

# Obama administration prosecutes CIA whistleblower for exposing torture

By Alan Gilman  
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In a criminal complaint filed January 23, the Obama administration's Justice Department charged John Kiriakou, a former Central Intelligence Agency operative, with disclosing classified information to journalists about the capture and brutal interrogation of suspected Al-Qaeda member Abu Zubaydah.

Less than four years after then-presidential candidate Barack Obama pledged to create "the most transparent administration in history," his administration has prosecuted more government whistleblowers under espionage laws than all prior administrations combined.

Government prosecutors charge Kiriakou with disclosing to journalists, including a *New York Times* reporter, the identity of a CIA analyst who participated in the 2002 operation involving the abduction and torture of Zubaydah.

"Safeguarding classified information, including the identities of CIA officers involved in sensitive operations, is critical to keeping our intelligence officers safe and protecting our national security," remarked Attorney General Eric H. Holder Jr.

Kiriakou, 47, grew up in New Castle, Pennsylvania. According to his 2010 memoir, *The Reluctant Spy: My Secret Life in the CIA's War on Terror*, he applied to the CIA at the suggestion of a professor.

Kiriakou's CIA career began as an analyst, but eventually he was trained as an operations officer, working in Athens and the Middle East. He was dispatched to Pakistan after the September 11, 2001, attacks, and he was charged with hunting down Al-Qaeda figures. The criminal charges against him relate to recent revelations Kiriakou made about the activities of the CIA during this period.

Kiriakou resigned from the agency in 2004. In 2007, he became the managing partner of Rhodes Global Consulting, which according to its web site provides

"actionable information and analysis on current business and political developments for hedge funds and mutual funds in the United States."

It was in this capacity that Kiriakou began to publicly comment about the CIA's use of the suffocation tactic known as waterboarding. He gave an interview to ABC News in late 2007 claiming that waterboarding had elicited good information from detainees, but that the technique should no longer be used because "we're Americans and we're better than this."

Many aspects of this interview were later determined to be false. Kiriakou had described Zubaydah as having started cooperating with investigators within seconds of being waterboarded. In fact, according to documents made public in 2009, the C.I.A. waterboarded Zubaydah 83 times, and Kiriakou later admitted that he did not personally witness any waterboarding sessions. Moreover, FBI agents later confirmed that no valuable information was ever obtained from Abu Zubaydah through waterboarding, and the helpful information that was eventually obtained was done so through traditional non-coercive methods.

Kiriakou also served on staff at the Senate Foreign Relations Committee from March 2009 until May 2011, when he stepped down to become a contributor on intelligence issues and the Middle East for ABC News.

At the same time as it announced the prosecution of Kiriakou, the Justice Department also announced that it has cleared the American Civil Liberties Union (ACLU) of any wrongdoing in a related investigation. The CIA had initially pressed for an investigation of the ACLU and of the Guantánamo detainees' lawyers because of the lawyers' efforts to identify CIA officials involved in torture.

In 2009, in an effort to learn the identities of those CIA agents that had participated in torture, the ACLU provided to several Guantánamo detainees a 32-page photographic “line-up,” which included photographs of random people intermixed with the photographs of suspected interrogators.

The ACLU attorneys were trying to identify CIA agents who could be compelled to testify about torture, both to mitigate against death sentences and to establish the inadmissibility of coerced “confessions.” When some of these photographic “line-ups” were found in the possession of Guantanamo detainees, the outraged Obama administration Justice Department retaliated by launching the first-ever criminal investigation against the ACLU, on the grounds that efforts to identify CIA agents constituted a violation of espionage laws.

The investigation of the ACLU revealed that over the course of 2008, reporters had sought out Kiriakou for interviews about the CIA’s counterterrorism work. Court documents charge that he provided the name of a CIA agent involved in torture to one journalist that summer, who in turn lawfully passed it on to the legal team defending the Guantánamo Bay detainees.

ACLU executive director Anthony Romero stated that the organization was “relieved” at having been exonerated of wrongdoing, at the same time denouncing the Obama administration’s retaliatory investigation as having a “chilling effect on defense counsel, government whistle-blowers, and journalists.” Romero went on to criticize “the fact that the government continues to investigate those who research and report on individuals who committed torture and yet don’t prosecute those who undertook that torture.”

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