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HUMAN RIGHTS WATCH

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May 6th, 2004

Donald Rumsfeld
 Secretary of Defense
 Department of Defense
 1000 Defense Pentagon
 Washington, D.C. 20301

Dear Secretary Rumsfeld:

The ill-treatment, torture and murder of prisoners by U.S. military and intelligence personnel in Iraq demonstrate, according to a military inquiry, "systemic and illegal abuse of detainees." Each day new facts and photographs are coming to light that paint an increasingly grim picture of U.S. military practices at detention facilities not only in Iraq, but elsewhere. It is clear that the U.S. military and the intelligence community have failed to comply with President Bush's pledge on June 26, 2003 that the United States will neither "torture" detainees, nor use "cruel and unusual" treatment to interrogate them.

U.S. military officials have recently stated that "stress and duress" interrogation techniques -- such as extended sleep and sensory deprivation, forced standing, binding detainees in painful positions, and holding detainees naked -- will no longer be used against prisoners in Iraq. There is absolutely no reason why such a ban should not be instituted globally and applied to all U.S. personnel, whether military, intelligence, or private contractors under U.S. employ. Such techniques are explicitly designed to inflict pain and humiliation; by ratcheting up the detainee's pain and discomfort, they almost invariably lead to far more serious mistreatment. Their use clearly contributed to an environment in which some military personnel believed even more shocking abuse would be tolerated. The techniques violate the Geneva Conventions, the policy on interrogations expressed by Defense Department General Counsel William Haynes in his June 25, 2003 letter to Senator Patrick Leahy, as well as the Army's longstanding interrogation guidelines. "Stress and duress" techniques must be permanently and universally banned.

It should also now be evident that the monitoring of detention facilities by the armed forces has been insufficient to ensure compliance with U.S. obligations under international human rights and humanitarian law, particularly the Geneva Conventions. Denying access to detainees by family members and legal counsel has undoubtedly contributed to a situation in which abuses were likely to proliferate. While much attention has been given to the forthright yet unreleased report of Major-General Antonio Taguba into the situation at Abu Ghraib prison, an earlier inquiry by Provost Marshal Donald Ryder



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seriously downplayed concerns about conditions. Unfortunately, the United States has now lost so much credibility worldwide that its own investigations will not be found to be impartial. While the confidential reporting of the International Committee of the Red Cross to the U.S. government is critical, investigations by independent and reliable monitors who can report their findings publicly are also needed.

Human Rights Watch calls, first, for the U.S. government to reveal all places of detention where security or terrorist suspects are being held on whatever grounds, and second, for it to permit independent, impartial and public investigations of all facilities where the U.S. armed forces and the U.S. intelligence community are holding persons in detention. As an independent organization with expertise in human rights monitoring, Human Rights Watch has repeatedly sought to visit U.S. military detention facilities -- including in Iraq, Afghanistan, and Guantanamo Bay -- without success.

Human Rights Watch requests access to any and all U.S. detention facilities in Iraq, Afghanistan, Guantanamo Bay and wherever security or terrorist suspects are being held on whatever grounds. For such visits to be meaningful, Human Rights Watch would require access to all parts of a facility and to all detainees, and to meeting privately with detainees of our choosing.

We would welcome a meeting with your office to discuss these matters further.

Sincerely,



Kenneth Roth
Executive Director

Cc: George Tenet, Director, Central Intelligence Agency