

EXHIBIT 121

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National Security

CIA selects new head of clandestine service, passing over female officer

By **Greg Miller** May 7, 2013

A CIA officer who was the first woman to lead the agency's clandestine service, but was also directly involved in its controversial interrogation program, will not get to keep that job as part of a management shake-up announced Tuesday by CIA Director John O. Brennan.

The officer, who is undercover, served as director of the National Clandestine Service on an interim basis over the past two months, and many considered her a front-runner to keep the post, which involves overseeing the CIA's spying operations worldwide.

But she faced opposition because of her extensive role in an interrogation program that critics have said relied on torture to get information from al-Qaeda captives after the Sept. 11, 2001, attacks. She had run a secret prison in Thailand where two detainees were subjected to waterboarding and other harsh techniques. She later helped order the destruction of videotapes of those interrogation sessions.

Instead, Brennan has given the job to a 57-year-old longtime officer who served tours in Pakistan and Africa and was recently in charge of the agency's Latin America division, according to public records and former officials. He is also undercover, U.S. officials said.

The CIA confirmed the appointment in a statement Tuesday but disputed that the female officer's ties to the interrogation program were a factor.

“The assertion she was not chosen because of her affiliation with the CT mission is absolutely not true,” said CIA spokeswoman Jennifer Youngblood, using an abbreviation for counterterrorism.

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Youngblood described the new head of the spy service as a “talented and effective intelligence officer” who “is known for his collaborative and inclusive leadership style.” She noted that women will fill two other senior CIA jobs.

The moves mark the resolution of an early quandary for Brennan, who faced a bruising confirmation fight over his own ties to the interrogation program. He had taken the unusual step of forming a panel of retired CIA officers to evaluate candidates for the clandestine service position.

The female officer, who is in her 50s, had support within the agency and had served as deputy director of the clandestine service. But her background posed political problems at a time when the controversy over the agency’s treatment of detainees has reemerged.

The CIA is assembling what former officials have described as a defiant response to a 6,000-page report recently completed by the Senate Intelligence Committee that sharply criticizes the interrogation program as well as the agency’s claims about its results.

The report contains many references to the female officer's role.

Sen. Dianne Feinstein (D-Calif.), chairman of the panel, had called Brennan to express concern that someone so closely linked to the program might lead the agency's spying service.

After running the "black site" in Thailand, the female officer returned to headquarters for a senior job at the CIA's Counterterrorism Center. Former colleagues said she lobbied for several years to have the videotapes taken in Thailand destroyed.

The 2005 destruction of the tapes, which went against White House lawyers' warnings, prompted a criminal investigation, but no charges were filed.

To help navigate the clandestine service decision, Brennan assembled a group of advisers that included former senior CIA officials John McLaughlin, Stephen Kappes and Mary Margaret Graham. McLaughlin declined to discuss the group's deliberations, but said in an e-mail that the interim spy chief and her successor "are very fine officers with wide-ranging and successful experience both substantively and in terms of developing and leading people."

He added that "past counterterrorism policy simply did not come up and was not a factor."

The new spy chief is a Marine Corps veteran who initially joined the CIA's paramilitary branch but spent most of his career in traditional espionage assignments. He assumes control at a time when Brennan has signaled concern that intelligence collection has been hampered by the agency's emphasis on drone strikes.

The names of both officers are widely known in the intelligence community, but the agency requested that they not be identified because they are undercover. The female officer is expected to resume her prior role as deputy of the clandestine service.

Brennan's decision was complicated by the agency's history of gender imbalance in its upper ranks. No woman has ever served as director or deputy director of the CIA, and none had been head of the clandestine service until the female officer was elevated to that role on an interim basis when her predecessor retired.

A former senior CIA official, speaking on the condition of anonymity, said that women at the agency "will be outraged" that the female officer was denied the job. "She is very popular. She is an excellent officer and very good administrator."

The CIA's statement identified the two women chosen for senior posts as Meroe Park, who was named executive director, and Deb Bonk, who will serve as Brennan's chief of staff. "Women will hold fully half of the positions" on Brennan's leadership team, Youngblood said.

Julie Tate contributed to this report.

Greg Miller covers intelligence agencies and terrorism for The Washington Post.

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POLITICS

New C.I.A. Deputy Director, Gina Haspel, Had Leading Role in Torture

By MATTHEW ROSENBERG FEB. 2, 2017

WASHINGTON — As a clandestine officer at the Central Intelligence Agency in 2002, Gina Haspel oversaw the torture of two terrorism suspects and later took part in an order to destroy videotapes documenting their brutal interrogations at a secret prison in Thailand.

On Thursday, Ms. Haspel was named the deputy director of the C.I.A.

The elevation of Ms. Haspel, a veteran widely respected among her colleagues, to the No. 2 job at the C.I.A. was a rare public signal of how, under the Trump administration, the agency is being led by officials who appear to take a far kinder view of one of its darker chapters than their immediate predecessors.

Over the past eight years, C.I.A. leaders defended dozens of agency personnel who had taken part in the now-banned torture program, even as they vowed never to

resume the same harsh interrogation methods. But President Trump has said repeatedly that he thinks torture works. And the new C.I.A. chief, Mike Pompeo, has said that waterboarding and other techniques do not even constitute torture, and praised as “patriots” those who used such methods in the early days of the fight against Al Qaeda.

Ms. Haspel, who has spent most of her career undercover, would certainly fall within Mr. Pompeo’s description. She played a direct role in the C.I.A.’s “extraordinary rendition program,” under which captured militants were handed to foreign governments and held at secret facilities, where they were tortured by agency personnel.

The C.I.A.’s first overseas detention site was in Thailand. It was run by Ms. Haspel, who oversaw the brutal interrogations of two detainees, Abu Zubaydah and Abd al-Rahim al-Nashiri.

Mr. Zubaydah alone was waterboarded 83 times in a single month, had his head repeatedly slammed into walls and endured other harsh methods before interrogators decided he had no useful information to provide.

The sessions were videotaped and the recordings stored in a safe at the C.I.A. station in Thailand until 2005, when they were ordered destroyed. By then, Ms. Haspel was serving at C.I.A. headquarters, and it was her name that was on the cable carrying the destruction orders.

The agency maintains that the decision to destroy the recordings was made by Ms. Haspel’s boss at the time, Jose Rodriguez, who was the head of the C.I.A.’s clandestine service.

But years later, when the C.I.A. wanted to name Ms. Haspel to run clandestine operations, Senator Dianne Feinstein of California, then the senior Democrat on the Senate Intelligence Committee, blocked the promotion over Ms. Haspel’s role in the interrogation program and the destruction of the tapes.

On Thursday, critics of the C.I.A. questioned the choice of Ms. Haspel.

Mr. Pompeo “must explain to the American people how his promotion of someone allegedly involved in running a torture site squares with his own sworn promises to Congress that he will reject all forms of torture and abuse,” said Christopher Anders, the deputy director of the American Civil Liberties Union’s office in Washington.

The conflicting views of Ms. Haspel were clear in the reactions to her promotion on Thursday from members of Congress. Democrats expressed concern about how she would approach the issue of torture, while Republicans were fulsome in their praise.

Representative Devin Nunes, Republican of California and chairman of the House Intelligence Committee, said Ms. Haspel had “impressed us with her dedication, forthrightness, and her deep commitment to the intelligence community.”

Within the C.I.A., Ms. Haspel is similarly respected, and the agency’s announcement about her promotion came with a long list of testimonials from retired officials, much as prominent authors write blurbs for the back of other writers’ books. The list notably included prominent Obama administration officials, such as James R. Clapper Jr., the former director of national intelligence (“very pleased”), and Michael J. Morell, who twice served as the C.I.A.’s acting director (“I applaud the appointment”).

The praise for Ms. Haspel, despite her role in torturing detainees, reflects the agency’s ambivalent attitude toward those who participated in the interrogation program. The Bush administration declared the methods legal, and the view within the C.I.A. was that those who used the techniques were doing their jobs.

At the same time, many at the agency have little eagerness to see torture return. Where Ms. Haspel falls on the issue is not clear — as an undercover C.I.A. official, she was not offering public opinions on government policy — and neither she nor Mr. Pompeo could order agency personnel to resume the practice, because it is now against the law.

Mr. Pompeo's decision to elevate Ms. Haspel is also likely to be seen by the C.I.A.'s rank-and-file as a vote of confidence in their work from their new director, despite Mr. Trump's dismissal of the intelligence community throughout his campaign and in the months between his election and inauguration.

The open disdain with which Mr. Trump mocked the C.I.A., especially after intelligence agencies said they believed that Russia had tried to swing the election in his favor, had raised concerns at the agency of a repeat of the unhappy tenure of a former director, Porter J. Goss.

Mr. Goss took over the C.I.A. in 2004, when the agency was widely viewed as being at odds with the Bush administration over the Iraq war, and his marching orders were to end what the White House viewed as a campaign of leaks by insiders who opposed administration policies. He lasted only 13 months after his attempt to crack down on leaks drove many veterans out of the C.I.A.

Correction: February 4, 2017

An article on Friday about a new deputy director of the Central Intelligence Agency included a quotation that referred incorrectly to Gina Haspel, who was named to the post. She is not the first woman to serve in that position, as Representative Devin Nunes of California said. (Avril Haines was the first.)

Adam Goldman contributed reporting.

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A version of this article appears in print on February 3, 2017, on Page A10 of the New York edition with the headline: C.I.A.'s New Deputy Had Leading Role in Torture of Detainees.

NEWS DESK

THE NEW C.I.A. DEPUTY CHIEF'S BLACK-SITE PAST

By Dexter Filkins February 3, 2017

For a brief period, Donald Trump appeared to have changed his position on torture. Now he has appointed Gina Haspel, who oversaw brutal interrogations under the Bush Administration, to be the deputy director of the C.I.A.

From 2003 to 2005, Gina Haspel was a senior official overseeing a top-secret C.I.A. program that subjected dozens of suspected terrorists to savage interrogations, which included depriving them of sleep, squeezing them into coffins, and forcing water down their throats. In 2002, Haspel was among the C.I.A. officers present at the interrogation of Abu Zubaydah, an Al Qaeda suspect who was tortured so brutally that at one point he appeared to be dead.

On Thursday, the Trump Administration announced that Haspel would become the C.I.A.'s new deputy director.

It appears that the debate about torture in the President's mind, if there ever was one, is over.

Haspel, a career C.I.A. employee, took part in another of the agency's darkest moments: the destruction, in 2005, of video tapes of the interrogation of Zubaydah and a second suspect, Abd al-Rahim al-Nashiri, at whose torture she was present, three years before.

Because Haspel's new job is exempt from congressional confirmation, it's doubtful she will ever have to publicly answer questions about her role in what amounts to America's dirty war.

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John Sifton, a senior official at Human Rights Watch, said the significance of Haspel's appointment lies in the fact that she was intimately involved in the secret C.I.A. program known by its initials, R.D.I.—rendition, detention, and interrogation. Through the program, the C.I.A. not only tortured suspects but kidnapped them from various places around the globe and often delivered them to third-party countries that tortured them.

“You are putting a person in a leadership position who was centrally involved in an illegal program,” Sifton told me. President Barack Obama ordered the closure of the secret prisons, or black sites, in 2009.

A former government official, who spoke to me on condition of anonymity, said that the promotion of Haspel amounted to the C.I.A.’s revenge. “The agency is giving the finger to anyone who was ever critical of the program,” the former official said.

Some Democrats in the Senate, like Ron Wyden, of Oregon, have sent letters of protest. It’s noble of the senators to try, but I doubt they will have much effect.

Before President Trump took office, there had been some mystery about how he viewed torture. During the campaign, Trump said repeatedly that he believed—despite all evidence—that torture works. He boasted that he would bring back waterboarding, a hideous practice of nearly drowning captives. After the Second World War, the U.S. government executed Japanese soldiers for crimes including the waterboarding of American prisoners of war.

Then Trump’s choice for Secretary of Defense, James Mattis, told him that torture was ineffective, that with a couple of beers and a pack of cigarettes he could get much further with a suspect. For a time, Trump appeared to come around. But that was a few weeks ago. Trump is endorsing torture once again.

The debate over Haspel’s appointment this week is not the first time her past has come to haunt her. In 2013, John Brennan, then the director of Central Intelligence, named Haspel the acting

head of the agency's clandestine service, which carries out covert operations around the globe. But the job ultimately went to someone else, after Senator Dianne Feinstein, of California, then the senior Democrat on the Senate Select Committee on Intelligence, called Brennan to protest Haspel's promotion because of her participation in the R.D.I. program.

In 2002, according to people I spoke to, Haspel was present at a C.I.A. black site in Thailand when Zubaydah and al-Nashiri were being tortured. It's not clear whether she took part in the interrogations themselves. Abu Zubaydah's interrogation, which is recounted in the Intelligence Committee's landmark investigation, was particularly gruesome. According to the report, he was waterboarded eighty-three times; at one point, he became non-responsive, with water bubbling up from his lungs. Doctors had to revive him. During his confinement, Zubaydah lost sight in his left eye.

In 2003, Haspel became the chief of staff to Jose Rodriguez, then the director of the C.I.A.'s Counterterrorism Center. Later, when Rodriguez became the director of operations—that is, of covert operations—Haspel became his chief of staff. In 2005, Haspel was involved in the decision to destroy the videotapes of the interrogations of Zubaydah and al-Nashiri. The decision, which was made with no apparent outside consultation, enraged members of Congress, who are legally obliged to oversee the C.I.A.

Sifton, of Human Rights Watch, said the order to destroy the tapes was made by two people: Rodriguez and Hapsel.

When Obama took office, in 2009, he declared that he would not prosecute anyone involved in the C.I.A.'s interrogation programs, not even senior officers, among whom Haspel was one. At the time, Obama said he wanted to look forward and not back. But the past, as Obama well knows, never goes away. With the prospect of American torture looming again, I wonder if Obama regrets his decision. After all, people like Haspel, quite plausibly, could have gone to prison.

Dexter Filkins joined The New Yorker as a staff writer in 2011.

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NATIONAL SECURITY

New CIA Deputy Director's Past Intertwined With CIA's History Of Waterboarding

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February 14, 2017 · 2:26 PM ET

MARY LOUISE KELLY



The CIA's new second-in-command, Gina Haspel, is a decorated officer, serving more than three decades undercover.

Jim Watson/AFP/Getty Images

Here's one side of the resume of the CIA's new second-in-command, Gina Haspel: she's a decorated officer, serving more than three decades undercover, including multiple tours as a station chief.

And here's another side: Haspel's fingerprints are all over the CIA's detention and interrogation programs. She ran the "black site" prison in Thailand where al-Qaida suspect Abu Zabaydah was waterboarded 83 times. Those sessions were videotaped but the tapes were destroyed in 2005, two years after a member of Congress called on the CIA to preserve such tapes.

Who wrote the cable ordering their destruction? Gina Haspel.

NATIONAL SECURITY

Deputy Director Appointment Raises Concerns CIA's Dark Chapter Isn't Over



PARALLELS

CIA 'Black Sites' Order: A Real Plan Or Just Politics?

This history led Sens. Ron Wyden of Oregon and Martin Heinrich of New Mexico, both Democrats and both members of the Intelligence Committee, to write the president on Feb. 2 — the day Haspel's new role was announced — and argue "her background makes her unsuitable for the position."

"The senators who are asking questions have every right to ask them," says former Rep. Jane Harman, who was briefed on the tapes back in 2002, as the ranking Democrat on the House Intelligence Committee. "After that briefing, when I could sort of stop gasping and close my mouth, I wrote a classified letter."

That letter, dated February 10, 2003, was addressed to the CIA's then-general counsel, Scott Muller. It has since been declassified. It calls on the CIA to preserve the videotapes of interrogations.

"As a lawyer, as a trained lawyer, I know... it's not okay to destroy the evidence. And this was evidence. And it was deliberately destroyed," says Harman, now director of the Wilson Center, a nonpartisan Washington think tank.

CIA officers — past and present — maintain it was Haspel's boss who made the decision to destroy them. Among them, a former chief of the CIA's clandestine service who has never given an on-the-record interview before.

"This [the destruction of the videotapes] was not done on Gina Haspel's authority. And I know that because I was there," says John Bennett.

Bennett led the clandestine service from 2010 to 2013. At the time the tapes were destroyed, he was serving as deputy to then-clandestine service chief Jose Rodriguez. Gina Haspel was Rodriguez's chief of staff. Bennett argues that attempts to block Haspel's career today for actions taken in the aftermath of the Sept. 11, 2001, terror attacks are "really very unfair."



POLITICS

Campaign Trail Trump On Display As He Goes To CIA On First Day As President

"I don't know anybody who joined the CIA to run an interrogation program," he continued, "But in the aftermath of 9/11, Gina Haspel and other colleagues stepped up to what is frankly a dirty job — because they were repeatedly assured that it was not only legal but necessary for the safety of the country. And they did it — Gina did it — because they felt it was their duty."

The deputy director job at CIA is not subject to Senate confirmation. And Haspel, through a spokesperson, declined NPR's interview request. So her personal views on the CIA's — and her — actions after 9/11 remain unclear.

Bob Eater, a CIA attorney for 24 years, says he worked closely with Haspel. He remembers meeting her when he reported to the agency's counterterrorism center in 2004.

"She would come into my office," he recalls. "We were in the same vault. And [she would] want my views — either she got a cable, she got a memorandum, she got an internal email that didn't sound right to her. So she would come talk to me and say, how does this sound?"

Eater says officers in the clandestine service, like Haspel — by definition tend to be risk-takers, comfortable with operating at the edge of what's legal. But he says Haspel is no lawbreaker.

"When she asked me a legal question, I gave her a legal answer, she always followed it. She was always trying to do the right thing."

After President Trump named Mike Pompeo as his CIA director, it was widely expected that the deputy-director post would go to a career CIA officer. Pompeo, a former Republican congressman from Kansas, has no direct intelligence experience, aside from serving on the House Intelligence Committee. Pompeo and Haspel take the reins at Trump's CIA, as he builds a foreign policy and national security infrastructure intent on battling terrorism driven by Islamic fundamentalism.



POLITICS

On Waterboarding, A President Trump Could Face Resistance From Some Republicans

NATIONAL SECURITY

Trump Presidency Casts Doubt Over Declassification Of CIA Torture Report

Both on the campaign trail and since assuming the presidency, Trump has repeated his view that, "torture works." But he's also said he would defer to his defense

secretary, retired Gen. Jim Mattis, who has stated he does not believe waterboarding is effective and has reiterated that it is illegal.

So will the CIA, under its new leaders, stay out of the detention and interrogation business? We asked John Bennett if he believes that chapter of the CIA's history is definitively closed.

"I certainly hope that it's definitively closed," he replied. "I hope the agency and policymakers and Congress have learned lessons from this."

Bennett added that leaving future interrogations to other government agencies would have the advantage of allowing the CIA to focus on its core strength: espionage. That's a mission that he says Gina Haspel is uniquely qualified to help lead.

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