would respond. Ms Rice is likely to come under further pressure when she visits Europe next week. The Guardian's survey of flight logs taken from 26 CIA planes reveals a far higher level of activity than previously known. The CIA visited Germany 96 times. Britain was second with more than 80 flights by CIA-owned planes, although when charter flights are added the figure rises to more than 200. France was visited just twice and neutral Austria not at all, according to the logs, which also reveal regular trips to eastern Europe, including 15 visits to the Czech capital Prague.

Only one visit is recorded to the Szymany airbase in north-east Poland, which has been identified as the alleged site of a secret CIA jail. Poland and Romania have denied hosting CIA prisons.

While the logs show unprecedented CIA activity, they do not show which planes were involved in prisoner transfers. In October and December 2003 a CIA Boeing flew from RAF Northolt to Tripoli while the CIA and MI6 were negotiating with Libya over its weapons of mass destruction programme. In January 2004 the same Boeing was allegedly involved in shipping suspects to a US prison in Afghanistan.

The European Council has appointed a special investigator and is examining possible human rights violations by member countries. The European Union has launched an inquiry and the Austrian government has asked the US to explain a US C-130 Hercules

that flew into its airspace. The flight logs were obtained from Federal Aviation Administration data and sources in the aviation industry.

## LOS ANGELES TIMES

Los Angeles Times

December 2, 2005

### **Official Removed Amid Detainee Torture Scandal**

*The U.S. considered Nori Nori an ally who had tried to reform the Interior Ministry. Rights groups had called his work ineffective.*

By Richard Boudreaux, Times Staff Writer

BAGHDAD — The Iraqi official responsible for investigating human rights abuse and corruption among Interior Ministry police said Thursday that he had been removed from his post in the aftermath of a scandal at a detention center where some of the 169 prisoners had been tortured.

Nori Nori, the ministry's inspector general, is the first senior Interior official to lose his job since U.S. forces entered the bunker-like facility Nov. 13 and discovered the abused detainees. The ministry, awaiting the results of a joint Iraqi-American inquiry, has reported no action against the jailers.

Interior Minister Bayan Jabr ordered Nori reassigned Monday, a ministry official said. Nori confirmed the order in a telephone interview but would not elaborate.

U.S. officials considered Nori an ally who had tried to reform a ministry heavily influenced by Shiite Muslim militias. His authority gave him access to the ministry's records and the power to call its officials to account, but human rights groups criticized his work as ineffective.

An aide said Nori had complained to colleagues that he was not allowed to enter the detention center to investigate the abuses, which have hurt the image of the Shiite coalition that leads the government as it campaigns ahead of the Dec. 15 parliamentary elections.

In an interview before the abuse scandal, Nori said he was facing resistance from the minister as he tried to carry out his oversight functions. He spoke openly about extrajudicial killings by police squads but was more restrained when another ministry official joined the conversation.

*Special correspondent Asmaa Waguih and a special correspondent in Al Anbar province contributed to this report.*

## WASHINGTON POST

### **Rice to Go on Offense Over Secret Prisons**

By Glenn Kessler  
Washington Post Staff Writer  
Saturday, December 3, 2005; A17

Secretary of State Condoleezza Rice will go on the offensive next week to rebut European concerns over reports of a secret CIA prison system in Eastern Europe, making the case during a five-day trip to Europe that intelligence cooperation between the United States and Europe is essential to prevent future attacks, U.S. officials said.

After weeks of being pummeled in the European media over reports about clandestine prisoner transfers and secret detention centers, administration officials have concluded that they need to put European governments on notice that they should back off and begin to emphasize the benefits of intelligence cooperation to their citizens.

Administration officials have been careful to neither confirm nor deny the existence of the prison system, first disclosed by The Washington Post on Nov. 2, and Rice has no plans to acknowledge it. The Post report spurred a series of probes across Europe, and administration officials are bracing for Rice to be hit with a barrage of questions as she tours Europe.

The Post reported that the CIA has been hiding and interrogating some of its most important al Qaeda captives at a Soviet-era compound in Eastern Europe as part of a covert prison system that at times has included sites in eight countries, including Thailand, Afghanistan and democracies in Eastern Europe. The Post did not identify the Eastern European countries at the request of senior U.S. officials, who said the disclosure could disrupt counterterrorism efforts in those nations and elsewhere and make them targets of retaliation.

The European Union earlier this week formally asked Rice for "clarification" on media reports suggesting "violations of international law" in order to "allay parliamentary and public concerns." Rice's response, which is being drafted by a team of administration officials, will form the core of the administration's defense. It probably will be released Monday when Rice departs for Europe, officials said.

But administration officials have publicly hinted at their emerging strategy, which a variety of officials have privately discussed in recent days. "The key point will be 'We're all in this together and you need to look at yourselves as much as us,'" one official said,

speaking on condition of anonymity because Rice's response has not been completed. "People in glass houses shouldn't throw stones."

Officials said Rice's tone will not be accusatory. Instead, she will emphasize that European governments do not have intelligence links with a rogue nation -- but instead, the United States -- and that such cooperation is necessary in the common fight against terrorism.

Spokesman Sean McCormack, answering reporters' questions on Wednesday, suggested this line of defense when he asserted "it is the responsibility also of governments to explain as clearly as possible to their publics and publics around the world what it is that they are doing in fighting the war on terrorism."

McCormack added that citizens would not want "their government to do something that would undermine that government's ability to fight and win the war on terrorism."

Administration officials previously have said the United States has abided by U.S. laws and complied with "international obligations." The problem for the administration has been that many European officials have suggested the secret prisons violated European laws -- and intelligence officials agree with that, saying that is one reason the operations have been kept secret.

To rebut that concern, Rice will introduce a new concept, also suggested by McCormack, that the United States "respects the sovereignty" of its allies. Administration officials said this language is code for saying that these intelligence operations took place with the full knowledge of relevant European government or intelligence officials -- without actually confirming specific intelligence programs.

White House spokesman Scott McClellan said yesterday that the United States does not violate human rights and is viewed as a model around the globe. "When it comes to human rights, there is no greater leader than the United States of America, and we show that by holding people accountable when they break the law or violate human rights," he said. "We show that by supporting the advance of freedom and democracy and supporting those in countries that are having their human rights denied or violated, like North Korea."

After the Post report, Human Rights Watch cited flight records of aircraft allegedly linked to the CIA to suggest sites in Poland and Romania were used. Both nations have denied they housed secret CIA prisons.

*Staff writer Robin Wright contributed to this report.*

#### CHICAGO TRIBUNE

OPINION:

# TRANSCOM GHOST DOCS 354

Others argue that by employing torture we will only earn the censure of the liberal, especially European, world. Maybe so, but once again, Europe, the United Nations and international human-rights groups, for reasons that transcend the war in Iraq, will fault the United States no matter what it does.

Castigating our misdemeanors, while mostly ignoring the felonies of real barbarians, seems to ensure these sidelined utopians a sense of easy moral smugness. We see that in regard to Guantanamo Bay. Europeans fixate on American interrogations of captive murderous terrorists but remain silent about thousands who have been killed, tortured or forgotten in Fidel Castro's gulag a few miles away. Iran, North Korea, Serbia and Saddam Hussein's Iraq tortured and executed tens of thousands without much fear that either the United Nations or the Europeans would spend their own lives and treasure to stop such endemic barbarism.

There is also a danger that once we try to quantify precisely what constitutes torture, we could, in the ensuing utopian debate, define anything from sleep deprivation to loud noise as unacceptable. Indeed, we might achieve the unintended effect of only creating disdain for our moral pretensions from incarcerated terrorists. They would have no worries of suffering pain but plenty of new demands on their legalistic hosts, from ethnically correct meals to proper protocols in handling their Korans.

So we might as well admit that by foreswearing the use of torture, we will probably be at a disadvantage in obtaining key information and perhaps endanger American lives here at home. (And, ironically, those who now allege that we are too rough will no doubt decry "faulty intelligence" and "incompetence" should there be another terrorist attack on an American city.) Our restraint will not ensure any better treatment for our own captured soldiers. Nor will our allies or the UN appreciate American forbearance. The terrorists themselves will probably treat our magnanimity with disdain, as if we were weak rather than good.

But all that is precisely the risk we must take in supporting the McCain amendment--because it is a public reaffirmation of our country's ideals. The United States can win this global war without employing torture. That we will not resort to what comes so naturally to Islamic terrorists also defines the nobility of our cause, reminding us that we need not and will not become anything like our enemies.

*Hanson is senior fellow and historian at the Hoover Institution at Stanford University:  
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LOS ANGELES TIMES

OPINION:

**Torture makes justice impossible**

TRANSCOM GHOST DOCS 355

By David Cole

DAVID COLE, a law professor at Georgetown University, is author of "Enemy Aliens: Double Standards and Constitutional Freedoms in the War on Terrorism" (New Press, 2005).

December 3, 2005

WHEN ATTY. GEN. Alberto Gonzales announced shortly before Thanksgiving that Jose Padilla had been indicted, it came as some surprise that what he was actually charged with had virtually nothing to do with what the United States had been saying about Padilla for the more than three years that he was held in military custody as an "enemy combatant." In news conferences, Gonzales' predecessors had described Padilla as public enemy No. 1: an Al Qaeda operative accused of plotting to detonate a "dirty bomb" and to blow up apartment buildings.

But the indictment makes none of those claims. Instead, it charges Padilla only with playing an extremely marginal role helping a group of people who are alleged to have conspired to provide financial support to unspecified terrorists abroad. No one in the indictment is alleged to have engaged in or plotted any violence, and the allegations specific to Padilla do not even claim that he provided financial support to terrorists. Indeed, the government's case against Padilla is so flimsy that there is a substantial chance that he will be acquitted — that is, if he can get a fair trial after the public image the Justice Department has painted of him.

The disconnect between the allegations aired in news conferences and the charges lodged in court are disturbing. If Padilla was in fact plotting with Al Qaeda to detonate a dirty bomb, shouldn't he be tried for that crime, and punished accordingly? Why proceed instead on a paper-thin set of charges that might lead to his acquittal and release?

The answer is, in a word, torture. Administration sources explained to New York Times reporters Douglas Jehl and Eric Lichtblau that the reason they did not charge Padilla with more serious crimes is that the evidence allegedly supporting those charges was extracted from high-level Al Qaeda detainees — Khalid Sheikh Mohammed and Abu Zubeida — through questionable means. They are being held in undisclosed locations and reportedly have been interrogated with such tactics as "waterboarding," in which the suspect is made to think he will drown if he doesn't talk.

Evidence obtained through waterboarding would never be admissible in a court of law. The Supreme Court has long made clear that evidence obtained through any physical coercion is per se inadmissible. And this is no technicality. Such measures are said to produce inherently unreliable evidence and "shock the conscience."

The Padilla case illustrates one of the oft-overlooked costs of torture and other means of coercive interrogation — the very tactics the administration is seeking to preserve in its fight against an amendment offered by Sen. John McCain (R-Ariz.) that would prohibit all such methods. Because evidence obtained through coercion is universally viewed as



inadmissible in court, the tactics effectively immunize suspects and those they implicate from prosecution.

This problem not only infects the Padilla case but virtually everyone held at Guantanamo Bay, Cuba, and in secret CIA "black sites." The U.S. is holding about 500 "enemy combatants" at Guantanamo and reportedly another 30 or more in undisclosed locations. Many of these are alleged to be Al Qaeda fighters, some very high level. Khaled Sheikh Mohammed, for example, is said to be the mastermind of the 9/11 attack.

Anyone who fights for Al Qaeda is guilty of war crimes, as Al Qaeda has no right to engage in war and has adopted a policy and practice of targeting civilians. In theory, we should be able to try them, convict them and imprison them.

But more than four years after President Bush created military tribunals, not a single case has gone to trial. Only a handful of the hundreds of detainees have even been charged. One probable reason for the military's reluctance is the real risk that any trial will turn into a trial of the United States' own interrogation practices. Although the military tribunal rules do not exclude the use of testimony extracted by torture, no trial will ever be viewed as legitimate if it allows such testimony, and defense lawyers are certain to make this a central issue in any proceeding.

In short, by electing early on to violate the universal prohibition on torture and cruel, inhumane and degrading treatment, the administration has not only inflicted unconscionable harm on detainees from Abu Ghraib to Guantanamo, and done incalculable damage to the U.S. image abroad, it has painted itself into a corner. It is becoming increasingly unacceptable to hold so-called enemy combatants indefinitely without trial. But we have shielded the vast majority of them from being tried for the wrongs they may well have committed.

President Bush vowed shortly after 9/11 that he would capture the terrorists and bring them to justice. But his own tactics have made that promise impossible to deliver.

Citation: <http://www.latimes.com/news/opinion/commentary/la-oe-cole3dec03,0,5352424.story?coll=la-news-comment-opinions>

**Sunday, December 04, 2005**

**WASHINGTON POST**

## **Wrongful Imprisonment: Anatomy of a CIA Mistake**

German Citizen Released After Months in 'Rendition'

By Dana Priest  
Washington Post Staff Writer  
Sunday, December 4, 2005; A01

In May 2004, the White House dispatched the U.S. ambassador in Germany to pay an unusual visit to that country's interior minister. Ambassador Daniel R. Coats carried instructions from the State Department transmitted via the CIA's Berlin station because they were too sensitive and highly classified for regular diplomatic channels, according to several people with knowledge of the conversation.

Coats informed the German minister that the CIA had wrongfully imprisoned one of its citizens, Khaled Masri, for five months, and would soon release him, the sources said. There was also a request: that the German government not disclose what it had been told even if Masri went public. The U.S. officials feared exposure of a covert action program designed to capture terrorism suspects abroad and transfer them among countries, and possible legal challenges to the CIA from Masri and others with similar allegations.

The Masri case, with new details gleaned from interviews with current and former intelligence and diplomatic officials, offers a rare study of how pressure on the CIA to apprehend al Qaeda members after the Sept. 11, 2001, attacks has led in some instances to detention based on thin or speculative evidence. The case also shows how complicated it can be to correct errors in a system built and operated in secret.

The CIA, working with other intelligence agencies, has captured an estimated 3,000 people, including several key leaders of al Qaeda, in its campaign to dismantle terrorist networks. It is impossible to know, however, how many mistakes the CIA and its foreign partners have made.

Unlike the military's prison for terrorist suspects at Guantanamo Bay, Cuba -- where 180 prisoners have been freed after a review of their cases -- there is no tribunal or judge to check the evidence against those picked up by the CIA. The same bureaucracy that decides to capture and transfer a suspect for interrogation-- a process called "rendition" -- is also responsible for policing itself for errors.

The CIA inspector general is investigating a growing number of what it calls "erroneous renditions," according to several former and current intelligence officials.

One official said about three dozen names fall in that category; others believe it is fewer. The list includes several people whose identities were offered by al Qaeda figures during CIA interrogations, officials said. One turned out to be an innocent college professor who had given the al Qaeda member a bad grade, one official said.

"They picked up the wrong people, who had no information. In many, many cases there was only some vague association" with terrorism, one CIA officer said.

While the CIA admitted to Germany's then-Interior Minister Otto Schily that it had made a mistake, it has labored to keep the specifics of Masri's case from becoming public. As a

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German prosecutor works to verify or debunk Masri's claims of kidnapping and torture, the part of the German government that was informed of his ordeal has remained publicly silent. Masri's attorneys say they intend to file a lawsuit in U.S. courts this week.

Masri was held for five months largely because the head of the CIA's Counterterrorist Center's al Qaeda unit "believed he was someone else," one former CIA official said. "She didn't really know. She just had a hunch."

The CIA declined to comment for this article, as did Coats and a spokesman at the German Embassy in Washington. Schily did not respond to several requests for comment last week.

CIA officials stress that apprehensions and renditions are among the most sure-fire ways to take potential terrorists out of circulation quickly. In 2000, then-CIA Director George J. Tenet said that "renditions have shattered terrorist cells and networks, thwarted terrorist plans, and in some cases even prevented attacks from occurring."

### **The Counterterrorist Center**

After the September 2001 attacks, pressure to locate and nab potential terrorists, even in the most obscure parts of the world, bore down hard on one CIA office in particular, the Counterterrorist Center, or CTC, located until recently in the basement of one of the older buildings on the agency's sprawling headquarters compound. With operations officers and analysts sitting side by side, the idea was to act on tips and leads with dramatic speed.

The possibility of missing another attack loomed large. "Their logic was: If one of them gets loose and someone dies, we'll be held responsible," said one CIA officer, who, like others interviewed for this article, would speak only anonymously because of the secretive nature of the subject.

To carry out its mission, the CTC relies on its Rendition Group, made up of case officers, paramilitaries, analysts and psychologists. Their job is to figure out how to snatch someone off a city street, or a remote hillside, or a secluded corner of an airport where local authorities wait.

Members of the Rendition Group follow a simple but standard procedure: Dressed head to toe in black, including masks, they blindfold and cut the clothes off their new captives, then administer an enema and sleeping drugs. They outfit detainees in a diaper and jumpsuit for what can be a day-long trip. Their destinations: either a detention facility operated by cooperative countries in the Middle East and Central Asia, including Afghanistan, or one of the CIA's own covert prisons -- referred to in classified documents as "black sites," which at various times have been operated in eight countries, including several in Eastern Europe.

In the months after the Sept. 11 attacks, the CTC was the place to be for CIA officers wanting in on the fight. The staff ballooned from 300 to 1,200 nearly overnight.

"It was the Camelot of counterterrorism," a former counterterrorism official said. "We didn't have to mess with others -- and it was fun."

Thousands of tips and allegations about potential threats poured in after the attacks. Stung by the failure to detect the plot, CIA officers passed along every tidbit. The process of vetting and evaluating information suffered greatly, former and current intelligence officials said. "Whatever quality control mechanisms were in play on September 10th were eliminated on September 11th," a former senior intelligence official said.

J. Cofer Black, a professorial former spy who spent years chasing Osama bin Laden, was the CTC's director. With a flair for melodrama, Black had earned special access to the White House after he briefed President Bush on the CIA's war plan for Afghanistan.

Colleagues recall that he would return from the White House inspired and talking in missionary terms. Black, now in the private security business, declined to comment.

Some colleagues said his fervor was in line with the responsibility Bush bestowed on the CIA when he signed a top secret presidential finding six days after the 9/11 attacks. It authorized an unprecedented range of covert action, including lethal measures and renditions, disinformation campaigns and cyber attacks against the al Qaeda enemy, according to current and former intelligence officials. Black's attitude was exactly what some CIA officers believed was needed to get the job done.

Others criticized Black's CTC for embracing a "Hollywood model" of operations, as one former longtime CIA veteran called it, eschewing the hard work of recruiting agents and penetrating terrorist networks. Instead, the new approach was similar to the flashier paramilitary operations that had worked so well in Afghanistan, and played well at the White House, where the president was keeping a scorecard of captured or killed terrorists.

The person most often in the middle of arguments over whether to dispatch a rendition team was a former Soviet analyst with spiked hair that matched her in-your-face personality who heads the CTC's al Qaeda unit, according to a half-dozen CIA veterans who know her. Her name is being withheld because she is under cover.

She earned a reputation for being aggressive and confident, just the right quality, some colleagues thought, for a commander in the CIA's global war on terrorism. Others criticized her for being overzealous and too quick to order paramilitary action.

**The CIA and Guantanamo Bay**

One way the CIA has dealt with detainees it no longer wants to hold is to transfer them to the custody of the U.S. military at Guantanamo Bay, where defense authorities decide whether to keep or release them after a review.

About a dozen men have been transferred by the CIA to Guantanamo Bay, according to a Washington Post review of military tribunal testimony and other records. Some CIA officials have argued that the facility has become, as one former senior official put it, "a dumping ground" for CIA mistakes.

But several former intelligence officials dispute that and defend the transfer of CIA detainees to military custody. They acknowledged that some of those sent to Guantanamo Bay are prisoners who, after interrogation and review, turned out to have less valuable information than originally suspected. Still, they said, such prisoners are dangerous and would attack if given the chance.

Among those released from Guantanamo is Mamdouh Habib, an Egyptian-born Australian citizen, apprehended by a CIA team in Pakistan in October 2001, then sent to Egypt for interrogation, according to court papers. He has alleged that he was burned by cigarettes, given electric shocks and beaten by Egyptian captors. After six months, he was flown to Guantanamo Bay and let go earlier this year without being charged.

Another CIA former captive, according to declassified testimony from military tribunals and other records, is Mohamedou Oulad Slahi, a Mauritanian and former Canada resident, who says he turned himself in to the Mauritanian police 18 days after the 9/11 attacks because he heard the Americans were looking for him. The CIA took him to Jordan, where he spent eight months undergoing interrogation, according to his testimony, before being taken to Guantanamo Bay.

Another is Muhammad Saad Iqbal Madni, an Egyptian imprisoned by Indonesia authorities in January 2002 after he was heard talking -- he says jokingly -- about a new shoe bomb technology. He was flown to Egypt for interrogation and returned to CIA hands four months later, according to one former intelligence official. After being held for 13 months in Afghanistan, he was taken to Guantanamo Bay, according to his testimony.

### **The Masri Case**

Khaled Masri came to the attention of Macedonian authorities on New Year's Eve 2003. Masri, an unemployed father of five living in Ulm, Germany, said he had gone by bus to Macedonia to blow off steam after a spat with his wife. He was taken off a bus at the Tabanovce border crossing by police because his name was similar to that of an associate of a 9/11 hijacker. The police drove him to Skopje, the capital, and put him in a motel room with darkened windows, he said in a recent telephone interview from Germany.

The police treated Masri firmly but cordially, asking about his passport, which they insisted was forged, about al Qaeda and about his hometown mosque, he said. When he pressed them to let him go, they displayed their pistols.

Unbeknown to Masri, the Macedonians had contacted the CIA station in Skopje. The station chief was on holiday. But the deputy chief, a junior officer, was excited about the catch and about being able to contribute to the counterterrorism fight, current and former intelligence officials familiar with the case said.

"The Skopje station really wanted a scalp because everyone wanted a part of the game," a CIA officer said. Because the European Division chief at headquarters was also on vacation, the deputy dealt directly with the CTC and the head of its al Qaeda unit.

In the first weeks of 2004, an argument arose over whether the CIA should take Masri from local authorities and remove him from the country for interrogation, a classic rendition operation.

The director of the al Qaeda unit supported that approach. She insisted he was probably a terrorist, and should be imprisoned and interrogated immediately.

Others were doubtful. They wanted to wait to see whether the passport was proved fraudulent. Beyond that, there was no evidence Masri was not who he claimed to be -- a German citizen of Arab descent traveling after a disagreement with his wife.

The unit's director won the argument. She ordered Masri captured and flown to a CIA prison in Afghanistan.

On the 23rd day of his motel captivity, the police videotaped Masri, then bundled him, handcuffed and blindfolded, into a van and drove to a closed-off building at the airport, Masri said. There, in silence, someone cut off his clothes. As they changed his blindfold, "I saw seven or eight men with black clothing and wearing masks," he later said in an interview. He said he was drugged to sleep for a long plane ride.

### **Afghanistan**

Masri said his cell in Afghanistan was cold, dirty and in a cellar, with no light and one dirty cover for warmth. The first night he said he was kicked and beaten and warned by an interrogator: "You are here in a country where no one knows about you, in a country where there is no law. If you die, we will bury you, and no one will know."

Masri was guarded during the day by Afghans, he said. At night, men who sounded as if they spoke American-accented English showed up for the interrogation. Sometimes a man he believed was a doctor in a mask came to take photos, draw blood and collect a urine sample.

Back at the CTC, Masri's passport was given to the Office of Technical Services to analyze. By March, OTS had concluded the passport was genuine. The CIA had imprisoned the wrong man.

At the CIA, the question was: Now what? Some officials wanted to go directly to the German government; others did not. Someone suggested a reverse rendition: Return Masri to Macedonia and release him. "There wouldn't be a trace. No airplane tickets. Nothing. No one would believe him," one former official said. "There would be a bump in the press, but then it would be over."

Once the mistake reached Tenet, he laid out the options to his counterparts, including the idea of not telling the Germans. Condoleezza Rice, then Bush's national security adviser, and Deputy Secretary of State Richard L. Armitage argued they had to be told, a position Tenet took, according to one former intelligence official.

"You couldn't have the president lying to the German chancellor" should the issue come up, a government official involved in the matter said.

Senior State Department officials decided to approach Interior Minister Schily, who had been a steadfast Bush supporter even when differences over the Iraq war strained ties between the two countries. Ambassador Coats had excellent rapport with Schily.

The CIA argued for minimal disclosure of information. The State Department insisted on a truthful, complete statement. The two agencies quibbled over whether it should include an apology, according to officials.

Meanwhile, Masri was growing desperate. There were rumors that a prisoner had died under torture. Masri could not answer most questions put to him. He said he steadied himself by talking with other prisoners and reading the Koran.

A week before his release in late May 2004, Masri said he was visited in prison by a German man with a goatee who called himself Sam. Masri said he asked him if he were from the German government and whether the government knew he was there. Sam said he could not answer either question.

"Does my wife at least know I'm here?" Masri asked.

"No, she does not," Sam replied, according to Masri.

Sam told Masri he was going to be released soon but that he would not receive any documents or papers confirming his ordeal. The Americans would never admit they had taken him prisoner, Sam added, according to Masri.

On the day of his release, the prison's director, who Masri believed was an American, told Masri that he had been held because he "had a suspicious name," Masri said in an interview.

Several intelligence and diplomatic officials said Macedonia did not want the CIA to bring Masri back inside the country, so the agency arranged for him to be flown to Albania. Masri said he was taken to a narrow country road at dusk. When they let him off, "They asked me not to look back when I started walking," Masri said. "I was afraid they would shoot me in the back."

He said he was quickly met by three armed men. They drove all night, arriving in the morning at Mother Teresa Airport in Tirana. Masri said he was escorted onto the plane, past all the security checkpoints, by an Albanian.

Masri has been reunited with his children and wife, who had moved the family to Lebanon because she did not know where her husband was. Unemployed and lonely, Masri says neither his German nor Arab friends dare associate with him because of the publicity.

Meanwhile, a German prosecutor continues to work Masri's case. A Macedonia bus driver has confirmed that Masri was taken away by border guards on the date he gave investigators. A forensic analysis of Masri's hair showed he was malnourished during the period he says he was in the prison. Flight logs show a plane registered to a CIA front company flew out of Macedonia on the day Masri says he went to Afghanistan.

Masri can find few words to explain his ordeal. "I have very bad feelings" about the United States, he said. "I think it's just like in the Arab countries: arresting people, treating them inhumanly and less than that, and with no rights and no laws."

*Staff researcher Julie Tate contributed to this article.*

**THE OBSERVER** (London)

## **Rice rejects EU protests over secret terror prisons**

America does not break international law, Secretary of State insists

**Antony Barnett and Jamie Doward**

**Sunday December 4, 2005**

**The Observer**

US Secretary of State Condoleezza Rice will inflame the transatlantic row over America's alleged torture of terror suspects in secret jails by telling Foreign Secretary Jack Straw and other European officials to 'back off'.

Rice, who arrives in Brussels tomorrow for a meeting with Nato foreign ministers, has been under pressure to respond to claims the US has been using covert prisons in Eastern Europe to interrogate Islamic militants. Human rights groups have alleged the CIA is flying terror suspects to secret jails in planes that have used airports throughout Europe, including Britain.

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Rice's refusal to answer detailed questions on what has become known as 'extraordinary rendition' will anger many in Europe. Last week Straw wrote to Rice asking for clarification about some 80 flights by CIA planes that have passed through the UK. European politicians and human rights groups claim the flights and use of a network of secret jails breach international law.

State Department officials have hinted that Rice's response to Straw and other European ministers will remind them of their 'co-operation' in the war on terror. She is expected to make a public statement today stressing that the US does not violate allies' sovereignty or break international law. She will also remind people their governments are co-operating in a fight against militants who have bombed commuters in London and Madrid. She will drive home her message in private meetings with officials in Germany and at the EU headquarters in Brussels.

Irish Foreign Minister Dermot Ahern said Rice told him in Washington she expected allies to trust that America does not allow rights abuses.

An unnamed European diplomat who had contact with US officials over the handling of the scandals told Reuters yesterday: 'It's very clear they want European governments to stop pushing on this... They were stuck on the defensive for weeks, but suddenly the line has toughened up incredibly.'

Andrew Tyrie, the Conservative MP who will be chairing a Commons committee of MPs along with Menzies Campbell, Liberal Democrat foreign affairs spokesman, has said Rice needs to make a clear statement. She 'does not seem to realise that for a large section of Washington and European opinion, the Bush administration is in a shrinking minority of people that has not grasped that lowering our standards [on human rights] makes us less, not more, secure'.

The row is set to escalate in Washington itself, as a US civil rights group says it is taking the CIA to court to stop the transportation of terror suspects to countries outside US legal authority.

The American Civil Liberties Union says the intelligence agency has broken both US and international law. It is acting for a man allegedly flown to a secret CIA prison in Afghanistan.

In Britain, human rights group Liberty is to table an amendment to the Civil Aviation Bill that would oblige the Home Secretary to force any aircraft travelling through UK airspace suspected of extraordinary rendition to land and be searched by police and customs.

Straw is also facing calls to allow MPs and human rights groups access to Diego Garcia, the British island in the Indian Ocean being used as a US military base. It has long been suspected that the island has been used to hold or transfer terror suspects to secret US jails.

Citation: <http://observer.guardian.co.uk/international/story/0,6903,1657289,00.html>

USA TODAY

## McCain continues to press White House on torture ban

By Jim Abrams  
The Associated Press

Monday, December 5, 2005

Page 2A

WASHINGTON — Sen. John McCain, who was tortured as a prisoner of war in Vietnam, said Sunday that he won't yield on his demands that the White House agree with his proposed ban on the use of torture to get information from suspected terrorists.

"I won't," he said on NBC's *Meet the Press* when asked whether he'd compromise with the Bush administration. He is insisting on language that no one in U.S. custody should be subject to "cruel, inhuman, or degrading treatment or punishment."

The Arizona Republican said he had met several times with the president's national security adviser, Stephen Hadley, on the issue, and both McCain and Hadley said Sunday that they were seeking a deal.

Hadley, on ABC's *This Week*, repeated President Bush's assertion that the United States does not torture and follows international conventions on the treatment of prisoners.

On two different talk shows Sunday, Hadley said the administration was working on a compromise with McCain but there wasn't a deal yet.

McCain, while saying he would not compromise on the torture language, said they were talking "about other aspects of this to try to get an agreement." He did not elaborate.

McCain, a Navy flier who was captured by the North Vietnamese and tortured during the Vietnam War, sponsored an anti-torture measure that has passed the Senate by a 90-9 vote.

The White House said it could not accept restrictions that might prevent interrogators from gaining information vital to the nation's security and has threatened a presidential veto of any bill that contained the McCain language.

McCain said intelligence gained through torture can be unreliable and he said the practice hurts the U.S. reputation abroad.

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During her trip to Europe this week, Secretary of State Condoleezza Rice will defend U.S. policy toward detainees, Hadley said. European politicians have protested the reported existence, as yet unconfirmed by the White House, of secret CIA prisons in eastern Europe.

WASHINGTON POST

## **Rice Defends Rendition, Reiterates Anti-Torture Policy**

By Glenn Kessler and Fred Barbash  
Washington Post Staff Writers  
Monday, December 5, 2005; 8:45 AM

Secretary of State Condoleezza Rice this morning responded to growing concerns in Europe over reports of CIA prisons in Eastern Europe and the use of European airports to transport terror suspects, arguing that U.S. intelligence operations have "fully respected the sovereignty" of countries cooperating with the United States and conform with international law.

Rice made the lengthy statement -- the most comprehensive yet on the subject by the administration -- minutes before boarding her plane for a five day trip to Europe, seeking to quell a storm that has erupted since The Washington Post reported on November 2 about the clandestine prison system. The statement will be presented to European leaders in the form of a letter.

She did not confirm the existence of the prisons, saying "we cannot discuss information that would compromise the success of intelligence, law enforcement and military operations." She added that "some governments choose to cooperate with the U.S." in intelligence and law enforcement matters" and that that cooperation is a "two-way street."

The U.S., she said, has shared intelligence that has "stopped terrorist attacks and saved innocent lives, in Europe as well as in the U.S. and other countries."

Rice broadly defended the practice known as rendition, in which terror suspects are whisked away from countries without formal extradition. She said rendition was recognized by international law and has been used by many countries even before the attacks of September 11, 2001.

Rice asserted that the U.S. does not transport terrorism suspects "for the purpose of interrogation using torture" and "will not transport anyone to a country when we believe he will be tortured."

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"The U.S. does not permit, tolerate or condone torture under any circumstances," she said, and does not transport and has not transported detainees from one country to another "for the purpose of interrogation using torture."

She said that "where appropriate, the U.S. seeks assurances that transferred persons will not be tortured."

Any violation of detention standards is investigated and punished, she said, citing the case of abuse at Iraq's Abu Ghraib prison that "sickened us all" and the abuse of detainee by an intelligence agency contractor in Afghanistan.

She said that international law allows a country to detain a suspect for the "duration of hostilities," but that the U.S. "does not hold anyone longer than necessary to evaluate evidence against them."

At the end of her statement, Rice noted that she had been through inquiries about what was done and could have been done to prevent the 9/11 attacks, suggesting that European leaders would not want to face a similar probe.

"I know what it is like to face an inquiry into whether everything was done that could be done."

After weeks of being pummeled in the European media over reports about clandestine prisoner transfers and secret detention centers, administration officials have concluded that they need to put European governments on notice that they should back off and begin to emphasize the benefits of intelligence cooperation to their citizens.

The Post report spurred a series of probes across Europe, and administration officials are bracing for Rice to be hit with a barrage of questions as she tours Europe.

The Post reported that the CIA has been hiding and interrogating some of its most important al Qaeda captives at a Soviet-era compound in Eastern Europe as part of a covert prison system that at times has included sites in eight countries, including Thailand, Afghanistan and democracies in Eastern Europe. The Post did not identify the Eastern European countries at the request of senior U.S. officials, who said the disclosure could disrupt counterterrorism efforts in those nations and elsewhere and make them targets of retaliation.

The European Union last week formally asked Rice for "clarification" on media reports suggesting "violations of international law" in order to "allay parliamentary and public concerns."

Citation: <http://www.washingtonpost.com/wp-dyn/content/article/2005/12/05/AR2005120500240.html>

WASHINGTON POST

TRANSCOM GHOST DOCS 368

## **McCain Will Not Bend On Detainee Treatment**

He Pushes White House to Ban Torture

By Walter Pincus  
Washington Post Staff Writer  
Monday, December 5, 2005; A18

Sen. John McCain (R-Ariz.) said yesterday he would not compromise with the White House on the words in his amendment that would put into law the banning of cruel, inhumane and degrading treatment of detainees.

Asked on NBC's "Meet the Press," in light of his current discussions with national security adviser Stephen J. Hadley, whether he would accept any compromise, McCain, answered, "No . . . I won't. We won't." McCain was tortured while a prisoner of the North Vietnamese.

McCain, whose language was approved by the Senate in a 90 to 9 vote, said the talks with Hadley were "on aspects of this" and would not speculate on whether they would be successful. Appearing on ABC's "This Week," Hadley said, "We have competing objectives here," indicating that perhaps at issue was whether the McCain language could be viewed as Congress interfering with the executive powers of the president to carry out his duties to protect the nation.

"We're trying to find a way, as we say, where we can strike the balance between being aggressive to protect the country against the terrorists, and at the same time comply with the law," Hadley said.

McCain, as in the past, noted that the United States' use of torture-like techniques could lead to them being used against captured Americans, has damaged U.S. prestige abroad and produced unreliable intelligence. He pointed out that some intelligence "used in one of the president's speeches . . . concerning the threat of weapons of mass destruction . . . was later recanted."

Although McCain did not say so, it was an apparent reference to prewar information on Saddam Hussein training al Qaeda terrorists in the use of chemical and biological weapons. The information was given by a detainee questioned at Guantanamo Bay, Cuba, who later recanted.

Hadley also said on "Fox News Sunday" that Secretary of State Condoleezza Rice will be discussing "in a comprehensive way" foreign government concerns about CIA covert prisons during her trip to Europe this week. He said she will emphasize that all nations threatened by terrorism must cooperate and that "we do not move people around the world so that they can be tortured."

Rep. John P. Murtha (D-Pa.), also on ABC's "This Week," said a distinction had to be drawn between fighting terrorism and the insurgency when it comes to Iraq. "Terrorism is in Afghanistan," Murtha said, "and the insurgency is in Iraq. The insurgents are all internal. Just 3 to 7 percent are al Qaeda."

Noting that polls show 80 percent of Iraqis want U.S. forces out of Iraq and 45 percent say it is justified to kill U.S. soldiers, Murtha said, "There's more chance of democracy, less chance of terrorism [and] the insurgency will be reduced if we get out of there."

Hadley, on the same program, said, "If we pull out now, it will mean handing over Iraq to the Zarqawi [terrorist] faction." Murtha, appearing later, answered that only 7 percent of those opposing the U.S.-led coalition forces are followers of Abu Musab Zarqawi. The main insurgents, he said, are Iraqis who are involved in an internal civil war between Shiite and Sunni factions. "Our troops are the targets of the civil war. They're the only people that could have unified the various factions in Iraq, and they're unified against us. And every day we're there means more casualties."

Citation: <http://www.nytimes.com/2005/12/05/politics/05cnd-rice.html>

## BOSTON GLOBE

OPINION:

### **How much torture is OK?**

By Cathy Young | December 5, 2005

IT IS A shocking sign of the times that we are having a debate about the appropriateness of torture. Some would say that it's a sign of our democracy's moral decline; others, of the desperate times that have driven us to desperate measures. Either way, those of us who do not want the free world to lose its soul to terrorism must stand up and be counted.

Credible reports that detainees in Afghanistan and Iraq have been abused in US custody have generated widespread outrage, as have revelations that the White House and the Justice Department had authorized "coercive interrogation" techniques -- some of which are widely regarded as forms of torture -- for some prisoners held by the CIA. Senator John McCain has spearheaded an amendment to the annual defense appropriations bill banning "cruel, inhuman, and degrading treatment" of prisoners by any US personnel. In October, the Republican-controlled Senate passed this amendment by a vote of 90-9. The Bush administration, meanwhile, insists that it does not authorize torture -- even as it seeks to block the McCain legislation. The issue has bitterly divided conservatives.

It is said, rightly, that torture degrades both its victims and its perpetrators. The debate has also degraded the moral caliber of discourse among supporters of the war on terror. Outrageously, the editorial page of The Wall Street Journal has argued that such techniques as exposure to extreme heat or cold, or "waterboarding" (which induces a drowning sensation) are not torture but merely "psychological techniques."

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A much more thoughtful "antiantitorture" argument is made by Charles Krauthammer in *The Weekly Standard*. Krauthammer agrees that torture is "terrible and monstrous," and he does not deny that such practices as "waterboarding" are torture. But he also asserts that some forms of this monstrous thing must remain permissible in extreme cases: the "ticking time bomb" scenario, in which a captured terrorist knows the location of a bomb that could kill thousands; and the high-level terrorist who possesses a treasure trove of information about the terror network and its plots.

Yet the "ticking time bomb" scenario is not only extremely improbable, it's also one in which torture is most likely to be useless. If the terrorist knows the bomb will go off in two hours, all he has to do is stall by giving false information until it does go off. And with high-level terrorists, psychological manipulation may prove much more effective in extracting *accurate* information than physical suffering.

McCain has cited Israel as a model of fighting terror without resorting to torture: Physical coercion in interrogations was banned by the Israeli Supreme Court in 1999. Krauthammer disagrees, pointing out that since the start of the second Palestinian uprising, coercive tactics toward detainees in Israel have been commonly used under the radar, with widespread acceptance from the public.

But the 2004 *Washington Post* article Krauthammer cites actually demonstrates two things. First, while interrogations in Israel were toughened, there has been no return to pre-1999 techniques that included physical brutality; today, Israeli interrogators rely mainly on psychological pressure (including sleep deprivation). Second, the allegations of physical abuse in the story involve maltreatment of detainees by soldiers, not interrogators. The allegations, if true, are troubling and suggest that acceptance of abuse "for a good cause" may foster a climate of abuse with no information-extracting purposes.

Krauthammer also notes that McCain's opposition is not as absolutist as he makes it out to be. The senator has said that in a "ticking time bomb" emergency, the president may be able to authorize the use of illegal techniques. Legal experts also believe the ban on "cruel, inhuman, or degrading" treatment may allow the harshness of interrogation methods to be calibrated to the urgency of the situation. Krauthammer concludes that McCain's uncompromising stance is partly for show. He urges us to abandon "moral preening" and honestly admit that sometimes, "we must all be prepared to torture."

Yet what good will such honesty accomplish? Yes, a "no torture" stance is likely to be qualified with tacit acknowledgment that, under narrow and extreme circumstances, the rules may be bent. That seems vastly preferable to open endorsement of torture. If we start with a "thou shalt not torture" absolute, we are likely to be vigilant about lapses from this commandment, limiting them only to absolute necessity. If we start with the premise that torture is sometimes acceptable, there's no telling how low we're going to go on that slippery slope.

*Cathy Young is a contributing editor at Reason magazine. Her column appears regularly in the Globe.*

Citation:

[http://www.boston.com/news/globe/editorial\\_opinion/oped/articles/2005/12/05/how\\_much\\_torture\\_is\\_ok/](http://www.boston.com/news/globe/editorial_opinion/oped/articles/2005/12/05/how_much_torture_is_ok/)

THE GUARDIAN

## **Rice defends US treatment of terror suspects**

**Staff and agencies**

**Monday December 5, 2005**

**Guardian Unlimited**

The US secretary of state, Condoleezza Rice, has defended US treatment of terror suspects and refused to either confirm or deny the existence of CIA-run secret prisons in eastern Europe.

Ms Rice said European countries should trust the US because information gathered by the CIA had "prevented terrorist attacks in Europe ... and other countries".

She added that the US would use "every lawful weapon to defeat these terrorists".

Reading out a statement at Andrews air force base in Maryland before leaving on a trip to Europe, Ms Rice said: "We cannot discuss information that would compromise the success of intelligence, law enforcement, and military operations. We expect other nations share this view."

Reports of the existence of the secret prisons have caused an international outcry. Several European governments, as well as the EU, have asked the US to confirm the existence of the prisons and to say whether or not hundreds of CIA flights have shuttled over the continent transporting prisoners.

Ms Rice neither confirmed nor denied the existence of secret prisons, but she did defend the CIA's use of "rendition": transporting suspects to countries where they can be questioned outside the protection of US law.

She said rendition had been practised for decades and was "not unique to United States or to the current administration".

She also said other nations' intelligence agencies had been working with the US to extract information from detainees.

But she added that the US did not permit or tolerate torture under any circumstances.

"The US does not use the air space or airport of any country for the purpose of transporting a detainee when we believe he or she will be tortured," she said.

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"The United States does not transport, and has not transported, detainees from one country to another for the purpose of interrogation using torture."

It emerged in Germany at the weekend that CIA aircraft had landed in the country on 437 occasions.

The Washington Post also reported that dozens of prisoners had been wrongly rendered, with some being kidnapped in their home countries and held incommunicado for weeks.

Human rights groups say holding detainees incommunicado is illegal and often leads to torture.

Citation: <http://www.guardian.co.uk/usa/story/0,12271,1658214,00.html>

THE GUARDIAN

## CIA's secret jails open up new transatlantic rift

- Hundreds of flights landed in Germany over 2 years
- Seizure of innocent people likely to embarrass Rice

**Luke Harding in Berlin**  
**Monday December 5, 2005**

**Guardian**

The US secretary of state Condoleezza Rice's meeting with Germany's new chancellor Angela Merkel tomorrow is likely to be a tricky affair. What should have been a chance to repair the damaging rift between the countries over Iraq is fast being eclipsed by something else - a new transatlantic row between the US and the European Union over the CIA.

During the weekend there were further revelations about the role of the CIA in kidnapping suspects. According to yesterday's Washington Post, the agency carried out a number of "erroneous renditions" - grabbing suspects off the street who later turned out to be innocent.

In total, "about three dozen" people may have been wrongly seized, the paper said. One of them was Khaled Masri - a German national who shared the same name as a top al-Qaida terrorist.

The CIA kidnapped him in Macedonia on Dec 31 2003, and flew him to Afghanistan, where he spent five months in appalling conditions. After realising its mistake, the administration debated whether to inform "the Germans" of the blunder, eventually dispatching the US ambassador to Germany, Daniel Coats, to tell the government, the paper said.

"They picked up the wrong people, who had no information. In many cases there was only some vague association with terrorism," one CIA officer told the Post. The embarrassing details are likely to increase pressure on Ms Rice to give a forthright account of the CIA's behaviour during her visit to Europe this week.

Yesterday the magazine Der Spiegel also gave further details that suggest that Europe was used as a major transit hub. It revealed that after September 11 2001, the CIA flew to Germany 437 times. Two CIA aircraft landed 132 and 146 times in 2002 and 2003 respectively, the magazine said, citing German government figures.

Ms Rice is not the only person with difficult questions to answer, however. European governments - who have so far been reluctant to confront Washington over the flights - now face awkward inquiries about how much they knew.

"If [EU] member or candidate states actively contributed to, or connived in, illegal transports and torture, or illegal prisons on their territory, that must be investigated and the necessary consequences drawn," Martin Schulz, head of the Socialist Group in the European Parliament, said yesterday. He added: 'There's active acceptance, and there's acquiescence. Neither of those are acceptable.'

According to the Post, the CIA operated a network of secret prisons or "black sites" in eight countries at various times, including several in eastern Europe. Since 9/11, the agency, often working with foreign partners, had captured an estimated 3,000 people, including several key al-Qaida leaders. Members of the rendition group would blindfold suspects, cut off their clothes, and administer an enema and sleeping drugs. They would transfer prisoners to one of the CIA's covert sites or to a detention facility in a friendly country - in Afghanistan, Central Asia or the Middle East. Things did not always go to plan, however. Mr Masri was kidnapped while the CIA's station chief in Macedonia was away on holiday. The American Civil Liberties Union is expected to announce tomorrow that it is suing the CIA in connection with his case. Others detained included an innocent college professor who had given an al-Qaida suspect a bad grade. "It was the Camelot of counter-terrorism. We didn't have to mess with others, and it was fun," an official working in the CIA's counter-terrorism centre told the Post.

Ms Merkel, who meets Condoleeza Rice in Berlin tomorrow, has said she wants a fresh start with the Bush administration, describing the row over Iraq as a "past battle". Ms Merkel's government played down expectations of revelations from the US. "We're not rushing things," a spokesman said. But the issue seems unlikely to go away. "If the US doesn't create any clarity ... then they feed suspicion and encourage speculation," said Mr Schulz. "If Ms Rice gives no clarification, we in parliament will further insist that the governments of the EU provide this clarification themselves."

### **Backstory**

The American policy of moving suspects from one country to another without any court hearing or extradition process is thought to have begun in the **Reagan** era. In those days,

joint CIA and FBI teams would bring drug traffickers and terrorism suspects to the United States. They would be read their rights, given lawyers and then put on trial. In the wake of the 1993 bomb attack on the **World Trade Centre**, these detentions, known as "renditions", were largely replaced by the "extraordinary rendition" policy of taking suspects to a third country. CIA officers combating **Islamist terrorism** decided they should keep some suspects out of the US courts for fear of jeopardising their sources and to protect intelligence officials from other countries who did not wish to be called as witnesses. **Michael Scheuer**, a former CIA **counter-terrorism** expert, has explained how he approached Clinton administration officials for permission. "They said, 'Do it'." While it is against US law to take anyone to a country where there are "substantial grounds" for believing they will be tortured, those officials are said to have relied upon a very precise reading of that term, arguing that they could not be sure whether suspects would be tortured or not. At least four suspected Islamists were subsequently abducted in the **Balkans** in the late 1990s and taken to **Egypt**. One disappeared, two are reported to have been executed and one later alleged that he was tortured. An Islamist organisation threatened retaliation for these abductions and two days later, the US embassies in **Tanzania** and **Kenya** were blown up, killing 224 people. The Bush administration reviewed and renewed the presidential directive which authorises the rendition programme, and after the terrorist attacks of **9/11**, the number of abductions rocketed. According to **Scott Horton**, an **international law specialist** who helped prepare a report on renditions published by the New York University School of Law and the New York City Bar Association, as many as **150** people have been "rendered" over the past four years. Most of these people have not been charged with any crime.

They are denied lawyers, their families do not know their whereabouts and their detention is concealed from the international committee of the Red Cross.

Citation: <http://www.guardian.co.uk/usa/story/0,12271,1657839,00.html>

**Tuesday, December 06, 2005**

**WASHINGTON POST**

## **CIA Ruse Is Said to Have Damaged Probe in Milan**

Italy Allegedly Misled on Cleric's Abduction

By Craig Whitlock  
Washington Post Foreign Service  
Tuesday, December 6, 2005; A01

MILAN -- In March 2003, the Italian national anti-terrorism police received an urgent message from the CIA about a radical Islamic cleric who had mysteriously vanished from Milan a few weeks before. The CIA reported that it had reliable information that the

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cleric, the target of an Italian criminal investigation, had fled to an unknown location in the Balkans.

In fact, according to Italian court documents and interviews with investigators, the CIA's tip was a deliberate lie, part of a ruse designed to stymie efforts by the Italian anti-terrorism police to track down the cleric, Hassan Mustafa Osama Nasr, an Egyptian refugee known as Abu Omar.

The strategy worked for more than a year until Italian investigators learned that Nasr had not gone to the Balkans after all. Instead, prosecutors here have charged, he was abducted off a street in Milan by a team of CIA operatives who took him to two U.S. military bases in succession and then flew him to Egypt, where he was interrogated and allegedly tortured by Egyptian security agents before being released to house arrest.

Italian judicial authorities publicly disclosed the CIA operation in the spring. But a review of recently filed court documents and interviews in Milan offer fresh details about how the CIA allegedly spread disinformation to cover its tracks and how its actions in Milan disrupted and damaged a major Italian investigation.

"The kidnapping of Abu Omar was not only a serious crime against Italian sovereignty and human rights, but it also seriously damaged counterterrorism efforts in Italy and Europe," said Armando Spataro, the lead prosecutor in Milan. "In fact, if Abu Omar had not been kidnapped, he would now be in prison, subject to a regular trial, and we would have probably identified his other accomplices."

Spataro declined to comment on any specifics of the investigation because the case is pending in the Italian courts. The CIA declined to comment.

Since July, prosecutors and judges in Milan have issued arrest warrants charging 22 alleged CIA operatives, including the head of the CIA Milan substation, with kidnapping and other crimes. In interviews and court documents, Italian investigators said they now believe the abduction was overseen by the CIA's station chief in Rome and orchestrated by officials assigned to the U.S. Embassy there.

The case marks the first time that a foreign government has filed criminal charges against U.S. operatives for their role in a counterterrorism mission. In addition to jolting relations between the United States and Italy, normally a strong ally of Washington in the fight against terrorism, the case is fueling a growing chorus of European complaints that the Bush administration has crossed legal and ethical lines in dealing with Islamic extremists.

As investigators in Milan gradually unravel what happened to Nasr, 42, who remains in custody in Egypt, disclosures about the covert operation are causing political problems for both the U.S. and Italian governments.

Italian officials have firmly denied playing any role in the abduction or knowing about it beforehand. But current and former U.S. intelligence officials, speaking on condition of

anonymity because they were not authorized to discuss the operation, said the CIA briefed its counterparts at the Italian military intelligence agency ahead of time.

After the case became public, CIA officers involved in the decision to apprehend Nasr told their superiors that the Italian intelligence agency cleared the operation with Italian Prime Minister Silvio Berlusconi. But there appears to be no documentation that would support the claim that he was aware of the case should a public dispute erupt between Italy and the United States, according to two U.S. sources.

Several former intelligence officials said such documentation, on such a sensitive subject, would probably not exist. "The price of doing business is if you get caught, you're on your own," said one former intelligence official.

There are signs that Berlusconi's government has become increasingly uncomfortable with the criminal investigation, which is being carried out by independent judicial authorities in Milan. Prosecutors and judges signed papers last month seeking to compel the United States to extradite the alleged CIA operatives, but Justice Minister Roberto Castelli, a member of Berlusconi's cabinet, so far has not given his approval -- a step that is usually a formality.

After meeting with U.S. Attorney General Alberto R. Gonzales in Washington in early November, Castelli questioned whether the prosecution was politically motivated, calling the lead prosecutor a leftist "militant" whose work needed to be reviewed carefully. Prosecutors have denied any political bias and said they continue to work closely with the FBI on terrorism investigations.

### **Warnings Are Delivered**

One enduring mystery surrounding the case is why the CIA would want to abduct Nasr in the first place.

Italian anti-terrorism police said they were close to arresting Nasr at the time he disappeared. They had him under regular surveillance, with wiretaps on his home telephone, as part of an investigation into a network of Islamic extremists in northern Italy. His disappearance meant that Italian authorities lost a valuable window into the Islamic underground, prosecutors say.

Moreover, Nasr's actions in Egypt complicated their investigations, they say. In April and May 2004, the cleric was heard from briefly when he made a series of telephone calls to family members and acquaintances in Milan. He told them that he had been kidnapped by foreign agents and taken to Cairo, but that he had been released under house arrest after spending more than a year in prison, according to wiretaps of the calls recorded by Italian investigators.

During the telephone conversations, Nasr also warned religious colleagues at a Milan mosque that his Egyptian interrogators wanted to abduct three other people as well,

transcripts of the wiretaps show. He was taken back to prison shortly thereafter when Egyptian security officials discovered that he had been in contact with the people in Italy, according to court records.

Mohammed Reda, an Egyptian exile who lives in Milan, told Italian investigators that Nasr warned him on the phone that he was next on the Egyptian government's list of kidnapping targets.

"They told him that sooner or later the same fate would befall the three of us, that they would catch us as soon as possible," Reda told investigators, according to court documents. "They said they had agreements with the Italian authorities that could easily ensure our capture. If we didn't turn ourselves in voluntarily they would kidnap us."

Court records and interviews with Nasr's acquaintances and investigators in Milan suggest that the Egyptian government had wanted for years to capture Nasr, who had been part of an Islamic opposition group. Egyptian authorities had been prevented from capturing him because he had been granted asylum in Italy.

Nasr was wanted by the Egyptian authorities for his involvement in Jemaah Islamiah, a network of Islamic extremists that had sought the overthrow of the government. The network was dispersed during a government crackdown in the early 1990s, and many leaders escaped abroad to avoid arrest. Nasr fled to Albania but also sought refuge in Germany and Bosnia before settling in Italy in 1997.

Arman Ahmed Hissini, the director and imam of the Viale Jenner mosque and cultural center in Milan, was also sought by the Egyptians, court records show. Hissini said Nasr had been afraid for years that the Egyptian security services would come after him even though he was living in Europe.

"He was even afraid to go to Mecca after he got asylum in Italy," Hissini, who is known locally as Abu Imad, said in an interview at the mosque. "He couldn't go out because he was afraid they would catch him."

### **Scattered Clues**

The CIA has an especially close relationship with the Egyptian security and intelligence services.

In May, the New York-based group Human Rights Watch estimated that since 2001, Egypt had worked with other countries to apprehend more than 60 Islamic militants living abroad and return them to Egypt. Soon after, Egyptian Prime Minister Ahmed Nazif told the Chicago Tribune that the CIA alone had handed over to Egypt between 60 and 70 terrorism suspects captured from around the world.

This relationship has led some European counterterrorism officials and outside experts to speculate that Nasr was abducted as a favor to the Egyptian government. But former U.S.

intelligence officials said in interviews that the operation was carried out at the behest of the CIA, not Egypt.

They said the kidnapping was the inspiration of the CIA station chief in Rome, who wanted to play a more active role in taking suspected terrorists off the street. CIA officials in Italy came up with a list of three people "they wanted to look at to grab," said one agency official. It is not clear whether Nasr was on the list.

"It was definitely not a favor to the Egyptians," said another intelligence official. CIA officials "had their eye on him."

The Egyptian government has declined to comment on the case. Italian prosecutors said in court documents that they have repeatedly requested information from Egyptian officials but have received no reply.

Investigators said they had uncovered no hard evidence that Egyptian or Italian agents were involved in the abduction, although Nasr later told his family that the two men who seized him spoke "perfect Italian." According to the wiretapped telephone conversations, Nasr claimed that he was tortured by his captors in Egypt -- subjected to freezing temperatures and electric shocks, among other forms of abuse.

Italian police said there were signs that the CIA's substation chief in Milan, identified in court records as Robert Seldon Lady, flew to Cairo shortly after Nasr's disappearance, a trip that many counterterrorism analysts take to mean he took part in the initial interrogation. He spent three weeks there. Lady's attorney has acknowledged in court papers that he is a former CIA officer who worked in Italy for four years while posted at the U.S. Consulate in Milan.

Investigators have seized computer disks from Lady's home outside Milan that show he made travel reservations on a Web site to fly from Zurich to Cairo five days after Nasr disappeared, with a return flight scheduled for three weeks later. Cell phone records also show that calls were placed from Cairo on a telephone believed to be used by Lady during that period, court documents show.

During their search of Lady's home, police found a disk with a digital photograph of Nasr, showing him walking along the same block in Milan where he was abducted a month after the picture was taken.

Lady, who retired from the CIA a year later, is one of the 22 alleged CIA operatives who have been charged with kidnapping in the case. He has hired an Italian defense attorney, who recently filed a motion to have the charges against him thrown out.

The attorney, Daria Pesce, argued that the evidence seized at Lady's home was obtained illegally. She said he has not admitted or denied playing any role in the case but is actively contesting the charges. She said in a telephone interview that naming him

publicly would not jeopardize his former status as an undercover officer or pose security concerns.

"We're just telling the judge that they don't have any evidence that he could have kidnapped" Nasr, Pesce said. "There could never be a trial against him in the United States with such lousy evidence."

Last week, Italian Judge Enrico Manzi disagreed with Pesce. In a written opinion upholding the arrest warrant, the judge wrote that the evidence taken from Lady's home "removes any doubt about his participation in the preparatory phase of the abduction."

*Staff writer Dana Priest in Washington and special correspondent William Magnuson in Milan contributed to this report.*

## WASHINGTON POST

### **U.S. Admits Botched Detention, Merkel Says**

By ANNE GEARAN  
The Associated Press  
Tuesday, December 6, 2005; 8:35 AM

BERLIN -- German Chancellor Angela Merkel said Tuesday that the United States has admitted making a mistake in the case of a German national who claimed he was wrongfully imprisoned by the CIA.

Merkel spoke during a press conference with Secretary of State Condoleezza Rice, who refused to discuss specifics with reporters. The two women leaders' first meeting was dominated by questions about U.S. terrorism policies, including the five-month detention of Lebanese-born Khaled al-Masri and reports of secret CIA prisons and potentially illegal use of European airports and airspace to transport terror suspects.

"The American administration is not denying" it erred in the case of al-Masri, Merkel said through a translator.

Merkel welcomed that admission and added that she is grateful for Rice's assurances that the United States conducts anti-terror operations legally and without the use of torture.

"I'm happy to say we have discussed the one case, which the government of the United States has of course accepted as a mistake," Merkel said. "I'm very happy that the foreign minister has repeated here that when such mistakes happen, they must be corrected immediately. Everything else must happen in accordance with the law."

"We haven't discussed other cases," Merkel added, "so I cannot recognize any pattern."



Al-Masri was expected to bring suit against the CIA on Tuesday in Washington. He claims he was seized while on vacation in Europe last year and then brought to a U.S. prison in Afghanistan, where he was mistreated and interrogated for suspected ties to the al-Qaida terrorist group.

The German parliament will soon take up the matter, Merkel said, adding, "That is appropriate."

"We recognize the chancellor will be reviewing this" in parliament, Rice said. "We also recognize that any policy will sometimes result in error and when it happens we do everything we can to correct it."

The American diplomat also offered a broad defense of intelligence gathering in the pursuit of terrorists.

"This is essentially a war in which intelligence is absolutely key to success," Rice said. "If you are going to uncover plots, if you are going to get to people before they commit their crimes, that is largely an intelligence function."

Ticking off a list of recent terror attacks, Rice said the consequence of failing to find out about terror plots ahead of time can be seen not only in New York and Washington, sites of the Sept. 11 jetliner attacks, but also in Amman, Jordan; Beslan, Russia; London; Madrid and elsewhere.

Later Tuesday, Rice was flying to Romania, a country identified as a likely site of a secret detention facility run by the CIA. Romania denies it. She will sign a defense cooperation pact related to an air base the advocacy group Human Rights Watch has identified as a probable site for a clandestine prison.

In Berlin, Rice met with Merkel, the country's first leader from the formerly communist East, for about an hour. Merkel pledged last week to put aside past differences between Germany and the United States even as she pressed for the Bush administration to take the CIA prison concerns seriously.

"Let the battles of the past lie \_ those battles have been fought," Merkel said in her first speech to parliament as chancellor.

The United States is eager to get off on the right foot with Merkel after turbulent relations with the government of blunt Bush opponent Gerhard Schroeder.

Rice met in Washington last week with new German Foreign Minister Frank-Walter Steinmeier and promised him an answer on the prison issue. Merkel comes to Washington to see President Bush in January.

European governments have expressed outrage over reports of a network of secret Soviet-era prisons in Eastern Europe where detainees may have been harshly treated and reports of CIA flights carrying al-Qaida prisoners through European airports.

Several countries have denied they hosted such sites. If the United States did operate such prisons, or is still doing so, the information would be classified. The Bush administration has refused to answer questions about it in public.

"Were I to confirm or deny, say yes or say no, then I would be compromising intelligence information, and I'm not going to do that," Rice told reporters on her plane to Germany. Before leaving Washington, Rice told reporters that fighting terrorism is "a two-way street" and that Europeans are safer for tough but legal U.S. tactics.

Citation: <http://www.washingtonpost.com/wp-dyn/content/article/2005/12/06/AR2005120600083.html>

## WASHINGTON POST

### **Clear Rules Sought for Abuse by Foreign Troops**

Military to Retool U.S. Response Policy

By Bradley Graham  
Washington Post Staff Writer  
Tuesday, December 6, 2005; A23

Defense Secretary Donald H. Rumsfeld has ordered military commanders to come up with clear rules for how U.S. troops around the world should respond if they witness mistreatment of detainees by other forces outside the United States, a senior defense official said yesterday.

The move follows evident confusion last week between Rumsfeld and Marine Gen. Peter Pace, chairman of the Joint Chiefs of Staff, over what rules currently apply in Iraq. Rumsfeld had stated at a Pentagon news conference that U.S. forces were obligated simply to report mistreatment of Iraqis by Iraqi forces, only to be contradicted by Pace, who insisted U.S. forces were further required to try to stop the abuse.

The exchange prompted Rumsfeld to seek a more detailed explanation of the rules in Iraq, according to an aide, and it appears Pace may have overstated the policy. An initial review by senior Pentagon officials indicated that the rules, while requiring troops to take action if they witness Iraqi mistreatment, do not seem to make clear how far U.S. troops should go.

In any case, Rumsfeld wants the policy clarified for Iraq and elsewhere. He has asked Pace to come up with a process for defining what rules should apply to U.S. forces

democracy taking hold in Iraq, Rumsfeld said, 63 percent of journalists polled and 71 percent of those in the foreign affairs establishment and in universities and think tanks predicted the effort would fail. By contrast, 64 percent of U.S. military personnel surveyed and 56 percent of the U.S. public were optimistic.

"And the Iraqi people are optimistic," Rumsfeld said, referring to other opinion polls and a rise in tips that Iraqis are providing U.S. and Iraqi forces.

Rumsfeld said Iraqis are more upbeat about their country because they recall how much worse conditions were under ousted president Saddam Hussein, whereas journalists have a narrower view constrained by concerns about their own safety. Although noting that assassinations, hostage-taking and other violence persist, Rumsfeld listed offsetting "positive developments," including an evolving political process, signs of division in insurgent ranks and more active support for democracy in Iraq from other countries in the region.

"To be responsible, one needs to stop defining success in Iraq as the absence of terrorist attacks," he said.

The Pentagon is having its own troubles at the moment with how some U.S. troops and private contractors in Iraq have handled news reports that they have written. The U.S. military command in Baghdad acknowledged last week that it had paid Iraqi newspapers to publish pro-American articles written by a U.S. task force. Commanders are investigating whether U.S. rules requiring disclosure of the source of such articles were violated.

## WASHINGTON POST

### **Rice Defends Tactics Used Against Suspects**

Europe Aware of Operations, She Implies

By Glenn Kessler  
Washington Post Staff Writer  
Tuesday, December 6, 2005; A01

BERLIN, Dec. 6 -- Secretary of State Condoleezza Rice, seeking to dampen a furor in Europe over the CIA's secret detention and transport of suspected terrorists on European soil, on Monday defended U.S. actions there as preventing terrorist attacks and strongly suggested that operations have occurred only with the cooperation of relevant governments.

At Andrews Air Force Base before boarding her plane for a week-long swing through Europe, Rice said the United States always respects the sovereignty of foreign countries when conducting intelligence operations within their borders. Aides said that was

diplomatic code meaning that the United States does not act without first getting permission.

Rice's carefully crafted statement was the Bush administration's most comprehensive explanation yet of its policy on transferring terrorism suspects across international borders. U.S. officials hope her remarks will ease concerns raised in European capitals after The Washington Post reported on Nov. 2 that the CIA has operated a clandestine prison system in Eastern Europe and other countries.

Rice did not confirm or deny the existence of the prisons, saying, "We cannot discuss information that would compromise the success of intelligence, law enforcement and military operations." But she implied that governments in Europe were aware of U.S. intelligence operations there, including assistance in a practice known as "rendition," in which suspects are secretly transferred from countries without formal extradition proceedings.

At one point, Rice appeared to acknowledge that top detainees directly connected to the Sept. 11, 2001, attacks have been held outside the United States. U.S. intelligence agencies, she said, have gathered information from a "very small number of extremely dangerous detainees," including planners of the Sept. 11 hijackings and the attack on the USS Cole in Yemen in 2000. The United States "has fully respected the sovereignty of other countries that cooperate in these matters," she said.

Intelligence cooperation between the United States and European countries has "helped protect European countries from attack, helping save European lives," Rice said.

The Post reported last month that the CIA has been hiding and interrogating some of its most important al Qaeda captives at a Soviet-era compound in Eastern Europe as part of a covert prison system that at various times has included sites in eight countries, including Thailand, Afghanistan and several democracies in Eastern Europe. The Post did not identify the Eastern European countries at the request of senior U.S. officials, who said the disclosure could disrupt counterterrorism efforts in those countries and elsewhere and could make them targets of possible terrorist retaliation.

The Post article has spurred a series of probes across Europe into the existence of prisons and flights through European airspace by CIA aircraft that critics say are transporting prisoners. Last week, citing the uproar, British Foreign Secretary Jack Straw wrote Rice on behalf of the European Union, asking for "clarification" of news reports that suggested "violations of international law." Rice said her statement was essentially the text of a reply she would send to Straw.

ABC News reported Monday night that the United States had closed two prisons and transported 11 top al Qaeda detainees out of Europe before Rice's arrival. The report could not be confirmed, and the CIA and the State Department declined to comment.

Rice began her trip to Europe here in Germany, where on Tuesday she will seek to build relations with the new German government of Chancellor Angela Merkel before flying to Romania and Ukraine. Later she is to attend meetings at the headquarters of the NATO alliance in Belgium. Throughout her trip, aides expect her to be dogged by questions about the CIA prisons.

Werner Hoyer, a member of the German Parliament's foreign policy committee, said Rice's statement would put European governments on the defensive to explain what they knew about joint counterterrorism operations in Europe.

"She's trying to throw the ball back into the European field, especially the German field," Hoyer, a member of the opposition Free Democratic Party, said in an interview. "She's saying that fighting terrorism is not just an American problem but a German problem. This practice of renditions is perhaps in keeping with U.S. law, but there are indications that perhaps it is not compatible with German law."

On Sunday, The Washington Post reported that former interior minister Otto Schily had been told by the U.S. ambassador to Germany of a bungled rendition of a German citizen in 2004 and that he had kept the case quiet at the request of the Americans. Schily stepped down last month when Merkel's government came into office. He has not commented on the report.

Ulrich Wilhelm, the German government's chief spokesman, told reporters Monday that the new government was trying to figure out what top officials knew about the rendition case. He said officials hoped Rice would provide more information about CIA flights when she meets with Merkel.

Speaking to reporters as she flew to Berlin Monday, Rice said she would seek to refocus the debate by reminding Europeans that intelligence is essential to battling shadowy terrorist networks. "Ultimately if you want to stop attacks, you have to use intelligence to do it," she said.

Rice spoke emotionally of appearing before the 9/11 commission and facing questions herself about counterterrorism. "It is exceedingly hard when you look at the families of people who lost their lives in a terrorist attack," she said. "You wonder to yourself: Did I do everything that I could?"

In her statement, Rice defended the practice of rendition as a "vital tool" that is recognized by international law and that has been used by many countries, including the United States, since before the Sept. 11 attacks. Reports of U.S. renditions have sparked controversy and judicial probes in Italy and Spain, but Rice noted that France used rendition in 1994 to remove the legendary terrorist "Carlos the Jackal" from Sudan for prosecution.

Tom Malinowski, Washington advocacy director for Human Rights Watch, said Rice's reference to pre-9/11 renditions is misleading because in the earlier cases people were

rendered for prosecution. He said the Bush administration is doing the opposite, taking prisoners away from jurisdictions that respect rule of law. Rendition allows interrogation "indefinitely without judicial interference," he said.

Rice also asserted that the United States does not transport terrorism suspects "for the purpose of interrogation using torture" and "will not transport anyone to a country when we believe he will be tortured." She added that "where appropriate, the United States seeks assurances that transferred persons will not be tortured."

"The United States government does not authorize or condone torture of detainees," she said.

The United States is a signatory to the U.N. Convention Against Torture, in which nations pledge to refuse to torture and pledge to prevent cruel, inhuman and degrading treatment of prisoners. The Bush administration, however, has argued that the obligations concerning cruel, inhuman and degrading treatment do not apply outside U.S. territory.

The Post article reported that CIA interrogators in the overseas sites have been permitted to use interrogation techniques prohibited by the U.N. convention or by U.S. military law. Asked about this apparent contradiction, Rice told reporters: "Our people, wherever they are, are operating under U.S. law and U.S. obligations."

Any violation of U.S. detention standards is investigated and punished, Rice said in her statement, citing the prison abuse at Iraq's Abu Ghraib "that sickened us all."

*Correspondent Craig Whitlock contributed to this report.*

## WASHINGTON POST

EDITORIAL:

### **A Weak Defense**

Tuesday, December 6, 2005; A28

IN AN ATTEMPT to quell a growing storm in Europe over the CIA's secret prisons, Secretary of State Condoleezza Rice yesterday issued a defense based on the same legalistic jujitsu and morally obtuse double talk that led the Bush administration into a swamp of human rights abuses in the first place. Ms. Rice insisted that the U.S. government "does not authorize or condone torture" of detainees. What she didn't say is that President Bush's political appointees have redefined the term "torture" so that it does not cover practices, such as simulated drowning, mock execution and "cold cells," that have long been considered abusive by authorities such as her State Department.

Ms. Rice said, "It is also U.S. policy that authorized interrogation will be consistent with U.S. obligations under the Convention Against Torture, which prohibit cruel, inhuman or

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degrading treatment." What she didn't explain is that, under this administration's eccentric definition of "U.S. obligations," cruel, inhuman and degrading treatment is *not* prohibited as long as it does not occur on U.S. territory. That is the reason for the secret prisons that the CIA has established in European countries and other locations around the world, and for the "renditions" of detainees to countries such as Egypt and Jordan: so that the administration can violate the very treaty Ms. Rice claims it is upholding.

Ms. Rice did offer some persuasive arguments, including that "captured terrorists of the 21st century do not fit easily into traditional systems of criminal or military justice"; that's one reason we believe congressional action to regulate those detentions and interrogations is overdue. It's hard not to sympathize with the secretary of state, who has seen 10 months of meticulous and until now successful work to repair transatlantic relations undermined by a policy not of her making. Yet the Bush administration surely cannot expect that the uproar in European countries, including staunch allies such as Britain, will be contained through such hairsplitting spin. The political backlash is still growing, and the damage could be considerable. For example, the plans of the new German chancellor, Angela Merkel, to rebuild close relations with the United States have been seriously threatened by emerging reports of German participation in CIA renditions.

The only way to remedy the damage is to change the underlying policies. Such a change would help rather than hurt the fight against terrorism. By now the administration should recognize that, whether or not its abductions of terrorist suspects from European countries have been legal or justified, they have surely been counterproductive: The blowback against questionable renditions from Italy, Sweden and Germany has damaged the ability of those countries to support future collaboration with the CIA. If CIA prisoners are still being held in Europe, they probably won't be staying much longer; Washington's Eastern European friends stand to suffer severe censure from the European Union.

One simple step by President Bush would resolve much of the controversy over prisoner abuse, and ease Ms. Rice's journey through Europe this week. The president could accept Sen. John McCain's amendment to the defense appropriations bill, which prohibits "cruel, inhuman and degrading treatment" for all prisoners held by the United States. The legislation has overwhelming support in Congress, as the White House recognizes; already, the administration has shifted from threatening a veto to bargaining with Mr. McCain over granting immunity to CIA personnel involved in abuses. Once a clear ban on inhuman treatment is in place, the administration will have no legal reason to hold al Qaeda suspects in secret foreign prisons. Even better, Ms. Rice will have more credibility the next time she declares that the United States does not engage in torture.

WASHINGTON POST

OPINION:

**Rules for Our War**

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December 6, 2005

## U.S. Admits Botched Detention, Merkel Says

By THE ASSOCIATED PRESS

Filed at 9:21 a.m. ET

BERLIN (AP) -- German Chancellor Angela Merkel said Tuesday that the United States has admitted making a mistake in the case of a German national who claimed he was wrongfully imprisoned by the CIA.

Merkel spoke during a press conference with Secretary of State Condoleezza Rice, who refused to discuss specifics with reporters. The two women leaders' first meeting was dominated by questions about U.S. terrorism policies, including the five-month detention of Lebanese-born Khaled al-Masri and reports of secret CIA prisons and potentially illegal use of European airports and airspace to transport terror suspects.

"The American administration is not denying" it erred in the case of al-Masri, Merkel said through a translator.

Merkel welcomed that admission and added that she is grateful for Rice's assurances that the United States conducts anti-terror operations legally and without the use of torture.

"I'm happy to say we have discussed the one case, which the government of the United States has of course accepted as a mistake," Merkel said. "I'm very happy that the foreign minister has repeated here that when such mistakes happen, they must be corrected immediately. Everything else must happen in accordance with the law."

"We haven't discussed other cases," Merkel added, "so I cannot recognize any pattern."

Al-Masri was expected to bring suit against the CIA on Tuesday in Washington. He claims he was seized while on vacation in Europe last year and then brought to a U.S. prison in Afghanistan, where he was mistreated and interrogated for suspected ties to the al-Qaida terrorist group.

The German parliament will soon take up the matter, Merkel said, adding, "That is appropriate."

"We recognize the chancellor will be reviewing this" in parliament, Rice said. "We also recognize that any policy will sometimes result in error and when it happens we do everything we can to correct it."

The American diplomat also offered a broad defense of intelligence gathering in the pursuit of terrorists.



"This is essentially a war in which intelligence is absolutely key to success," Rice said. "If you are going to uncover plots, if you are going to get to people before they commit their crimes, that is largely an intelligence function."

Ticking off a list of recent terror attacks, Rice said the consequence of failing to find out about terror plots ahead of time can be seen not only in New York and Washington, sites of the Sept. 11 jetliner attacks, but also in Amman, Jordan; Beslan, Russia; London; Madrid and elsewhere.

Later Tuesday, Rice was flying to Romania, a country identified as a likely site of a secret detention facility run by the CIA. Romania denies it. She will sign a defense cooperation pact related to an air base the advocacy group Human Rights Watch has identified as a probable site for a clandestine prison.

In Berlin, Rice met with Merkel, the country's first leader from the formerly communist East, for about an hour. Merkel pledged last week to put aside past differences between Germany and the United States even as she pressed for the Bush administration to take the CIA prison concerns seriously.

"Let the battles of the past lie -- those battles have been fought," Merkel said in her first speech to parliament as chancellor.

The United States is eager to get off on the right foot with Merkel after turbulent relations with the government of blunt Bush opponent Gerhard Schroeder.

Rice met in Washington last week with new German Foreign Minister Frank-Walter Steinmeier and promised him an answer on the prison issue. Merkel comes to Washington to see President Bush in January.

European governments have expressed outrage over reports of a network of secret Soviet-era prisons in Eastern Europe where detainees may have been harshly treated and reports of CIA flights carrying al-Qaida prisoners through European airports.

Several countries have denied they hosted such sites. If the United States did operate such prisons, or is still doing so, the information would be classified. The Bush administration has refused to answer questions about it in public.

"Were I to confirm or deny, say yes or say no, then I would be compromising intelligence information, and I'm not going to do that," Rice told reporters on her plane to Germany. Before leaving Washington, Rice told reporters that fighting terrorism is "a two-way street" and that Europeans are safer for tough but legal U.S. tactics.

Citation: <http://www.nytimes.com/aponline/international/AP-Rice.html>

NEW YORK TIMES

December 6, 2005

TRANSCOM GHOST DOCS 389

## U.S. Interrogations Are Saving European Lives, Rice Says

By JOEL BRINKLEY

BERLIN, Dec. 5 - Secretary of State Condoleezza Rice chastised European leaders on Monday, saying that before they complain about secret jails for terror suspects in European nations, they should realize that interrogations of these suspects have produced information that helped "save European lives."

Her remarks were the Bush administration's official response to the reports of a network of secret detention centers in at least eight European nations, said to house dozens of terror suspects.

At the same time, she denied that the United States has moved suspects to these prisons to allow interrogators to use torture. "The United States," she said, "does not permit, tolerate or condone torture under any circumstances." At another point, she said, "The United States does not transport and has not transported detainees from one country to another for the purpose of interrogation using torture."

Intelligence gathered from these interrogations, she said, "has stopped terrorist attacks and saved innocent lives in Europe as well as the United States." But she declined to offer examples or provide any specific information to support her assertions. She said any information related to the prisons was classified. Ms. Rice did not explicitly confirm the existence of the detention centers, first described in news reports early last month. But acknowledgment of them was implicit in her remarks. Without the debate over the covert jails, there would have been no reason for her statement.

"We must bring terrorists to justice wherever possible," she said, "but there have been many cases where the local government cannot detain or prosecute a suspect, and traditional extradition is not a good option."

"In those cases," she added, "the local government can make the sovereign choice to cooperate in" the transfer of a suspect to a third country, which is known as a rendition.

"Sometimes," she added, "these efforts are misunderstood."

Officials from the White House, State Department and Central Intelligence Agency labored over Ms. Rice's statement for days and said it would serve as the basis of the government's official answer to an inquiry from the European Union - one of a half dozen under way.

Ms. Rice offered her remarks to reporters early Monday, at Andrews Air Force Base, before setting off for a trip to Europe. The timing, she said later, was not coincidental. She wanted to issue the statement "before I go to Europe so if there are questions I can answer them."

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Her five-day trip will take her to Germany, Belgium, Ukraine and Romania. Analyses of flight records of United States government aircraft have suggested that Romania may have been the site of one covert detention center, but Romanian officials have said that no such facility existed. Ms. Rice arrived in Berlin too late Monday night to meet with any German officials or to gauge any reaction to her remarks in Washington.

According to a report Monday night on ABC News, which could not be confirmed, current and former C.I.A. officers say that 11 top Qaeda suspects have been moved from secret C.I.A. prisons in Europe to a new C.I.A. facility in the North African desert.

Administration officials, including Ms. Rice on Monday, have repeatedly maintained since the reports about the secret prisons began that the government is abiding by American law and international agreements. "We are respecting U.S. law and U.S. treaty obligations," she said several times on Monday. "And we are respecting other nations' sovereignty."

That is a change in the position of the Bush administration, which has repeatedly maintained in recent years that American law does not apply to prisoners held abroad. That is one reason some terror suspects were taken to Guantánamo Bay in Cuba and to other foreign locations.

Asked about that conflict while speaking to reporters on her plane, Ms. Rice did not answer directly and instead repeated her statement about respecting American laws and obligations.

Following the reports of a secret detention policy, the administration has come under criticism from the United Nations, at least two arms of the European Union and several European countries. The Europeans say the secret detention centers would be illegal in their countries. Jack Straw, the British foreign secretary, wrote Ms. Rice on behalf of the European Union last week, seeking an explanation.

In Congress, Democrats are calling for an investigation of the prisons and the treatment of suspects held there, while Republicans are pushing for an inquiry to determine who in the government leaked the information to the news media.

News reports over the last month have said the C.I.A. began holding dozens of terror suspects in secret prisons in Europe shortly after Sept. 11. While the administration has not confirmed the reports, it has also not denied them.

The mistreatment of prisoners at the Abu Ghraib prison in Iraq as well as the ongoing debate over the imprisonment of terror suspects at Guantánamo, have raised questions among Europeans and human rights organizations about the treatment of suspects held in the C.I.A. facilities, where no one can visit them or check on their treatment.

Ms. Rice insisted she could not confirm the existence of secret prisons because that would involve discussion of classified activities. "One of the difficult issues in this new

kind of conflict is what to do with captured individuals who we know or believe to be terrorists," she said. Many are "essentially stateless, owing their allegiance to the extremist cause of transnational terrorism."

On her plane later, Ms. Rice expressed impatience with the spiraling investigations and inquiries.

"Democracies are going to debate these things," she said. "But they need to debate them not just on one side of the issue - that is, how the actual activities are being carried out." They should also consider, "are we doing everything we can to protect innocent lives?"

Citation: <http://www.nytimes.com/2005/12/06/international/europe/06rice.html>

### CHICAGO TRIBUNE

OPINION:

<http://www.chicagotribune.com/news/opinion/chi-0512060214dec06,0,5388646.story?coll=chi-newsopinioncommentary-hed>

## Sullyng our reputation

By Joseph S. Nye Jr., a former assistant secretary of defense and the author of "The Power Game: A Washington Novel."

December 6, 2005

The Senate overwhelmingly has passed a measure sponsored by Sen. John McCain (R-Ariz.) that would ban "cruel, inhuman or degrading treatment or punishment" of anyone in the custody of the United States military. The Bush administration has threatened a veto, and Vice President Dick Cheney has been lobbying for an exemption for the CIA.

McCain's amendment to this year's military spending bill would restrict interrogation techniques to those authorized by the Army Field Manual. The 90 favorable Senate votes included knowledgeable hawks such as Sens. John Warner (R-Va.) and Lindsay Graham (R-S.C.), and the amendment has been endorsed by former chairmen of the Joint Chiefs of Staff Colin Powell and John Shalikashvili.

Why oppose a measure that says we should live up to our ideals, as well as the Convention Against Torture that was negotiated by the Reagan administration and ratified by the Senate? According to Sen. Christopher Bond (R-Mo.), "The last thing we want to do is put undue burdens on military and intelligence officials who are on the ground trying to obtain critical information on the war on terror." In the words of Sen. Pat Roberts (R.-Kan.), chairman of the Senate Intelligence Committee, "Passing a law that effectively telegraphs to the entire terrorist world what they can expect if they are caught is not only counterproductive, but could be downright dangerous."

## Compromise On Torture Ban Close, A Lead Negotiator Says

By Matt Kelley, USA Today

WASHINGTON — Congressional negotiators are close to agreement on anti-torture provisions of a defense spending bill, the chairman of the House Armed Services Committee said Monday in an interview with USA TODAY.

Rep. Duncan Hunter, R-Calif., said a final version of the bill should be ready this week. "I think we have enough votes to have a good bill that would satisfy everyone."

House and Senate negotiators are haggling over an amendment to the Senate version of the bill by Sen. John McCain, an Arizona Republican and former prisoner of war in Vietnam.

McCain's amendment, which passed the Senate 90-9 in October, would prohibit torture of any detainees in the war on terrorism and would make the Army Field Manual the standard for U.S. interrogators. The manual prohibits torture and other coercive interrogation tactics.

President Bush has said the United States does not torture prisoners. However, he has threatened to veto the bill if it contains the McCain provision, saying it could limit U.S. counterterrorism tactics.

Hunter, who leads the House negotiators and who backs the administration's position, said House and Senate negotiators were working on a compromise, though he would not give specifics.

McCain said Sunday that he would not accept anything less than a ban on torture. He is a member of the House-Senate panel.

Hunter echoed administration arguments that torture already is a federal crime that can carry the death penalty.

"We can execute a CIA agent for torturing a detainee anywhere in the world," Hunter said. "That's about as strong as you can get."

Hunter said he also was working to include a House-passed provision directing U.S. forces to include humane treatment of detainees as part of training for Iraqi security forces. A spokesman for the military command in charge of training Iraqis says protecting human rights already is a main focus of the American curriculum.

U.S. treatment of terrorism detainees threatens to open a wider rift between the United States and its European allies, particularly following reports last month that the CIA ran secret prisons in Eastern Europe in which suspected terrorists were interrogated.

Secretary of State Condoleezza Rice, who left Monday for a weeklong series of meetings in Germany, Romania, Belgium and Ukraine, countered European critics by saying U.S. anti-terror policies protect Europeans as well as Americans.

Information was gathered by U.S. intelligence agencies from a "very small number of extremely dangerous detainees," Rice said, and has helped prevent terrorist attacks and saved lives "in Europe as well as in the United States and other countries."

Rice provided no specific examples of instances where the CIA had foiled terrorist plots and wouldn't answer questions about whether the United States had operated secret prisons in Europe.

"We cannot discuss information that would compromise the success of intelligence, law enforcement and military operations," Rice said. "We expect other nations share this view."

British Foreign Secretary Jack Straw said Monday that Rice's comment "makes clear" that the United States does not torture its detainees and said, "All of us must work together within the rule of law to use every tool at our disposal" to counter terrorism.

*Contributing: Wire reports*

**The Hill**

December 6, 2005

Pg. 1

## **A Fellow Torture Victim Splits With Sen. McCain**

By Jonathan Allen

Two highly decorated veterans who were held captive together in a Vietnamese prison camp more than three decades ago find themselves nose to nose today over U.S. policy on torture.

In a draft letter circulated to some rank-and-file Republican colleagues but not sent, Rep. Sam Johnson (R-Texas) asks the top House defense appropriators to exclude from a defense-spending conference report the anti-torture provision added to the Senate version of the bill by Sen. John McCain (R-Ariz.).

The McCain amendment would limit American interrogators to techniques prescribed by the Army Field Manual and prohibit "cruel, inhuman or degrading treatment or punishment" of prisoners in U.S. custody, regardless of nationality or physical location.

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House critics of McCain appear unwilling to challenge the former prisoner of war on torture even with cover from Johnson, whose medals include two Silver Stars, the Distinguished Flying Cross, two Purple Hearts, two Legions of Merit and a Bronze Star.

"I wasn't really as courageous as Sam Johnson," McCain, who was awarded many of the same medals, told The Dallas Morning News for a 2003 profile of Johnson. "I mean that. He suffered a lot more than I did."

#### WASHINGTON POST

Washington Post  
December 6, 2005  
Pg. 19

### **Officer Will Not Face Army Murder Charges**

TOPEKA, Kan. -- The Army dropped murder charges against an officer accused of giving two soldiers in his platoon permission to kill Iraqi civilians. Second Lt. Erick J. Anderson, 26, of Twinsburg, Ohio, could have been imprisoned for life if convicted.

Anderson was a platoon leader in an infantry regiment in August 2004. Four men in his 36-member platoon were convicted of murdering unarmed Iraqis during operations near Sadr City.

In statements to Army investigators, two soldiers said Anderson gave them the go-ahead to kill civilians, including one incident described as a "mercy killing."

Later, one of Anderson's accusers changed his story. Pvt. Michael Williams of Memphis said he only implicated Anderson to get prosecutors to reduce his own life sentence to 25 years.

Wednesday, December 07, 2005

#### WASHINGTON POST

### **Rice to Admit German's Abduction Was an Error**

On Europe Trip, Rice Faces Scrutiny on Prisoner Policy

By Glenn Kessler  
Washington Post Staff Writer  
Wednesday, December 7, 2005; A18

TRANSCOM GHOST DOCS 395

BUCHAREST, Romania, Dec. 6 -- The Bush administration has admitted it mistakenly abducted a German citizen it suspected of terrorist links, German Chancellor Angela Merkel said Tuesday after meeting with Secretary of State Condoleezza Rice.

Rice, addressing reporters in Berlin with Merkel, declined to comment on the specific case of Khaled Masri, but she said she pledged to the German leader that "when and if mistakes are made, we work very hard and as quickly as possible to rectify them." Her aides scrambled to say Rice did not admit an error.

Merkel's statement that "the American administration has admitted this man has been erroneously taken" was relayed by an interpreter and came as European scrutiny of the U.S. policy of secretly taking terrorism suspects to clandestine detention centers for extrajudicial interrogations has intensified.

In the first full day of a week-long European tour for Rice, questions on this issue dominated her news conference with Merkel, which drew dozens of reporters and 27 television cameras. Twelve of 13 questions posed to Rice in an interview with Britain's Sky News service referred to prisoner policies.

Rice faced more questions about CIA practices at a later news conference in Romania. She was making a three-hour stopover designed to highlight a landmark agreement by which Romania, a former member of the Soviet-dominated Warsaw Pact, will allow 1,500 U.S. troops to use one of its air bases.

The Washington Post reported Sunday that in May 2004, then-U.S. ambassador Daniel R. Coats told the German interior minister about the Masri case but requested that the German government never disclose what it had been told, even if Masri went public.

On Tuesday, Masri filed suit in U.S. District Court in Alexandria against former CIA director George J. Tenet, three private airline companies and unnamed CIA officials, saying that he was abducted in Macedonia and flown to a secret prison in Afghanistan. There, he alleges, he was abused and held against his will even though Tenet and other top officials knew he was mistakenly detained.

The complaint, filed by lawyers from the American Civil Liberties Union, asks for damages in excess of \$75,000. At a news conference in Washington, Masri spoke via satellite link from Germany and said he wanted U.S. officials to explain "why they did this to me and how this came about." He requested an official U.S. government apology.

Masri attempted to enter the United States over the weekend to speak at the news conference but was turned away because his name was on a Homeland Security watch list. A State Department official said Tuesday the United States had informed the German government that the problem had been resolved and he would be allowed to enter. Like other State Department officials interviewed Tuesday, this one declined to be identified by name, following State Department policy.



Aides traveling with Rice said she did not concede any errors in the Masri case during her meeting with Merkel. They said they were puzzled by Merkel's remarks and suggested she may have been influenced by news reports about the case.

But a senior administration official traveling with Rice confirmed that U.S. officials had previously informed the Germans that Masri was released because there was not sufficient intelligence to justify his continuing detention. The official said Masri was seized because his name was similar to a militant leader's and because officials thought his passport was forged. The official declined to say whether the U.S. government ever had evidence to justify his detention.

At the news conference in Berlin, Merkel noted that the case "was very much in the public eye today" and said she would refer it to a German parliamentary committee for further investigation.

On Nov. 2, The Post reported that the CIA had been hiding and interrogating some of its most important al Qaeda captives at a Soviet-era compound in Eastern Europe, part of a covert prison system that at various times has included sites in eight countries, including Thailand, Afghanistan and several East European democracies.

The Post did not identify those countries at the request of senior U.S. officials, who said the disclosure could disrupt counterterrorism efforts there and elsewhere and make those countries targets of retaliation.

In an effort to calm tensions triggered by the disclosure, Rice began her trip Monday by reading a detailed statement designed to allay concerns in Europe over CIA practices in the war on terrorism. She neither confirmed nor denied the existence of the clandestine prison system. But she said the CIA's interrogations helped prevent terrorist attacks, and she strongly suggested that the questioning took place with the cooperation of European governments.

U.S. aides hope that Rice's forceful rebuttal will turn the tables on the criticism by forcing the European public to consider the potentially deadly consequences if their governments fail to combat terrorism.

Dutch Foreign Minister Ben Bot told his country's lower house of parliament Tuesday that the U.S. statement was unsatisfactory. He said he expected a "lively discussion with Rice and foreign ministers of NATO member states" when they meet on Thursday in Brussels, the Dutch news agency ANP said.

Friso Roscam Abbing, spokesman for the European Union's justice commissioner, Franco Frattini, said, "We welcome Dr. Rice's strong commitment to fully respecting the rule of law and her zero tolerance for torture." But, he added, "I certainly would not say that we're back to business as usual."

Daniel Keohane, a research fellow at the Center for European Reform in London, said Rice "seems to be implying that Europeans were well aware of who's going where in their airspace and in their territory."

He suggested that European governments "probably would prefer to brush this under the carpet."

The agreement with Romania to permit the stationing of U.S. troops marks a significant advance in the Pentagon's effort to scale down large military bases in Germany, designed to counter Cold War-era land invasions, and create smaller ones in Eastern Europe for leaner, more flexible units attuned to small-scale wars and counterterrorism. Under the agreement that Rice signed Tuesday, the U.S. force at Mihael Kogalniceanu air base on the Black Sea will remain relatively small and troops will frequently rotate out of the country.

Human Rights Watch has cited flight records of aircraft allegedly linked to the CIA to suggest that facilities in Poland and Romania were used as CIA detention centers and has named the Kogalniceanu base as one of four possible Romanian sites. Both countries have denied they hosted such prisons, and intelligence officials have said many of the flights likely carried CIA officials and were probably not transporting terror suspects.

At the news conference, Romania's president, Traian Basescu, angrily denounced the "speculation about the landing of certain airplanes" and invited any international organization to inspect "any part of Romania, any military base" to settle the controversy.

*Correspondent John Ward Anderson in Paris and staff writer Josh White in Washington contributed to this report.*

## WASHINGTON POST

### **Rice Clarifies U.S. Interrogation Methods**

Statement Appears to Mark Significant Shift in Policy

By Glenn Kessler  
Washington Post Staff Writer  
Wednesday, December 7, 2005; 6:51 AM

KIEV, Ukraine, Dec. 7 -- Secretary of State Condoleezza Rice said Wednesday that the United States had barred all of its personnel from engaging in cruel or inhumane interrogations of prisoners. Her statement appears to mark a significant shift in U.S. policy.

"As a matter of U.S. policy, the United States' obligations under the C.A.T. [U.N. Convention against Torture,] which prohibits cruel, inhumane and degrading treatment --

those obligations extend to U.S. personnel wherever they are, whether they are in the United States or outside of the United States," Rice said during a news conference with Ukrainian President Viktor Yushchenko.

Rice's tour of Europe has been dogged by questions concerning the treatment of prisoners at secret CIA prisons. Rice issued a detailed statement on U.S. policy before she left for Europe on Monday, but confusion has reigned in the United States and Europe over its precise meaning. Rice's aides had indicated to reporters traveling with Rice that she was eager to clear up the issue.

The U.S. is a signatory to the U.N. Convention Against Torture, in which nations agree not to use torture and also pledge to prevent cruel, inhuman and degrading treatment of prisoners.

In the past, however, the Bush administration has argued that the obligations concerning cruel, inhuman and degrading treatment do not apply outside U.S. territory.

CIA interrogators in the overseas sites have been permitted to use interrogation techniques prohibited by the U.N. convention or by U.S. military law.

Sen. John McCain (R-Ariz.), a former prisoner of war, has sought legislation to ban the practice by U.S. employed agents overseas. Vice President Dick Cheney has fought hard against McCain's efforts, but in recent days the White House has signaled it is open to negotiations with McCain.

Separately, Rice sharply criticized a Russian law restricting the activities of human rights groups, promoters of democracy and other independent organizations. The rebuke of the Russian government was notable because administration officials previously have been hesitant to publicly criticize the law despite concerns that it will virtually shut down civil society in Russia.

"Democracy is built, of course, on elections, it's built on principle, it's built on rule of law and freedom of speech," she said, noting that civil society played an important role in last year's Orange Revolution in Ukraine.

The Washington Post reported on Nov. 2 that the CIA has been hiding and interrogating some of its most important al Qaeda captives at a Soviet-era compound in Eastern Europe as part of a covert prison system that at various times has included sites in eight countries, including Thailand, Afghanistan and several democracies in Eastern Europe.

The Post did not identify the Eastern European countries at the request of senior U.S. officials, who said the disclosure could disrupt counterterrorism efforts in those countries and elsewhere and make them targets of retaliation.

The Post article spurred a series of probes across Europe. Last week, British Foreign Secretary Jack Straw wrote Rice on behalf of the European Union, asking for

"clarification" of media reports suggesting "violations of international law" in order to "allay parliamentary and public concerns."

At every stop of her European tour, Rice has been questioned about the CIA practices.

Citation: <http://www.washingtonpost.com/wp-dyn/content/article/2005/12/07/AR2005120700215.html>

## NEW YORK TIMES

December 7, 2005

### **White House and McCain Are Near Deal on Torture Bill**

By ERIC SCHMITT and DAVID E. SANGER

WASHINGTON, Dec. 6 - The White House has all but abandoned its effort to persuade Senator John McCain to exempt Central Intelligence Agency employees from legislation barring inhumane or degrading treatment of prisoners in American custody. But a top presidential aide continued to negotiate a deal on Tuesday that would offer covert officers some protection from prosecution, administration and Senate officials said.

The talks between Mr. Bush's national security adviser, Stephen J. Hadley, and Mr. McCain, an Arizona Republican, took place by telephone Tuesday because Mr. McCain was on a book tour in Maine, said Eileen McMenamin, the senator's spokeswoman. The two men met at the White House last Thursday night.

White House officials and Ms. McMenamin refused to discuss the negotiations, saying they were private conversations. But administration officials concede that Mr. McCain's provision, which would also require a uniform standard on how to interrogate detainees, stands a strong chance of becoming law, despite a White House threat to veto any legislation containing it. The measure has already passed the Senate, 90 to 9, and senior House Republican staff members say it would probably pass by a large margin in the House.

Faced with that reality, administration officials said, Mr. Hadley has now retreated to seeking narrower language that could make it harder to prosecute intelligence officers charged with violating torture standards.

Mr. Bush, speaking to reporters Tuesday morning, repeated his statement that "we do not torture." He added that the administration would do all it could, within the law, to protect its citizens from terrorists. His spokesman, Scott McClellan, refused Tuesday to discuss how Mr. Bush defines torture, or to say how the United States ensures that prisoners it turns over to foreign nations are not tortured.

"I'm not going to get into talking about these issues because it could compromise things in an ongoing war on terrorism," Mr. McClellan said. Later, he called the question of how

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