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*Central Intelligence Agency
Inspector General*

REPORT OF INVESTIGATION



**(S//NF) DEATH OF A DETAINEE IN
(2003-7402-IG)**

27 April 2005

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TABLE OF CONTENTS

	Page
INTRODUCTION.....	1
SUMMARY.....	1
BACKGROUND.....	5
PROCEDURES AND RESOURCES.....	6
FINDINGS.....	7
(S//NF) GUL RAHMAN'S CAPTURE, RENDITION AND DETENTION.....	7
(S//NF) MANAGEMENT AND CONDITIONS AT [].....	9
(S//NF) POLICY FOR CUSTODIAL INTERROGATIONS AT THE TIME OF RAHMAN'S DEATH.....	14
(S//NF) RESPONSIBILITY FOR RAHMAN'S INTERROGATION.....	18
(S//NF) RAHMAN'S TREATMENT DURING DETENTION AND INTERROGATION	21
(S//NF) RAHMAN'S LAST THREE DAYS	41
(U//FOUO) THE INVESTIGATION BY THE DO INVESTIGATIVE TEAM....	50
(C) OTHER TECHNIQUES EMPLOYED OR APPROVED BY []	54
(S//NF) NOTIFICATIONS OF RAHMAN'S DEATH TO CONGRESS	55
(U) APPLICABLE LAWS, REGULATIONS AND POLICIES.....	58
CONCLUSIONS.....	61
RECOMMENDATIONS.....	64

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APPENDIX
Chronology of Significant Events

EXHIBIT
Subject: Gul Rahman:
Chronology of Events

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OFFICE OF INSPECTOR GENERAL

REPORT OF INVESTIGATION

(S//NF) DEATH OF A DETAINEE IN
(2003-7402-IG)

27 April 2005

INTRODUCTION

1. (S//NF) On [redacted] November 2002, an individual detained by the CIA in [redacted] Gul Rahman, died. On [redacted] November, the Deputy Director for Operations (DDO) informed the Deputy Inspector General that the DDO had dispatched a team to investigate the death. In January 2003, the Office of Inspector General (OIG) initiated an investigation. This report reviews the events leading to Rahman's death.

SUMMARY

2. (S//NF) Rahman, a suspected Afghan extremist associated with the Hezbi Islami Gulbuddin (HIG) organization, who was approximately 34 years old, was captured in Pakistan

[redacted] on [redacted] October 2002.¹

On

[redacted] November 2002, [redacted] aircraft rendered Rahman from

1

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to a detention and interrogation facility,
in security guards reportedly found
Rahman dead in his cell on the morning of November 2002.

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3. (S//NF) Between and November 2002, Rahman
underwent at least six interrogation sessions by Agency personnel.
The interrogation team included the Site Manager,
an independent contractor (IC)
psychologist/interrogator, (C) Bruce Jessen; the Station's
and an IC linguist,

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had no interrogation experience or relevant training
before his arrival in in July 2002. However, he acquired
some on-the-job training and experience during the four months he
had been prior to Rahman's death.

4. (S//) Rahman was subjected to sleep deprivation
sessions of up to 48 hours, at least one cold shower, and a "hard
takedown" termed "rough treatment" as reported in pre-death cables
addressing the progress of the interrogation. In addition, Rahman
reportedly was without clothing for much of his time at
Despite these measures, Rahman remained uncooperative and
provided no intelligence. His only concession was to acknowledge
his identity on November 2002 and, subsequently, to explain what
village he came from; otherwise, Rahman retained his resistance
posture, and demeanor. The cable from on November 2002
reporting that Rahman had admitted his identity stated, "Rahman
spent the days since his last session with Station officers in cold
conditions with minimal food and sleep." A psychological
assessment of Rahman, prepared by Jessen and reported in a cable on
November 2002, noted Rahman's remarkable physical and
psychological resilience and recommended, in part, "continued
environmental deprivations."

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² (U//FOUO) Not all members of the interrogation team were involved in every interrogation session.

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5. (S//NF) On the afternoon of [redacted] November 2002, when [redacted] guards delivered food to Rahman, he reportedly threw his food, water bottle, and defecation bucket at the guards. In addition, he reportedly threatened the guards and told them he had seen their faces and would kill them upon his release. When [redacted] was [redacted] CIA Staff Officer informed of this incident, he approved or directed the guards to shackle Rahman's hands and feet and connect the shackles with a short chain. This position forced Rahman, who was naked below the waist, to sit on a cold concrete floor and prevented him from standing up.

6. (S//NF) The following morning, the guards reported that Rahman was slumped over in his cell. The ambient temperature was recorded at a low of [redacted] degrees Fahrenheit. Rahman was still in the "short chain position," wearing only a sweatshirt.

7. (S//NF) [redacted] Station reported Rahman's death that day in an [redacted] cable to the DDO. The DDO dispatched an investigative team [the Directorate of Operations (DO) Investigative Team] consisting of a senior security officer assigned to the [redacted] an Office of General Counsel (OGC) [redacted] attorney, and an Agency pathologist to [redacted] The DO Investigative Team conducted interviews, and the pathologist performed an autopsy of Rahman. The autopsy indicated, by a diagnosis of exclusion, that the death was caused by hypothermia.³

8. (S//NF) On 22 January 2003, the General Counsel informed the Inspector General (IG) that Rahman died as a result of the conditions at a facility substantially controlled by Agency officers. OIG initiated an investigation into the circumstances surrounding this incident and reported the death to the Department of Justice

³ (U) Hypothermia is subnormal temperature within the central body. The term hypothermia is used when an individual's body temperature is below 95 degrees Fahrenheit. This will occur when the loss of body heat exceeds heat production.

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(DoJ) by letter on 13 February 2003.⁴ On 29 December 2003, the Chief of the Counterterrorism Section, DoJ reported by memorandum that DoJ would not pursue a federal prosecution of criminal charges regarding Rahman's death. The matter is under review by the U.S. Attorney's Office for the Eastern District of Virginia.

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9. (S//NF) At the time of his assignment in [redacted] was a first-tour [redacted] operations officer who had no training or experience to prepare him to manage a detention facility or conduct interrogations. At the time of Rahman's death, [redacted] had not received interrogation training and was operating the facility with a modicum of Headquarters guidance and [redacted] Station direct supervision.

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10. (S//NF) This OIG investigation concludes that [redacted] treated Rahman harshly because of his alleged stature, lack of cooperation, pressure to break Rahman, and [redacted] inexperience with a committed interrogation resister. [redacted] approved or ordered placing Rahman in the short chain position while naked below the waist in near freezing confinement conditions and this directly led to Rahman's death by hypothermia. [redacted] exhibited reckless indifference to the possibility that his actions might cause injuries or result in Rahman's death.

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11. (S//NF) OIG found that Rahman did not receive a [redacted] physical examination during his detention at [redacted] and concludes that the Station's Physician's Assistant (PA) [redacted] did not attend to Rahman in the same manner and with the same

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⁴ (S//NF) This referral is a requirement of Title 50 United States Code (U.S.C.), § 403q(b)(5) that mandates OIG to report information concerning possible violations of federal criminal law to DoJ. The General Counsel had orally advised the Chief of the Criminal Division, DoJ, of the circumstances of Rahman's death on 24 January 2003.

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standard of care as the other detainees.⁵ Further [redacted] as a medical care provider, was aware of the increasingly cold conditions in [redacted] during the period of time he and Rahman were both in [redacted] (November 2002) and did not advocate more humane treatment for Rahman.

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12. (S//NF) [redacted] OIG also concludes that [redacted] did not provide adequate supervision for [redacted] activities at [redacted]. Moreover, [redacted] bears direct responsibility for failing to include pertinent facts in his official written account of Rahman's death that led to material omissions and inaccuracies being provided to the Congressional oversight committees.

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BACKGROUND

13. (S//NF) Soon after the establishment of [redacted] Station in early 2002, the Station took the initiative to begin conducting interrogations of detainees using Station linguists.

14. (S// [redacted] In April 2002, [redacted] Station proposed the construction of a [redacted] detention facility [redacted] to meet the Station's requirement for "secure, safe, and separated handling of terrorist detainees." In June 2002, Headquarters' Counterterrorist Center (CTC) [redacted] approved the funds to establish the [redacted] detention facility [redacted] The

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facility was an Agency operation

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15. (S//NF) received its first detainee on September 2002. After the first month of operation, the population had grown to its maximum capacity of 20 detainees.

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16. (S//NF) was secured by guards and supported by a small cadre cooking/cleaning. The guard force was divided with guards working inside the facility, and the remainder securing the outside perimeter.

17. (S//NF)

had overall responsibility for the facility, and Agency staff officers and contractors traveled on temporary duty (TDY) to conduct interrogations at the facility.

PROCEDURES AND RESOURCES

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18. (S//NF) Two OIG officers traveled to inspected and conducted interviews there as a part of the investigation. OIG reviewed the material collected during the Special Review, *Counterterrorism Detention and Interrogation Program (2003-7123-IG)*, that is relevant to this investigation. Included within that material are policy documents, cables, and internal and external communications. OIG also drew material for this Report from of the interview reports prepared during the Special Review. OIG reviewed all materials assembled for the DO Investigative Team and that team's final report, including a final autopsy report.

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FINDINGS***(S//NF) GUL RAHMAN'S CAPTURE, RENDITION AND DETENTION***

19. (S/ []) Rahman was a suspected Afghan extremist from Lowgar Province, who was associated with the HIG organization.⁷ CTC identified him as a close associate of Gulbuddin Hekmatyar and Abu Abd Al-Rahman Al-Najdi, an alleged member of Al-Qa'ida.⁸ Rahman was an ethnic Pashtun who spoke Pashtu, Dari, and Farsi and was approximately 34 years old.

21. (S/ []) Rahman was apprehended in Islamabad, Pakistan, on [] October 2002, during an early morning raid []

⁷ (S/ []) During an interrogation session after he admitted his true identity, Rahman said he was from Kolangar Village, Pol-E-Alam Region, Lowgar Province. Lowgar Province is immediately southwest of Kabul.

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22. (S//) On October 2002, Station sent a cable advised that during a interrogation session had identified one of his fellow detainees as Gul Rahman. requested that the of the apprehension. In a reflection of how important a detainee Rahman was believed to be, Headquarters subsequently advised and Stations that Secretary of Defense Donald Rumsfeld had requested an update on the case.

23. (S/)

November 2002, Rahman was rendered to

On

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24. (S/) Following Rahman's rendition to generated six cables regarding Rahman, including two cables following his death. Only one of these cables, which reported the chronology of Rahman's death, provided a characterization of Rahman, describing him as an "enemy combatant."¹²

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¹² (U//FOUO) The Department of Defense defines an "enemy combatant" as an individual who, under the laws and customs of war, may be detained for the duration of the conflict. (Letter from William J. Haynes II to Senator Carl Levin, 26 November 2002.)

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25. (S/

He was targeted because of his role in Al-Qa'ida. Rahman was considered an Al-Qa'ida operative because he assisted the group. Being both a HIG member and an Al-Qa'ida operative is not inconsistent. there is no formal definition of the term "operative." In Rahman's case, it would be similar to the term "facilitator." viewed a facilitator as somewhat less involved than an operative.

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(S//NF) MANAGEMENT AND CONDITIONS AT

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27. (S//NF) The detention facility consisted of 20 individual concrete structures used as cells.

Four of the cells had a metal bar above eye level that ran between two walls to which detainees could be secured by their hands in a standing sleep-deprivation position. The facility's windows were covered to

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¹³ (S//NF) A replacement facility for was completed in 2004 and detainees were removed from

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suppress outside light. Stereo speakers in the cellblock constantly played loud music to thwart any attempt to communicate between detainees.

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29. (S//NF)

was not insulated and had no central air conditioning or heating; an Agency-purchased generator supported its power requirements. When [redacted] received its first detainee in September 2002, by many accounts the temperature was hot and remained generally hot or warm until November 2002.¹⁵ Individual cells were designed with a recess for electrical space heaters; however, electrical heaters were not placed in the cells.

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30. (S//NF)

estimated there were between six and 12 gas heaters in the cellblock at the time of Rahman's death.

[redacted] officer who participated in the DO Investigation Team, reported there were five gas heaters in the detainee area of the facility before Rahman's death.

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31. (S//NF)

According to [redacted] the customary practice at [redacted] was to shave each detainee's head and beard and conduct a medical examination upon arrival. Detainees were then given uniforms and moved to a cell. Photographs were taken of each detainee for identification purposes. While in the cells, detainees were shackled to the wall. The guards fed the detainees on an alternating schedule of one meal on one day and two meals the next day. In anticipation of the cold weather, [redacted] directed [redacted]

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¹⁴ (S//NF) According to [redacted] the door had to be opened to deliver water bottles and access the excrement bucket.

¹⁵ (U) In November 2002, the temperature in [redacted] ranged from a high of [redacted] to a low of [redacted] degrees Fahrenheit.

10

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assistant, [redacted] to acquire warmer uniforms, heaters, propane, and blankets. According to [redacted] he was successful in purchasing the uniforms, blankets and some heaters. It was difficult to purchase heaters because they were in high demand. If a detainee was cooperative, he was afforded improvements in his environment to include a mat, blankets, a Koran, a lamp, and additional food choices. Detainees who were not cooperative were subjected to austere conditions and aggressive interrogations until they became compliant.

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32. (S//NF) [redacted] for the U.S. Bureau of Prisons (BOP) to send a [redacted] training team to [redacted] from [redacted] to [redacted] November.¹⁶ This team worked with the interior guard force concentrating on techniques such as entry and escort procedures, application of restraints, security checks, pat down and cell searches, and documenting prescribed checks of detainees.

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33. (S//NF) [redacted] characterized [redacted] as "so many accidents waiting to happen." For example, there could be an attack from the outside, the detainees could hurt themselves, [redacted] COS [redacted] described [redacted] as a "high risk, high gain intelligence facility."¹⁷

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[redacted] In an electronic message (e-mail) to the DDO two days after Rahman's death [redacted] wrote, in part,

On an employee impact note, I have made it clear to all hands involved that the responsibility is mine alone, nothing more need

¹⁷ (S//NF) [redacted] served in [redacted] from August 2002 until July 2003.

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be said on that, and I am and have been coordinating with appropriate senior hqs levels since the inception of this program.

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35. (S//NF) [redacted] said he did not know what his duties would be when he arrived in [redacted]. He believed the primary factors in his assignment as [redacted] Site Manager were the vacancy in the detention program and that [redacted]

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[redacted] had no formal instruction relating to interrogations until April 2003, [redacted] months into his [redacted] tour.²¹

36. (S//NF) In [redacted] assigned [redacted] responsibility for all detention-related functions

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[redacted] was also responsible for renditions to and from other countries and detainee transfers.

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²¹ (S//NF) [redacted] was not designated as a Certified Interrogator until he completed the two-week interrogation course and 40 hours of supervised interrogations with an experienced interrogator [redacted] certification was awarded on [redacted] April 2003.

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37. (S//NF) [redacted] explained that he selected [redacted] based on several factors, including the fact [redacted]

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[redacted] added that he watched [redacted] discharge his duties and was very satisfied with the job he performed. [redacted] said that he, [redacted] and [redacted] talked a lot about issues. [redacted] had free access to the [redacted] Station front office, and [redacted] recalled consulting with [redacted] at least once a day.

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38. (S//NF) [redacted] stated that he and [redacted] briefed [redacted] on CIA policies, and [redacted] learned from on-the-job training. [redacted] believed that [redacted] received whatever guidance was available at CTC before he arrived, but [redacted] did not know what that was.

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[redacted] said that the guidance he passed to [redacted] included such issues as CIA's prohibition on torture; being vigilant [redacted] to ensure there is no torture; and the fact that it is permissible to use certain tactics in debriefing that cannot injure, threaten with death, or induce lasting physical damage to the detainees.

39. (S//NF) [redacted] said he was briefed on particular interrogations on a case-by-case basis. If there was a new or important detainee at [redacted] he was briefed every day as the interrogation ran its course.

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40. (S//NF) [redacted] advised that he had discussions with Station management—including [redacted]

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[redacted]—every other day, or when issues arose. [redacted] stated that someone from Station management visited [redacted] about once a month.

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41. (S//NF) The Director of CTC—in written comments on the draft report endorsed by the DDO, who served as the previous Director of CTC—said that, by the fall of 2002, the shortage of veteran operations officers had hit Station hard. To accomplish critical missions,

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CTC often relied on talented young officers—such as [redacted] to take on responsibilities beyond their training and experience. In case, he was asked to take on enormous responsibilities at [redacted] principally because of his [redacted] and relative maturity, which qualified him better than most for this entirely new DO mission.

(S//NF) POLICY FOR CUSTODIAL INTERROGATIONS AT THE TIME OF RAHMAN'S DEATH

42. (S//NF) Prior to the time of Rahman's death, CTC and OGC disseminated policy guidance, via cables, e-mail, or orally, on a specific case-by-case basis to address requests to use specific interrogation techniques. Agency management did not require those involved in interrogations to sign an acknowledgement that they had read, understood, or agreed to comply with the guidance provided; nor did the Agency maintain a comprehensive record of individuals who had been briefed on interrogation procedures.

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43. (S//NF) According to [redacted] in [redacted] 2002, a senior operations officer [redacted] interrogated a particularly obstinate detainee [redacted]

The officer

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drafted a cable that proposed techniques that, ultimately, became the model for [redacted] recalled that the proposal included use of darkness, sleep deprivation, solitary confinement, and noise; the use of cold temperatures was not addressed.²³ The response from Headquarters was that the proposal was acceptable, based on the fact

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²³ (S//NF) As noted below, [redacted] appears mistaken about the absence of a proposal to use cold as a technique.

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that no permanent harm would result from any of the proposed measures.²⁴ Prior to the death of Rahman, that cable from Headquarters served as the Station's guidance on what could be done in interrogations.

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44. (S//NF) [redacted] explained that Station guidance was to adhere to the four techniques approved by Headquarters. Guidance to individual interrogators initially was "catch as catch can." It was [redacted] responsibility to monitor things at [redacted] stated that the issue of when the Station needed to seek Headquarters approval was a gray area.

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45. (S/ [redacted] 2002, [redacted] submitted to Headquarters a proposed interrogation plan for the detainee at the [redacted] It requested "specific Headquarters concurrence and definitive CTC/Legal authority" to employ specified interrogation techniques with the detainee. It proposed sound disorientation, time deprivation, light deprivation, physical comfort level deprivation, lowering the quality of the detainee's food, and unpredictable round-the-clock interrogation that would lead to sleep deprivation. The cable offered a specific description of each of the proposed techniques. One specific proposal was,

Physical comfort level deprivation: With the use of a window air conditioner and a judicious provision/deprivation of warm clothing/blankets, believe we can increase [the detainee's] physical discomfort level to the point where we may lower his mental/trained resistance abilities.

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48. (S// A review of cables to or from [redacted] between
August and November disclosed only one cable proposing

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additional interrogation methods for [redacted] detainees. This cable, written by Jessen for a different detainee, requested permission to apply "the following [moderate value target] interrogation pressures . . . as deemed appropriate by [Jessen], . . . isolation, sleep deprivation, sensory deprivation (sound masking), facial slap, body slap, attention grasp, and stress positions."

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49. (S//NF) According to [redacted] the initial interrogations conducted at [redacted] in September and October 2002 were more custodial interviews, with the added psychological impact of being in that facility with total darkness and separation from other detainees. When Agency officers came to conduct interviews or interrogations, the only guidance he provided them was how to get in and out of the facility securely. [redacted] stated that the interrogators enjoyed the freedom to do what they wanted. He did not possess a list of "do's and don'ts" for interrogations.

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50. (S//NF) The Director of CTC—in written comments on the draft report endorsed by the DDO said that, at the time of Rahman's death, there was a lack of clear, applicable program guidance for operations to detain and interrogate terrorists captured on the battlefield. He stated,

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[T]he opening of [redacted] in September 2002 came as a practical response to a clear-cut and urgent operational need.

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Unfortunately, [redacted] began operation while CIA was still in the process of establishing uniform and detailed program guidance on detention and interrogations practices, and prior to development of the structured, tightly controlled CTC detention and interrogation program managed by CTC . . . today. While that program—which was launched in November 2002 from a low base of experience, personnel, and overall expertise—also came together without well developed and detailed CIA policies on detention and interrogation,

17

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51. (S//NF) Accordingly, when [redacted] arrived in [redacted] on November 2002, for his first TDY assignment in [redacted] reportedly advised "You cannot harm or kill the detainees, but you can handle the debriefings/interrogations as you see fit." It was not apparent to [redacted] that [redacted] knew what the rules were.²⁶

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(S//NF) RESPONSIBILITY FOR RAHMAN'S INTERROGATION

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52. (S//NF) [redacted] stated that it was his normal practice to meet all rendition aircraft flights [redacted] unless he needed to be elsewhere. However, he said he did not have a specific recollection of the rendition of Rahman [redacted] on November 2002.²⁷ There was no logbook documenting the arrivals and departures of Agency personnel at the facility.

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53. (S//NF) [redacted] contends that Rahman was the responsibility of Jessen. [redacted] was not certain whether Jessen was sent to [redacted] with Rahman or another case.²⁸ Jessen conducted several interrogation sessions with Rahman.

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54. (S//NF) According to [redacted] Jessen met with Rahman every day.²⁹ Those sessions were documented in a series of cables [redacted] that [redacted] indicated were drafted by Jessen. [redacted] said he participated in some of the interrogations Jessen conducted but could not remember how many. When informed that a pre-death cable reported that Jessen conducted six sessions with Rahman, [redacted] estimated he participated in about three of those. [redacted] stated that

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²⁶ (S//NF) [redacted] served in [redacted] from November 2002 until January 2003.

²⁸ (S) [redacted] According to a [redacted] October 2002 CTC/UBL cable, Jessen was being sent to [redacted] "to conduct in-depth interrogations of several key Al-Qa'ida operatives recently detained in [redacted] Rahman was not captured until [redacted] October 2002.

²⁹ (S//NF) Jessen was in [redacted] from [redacted] October until [redacted] November 2002. [redacted] Six days prior to Rahman's death

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he did not recall which interpreter participated in the interrogation sessions with Rahman. According to [redacted] after Jessen left [redacted] November 2002, Rahman became [redacted] case by default, adding that all of the detainees who were not being interrogated were under his general control.

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55. (S//NF) Jessen, who holds a Ph. D in clinical psychology, was experienced from nearly two decades of work in the Department of Defense SERE program and had conducted interrogations of CIA's first high value detainee at a different location.³⁰ Jessen explained that he was directed to go to [redacted] to conduct an evaluation of another detainee, [redacted]. While there, he evaluated several other detainees, prepared interrogation plans, and forwarded them to Headquarters. [redacted] also asked Jessen to evaluate Rahman, described as a "hard case." Jessen said Rahman, got a lot of attention and he became the focus of [redacted] and the Station's High Value Target cell. [redacted] CIA Staff Officer [redacted] CIA Staff Officer

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56. (S//NF) Jessen explained that [redacted] asked Jessen to look at Rahman in addition to the other detainees Jessen was evaluating at [redacted] CIA Staff Officer. According to Jessen, [redacted] was responsible for all of the detainees that came to [redacted] COBALT. When detainees arrived, it was [redacted] responsibility to interrogate them. When asked if Rahman was his case, Jessen responded, "Unequivocally, no." When informed that [redacted] asserted that Rahman was Jessen's case, Jessen averred that [redacted] was wrong.

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³⁰ (C) Jessen became a CIA independent contractor on [redacted] 2002, following his retirement from active duty with the U.S. Air Force.

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6 days prior to
Rahman's
death

57. (S//NF) According to [redacted] a second independent contractor psychologist/interrogator, (C) James Mitchell, came to [redacted] to work with another detainee during November. Mitchell participated in one of Jessen's sessions with Rahman.³¹ Both psychologists left [redacted] on November 2002.

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58. (S//NF) Mitchell stated that he observed [redacted] interrogate Rahman on one occasion for about 10 minutes; Rahman was uncooperative. Mitchell stated Rahman appeared healthy; however, he had scratches on his face, bruises on his ankles, and his wrists were black and blue. Mitchell requested that the PA examine Rahman's hands.³²

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59. (S//NF) [redacted] described Rahman as a significant figure at [redacted] did not have an opportunity to interrogate Rahman and did not see him when he was alive. [redacted] was informed that Rahman was someone else's case, possibly [redacted]

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60. (S//NF) [redacted] advised that she was in [redacted] when Rahman was detained there.³³ She participated in his initial interrogation [redacted] and traveled to [redacted] after he was rendered there.³⁴ [redacted] said she participated in an undetermined number of interrogations of Rahman but estimates it was fewer than 10. She participated with [redacted] and Jessen on two occasions. She estimated she participated in five interrogations of Rahman after Jessen left

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³¹ (S//NF) Cable records indicate Mitchell arrived [redacted] on November 2002. Mitchell had a background with the SERE program similar to Jessen's. He became a CIA IC in September 2001 following retirement from the U.S. Air Force. Like Jessen, Mitchell had been involved in the interrogation of the Agency's first high value detainee.

³² (S//NF) According to [redacted] the Station PA, no one ever requested that he examine Rahman, his hands, or any other detainee.

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November 2002. When asked who had the interrogation responsibility for Rahman, [redacted] responded, "no one in particular—so I guess [redacted] and me."

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(S//NF) RAHMAN'S TREATMENT DURING DETENTION AND INTERROGATION

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61. (S//NF) [redacted] said he did not specifically recall Rahman's treatment upon arrival at [redacted] stated that Rahman's clothes would have been removed early in his detention, and most of the time Rahman was naked or would have been wearing only a diaper.

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62. (S//NF) [redacted] said that Rahman was either in his cell or in a sleep deprivation cell when he was not being interrogated.³⁵ [redacted] did not know exactly how much time Rahman spent in the sleep deprivation cell but estimated it was about 50 percent of the time. [redacted] contended that no sleep deprivation was conducted on Rahman after Jessen departed [on November] and added there would have been no point in continuing it then because Rahman was not being interrogated.³⁶ According to [redacted] Rahman arrived at [redacted] in a diaper and it was removed at some point. He was probably put back in a diaper when he was put in a sleep deprivation cell.³⁷ However [redacted] said there would have been no reason to use a diaper when Rahman was not in a sleep deprivation cell.

Six days prior to Rahman's death

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63. (S//NF) [redacted] characterized Rahman as stoic and very stubborn, unlike the other detainees. He was the most stubborn individual they detained at the facility.³⁸ Although most of the other detainees were "compliant" almost immediately, Rahman was hard-

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³⁵ (S//NF) As mentioned earlier, four of the 20 cells at [redacted] were constructed with an iron bar across the top of the cell and secured to two walls. These cells could be used to force the detainee to stand during sleep deprivation sessions. CIA Staff Officer

COBALT

³⁶ (S//NF) Despite [redacted] contention, [redacted] recalled that Rahman was in a sleep deprivation cell on [redacted] November 2002 when she checked on the detainees.

³⁷ (S//NF) During the OIG visit to [redacted] on [redacted] and May 2003, two detainees were undergoing standing sleep deprivation in these cells. Both were naked.

³⁸ (S//NF) At the time of Rahman's death, [redacted] had been in operation for 69 days.

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core Pashtun. He had been a combatant all his life and had been wounded many times. Rahman did not complain and simply said, "Thanks to God, all is well." When reminded that in his videotaped 19 December 2002 interview with the DO Investigative Team, [redacted] stated that Rahman complained incessantly, [redacted] said he just recalled Rahman being stoic.

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64. (S// [redacted]) According to cables reporting Rahman's interrogations, he did complain about conditions. After the first two days of interrogation, [redacted] reported that Rahman "complained about poor treatment, complained about the violation of his human rights, and claimed inability to think due to conditions (cold)." The subsequent cable reporting Rahman's interrogation sessions described Jessen's impression that Rahman "continues to use 'health and welfare' behaviors and complaints as a major part of his resistance posture."

65. (S//NF) The DO Investigative Team interviewed [redacted] guard commander four days after Rahman's death. According to the guard commander, Rahman wore pants for approximately his first three days at [redacted] and then spent the remainder of his detention without pants.

COBALT

66. (S//NF) Jessen said that Rahman's diaper and clothes would have been removed at the interrogators' direction. The guards would not have removed them without direction. According to Jessen, Rahman was without his clothes more than he was with them. The interrogators gave Rahman some clothing after he admitted his identity on [redacted] November 2002.

67. (S//NF) The linguist, [redacted] explained that it was difficult for him to remember how often he assisted in Rahman's interrogation at [redacted] but estimated it was approximately five to seven times.³⁹ He assisted [redacted] in the interrogation of two detainees, including [redacted]

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Rahman. [redacted] stated that during the entire time he saw Rahman at [redacted] Rahman was either wearing a diaper or was naked below the waist. [redacted] said that he could not be precise about when Rahman wore a diaper as opposed to being naked, but his condition seemed to alternate from one to the other. The [redacted] shirt that Rahman wore was not sufficient to cover his genital area. Rahman was particularly concerned with being naked in front of [redacted] the guards. Every time Rahman came to the interrogation room, he asked to be covered. [redacted] did not observe a supply of diapers at the [redacted] but it was evident to him that Rahman had received a replacement diaper at some juncture.

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68. (S//NF) According to [redacted] prior to the first interrogation session, [redacted] stated that Rahman was a "really bad guy." [redacted] was present when Rahman was rendered to [redacted] and was present when Rahman was first interrogated at [redacted] That was either the night Rahman was rendered to [redacted] or the succeeding day. The first interrogation session included [redacted] Jessen, and possibly [redacted] The only other person [redacted] remembered being present during one of Rahman's interrogations was Mitchell. The interrogation sessions with Rahman were normally brief because of his unwillingness to cooperate. They were mostly around 15 minutes in duration; the longest was one or two hours.

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69. (S//NF) Jessen estimated that he interrogated Rahman two to four times.⁴⁰ He employed an "insult slap" with Rahman once but determined it was only a minor irritant to Rahman and worthless as a continuing technique. Jessen occasionally observed [redacted] encounters with Rahman and said he was the hardest case in captivity that Jessen had ever observed. Even when Rahman was depleted psychologically, he would routinely respond that he was

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⁴⁰ (S//NF) A cable reported that Jessen was involved in six interrogation sessions with Rahman.

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"fine" when asked about his condition. The only concession Rahman made was to admit his identity when it was clearly established and irrefutable.

70. (S// [redacted] Jessen prepared the interrogation plan for Rahman before departing [redacted] and noted that there was no quick fix to get him to cooperate. It would take a long time and it was necessary to keep up the pressure on Rahman and to provide medical assessments. Jessen did not foresee that the interrogation plan on Rahman would be implemented for some time, at least not until the Station was augmented by graduates of the interrogation classes.⁴¹ Jessen wrote in a cable dated [redacted] November 2002 as a part of the Interrogation Plan Recommendation:

It will be important to manage the [proposed interrogation] deprivations so as to allow [Rahman] adequate rest and nourishment so he remains coherent and capable of providing accurate information. The station physician should collaborate with the interrogation team to achieve this optimum balance.⁴² It is reasonable to expect two weeks or more of this regimen before significant movement occurs.

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71. (S//NF) [redacted] described Rahman as "incredibly stalwart," and said he would not talk. [redacted] did not remember what clothes Rahman was wearing. [redacted] added that Rahman would have been naked during the interrogation sessions. She said she is not certain, but believed that Rahman received clothes, a top and bottom, after Jessen departed [redacted]

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72. (S//NF) [redacted] stated that he is not certain how many detainees at [redacted] have been naked from the waist down. It

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⁴¹ (S// [redacted] According to a Headquarters cable sent [redacted] November 2002, the first interrogation course was scheduled to run from [redacted] November 2002, with 10 students scheduled to attend that session. [redacted] responded on [redacted] November 2002, with concurrence for a TDY interrogation team to travel to [redacted] following completion of the course. Later, the senior interrogator in CTC wrote an e-mail regarding the request and noted in part, "... At least one of the guys they have in mind is Gul Rahman, who is an Afghan, and I do not think he is truly a [High Value Target] or [a Medium Value Target.] How do you think we should proceed on this?"

⁴² (S//NF) There was no Station physician, only Physicians' Assistants.

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depends upon how they are acting; "It may be needed to break them." It was used in Rahman's case to break him down to be more compliant. He was defiant and strong and made threats, according to

73. (S// [redacted] Rahman's Medical Care. According to the November 2002 [redacted] cable that reported the chronology of events connected with Rahman's death, Rahman was brought to [redacted] on [redacted] November and given a physical examination. However, despite this official reporting, the PA who accompanied Rahman [redacted] stated that neither he nor any other [redacted] PA conducted physical examinations at [redacted] on Rahman or other detainees who were rendered there during that period. The brief check the PA performed on rendition detainees in [redacted] could not be considered a physical examination because, in part, it did not involve questioning the detainees about their health history and current condition.

74. (S// [redacted] On November 2002, [redacted] Station reported by cable that [redacted] medics made [redacted] visits to [redacted] evaluate the [redacted] detainees.⁴³

"approximately a fourth of the prisoners have one or more significant pre-existing medical problems upon arrival."

75. (S// [redacted] The November 2002 cable reported that [redacted] during two monthly assistance visits to [redacted] by the medics, all detainees were taken from their cells to a room and given a private medical evaluation where they were interviewed by an Office of Medical Services (OMS) officer and a urine specimen was taken to determine the specific nutrition and hydration levels. It reported that the last routine visit was [redacted] November 2002 and the urine testing determined all of the [redacted] detainees were receiving sufficient nourishment and hydration. The cable further reported that all the [redacted]

⁴³ (S//NF) When [redacted] Station used the term "medic" it meant Physicians' Assistants.

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detainees were cooperative with the medical personnel regarding their health and welfare except for Rahman, who simply stated, "Thanks to God, all is well."⁴⁴

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76. (S//NF) PA [redacted] advised that he visited [redacted] shortly after his November 2002 arrival [redacted]. The [redacted]

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facility had opened since his prior assignment [redacted]. He [redacted] consulted with OMS by telephone and received guidance to treat the detainees at [redacted] if they are ill. [redacted] then examined the detainees, heard their health concerns, and tested their urine to determine if they had sufficient nourishment. [redacted] said he did not

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perform any arrival medical examination on Rahman or any other newly arrived detainee at [redacted] and was unaware of detainee arrivals and departures from the facility. [redacted] was confident he would remember if he had examined Rahman.⁴⁵

78. (S//NF) According to [redacted] in an interview with the OIG, on a subsequent date, possibly [redacted] November 2002, he checked on the detainees and observed Rahman for the first time. [redacted] reported that Rahman was wearing a blue sweatshirt and blue

CIA Staff Officer

⁴⁴ (C) [redacted] stated that he provided [redacted] with some of the information that appeared in this cable.

⁴⁵ (S) As reported previously, Rahman arrived there on [redacted] November 2002. [redacted] stated that he did not prepare treatment notes or medical records while [redacted]

26

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sweatpants, and possibly socks, and was standing in his cell with his arm chained to a pin on the wall. [redacted] believed Rahman had abrasions on his wrists, similar to the other detainees. [redacted] stated that he did not know what language Rahman spoke, but Rahman indicated that he was okay and did not make any complaints. Consequently, according to [redacted] he did not examine Rahman nor test his urine and did not know if there were any abrasions beneath his clothes.⁴⁷ [redacted] did not know of any medical contact with Rahman by the other two medical care providers at the Station.⁴⁸

79. (S//NF) [redacted] recollection that Rahman was wearing sweatpants is at odds with others who spent considerable time at [redacted] during that period. No other interviewee mentioned that Rahman was wearing pants after his first couple of days. The guard commander said that Rahman's pants were removed after approximately three days and he was without pants. The deputy guard commander said that Rahman was naked most of the time. [redacted] the interpreter, recalled that Rahman was naked below the waist or wore a diaper during his entire period of detention. [redacted] said that Rahman's clothes were removed early and he was naked or wore a diaper most of the time.

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80. (S//NF) **Reports of Rahman's Interrogation.** [redacted] first cable report of Rahman's interrogation was issued three days after his rendition to [redacted]. It reported that [redacted] and Jessen had interrogated Rahman over a 48-hour period and noted that the psychological and physiological pressures available for use were unlikely to make Rahman divulge significant information. The cable

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⁴⁸ (S//NF) A TDY physician [redacted] Rahman while he was alive.

[redacted] reported they did not have any interaction with

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27

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noted that, although the other detainees who had been brought to
dropped their resistance within 48 hours, Rahman
remained relatively unchanged. It added,

Despite 48 hours of sleep deprivation, auditory overload, total
darkness, isolation, a cold shower, and rough treatment, Rahman
remains steadfast in maintaining his high resistance posture and
demeanor.

81. (S// [redacted] A second, post-rendition cable was sent from
to [redacted] on November 2002. It reported that Rahman
appeared to be physically fatigued but defiant during interrogations.
It sought material to employ as psychological pressure and requested
that [redacted] prepare a videotape of [redacted]

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Officers

82. (S// [redacted] sent a third post-rendition cable on
November 2002, "Subject: Gul Rahman Admits His Identity." It
reported that [redacted], Jessen, and [redacted] interrogated Rahman
on November 2002, and that Rahman had spent the days since his
last interrogation session in cold conditions with minimal food and
sleep.⁵⁰ It further reported that Rahman was confused for portions of
the interviews due to fatigue and dehydration.⁵¹ The cable reported
that Rahman provided his true identity and biographical information
but provided fictitious and rehearsed responses about his
relationship with [redacted] reported that
Rahman was afforded improved conditions and would be
reinterviewed on November 2002.

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⁴⁹ (S//NF) There is no indication that [redacted] met this request.

⁵⁰ (S// [redacted] estimated that she participated in seven to 10 interrogation sessions with
Rahman at [redacted]. However, this was the only occasion when her presence is documented in
a cable. COBALT

⁵¹ (S// [redacted] As previously reported, the November 2002 [redacted] cable reported the Station's
medical support to detainees. The cable cited that, during the [redacted] to November 2002 medical
assistance visit to [redacted] it was determined that all detainees were receiving sufficient
hydration. COBALT

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83. (S//) sent a fourth cable on November 2002. That cable was prepared by Jessen and reported a mental status examination and a recommended interrogation plan for Rahman.⁵² It reported that Rahman had demonstrated a rigid and intractable resistance posture and would not be affected by continuing interrogations. The cable recommended continuing environmental deprivations and instituting a concentrated interrogation regimen of 18 out of 24 hours. It also recommended that the Station collaborate with the interrogation team to achieve the optimum balance and noted it was reasonable to expect two or more weeks of the regimen before seeing any progress. Finally, it recommended using the newly trained interrogators from Headquarters' recent training class.

84. (S//) On the reported day of Rahman's death, November 2002, sent a cable to the DDO, - Gul Rahman: Chronology of Events." It reported that Rahman appeared calm and controlled to his interrogators but had reportedly threatened guards previously, vowing to kill them all or have them killed following his release.⁵³ This was cited as the reason that Rahman was constantly restrained with hand and ankle restraints in his cell.⁵⁴ It also reported that last saw Rahman on the afternoon of November 2002, and that Rahman was found dead on the morning of November 2002. The Station concluded it was not possible to determine the cause of Rahman's death without an autopsy. The cable did not include the information

⁵² (S//) The mental status exam was requested by CTC/UBL on November 2002. CTC/UBL noted "[Headquarters] UBL is motivated to extract any and all operational information on Al-Qa'ida and [HIG] from Rahman . . . [and] achieving Rahman's cooperation [is] of great importance. We would like to work quickly to create circumstances in which he will cooperate."

⁵³ (S//NF) Jessen reportedly heard from before November 2002 that Rahman sensed the guards were and threatened to kill them, but Jessen said he never witnessed the guards mistreat Rahman.

⁵⁴ (S//) Despite the assertion that Rahman was constantly restrained with hand and ankle restraints in his cell, the same cable reported that Rahman's hand restraints were removed on November 2002.

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that Rahman was naked below the waist or that a series of chains and restraints (the short chain position) was used on Rahman that forced him to sit bare-bottomed on the concrete floor of his cell 55

CIA Staff Officer

85. (S//NF) Cold Conditions.

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stated that on November 2002, [redacted] was occupied with other duties and asked her to check on each detainee because it was getting cold. [redacted] went from cell to cell and gave apples to detainees. Also, she gave a few of them blankets and, if they did not have socks, she provided socks to them.

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86. (S//NF)

[redacted] did not provide a blanket, socks, or an apple to Rahman. She returned his apple to [redacted] and stated she did not know what [redacted] did with the apple but doubted he would have given it to Rahman because he was noncompliant. [redacted] said she saw all of the detainees, except Rahman. He was in one of the sleep deprivation cells when she provided apples to the detainees.⁵⁶ The other detainees she observed all wore sweatshirts and sweatpants and most had socks; none of the detainees was without clothes. Some wore wool knit sweaters on top of the sweatshirts.

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87. (S//NF)

[redacted] stated that it was very cold in [redacted] when he was there on a brief TDY and the issue of hypothermia crossed his mind as he saw Rahman wearing only socks and a diaper.⁵⁷ He commented on the cold and hypothermia to the other Headquarters officer traveling with him, but not to [redacted] explained that he was at [redacted] only to

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COBALT

⁵⁵ (S//NF) This cable was the basis for the information provided in the 29 November 2002 Congressional Notification on Rahman's death. It was not until a second Congressional Notification was made on May 2003, three months after the DO Investigative Team's report was issued, that CIA informed Congress that Rahman was naked below the waist and shackled in the short chain position that prevented Rahman from standing upright.

CIA Staff Officer

⁵⁶ (S//NF) This account places Rahman in a sleep deprivation cell on November 2002, and appears to conflict with [redacted] account that Rahman's sleep deprivation was discontinued on November 2002, when Jessen departed

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⁵⁷ (S//NF) [redacted] believed he visited [redacted] a few days after Rahman's arrival there, approximately November 2002. [redacted] also witnessed the hard takedown of Rahman while at [redacted]

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observe and assumed that the officers there would realize it was cold and would not leave a prisoner unclothed for a long period.

_____ had observed blankets in other cells and assumed Rahman would get a blanket soon. _____ recognized that someone could not be left naked for long without unwanted complications.

88. (S//NF) _____ recalled that both Rahman and another detainee complained about being cold. _____ did not approach _____ about the cold conditions at _____ and was not aware of anyone else doing so.

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89. (S//NF) Jessen remembered it was cold in _____ prior to his departure _____ on _____ November 2002. There were some electrical heaters in the cellblock area but none in the individual cells. Jessen remembered receiving a heater from _____ because the room was cold.⁵⁸

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CIA Staff Officer

COBALT

90. (S//NF) Within the days of arriving in November, a contract linguist, was assigned by or his assistant, to perform a daily check of the detainees in their cells at ⁵⁹ It was during that period that the temperature dropped precipitously; checks were normally conducted in the morning, and also in the evening if the weather was colder. They had observed the detainees shivering around the period of November. Some detainees with blankets were shivering. Those without blankets were those who were not cooperating.

CIA Staff Officer

CIA Staff Officer

91. (S//NF) remembered that sometime around November 2002, mentioned the temperature was dropping, it was getting cold, and they should try to keep the detainees warmer. It was a general statement made to a group including and was also present during a discussion between and about supplying warmer clothes. They were concerned that the provision of blankets to all of the detainees at that time could send the wrong signal; they tried to use desired items like blankets as something to earn by cooperation.

92. (S//NF) A contract linguist, CIA Staff Officer, stated that he asked a few days before Rahman died (probably on November) at what temperature CIA Staff Officer hypothermia occurred.⁶⁰ reportedly responded that he believed it occurred when the atmospheric temperature dropped to CIA Staff Officer 58 degrees Fahrenheit.⁶¹ According to did not CIA Staff Officer respond in a manner indicating he was going to do something about it; he just said "okay." was certain, however, that CIA Staff Officer had heard him. explained that he did not raise the issue of the cold with because of anything he saw or heard about CIA Staff Officer

⁵⁹ (S//NF)
⁶⁰ (S//NF)

⁶¹ (S//NF) During an interview with the DO Investigative Team on November 2002, cited that did not know at what temperature one would reach hypothermia. CIA Staff Officer

32
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Rahman. Rather, it was based on what [redacted] observed with two other detainees he was working with, as well as the fact that he was cold even when wearing a jacket.

93. (S//NF) [redacted] told OIG that, based on his knowledge of thermodynamics and conductivity, if a person's body temperature drops to 95 degrees Fahrenheit, the brain would be impacted. At 90 degrees Fahrenheit the person will die. However, if the room temperature is 70 degrees Fahrenheit or above and a person is sitting naked on the floor, the person will be all right. If the room temperature is 30 degrees Fahrenheit, a person could sit on the floor and be unaffected if he is clothed. [redacted] explained that he was aware that a concrete floor would suck the heat out of someone who was sitting on the floor without pants. From his knowledge of thermodynamics, [redacted] opined that Rahman had only a 30 percent chance of surviving the night while sitting on the cold floor of his cell without pants.

94. (S//NF) Five days after Rahman's death, the DO Investigative Team interviewed [redacted]. The one and one-half page report that resulted from that interview contained the following:

[redacted] that after his first or second visit to [redacted] he mentioned the temperature at the facility to [redacted] [redacted] told them that it was cold in the facility, the prisoners were shivering, and it was not cold outside yet.

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95. (S//NF) During an OIG interview, less than four months later, when asked if he had concerns regarding the temperature at [redacted] at the time of Rahman's death, [redacted] responded, "not really." When asked if he had a conversation with anyone about the temperature at [redacted] responded that he believed he told [redacted] that [redacted] had mentioned to someone that it was cold. [redacted] added that he did not remember the identity of the person with whom he discussed the issue of the cold temperature; "it could have been anyone." When asked what prompted his comment about the cold, [redacted] stated that it was

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starting to get cold. "I walked by and must have said it was getting cold." [redacted] said he had forgotten the comment; it was not made in a formal context. However, [redacted] reminded him of his comment. When asked if this comment could have been made to [redacted] who had the responsibility for [redacted] responded, "It could have been [made to] anyone."⁶²

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COBALT

96. (S//NF) To assist [redacted] in remembering the identity of the person with whom he spoke about the cold condition in [redacted] read the interview report prepared by the DO Investigative Team [redacted] after the death of Rahman. [redacted] then observed, "I guess it could be [redacted] he would have been the most likely officer." When asked to quantify that likelihood as a percentage, [redacted] responded it was 50 percent. [redacted] denied he told the two members of the DO Investigative Team that the detainees were shivering. When asked if cold was used as a technique at [redacted] responded, "Not that I know." He explained that he was more focused on the use of loud music there.

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97. (S//NF) [redacted] recalled that, at the time of Rahman's death, [redacted] lamented that he previously raised the issue of the cold with someone at [redacted] stated that [redacted] specifically said, "I told those people that they had to do something about the cold there." [redacted] said it was clear from the context that [redacted] was not referring to [redacted] some low-level person, but [redacted] did not identify whom he was describing

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98. (S//NF) [redacted] stated that he has no recollection of having a conversation with [redacted] regarding the cold weather. However, [redacted] did recall [redacted] mentioning that he thought Rahman's death was induced by the cold.

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⁶² (C) Additionally, the notes prepared by the OGC attorney during [redacted] interview with the DO Investigative Team read, "The first and second time [redacted] mentioned temperature to them; meaning [redacted] and others unknown."

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99. (S//NF) According to [redacted] no one brought to his attention or to the front office any concerns about the cold. [redacted] said it was not apparent in talking with [redacted] that there was a problem with cold at [redacted]

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100. (S//NF) In December 2002, less than one month after Rahman's hypothermia-induced death, [redacted] reported the following regarding another [redacted] detainee:

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[The detainee] was submitted [sic] to sensory deprivation, cold, and sleep deprivation within the parameters of [a referenced cable] . . . When moved to the interrogation room for interrogation sessions [the detainee] was stripped and had to earn his clothing with cooperation and information. When he demonstrated resistance, [the detainee] was left in a cold room, shackled and stripped, until he demonstrated cooperation.

CIA Staff Officer

101. (S//NF) Cold Showers. [redacted] who was present at [redacted] in November 2002, reported that she witnessed "the shower from hell" used on Rahman during his first week in detention.⁶³ [redacted] asked Rahman his identity, and when he did not respond with his true name, Rahman was placed back under the cold water by the guards at [redacted] direction. Rahman was so cold that he could barely utter his alias. According to [redacted] the entire process lasted no more than 20 minutes. It was intended to lower Rahman's resistance and was not for hygienic reasons. At the conclusion of the shower, Rahman was moved to one of the four sleep deprivation cells where he was left shivering for hours or overnight with his hand chained over his head.

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102. (S//NF) Jessen, who was present at [redacted] at the same time, recalled the guards administering a cold shower to Rahman as a "deprivation technique." Jessen subsequently checked on Rahman after he had been returned to his cell. Jessen detected that Rahman was showing the early stages of hypothermia and ordered the guards to give the detainee a blanket. [redacted] who interpreted for Rahman,

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CIA Staff Officer

also witnessed [redacted] order a cold shower for Rahman. Rahman was being uncooperative at the time, and [redacted] stated it was evident that the cold shower was not being ordered for hygienic reasons.

103. (S//NF) A Bureau of Prisons officer, conducting training for the [redacted] guards at [redacted], witnessed a tall detainee wearing a blindfold and a diaper fastened by duct tape arrive at an unheated and cold area where the shower was located.⁶⁴ The diaper was removed and discarded. The detainee was placed under the stream of the shower for approximately five minutes and he was shivering. Because of the detainee's height, a guard wearing rubber gloves stood on a stool to ensure the detainee was covered head to foot with the water spray. There was soap in a bucket, but it was not used. The BOP officer was informed that a contractor was coming to [redacted] that day to repair the water heater. There was no towel present; the detainee was dried with his shirt and then escorted back to the cell wearing a new diaper and his wet shirt. In the cell, the guards restrained the detainee's hands to a bar at the approximate height of his head. It occurred to the BOP officer that the cold shower might have been intended as a deprivation or interrogation technique.⁶⁵

CIA Staff Officer

COBALT

104. (S//NF) Based on the length of time Rahman was at [redacted] estimated that Rahman would have received two showers. [redacted] witnessed only one shower and it was a cold shower. Rahman did not like the shower, but the guards were able to get him clean. [redacted] was not certain if the BOP officers witnessed the showers.

CIA Staff Officer

CIA Staff Officer

105. (S//NF) Several of the officers interviewed about the possible use of cold showers as a technique cited that the water heater was inoperable and there was no other recourse except for cold showers. However, [redacted] explained that if a detainee were cooperative, he would be given a warm shower if possible.

CIA Staff Officer

CIA Staff Officer

⁶⁵ (S//NF) [redacted] BOP officer provided a similar account of the cold shower. He did not believe it was employed as an interrogation technique because the water heater was broken at the time.

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stated that when a detainee was uncooperative, the interrogators accomplished two goals by combining the hygienic reason for a shower with the unpleasantness of a cold shower.

CIA Staff Officer

106. (S//NF) According to [redacted] cold was not supposed to play a role in the interrogation. Cold was not a technique; it was a change of season. When asked in February 2003, if cold was used as an interrogation technique, [redacted] responded, "not per se." He explained that physical and environmental discomfort was used to encourage the detainees to improve their environment. [redacted] observed that cold is hard to define. He asked rhetorically, "How cold is cold? How cold is life threatening?" [redacted] stated that Rahman was not given cold water. He stated that cold water continues to be employed at [redacted] however, showers were administered in a heated room. He stated there was no specific guidance on it from Headquarters, and [redacted] was left to its own discretion in the use of cold. [redacted] asserted that there was a cable [redacted] documenting the use of "manipulation of the environment."⁶⁶

COBALT

107. (S//NF) **Hard Takedown.** During the course of Rahman's autopsy, the Agency pathologist noted several abrasions on the body.⁶⁷ Jessen, who was present during the first 10 days of Rahman's confinement, reported that, while in the company of [redacted] Jessen witnessed a team of four or five officers execute a "hard takedown" on Rahman.⁶⁸ According to Jessen, the team dragged Rahman from his cell, cut his clothes off, secured his hands with Mylar tape and put a hood over his head. They ran Rahman up and down the long corridor adjacent to his cell. A couple of times he stumbled and was momentarily dragged along the ground until they were able to get Rahman back

CIA Staff
Officer

⁶⁷ (S//NF) The Final Autopsy Findings noted "superficial excoriations of the right and left upper shoulders, left lower abdomen, and left knee, mechanism undetermined."

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on his feet. Rahman was slapped and punched in the stomach during this episode, but Jessen could determine that the officers were pulling their punches to limit the pain. Jessen said the takedown was rehearsed and professionally executed. The process took between three to five minutes, and Rahman was returned to his cell. Rahman had crusty contusions on his face, leg, and hands that looked bad, but nothing that required treatment. Jessen heard that other hard takedowns were also executed at [redacted] ⁶⁹ Three other officers who were present at the same time provided similar accounts of the incident.

COBALT

108. (S//NF) Jessen saw a value in the hard takedown in order to make Rahman uncomfortable and experience a lack of control. Jessen recognized, however, that the technique was not approved and recommended to [redacted] that he obtain written approval for employing the technique [redacted]

CIA Staff
Officer

CIA Staff Officer

109. (S//NF) According to [redacted] the hard takedown was employed often in interrogations at [redacted] as "part of the atmospherics." It was the standard procedure for moving a detainee to the sleep deprivation cell. It was performed for shock and psychological impact and signaled the transition to another phase of the interrogation. He said that the act of putting a detainee into a diaper also could cause abrasions if the detainee struggles because the floor of the facility is concrete.

COBALT

CIA Staff Officer

110. (S//NF) [redacted] contended that he ordered the hard takedown on Rahman to make him think he was being taken to a different cell [redacted] This was accomplished by running him up and down the corridor. As Rahman was being moved down the corridor, he fell and got a scrape on his shoulder. [redacted] did not remember where else Rahman received injuries. [redacted] explained that the scraping was not

CIA Staff Officer

CIA Staff Officer

COBALT

⁶⁹ (S//NF) According to one BOP officer who traveled to [redacted] before he departed from Washington, D.C., a [redacted] supervisor, name unknown, requested that the BOP team teach the hard takedown technique to the guards at [redacted] After the BOP team arrived [redacted] the request was not repeated, and BOP did not teach the technique.

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CIA Staff officer

expected to be part of the process, and he was displeased with the results because Rahman was injured. [] asserted that he had no interest in hurting the detainees. He observed that abrasions cause management problems because there is a need to summon the

CIA Staff Officer

physician to the facility to tend to the detainees' wounds to prevent infection.⁷⁰ [] stated that neither he, [] Station management, or anyone else involved with the program ever authorized or encouraged anyone to hit, slap, or intentionally inflict pain on a detainee.

CIA Staff Officer

CIA Staff Officer

111. (S//NF) [] stated that this hard takedown was the only time Rahman could have received the abrasions on his body. He recalled only one instance when the hard takedown was used on Rahman. According to [] the reference to rough treatment in the November 2002 [] cable refers to the hard takedown, as well as the insult slap given to Rahman by Jessen.⁷¹

CIA Staff Officer

COBALT

112. (S//NF) [] noted there was an alternative to the hard takedown that he called the "gentle takedown." It was reserved for detainees who had been cooperative and were being transferred from [] In those instances, the detainee is advised what to expect in advance and instructed to lie on his stomach and not resist.

CIA Staff Officer

COBALT

113. (S//NF) [] stated he did not discuss the hard takedown with Station managers; he thought they understood what techniques were being used at [] stated that, after completing the interrogation class, he understood that if he was going to do a hard takedown, he must report it to Headquarters.⁷²

CIA Staff Officer

⁷⁰ (S//NF) If [] treated Rahman for those abrasions, it was not reported to OIG during the contact with the three medical care providers present during Rahman's detention.

CIA Staff Officer

CIA Staff Officer

⁷¹ (S//NF) According to [] who led the DO Investigative Team, [] was not forthcoming about the hard takedown. During two interviews with the DO Investigative Team, [] reported that Rahman was pushed and shoved a bit. It was only after [] interviewed [] Jessen that he learned of the hard takedown. At that point, after two interviews with [] did not see any purpose in recontacting [] a third time to question him on this issue.

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114. (S/ When the November 2002 cable reporting the treatment of Rahman reached CTC, a senior CTC/Renditions Group officer forwarded this cable via an e-mail message to a CTC attorney. The officer highlighted part of the paragraph that reported, "Despite 48 hours of sleep deprivation, auditory overload, total darkness, isolation, a cold shower, and rough treatment, Rahman remains steadfast in maintaining his high resistance posture and demeanor." The CTC officer commented, "Another example of field interrogation using coercive techniques without authorization."

115. (S//NF) CTC attorney, stated that she was not familiar with the "hard takedown" technique and was not aware that this technique had been used at She explained that if had sought approval to employ the hard takedown, intentionally cold conditions, and the short chain restraint, she would have responded that they were not available for approval since they did not fit the legal parameters. Although a cold shower for Rahman was an available technique, she would have recommended that it not be approved if had provided all the relevant details including that Rahman's cell was cold and he was not fully clothed.

COBALT

116. (S//NF) stated that he was generally familiar with the technique of hard takedowns. He asserted that it is authorized and believed it had been used one or more times at in order to intimidate a detainee.⁷³ stated that he would not necessarily know if it had been used and did not consider it a serious enough handling technique to require Headquarters approval. When asked about the possibility that a detainee might have been dragged on the ground during the course of a hard takedown, responded that he was unaware of that and did not understand the point of dragging someone along the corridor in

COBALT

COBALT

⁷³ (S//NF) There is no evidence that hard takedowns or short chain restraints are or were authorized. They are not listed in relevant Agency guidance as approved interrogation measures.

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COBALT

117. (S//NF) [redacted] contended that he observed Rahman's dead body and the abrasions did not appear to be fresh. [redacted] stated that he understood from [redacted] that the abrasions on Rahman's shoulders predated his transfer to [redacted].

However, after examining three postmortem photographs taken during the autopsy, [redacted] advised OIG that, in his professional judgment, the abrasion on Rahman's shoulder was between two and five days old. He estimated the abrasion on Rahman's hip as ranging from three or four days to a maximum of seven days old.

118. (S//NF) Following his return to Headquarters subsequent to the autopsy, the pathologist learned that Rahman had been subjected to a technique that was used to disorient him and he had fallen; that was presumably the hard takedown. It was the pathologist's medical opinion that the abrasions on the shoulders and hip occurred fairly simultaneously. He estimated they occurred from one to three days, at most, before Rahman's death and certainly did not occur two weeks before his death. The pathologist did not ask [redacted] who assisted during the autopsy, whether he had seen the abrasions prior to Rahman's death.

119. (S//NF) [redacted] Despite the visible presence of abrasions on Rahman's body, [redacted] Station reported in the [redacted] November 2002 cable that constituted the official report of Rahman's death to the DDO, "The Station medic inspected the body and noticed no obvious contusions, abrasions, marks, swelling, or other indications of specific cause of death." This same language was incorporated in the 29 November 2002 Congressional Notification of Rahman's death.

(S//NF) RAHMAN'S LAST THREE DAYS

120. (S//NF) In the [redacted] November 2002 cable sent to the DDO, [redacted] Station reported a chronology of the events regarding Rahman, with specific reference to the last days of his detention and his death. No other cables documented Rahman's activities or status after [redacted] November 2002.

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CIA Staff Officer

CIA Staff Officer

121. (S//NF) stated that he drafted this cable. stated that he is familiar with this cable. He does not remember much of the contents of the cable, but the necessary documentation of the circumstances of the death would be in the cable. It was drafted by and released by edited it for clarity, as was his custom for all cables he released from He had no recollection regarding the substance of the edits he made to the cable.

122. (S//NF) November 2002. The November 2002 chronology cable reported:

The last time Rahman was seen by officer prior to his death was on the afternoon of Monday November 2002. At that time Rahman was assessed to be in good overall health. Station noted that Rahman had small abrasions on his wrists and ankles as a result of the restraints. His ankle restraints were loosened and his hand restraints were removed when Rahman was returned to his cell.⁷⁴

CIA Staff Officer

CIA Staff Officer

123. (S//NF) recalled that he had one brief session with Rahman on November 2002, four days after Jessen left COBALT stated that this was based on Jessen's recommendation that Rahman be left alone and environmental deprivations continued.⁷⁵ The purpose of the session in an interrogation room, according to was just to check on Rahman to determine if he was more compliant. Rahman never went any further than admitting his identity. did not recall if Rahman was wearing a diaper at that time but noted there would have been no reason to use a diaper because Rahman was not in a sleep deprivation cell.

CIA Staff Officer

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CIA Staff Officer

124. (S//NF) contended he has little specific recollection of the session on November 2002. also did not

CIA Staff Officer

CIA Staff Officer

⁷⁴ (S//NF) This is the only passage in the cable that addressed the events of November 2002. would have made this assessment of Rahman's health.

CIA Staff Officer

⁷⁵ (S//NF) sent an e-mail message on November 2002, to her supervisors at Headquarters She wrote, "I am the primary interrogator on six detainees. is concentrating on Gul Rahman and other new detainees and already has a full plate." CIA Staff Officer

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recall which interpreter was used in this session, but he would have used one to conduct an interrogation. stated the session was neutral in tone and not confrontational. Accordingly, he would consider it a debriefing, not an interrogation.

CIA Staff Officer

CIA Staff Officer

125. (S//NF) recalled that, during the last few days of his detention, Rahman did something that caused to order the guards to give Rahman a sweatshirt and possibly some socks and to loosen his restraints. stated Rahman must have been somewhat compliant because his hand restraints were removed. The fact that his wrists had pretty bad scabs on them was also a factor in having the restraints removed. According to the sweatshirt was not the result of Rahman complaining of being cold or surmising Rahman was cold because he saw Rahman shivering. They were in the interrogation room, which was relatively warm with two 1000-watt lights and an electric heater. stated that he might have given Rahman the sweatshirt because it was getting cooler; was trying to find a way to do something positive for Rahman. stated he did not recall having a conversation with anyone about the cold conditions at the time. He could not, however, discount the possibility that concerns raised by others might have played a role in his decision to give Rahman the sweatshirt. explained that he did not prepare a cable as a result of the interrogation on November because not much happened.

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126. (S//NF) November 2002. The November 2002 chronology cable reported:

At 1530 local on November 2002, the commander told station that when Rahman had been given food at 1500 local, he had thrown it, his plate, his water bottle and defecation bucket at the guards who had delivered the food. Station requested that

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the commander to replace [sic] Rahman's hand restraints to prevent this from reoccurring, or prevent him from undertaking any other violent actions.⁷⁶

CIA Staff Officer

127. (S//NF) recalled that, on November, he was at and was approached by a guard.

COBALT

The guard(s) reported that Rahman had been acting violently and had thrown his food and defecation bucket at the guards. Rahman had also threatened the guards, noting that he had seen their faces and would kill them when he got out of the facility. confirmed it is likely that Rahman had seen the guards' faces, because they were sometimes lax about using their kerchiefs to cover their faces.

CIA Staff Officer

CIA Staff Officer

128. (S//NF) did not recall whether were present at when Rahman threw his food. He did not specifically recall telling others about the incident but acknowledged that he may have told and who would have had an interest in the case.

COBALT

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129. (S//NF) approached and on November 2002, between 1500 and 1800 hours, according to was laughing and revealed that Rahman had been violent in his cell, threatened the guards, and had thrown his food. added that he would take care of it. interpreted this as a lighthearted comment and assumed was laughing because no detainee had done this previously. further assumed that when said he would take care of it, he meant he would have the cell cleaned and have Rahman chained. believed he departed with shortly following the comment by did not recall for certain whether came back with him or remained at with

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COBALT

⁷⁶ (C) This is the only passage in the cable that addresses the events of November 2002. It has been established that the term "station" in this paragraph means

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CIA Staff
Officer

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did not remember hearing that Rahman had thrown anything else besides his food. did not recall a discussion of the Rahman incident on November 2002.

CIA Staff Officer

CIA Staff
Officer

130. (S//NF) recalled that, approximately a day before Rahman's death, casually mentioned Rahman had thrown his food and defecation bucket at the guards. To her, this appeared to be a normal update on Rahman.

CIA Staff Officer

CIA Staff
Officer

interpreted tone as indicative that the throwing of the items was "not a big deal," but rather an indication of Rahman's stature of being hard core. stated that did not mention that Rahman had threatened the guards. She did not remember being present during this discussion.

CIA Staff Officer

CIA Staff Officer

CIA Staff
Officer

131. (S//NF) stated he did not know what might have prompted Rahman to act in this manner. He was the only detainee who had ever threatened the guards or thrown food at them. As a result of this conduct, ordered the guards to shackle Rahman's hands. was not certain who proposed the idea to short chain Rahman. suspected the guard(s) recommended it and he approved. Regardless of the origin, acknowledged that he would have authorized Rahman's short chaining on November 2002.

CIA Staff Officer

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CIA Staff Officer

CIA Staff
Officer

132. (S//NF) explained that the short chain was necessary to prevent Rahman from throwing things.⁷⁷ reasoned if only Rahman's hands had been shackled together, he still would have been able to throw objects. That is, manacled one hand to the other still permitted the limited range of movement that would

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CIA Staff Officer

allow Rahman the ability to throw something.⁷⁸ In view, trying to harm others when they entered the cell crossed the line; a detainee who acted in this manner needed to be restrained.

CIA Staff Officer

did not want Rahman throwing things even though the tray was constructed of cardboard and the bucket and water bottle were made of plastic. did not know if the defecation bucket was empty at the time it was thrown.⁷⁹

CIA Staff Officer

CIA Staff Officer

133. (S//NF) According to the short chaining was not the result of the verbal threat to the guards. did not have any firsthand knowledge of the threat; the guards told him about it. They did not appear very worried or frightened by the threat. found this surprising because

CIA Staff Officer

CIA Staff Officer

Rahman had reportedly threatened the guards previously. did not recall Rahman being punished for the previous threats; thought he would recall if Rahman had been punished.

CIA Staff Officer

CIA Staff Officer

134. (S//NF) stated it never occurred to him that short chaining Rahman while wearing no pants would have consequences. In retrospect said he can see there were problems caused by that action. At the time, he viewed short chaining as just a mechanism to safely secure Rahman. did not think he had crossed the line in ordering the short chaining. It was not done to induce pain or suffering. His only thought at the time was to make Rahman immobile. stated they are not in the punishment game at they are in the business of getting information.

CIA Staff Officer

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COBALT

CIA Staff Officer

135. (S//NF) According to it was evident to him during his investigation that directed how Rahman was to be treated and interrogated. The guards would not have chained

⁷⁸ (S//NF) Despite this view, there was no need for the guards to enter the cell to deliver food. The doors for each cell were constructed with a small slot near the bottom of the doors. The purpose of the slot was for the safe delivery of food to the detainee without opening the doors. The same slot was used by the guards to inspect the cell and monitor detainees during security checks.

⁷⁹ (S//NF) Four of the officers who responded to Rahman's cell on November 2002 said they did not see or smell urine or excrement in or around the cell.

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Rahman without being instructed to do so.

Anything that happened to Rahman would have come through

CIA Staff
Officer

136. (S//NF) [redacted] the BOP officers explained that [redacted] taught the use of a short chain to the guards and mentioned it as an alternative method of securing a prisoner.⁸⁰ [redacted] BOP officer said "short chaining" is used by BOP officers in cases where the inmate has been violent or kicks at the guards and would never be used for an inmate who threw food at a guard. The guards practiced the technique for approximately an hour and were told to practice all the techniques in the evening on each other. According to the BOP officers, they did not offer any scenarios for the use of the short chain, that is, under what circumstances it should be used; they simply taught the technique.

CIA Staff Officer

COBALT

137. (S//NF) [redacted] who assisted [redacted] at [redacted] from late September to early December 2002, and had considerable contact with the guards, stated that the [redacted] guards used a form of short shackling prior to the arrival of the BOP officers. The original technique involved chaining both the hands and the feet to the wall. The wall hook was less than two feet from the floor. The detainee would have to sit on the floor of the cell with his arm elevated and bent.⁸¹ [redacted] stated that he saw Rahman short chained in his cell. He never saw any other detainee placed in that position.

COBALT

138. (S//NF) [redacted] November 2002. The [redacted] November 2002 chronology cable reported:

Interviewed separately on [redacted] November 2002, each of the two guards reported that during normal cell checks at 2200, 2300, 0400, and 0800 on [redacted] November, they saw Rahman was alive in his

⁸¹ (S//NF) The difference between the two techniques is that, with the original technique, the detainee is chained to the wall, and there is no third chain connecting the hands to the feet.

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cell. Rahman was visually inspected through the door cell slot but no guard entered his cell. Both of the two guards on the 0900 cell check said independently that Rahman was definitely alive, with his eyes open, seated in his cell at 0800 hours on November 2002. . . . Shortly after 1000 hours on November 2002, Station personnel then present at the facility to conduct an interrogation of another individual were notified by [redacted] guards that Gul-Rahman was sleeping in his cell but there was some problem. These officers were escorted to the cell by the guards. These officers realized Rahman was deceased and they subsequently requested via secure radio that Station medic visit the facility. Officers reported that a small amount (palm-sized pool) of dried blood was present in and around the mouth and nose of subject. Rahman was observed still shackled, and slumped over in the seated position

At approximately 1030 hours, Station medic arrived at the location. The Station medic inspected the body and noticed no obvious contusions, abrasions, marks, swelling, or other indications of specific cause of death. He noted that the blood in evidence was dark, not in keeping with a wound to the nose or mouth area. The medic's notes on Rahman's condition are filed at Station. His estimation was that Rahman had been dead less than a few hours.

COBALT

139. (S//NF) According to the two TDY officers who were present at [redacted] when Rahman was reported dead, he was lying on his side; his hands were shackled together as were his feet. His hands were then secured to his feet and his feet were chained to a [redacted] grate on the wall with a six- to 12-inch chain.
CIA Staff Officer

CIA Staff
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Officer

140. (S//NF) [redacted] stated he was unaware that Station officers tried to contact him on the morning of November 2002 when Rahman's death was discovered. He indicated the radio was not always on. [redacted] said he was not certain where he was at the time Rahman's body was found. [redacted] thought perhaps he was at the Station [redacted] but he acknowledged that had he been at the Station and the trio called, someone would have located him.⁸²

CIA Staff Officer

⁸² (S//NF) None of the personnel, including [redacted] who were present in [redacted] and became aware of Rahman's death that date could account for [redacted] whereabouts [redacted] CIA Staff Officer throughout the morning when Rahman's death was reported to the Station.

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COBALT

When the officers subsequently returned to the Station from [redacted] they informed selected Station personnel of Rahman's death. One of them, identity unrecalled, informed [redacted] they had found Rahman dead in his cell.⁸³ When [redacted] went to see [redacted] he was already aware of Rahman's death.⁸⁴ CIA Staff Officer

CIA Staff
Officer

CIA Staff Officer

141. (S// [redacted] acknowledged that the account of the guards checking on Rahman at 2200 and 2300 and 0400 hours, as reported in the cable, was odd and inconsistent with the policy of the rounds conducted every four hours. He maintained, however, that this was what the guards told him [redacted] said he thought it was unusual that the guard commander was not present at [redacted] when Rahman's death was reported. Other officers also cited that this absence appeared unusual.

CIA Staff Officer

COBALT

CIA Staff Officer

CIA Staff
Officer

142. (S// [redacted] From what he heard [redacted] said he was confident Rahman died of hypothermia. Being on the bare floor was likely a factor. [redacted] stated he had no more experience than the average person with hypothermia. From life experience [redacted] recognized that if the ground is colder than your body, it is prudent to have something between your body and the ground.

CIA Staff Officer

CIA Staff
Officer

[redacted] assumed that other detainees did not die because they were more warmly dressed. Rahman was the only prisoner short chained in his cell at the time; he was different from the other prisoners. When asked if he thought Rahman would have been alive on November 2002 if he had cooperated, [redacted] responded that if Rahman had been cooperative, he would probably still be alive.

CIA Staff
Officer

⁸³ (S//NF) When interviewed by the DO Investigative Team three days after Rahman's death, [redacted] stated he learned of the death from [redacted] confirmed this during his OIG interview.

⁸⁴ (S//NF) No photographs were taken of Rahman or the condition of his cell. The only photographs of Rahman were the photographs taken in conjunction with the autopsy on November 2002.

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143. (S//NF) stated that he is hesitant to conclude that hypothermia was the cause of Rahman's death. He is not convinced that there were not other unspecified medical conditions that existed with Rahman that contributed to his death. stated that it is hard for him to square with hypothermia as the cause of death since Rahman was alive through the night.

(U//FOUO) THE INVESTIGATION BY THE DO INVESTIGATIVE TEAM

144. (S//NF) Station reported Rahman's death in an cable to the DDO on November 2002, the day of Rahman's death. Shortly thereafter the DDO dispatched three Agency officers (the "DO Investigative Team") to on a to investigate the circumstances of the death.⁸⁵ The DO Investigative Team, consisting of who was the senior security officer assigned to

conducted interviews, and the pathologist performed an autopsy of Rahman.⁸⁶

CIA Staff Officer

145. (S//NF) advised the DO Investigative Team that detainees were examined and photographed upon their arrival to protect the Agency in the event they were beaten or otherwise mistreated prior to rendition. However, when on January 2003, two months after Rahman's arrival in requested the identity of the medical officer, the results of Rahman's medical examination, and copies of the rendition photographs, did not produce them. reported that no medical documents were retained from the renditions, and the Station did not retain medical documentation of detainees said he could not

CIA Staff Officer

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identify the medic who reportedly examined Rahman and also said the digital photographs of Rahman had been overwritten.

146. (S//NF) The DO Investigative Team interviewed [redacted] CIA employees and contractors and the [redacted] inside guards. [redacted] was interviewed a second time when he returned to Headquarters while on leave from [redacted] and by an e-mail message that was sent to [redacted] later attempting to locate additional information. On January 2003, [redacted] completed a 33-page report with 50 attachments, including the post-mortem photographs.

CIA Staff Officer

CIA Staff Officer

147. (S//NF) [redacted] stated he delivered tissue samples and histologies (microscopic examination of structure of the tissues) to government laboratories. From the toxicology and laboratory studies, he learned there were no traces of cyanide, opiates, truth serums, or poisons. He said he was "99.9 percent" certain that the cause of death was hypothermia and asserted that, if Rahman's death had occurred in the United States, it would have been listed as death by hypothermia. [redacted] stated that, from a clinical perspective, he is skeptical of the accuracy of the reporting of the time of death. He believes the account of the guards that Rahman was shivering at 0800 and dead at 1000 hours "does not fit."

148. (S/ [redacted] On November 2002, [redacted] sent an e-mail message to several OGC attorneys assigned to the DO that was intended to be a preliminary report of his findings.⁸⁷ Included in the e-mail message was the following:

[redacted]

⁸⁷ (U//FOUO) [redacted] said he did not prepare any other report on this matter.

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149. (S// On November 2002, prior to departing [redacted] sent an e-mail message to his supervisors [redacted] which was forwarded to the DDO and Associate DDO. The e-mail reported in part:

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... [redacted] which is where our Subject was housed, is a newly constructed concrete facility that has no heating or cooling. Temperatures have recently dropped into the thirties at night. Having walked through the facility in the afternoon, it was still very cold. Most prisoners are fully clothed, however this prisoner was somewhat difficult to handle and uncooperative. He had thrown food and threatened to kill the guards. As punishment his pants were taken from him. He had not worn pants (meaning he was naked from the waste [sic] down) for several days. There was no carpeting or matting on the floor, which means that when he was shackled, his naked body sat against the bare concrete.

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151. (~~S~~//NF) The autopsy indicated, by a diagnosis of exclusion, that Rahman's death was caused by hypothermia.⁸⁸ The Final Autopsy Findings reported the cause of death as "undetermined," the manner of death as "undetermined," and the clinical impression as hypothermia.

152. (~~S~~//NF) The DO Investigative Team concluded:

- ◆ There is no evidence to suggest that Rahman's death was deliberate.
- ◆ There is no evidence to suggest that Rahman was beaten, tortured, poisoned, strangled, or smothered.
- ◆ Hypothermia was the most likely cause of death of Rahman.
- ◆ Rahman's death was not deliberate but resulted from incarceration in a cold environment while nude from the waist down and being shackled in a position that prevented him from moving around to keep warm. Additionally, this kept him in direct contact with the cold concrete floor leading to a loss of body heat through conduction.

Rahman's actions contributed to his own death. By throwing his last meal, he was unable to provide his body with a source of fuel to keep him warm. Additionally, his violent behavior resulted in his restraint, which prevented him from generating body heat by moving around and brought him in direct contact with the concrete floor leading to a loss of body heat through conduction.

⁸⁸ (U) A diagnosis of exclusion in a death case is one where all other causes of death are excluded and the clinical environment in which the victim was found is examined along with the immediate history developed during the investigation. However, no definitive tests or findings establish that diagnosis.

53

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(C) OTHER TECHNIQUES EMPLOYED OR APPROVED BY

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153. (S//NF) A senior CTC operations officer stated that when he was at [redacted] between 13 September and 3 October 2002, [redacted] offered to fire a handgun outside the interrogation room while the operations officer was interviewing a detainee who was thought to be withholding information. Reportedly, [redacted] staged the incident, which included screaming and yelling outside the cell by other CIA officers and [redacted] guards. When the guards moved the detainee from the interrogation room, they passed a guard who was dressed as a hooded detainee, lying motionless on the ground and made to appear as if he had been shot to death. The operations officer added that [redacted] openly discussed his plan for the mock execution for several days prior to and after the event with [redacted] Station officers.

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154. (S//NF) Station officer [redacted] recounted that around [redacted] 2002, she heard that this same senior CTC operations officer staged a mock execution. She was not present but understood it went badly; she was told that it was transparently a ruse and no benefit was derived from it.

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155. (S//NF) Four other officers and ICs who were interviewed admitted to either participating in such an incident or hearing about one of them.⁸⁹ An IC who led a CTC review of procedures at [redacted] after Rahman's death stated that [redacted] described staging a mock execution of a detainee. Reportedly, a detainee who witnessed the "body" in the aftermath of the ruse "sang like a bird."

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156. (S//NF) [redacted] admitted that he participated in a "mock execution" at [redacted] when the first detainees arrived. He contended the detainees were there only one day, and he hoped to shake them up quickly. [redacted] explained he discharged a firearm in a safe manner while an [redacted] officer lay on the floor and [redacted]

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⁸⁹ (S//NF) It is difficult to determine how many mock executions were staged during this period. There appear to be at least two. [redacted] admits to participating in only one.

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chicken blood was splattered on the wall. The technique was [redacted] idea and was based on the [redacted] concept of showing something that looks real, but is not. According to [redacted] in that case it was not effective because it appeared to be staged. CIA Staff Officer

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157. (S//NF) [redacted] stated that [redacted] also employed the mock execution technique once; the officer informed [redacted] about it afterwards. The [redacted] reportedly tried the technique because the detainee knew it was [redacted] facility and the officer wanted to induce the belief that [redacted] would do anything. [redacted] contended that he did not know when this incident occurred or if it was successful.

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158. (S//NF) When asked about the possibility that handguns had been used as props or mock executions had been staged at [redacted] responded, "We don't do that . . . there's none of that." [redacted] said he would be surprised if someone said that a gun was used; it was not part of an interrogation technique. He explained that handguns were not allowed in the vicinity of detainees, for fear that the weapons could be taken away or turned on the interrogators.

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159. (S//NF) Upon further discussion, [redacted] revealed that approximately four days before his interview with OIG, [redacted] told [redacted] of an instance when [redacted] conducted a mock execution at [redacted] in approximately [redacted] 2002.⁹⁰ Reportedly, [redacted] late the firearm was discharged outside of the building, and it was done because the detainee reportedly possessed critical threat information. [redacted] stated that he did not hear of a similar act occurring at [redacted] subsequently.

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(S//NF) NOTIFICATIONS OF RAHMAN'S DEATH TO CONGRESS

160. (S//NF) As discussed previously, [redacted] reported Rahman's death to Headquarters in a [redacted] November 2002 [redacted]

⁹⁰ (e) [redacted] was interviewed on [redacted] February 2003.

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cable to the DDO. (See Exhibit.) On November 2002, reported - Station Medical Support to Detainees in to the DDO. This addressed the medical care provided to detainees in general along with a comment about the medical treatment provided to Rahman.

161. (S/ On 29 November 2002, the Director of Congressional Affairs (D/OCA) provided the Chairman and ranking member of each Intelligence Committee and the Chairman and Ranking Member of the House and Senate Appropriations Subcommittees on Defense a background paper entitled "Death of Detainee Gul Rahman." The paper identified Rahman as "an Al-Qa'ida operative and Hezbi-Islami Gulbuddin/Hekmatyar associate who was also a close contact of senior Al-Qa'ida facilitator Abu Abdul Rahman Al-Najdi." It reported CIA was sending a team of officers to to conduct an inquiry into Rahman's death, including an autopsy to determine the cause of death. The background paper reported, "Rahman arrived at the detention facility on November [2002] and was given a physical examination which indicated no medical issues or preexisting medical conditions."⁹¹

162. (S/ On 23 January 2003, the IG reported to the DCI by memorandum that the General Counsel had informed the IG on 22 January 2003 of the death of Gul Rahman. Further, the IG stated that the OIG was investigating the issue. On 30 January 2003, the DCI forwarded the IG's memorandum to the Congressional oversight committees and reiterated the DCI had notified the committees of this matter by formal notification on 29 November 2002. The DCI's letter added that the DO Investigative Team's report was nearing

⁹¹ (S/ The first portion of this statement appears to be drawn from the November 2002 cable reporting the death of Rahman. As explained earlier, this information is inaccurate. There is no evidence that Rahman received a physical examination upon his arrival at or at any time following his arrival in It cannot be determined where the Office of Congressional Affairs obtained the information that Rahman did not have any medical issues or a preexisting medical condition because that conclusion was not reported in either the or November 2002 cables. COBALT

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completion and CIA would be sending the committees a follow-up notification in the near future.

163. (S/) On 2 May 2003, the D/OCA provided an update to the Intelligence Committees of Congress and Chairman and Ranking Member of the House and Senate Appropriations Subcommittee on Defense in the form of a background paper entitled "Death of Detainee Gul Rahman." The background paper, "Investigation by the Directorate of Operations," which included an autopsy and toxicology, disclosed that Rahman's death was accidental and most likely resulted from hypothermia.⁹² The background paper reported that Rahman was nude from the waist down and that "an autopsy disclosed several surface abrasions which he obtained within the first few days of his incarceration."⁹³ The background paper reported, "During his incarceration, Rahman threatened several times to kill [redacted] guards.⁹⁴ . . . At 1500 [hours] on [redacted] November 2002 . . . Rahman again threatened to kill the guards and threw his food, water bottle, and waste bucket at the guards." Finally, the background paper reported, "As a result of his violent behavior, and following procedures recommended by the U.S. BOP, Rahman was shackled to the wall in a short chain position which prevents prisoners from standing upright."⁹⁵

⁹² (S/) As reported above, in actuality, the autopsy reported the cause of death as "undetermined," the manner of death as "undetermined," and the clinical impression as hypothermia. The investigative report concluded, "There is no evidence to suggest that Rahman's death was deliberate."

⁹³ (S/) The initial report to Congress on 29 November 2002 did not report that Rahman was naked below the waist and chained in a position that forced him to sit on the concrete floor. The autopsy did not address the age of the abrasions. As explained earlier, the pathologist opined to OIG that the abrasions to the shoulders and hips occurred from one to three days, at most, before Rahman's death.

⁹⁴ (S/) According to [redacted] Rahman reportedly threatened the guards two times only, during the week of [redacted] November and on [redacted] November.

⁹⁵ (S/) As reported previously [redacted] advised OIG that he did not recall punishing Rahman for the first alleged verbal threat. [redacted] BOP officers]

[redacted] who taught the short chain position, indicated that they had never seen the short chain position used in a cell situation. Additionally, they did not offer scenarios for use of the short chain position and would not employ the technique on a detainee for throwing food. They simply taught the technique.

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(U) APPLICABLE LAWS, REGULATIONS AND POLICIES

164. (U) Title 18 U.S.C. §112, *Manslaughter*, provides in pertinent part:

Manslaughter is the unlawful killing of a human being without malice. It is of two kinds:

Voluntary – Upon a sudden quarrel or heat of passion.

Involuntary – In the commission of an unlawful act, not amounting to a felony, or in the commission in an unlawful manner, or without due caution and circumspection, of a lawful act which might produce death.

165. (U) Title 18 U.S.C. §2441, *Torture*, provides penalties for "who[m]ever outside the United States commits or attempts to commit torture." The statute defines the crime of torture, in pertinent part, as:

an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.

166. (U) Title 18 U.S.C. §2441, *War Crimes*, provides penalties for "whomever, whether inside or outside the United States, commits a war crime" wherein "the person committing such war crime or the victim of such war crime is a member of the Armed Forces of the United States or a national of the United States." The statute defines a war crime as any conduct defined as a grave breach of the Geneva Conventions [or any protocol to such convention to which the United States is a party].⁹⁶ The proscribed conduct includes the following

⁹⁶ (U) The United States is not yet a party to either of the two "Protocols Additional to the Geneva Conventions."

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relevant offenses: willful killing, torture or inhuman treatment, including biological experiments, willfully causing great suffering to body or health.⁹⁷

167. (U) On 7 February 2002, President Bush issued a memorandum noting that the "provisions of Geneva will apply to our present conflict with the Taliban" [in Afghanistan] but would not apply to Al-Qa'ida.⁹⁸ Neither the Taliban nor Al-Qa'ida would be entitled to enemy Prisoners of War status, however. Nonetheless, the President ordered, "As a matter of policy, the United States Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva."

168. (S//NF) On 24 January 2003, the General Counsel orally informed the Chief of the Criminal Division, DoJ of Rahman's death. On 13 February 2003, OIG reported Rahman's death in detention to the U.S. DoJ by memorandum.

169. (S//NF) On 29 December 2003, the Chief, Counterterrorism Section, Criminal Division, DoJ, reported by letter that it declined to pursue a federal prosecution of criminal charges in this matter. As of April 2005, the matter is under review by the U.S. Attorney's Office for the Eastern District of Virginia pursuant to the direction of the Attorney General.

⁹⁷ (U) Grave breaches are defined in the Fourth Geneva Convention Relative to the Protection of Persons in Time of War are listed in Article 147. (Article 130 of the Third Geneva Convention Relative to the Treatment of Prisoners of War lists these same offenses as "grave breaches.")

⁹⁸ (U) Memorandum from the President to the Vice President, Secretary of State, Secretary of Defense, Attorney General, Chief of Staff to the President, Director of Central Intelligence, Assistant to the President for National Security Affairs, and the Chairman of the Joint Chiefs of Staff, "Humane Treatment of al Qaeda and Taliban Detainees," dated and signed 7 February 2002.

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170. (U//FOUO) Agency Regulation 13-6, Appendix I, *Standards for Employee Accountability* provides:

- a. Consequences will follow an employee's failure to comply with a statute, regulation, policy or other guidance that is applicable to the employee's professional conduct or performance.
- b. The lack of knowledge of a statute, regulation, policy or guidance does not necessarily excuse the employee. However, lack of knowledge may affect the level of employee responsibility and the extent to which disciplinary action is warranted. Therefore the following factors will be considered prior to holding an employee accountable for a particular act or omission:
 - (1) Agency efforts to make employees aware of the statute, regulation, policy or guidance;
 - (2) The extent of employee awareness of the statute, regulation, policy or guidance;
 - (3) The importance of the conduct or performance at issue;
 - (4) The position or grade of the employee.
- c. Any finding of deficient performance must be specific and may include omissions and failure to act in accordance with a reasonable level of professionalism, skill, and diligence.
- d. Determinations under the above standard will be based in part on whether the facts objectively indicate a certain action should have been taken or not taken and whether the employee had an opportunity and the responsibility to act or not act.
- e. Managers may be held accountable in addition for the action(s) or inaction of subordinates even if the manager lacks knowledge of the subordinate's conduct. Such accountability depends on:
 - (1) Whether the manager reasonably should have been aware of the matter and has taken reasonable measures to ensure such awareness.

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- (2) Whether the manager has taken reasonable measures to ensure compliance with the law and Agency policies and regulations.

CONCLUSIONS

171. (S//NF) CIA had not issued any applicable custodial interrogation guidelines by the time of Rahman's detention. The practice at that time was for interrogators to propose interrogation techniques to CTC for pre-approval. [redacted] did not take this step prior to the interrogation of Rahman. Further, a CTC legal advisor said Headquarters would not have knowingly approved several of the techniques that [redacted] employed, including cold showers, cold conditions, hard takedowns, and the short chain restraint.

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172. (S//NF) [redacted] treated Rahman harshly because of Rahman's alleged stature, his uncompromising reaction to the interrogation and lack of cooperation, the pressure on [redacted] to "break him," and [redacted] lack of experience with a committed interrogation resister.

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173. (S//NF) On November 2002, [redacted] ordered or approved the guards placing Rahman in the short chain position whereby he was compelled to sit on the concrete floor of his cell. Rahman was only clothed in a sweatshirt. This act directly led to Rahman's death by hypothermia. [redacted] was fully cognizant that the temperature in [redacted] had fallen sharply in November. Two individuals said that they raised the subject of the cold temperatures with [redacted]. On November, [redacted] directed that actions be taken to help other detainees ward off the cold. Other officers and contractors present at [redacted] in November 2002 stated they recognized it was very cold and some detainees were inadequately protected against the cold. They stated they were personally aware of the possibility of hypothermia, but some said they assumed it was the responsibility of someone else to address.

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174. (S//NF) [redacted] exhibited reckless indifference to the possibility that his actions might cause injuries or result in Rahman's death. There is no indication that [redacted] intended that Rahman should be severely harmed or killed. CIA Staff Officer

175. (S//NF) The initial account of [redacted] guards that Rahman died in the mid-morning of [redacted] November 2002 is unreliable and self-serving. It is likely that Rahman died during the night and the guards waited until Station officers were present at [redacted] to report his death. Nonetheless, there is no evidence that the guards assaulted or independently mistreated Rahman. COBALT

176. (S//NF) Rahman did not receive a physical examination following his rendition from [redacted] or at any time while detained at [redacted] despite [redacted] report to the contrary. Although [redacted] the physician's assistant at that time, reported that he examined all the other detainees held at [redacted] he did not examine Rahman. [redacted] allowed Rahman's statement that all was well to supplant a physical examination. COBALT

177. (S//NF) [redacted] who was in [redacted] during the first days of Rahman's detention, did not attend to Rahman in the same manner and with the same standard of care as the other detainees. [redacted] was aware of the cold conditions; indeed the temperature in [redacted] had reached a low of 31 degrees the day before he departed on [redacted] November. As a medical care provider, he should have advocated more humane treatment for Rahman that would ensure his health and safety.

178. (S//NF) [redacted] Station's reporting of the details of Rahman's detention and death in Station cables contained false statements and material omissions. Consequently, the Congressional notification drawn from the cable information bore inaccuracies and material omissions. The inaccurate reporting obscured or minimized the circumstances of the death, the involvement of [redacted] in the mistreatment of Rahman, and the absence of adequate supervision by [redacted] in the [redacted] CIA Staff Officer

A follow-up report to the Congressional oversight

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committees was prepared on 2 May 2003. That report, drawn from the DO Investigative Report, accurately reported salient circumstances that contributed to Rahman's death that were initially omitted.

179. (S//NF) [redacted] bears direct responsibility for failing to include pertinent facts in his [redacted] November 2002 official written account of Rahman's death. The cable specifically withheld information known to [redacted] and [redacted] that [redacted] directed the guards to place Rahman in the short chain position while he was naked below the waist, thereby forcing him to sit bare bottomed on the bare concrete floor of his cell in what were known to be very cold temperatures.

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180. (S//NF) [redacted] bears responsibility for not providing adequate supervision of [redacted] activities at [redacted]

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RECOMMENDATIONS

1. (S//NF) The Director of the Central Intelligence Agency should convene an Accountability Board to review the performance of [redacted] in regard to the events that contributed to the death of Gul Rahman.

CONCUR:

[redacted]
John L. Helgeson
Inspector General

4/27/05
Date

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64
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