

WAS RAMZI BIN AL-SHIBH THE SECOND AL QAEDA DETAINEE?

We now know that Harriet Miers apparently knew about the torture tape destruction, though she counseled against it. And we know who—purportedly—ordered their destruction: Jose Rodriguez, then Deputy Director of CIA for Clandestine Operations. But you know what we don't yet know?

The identity of the second top Al Qaeda figure whose torture tapes were destroyed. **Update: now we do:** from the NYT,

The tapes, which showed severe interrogation methods against two operatives from Al Qaeda, Abu Zubaydah and Abd al-Rahim al-Nashiri,

(h/t rfw) Which, since it's coming from a reliable journalist (Lichtblau) I guess means the rest of this bloviating is pointless.

I'm going to make a wild-arsed guess the second detainee was Ramzi bin al-Shibh.

I say that, first of all, because the destruction of the tapes almost certainly was obstruction of justice for Moussaoui. ABC confirms that the tapes were destroyed in November 2005.

In 2002, the CIA videotaped the interrogations of two terror suspects, including top al Qaeda operative Abu Zubaydah. The tapes showed what the CIA calls "enhanced interrogation techniques," methods which critics call torture.

In February 2003, the CIA says it told the leaders of congressional intelligence committees about the tapes and that it planned to destroy them.

On Nov. 2, 2005, the Washington Post detailed the CIA's secret prison program known as "black sites." **It was November 2005 that the CIA destroyed the tapes.**
[my emphasis]

If it was November, it pretty much had to be obstruction of justice in Moussaoui's case, because odds are very high they destroyed the tapes **after** Leonie Brinkema inquired whether the government had any tapes from the Al Qaeda detainees. From my timeline:

November 1, 2005: Dana Priest reveals the use of black sites in Europe.

November 3, 2005: Brinkema inquires whether govt has video or audio tapes of interrogations.

[snip]

November 14, 2005: Govt tells Brinkema it has no audio or video tapes.

In other words, there were only two days in November when they could have destroyed the tapes without it being clear obstruction of justice. Frankly, the only way they could have told the truth on the 14th is if they had already destroyed the tapes. And as good as Priest's article was, I just don't think that was enough to lead to the destruction of the tapes.

Now look at these earlier data points from the timeline:

January 2003: Leonie Brinkema grants Moussaoui right to interview Ramzi Bin-al-Shibh by video.

[snip]

September 10, 2003: Government refuses to let Moussaoui question Al Qaeda witnesses.

2003—the year when CIA first proposed destroying the tapes—was also the year when the government and Moussaoui's team spent most of the year fighting over whether Moussaoui would get to question Al Qaeda detainees (and trust me, there were about 6 iterations of this fight between January and September). And the first person Moussaoui asked to question—the guy who Moussaoui insisted would exonerate him—was Ramzi bin al-Shibh, the real 20th hijacker.

Bin al-Shibh was detained on 9/11/2002 (if they didn't make up that date for kicks after having caught him on an earlier, less auspicious date). So, early enough that he may have been captured before the CIA (Hayden claims) stopped taping interrogations. Or, if you believe Hayden's lying about the claim that CIA no longer tapes interrogations (and I do), then the 2002 date offers a convenient explanation for why Zubaydah's and Bin al-Shibh's tapes were the only two that were destroyed.

That way, the CIA wouldn't have to admit they destroyed tapes from the two men who could—and I suspect did—exonerate Moussaoui.

The claim they destroyed the tape to save CIA interrogators from harassment and probable legal troubles? That might be a smokescreen (though remember, this is a wildarsed guess) to hide the fact that they deliberately destroyed evidence that would have helped Moussaoui.