

Spying on the CIA

How a ragtag band of journalists, lawyers, and human rights investigators exposed one of the U.S. government's most closely-guarded secrets.

By John Sifton

In hindsight, one of the most salient features of Bush administration detention and interrogation operations after September 11 was their surprising shoddiness. Almost every aspect of operations involving detention overseas, from the Guantánamo Bay saga to CIA secret prisons, was marked with amateurishness, naiveté, sloppy execution, or a combination of the same.

Consider the screening of detainees during U.S.-led operations against the Taliban in Afghanistan. In early 2002, hundreds of low-level detainees with little intelligence value began to be transferred to Guantánamo Bay, even as many hundreds of more important Taliban fighters, who likely possessed important and useful intelligence, were released. U.S. personnel on the ground evidenced an oddly unsophisticated understanding of the Taliban or al Qaeda, for instance, appearing to think that illiterate and ill-trained foot soldiers left behind by the Taliban's leadership (Afghans), would somehow know the whereabouts of Osama Bin Laden and Ayman al-Zawahiri (Arabs).

Consider also the weak excuses offered for detention. Those who were detained were held on the flimsiest of grounds: unsupported assertions by Afghan or Pakistani interpreters, informants, or intelligence personnel, or poorly reasoned arguments by U.S. personnel in Afghanistan ("detainee was captured in the vicinity of an ongoing military operation"). From 2003 through 2008, hundreds of detainees in Afghanistan and at Guantánamo were put through combatant status tribunals, in which vague, un-sourced, and often incorrect information was presented as evidence of detainees' status as an illegal enemy fighter. Frequent mistranslations by interpreters—either during initial interrogations or at Guantánamo—would have significant effect on detainees' freedom.

Then there is the issue of high-level detainees with connections to the Taliban or al Qaeda. In 2004 through 2006, dozens of these detainees were dumped into the military detention system from CIA custody, where they had been severely mistreated while under interrogation. These interrogations were not coordinated with other U.S. intelligence or law enforcement efforts; whatever “confessions” or “evidence” resulted, even if they were confirmed, could now never be used in a proper court, whether here or abroad. These mistakes and others have now severely complicated efforts to prosecute detainees for any crimes they may have actually committed.

But in some respects, the most surprising slackness in U.S. detention operations after September 11 was with the failure of military and intelligence personnel to keep their operations secret. Throughout the years after 2001, journalists, human rights investigators, and lawyers managed to obtain a surprising amount of information about U.S. detention and interrogation operations.

As early as March 2002, human rights investigators and journalists in Afghanistan began interviewing Afghan detainees who had been detained at Bagram airbase north of Kabul or the Kandahar airbase, and learned a great deal about abusive interrogations. By early 2003, accounts were emerging from former Guantánamo detainees, and human rights groups were starting to piece together facts about the CIA’s highly secret rendition and detention program for higher-level detainees.

The information about these abusive operations did not emerge quickly, or all at once, but emerged it did—in spades. The story of how such facts emerged is one which U.S. intelligence officials, who seek to gather facts and intelligence themselves, could and should consider in evaluating their own faults and weaknesses in intelligence-gathering.

The secret CIA rendition and secret detention programs are one example. The programs were highly classified and highly secret even within the CIA. Sites of detention were unknown; even the International Committee of the Red Cross, which visits Guantánamo detainees, were not allowed to see CIA detainees. Yet by late 2005 significant information had been revealed about these operations. How did this occur?

A ragtag team

The exposures came from many quarters. In late 2001, Masood Anwar, a Pakistani journalist with *The News* in Islamabad, spotted one of the first CIA rendition flights out of Karachi. Anwar wrote down the tail number of the plane used, N379P, which later came to be known as a CIA detainee transport plane. In 2002, human rights groups and the ICRC started asking government officials about the whereabouts of detainees like Abu Zubaydah, who had been arrested but whose whereabouts were still unknown; it emerged that he may have been taken to a site in Thailand. Peter Finn and Rajiv Chandrasekaran of *The Washington Post* uncovered evidence of other detainees' renditions to countries in the Middle East and North Africa. In December 2002, *Post* journalist Dana Priest reported on abuses in CIA-operated detention facilities, including Afghanistan. Human Rights Watch started investigating in Kabul.

The contributions then poured in from everywhere: freelance journalists Stephen Grey in London, John Goetz in Berlin, Matthew Cole in New York; the *Post's* Julie Tate; the *New York Times's* Scott Shane and Margot Williams; the *New Yorker's* Jane Mayer; the *Chicago Tribune's* John Crewdson. Among them, these journalists pieced together major aspects of the CIA's operations: finding and interviewing CIA officers, discovering the identities of other CIA airplanes and officers' aliases, unraveling the web of front companies used to conceal the CIA's transfer of detainees, and uncovering facts behind rendition operations from Europe to Asia.

Fredrik Laurin, a journalist with Swedish television, linked the CIA plane N379P to another CIA rendition from Stockholm to Cairo, and started tracing the plane's activities. The *New York Times* and *Newsweek* obtained flight records from this and several other planes. Margot Williams at the *Times* and Julie Tate at the *Post* obtained corporate data and public records revealing a larger scope of CIA aviation operations. Seth Hettena at Associated Press obtained a Freedom of Information Act response revealing the tail numbers of all civilian planes permitted to land at overseas U.S. military bases—a list which contained many of the tail numbers of CIA's planes, both the familiar N379P and other new finds.

Meanwhile, Priest and Tate at the *Post*, and investigators at Human Rights Watch, of which I was one, focused suspicions on Poland and Romania as locations at which the CIA maintained detention operations, ultimately obtaining confirmation from government sources on the location of the sites. Brian Ross of *ABC News* learned that prisoners were reportedly flown from the Eastern Europe sites to Morocco after those sites were exposed (although the White House kept ABC from reporting this at the time). The Council of Europe launched an investigation into detention and rendition activities in Europe and obtained additional flight records. Later, Polish prosecutors launched a criminal investigation there.

Amnesty International, Human Rights Watch, and the *Times* found and interviewed former CIA detainees. *Newsweek's* Michael Hirsh, Mark Hosenball, and Michael Isikoff; *Harpers' Ken* Silverstein; *Salon's* Mark Benjamin; and *The New Yorker's* Seymour Hersh between them confirmed various parts of the story from additional CIA sources and delved into the issue of how abusive interrogations were producing bad intelligence. FOIA litigation by the Associated Press, the ACLU, and the Center for Constitutional Rights produced information about former CIA detainees at Guantánamo—lower-level prisoners who had been kept short-term in CIA detention. Every piece of the story seemed to come from a different source.

The CIA made a number of major mistakes. Primary among them was sloppy tradecraft: although many CIA officers often used sophisticated aliases and covers, their operations' secrecy suffered from a number of surprising weaknesses. CIA aviation operations were handled by corporate front companies, some of which were hidden by oddly thin veneers. Pilots' aliases could be cracked by searching FAA records for real persons with characteristics matching those of the aliases. CIA officers passing through Europe also broke their aliases, for instance, calling their homes from hotels; police records from Italy and France, revealing these calls, could later be used to confirm officers' identities.

It also proved strangely easy for investigators to confirm that personnel were CIA: public records searches for CIA officers would typically reveal a set of overseas State Department or U.S. military bases postings, and post office box addresses in northern Virginia near Langley.

It was also foolish of the CIA to use Eastern Europe for detention facilities—they should have known that exposure of the secret would lead to investigations by European institutions. The CIA should also have known that detainees—some of whom were released or transferred to Guantánamo as early as 2004—would remember their time in CIA custody and repeat their experiences to their lawyers and to the ICRC.

This was one particular area in which lawyers and human rights groups worked together, sharing “intelligence” to uncover what intelligence agencies were doing with detainees. When I was working at Human Rights Watch, I managed to piece together a good deal of information about the CIA’s detention facilities in Afghanistan by collecting accounts from former CIA detainees at Guantánamo, mostly from notes provided by habeas attorneys. I called and met with numerous Guantánamo attorneys over 2004 to 2007 to inquire whether their clients had been in CIA custody. In several instances, attorneys I reached were not aware that their clients had been in CIA custody until I explained that their clients’ own accounts matched those of other CIA detainees. In one notable example, I spoke with one of the editors of this book, Mark Denbeaux, after I came to suspect his client had been in a secret site in Afghanistan—the detainee had described one of his earlier places of detention in ways that closely matched other detainees’ descriptions of a CIA site in Afghanistan. The next time Mark went to Guantánamo he confirmed this previously secret fact with the detainee.

The challenges of keeping secrets

To be fair to the CIA, it should be noted that keeping secrets isn’t easy, even if one is careful. Running covert CIA operations or any secret program—or simply planning a surprise birthday party for your child—presents significant obstacles in terms of maintaining secrecy. Weak links, key activities that must be out-in-the-open, loose lips and leaks—there are many potential holes through which secrets can go. The only hope for the secret-holder is to conduct activities as covertly as possible, limit the number of confidants, and, most importantly, inspire in confidants a fealty to the need for secrecy.

Therein lies the lesson for the CIA. Ultimately, the true Achilles' heel for the programs was that the operations were foolish and involved serious crimes: disappearances, abuse, torture, and brazen violations of domestic laws in countries that were considered allies. As a result, many CIA personnel had little reason for respecting or honoring the secrecy surrounding these operations, since the operations themselves were so questionable. Many personnel thought the programs would ultimately do damage to the United States. In the end, personnel provided information about the programs to media and human rights groups precisely because the operations were so ill-advised. Needless to say, the disclosures were important to the investigations. While many facts about CIA detention and interrogation operations were discovered through investigation, much information was found or confirmed through leaks from government personnel.

The illegality of the programs also served as a fuel for those who were investigating the CIA, and as a unifying target. After all, the efforts by the cast of characters described above—journalists, human rights investigators, lawyers—were not coordinated. Sometimes the efforts were even at cross purposes—in fact, journalists and human rights investigators often argued and kept secrets from each other. But almost everyone involved was motivated by a desire to expose government wrongdoing, and the motivation provided great strength: ultimately investigations exposed the sins of clandestine programs run by the most powerful spy agency in the world. The glue that held these efforts together was not institutional or structural—it was moral. U.S. counter-terrorism officials would do well to appreciate the lesson.