

Exhibit V

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

SULEIMAN ABDULLAH SALIM, et al.,

Plaintiffs,

vs.

JAMES E. MITCHELL and JOHN JESSEN,

Defendants.

NO. 2:15-cv-286-JLQ

**DECLARATION OF JOSE
RODRIGUEZ**

I, Jose Rodriguez, hereby declare under penalty of perjury in accordance with the laws of the State of Washington, that the following is true and correct and within my personal knowledge and belief to the best of my recollection, and while I have no specific recollection of all the exhibits, I have no reason to dispute their accuracy or authenticity:

A. BACKGROUND

1. I am over the age of 18, have personal knowledge of all facts contained in this declaration, and am competent to testify as a witness to those facts.

2. I began working for the United States Central Intelligence Agency ("CIA") in 1976, shortly after graduating from law school.

3. As of September 11, 2001, I had achieved the rank of SIS 4 within the CIA. This is equivalent to the rank of a three-star general.

4. In the immediate aftermath of September 11, 2001, I served as the CIA's Counterterrorism Center's ("CTC") Chief Operating Officer/Deputy Director. The CTC is a division of the CIA's National Clandestine Service.

5. From May 2002 until November 2004, I served as the Director of the CTC.

34. During the first week of July 2002, I and other CTC members had meeting at HQS. Dr. Mitchell attended this meeting.

35. During this meeting, we discussed Zubaydah's resistance to traditional interrogation methods and various other techniques that could be potentially used to overcome Zubaydah's resistance and secure the critical, desired information.

36. At the time, the CIA believed that pressure upon Zubaydah must be increased, was intent upon increasing such pressure to secure the desired information, and was interested in learning what types of such pressure might be applied.

37. During this meeting Dr. Mitchell mentioned the potential use of various techniques that were then being used (and had been used for decades) on trainers at the United States Air Force's Survival, Evasion, Resistance and Escape ("SERE") training program. These techniques have subsequently been referred to as "enhanced interrogation techniques" or "EITs," and encompassed only the following: (1) attention grasp; (2) walling; (3) facial hold; (4) facial slap/insult slap; (5) cramped confinement; (6) wall standing; (7) stress positions; (8) sleep deprivation; (9) water board; (10) use of diapers; (11) insects; and (12) mock burial.

38. Dr. Mitchell explained that the particular goal of EITs would be to dislocate the subject's expectations and overcome his resistance and thereby motivate him to provide the information the CIA was seeking. Dr. Mitchell further explained that in working to achieve this goal, the interrogation could produce a range of mental states in the subject, including, but not limited to, fear, learned helplessness, compliancy, or false hope. Dr. Mitchell said that the mental state that a particular subject might experience would vary based on a number of factors, such as the circumstances of the interrogation and the subject's abilities and past experiences.

DECLARATION OF JOSE RODRIGUEZ

66. HQS exclusively determined what, if any, EITs were approved for use upon Zubaydah, and within what parameters.

67. HQS also exclusively determined the interrogation intelligence requirements for Zubaydah.

68. Moreover, the CIA, through HQS, the CTC and the COB of GREEN, maintained complete operational control over Drs. Mitchell and Jessen while they interrogated Zubaydah, whether using EITs or otherwise. Specifically, Drs. Mitchell and Jessen reported directly to the black-site COB.

69. The black-site COB, in turn, reported directly to me. As such, I was keenly aware of and approved of all of Drs. Mitchell and Jessen's activities.

70. The GREEN COB was responsible for ensuring that all on-site staff and support, including Drs. Mitchell and Jessen, complied with all applicable regulations, guidelines, standard operating procedures, and the applicable interrogation plan (for Zubaydah initially and other HVDs thereafter).

71. The COB provided me and HQS with detailed correspondence regarding interrogations on both a daily and an as needed basis.

72. I am aware that during the use of EITs upon Zubaydah, Drs. Mitchell and Jessen voiced a desire to discontinue their use.

73. Based upon this request, arrangements were made to enable not only members of the interrogation team, but representatives of HQS and the CTC, to observe the use of EITs, including the water board, upon Zubaydah.

74. Based upon this observation, and a subsequent assessment by HQS and the CTC that continued EIT use upon Zubaydah was unnecessary, EITs ceased to be used upon Zubaydah.

DECLARATION OF JOSE RODRIGUEZ