

10/15/03 WED 11:08 FAX

002

**HUMAN RIGHTS WATCH**

350 Fifth Avenue, 34th Floor  
New York, NY 10118  
Tel: (212) 290-4700  
Fax: (212) 736-1300  
E-mail: hrwnyc@hrw.org  
Website: http://www.hrw.org

**ASIA DIVISION**  
Irene Adams  
*Executive Director*  
Soren Zia-Zarif  
*Deputy Director*  
Sara Cain  
Mickey Spiegel  
*Senior Researcher*  
Meg Davis  
Ali Hama  
Chorain Mahanad  
John Siddu  
*Researcher*  
Ami Evangelista  
Liz Watan  
*Assistant*

**ADVISORY COMMITTEE**

Jeanne Liedtke-Ackerman  
*Chair*  
Orville Schell  
*VICE Chair*  
Mauroso Anag-Thwin  
Edward J. Baker  
Harry Barnes  
Robert L. Bernstein  
Jagdish Mehta  
Jerome Cohen  
John Dempsey  
Clarence Dias  
Dolores A. Donovan  
Melissa Doss  
Mark Goldhamer  
James C. Gossels  
Jonathan Hecht  
Paul Hoffman  
Sharon Hom  
David Hulse  
Ramesh Jagan  
Daniel Lee  
Pony Lok  
Andrew J. Nathan  
Yuri Orlov  
Kathleen Peraini  
Bruce Rabb  
Makrishnan Rajagopal  
Victoria Rishin  
Sheila Rothman  
Barbara Rubin  
Jenna Scott  
Prison Sigmour  
Barbara Shtulman  
Steven Shapiro  
Eric Stever

**HUMAN RIGHTS WATCH**

Kenneth Roth  
*Executive Director*  
Civell Ruggie  
*Assistant Director*  
Michelle Alexander  
*Development and Outreach Director*  
Steve Charnow  
*London Director*  
Barbara Gagliola  
*Finance Director*  
Lois Letcher  
*Madrid Office Director*  
Lyn Levine  
*Program Director*  
Tom Malinowski  
*Washington Advocacy Director*  
Betsy Marston  
*Agency Director*  
Marie Pignataro-Niklen  
*Human Resources Director*  
Dinah Polansky  
*General Counsel*  
Wilder Taylor  
*Legal and Policy Director*  
Joanna Wozniak  
*UN Representative*  
Jonathan Fanton  
*Chair*

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 Bagram 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

APPROVED FOR RELEASE  
DATE: DEC 2004

BRUSSELS GENEVA LONDON LOS ANGELES MOSCOW NEW YORK SAN FRANCISCO WASHINGTON

DOJFBI-003078

05/03/04 MON 18:00 FAX

003

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 5<sup>th</sup>, 8<sup>th</sup>, and/or 14<sup>th</sup> 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.

APPROVED FOR RELEASE  
DATE: DEC 2004

05/03/04 MON 17:59 FAX

002

**HUMAN RIGHTS WATCH**

1630 Connecticut Ave, N.W., Suite 500  
 Washington DC, 20009  
 Phone: 202-612-4321  
 Fax: 202-612-4333  
 Email: hrwdc@hrw.org  
 Website: http://www.hrw.org

Kenneth Roth  
*Executive Director*  
 Carroll Bogert  
*Associate Director*  
 Allison Adrenko  
*Operations Director*  
 Michele Alexander  
*Development and Outreach Director*  
 Steve Crockett  
*London Director*  
 Barbara Guglielmo  
*Finance Director*  
 Leslie Leitch  
*Programs Director*  
 John Lovato  
*Program Director*  
 Tom Malinowski  
*Washington Advocacy Director*  
 Maria Pignatone Nielden  
*Human Resources Director*  
 Dinah Polkempner  
*General Counsel*  
 Wilhel Taylor  
*Legal and Policy Director*  
 Juvana Weisbach  
*UN Representative*  
**DIVISION DIRECTORS**  
 Peter Talisman  
*Africa*  
 Jose Miguel Vivanco  
*Americas*  
 Brad Adams  
*Asia*  
 Rachel Denber (acting)  
*Europe and Central Asia*  
 Joe Stork (acting)  
*Middle East and North Africa*  
 Steve Goss  
*Japan*  
 Lois Whittle  
*Children's Rights*  
 LaShawn R. Jefferson  
*Women's Rights*  
**BOARD OF DIRECTORS**  
 Jane Olson  
*Chair*  
 Jessica F. Hogg, Jr.  
 Sid Richberg  
 John J. Stuzinski  
*Vice-Chairs*  
 Khalid Ahmed El Fall  
 Lisa Anderson  
 Lloyd Asworthy  
 David Brown  
 Dorothy Cullman  
 Edith Eversu  
 Jonathan Fanton  
*(Chair, 1998-2003)*  
 Michael Gelles  
 Richard Goldstone  
 Vartan Gregorian  
 Stephen L. Kass  
 Wendy Kross  
 Robert Kutane  
 Bruce L. Jensen  
 James L. Leibold-Ackerman  
 Josh Wilman  
 Kati Marton  
 Barry Meyer  
 Joel Masley  
 Samuel K. Mutemba  
 Peter Orent  
 Kathleen Ferain  
 Catherine Powell  
 Sigrid Rausing  
 Victoria Kiskin  
 Nancy Rubin  
 Orville Schell  
 Dumas Stanton  
 Shibley Telhami  
 Maya Wiley

Robert L. Derancin  
*(Founding Chair, 1979-1997)*

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

APPROVED FOR RELEASE  
 DATE: DEC 2004

BRUSSELS GENEVA LONDON LOS ANGELES MOSCOW NEW YORK SAN FRANCISCO WASHINGTON





05/03/04 MON 17:59 FAX

DAC-02493-04 001



FACSIMILE TRANSMITTAL SHEET

TO: Director George Tenet	FROM: Kenneth Roth Executive Director
COMPANY: Central Intelligence Agency	DATE: MAY 3, 2004
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
PHONE NUMBER:	SENDER'S REFERENCE NUMBER: (202) 612-4322
RE:	YOUR REFERENCE NUMBER:

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

NOTES/COMMENTS:

Please find attached a letter from Human Rights Watch.

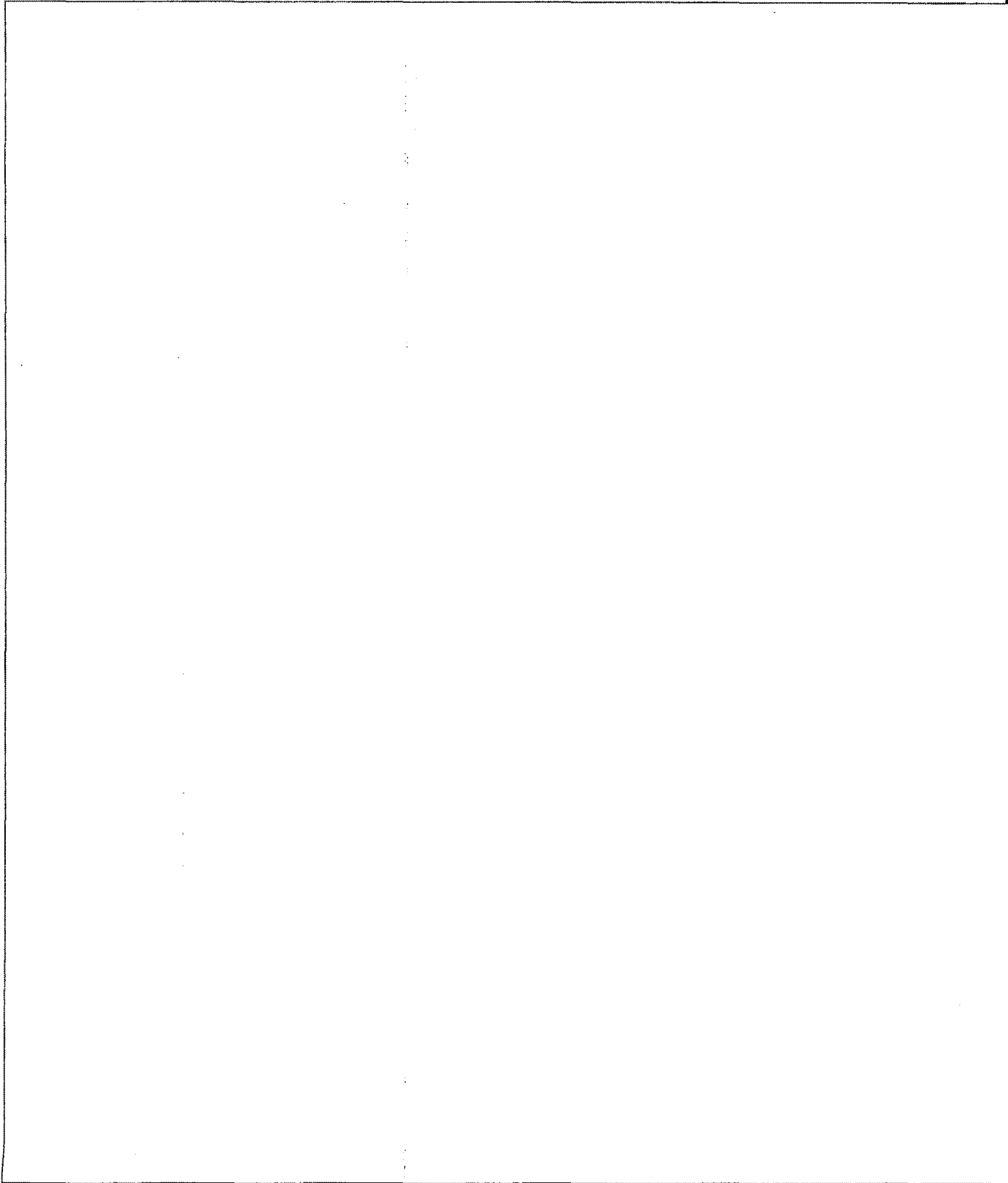
*Please contact Dorit Radzic at (202) 612-4322 if you encounter any difficulties with this facsimile.*

APPROVED FOR RELEASE  
DATE: DEC 2004

1439 CONNECTICUT AVENUE, SUITE 500, NW  
 WASHINGTON, DC 20004  
 TEL: 202-612-4321  
 FAX: 202-612-4322  
 HTTP://WWW.HRW.ORG

DOJFBI-003081

(b) (2)  
(b) (3)



APPROVED FOR RELEASE  
DATE: DEC 2004

**DOJFBI-003080**



CENTRAL INTELLIGENCE AGENCY  
Washington, D.C. 20505

General Counsel

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,

A rectangular box with a black border, used to redact the signature of Scott W. Muller.

Scott W. Muller

APPROVED FOR RELEASE  
DATE: DEC 2004


05/03/04 MON 18:00 FAX

004

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