

Article from Politiken.

The pilots on the small two-engined plane merely told the control tower in Kastrup, that they were an ordinary civilian plane. Allegedly, the control tower did not know that the plane was being used by the American intelligence service, the CIA, to fly presumed terrorists to prisons around the world, where they were subjected to torture.

Therefore, the plane was without further ado allowed to pass through Danish airspace on its way across Europe from the American capital, Washington DC. It was 22 minutes to 3AM on the 25th of October, 2003.

The last couple of years, the Danish Ministry for Foreign Affairs have repeatedly pointed out to the United States that Danish airspace may not be used for the CIA's controversial prisoner transports, because they collide with international conventions. At the same time, the Danish government has maintained that to their knowledge, the CIA have not been using Danish airspace for this purpose.

But, apparently, this was exactly what the CIA were doing on this particular night in October 2003. Because the plane was heading towards Amman, the capital of Jordan. There, the 37 year-old Mohamed Basmilah was being held in a prison. His entire body was still aching from a severe beating, he had taken earlier.

A couple of days earlier he had been arrested. He says, that the people interrogating him had been beating him and threatening to rape his wife in front of him. They had been asking him all sorts of questions about al-Qaeda. Whom he knew in the terror organisation, and what he himself had been doing for them. He had denied ever having had anything to do with al-Qaeda, but the interrogators had continued to torture him and finally he had signed his confession.

"I was willing to do anything to make the torture stop", says Mohamed Bashmilah. Then suddenly, on the night of October 26th he was taken out of his cell. He had been blindfolded and his hands were tied. When he asked where he was going, an officer briefly took off his blind. In front of him was a white, heavyset man with dark sunglasses.

He was taken to a small airport and into a room, where he was beaten again. But after a while, the beating stopped. He says, that a man took off the cloth covering his eyes. The man then covered Mohamed Bashmilah's eyes with his hand but through his fingers, Mohamed Bashmilah could see two more men.

They took off all his clothes and photographed him. One of them shoved a finger brutally up his rectum. They put a napkin on him and dressed him in a t-shirt and trousers, and then shackled his feet and hands. He was blindfolded again and issued with earplugs and a hearing protector.

"I couldn't see or hear anything", says Mohamed Bashmilah.

He was then taken up a small staircase and into a waiting plane. He was told to lie on something he thinks was a metal plate and chained to that.

“I was thinking about my wife and my mother. What was to become of them?” says Mohamed Bashmilah.

The plane, that Mohamed Bashmilah was on, is very likely to have been the small jetplane numbered N379P, which the day before had flown across Denmark. Data, which *Politiken* holds, shows the plane’s route. From it sets off in Washington, crosses Denmark, lands in Jordan and continues toward Afghanistan. All times and dates fit exactly with Mohamed Bashmilah’s accounts of his journey – this information has since been corroborated by the Jordanian authorities.

Apparently, the intelligence service in Jordan believed that Mohamed Bashmilah was a terrorist with extensive knowledge of al-Qaeda, and therefore he had been handed over to the CIA. Mohamed Bashmilah was suddenly part of the CIA’s controversial *Rendition Programme*: He was flown to secret CIA-prisons and subjected to severe torture. Rendition was – and still is today – one of the most important weapons that The United States use in the war on terror. The idea is to catch suspected terrorists and press them to give information in order to prevent future terrorist attacks.

But NGOs such as Amnesty International have accused the United States of ignoring the most basic human rights with this programme. Among these, the prohibition of the use of torture and the right to appear before a judge, when arrested. Most European governments incl. the Danish claim that the United States have said nothing about the CIA’s Rendition Programme.

But, now, former and current commanders in the CIA accuse Denmark and other European countries of being far from as squeaky clean as they claim to be. According to those commanders, the intelligence services in the EU-countries have known about rendition for several years and have even cooperated with the CIA about the controversial prisoner interrogations.

This has led Margaret Satterwhite, Mohamed Bashmilah’s American counsel, to direct her attention to the Danish authorities. Because if the Danish intelligence service and perhaps also the Danish government knew about renditions before October 2003, the control tower in Kastrup should have been notified, so it could have identified the CIA-plane en route to picking up Mohamed Bashmilah and refused it permission to enter Danish airspace.

“One feels compelled to ask if the Danish authorities bear some of the blame for what later happened to Mohamed Bashmilah by allowing the plane to pass through Denmark”, she says.

But the story about the part Denmark played in the renditions does not end here. At an even earlier stage, Denmark played a far bigger part than has hitherto been known. In order to relate that story it is necessary to pop across the Atlantic, to the United States.

Michael Scheuer does not fit the Hollywood image of a hard-hitting secret service agent. He sports a grey beard and wears round glasses, which make his eyes seem smaller. He wears a blue baseballjacket with the word *Yankee* written on the back.

Michael Scheuer is a former commander in the CIA. He is the one that started and developed the CIA’s secret Rendition Programme which led to the capture of Mohamed Bashmilah.

He has agreed to meet up on the central railwaystation in Washington DC.

“I don’t see any problems in what I did. Because everything I did was approved by The White House”, he says.

But when he begins his tale about how the programme came about, in a café surrounded by busy travellers, the pride begins to crumble. Instead he relates how CIA agents felt uncomfortable flying prisoners to prisons across the world, where everyone knew they would be tortured. But the CIA were afraid to disregard orders that came directly from the White House.

When the World Trade Center was attacked the first time back in 1993, the then president Bill Clinton realised that Osama bin Laden posed an increasing threat. Therefore he put Michael Scheuer in charge of a special Bin Laden unit in the CIA, and at the same time the CIA was ordered to remove suspected terrorists “from the street”, as it was put. This marked the beginning of the CIA’s secret Rendition Programme.

But Bill Clinton emphasised that the CIA could only take suspected terrorists, for whom there had been issued an international order for arrest, and whom a country would later prosecute. According to Michael Scheuer, Bill Clinton was not keen on getting them to the States, and instead he wanted countries with a more lenient view on human rights to do the dirty work with incarcerating and interrogating the prisoners.

At that time Egypt had major problems with the terror organisation al-Gama’a al-Islamiya, who was responsible for the murder of Egyptian president Anwar Sadat in 1981. If the CIA could capture members of this organisation, Egypt would be more than happy to prosecute and later imprison or execute them. Members of this organisation also posed a threat against America because many of them were also connected to the evolving terror network of Bin Laden.

Egyptian willingness to cooperate meant that the CIA in the beginning focused on a relatively narrow set of primarily Egyptian terrorists. Michael Scheuer says that both he and his employees in the CIA on the one hand agreed that it was necessary to remove terrorists “from the street”, but on the other were concerned that they were rendering prisoners to death and torture in Egypt.

“We told Bill Clinton that we would do, what he asked us to do. But we also pointed out that if we began sending these people to countries such as Egypt, his own Foreign Office would say that these countries are infamous for violating human rights. But Clinton didn’t care.”

According to Michael Scheuer, the CIA were only asked to ascertain that prisoners, which were handed over to Egypt, would be treated in accordance with Egyptian law.

“Throughout the period I was Commander, Clinton and his administration not once issued a demand that a prisoner be treated in accordance with international or American law.”

Apart from Michael Scheuer, Politiken has spoken to a dozen current or former employees in the CIA and the American central administration about the secret programme. Half of them have only been willing to talk if full anonymity were granted. Paul Pillar is willing to go public. From 1993, he was chief analyst in the CIA’s antiterror centre and from 1997 to 1999, he was deputy commander of the centre. He believes it was with an eye to the law, that the programme was designed.

“We wanted the prisoners to be prosecuted in countries other than America, because we didn’t necessarily hold enough evidence to have them convicted here. They might be dangerous terrorists but hadn’t necessarily done anything criminal in America. If they were prosecuted in the country where the crimes had been committed, they were more likely to be convicted”, he says and agrees with Micheal Scheuer, that the CIA were not particularly concerned about what would happen to the prisoners in Egypt and other countries.

“We did strive to ensure the prisoners’ human rights but back then, those things were not that important in the public eye, so it was not high on the list of priorities”.

The first person, which the CIA grabbed in their new programme, was a 38 year-old man, who had been granted political asylum in Denmark. His name was Talaat Fuat Kasem, but he was called Abu Talal. He was born in Egypt, and there he had been a member of the terror organisation al-Gama’a al-Islamiya. He fitted exactly into CIA’s Rendition Programme, because the Egyptian authorities had issued an order for his arrest. He had in fact been sentenced to death.

Abu Talal knew that the Egyptian authorities were after him, and therefore he had fled to Denmark in 1992. Here, it was advantageous to his case that one of the main principles in Danish law is that people who risk execution, cannot be returned to said country. In spite of his terror connections, he had therefore been granted political asylum in Denmark.

The Egyptian government were furious about the Danish leniency. According to our information, the then Egyptian Foreign Minister, Amr Massa, contacted several times the Foreign office in Copenhagen to have him extradited, which Denmark refused.

The CIA had their own reasons for regarding Abu Talal as a very dangerous terrorist. He was friends with one of the main architects on the first attack on the WTC in 1993, and also with Ayman al-Zawahiri, who is today regarded as Bin Ladens deputy. The CIA also believed that he in the mid-nineties participated in creating Moslem terrororganisations in the Balkans. In Denmark, he was infamous for giving passionate speeches in mosques about the concept of holy war. The CIA were watching Abu Talal closely together with Danish intelligence.

“The CIA were not allowed to survey Abu Talal in Denmark, so Danish intelligence dealt with that matter. But we knew a lot about what he had been up to before coming to Denmark. We exchanged these bits of information, so we all the time had a clear picture of what his plans were,” says Michael Scheuer.

The CIA were fully aware of the Danish view, that no one should be returned to a country where they risked being executed. But Abu Talal was exactly one of those types of terrorists, that the CIA had been ordered to pursue, so the CIA bided their time.

The opportunity arose when Abu Talal flew to Zagreb in Croatia via Amsterdam in September 1995.

“Denmark didn’t tell us anything, but we were tipped off by intelligence in another country, that he was going to Croatia”, says Michael Scheuer.

The CIA decided to grab him in Croatia and then extradite him to Egypt. Michael Scheuer and his people quickly informed the National Security Council, whose job it is to guide the president in matters of national security. The CIA could not proceed without having permission to do so from that council.

They got the permission quickly. According to our sources, the council did not expect any problems with the Danish government, even though it went completely against Danish policy to return Abu Talal to Egypt, where he would most likely be executed.

This interpretation rings true to Philip Wilcox, who at that time was heading the counterterrorist unit in the US Foreign Office.

“Abu Talal was a very dangerous man, and the consensus was, that it was a good idea to have him extradited to Egypt. We didn’t talk about the fact that Egypt had sentenced him to death. We didn’t focus on that aspect”, he says. “The US had close relations with Egypt, and Egypt was helping us with relevant intelligence on terrorists, so there were many reasons to cooperate with them”.

Shortly afterwards, Abu Talal was arrested in Zagreb – officially by the Croatian authorities, but actually because of the CIA, who was waiting around the corner.

Michael Scheuer does not wish to go into detail about, how Abu Talal was then transported to Egypt. The only thing he wishes to divulge, is that he was flown from Zagreb to Egypt, and it was a co-op between the US and Egypt.

According to Michael Scheuer, Danish intelligence was not let in on this operation. It could have led Denmark to demand that the US back down.

“But I am certain that we did tell Denmark about it afterwards. I cannot imagine that we wouldn’t have”, says Michael Scheuer. He adds that, the CIA’s Danish contact in the case of Abu Talal was the Danish police intelligence service, PET, and he got the distinct sensation from PET that they were relieved to have got rid of Abu Talal.

All the same, none of the sources that Politiken has spoken to, says that they personally informed Denmark. But most regard it as selfevident that at least PET were notified, and that PET since 1995 have known about parts of the secret CIA programme.

“I cannot recall telling Denmark – but I cannot imagine otherwise”, says Philip Wilcox.

Former security advisor to President Clinton, Richard Clarke, did not wish to talk to Politiken. But when he in 2004 published his memoirs “Against All Enemies” he himself mentions Abu Talal. “Diplomacy and peacekeeping were not the only tools we used. In 1995, the leader of the Egyptian mujahedines in Bosnia, Abu Talal al-Qasimy, disappeared”, he wrote in his book.

PET will not comment on whether the CIA informed them about the disappearance of Abu Talal, or divulge how much they knew about the secret programme. PET will not comment on anything at all.

“Out of principle, PET does not comment on operations carried out in unison with other countries”, PET write in a brief email, sent to Politiken.

Poul Nyrup Rasmussen, who was Prime Minister in 1995, stresses that, were PET notified about CIA’s involvement in the disappearance of Abu Talal and the Rendition Programme, this information was not passed onto him.

“I know no more than what has been said in the media”, he says.

Army Intelligence deny also ever having been let in on a CIA-operation concerning Abu Talal.

Abu Talal was married to an Egyptian woman, who came to Denmark with him. She’s still living in Denmark with her children. She wants to keep her name and picture out of the newspaper, but agrees to meet up for an interview in Copenhagen. Her chador leaves only her eyes visible. She says, that she has never been told, what happened to her husband.

“The Danish authorities haven’t told me anything”, she says and continues: “He disappeared 12 years ago. He was good to me and the kids, and I loved him very much. On the hand I hope, he will pop up again, on the other I want an explanation, so I can find some peace.”

When Politiken asks, how she feels about the fact that the CIA were responsible for his disappearance, she stares into her lap for a long time.

“I don’t know what to say. This is really difficult for me”, she says.

Inside the CIA, they find it a little odd when European governments and intelligence claim they knew nothing of the Rendition Programme. Setting aside the eventual information on the disappearance of Abu Talal, according to the CIA the programme was not a secret after 1999 to those parties.

In August 1999, the American newspaper The Wall Street Journal was the first to reveal the secret CIA-programme. It described how the CIA had captured three men in Albania, and how the US counterterrorism strategy was to “make other countries arrest, deport or simply badger potential troublemakers”.

“The article in The Wall Street Journal was very exact and created quite a stir. And from then on, every intelligence service was without a doubt aware of the programme”, says Michael Scheuer.

Paul Pillar – deputy commander of the CIA’s counterterrorist centre from 1997 to 1999 – remembers the article. Today he is a visiting professor at Georgetown University in Washington DC, where he teaches security policy.

“If the US were responsible for capturing some men in Albania, most people figured that they did it in other places too”, he says.

But he thinks that the governments, including the Danish one, chose to ignore it and their civil servants did the same. According to Paul Pillar, it would have been a problem for both the US and its allies if anyone had publicly questioned the programme. Either the US would have had to lie or

they would have had to tell the truth, and that would not have gone down well with the many US allies that didn't want to be connected to the controversial renditions.

“It all boils down to the fact that no one had any interest in the US divulging the programme”, says Paul Pillar.

The attacks on September 11th, 2001 changed everything. Particularly, as regards the secret CIA-programme, because it now became quite central in the war on terror. Already six days after, the newly elected President Bush, signed a directive which, according to The Washington Post, licensed the CIA “to kill, kidnap or detain members of al-Qaeda anywhere in the world.”

Until then, the CIA could only go after suspected terrorists, on whom there were a pending arrest order and whom a country would prosecute. Now they were given free hands. More money and more men were also assigned to the programme. A few weeks later, in the beginning of October 2001, the US were given the permission to use airports and airspace in the European NATO-countries on “counterterrorism operations”.

According to a report issued by the European Council this summer, this phrase referred to the fact that the CIA were now licensed to refuel in the European NATO-countries and use their airspace for the now highly prioritized renditions. The report claims, that it is based on a series of government- and intelligence sources in several countries.

If that is indeed the case, the Danish government had sanctioned that the CIA could use Danish airspace, when the CIA two years later flew over Denmark en route to picking up Mohamed Bashmilah in Jordan.

The CIA refuse to comment on whether the European NATO-countries accepted the transport of prisoners, but stress that the CIA have collaborated with other countries on the programme.

“The CIA do not discuss specific cases, but the renditions are a legal tool in the war on terror, and they have assisted the US and other nations in ungluing terrorplans and networks”, says a spokesperson, who wishes to remain anonymous.

The governments of the European NATO-countries have vehemently denied giving permission to CIA's prisoner transports. Diplomats in the Danish Foreign Office, who were present at the NATO-summit in October 2001, say that the agreements were strictly related to the war against the Taleban in Afghanistan, which at that time was certain to follow.

Former deputy commander of the CIA's counterterrorist unit, Paul Pillar, says that the truth is not that straightforward. Because the section in the agreement involving the permission to cross airspace is written in a jargon, popularly referred to as diplomat – swahili: It is never specified what it entails.

“I believe, that the US had the CIA flights in mind. It is a common diplomatic procedure, not to be too straightforward. Then the various governments may read into it what they like. Should there be any problems eventually, they can simply maintain that this is what they understood it to mean”, he says.

In March 2002, the CIA caught their biggest fish yet in the war on terror. Together with Pakistani security forces, they caught Abu Zubaydah, who was a senior member of al-Qaeda.

Now the question arose, how brutal the US could be in order to press him for information. After the 9/11 attacks, US Vice President Dick Cheney had signalled, that he was willing to accept that the terrorists the CIA caught, would be interrogated in quite a brutal manner. But the CIA wanted The White House and the Department of Justice to specify exactly how far they could go.

In August 2002, the Department of Justice wrote an internal memo, later known as *the torture memo*. With this, they pushed forward the invisible border that separates a rough interrogation from sheer torture. The Department maintained that physical pain is only to be regarded as torture – and as such a criminal act – if the pain “in its intensity corresponds to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death”.

This marked the beginning of the new interrogation techniques, that caused dismay among human rights champions when they were revealed in the press.

The methods included subjecting the prisoners to an extreme level of noise, pouring freezing water over them, depriving them of sleep by letting them hang from their wrists so their feet barely touched the floor, stripping them naked and humiliating them sexually.

The worst technique, used by the CIA, derives from the Spanish Inquisition. The prisoner is tied to a board, a cloth is put on his face and water poured over his face. To the prisoner, it feels like he is drowning.

Around this time, the US also started to fly the most important prisoners to secret prisons in Asia, Eastern Europe, and the Middle East, where they were imprisoned by the CIA.

Robert Grenier headed the CIA's counterterrorist unit from 2004 to 2006. Today, he is the manager of a private company. We meet for coffee in central Washington, and he defends the decisions he and others took about using the rough interrogation techniques and setting up secret prisons around the world.

“We were dealing with prisoners who might have had information about new terrorist attacks. Could we get access to this information in time, we might save thousands of lives. Therefore we wanted the option of aggressive techniques”, he says.

“If we arrested these people on American soil, we would have had to proceed in accordance with the rules listed in the Constitution – for instance, that you cannot detain people without charging them with something. We weren't able to create the right atmosphere during these interrogations, if we had to go by the rules, so we were forced to suspend them and detain the prisoners outside the US.”

The interrogations were apparently quite effective. Former senior commander in the CIA, George Tenet, writes in his memoirs *At the Center of the Storm*, that information obtained during these interrogations has stopped terrorist attacks in the US, Great Britain and the Middle East.

Mohamed Bashmilah was also subjected to the rough interrogation techniques favoured by the CIA, when he in October 2003 was flown to Afghanistan after having been in a prison in Jordan.

“After landing, the guard uncuffed me, then he tied my hands with plastic strings”, he says.

He had been blindfolded, but it was taken off and he was pushed into a waiting car.

“I was forced to lie down, and someone sat on my back so I couldn’t raise my head. I think they did it, so I couldn’t look out the windows”, says Mohamed Bashmilah.

He was then taken to a camp, that he now suspects is the American base, Bagram. He was put in a cell, measuring 4 square meters. The first couple of weeks both his feet and hands were shackled.

“They let me hang from the ceiling and beat me. They thought, I was a member of al-Qaeda”.

After a couple of weeks they only shackled his feet, but they continued to chain his hand to the wall of the cell.

“The interrogations became less rough. I was very cooperative. Mostly they showed me pictures of people, whom they wanted to know if I knew. But this instigated another problem. Because if I said yes, they had all sorts of questions.

He has told his counsel, that the people interrogating him spoke English with a distinct American accent.

Michael Scheuer continued working for the CIA until 2004. Today, he is working for a think tank, where he writes analyses of al-Qaeda. He says, that the European intelligence agencies were eager to know what the prisoners had revealed during the CIA interrogations, while claiming that they knew nothing about the programme.

From May 2004, various media ran exposes on how the CIA were detaining terror suspects and were flying them to secret prisons around the world, where they were subjected to torture.

Everytime a newspaper wrote about the brutal techniques favoured by the CIA, the European governments were expressing contempt.

“The US are often used as a punchbag”, says Michael Scheuer.

In November 2005, the Ministers of Foreign Affairs in the EU-countries asked the US if they had used European countries in the Rendition Programme.

“We want the Americans to tell us, what it is with these CIA-planes, and if there is any truth in the rumours about secret prisons” said the Danish Minister, Per Stig Møller.

The following month, Colin Powell was interviewed by the BBC, and here he was visibly fed up with the European charades. A few months prior, he had stepped down as Secretary of State.

“Our European friends cannot be shocked, that this has happened. The fact is, that we for many years have had procedures dealing with terrorists or terror suspects, and renditions as well. This is not news to my European friends”, he said.

In March this year, Michael Hayden, Head of the CIA, spoke out bluntly in a speech, he was delivering to EU-ambassadors in Washington during a secret sitting. He didn't mince his words. He was reminding the EU, that they had for years been co-conspirators in the controversial interrogations.

Politiken holds a copy of Michael Hayden's speech. Among other things, he said:

“The CIA-prisoners have been key to our understanding of al-Qaeda in the past five years, and we have been sharing this knowledge with our European partners. Thousands of intelligence reports have been passed onto our EU-allies”.

He continued:

“My bureau have also given hundreds of answers to the specific questions, your agencies have wanted to ask the people, detained by us. Moreover, the CIA have given you hundreds of analytical assessments – based in part on information given to us by the al-Qaeda prisoners.”

According to Robert Grenier, head of the CIA's counterterrorist unit from 2004 to 2006, the reports would generally only contain, what the prisoner had said, but not whether the CIA had obtained the information by letting him hang from the ceiling.

Robert Grenier says, that the intelligence services in the European countries didn't try to establish how the interrogations had been conducted.

“Some of our allies were very keen on getting information, but they didn't ask any questions. The strategy was, don't ask and then we won't tell you either”, he says.

But Hans Jørgen Bonnichsen, detective superintendent in PET 1997-2006, denies that they received any information about the programme in this period. He believes, that the CIA have a hidden agenda.

“I have not set eyes on an intelligence report, stating that the CIA had their own prisoners. I have noticed, that the bureau lately have been busy washing their hands. Apparently, they are eager to validate the interrogation techniques, they have been using”, he says.

But didn't you consider the possibility - after 2004, when the media began focusing intensively on the programme – that some of the intelligence you received derived from this programme?

“I have never received any intelligence, that warrants such a suspicion”.

Mohamed Bashmilah was jailed in the American Bagram-base for six months. Then, suddenly, he was taken to a plane. Here followed the same procedure, as when he had been flown from Jordan to Afghanistan. He was stripped naked, given new clothes, including a napkin, shackled, blindfolded and earplugged.

Then he was flown to a new prison. He don't know where this prison was. But judging by the climate, his counsel and Amnesty International believe it to have been one of the CIA's secret prisons in Eastern Europe.

"It was very cold, and the first couple of days, I was left naked in my cell", he says.

He could hear the guards speaking American to each other.

"It was exactly the same experience. The interrogators showed me pictures, and asked who they were. If I recognised them, I was subjected to long interrogations."

His cell measured 6 squaremeters. He was shackled, and chained to a ring in the floor. He has explained to his counsel, that he was forced to listen to incredibly loud music for many hours at the time.

Finally, he couldn't stand the torture anymore, and he tried to commit suicide by cutting his wrists. Using his own blood, he wrote on the wall of his cell: "I am innocent".

After having spent 13 months in jail, he was taken to Yemen. Here he was put in jail again, until he was finally released. Two and a half years had passed since his arrest in Jordan.

He din't turn out to be the terrorist, the CIA suspected he was. He doesn't know, why they grabbed him.

"They never told me, what they were accusing me of", says Mohamed Bashmilah.