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Contact:

Sharon Singh, AIUSA, 202 544 0200 x 289, ssingh@aiusa.org

Jen Nessel, CCR, 212 614 6449, jnessel@ccrjustice.org

Veerle Opgenhaffen, NYU IHRC/CHRGJ, 212 992 8186, opgehaffen@exchange.law.nyu.edu

Rights Groups Demand CIA Turn Over 49 Cables Relating to Use of Waterboarding

Lawsuit Seeks Further CIA and DOJ Documents about Secret Detention, Rendition, and Torture Program

(New York and Washington, DC)—The Central Intelligence Agency (CIA) must turn over information regarding 49 cables it has admitted it has in its possession related to the waterboarding of Khalid Sheikh Mohammed, said three prominent human rights groups today. The groups—Amnesty International USA (AIUSA), the Center for Constitutional Rights (CCR), and the International Human Rights Clinic at NYU School of Law’s Center for Human Rights and Global Justice (NYU IHRC/CHRGJ)—filed the papers Monday night, as part of an ongoing Freedom of Information Act (FOIA) lawsuit they have brought against multiple government agencies, including the CIA, seeking information on the administration’s secret detention, rendition, and torture program.

The human rights advocates are challenging the agency’s refusal to provide these cables related to the waterboarding of Mr. Mohammed, charging that the government has already publicly admitted the former ghost detainee and current Guantanamo detainee was waterboarded while being held in the CIA’s secret detention program. However, in response to this FOIA litigation, the CIA has refused to adhere to its most basic disclosure obligations.

“We can no longer allow the details of the calculated program of torture inflicted on detainees within U.S. custody to remain secret,” said **CCR Staff Attorney Gitanjali Gutierrez**. “Where convenient, the U.S. government has acknowledged the use of specific torture practices. Yet, the government continues to hide behind improper classification arguments in this case. The public has a right to know what is being done in our name.”

The CIA also refused to confirm or deny the existence of cables between the CIA and field operatives regarding the use of coercive interrogation techniques on Abu Zubaydah and Mr. Mohammed. In addition, the agency continues to deny communications between the United States and the Yemeni government relating to other detainees—such as Yemeni national Mohamed Bashmilah, who survived years of secret detention, only to be released without any acknowledgment or explanation for his treatment—despite the fact that the Yemeni government has itself acknowledged such communications took place. The rights groups in the case challenged as disingenuous the government’s assertion that the very acknowledgment that such records exist will cause any harm to national security.

“The CIA’s refusal to simply acknowledge the existence of documents that have been widely reported on shows once again how it chooses national security over human rights and smoke and mirrors over transparency,” said **Jayne Huckerby, Research Director of CHRGJ**. “In the wake of the 2008 U.S. election, we are hopeful that this country’s renewed commitment to human rights will make the CIA’s obfuscation a relic of the past.”

In response to the lawsuit brought jointly by AIUSA, CCR and NYU IHRC/CHRGJ, the CIA admitted to having 10,000 documents relating to the FOIA request. However, agency officials refused to release the vast majority of those documents and failed to provide adequate explanation.

“It is essential that the U.S. public be able to see for itself the shocking details of this government’s torture policy and practices,” said **Curt Goering, AIUSA’s Senior Deputy Executive Director**. “Without such a reckoning, the country can not, will not, and should not relegate this dark chapter to the history books.”

Background

AIUSA, CCR, and NYU IHRC/CHRGJ have filed FOIA requests with several U.S. government agencies, including the CIA. They filed the lawsuit in June of 2007. Morrison & Foerster LLP serves as co-counsel in the case. The FOIA litigation seeks information about individuals who are—or have been—held by the U.S. government or detained with U.S. involvement, as part of the government’s ghost detention, rendition, and coercive interrogation program. The requests also sought information about the government’s legal justifications for its secret detention and extraordinary rendition programs. Comprehensive information about the identities and locations of prisoners in CIA custody—as well as the conditions of their detention and the specific interrogation methods used against them—has never been publicly revealed. The rights groups charge that this lack of transparency continues to prevent scrutiny by the public or the courts and leaves detainees vulnerable to abuse and torture.

The CIA did release some documents in response to the FOIA request—including communications between members of Congress and the CIA, and documents related to congressional briefings. However, the CIA and other government agencies have withheld thousands of pages of records, hiding thousands of documents responsive to the requests behind classification arguments.

In its legal filings, the CIA has acknowledged that this program “will continue.” Some prisoners have been transferred to prisons in other countries for proxy detention where they face the risk of torture and where they continue to be held secretly, without charge or trial. Human rights reports indicate that the fate and whereabouts of at least 30 people believed to have been held in secret U.S. custody remain unknown.

For more information or copies of the CIA’s legal filings and released documents, please contact ssingh@aiusa.org, jnessel@ccrjustice.org or opgenhaffen@exchange.law.nyu.edu.

For more information about the organizations involved, please see their websites: www.amnestyusa.org, www.ccrjustice.org, or www.chrgj.org.

To see the most recent documents from this CIA filing, go to <http://www.ccrjustice.org/newsroom/press-releases/cia-foia-documents>.

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