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The agency ran a secret charter service, shuttling detainees to interrogation facilities worldwide. Was it legal? What's next? A NEWSWEEK investigation

Holding pattern: The agency has been operating a Boeing 737 as part of a top-secret global charter

FACT FILE

Tale of a 'Snatch'

The Boeing 737, tail number N313P, made stops conforming closely to the account of suspect Khaled el-Masri.

1. Jan. 16, 2004 Washington Dulles to Shannon, Ireland
2. Jan. 17, 2004 Shannon, Ireland, to Larnaca, Cyprus
3. Jan. 21, 2004 Larnaca, Cyprus, to Sale, Morocco
4. Jan. 22, 2004 Sale, Morocco, to Kabul, Afghanistan
5. Jan. 22, 2004 Kabul, Afghanistan, to Alger-hourari boum, Algeria
6. Jan. 22, 2004 Alger-hourari boum, Algeria, to Palma, Majorca
7. Jan. 23, 2004 Palma, Majorca, to Skopje, Macedonia
8. Jan. 24, 2004 Skopje, Macedonia, to Baghdad, Iraq
9. Jan. 24, 2004 Baghdad, Iraq, to Kabul, Afghanistan
10. Jan. 25, 2004 Kabul, Afghanistan, to Timisoara, Romania
11. Jan. 25, 2004 Timisoara, Romania, to Bucharest, Romania
12. Jan. 26, 2004 Bucharest, Romania, to Palma, Majorca
13. Jan. 28, 2004 Palma, Majorca, to Washington Dulles

By Michael Hirsh, Mark Hosenball and John Barry
Newsweek

Feb. 28, 2005 issue - Like many detainees with tales of abuse, Khaled el-Masri had a hard time getting people to believe him. Even his wife didn't know what to make of his abrupt, five-month disappearance last year. Masri, a German citizen of Lebanese

descent, says he was taken off a bus in Macedonia in south-central Europe while on holiday on Dec. 31, 2003, then whisked in handcuffs to a motel outside the capital city of Skopje. Three weeks later, on the evening of Jan. 23, 2004, he was brought blindfolded aboard a jet with engines noisily revving, according to his lawyer, Manfred Gnjidic. Masri says he climbed high stairs "like onto a regular passenger airplane" and was chained to clamps on the bare metal floor and wall of the jet.

Masri says he was then flown to Afghanistan, where at a U.S. prison facility he was shackled, repeatedly punched and questioned about extremists at his mosque in Ulm, Germany. Finally released months later, the still-mystified Masri was deposited on a deserted road leading into Macedonia, where he brokenly tried to describe his nightmarish odyssey to a border guard. "The man was laughing at me," Masri told *The New York Times*, which disclosed his story last month. "He said: 'Don't tell that story to anyone because no one will believe it. Everyone will laugh.'"

No one's laughing these days, least of all the CIA. NEWSWEEK has obtained previously unpublished flight plans indicating the agency has been operating a Boeing 737 as part of a top-secret global charter servicing clandestine interrogation facilities used in the war on terror. And the Boeing's flight information, detailed to the day, seems to confirm Masri's tale of abduction. Gnjidic, Masri's lawyer, called the information "very, very important" to his case, which is being investigated as a kidnapping by a Munich prosecutor. In what could prove embarrassing to President Bush, Gnjidic added that a German TV station was planning to feature Masri's tale ahead of Bush's much-touted trip to Germany this week. German Interior Minister Otto Schily recently visited CIA Director Porter Goss to discuss the case, and German sources tell NEWSWEEK that Schily was seeking an apology. CIA officials declined to comment on that meeting or any aspect of Masri's story.

The evidence backing up Masri's account of being "snatched" by American operatives is only the latest blow to the CIA in the ongoing detention-abuse scandal. Together with previously disclosed flight plans of a smaller Gulfstream V jet, the Boeing 737's travels are further evidence that a global "ghost" prison system, where terror suspects are secretly interrogated, is being operated by the CIA. Several of the Gulfstream flights allegedly correlate with other "renditions," the controversial practice of secretly spiriting suspects to other countries without due process. "The more evidence that comes out, the clearer it is that there's been a stunning failure of accountability," says lawyer John Sifton of Human Rights Watch.

CIA officials are increasingly fretful about being saddled with this secret prison network at a time of intense pressure from lawyers and human-rights activists. The CIA's anxiety only deepened last week when President Bush named John Negroponte, his ambassador to Iraq, as the country's first director of national intelligence. Negroponte, a demanding career diplomat, will take over the coveted president's daily brief, or PDB, from Goss. Bush sought to reassure the CIA that it would still be welcome in the Oval Office. But Bush also signaled that Negroponte would preside over a major shift in power in intelligence gathering. "John and I will work to determine how much exposure the CIA will have to the Oval Office," the president told reporters.

While it battles for influence in Washington, the agency is also fighting a rear-guard action against critics at home and abroad. Some CIA officials fear the White House is now exposing them to legal peril. New Attorney General Alberto Gonzales, under pressure while he awaited his confirmation hearings late last year, repudiated a controversial August 2002 memo that CIA officials carefully solicited from the Justice Department for legal authorization on renditions and the agency's treatment of Qaeda prisoners. Today the CIA has dozens of detainees it doesn't know how to dispose of without legal procedures. "Where's the off button?" says one retired CIA official. "They asked the White House for direction on how to dispose of these detainees back when they asked for [interrogation] guidance. The answer was, 'We'll worry about that later.' Now we don't know what to do with these guys. People keep saying, 'We're not going to shoot them!'"

The new evidence supporting Masri's case will only inflame the debate. According to data filed with European aviation authorities, the Boeing 737 landed in Skopje on Jan. 23, 2004, after a flight from the island of Majorca off Spain (a U.S.-friendly government), and left that night. Masri's passport has a Macedonian exit stamp for Jan. 23. The flight plan shows that the plane landed the next day in Baghdad and then went onto Kabul, Afghanistan, on Jan. 25, which also conforms to Masri's account. According to Federal Aviation Administration records, the jet was owned at the time by Premier Executive Transport Services, a now-defunct Massachusetts-based company that U.S. intelligence sources acknowledge to NEWSWEEK fits the profile of a suspected CIA front.

The Boeing flights are part of a detailed two-year itinerary for the 737 obtained by NEWSWEEK. The jet's record dates to December 2002 and shows flights up until Feb. 7 of this year. The Boeing 737 may have served as a general CIA transport plane for equipment and supplies as well. Among the stops recorded are Libya, where the U.S. government has been dismantling Muammar Kaddafi's clandestine nuclear program, and Jordan, where the Israeli newspaper Haaretz has reported that high-level Qaeda detainees, including 9/11 mastermind Khalid Shaikh Mohammed, were being held. (A Jordanian spokesman did not respond to a request for comment.) The Boeing also landed at Guantanamo.

Ironically, many U.S. officials say, the CIA secret facilities have proven very effective for quietly interrogating a handful of known Qaeda suspects. But when such rough practices "migrated" to Iraqi war detainees and bigger facilities like Abu Ghraib prison—under the direction of the Defense Department—the public backlash compromised the CIA's intel-gathering efforts. Today the agency's cover has been blown and critics are questioning why no full-time CIA employees have been prosecuted despite several cases of serious abuse linked to the agency.

Among these cases is that of Manadel al-Jamadi, the Iraqi whose corpse was notoriously photographed with grinning U.S. soldiers at Abu Ghraib last year. An Associated Press report last week said that documents show Jamadi died under CIA interrogation while suspended by his wrists at the prison. But only the Navy SEALs who delivered him to Abu Ghraib are currently being investigated, officials say.

U.S. officials insist the CIA has stopped rendering suspects to countries where they believe torture occurs. NEWSWEEK has learned that shortly after a Canadian jihadi suspect of Syrian origin, Maher Arar, was shipped back to Syria in September 2002, officials began having grave second thoughts about rendering suspects to that nation. As a result, the administration made a secret decision to stop sending suspects to Syria. But officials acknowledge that such scruples are being ignored when it comes to rendering suspects to allies like Egypt and Jordan, even though some officials do not believe "assurances" from these nations that they were not mistreating prisoners. Now the CIA may have to supply many more assurances—and Khaled el-Masri, among others, is waiting for them.

With Stephen Grey in London and Stefan Theil in Berlin

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