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MUSA KUSA AND THE PRICE OF BETRAYAL

During the golden days of his reign as chief of the Libyan External Security Service (Jihaz al Aman al Kharigi), Musa Kusa appeared arrogant and presumptuous when he met with his foreign colleagues. He loved posing as an academic and wanted to be called “professor”. When he spoke, he only did so in Arabic, although he spoke both Italian and English fluently. His hauteur made him feel untouchable. He became bitter when Israel or the opposition to Muammar Khadafi were mentioned. Musa Kusa was a man who knew a lot of secrets and that had risen before his leader by dirtying his hands in blood.

The fall

But something had changed during the last years of the regime. The rais did not appreciate him as much anymore, at times he would even burst at him. Some claimed Musa Kusa had had some frictions with Khadafi's sons. He acted as a sort of “tutor” for Seif al Islam (competing with his brother Mutassim in the fight for succession) and Khamis and could have ended up being embroiled in a family feud. In fact, Mutassim was named in 2006 at the head of the newly formed organism to coordinate intelligence activities, the Committee for National Security. Mutassim was also allegedly involved in a physical fight with Kusa and the talk in Tripoli had it that he had slapped the old bureaucrat. Musa Kusa had not reacted, he was strong with the weak and weak with the strong.

There were also other circumstances that had lead to the sidelining of Musa Kusa. One was that Khadafi had decided to cleanse the image of his country. Kusa was too involved in the elimination of dissidents abroad, the torture and persecution of the opponents to the regime; he had become useless, an obstacle in the eyes of the Libyan dictator. It is for this reason that he was appointed Minister of Foreign Affairs on March 5, 2009 and hence booted out of the External Security Service. Despite a desperate attempt by Kusa to retain his post at the ESS – at least formally the agency was under the control of what was then known as the Popular General Committee for External Relations – when Abu Zied Durda was finally appointed Kusa's defeat was complete.

Durda was a prestigious figure in Khadafi's hierarchy, he had been in cahoots with the dictator ever since his coup in 1969 and had accumulated a vast political experience (Governor of Misrata, deputy at the Ministry of Foreign Affairs, Municipalities', Economics, Agriculture Minister, mayor of Jabal al Gharbi, Prime Minister, deputy Speaker of Parliament, ambassador at the UN and in Canada). During the embargo on Libya and until

2003 (when the relationship with Washington returned to normal) Durda, although an ambassador at the UN, was in the black list of the US Department of Treasury.

Even though his successor didn't have any prior experience in the intelligence sector, Musa Kusa had no chance to compete with him. The choice of appointing Durda, as a matter of fact, was dictated by the need to nominate someone who had never been involved in the regime's dirtiest affairs. Musa Kusa knew his reign was dawning. This was confirmed during Khadafi's first official visit to Italy in the summer of 2009. Kusa played a minor role in the delegation. He also knew that he could not rely on his clan for support. The Ghemanda are small compared to other Libyan tribes and could have not spared him from the imminent political disgrace.

The escape

Once his decline and lack of consideration from his leader became a fact, Musa Kusa realized that both escape and betrayal were almost inevitable. He knew that his post at the ministry of Foreign Affairs was just the last step before his final defenestration. A last gesture of respect from his leader. Kusa was also conscious that his lucky star was gone, He had already relied on it in November 1998 when he was sentenced to 7 years of detention for a series of "wrongdoings" (probably embezzlement of some sort). Kusa was pardoned and became a resource for his dictator who then needed a loyal, albeit dishonest, executor.

When the civil war broke out on February 15, 2011, Musa Kusa is one of the first ones to abandon the sinking ship. Betrayal has never been an ethical issue for him. Nor is it playing on multiple tables at once to determine his fate. He craftily starts elaborating solutions to his problems.

He doesn't trust the Italians. The friendship between Muammar Khadafi and Silvio Berlusconi would surely compromise any asylum requests to Italy. It is not clear whether he went for the French, but it seems they turned him down. France is still after Abdallah Senussi, partner to Musa Kusa, for the attack against the UTA flight that exploded over Niger while flying from Brazzaville to Paris on September 19, 1989 (156 passengers and 14 crew members killed). An international arrest warrant against Senussi was issued at the time.

Musa Kusa knows instead that he has some credit to spend with both the Americans and the British. After all, he was the one that negotiated the compensation for the victims of the PAN AM 103 flight, a bomb exploded on board over Lockerbie on December 21, 1988 (243 passengers and 16 members of the crew killed), Libya giving up on its programs for the production and stockage of Weapons of Mass Destruction in 2003, the release of two Austrian hostages in Mali in 2008 and the freeing of the Bulgarian nurses and doctors in Benghazi. Furthermore, Khadafi's sudden pro-western mood allowed Musa Kusa to join the fight against terrorism. Representatives of the CIA and the MI6 were welcomed and stationed in Tripoli since 2004. Libya was at the forefront of the war on terror in sub-saharan Africa. Kusa was the man to know, since he had been at the center of regional

affairs for almost two decades. For this reason he was often invited to Langley, at the CIA's headquarters, for a visit.

Oblivion

As the war broke out in Libya, Musa Kusa knew he could exploit his knowledge and the relationships he had built over the years. He knew about the Libyan army, the dictator's hideouts and paranoias, the security apparatus. His dowry could be traded for a laissez-passer to his future life. The transaction hastily put a lid over his past killings, tortures, persecutions. Everything is forgotten, together with the radical member of the Revolutionary Committees whose extremist stances attracted the attention of his leader. Kusa was one of the founders, in 1985, of the Mathaba (also known as the Center for the fight against imperialism, zionism, racism and fascism), the organism that Libyans used to fund international terrorism and that was lead until 1994, when he was appointed at the head of the External Security Service, by Musa Kusa. While leading the Mathaba, Kusa was responsible for activities abroad, including the support to terrorism and the elimination of dissidents. Musa Kusa's task was to send the regime's hit-men around the world to quell the voices of the opposition. He was allegedly even involved in an attack in Great Britain in 1985. Who else was in a better position to take over the intelligence agency and continue in this path to glory?

The British have forgotten all of this. They don't recall they expelled Kusa in June 1980 because he had conspired from the Libyan embassy to eliminate to Libyan expats and had established contacts with the IRA in Northern Ireland. In an interview with The Times, Musa Kusa had then claimed his right to use violence against the opposition. The memory of Yvonne Fletcher, the policewoman killed by a shot fired from the Libyan embassy in London against a crowd of anti-Khadafi protesters, has also been erased. Being at the head of the Mathaba, Kusa was authorized to license such actions.

Then again, London never had an issue negotiating with Musa Kusa the release on humanitarian grounds of Ali Mohamed Megrahi, the Libyan intelligence agent sentenced for the Lockerbie bombing. Megrahi was allegedly terminally ill and with a few weeks left to live when he was set free and welcomed as a hero in Tripoli on August 20, 2009. Yet, his "imminent" death only came about three years later. The US also dealt with Kusa to negotiate the compensation to the victims of Lockerbie. Did the United States ever wonder that Musa Kusa's role had been in that terrorist attack?

On March 28, 2011 Musa Kusa flees, crosses into Tunisia and stops over in Djerba. On March 30 he takes a flight tot he UK where his nephews reside. The regime clumsily attempts to pretend he has not defected, but is out on a diplomatic mission, but the truth soon emerges. On April 5 the US decide to release his frozen assets abroad, thus allowing Kusa to exploit his (ill-gotten, who knows) wealth and live in peace. Even the European Union, namely its "Foreign Minister", the British Catherine Ashton, declares that Musa Kusa will not be targeted by sanctions. British officials state that he is free to move to and fro the UK when and how he wants.

Following his escape, his wife, Naima Mohamed al Zarroug, is arrested in Tripoli. The same fate awaits his children (two sons, Sager and Jamal, and two daughters, Belkis and al Kansa) whose whereabouts are still unknown. After spending a few days inside an MI6 safe-house, Musa Kusa leaves the UK for Doha, in Qatar, where he currently lives. He was staying in a luxurious hotel at first, he has now rented a flat. Kusa is still pretty young (he was born in Tajura, in the outskirts of Tripoli, on December 15, 1947) and will have plenty of time to live through his betrayal.

Abdel Salam Mohammed Musa Kusa, the man who ordered and possibly executed a number of crimes, hunted dissidents abroad to eliminate or torture them, financier of international terrorism in any part of the world, part of all the bloodsheds perpetrated by the Libyan regime for over 40 years, does not exist anymore. His memory will last solely in the families of his victims.

In the trial against the main actors in Khadafi's dictatorship whose predictable outcome in most cases is a guilty sentence to death, Musa Kusa's seat is empty. For some reason, even the new leadership that has emerged following the conflict has forgotten (or voluntarily agreed not to) issue or request Kusa's extradition. No one has asked for him to be tried by the International Criminal Court. Silence and oblivion are the prices paid to betrayal.

ITALY AND THE SNOWDEN AFFAIR

There are a number of countries that are responsible for the wiretapping of friendly States. In the underworld of interceptions there is an agreement between five countries: the United States, Great Britain, Canada, New Zealand and Australia. All the information collected through bugging are shared among these countries. Clearly, whatever happens in Europe is of interest mainly to the US and the UK, while, possibly, the Asian landscape is targeted by Australians and New Zealanders. During the last war in Iraq this divide was pretty evident: even within the international coalition there was a computer hub dedicated to wiretaps that could only be accessed by those countries we mentioned above. The rest of the allies were kept in the dark, unless it was strictly necessary, thus undermining the chances of rapidly reacting to the needs coming from the battlefield.

An exclusive club

The root of the problem is: why is there such an anglophone fellowship? This is because interceptions are among the most sensitive intelligence activities and a widespread sharing of information could pose a series of issues. On one side, when the contents of a wiretap are shared, also the way these are collected is also revealed. In other words, even if not clearly stated, the interceptor's technical capabilities and their penetration inside a country or a system are unveiled together with the information they convey. The need for an anglophone club was thus necessary to avoid posing sovereignty issues, hurting other countries' feelings or each time having to evaluate the reliability of your partners. The club members know everything and on time, while other Agencies can eventually be informed at a later stage and after the necessary precautions are taken to avoid leaking the source of the information and how it was acquired. This implies that if one were to look for those responsible for the interceptions in Europe, fingers would have to be pointed both at the United States and Great Britain. Not only because they are the most active members of the club, but also in reason of the British hosting on their territory, apart from satellite interceptions, the biggest listening centrals targeting Europe.

Interceptions are only part of the problem, the other and more sensitive issue is decryption. When a signal is clear, it is enough to intercept it and then offer it to the club. When an information traveling by air or on the internet is ciphered instead (meaning its contents could be confidential since the sender has decided to conceal them) one has to decrypt it first. How that is done is a fundamental secret for intelligence services. Over all, there are a number of confidential aspects surrounding interception systems and a high level of secrecy is crucial. Any country accessing this type of information will either keep it to themselves or share it only with its loyalest friends with whom it has worked in collecting them.

Radio communications and anything circulating on the airwaves is intercepted. Telephone, communications via cables and radio links are intercepted. And, as widely reported, internet traffic is also intercepted. At the same time, you intercept and decrypt. This happens every day around the globe. And anyone can be both an actor and a victim of this system. There are no friends or foes, but just information needs.

Snowden and Italy

Let's come to the Italian case. After Edward Snowden's leaks, it is clear Italy was among the countries intercepted. Some nations protested and expressed their legitimate concerns, while others, such as Italy, minimized the entire issue. But this delves with politics, rather than intelligence. Following the NSA Datagate scandal the then Italian Prime Minister, Enrico Letta, summoned the Italian secret services and asked them: can you confirm the government's and the embassy's communications systems have been spied on and compromised? Negative, Sir.

What else could have our Services replied: that the embassies were bugged and the telephone network compromised? Could they have offered a different reply given that the AISE is responsible for the protection of the networks, while the AISI of counter-espionage? Could the Services admit they had failed in facing such a penetration from foreign and "friendly" intelligence agencies inside their own country? Could the fresh chief of the DIS, until recently the Secretary General of the Ministry of Foreign Affairs, admit that his former ministry's communications system is vulnerable? Could the AISE, that overlooks all ciphering systems (equipment, encryption and decryption) for all of the State's institutions (embassies, ministries, police force etc.) admit that there is a risk that its current system had been breached? Could the AISE, also responsible for the training and selection of the personnel dedicated to such a secretive task, admit that some of its employees could have been responsible for such a breach?

But the then Italian Prime Minister failed to pose himself these questions. He was only concerned about his post and, at the same time, to avoid unnecessary frictions with the Americans. With the answers from the Secret Services in his pocket, the PM faced Parliament and offered them the same replies he had received. Nothing more, nothing less. Clearly, things are not the way they were portrayed by Enrico Letta, since Snowden's leaks were more complex than that. They indicate listening and collection peaks during government crisis, they offered a figure on the number of telephone wiretaps in Italy over a month: 45 million. Precise data was also provided as far as embassies are concerned.

The truth

But let's come to the truth of the matter.

The first truth is that, within the US embassy in Rome, there is an NSA representative. He is tasked with interceptions and is in contact with his Italian counterparts. The second truth is that on the roofs of the United States' diplomatic venues – on Via Veneto in Rome and at the Consulate in Milan – antennas dedicated to interceptions are present, although concealed. Both circumstances confirm the US's technical capability and willingness to intercept signals on Italian soil. Obviously, the Americans will not tell their Italian colleagues that they are tapping into their communications, but the issue is dealt with within the framework of the collaboration between the intelligence agencies in the two countries.

Italy has a number of very restrictive laws when it comes to wiretapping. Even the Agencies have to seek the authorization of the judiciary to control their targets (communications, telephones or other). This means that if an Agency is facing difficulties in obtaining the necessary clearance, there are only two possible options left: it either intercepts without the authorization from the judiciary (and this brings along a number of risks) or it relies on the cooperation and help of those who can actively pursue interceptions without any restrictions. And the NSA just fits the profile. This could help us understand the replies given by the Italian intelligence agencies to their Prime Minister. Could they accuse the US when they share with them a number of concealed targets and activities? Obviously the US profited from such a stance and cultivated their own interests.

The relationship between US and Italian intelligence agencies is sometimes one of subjection. The praises and positive references coming from the Americans usually pave the way to brilliant and successful careers. The current director of the AISE, Alberto Manente, was one of such beneficiaries. We should not hence be surprised by the replies given by the intelligence community to their PM and the uncritical use he made of them to survive the nth government crisis. The Italians kept at large of the Snowden affair and refused to grant him asylum on the basis that the request had to be filed on Italian soil. And, guess what, Edward was not in the condition to respect the due process.

THE CIA, GERMANY AND THE DUTIES OF THE STATION CHIEF

The crisis between Germany and the United States, sparked by the discovery of CIA informants within the German BND (Bundesnachrichtendienst, the Federal Intelligence service) and within their Ministry of Defense, brings to our attention once again the ethical problem of whether it is legitimate for a “friendly” intelligence service to seek news and sources within the institutions of an allied nation. In this particular case, both countries are part of NATO and therefore share information, political initiatives, military instruments and whatever else is needed in the fight against common enemies. It could be argued therefore that the CIA shouldn't have stolen information from a friendly nation and that their actions are ethically inappropriate and contrary to the principles of collaboration which are founded on reciprocal trust and on fair play. The German-American crisis began in October 2013 when the statements of Edward Snowden revealed that many European countries were the object of wire-taps by the American NSA. Among the lines that were tapped there was the personal mobile telephone of the German Chancellor Angela Merkel. Successively, with the unveiling of a network of spies within the German institutions, the supposed deviance of CIA's information activity became the object of a full-blown diplomatic incident between the two nations.

Superfluous questions

The first question that comes to mind is: Is it wrong for the CIA to recruit sources in order to intercept information from Germany? The answer is that the CIA is doing its job, it gathers any and all information that can be of interest to the US government and – while carrying out this activity – overlooks the fact that the target of its information-gathering is an allied nation. Furthermore, in this specific case, Germany is an important country both on the industrial level and on the financial one. There are bilateral commercial interests in place. It has a prime role in the relationship with the eastern European countries and is the steering force of the European Union. Does this justify the CIA's interest? The answer is, of course, yes. So where did the CIA err? Only in the fact that, clumsily, its information network was uncovered due to the scarce professionalism of its station chief.

The second question is the following: When the CIA set out to gather information from Germany, did they do so secretly, thus disregarding the guidelines issued by their President Barack Obama? The answer is that any intelligence service like the CIA receives input (requests for information) from its nation's political system and thus acts to fulfill such requests. When, in October 2013, the President of the United States Barack Obama declared publicly that he wasn't aware that Chancellor Angela Merkel's mobile phone was being wire-tapped, he was substantially lying. It is hard to believe that Obama, when faced with information coming from Germany, has never asked himself how the NSA and CIA could come to know so much about the decisions of Angela Merkel or about the activities of the German secret services and Ministry of Defense.

Every piece of information that lands on the tabletop of a top political figure must be coupled with an evaluation on that information's degree of reliability and on its origin, be it of technical nature (wiretap or other) or humint (the human sources). This is a rule; a 'modus operandi' that is applied universally; the USA and Germany are no exception. It is

on the basis of the reliability of an information that a politician plans his or her actions. In other words, the CIA receives requests for information, it elaborates the best operational way to obtain such information (here lies their autonomy), it then relays the information to the applicant and gives the information a degree of reliability (thus mentioning the method used to gather the info). Barack Obama surely knew, at least in part, where the information was coming from, regardless of whether or not John Brennan, who was designated CIA head by Obama himself, informed his commander-in-chief, as could be the case in the scope of a fiduciary relationship between the two individuals, about the source of the information.

Angela Merkel has tried to bring the issue on the ethical level and has even argued that such information-gathering is a useless splurge of energy but the events at hand should be evaluated through different parameters. It is true that, with the scourge of terrorism running rampant, intelligence services should have different, more important priorities. But it is also true that the CIA, together with the Russian and Chinese secret services, have a global outreach. The other intelligence services are geographically more limited, while the CIA has operatives all around the globe; not only in the countries where there is a primary informative interest, but in “friendly” countries as well, Germany included. The CIA can afford to control and penetrate, intelligence-wise, even an allied nation. It has the money, the personnel and the technical capacity to do so.

The Station Chief

It is thus time to evaluate the actions of the Station Chief (some intelligence services use the term “antenna” or “Center Chief”) of the CIA in Berlin, the person that has sparked the crisis between Germany and the United States.

The figure of the Station Chief is one of the most recurrent in all intelligence services. When the circumstances are favorable (as is almost always the case), an intelligence service will deploy its representative in a foreign country. This is sometimes a reciprocal deployment; a representative of each of the two countries will be deployed in the other nation. So where is this person physically deployed? Generally, in his nation's embassy; most of the time it is the most practical and advantageous solution: it gives the representative an operative front (only outside of the embassy itself, because everybody within knows what he/she is up to), it allows the person to associate with other diplomats when social events come up (this eases contacts with other foreigners and other 'representatives'), it provides the representative with a protection system for himself, his documents and equipment which only a diplomatic seat can supply. Mostly, it provides the 'representative' with a safe environment for his person. The Station Chief, as is the case with the one in Berlin, has a diplomatic status and, if discovered, does not risk being arrested but, at the most, he will be expelled from the country.

One could marvel at the inherent contradiction in carrying out information-gathering against the country where one stays while that country knows what you are up to. The Station Chief is generally a person that fills the requisites and abides by the set limitations; he is surely the object of information-gathering by the local counter-espionage. There is an unwritten rule that allows that person a degree of freedom in his/her activity (especially if

he/she is operating in a “friendly” country), but always within set limits. The Station Chief knows this, as does the country hosting him/her. The Station Chief should dedicate his/her activity solely to the collaboration with the local intelligence service, although both sides know that this is not the case. The Station chief carries out his/her operative activity, moves autonomously seeking useful information, exchanges information with his fellow nationals, with foreigners and (very cautiously) with the locals as well. All of this happens within limits that are dictated by the susceptibility of his counterpart.

At times Station Chiefs are just a decoy for the local intelligence services. They dedicate themselves solely to the official part of the collaboration while other individuals, whom are less-known to the local intelligence apparatus, carry out the real espionage. This is a recurrent scenario for some intelligence services and a rule of thumb for global services such as the CIA. Generally, inside an American embassy, there aren't just CIA operatives (some of which are known and others aren't), but also representatives of other structures such as NSA (for intercepting conversations, etc.) and sometimes the FBI or DEA (if we are talking drug trafficking or other forms of criminal organizations), the DIA (in the office of the military attache'), and members of the armed forces (if there is a military contingent stationed in the country – as is the case with Germany). Finally, there are individuals that are deployed in structures outside the embassy, such as airline carriers, companies, businesses, etc.

One-way return trip

The CIA Station Chief in Berlin has a double fault: that of getting caught and that of not using at best the informative resources available other than his own person.

Does this consideration postulate a negative judgment on the efficiency of the CIA personnel? Not necessarily, even though we could express a consideration that is true for all intelligence services, not just the American one: The “comfortable” places (where there is little risk and the quality of the life of the Station Chief and his family is higher; where social chores outweigh operative duties) are generally occupied by 'well-recommended' individuals. This is sometimes a hindrance to the professionalism of the designated operative. The poor Berlin Station Chief thought that he could live out his three years (this is generally the span of time that a Station Chief spends in any given place) in absolute tranquility. Then there came along the wiretaps, the Snowden revelations, the issue of Angela Merkel's mobile phone; all of these factors drove the spotlight of the local intelligence services on the Station Chief's conduct. Even then he didn't notice, he noticed too late, or he wasn't able to use his professional qualities at best and was thus presented with a one-way return trip to Langley.

What lingers is the annoyance of a country that finds itself the object of informative penetration by an ally and friend. The sort of annoyance that Angela Merkel – whom has lived in East Germany under the pressure of the infamous Stasi (Ministerium für Staatssicherheit – Ministry for the Security of the State) – knows all too well. The United States are also in touch with that same feeling, following the case of Jonathan Pollard, who was passing information to the Mossad and who, after being caught, sits confined inside a US prison since 1986. Lately, following the revelations of Snowden, it transpired

that the CIA too was spying on the activity of the Israeli government. There seems to be a possibility now that Pollard be finally set free. A sort of 'do ut des' in order to wipe away the reciprocal 'annoyance'. Thus, as is now clear, everyone spies on everybody else. It isn't an ethical problem, seen as in the world of espionage there aren't friends or enemies, but just interests. What really counts at the end of the day is who is able to guarantee better results to their nation's interests abroad.