October 15, 2003

George Tenet
Director of Central Intelligence
Central Intelligence Agency
Office of Public Affairs
Washington, D.C. 20505

Dear Mr. Tenet,

We are writing to you to make an inquiry concerning Central Intelligence Agency operations in Afghanistan.

We would like to make a formal request to visit the detention facility maintained by the CIA located at the Baybaran airbase in Afghanistan and all other detention facilities in Afghanistan in which the CIA is holding Afghan and non-Afghan detainees. We have a number of concerns about the methods and practices used in these facilities, and the fact that some detainees in these facilities are being held under no legal authorization, and may not be combatants. (We have written a similar letter to Secretary Rumsfeld.) To address these concerns, we would like to visit these facilities and interview detainees.

We would be glad to discuss with your staff whether an arrangement regarding this request is possible. We can discuss with your staff in more detail the logistics of how a visit to sites in Afghanistan could be arranged, and under what circumstances. We are of course willing to share our concerns and findings with you or your staff.

We hope that you can respond to these requests. We believe that the secretiveness of the United States in maintaining these facilities puts at risk the human rights of detainees in those facilities (especially persons whose detention is unauthorized by law, such as civilians) and engenders negative perceptions of the United States in Afghanistan and worldwide.

My contact information is as follows: telephone: (212) 216-1228, e-mail: adamsb@hrw.org

We look forward to your response.

Sincerely,

Brad Adams
Executive Director
Asia Division

Brad Adams
encompassing the U.S. intelligence community as a whole, will be woefully incomplete.

2. Prosecute any military or intelligence personnel found to have engaged in or encouraged any acts amounting to torture or inhuman treatment. Some of the abuses described in Gen. Taguba’s report clearly rise to this level. In such cases, administrative penalties are not enough to ensure accountability for serious mistreatment and to send a clear signal that such abuse will not be tolerated.

3. Ensure that all interrogators working for the United States, whether employees of the military, intelligence agencies, or private contractors, understand and abide by specific guidelines consistent with the policy outlined by DOD General Counsel Haynes last year, which prohibited interrogation methods abroad that would be barred in the United States by the 5th, 8th, and/or 14th Amendments to the U.S. Constitution, as well as the Geneva Convention. Such guidelines should be publicly available. They should prohibit some of the techniques of stress now apparently permitted by a reported “72-point matrix” used by U.S. interrogators, including extended sleep and sensory deprivation and forcing detainees to assume painful positions, in addition to the other forms of humiliating and degrading treatment that have been reported in Iraq, such as holding detainees nude. U.S. Army field manuals do contain prohibitions against cruel and inhuman treatment in interrogations, but it is unclear if CIA interrogators operate under any similar guidelines, or how the more specific policy outlined by DOD last year was communicated to personnel in the field. It is also unclear whether adherence to such policies is the subject of routine, frequent monitoring by supervisory officials. Whatever such practices may be, events in Iraq make clear that ongoing monitoring of interrogation and detention practices is inadequate.

4. Grant the International Committee of the Red Cross access to all detainees held by the United States in the campaign against terrorism throughout the world, whether held in facilities run by the U.S. military or intelligence services, or nominally held by other governments at the behest of the United States. The United States should not be operating undisclosed detention facilities to which no independent monitors have access.

5. Make public information about who is detained by occupation forces in Iraq and Afghanistan, and why, and enable families of detainees to visit their relatives. Even with internal safeguards, incommunicado detention is an invitation to abuse.

6. Videotape all interrogations and other interaction with detainees so responsible personnel understand that there will be a record of any abuses. These videotapes should be regularly reviewed by supervisory personnel to ensure full compliance with interrogation and detention standards in U.S. and international law.

7. Release the results of the investigation the Defense Department conducted into deaths in custody of two detainees held at Bagram Air Base in Afghanistan. Reports we’ve received suggest that criminal prosecutions have been foregone in lieu of quiet disciplinary action.
May 3, 2004

Dr. Condoleezza Rice
Assi. to the President for National Security Affairs
The White House
Washington, DC 20504

Via Facsimile: (202) 456-2883

Dear Dr. Rice:

It is becoming clear that the ill treatment and torture of prisoners by the U.S. military in Iraq were not limited to isolated incidents, but reflected, in the words of the U.S. army's own inquiry, "systemic and illegal abuse of detainees." The brazenness with which the U.S. soldiers involved conducted themselves suggests they thought they had nothing to hide from their superiors. The reported role of U.S. intelligence officers in encouraging such treatment to "soften up" detainees for interrogations, combined with earlier reports of similar abuses in Afghanistan, suggests a much wider problem that must be addressed.

The acts described in the investigative report written by Maj. Gen. Antonio Taguba, including beatings, repeated sexual abuse and humiliation, and threats and simulation of rape and torture by electric shock, violate the Geneva Conventions and could constitute war crimes. They clearly contradict President Bush's pledge on June 26, 2003 that the United States will neither "torture" terrorists suspects, nor use "cruel and unusual" treatment to interrogate them, as well as the more detailed policy on interrogations outlined that day by Defense Department General Counsel William Haynes. It should also now be beyond doubt, as we have repeatedly argued, that such conduct damages the reputation of the United States and its ability to advance the rule of law around the world.

We welcome reports that the Defense Department is now examining the interrogation practices of military intelligence officers at all U.S.-run prisons in Iraq, not just Abu Ghraib. But this does not go nearly far enough to reverse the extraordinary harm these abuses have caused. We strongly urge the administration to take the following steps:

1. Launch an investigation into interrogation practices wherever detainees are held around the world, whether the facilities are run by the U.S. military or the Central Intelligence Agency - and make the results public. The reports from Iraq suggest a systemic problem involving the intelligence community, not just the military police officers on the scene - - indeed, we understand the CIA Inspector General is currently investigating the death of a detainee at Abu Ghraib who was presumably being interrogated by that agency. Any inquiry that focuses solely on Iraq and exclusively on the practices of the U.S. military, without also
Please find attached a letter from Human Rights Watch.

Please contact Dorit Radzir at (202) 612-4322 if you encounter any difficulties with this facsimile.
3 November 2003

Mr. Brad Adams
Executive Director
Asia Division
Human Rights Watch
350 Fifth Avenue, 34th Floor
New York, New York 10115

Dear Mr. Adams:

Thank you for your letter of 15 October to Director Tenet regarding detainees apprehended in the wake of the terrorist attacks on the United States of 11 September 2001. I understand that you have sent a similar letter to Secretary Rumsfeld.

As you know, the Director of Central Intelligence is required by law to protect intelligence sources and methods, 50 U.S.C. §403-3(c)(7), and the Central Intelligence Agency (CIA) does not comment on operational activities or practices. I can assure you, however, that in its various activities around the world the CIA remains subject to the requirements of US law. Pursuant to Executive Order 12333, credible allegations of unlawful behavior are reported by the CIA to the Department of Justice, and may be investigated both by that Department and by the Agency's Presidentially appointed, Senate confirmed Inspector General. The Agency also provides the Congressional intelligence oversight committees with comprehensive briefings and materials about its various activities, as provided by 50 U.S.C. §§413a, 413b(b).

Sincerely,

Scott W. Muller

APPROVED FOR RELEASE
DATE: DEC 2004
8. Pay restitution to detainees found to be victims of torture or inhumane treatment.

9. Ensure that private contractors working for the United States in military or intelligence roles operate under a clear legal regime so that they can be held criminally responsible for complicity in illegal acts.

We hope you will agree that the revelations from Iraq call for dramatic, and systematic, changes in the treatment of prisoners held by the United States around the world, both to ensure compliance with U.S. legal obligations, and to repair the damage these abuses have caused to the credibility of the United States.

Sincerely,

Kenneth Roth
Executive Director

Tom Malinowski
Washington Advocacy Director

cc: Donald H. Rumsfeld, Secretary of Defense
    George Tenet, Director, Central Intelligence

APPROVED FOR RELEASE
DATE: DEC 2004

DOJFBI-003084