

STEVEN KAPPES AND IBN SHEIKH AL-LIBI

Jeff Stein has a long profile of Steven Kappes in the *Washingtonian* that challenges Kappes' reputation for competence. For example, he points out how Kappes tried to get Jeff Castelli—the guy in charge of the notoriously incompetent Abu Omar rendition—placed in charge of CIA's NY office. And he describes how Kappes helped the officer in charge of the Salt Pit prison avoid accountability for killing Gul Rahman.

But I'm particularly interested in two details, and the implications of them. Stein reminds us that, during the Obama transition period, Kappes tried to retain CIA's ability to torture.

When Obama's intelligence transition team had visited Langley, it had gotten a pitch from Kappes and other CIA officials to "retain the option of reestablishing secret prisons and using aggressive interrogation methods," according to an anecdote buried in a *Washington Post* story.

"It was one of the most deeply disturbing experiences I have had," David Boren, the moderate Oklahoma Democrat and former Senate Intelligence committee chair who led the transition team, told the *Post*.

Now couple that with Stein's description of the earliest negotiations between Libya and the US.

In March 2003, leader Muammar Qaddafi signaled that he was ready to jump-start his on-again, off-again campaign to end his long diplomatic and commercial isolation, get off Washington's list of terrorist states, and get back into the oil business with the West. Two years earlier, he'd dispatched one of his top

operatives, Michigan State-educated Mousa Kousa, to a clandestine meeting in London with top CIA and British intelligence officials. **Kousa carried with him the names of some of Osama bin Laden's closest associates, including Ibn al-Sheikh al-Libi, a Libyan who would soon be the first major catch in the CIA's pursuit of al-Qaeda.** But with Qaddafi dragging his feet on final payouts over Libya's 1988 downing of PanAm Flight 103 over Lockerbie, Scotland, negotiations stalled. [my emphasis]

Stein's revelation that Qaddafi tried to get back in the good graces of the US by providing information on bin Laden's associates is news to me. But I'm particularly intrigued that Kousa claimed that Ibn Sheikh al-Libi was one of "Osama bin Laden's closest associates."

He wasn't (though he was "close" to al Qaeda).

As al-Libi explained when he recanted the confessions he made under torture,

According to al-Libi, after his decision to fabricate information for debriefers, he "lied about being a member of al-Qa'ida. Although he considered himself close to, but not a member of al-Qa'ida, he knew enough about the senior members, organization and operations to claim to be a member."

This appears to mean that Qaddafi offered potentially inaccurate information up on al-Libi months before he was captured and started confessing to false information about al Qaeda. This raises the possibility, first of all, that one of the reasons the Egyptians tortured al-Libi so much is because they were working with inaccurate information offered up by Qaddafi in an effort to regain entry to the international community.

Consider, too, that around the time al-Libi was recanting his testimony (February 2004), it would have been increasingly clear that Qaddafi's willingness to give up his WMD programs was oversold, as well, another point Stein makes.

But on closer examination, some thought Qaddafi got the better end of it: His nuclear effort had never really gotten off the ground, intelligence sources say, despite the acquisition of millions of dollars of black-market equipment and supplies from Pakistani rogue nuclear scientist A.Q. Khan.

Qaddafi liked to buy stuff that was way beyond his scientists' ken to assemble, a former top CIA official says.

Nor were Qaddafi's other WMD programs much to write home about, according to the Monterey Institute's Jonathan Tucker, one of the foremost WMD experts.

That is, by 2004, it would have been clear that both the al-Libi tip and the claim to have reversed a great WMD program were oversold.

Now recall the timing of al-Libi's return to Libya, which conveniently made him unavailable to the ICRC along with the other High Value Detainees moved to Gitmo in 2006.

Then there's the detail that al-Libi was rendered to Libya in 2006 (which had been reported by the WaPo in 2007). Obviously, that would mean the US gave up custody of al-Libi before it moved the remaining High Value Detainees to Gitmo and ultimately made them available to the Red Cross. But it also means al-Libi's return to Libya happened in the same year that the US restored relations with Libya, and Stephen Kappes—who had played a key role in restoring relations—returned to the CIA, both in May 2006. While the treatment of Maher

Arar shows we don't need great relations with a state (in his case, Syria) to render someone into their custody, al-Libi's rendition was likely a more sensitive subject (particularly given his role at the nexus of torture and false intelligence to trump up the Iraq War.

Particularly given the suspicious timing of al-Libi's death, it raises questions about what our understanding with Qaddafi was when we gave him custody over al-Libi.

I implied then—and suspect even more strongly now—that the return of al-Libi to Libya was negotiated either as part of or shortly after the restoration of full relations with Libya. A negotiation that Kappes surely was a big part of.

And, finally, remember that al-Libi was suspiciously suicided last year just as details of the torture program started to come out.

Now, I'm **not** suggesting that Kappes was involved in the suiciding of al-Libi. That goes further than the evidence would support. But to the extent that al-Libi was one of the things Qaddafi offered up to win restored relations, it sure raises the stakes on retaining as much of the myths of al-Libi's ties to al Qaeda as possible.