

Exhibit EE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

SULEIMAN ABDULLAH SALIM,)
et al.,)
)
Plaintiffs,)
)No. 2:15-cv-286-JLQ
v.)
)
JAMES E MITCHELL and)
JOHN JESSEN,)
)
Defendants.)

~~~~~

VIDEOTAPED DEPOSITION OF JOHN RIZZO

March 20, 2017

10:06 a.m.

Blank Rome LLP  
1825 Eye Street, Northwest  
Washington, D.C. 20006

Reported by: Lori J. Goodin, RPR, CLR, CRR  
Realtime Systems Administrator  
Assignment Number: 305772

1 suffering?

2 MR. BENNETT: And where are you  
3 referring to?

4 MR. SMITH: Objection.

5 MR. LADIN: So that is the bottom  
6 paragraph.

7 MR. BENNETT: Objection.

8 Go ahead.

9 THE WITNESS: I'm just reading it  
10 again. Yes, that is what it says, yes.

11 BY MR. LADIN:

12 Q. Okay. And, with that in mind, do  
13 you still maintain that Mitchell and Jessen had  
14 no role in the OLC's consideration of the  
15 legality of the techniques?

16 MR. SMITH: Objection. You can  
17 answer.

18 THE WITNESS: Well, as I indicated  
19 earlier, what I meant to say in that  
20 paragraph that I was trying to get across, is  
21 that they had no, to my knowledge, they had  
22 no interactions with the OLC during the  
23 course of the OLC deliberation.

24 BY MR. LADIN:

25 Q. But, in fact, they did provide

1 information that OLC considered in assessing the  
2 legality of the techniques?

3 A. Appears to be the case, yes.

4 Q. Now, when you initiated the process  
5 with OLC, to review the legality of the  
6 techniques, did you ask for evaluations of all of  
7 the techniques that Mitchell and Jessen  
8 recommended?

9 A. Yes, all of the 12 original  
10 techniques, yes, asked for a collective  
11 evaluation.

12 Q. And did you ask for the evaluation  
13 of any other techniques?

14 A. No. Just the ones that, the 12 that  
15 had become part of the record.

16 Q. And these 12 techniques were  
17 recommended by Mitchell and Jessen?

18 A. Well, they were recommended by CTC  
19 management.

20 Q. And as far as you know, was someone  
21 besides Mitchell and Jessen involved in selecting  
22 the techniques?

23 MR. SMITH: Objection.

24 THE WITNESS: Yes, I think, my  
25 recollection was there were a number of

1 people in CTC involved in that process.

2 BY MR. LADIN:

3 Q. Now, once you turned over the  
4 assessment process to OLC, would it be correct to  
5 say that you wanted legal cover from OLC?

6 MR. BENNETT: Well, I'm going to  
7 object. What do you mean by cover?

8 MR. LADIN: I'm actually trying to  
9 use a term from your book. So, maybe it is  
10 just easiest if we, if we distribute those  
11 pages.

12 MR. BENNETT: But I want to be sure  
13 his use of the term and yours is the same.  
14 That is my concern.

15 MR. LADIN: I appreciate that. And  
16 I think the best way will probably be to have  
17 Mr. Rizzo explain it.

18 MR. HANNER: Could you tell us which  
19 pages?

20 MR. LADIN: Sure. It is on  
21 Page 188.

22 MR. HANNER: Thank you.

23 MR. LADIN: And it is the paragraph  
24 at the middle of the page.

25 MR. BENNETT: Beginning with, "I

1           A.       I don't think they were absolutely  
2 identical. That is my recollection.

3           Q.       Do you recall any differences?

4           A.       I don't believe that the so-called  
5 bug in the box scenario. That was tailored for  
6 Zubaydah.

7                    I don't believe that that was ever  
8 under consideration for Khalid Sheikh Mohammed.

9           Q.       And when you say tailored to  
10 Zubaydah, in what way was it tailored to  
11 Zubaydah?

12           A.       Well, the assessments of Zubaydah at  
13 the time concluded that he was very afraid of  
14 insects.

15                    So, this is part of his  
16 psychological makeup. So, that is why this  
17 particular technique was put together for him.

18           Q.       Now, in the next paragraph of your  
19 declaration, you point to Exhibit N, which are  
20 specific guidance for the interrogations of  
21 detainees --

22           A.       Right.

23           Q.       -- held at the black sites. This  
24 has been marked as Exhibit 38.

25                    (Whereupon, previously marked

1 Exhibit 38, first referral.)

2 BY MR. LADIN:

3 Q. This is 38.

4 And so, you said, I believe, that  
5 these are the guidelines for interrogations at  
6 the black sites; is that correct?

7 A. Yes.

8 Q. And so this is the instructions as  
9 to the black sites as to how they are to conduct  
10 interrogations in compliance with the legal  
11 authorization; is that right?

12 A. Yes, as I recall, yes.

13 Q. And this appears to have been sent  
14 to Cobalt; is that right?

15 A. That is what it says on the  
16 document. The word, Cobalt, is contained there.

17 Q. So, does this document describe the  
18 EIT program in 2003?

19 A. Yes.

20 Q. And it lists, it lists on Page 1172  
21 the enhanced techniques that were part of the EIT  
22 program in 2003?

23 A. Correct.

24 Q. And these techniques are, except  
25 for -- well, actually it does have the bug in the

1 box. So, these techniques are the 12 Abu  
2 Zubaydah techniques -- sorry. The 11, minus mock  
3 burial?

4 A. Appear to be.

5 Q. So, was the EIT program a  
6 duplication of the techniques that were  
7 authorized for Abu Zubaydah that could now be  
8 used on other detainees?

9 MR. SMITH: Objection.

10 THE WITNESS: Well, they say the Abu  
11 Zubaydah, the techniques developed for Abu  
12 Zubaydah proved to serve as a template for  
13 the enhanced interrogation techniques that  
14 were used on a number of subsequent high  
15 value detainees.

16 BY MR. LADIN:

17 Q. Do you see any technique listed here  
18 that is different than the ones that were  
19 approved on Abu Zubaydah?

20 A. No, they appear to be the ones.

21 Q. Okay. And these were the techniques  
22 that are contained in Exhibit 17?

23 A. Well, again you gave me the one with  
24 the blank page.

25 Q. Oh, I do apologize for that.



1 activities in the program?

2 A. I'm sure they told me what they were  
3 doing at any particular time, yes.

4 Q. Do you have -- so, on the, on  
5 Frontline I believe you said that, later in the  
6 program, Mitchell and Jessen were training CIA  
7 people to conduct the interrogations. They were  
8 skilled trainers and patient teachers.

9 Do you stand by that?

10 A. I do.

11 Q. So, your understanding was that they  
12 taught other interrogators how to use their  
13 techniques?

14 A. Yes.

15 Q. How do, they trained other CIA  
16 interrogators in the program?

17 A. That was my understanding, yes.

18 Q. And over the years you dealt with  
19 different permutations of the EIT program, all of  
20 the way up until 2007, when Secretary of State  
21 Rice wanted a personal briefing on the program?

22 A. Well, that is correct. I mean, I  
23 was involved in it after that point, too.

24 Q. All right. We will get there, but  
25 let's start with that meeting with Secretary Rice.

1                   So, in your book, I don't know  
2                   which, I don't know what Exhibit Number it is, I  
3                   think it is maybe 47. Is that?

4                   A.        Okay.

5                   Q.        So, if you look at the end of the  
6                   excerpt, it is Pages 269 to 270. If you want to  
7                   take a look.

8                   A.        All right.

9                   Q.        So, it should be the, right by the  
10                  end of the copy.

11                  A.        Right, right, right. Right.  
12                  Beginning with a failed nomination. Yes. I  
13                  remember that. Yes.

14                  Q.        Yes. So, you write there,  
15                  "Secretary of State Rice wanted a personal  
16                  briefing on the newly refined slimmed down set of  
17                  techniques, and she wanted to get it directly  
18                  from the original architects of the program, two  
19                  outside psychologists the agency had hired under  
20                  contract more than five years earlier."

21                                When you write two outside  
22                  psychologists, are you referring to Drs. Mitchell  
23                  and Jessen?

24                  A.        Yes.

25                  Q.        And you said Secretary of State Rice

1 wanted a personal briefing on the EIT program?

2 A. Yes.

3 Q. And she wanted to get it directly  
4 from the original architects?

5 A. Yes.

6 Q. And those original architects are  
7 Drs. Mitchell and Jessen?

8 A. Yes.

9 Q. And then on Page 270, you write,  
10 just at the very top, "The two EIT architects,"  
11 and then you describe the meeting. And then you  
12 say, "They talked about their backgrounds," in  
13 the second sentence, "the genesis of the original  
14 techniques they came up with, the safeguards  
15 built into the program, the way the program  
16 evolved and had been refined over the years," and  
17 so on.

18 Do you stand by that account?

19 A. Yes. Based on my recollection, as I  
20 was writing, yes.

21 Q. So, Drs. Mitchell and Jessen  
22 described the genesis of the original techniques  
23 they came up with?

24 A. That was my recollection.

25 Q. And they described the safeguards?

1 A. Yes.

2 Q. Do you remember what those  
3 safeguards were?

4 A. Well, I'm sure it included the  
5 presence of medical personnel. You will need to  
6 come back to headquarters for approvals for each  
7 technique. Things of that nature.

8 Q. And some of those safeguards changed  
9 over the years, correct?

10 A. No. I'm not aware of that. Could  
11 you be more specific?

12 Q. Sure. There came a time when the  
13 Office of Medical Services made recommendations  
14 as to how the use of the waterboard should be  
15 different than it was early on in the program.

16 Do you recall that?

17 A. Yes, vaguely, yes.

18 Q. Okay. There were also changes to  
19 the amount of time sleep deprivation was  
20 authorized for?

21 A. That's correct, that's correct.

22 Q. So, you write here that they  
23 described the way the program had evolved and  
24 been refined over the years.

25 A. Correct.