

We asked Poland to hide our black sites. Then we left it hanging

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By John Pomfret

On July 17, 2002, Polish President Aleksander Kwasniewski was in Washington on a state visit. It was shortly before noon, and he was sitting in the Oval Office with President George W. Bush. They had just concluded a two-hour meeting and were readying for a joint press conference. Their aides were filing out when Bush signaled Kwasniewski to stay behind. "I've got a favor," Bush asked.

The American president told his Polish counterpart that the United States had captured terrorist suspects and needed a place to question them outside the United States. "We were absolutely alone in the Oval Office," Kwasniewski told me. "Bush took me aside and whispered. He told me it was important." On the spot, Kwasniewski acquiesced.

Kwasniewski's go-ahead set in motion the opening of the most important of the CIA's black sites in the aftermath of the September 11 attacks. Abu Zubaida, the first detainee who was subject to the CIA's so-called "enhanced interrogation" program, was interrogated there. In all, upward of 11 men were taken to the site at Poland's Intelligence Training Center in the Mazurian Lakes region in northwestern Poland. The supposedly secret facility, in a renovated villa, would ultimately house several of the highest "high-value detainees," including Khalid Sheikh Mohammed, the reputed architect of the 9/11 attacks. Poland kept up its end of the bargain, offering the discreet help its larger ally requested.

The United States did not. American officials leaked information about the site, admitted that the Poles had helped and put Kwasniewski and his successors in an impossible bind. The black site imbroglio illustrates something uncomfortable about how the United States deals with its partners. It makes demands; it often doesn't keep its promises; it leaves allies to clean up the messes in which it has forced them to be complicit.

And then it refuses to cooperate in the after-action investigation. Last month, the Supreme Court agreed to take a case that seeks to allow two American CIA contractors — James Mitchell and Bruce Jessen — who interrogated Abu Zubaidato testify to Polish prosecutors about what actually occurred in that villa. The U.S. government opposes the testimony on the grounds that they might reveal classified information. Surreally, one element of the classified information is that the black site was located on Polish soil — a fact everyone knows. But there are other more consequential secrets sought by Poland's prosecutors, as well.

To hear Kwasniewski tell it, Poland really had no choice but to agree to Bush's request. The United States, and particularly the CIA, had been central to Poland's transformation from a Soviet satellite to an American ally. The administration of George H.W. Bush had supported German reunification on the condition that the new government in Berlin recognize Poland's western borders — a hugely important issue for Polish security. The Clinton administration had ushered through Poland's accession to NATO in 1999 over Russian opposition. And the new Bush administration was continuing to support Poland as it went through tough negotiations to enter the European Union, which it finally did over French opposition in 2004.

Kwasniewski was the first former communist to be directly elected president of an Eastern European country since the fall of the Berlin Wall. Being ex-communists, he and his prime

minister, Leszek Miller, worked all the harder to be seen as the responsible custodians of Poland's most important alliance. As Kwasniewski put it, acquiescing to Bush's ask "was part of a bigger game." But the Poles had conditions: First, Miller demanded that the CIA sign a memorandum guaranteeing a certain level of treatment for the detainees. The CIA refused. Miller was worried about the legality of operating a secret prison on Polish soil. He hadn't notified parliament. ("There's nothing in writing," Miller complained to American officials. "I am out here on my own.") So, second, the Poles needed to make sure that the CIA would keep the program an absolute secret. This, the CIA promised.

Soon after detainees began arriving at a small airport near the facility in December 2002, Polish intelligence officers began to catch wind of rough treatment occurring inside the villa. The CIA name for it was "advanced interrogation techniques." Polish officials found a receipt for the construction of a metal cage from a nearby town. When they asked, they were told it was for a tiger, but that didn't explain why it contained a chemical toilet. "Very quickly the Polish authorities understood that the U.S. was operating a prison camp on Polish soil," said Jozef Pinior, a Polish politician and human rights activist. Kwasniewski heard these reports as well. "We were absolutely afraid, we had no access to this building," he told me. "No entry."

By early 2003, the Poles decided to shut the mission down. In Warsaw, Foreign Intelligence director Zbigniew Siemiatkowski informed the CIA's Warsaw station chief that Poland couldn't support the operation anymore.

Then on March 1, 2003, the CIA and Pakistani authorities captured Khalid Sheikh Mohammed. U.S. ambassador Christopher Hill met with Kwasniewski. "I told him the next prisoner is a very important one, please let us have one more," Hill recalled. Hill hinted that Mohammed might lead the CIA to Osama bin Laden. Didn't Poland want to be part of that operation? he asked.

Soon, the CIA shipped \$30 million in cash in two enormous cardboard boxes via diplomatic pouch from Frankfurt to the U.S. embassy in Warsaw. The station chief accompanied the cash to the headquarters of Polish Intelligence. There he was met by Andrzej Derlatka, deputy chief of foreign intelligence, and two underlings. Deploying several cash-counting machines, they took two days to record the money. Additional payments were made to Poland's military intelligence organization, WSI, which also assisted in the operation.

Derlatka told me that he didn't view the money as necessarily linked to the secret prison. The CIA had been subsidizing Poland's intelligence operations ever since 1990 when the CIA began joint operations with Poland's communist-era foreign spy agency. Still, the CIA believed that the additional payment helped. In a cable back to CIA headquarters, the station chief speculated that Poland's change of heart was "at least somewhat attributable . . . to our gift of [redacted] million."

Mohammed arrived at the site in early 2003; the waterboarding that March lasted two weeks. Over the course of 15 sessions, he was waterboarded 183 times. The CIA moved him out of Poland on March 24, taking him to a secret site in Romania and later to Guantanamo Bay, Cuba, where he remains to this day.

A few years later, probably because some American officials felt that the "advanced interrogation techniques" were actually torture, they began admitting what had happened in Poland and other black sites to reporters, congressional investigators and human rights advocates. This was perhaps inevitable because the program was so controversial. But the Bush administration had never allowed for the possibility of such a leak. When U.S. government sources began leaking about the black sites in late 2005, the Poles were surprised. Both Kwasniewski and Miller denied the existence of the sites to the press. In a

September 2006 speech, Bush acknowledged that the United States had maintained secret prisons. Although Bush didn't identify specific countries, his speech made it even more difficult for Polish officials to play coy. What's more, the White House failed to give Poland advance notice of the speech, both Kwasniewski and Miller told me. "We were blindsided," Miller said.

In March 2008, under a new Polish prime minister, Donald Tusk, the prosecutor's office in Warsaw launched a criminal investigation into allegations that officials from the Polish government broke the law by allowing extrajudicial detentions and by handing a part of Poland over to a foreign government. Cracks in the armor of the government's denials began to widen.

On March 27, 2012, a secret indictment against ex-intelligence chief Siemiatkowski became public. Siemiatkowski was reportedly charged with "unlawfully depriving prisoners of their liberty" and allowing corporal punishment at the CIA's facility. The Polish media reported that prosecutors were considering charges against Derlatka and Miller. Kwasniewski continued to defend himself: "Of course, everything went on behind my back," he said in May 2012. Ultimately, charges appear to have been dropped against Siemiatkowski, and the Warsaw investigation went cold.

The release of the U.S. Senate's Select Committee on Intelligence report on the black sites in December 2014 spurred former president Kwasniewski and former prime minister Miller, after years of denials, to tell at least a portion of the truth. At a joint press conference, they admitted involvement in the affair. "The U.S. side asked the Polish side to find a quiet site where it could conduct activity that would allow them to effectively obtain information from persons who had declared readiness to cooperate with the U.S. side," Kwasniewski told reporters. Kwasniewski and Miller rejected allegations that they knew about the enhanced interrogation techniques that had been inflicted on the prisoners. "We didn't support sadists who had no place to exercise their practices," Kwasniewski said.

In 2014, the European Court of Human Rights delivered a landmark judgment against Poland, finding that the country had exposed two detainees, Abd al-Rahim al-Nashiri and Abu Zubaida, to serious risk of torture. A new Polish prosecutor, Janusz Sliwa, reopened the investigation and has asked the U.S. Justice Department five times for help with his case. He has been rejected each time on national security grounds, leading to the Supreme Court case. In addition to details about the torture, Sliwa also wants to know whether Polish officers were present in the villa, and, if so, who were they? Mitchell and Jessen, the CIA contractors who lived in the villa on two separate occasions from 2002-2003, might know. It's unclear, however, if Poland will ever truly come to grips with its role in the black sites — a role Americans put them up to.

As a Polish politician put it, an alliance with the United States is like marrying a hippo. At first, it's warm and cuddly, then the hippo turns, crushes you, and doesn't even notice.