

# NSA SILENCED OUR RENDITION SECRET

In a story pre-empting one Glenn Greenwald and Jeremy Scahill are reportedly working, the WaPo details how NSA helps CIA target drone strikes. A key part of the story reflects NSA documents that bragged about finding Hassan Ghul through an email he sent to his wife and verifying he was dead after the fact.

In Ghul's case, the agency deployed an arsenal of cyber-espionage tools, secretly seizing control of laptops, siphoning audio files and other messages, and tracking radio transmissions to determine where Ghul might "bed down."

The e-mail from Ghul's wife "about her current living conditions" contained enough detail to confirm the coordinates of that household, according to a document summarizing the mission. "This information enabled a capture/kill operation against an individual believed to be Hassan Ghul on October 1," it said.

[snip]

"The most critical piece" came with a discovery that "provided a vector" for compounds used by Ghul, the document said. After months of investigation, and surveillance by CIA drones, the e-mail from his wife erased any remaining doubt.

Even after Ghul was killed in Mir Ali, the NSA's role in the drone strike wasn't done. Although the attack was aimed at "an individual believed to be" the correct target, the outcome wasn't certain until later when, "through SIGINT, it was confirmed that Hassan Ghul was in fact killed."

Much of the rest of the story (bylined by Greg Miller, along with Barton Gellman and Julie Tate) describes Ghul's history: how he served as a courier, got picked up bringing a message from Pakistan to Abu Musab al-Zarqawi, was interrogated successfully by the Kurds giving us the key detail to find Osama bin Laden, only thereafter to be tortured in a black site in Eastern Europe (known to be Romania), then sent back to Pakistan, released, and re-engaged with perhaps Al Qaeda and perhaps Lashka-e-Taiba (ties to which are probably what got him sprung in the first place). Here's how WaPo describes the last two steps.

The George W. Bush administration's decision to close the secret CIA prisons in 2006 **set off a scramble to place prisoners whom the agency did not regard as dangerous or valuable enough to transfer to Guantanamo Bay.** Ghul was not among the original 14 high-value CIA detainees sent to the U.S. installation in Cuba. Instead, he was turned over to the CIA's counterpart in Pakistan, with ostensible assurances that he would remain in custody.

A year later, Ghul was released. There was no public explanation from Pakistani authorities. CIA officials have noted that Ghul had ties to Lashkar-e-Taiba, a militant group supported by Pakistan's intelligence service. By 2007, he had returned to al-Qaeda's stronghold in Waziristan.

In 2011, the Treasury Department named Ghul a target of U.S. counterterrorism sanctions. Since his release, the department said, he had helped al-Qaeda reestablish logistics networks, enabling al-Qaeda to move people and money in and out of the country. The NSA document described Ghul as al-Qaeda's chief of military operations, and detailed a broad surveillance effort to find him.

Now, I'm not questioning whether Ghul returned to the terrorist fight (here's Treasury's sanction announcement). Presumably, he had Pakistani sanction to do just that.

But I find the explanation for why he was not transferred to Gitmo to be unconvincing, and not just because Ibn Sheikh al-Libi – proof that we used torture to make the case for the Iraq war – also was not transferred to Gitmo.

As Adam Goldman reported and I had previously noted, his multiple transfers were the subject of heated discussions pertaining to US obligations as an occupying power.

In a joint operation with the Kurds, Ghul was nabbed in northern Iraq in January 2004, former CIA officials said. Pakistan was furious when it learned the CIA had Ghul and pressed the U.S. to return him. Instead, Ghul was taken to Bagram Air Base in Afghanistan but was later removed over questions about whether the transfer was legal, former CIA officials said. Ghul then was taken to a CIA "black site" – a secret prison – in Eastern Europe

He may have been (though Goldman's report says he wasn't) the subject of later torture memos suggesting something went particularly badly.

So in addition to whatever else he was – Pakistani double agent, al Qaeda or Lashkar-e-Taiba facilitator, the key intelligence leading to OBL – he was also evidence of war crimes, perhaps even in way more problematic than, say, Khalid Sheikh Mohammed is.

That, too, is part of the fight NSA boasts of being part of.