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TO: Director George Tenet	FROM: Kenneth Roth Executive Director
COMPANY: Central Intelligence Agency	DATE: MAY 3, 2004
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NOTES/COMMENTS:

Please find attached a letter from Human Rights Watch.

Please contact Dorit Radzic at (202) 612-4322 if you encounter any difficulties with this facsimile.

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HUMAN RIGHTS WATCH

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May 3, 2004

Dr. Condoleezza Rice
 Asst. 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 of 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" terrorist 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

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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 Conventions. 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.

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