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The New Yorker

## Who Killed Gul Rahman?

Posted by Jane Mayer  
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Last week, in a review of Marc A. Thiessen’s “Courting Disaster,” I questioned many of Thiessen’s assertions about the use of torture during the Bush years, including his claim that no detainee “deaths in custody took place in the C.I.A. interrogation program.” Now, underscoring that point, the Associated Press has published a remarkable account detailing the death of one detainee held by the C.I.A.

The story, by Adam Goldman and Kathy Gannon, revealed for the first time the name of a suspected Afghan militant who died of exposure in C.I.A. custody on November 20, 2002, in a secret prison, known as the “Salt Pit,” run by the Agency. The suspect, Gul Rahman, reportedly died after having been stripped naked from the waist down and shackled in a cell in which the temperature dipped to approximately thirty-six degrees Fahrenheit. Subsequent forensic examinations determined that he had frozen to death. Rahman was believed to have been in his early thirties, and was suspected of having served as a guard to the Afghan warlord, Gulbuddin Hekmatyar, who was then an ally of Al Qaeda leaders in Afghanistan but who is currently engaged in possible peace negotiations with the Karzai government.

Until the A.P. disclosed the details, on Sunday, March 28th, the C.I.A. kept the dead man’s name and fate secret for seven years. His wife and four daughters were given no notification of his death. Spokesmen at the Agency have declined to comment on Rahman’s death, or discuss whether officers in charge have been held accountable. The identities of personnel involved in the covert prison program have been wrapped in secrecy.

In an apparent oversight, however, the identity of the manager of the Salt Pit at the time of Rahman's death appeared recently in a public document. The officer, who continues to work for the C.I.A., is mentioned by name in a footnote in the October, 2009, legal response to allegations of unprofessional conduct filed by lawyers for Jay Bybee, the former head of the Office of Legal Counsel. The Bybee document was released last February by the Justice Department. Apparently unnoticed at the time, it revealed both the surname of the Salt Pit manager and the identity of the victim, Rahman.

[UPDATE, April 1, 6:40 P.M.: In an interesting disappearing act, unspecified government officials have now mysteriously redacted the name of the C.I.A. officer in charge of the Salt Pit from the public record described above. The document is easily accessible on the House Judiciary Committee's Web site (pdf). But where footnote No. 28 previously identified the surname of the Salt Pit manager, as of April 1st, the name has been blacked out. The victim's name, however, is still visible. It was evidently too late to keep that out of the public eye after the A.P. story.]

The Bybee document reflects arguments made by lawyers in the Bush Justice Department, who held that, despite Rahman's death, the "manager of the Saltpit site" should not be prosecuted for torture, because he lacked the requisite criminal intent. According to the Bush Administration's interpretation, the site manager had not intended for Rahman to "suffer severe pain from low temperatures in his cell," and was therefore not criminally liable for the accidental death.

Nearly eight years later, no legal charges have been brought in connection with the homicide. According to the A.P. story, both the C.I.A. and the Justice Department reviewed the case for potential criminal violations during the Bush years, but declined to prosecute. Since then, however, Attorney General Eric Holder has asked special prosecutor John Durham to take a second look at the Salt Pit case, along with several other instances of alleged abuse of C.I.A. prisoners. Former and current C.I.A. officials have vehemently opposed this effort. Meanwhile, Holder has made clear that his department would only bring charges if C.I.A. personnel could be shown to have gone beyond the extraordinarily broad legal guidelines for interrogations and detentions specified by the Justice Department during the Bush years.

According to the A.P., it also remains unclear if any C.I.A. officers were punished administratively as a result of Rahman's death. The record suggests otherwise—that the American officials who were involved have, instead, prospered. The story notes that, rather than being demoted, two key supervisors who were intimately involved in the case, including the Salt Pit site manager, have risen inside the agency. "The CIA's then-station chief in Afghanistan was promoted after Rahman's death," the A.P. reported, "and the officer who ran the prison went on to other assignments, including one overseas."

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