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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

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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.