

(b)(3) NatSecAct

*Central Intelligence Agency
Inspector General*

REPORT OF INVESTIGATION



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

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(b)(3) NatSecAct

27 April 2005

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APPENDIX
Chronology of Significant Events

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EXHIBIT

[] **Subject:** [] **- Gul Rahman:**
Chronology of Events

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OFFICE OF INSPECTOR GENERAL

REPORT OF INVESTIGATION

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INTRODUCTION

1. (S//NF) On [] November 2002, an individual detained by the CIA in [] Gul Rahman, died. On [] 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 (b)(1)
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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 []

(b)(1) [] on [] October 2002.¹

(b)(3) NatSecAct [] On [] November 2002, [] aircraft rendered Rahman from []

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(b)(3) NatSecAct [redacted] to a detention and interrogation facility, [redacted]
 [redacted] in [redacted] security guards reportedly found
 Rahman dead in his cell on the morning of [redacted] November 2002

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3. (S//NF) Between [redacted] and [redacted] November 2002, Rahman
 underwent at least six interrogation sessions by Agency personnel.
 The interrogation team included the [redacted] Site Manager,

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[redacted] an independent contractor (IC)
 psychologist/interrogator, [redacted] the Station's [redacted]
 [redacted] and an IC [redacted] linguist,

[redacted]
 before his arrival in [redacted] in July 2002. However, he acquired
 some on-the-job training and experience during the [redacted] months he
 had been [redacted] prior to Rahman's death.

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4. (S//NF) 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 [redacted]

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Despite these measures, Rahman remained uncooperative and
 provided no intelligence. His only concession was to acknowledge
 his identity on [redacted] November 2002 and, subsequently, to explain what
 village he came from; otherwise, Rahman retained his resistance
 posture, and demeanor. The cable from [redacted] on [redacted] 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 [redacted] and reported in a cable on
 [redacted] 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 inter-
 session.

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5. (S//NF) On the afternoon of [] November 2002, when [] 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 [] was 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.

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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 [] degrees Fahrenheit. Rahman was still in the "short chain position," wearing only a sweatshirt.

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7. (S//NF) [] Station reported Rahman's death that day in an [] 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 [] (b)(3) CIAAct [] an Office of General Counsel (OGC) (b)(3) CIAAct [] attorney, and an Agency pathologist to [] 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

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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.

9. (S//NF) At the time of his assignment in [] [] was a first-tour [] 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, [] had not received interrogation training and was operating the facility with a modicum of Headquarters guidance and [] Station direct supervision.

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10. (S//NF) This OIG investigation concludes that []

[] 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. [] 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 physical examination during his detention at [] and concludes that [] did not attend to Rahman in the same manner and with the same

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]

[REDACTED] 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

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treatment for Rahman. (b)(1)
(b)(3) NatSecAct12. ~~(S//NF)~~ OIG also concludes that [REDACTED]

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[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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BACKGROUND13. ~~(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. [REDACTED]

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15. (S//NF) [] received its first detainee on (b)(1) [] September 2002. After the first month of operation, the (b)(3) NatSecAct population had grown to its maximum capacity of 20 detainees.

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(b)(3) NatSecAct**PROCEDURES AND RESOURCES**(b)(1)
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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. (b)(3) CIAAct (b)(3) NatSecAct

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

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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.

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

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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// [redacted] On [redacted] October 2002, [redacted] Station sent a

cable [redacted]

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[redacted] advised that [redacted] during a

[redacted] interrogation session [redacted] had identified one of

his fellow detainees as Gul Rahman. [redacted] requested that the

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[redacted] of the

apprehension. In a reflection of how important a detainee Rahman

was believed to be, Headquarters subsequently advised [redacted]

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(b)(3) NatSecAct and [redacted] Stations that Secretary of Defense Donald Rumsfeld had requested an update on the (b)(1) case.

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23. (S// [redacted]

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On

November 2002, Rahman was rendered to [redacted]

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(b)(3) NatSecAct 24. (S// [redacted] Following Rahman's rendition to [redacted] 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

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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~~(S//NF)~~ MANAGEMENT AND CONDITIONS AT [] (b)(3) NatSecAct

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

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(b)(1)
(b)(3) NatSecAct 29. (~~S~~//NF) [] was not insulated and had no central air conditioning or heating; an Agency-purchased generator supported its power requirements. When [] 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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(b)(7)(f) 30. (~~S~~//NF) [] estimated there were between six and 12 gas heaters in the cellblock at the time of Rahman's death. [] [] 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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(b)(3) NatSecAct 31. (~~S~~//NF) According to [] the customary practice at [] 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, [] directed [] (b)(6)
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(b)(7)(f) 32. (~~S~~//NF) According to [] the door had to be opened to deliver water bottles and access the excrement bucket. 15 (U) In November 2002, the temperature (b)(1) [] ranged from a high of [] to a low of [] degrees Fahrenheit. (b)(3) NatSecAct

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(b)(1) assistant, [] to acquire warmer uniforms, heaters,
 (b)(3) CIAAct propane, and blankets. According to [] he was successful in
 (b)(3) NatSecAct purchasing the uniforms, blankets and some heaters. It was difficult
 (b)(6) to purchase heaters because they were in high demand. If a detainee
 (b)(7)(c) was cooperative, he was afforded improvements in his environment
 (b)(7)(f) 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) [] for the U.S. Bureau of Prisons

(BOP) to send a [] training team to [] from [] to

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(b)(3) NatSecAct [] 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.

33. (S//NF) []

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COS [] []

described [] as a "high risk, high gain intelligence facility."¹⁷

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 (b)(6) (e-mail) to the DDO two days after Rahman's death [] wrote, in
 (b)(7)(c) part,
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¹⁷ (S//NF) [] served [] from August 2002 until July 2003.

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35. (~~S~~//~~NF~~) [] said he did not know what his duties would be when he arrived in []. He believed the primary factors in his assignment as [] were the vacancy in the detention program and that [] [] had no formal instruction relating to interrogations until April 2003, [] months into his [] tour.²¹

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

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37. (S//NF) [] explained that he selected [] based on several factors, including the fact [] that he watched [] discharge his duties and was very satisfied with the job he performed. [] talked a lot about issues. [] had free access to the [] Station front office, and [] recalled consulting with [] at least once a day.

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38. (S//NF) [] stated that he and [] briefed [] on CIA policies, and [] learned from on-the-job training. [] believed that [] received whatever guidance was available at CTC before he arrived, but [] did not know what that was. [] said that the guidance he passed to [] included such issues as CIA's prohibition on 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.

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39. (S//NF) [] said he was briefed on particular interrogations on a case-by-case basis. If there was a new or important detainee at [] he was briefed every day as the interrogation ran its course. (b)(1)
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40. (S//NF) [] advised that he had discussions with Station management— [] every other day, or when issues arose. [] stated that someone from Station management visited [] 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 [redacted] Station hard. To accomplish critical missions, [redacted]

CTC often relied on talented young officers—such as [redacted] to take on responsibilities beyond their training and experience. In [redacted] 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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49. (~~S~~/~~NF~~) According to [REDACTED] the initial interrogations
 (b)(1) conducted at [REDACTED] in September and October 2002 were more
 (b)(3) NatSecAct custodial interviews, with the added psychological impact of being in
 that facility with total darkness and separation from other detainees.

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(b)(3) NatSecAct

~~SECRET~~ // ~~NOFORN~~ // MR

(b)(3) NatSecAct

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(5)

(b)(6)

(b)(7)(c)

(b)(7)(f)

51. (S//NF) Accordingly, when [redacted] arrived in [redacted] on [redacted] November 2002, for his first TDY assignment in [redacted] [redacted] reportedly advised [redacted] "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

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

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(d)

(b)(7)(f)

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(f)

(b)(1)

(b)(1)

(b)(3) NatSecAct (b)(3) NatSecAct

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

(b)(3) NatSecAct

(b)(1)

(b)(3) NatSecAct

²⁸ (S//NF) According to a [redacted] October 2002 CTC/UBL cable [redacted] 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) [redacted] was in [redacted] (b)(1) on [redacted] October until [redacted] November 2002.

(b)(3) NatSecAct

18

~~SECRET~~ // ~~NOFORN~~ // MR

(b)(3) NatSecAct

~~SECRET~~ / ~~NOFORN~~ // MR

(b)(3) NatSecAct

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

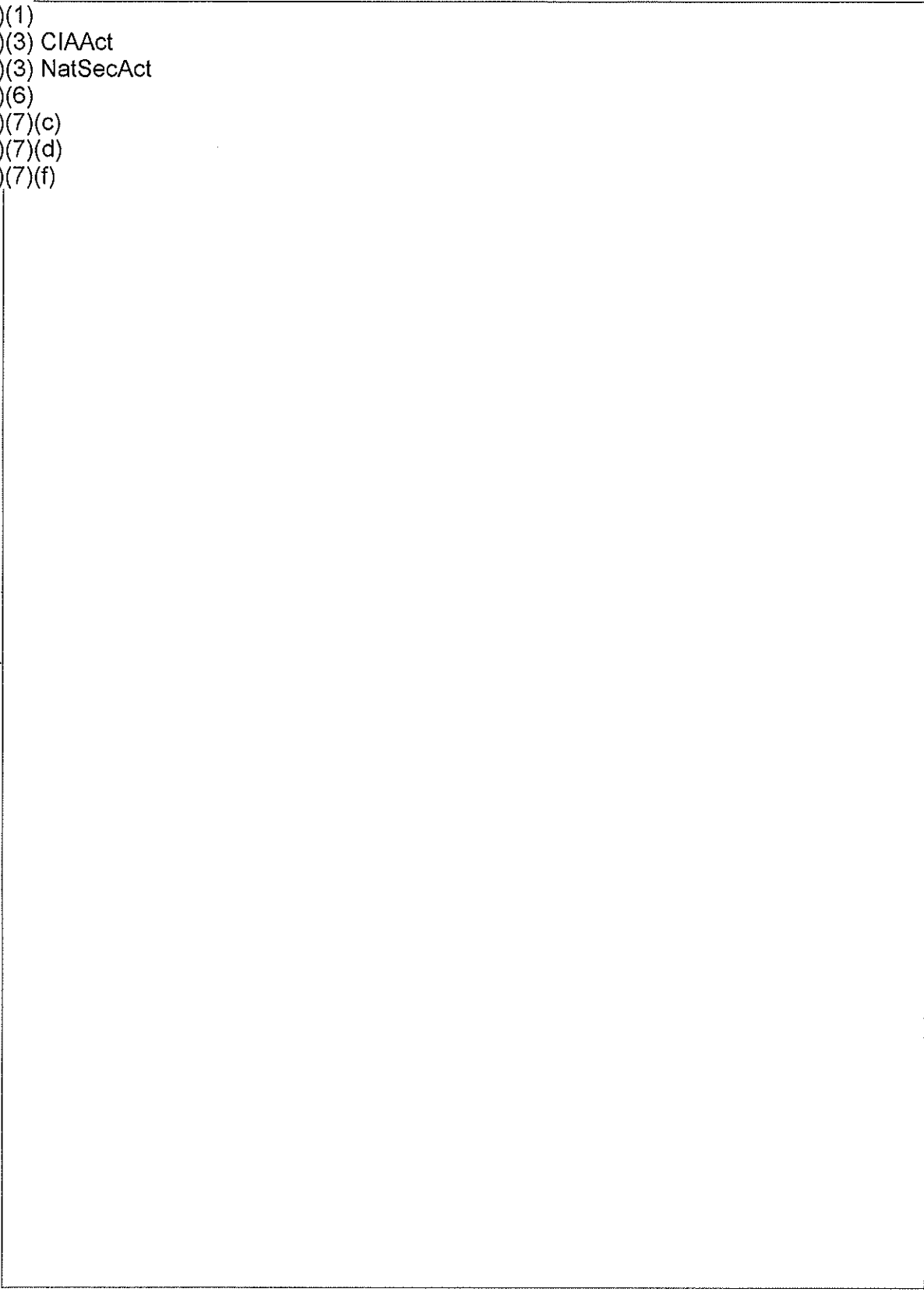
~~SECRET~~ / ~~NOFORN~~ // MR

(b)(3) NatSecAct

~~SECRET~~/ [] ~~NOFORN~~//MR

(b)(3) NatSecAct

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)



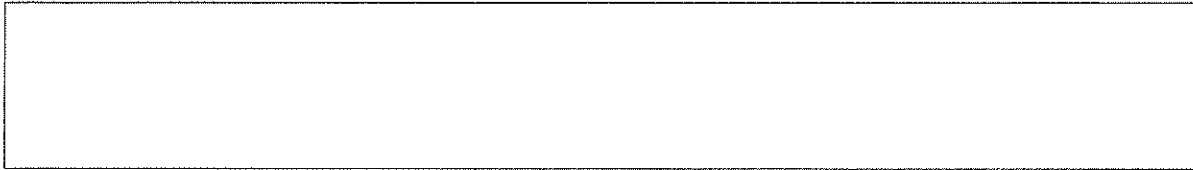
~~SECRET~~/ [] ~~NOFORN~~//MR

(b)(3) NatSecAct

(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

SECRET//
NOFORN//MR

(b)(3) NatSecAct



(b)(1) **(S//NF) RAHMAN'S TREATMENT DURING DETENTION AND**
(b)(3) CIAAct **INTERROGATION**

(b)(3) NatSecAct

(b)(1)

(b)(3) NatSecAct

(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

61. (S//NF) [redacted] said he did not specifically recall Rahman's treatment upon arrival at [redacted]. [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.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

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 [redacted] 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.

(b)(1)
(b)(3) NatSecAct

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

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-

(b)(3) NatSecAct

³⁵ (S//NF) As mentioned earlier, [redacted] of the 20 cells at [redacted] These cells could be used to force the detainee to stand during sleep deprivation sessions.

³⁶ (S//NF) [redacted]

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

³⁷ (S//NF) During the OIG visit to [redacted] on [redacted] and [redacted] 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] (b)(1) been in operation for 69 days.

(b)(3) NatSecAct

~~SECRET~~ / [] ~~NOFORN~~ // MR

(b)(3) NatSecAct

(b)(1) core Pashtun. He had been a combatant all his life and had been
 (b)(3) CIAAct wounded many times. Rahman did not complain and simply said,
 (b)(3) NatSecAct "Thanks to God, all is well." When reminded that in his videotaped
 (b)(6) 19 December 2002 interview with the DO Investigative Team, []
 (b)(7)(c) stated that Rahman complained incessantly, [] said he just
 (b)(7)(d) recalled Rahman being stoic.
 (b)(7)(f)

(b)(3) NatSecAct

64. (S//NF) [] According to cables reporting Rahman's
 interrogations, he did complain about conditions. After the first two
 (b)(1) days of interrogation, [] reported that Rahman "complained
 (b)(3) NatSecAct 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
 (b)(1) described [] impression that Rahman "continues to use 'health
 (b)(3) CIAAct and welfare' behaviors and complaints as a major part of his
 (b)(3) NatSecAct resistance posture."
 (b)(6) (b)(1)
 (b)(7)(c) (b)(3) NatSecAct
 (b)(7)(f)

65. (S//NF) The DO Investigative Team interviewed []
 [] guard commander four days after Rahman's death.
 According to the guard commander, Rahman wore pants for
 approximately his first three days at [] (b)(1) and then spent the
 remainder of his detention without pants. (b)(3) NatSecAct

66. (S//NF) [] said that Rahman's diaper and clothes
 (b)(1) would have been removed at the interrogators' direction. The guards
 (b)(3) CIAAct would not have removed them without direction. According to
 (b)(3) NatSecAct [] Rahman was without his clothes more than he was with them.
 (b)(6) The interrogators gave Rahman some clothing after he admitted his
 (b)(7)(c) identity on [] November 2002.
 (b)(7)(d) (b)(1)
 (b)(7)(f) (b)(3) NatSecAct

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

~~SECRET~~ / [] ~~NOFORN~~ // MR

(b)(3) NatSecAct

~~SECRET~~/I ~~NOFORN~~//MR
(b)(3) NatSecAct

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

Even when Rahman was
depleted psychologically, he would routinely respond that he was

(b)(1) 40 (S//NF) A cable reported that [] was involved in six interrogation sessions with
(b)(3) CIAAct Rahman.
(b)(3) NatSecAct

(b)(6)
(b)(7)(c)
(b)(7)(f)

23
~~SECRET~~/I [] ~~NOFORN~~//MR

(b)(3) NatSecAct

~~SECRET~~ / [] ~~NOFORN~~ // MR

(b)(3) NatSecAct

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

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

~~SECRET~~ / [] ~~NOFORN~~ // MR

(b)(3) NatSecAct

(b)(3) CIAAct

~~SECRET~~ / ~~NOFORN~~ / ~~MR~~

(b)(3) NatSecAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(d)

(b)(7)(f)

(b)(3) NatSecAct

(b)(1) 73. (S/ [] Rahman's Medical Care. According to the
 (b)(3) NatSecAct [] November 2002 [] cable that reported the chronology of events
 connected with Rahman's death, Rahman was brought to [] on

(b)(1) [] November and given a physical examination. However, despite this
 (b)(3) NatSecAct official reporting, [] (b)(1)
 (b)(3) NatSecAct

(b)(1) [] conducted physical examinations at [] on Rahman or other
 (b)(3) CIAAct detainees who were rendered there during that period. The brief
 (b)(3) NatSecAct check [] performed on rendition detainees in [] could not
 (b)(6) be considered a physical examination because, in part, it did not
 (b)(7)(c) involve questioning the detainees about their health history and
 (b)(7)(d) current condition. (b)(6)
 (b)(7)(f) (b)(3) NatSecAct (b)(7)(c)

74. (S/ [] On [] November 2002, [] Station reported (b)(1)
 by cable that [] (b)(3) NatSecAct

(b)(1)
 (b)(3) NatSecAct

(b)(1)
 (b)(3) NatSecAct

75. (S/ [] The [] November 2002 cable reported that
 during two monthly assistance visits to [] by the medics, all
 (b)(1) detainees were taken from their cells to a room and given a private
 (b)(3) NatSecAct 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
 (b)(1) the last routine visit was [] November 2002 and the urine testing
 (b)(3) NatSecAct determined all of the [] detainees were receiving sufficient
 nourishment and hydration. The cable further reported that all the

43 (S/ [] When (b)(1) [] itation used the term "medic" it meant Physicians' Assistants.
 (b)(3) NatSecAct

25
~~SECRET~~ / ~~NOFORN~~ / ~~MR~~

(b)(3) NatSecAct

~~SECRET~~ // ~~NOFORN~~ // MR

(b)(3) NatSecAct

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

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

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

⁴⁵ (S) As reported previously, Rahman arrived there on [] November 2002. []

~~SECRET~~ // ~~NOFORN~~ // MR

(b)(3) NatSecAct

~~SECRET~~ / ~~NOFORN~~ // MR

(b)(3) NatSecAct

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

(b)(3) NatSecAct

(b)(1)

(b)(3) NatSecAct

80. (S/ [] **Reports of Rahman's Interrogation.** []

(b)(1)
 (b)(3) NatSecAct first cable report of Rahman's interrogation was issued three days
 after his rendition to [] It reported that [] and [] had
 interrogated Rahman over a 48-hour period and noted that the
 (b)(1)
 (b)(3) CIAAct psychological and physiological pressures available for use were
 (b)(3) NatSecAct unlikely to make Rahman divulge significant information. The cable

(b)(6)
 (b)(7)(c)
 (b)(7)(f)

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

~~SECRET~~

27

[] / ~~NOFORN~~ // MR

(b)(3) NatSecAct

~~SECRET~~ / [] / ~~NOFORN~~ // MR

(b)(3) NatSecAct

(b)(1)

(b)(3) NatSecAct ted 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.

(b)(3) NatSecAct

(b)(1)

(b)(3) NatSecAct 81. (S/ [] A second, post- rendition cable was sent from [] to [] on [] November 2002. It reported that Rahman appeared to be physically fatigued but defiant during interrogations.

(b)(1)

(b)(3) NatSecAct It sought material to employ as psychological pressure and requested that [] prepare a videotape of []

(b)(3) NatSecAct

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(f)

82. (S/ [] [] sent a third post- rendition cable on [] November 2002, "Subject: Gul Rahman Admits His Identity." It reported that [] 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 [] [] reported that Rahman was afforded improved conditions and would be reinterviewed on [] November 2002.

(b)(1)

(b)(3) NatSecAct

(b)(1)

(b)(3) NatSecAct

(b)(1)

(b)(3) CIAAct

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

(b)(3) NatSecAct

(b)(1)

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(d)

(b)(7)(f)

⁵¹ (S/ [] As previously reported, the [] November 2002 [] cable reported the Station's medical support to detainees. The cable cited that, during the [] to [] November 2002 medical assistance visit to [] (b)(1) it was determined that all detainees were receiving sufficient hydration.

(b)(3) NatSecAct

(b)(1)

(b)(3) NatSecAct

~~SECRET~~ / [] / ~~NOFORN~~ // MR

(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct~~SECRET~~~~NOFORN~~/MR

(b)(3) NatSecAct

(b)(1)

(b)(3) NatSecAct

(b)(3) NatSecAct

83. (S/ [] [] sent a fourth cable on [] November 2002.

That cable was prepared by [] 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.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(f)

(b)(6)
(b)(7)(c)

(b)(1)
(b)(3) NatSecAct

(b)(3) NatSecAct

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

(b)(1)
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct

(b)(6)
(b)(7)(c)
(b)(7)(f)

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 [] 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 [] reportedly heard from [] before [] November 2002 that Rahman sensed the guards were [] and threatened to kill them, but [] 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.

(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct

29
~~SECRET~~ [] ~~NOFORN~~/MR

(b)(3) NatSecAct

~~SECRET~~ / ~~NOFORN~~ // MR

(b)(3) NatSecAct

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

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

(b)(3) NatSecAct

⁵⁵ (S/ [] 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.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

30

~~SECRET~~ / ~~NOFORN~~ // MR

(b)(3) NatSecAct

(b)(3) NatSecAct

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

(b)(1)
(b)(3) NatSecAct

31

SECRET / ☐ / NOFORN // MR

(b)(3) NatSecAct

~~SECRET~~ / ~~NOFORN~~ // ~~MR~~

(b)(3) NatSecAct

(b)(1)

(b)(3) CIAAct

90. ~~(S//NF)~~

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(f)

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.

(b)(1)

(b)(3) NatSecAct

Those without blankets were those who were not cooperating.

91. ~~(S//NF)~~

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(d)

(b)(7)(f)

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.

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(d)

(b)(7)(f)

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(f)

59 ~~(S//NF)~~60 ~~(S//NF)~~

(b)(1)

(b)(3) NatSecAct

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.

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(f)

~~SECRET~~

32

~~NOFORN~~ // ~~MR~~

(b)(3) NatSecAct

~~SECRET//~~ ~~NOFORN//MR~~

(b)(3) NatSecAct

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

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:

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

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]

(b)(1)
(b)(3) NatSecAct

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

~~SECRET//~~ ~~NOFORN//MR~~

(b)(3) NatSecAct

~~SECRET~~ / ~~NOFORN~~ // MR

(b)(3) NatSecAct

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

34

~~SECRET~~ / ~~NOFORN~~ // MR

(b)(3) NatSecAct

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(d)

(b)(7)(f)

~~SECRET~~ [redacted] ~~NOFORN~~//MR

(b)(3) NatSecAct

(b)(3) NatSecAct

(b)(1)

(b)(3) NatSecAct

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

(b)(1) [redacted]
(b)(3) NatSecAct

[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.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)~~SECRET~~ [redacted] ~~NOFORN~~//MR

(b)(3) NatSecAct

~~SECRET~~ // ~~NOFORN~~ // MR

(b)(3) NatSecAct

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(f)

104. ~~(S//NF)~~ Based on the length of time Rahman was at [redacted] estimated that Rahman would have received two showers. [redacted] 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]
 [redacted]

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(f)

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. [redacted]
 [redacted]

(b)(1)
 (b)(3) NatSecAct

~~SECRET~~ // ~~NOFORN~~ // MR

(b)(3) NatSecAct

~~SECRET~~ / ~~NOFORN~~ // MR

(b)(3) NatSecAct

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.

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

107. ~~(S//NF)~~ **Hard Takedown.** During the course of Rahman's autopsy, the Agency pathologist noted several abrasions on the body.⁶⁷

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

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."

(b)(1)
(b)(3) NatSecAct

~~SECRET~~ / ~~NOFORN~~ // MR

(b)(3) NatSecAct

~~SECRET~~ / ~~NOFORN~~ // MR

(b)(3) NatSecAct

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

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.

(b)(1)
 (b)(3) NatSecAct

110. (S//NF) [redacted]

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

[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

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

38
~~SECRET~~ / [redacted] ~~NOFORN~~ // MR

(b)(3) NatSecAct

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(d)

(b)(7)(f)

~~SECRET~~~~NOFORN//MR~~

(b)(3) NatSecAct

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 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.

(b)(1)

(b)(3) NatSecAct

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(d)

(b)(7)(f)

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 []⁷¹

(b)(1)

(b)(3) NatSecAct

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. (b)(1)

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(d)

(b)(7)(f)

(b)(3) NatSecAct

113. (~~S//NF~~) [] stated he did not discuss the hard takedown with Station managers; he thought they understood what techniques were being used at (b)(1)

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

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.

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(d)

(b)(7)(f)

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(d)

(b)(7)(f)

39

~~SECRET~~~~NOFORN//MR~~

(b)(3) NatSecAct

~~SECRET~~/ ~~NOFORN~~//MR

(b)(3) NatSecAct

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

~~SECRET~~/ ~~NOFORN~~//MR

(b)(3) NatSecAct

~~SECRET~~ / ~~NOFORN~~ // MR

(b)(3) NatSecAct

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

(b)(3) NatSecAct

(b)(1)
 (b)(3) NatSecAct

(b)(1)
 (b)(3) NatSecAct

119. (S//NF) [] Despite the visible presence of abrasions on Rahman's body, [] Station reported in the [] November 2002 cable that constituted the official report of Rahman's death to the DDO, "The Station [] 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 (b)(1)
 (b)(3) NatSecAct

(b)(1)
 (b)(3) NatSecAct 120. (S//NF) In the [] November 2002 cable sent to the DDO, [] 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 [] November 2002.

(b)(1)
 (b)(3) NatSecAct

~~SECRET~~ / ~~NOFORN~~ // MR

(b)(3) NatSecAct

~~SECRET~~ [] /~~NOFORN~~//MR

(b)(3) NatSecAct

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

(b)(1)
 (b)(3) NatSecAct

(b)(1)
 (b)(3) NatSecAct

(b)(1) 122. (~~S~~//NF) [] November 2002. The [] November 2002
 (b)(3) NatSecAct [] 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

(b)(1)
 (b)(3) NatSecAct

(b)(1)
 (b)(3) NatSecAct

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

(b)(1)
 (b)(3) NatSecAct

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.

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(f)

42
~~SECRET~~ [] //NOFORN//MR

(b)(3) NatSecAct

~~SECRET~~ 1/1 ~~NOFORN~~ // MR

(b)(3) NatSecAct

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

(b)(3) NatSecAct (b)(1) (b)(3) NatSecAct (b)(1) (b)(3) NatSecAct

(b)(1) 126. (S/ [] [] November 2002. The [] November 2002
 (b)(3) NatSecAct logy 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

(b)(1) (b)(1)
 (b)(3) NatSecAct (b)(3) NatSecAct

~~SECRET~~ / [] ~~NOFORN~~ // MR

(b)(3) NatSecAct

(b)(1)

(b)(3) NatSecAct

~~SECRET~~~~NOFORN//MR~~

(b)(3) NatSecAct

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

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

127. (S//NF)

(b)(6)

(b)(7)(c)

(b)(7)(d)

(b)(7)(f)

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.

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(d)

(b)(7)(f)

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(d)

(b)(7)(f)

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(f)

(b)(1)

(b)(3) NatSecAct

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 []

44

~~SECRET~~~~NOFORN//MR~~

(b)(3) NatSecAct

~~SECRET~~ / ~~NOFORN~~ / ~~MR~~

(b)(3) NatSecAct

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

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.

(b)(1)
 (b)(3) NatSecAct

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

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

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(5)
 (b)(6)
 (b)(7)(c)
 (b)(7)(f)

~~SECRET~~ / ~~NOFORN~~ / ~~MR~~

(b)(3) NatSecAct

~~SECRET~~ / ~~NOFORN~~ // MR

(b)(3) NatSecAct

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct allow Rahman the ability to throw something.⁷⁸ In [] view,

(b)(5)

(b)(6)

(b)(7)(c)

(b)(7)(d)

(b)(7)(f)

trying to harm others when they entered the cell crossed the line; a detainee who acted in this manner needed to be restrained. [] 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

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct 133. (S//NF) According to [] the short chaining was not

(b)(5)

(b)(6)

(b)(7)(c)

(b)(7)(d)

(b)(7)(f)

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 [] 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.

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct 134. (S//NF) [] stated it never occurred to him that short

(b)(5)

(b)(6)

(b)(7)(c)

(b)(7)(d)

(b)(7)(f)

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 [] are in the business of getting information.

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(5)

(b)(6)

(b)(7)(c)

(b)(7)(d)

(b)(7)(f)

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. (b)(1)

(b)(3) NatSecAct

~~SECRET~~ / ~~NOFORN~~ // MR

(b)(3) NatSecAct

~~SECRET~~ / ~~NOFORN~~ // MR

(b)(3) NatSecAct

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(5)
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

137. (~~S~~/~~NF~~)

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

(b)(3) NatSecAct

(b)(1)
 (b)(3) NatSecAct

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

(b)(1)
 (b)(3) NatSecAct

(b)(1)
 (b)(3) NatSecAct

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

(b)(1)
 (b)(3) NatSecAct

(b)(1)
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

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.

~~SECRET~~ / ~~NOFORN~~ // MR

(b)(3) NatSecAct

~~SECRET~~ // ~~NOFORN~~ // MR

(b)(3) NatSecAct

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 [] 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.

[]

(b)(1)

(b)(3) NatSecAct

140. (S//NF) [] 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. [] said he was not certain where he was at the time Rahman's body was found. [] thought perhaps he was at the Station [] but he acknowledged that had he been at the Station and the trio called, someone would have located him.⁸²

(b)(1)

(b)(3) NatSecAct

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

(b)(1)

(b)(3) NatSecAct

~~SECRET~~ // ~~NOFORN~~ // MR

(b)(3) NatSecAct

(b)(1)

~~SECRET~~~~NOFORN//MR~~

(b)(3) NatSecAct

(b)(3) NatSecAct

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

(b)(3) NatSecAct

141. (S/ [redacted] [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.

(b)(3) NatSecAct

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. [redacted]

[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 [redacted] November 2002 if he had cooperated, [redacted] responded that if Rahman had been cooperative, he would probably still be alive.

(b)(1)

(b)(3) NatSecAct

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] [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 [redacted] November 2002.

49

~~SECRET~~~~NOFORN//MR~~

(b)(1)

(b)(3) NatSecAct

(b)(3) NatSecAct

~~SECRET~~ / ~~NOFORN~~ / ~~MR~~

(b)(3) NatSecAct

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(d)

(b)(7)(f)

(b)(1)

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

(b)(3) NatSecAct

144. ~~(S//NF)~~ [redacted] Station reported Rahman's death in an (b)(3) NatSecAct cable to the DDO on [redacted] November 2002, the day of Rahman's death. Shortly thereafter the DDO dispatched three (b)(1) Agency officers (the "DO Investigative Team") to [redacted] on a (b)(3) NatSecAct to investigate the circumstances of the death.⁸⁵ The DO Investigative Team, consisting of [redacted] who was the (b)(1) senior security officer assigned to [redacted] (b)(3) CIAAct [redacted] (b)(3) NatSecAct [redacted] conducted interviews, and the (b)(6) pathologist performed an autopsy of Rahman.⁸⁶ (b)(7)(c)

145. ~~(S//NF)~~ [redacted] advised the DO Investigative Team that (b)(1) detainees were examined and photographed upon their arrival to (b)(3) CIAAct protect the Agency [redacted] (b)(3) NatSecAct [redacted] However, when [redacted], on (b)(6) [redacted] January 2003, two months after Rahman's arrival in [redacted] (b)(7)(c) requested the identity of the medical officer, the results of Rahman's (b)(7)(f) medical examination, and copies of the rendition photographs [redacted] did not produce them. [redacted] reported that no medical documents were retained from the renditions, and the Station did not retain (b)(1) medical documentation of detainees. [redacted] said he could not (b)(3) NatSecAct

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

(b)(6)

(b)(7)(c)

(b)(7)(f)

~~SECRET~~ / ~~NOFORN~~ / ~~MR~~

(b)(3) NatSecAct

~~SECRET~~ / ~~NOFORN~~ / ~~MR~~

(b)(3) NatSecAct

identify the medic who reportedly examined Rahman and also said the digital photographs of Rahman had been overwritten. (b)(3) CIAAct (b)(3) NatSecAct

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(f)

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

(b)(1)
(b)(3) NatSecAct

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(d)
(b)(7)(f)

(b)(3) NatSecAct

(b)(1)
(b)(3) NatSecAct

148. (~~S~~ / On November 2002, 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:

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(f)

(b)(5)

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

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(6)
(b)(7)(c)
(b)(7)(f)

~~SECRET~~ / ~~NOFORN~~ / ~~MR~~

(b)(3) NatSecAct

~~SECRET~~/ [] ~~NOFORN//MR~~

(b)(3) NatSecAct

(b)(1)
(b)(3) CIAAct
(b)(3) NatSecAct
(b)(5)
(b)(6)
(b)(7)(c)
(b)(7)(f)

~~SECRET~~/ [] ~~NOFORN//MR~~

(b)(3) NatSecAct

~~SECRET~~ / ~~NOFORN~~ // MR

(b)(3) NatSecAct

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
~~SECRET~~ / ~~NOFORN~~ // MR

(b)(3) NatSecAct

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

Approved for Release: 2016/06/10 C06541713
~~SECRET~~ / ~~NOFORN~~ / MR
 (b)(3) NatSecAct

(C) OTHER TECHNIQUES EMPLOYED OR APPROVED BY [REDACTED]

(b)(1)
 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

(b)(1) 155. (S//NF) Four other officers and ICs who were
 (b)(3) CIAAct interviewed admitted to either participating in such an incident or
 (b)(3) NatSecAct hearing about one of them.⁸⁹
 (b)(6)

(b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

(b)(1) 156. (S//NF) [REDACTED] admitted that he participated in a "mock
 (b)(3) CIAAct execution" at [REDACTED] when the first detainees arrived. He
 (b)(3) NatSecAct contended the detainees were there only one day, and he hoped to
 (b)(6) shake them up quickly. [REDACTED] explained he discharged a firearm in a
 (b)(7)(c) safe manner while an [REDACTED] officer lay on the floor and
 (b)(7)(f)

(b)(1)
 (b)(3) NatSecAct (b)(1)
 (b)(3) NatSecAct

(b)(1) 89 (S//NF) It is difficult to determine how many mock executions were staged during this
 (b)(3) CIAAct period. There appear to be at least two. [REDACTED] admits to participating in only one.
 (b)(3) NatSecAct

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(b)(1)
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 (b)(3) NatSecAct
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 (b)(3) NatSecAct (b)(7)(c)

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. (b)(6)
 (b)(7)(c)

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 (b)(3) NatSecAct

157. (S//NF) [redacted] stated that [redacted]

[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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 (b)(7)(f)

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

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 (b)(3) NatSecAct

160. (S//NF) [redacted] As discussed previously, [redacted] reported Rahman's death to Headquarters in a [redacted] November 2002 [redacted] (b)(3) NatSecAct

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90 (e) [redacted] was interviewed on [redacted] February 2003.
 (b)(3) CIAAct

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 (b)(3) CIAAct
 (b)(3) NatSecAct
 (b)(6)
 (b)(7)(c)
 (b)(7)(d)
 (b)(7)(f)

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(b)(3) NatSecAct

(b)(3) NatSecAct

(b)(1)

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(h)(3) NatSecAct

(b)(3) NatSecAct

(b)(1)

(b)(3) NatSecAct

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.

(b)(3) NatSecAct

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,

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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

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which indicated no medical issues or preexisting medical conditions."⁹¹

(b)(1)

(b)(3) NatSecAct

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

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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.

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(b)(3) NatSecAct

completion and CIA would be sending the committees a follow-up notification in the near future.
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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 [] guards."⁹⁴ ... At 1500 [hours] on [] 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

(b)(3) NatSecAct

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 [] Rahman reportedly threatened the guards two times only, during the week of [] November and on [] November.

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

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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. [] 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 [] employed, including cold showers, cold conditions, hard takedowns, and the short chain restraint.

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

173. ~~(S//NF)~~ On [] November 2002, [] 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. [] was fully cognizant that the temperature in [] had fallen sharply in November. Two individuals said that they raised the subject of the cold temperatures with []. On [] November, [] directed that actions be taken to help other detainees ward off the cold. Other officers and contractors present at [] 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) exhibited reckless indifference to the possibility that his actions might cause injuries or result in Rahman's death. There is no indication that intended that Rahman should be severely harmed or killed.

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175. (S//NF) The initial account of guards that Rahman died in the mid-morning of 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 to report his death. Nonetheless, there is no evidence that the guards assaulted or independently mistreated Rahman.

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

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177. (S//NF) who was in 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. was aware of the cold conditions; indeed the temperature in had reached a low of 31 degrees the day before he departed on November. he should have advocated more humane treatment for Rahman that would ensure his health and safety.

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178. (S//NF) 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 in the mistreatment of Rahman, and the absence of adequate supervision by . 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.

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179. (S//NF) [] bears direct responsibility for failing to include pertinent facts in his [] November 2002 official written account of Rahman's death. The cable specifically withheld information known to [] and [] that [] 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) [] bears responsibility for not providing adequate supervision of [] activities at []

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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.

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(b)(5)

CONCUR:

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John L. Helgeson
Inspector General

Date

4/27/05

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(b)(3) NatSecAct