

Exhibit O

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 JOHN RIZZO

I, John Rizzo, 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 spent 34 years working in the Office of General Counsel at the United States Central Intelligence Agency ("CIA"). From November 2001 until October 2002 and from July 2004 until October 2009, I served as the Chief Legal Officer for the CIA. From October 2002 until July 2004, I served as Senior Deputy General Counsel for the CIA.
3. I was involved in drafting the Memorandum of Notification ("MON") that President George W. Bush signed on September 17, 2001.

68. I was one of the key legal architects of the CIA's EIT Program, which I monitored and oversaw from its beginning to end.

69. Gul Rahman ("Rahman") was not classified as an HVD.

70. Rahman was not part of the EIT Program.

71. Rahman died, in part, because the CIA did not devote sufficient attention and resources to less significant detainees captured on the battlefield and held elsewhere, *i.e.* so called middle-value and low-value detainees, like Rahman.

72. After Rahman's death, the CIA Inspector General conducted an investigation into the cause of Rahman's death.

73. The investigation concluded that Rahman died of hypothermia because CIA Staff Officer ordered Rahman to be short chained such that he was compelled to sit on the concrete floor of his cell clothed in only a sweatshirt.

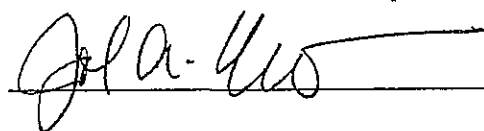
74. The investigation further found that an individual other than Drs. Mitchell or Jessen was responsible for not providing adequate supervision of CIA Staff Officer and the activities at COBALT, the black-site where Rahman was detained.

75. The DOJ was apprised of the circumstances surrounding Rahman's death. In 2005, the DOJ declined to prosecute anyone in connection with Rahman's death. Then, in 2012, after a year-long special criminal investigation into Rahman's death was conducted by Assistant United States Attorney John Durham, the DOJ again declined to prosecute anyone in connection with Rahman's death.

76. Despite monitoring and overseeing the CIA's EIT Program from beginning to end, I was not interviewed in connection with the preparation of the Senate Select Committee on

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Dated: January 23, 2017

A handwritten signature in black ink, appearing to read "John Rizzo", is written over a horizontal line. The signature is stylized and cursive.

John Rizzo

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