

EXHIBIT 8

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CIA Avoids Scrutiny of Detainee Treatment

Afghan's Death Took Two Years to Come to Light; Agency Says Abuse Claims Are Probed Fully

By Dana Priest
Washington Post Staff Writer
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In November 2002, a newly minted CIA case officer in charge of a secret prison just north of Kabul allegedly ordered guards to strip naked an uncooperative young Afghan detainee, chain him to the concrete floor and leave him there overnight without blankets, according to four U.S. government officials aware of the case.

The Afghan guards--paid by the CIA and working under CIA supervision in an abandoned warehouse code-named the Salt Pit--dragged their captive around on the concrete floor, bruising and scraping his skin, before putting him in his cell, two of the officials said.

As night fell, so, predictably, did the temperature.

By morning, the Afghan man had frozen to death.

After a quick autopsy by a CIA medic--"hypothermia" was listed as the cause of death--the guards buried the Afghan, who was in his twenties, in an unmarked, unacknowledged cemetery used by Afghan forces, officials said. The captive's family has never been notified; his remains have never been returned for burial. He is on no one's registry of captives, not even as a "ghost detainee," the term for CIA captives held in military prisons but not registered on the books, they said.

"He just disappeared from the face of the earth," said one U.S. government official with knowledge of the case.

The CIA case officer, meanwhile, has been promoted, two of the officials said, who like others interviewed for this article spoke on the condition of anonymity because they are not authorized to talk about the matter. The case is under investigation by the CIA inspector general.

The fact that the Salt Pit case has remained secret for more than two years reflects how little is known about the CIA's treatment of detainees and its handling of allegations of abuse. The public airing of abuse at Abu Ghraib prompted the Pentagon to undertake and release scathing reports about conduct by military personnel, to revise rules for handling prisoners, and to prosecute soldiers accused of wrongdoing. There has been no comparable public scrutiny of the CIA, whose operations and briefings to Congress are kept classified by the administration.

Thirty-three military workers have been court-martialed and an additional 55 received reprimands for their mishandling of detainees, according to the Defense Department. One CIA contractor has been charged with a crime related to allegations of detainee abuse. David A. Passaro is on trial in federal court in North Carolina, facing four assault charges in connection with the death of Abdul Wali, a prisoner who died while at a U.S. military firebase in Afghanistan in June 2003.

The CIA's inspector general is investigating at least half a dozen allegations of serious abuse in Iraq and Afghanistan, including two previously reported deaths in Iraq, one in Afghanistan and the death at the Salt Pit, U.S. officials said.

A CIA spokesman said yesterday that the agency actively pursues allegations of misconduct. Other U.S. officials said CIA cases can take longer to resolve because, unlike the military, the agency must rely on the Justice Department to conduct its own review and to prosecute when warranted.

"The agency has an aggressive, robust office of the inspector general with the authority to look into any CIA program or operation anywhere," said a CIA representative who spoke on the condition of anonymity. "The inspector general has done so and will continue to do so. We investigate allegations of abuse fully." The spokesman declined to comment on any case.

The Salt Pit was the top-secret name for an abandoned brick factory, a warehouse just north of the Kabul business district that the CIA began using shortly after the United States invaded Afghanistan in October 2001. The 10-acre facility included a three-story building, eventually used by the U.S. military to train the Afghan counterterrorism force, and several smaller buildings, which were off-limits to all but the CIA and a handful of Afghan guards and cooks who ran the prison, said several current and former military and intelligence officers.

The CIA wanted the Salt Pit to be a "host-nation facility," an Afghan prison with Afghan guards. Its designation as an Afghan facility was intended to give U.S. personnel some insulation from actions taken by Afghan guards inside, a tactic used in secret CIA prisons in other countries, former and current CIA officials said.

The CIA, however, paid the entire cost of maintaining the facility, including the electricity, food and salaries for the guards, who were all vetted by agency personnel. The CIA also decided who would be kept inside, including some "high-value targets," senior al Qaeda leaders in transit to other, more secure secret CIA prisons.

"We financed it, but it was an Afghan deal," one U.S. intelligence officer said.

In spring 2004, when the CIA first referred the Salt Pit case to the Justice Department for possible prosecution, the department cited the prison's status as a foreign facility, outside the jurisdiction of the U.S. government, as one reason for declining to prosecute, U.S. government officials aware of the decision said.

The case officer who was put in charge of the Salt Pit was on his first assignment. Described by colleagues as "bright and eager" and "full of energy," he was the kind of person the agency needed for such a dismal job. The officer was working undercover, and his name could not be learned.

"A first-tour officer was put in charge because there were not enough senior-level volunteers," said one intelligence officer familiar with the case. "It's not a job just anyone would want. More senior people said, 'I don't want to do that.' There was a real notable absence of high-ranking people" in Afghanistan.

Besides, the intelligence officer said, "the CIA did not have a deep cadre of people who knew how to run prisons. It was a new discipline. There's a lot of room to get in trouble."

Shortly after the death, the CIA briefed the chairmen and vice chairmen of the House and Senate intelligence committees, the only four people in Congress whom the CIA has decided to routinely brief on detainee and interrogation issues. But, one official said, the briefing was not complete.

The Afghan detainee had been captured in Pakistan along with a group of other Afghans. His connection to al Qaeda or the value of his intelligence was never established before he died. "He was probably associated with people who were associated with al Qaeda," one U.S. government official said.

The brick factory has since been torn down, and the CIA has built a facility somewhere else.

A team of federal prosecutors in the Eastern District of Virginia recently convened to handle allegations of detainee abuse is now taking a second look at the case.

The pace of the CIA investigations has tested the patience of some in Congress, as was evident two weeks ago when Sen. Carl M. Levin (D-Mich.), a member of the Senate intelligence panel, asked CIA Director Porter J. Goss when the inspector general's inquiry would be complete and available to the oversight committees.

"I haven't asked him what day he's going to finish all these cases," Goss replied.

"Or a month?" shot back Levin.

"As soon as they are through," Goss answered. ". . . I know there is still a bunch of other cases."

In recent weeks, the ranking Democrats on the House and Senate intelligence panels have asked their Republican chairmen to investigate the CIA's detention and interrogations. Sen. Pat Roberts (R-Kan.) has declined the request from Sen. John D. Rockefeller IV (D-W.Va.).

The CIA inspector general, meanwhile, recently completed a review of detention procedures in Afghanistan and Iraq and gave Goss 10 recommendations for improving administrative procedures for holding, moving and interrogating prisoners. The recommendations included more detailed reporting requirements from the field, increased safeguards against abuse and including more CIA officials in decisions affecting interrogation tactics.

Two have been fully adopted, officials said.

Researcher Julie Tate contributed to this report.

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Death shed light on CIA 'Salt Pit' near Kabul

Handling of terror suspect led to inquiry by agency's inspector general



Mohammad Sajjad / AP
Ghairat Baheer, seen here in 2008, has said he was jailed at the CIA's 'Salt Pit' along with Gul Rahman, a terror suspect who later died there. Baheer, a physician, is a son-in-law of anti-U.S. Afghan warlord Gulbuddin Hekmatyar.

By Adam Goldman and Kathy Gannon

AP Associated Press

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WASHINGTON— More than seven years ago, a suspected Afghan militant was brought to a dimly lit CIA compound northeast of the airport in Kabul, Afghanistan. The CIA called it the Salt Pit. Inmates knew it as the dark prison.

Inside a chilly cell, the man was shackled and left half-naked. He was found dead, exposed to the cold, in the early hours of Nov. 20, 2002.

The Salt Pit death was the only fatality known to have occurred inside the secret prison network the CIA operated abroad after the Sept. 11 attacks. The death had strong repercussions inside the CIA. It helped lead to a review that uncovered abuses in detention

and interrogation procedures, and forced the agency to change those procedures.

The CIA's program of waterboarding and other harsh treatment of suspected terrorists has been debated since it ended in 2006. The Salt Pit case stands as a cautionary tale about the unfettered use of such practices. The Obama administration shut the CIA's prisons last year.

Little has emerged about the Afghan's death, which the Justice Department is investigating. The Associated Press has learned the dead man's name, as well as new details about his capture in Pakistan and his Afghan imprisonment.

The man was Gul Rahman, a suspected militant captured on Oct. 29, 2002, a U.S. official familiar with the case confirmed. The official said Rahman was taken during an operation against Hezb-e-Islami Gulbuddin, an insurgent group headed by Afghan warlord

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Gulbuddin Hekmatyar and allied with al-Qaida.

A reference to Rahman's death also turned up in a recently declassified government document.

This account of the case was assembled from documents and interviews with both militants and officials in Afghanistan and Pakistan, and with more than two dozen current and former U.S. officials. The Americans spoke on condition of anonymity because the details of the case remain classified.

Doctor arrested as well

Rahman was arrested with Dr. Ghairat Baheer, a physician who is Hekmatyar's son-in-law and a leader of Hezb-e-Islami, an insurgent faction blamed for numerous bombings and violence in Afghanistan.

Baheer, who said he spent six months in the Salt Pit during six years in Afghan prisons, said in an interview in Islamabad that he never learned what happened to Rahman. Rahman's family repeatedly pressed International Red Cross officials about his fate, Baheer said.

"If he died there in interrogation or he died a natural death they should have told his family and ended their uncertainty," Baheer said.

Rahman had driven from Peshawar, Pakistan, in the northwest frontier to Islamabad for a medical checkup. He was staying with Baheer, an old friend, when U.S. agents and Pakistani security forces stormed the house and took both men, two guards and a cook into custody.

After a week, Rahman was separated from the others. "That was the last time I saw him," said Baheer, now a member of a Hezb-e-Islami delegation that met this month in Kabul, the

Afghan capital, for peace talks with Afghan President Hamid Karzai.

Baheer said he was flown to Afghanistan and taken to the Salt Pit, the code name for the abandoned brick factory turned CIA prison. In small, windowless cells, detainees were subjected to harsh treatment and at least one mock execution, according to several former CIA officials.

"I was left naked, sleeping on the barren concrete," said Baheer. His toilet was a bucket. Loudspeakers blared. Guards concealed their identity with masks and carried torches.

Baheer said his American interrogators would tie him to a chair and sit on his stomach. They hung him naked, he said, for hours on end.

Rahman was violently uncooperative in custody, current and former U.S. officials said.

At one point, he threw a latrine bucket at his guards. He also threatened to kill them. His stubborn responses provoked harsher treatment. His hands were shackled over his head, he was roughed up and doused with water, according to several former CIA

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officials.

The exact circumstances of Rahman's death are not clear, but the Afghan was left in the cold cell on the morning of Nov. 20. He was naked from the waist down, said two former U.S. officials. Within hours, he was dead.

CIA headquarters in Langley, Va., sent a team to gather the facts, the current U.S. official said.

A CIA medic at the site concluded the Afghan died of hypothermia. A doctor sent later confirmed that judgment. But the detainee's body was never returned to his family, and Baheer said his friend's relatives still don't know what happened.

"The Americans have had enough time," said Baheer. "After nearly eight years, enough is enough."

At CIA headquarters, the agency's inspector general, John Helgerson, learned about the Salt Pit death and the existence of the agency's secret interrogation program. Helgerson began an investigation into the death as well as a special review of the program.

The case appeared to prod the CIA to codify its interrogations. The same month that the detainee died, the CIA's Counterterrorism Center started training courses for interrogators, according to public documents.

The following year, the CIA issued guidelines covering the use of cold in interrogations, with detailed instructions for the "safe temperature range when a detainee is wet or unclothed."

But harsh interrogation techniques continued until 2006.

When the inspector general's report on the Salt Pit death emerged, it focused on decisions made by two CIA officials: an inexperienced officer who had just taken his first overseas assignment to run the prison, and the Kabul station chief, who managed CIA activities in Afghanistan. Their identities remain classified.

The report found that the Salt Pit officer displayed poor judgment in leaving the detainee in the cold. But it also indicated the officer made repeated requests to superiors for guidance that were largely ignored, according to two former U.S. intelligence officials.

That raised concerns about not only officials in Afghanistan but the CIA's management in Langley. Similar concerns were later aired in the inspector general's review of the CIA's secret interrogation program.

"The agency — especially in the early months of the program — failed to provide adequate staffing, guidance and support to those involved with the detention and interrogation of detainees," the report said.

The inspector general referred the Salt Pit

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death to federal prosecutors, who decided they couldn't make a case. The former U.S. official familiar with the case said it could not be proved that the CIA officer running the Salt Pit intended to harm the detainee.

The CIA wouldn't say whether the two agency officers cited by the inspector general were punished. But no administrative action was taken when the No. 3 CIA official reviewed the case, said two former intelligence officials.

Now, a Justice Department criminal inquiry is looking at whether CIA operatives crossed the line in a small number of cases including the Salt Pit death.

Since that episode, the Kabul station chief has been promoted at least three times, former officials said. And the officer who ran the prison went on to other assignments, one overseas.

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