



CAGEPRISONERS

REPRIEVE

 centerforconstitutionalrights

January 26, 2009

President Barack Obama
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear President Obama:

We write collectively as human rights organizations that work on behalf of individuals secretly detained by, or at the direction of, the United States since 2001. These individuals have been detained in secret overseas Central Intelligence Agency (CIA) prisons and have been subject to an enforced disappearance for which the United States bears legal and moral responsibility.

Accordingly, we strongly welcome and applaud your Executive Order of January 22, 2009, in which you order the CIA to close current detention facilities and to not operate any such facilities in the future. This is a significant step forward for human rights, transparency and the rule of law.

We note however that the Executive Order leaves open the possibility for the CIA to use detention facilities on a short-term or transitory basis, or to use foreign-controlled facilities to detain and interrogate individuals at its behest (proxy detention). The Executive Order is also silent on information about the fate, whereabouts and disposition of persons currently or formerly in CIA detention facilities. In view of the CIA's record on coercive interrogation and secret and proxy detention, these omissions could lead to continued violations of human rights.

Building on your commitment to justice and accountability, we call on you, Mr. President, to:

- Explicitly cease the United States' use of secret or unacknowledged detention and proxy detention at all times and in all circumstances;
- Ensure that the disposition of individuals from CIA detention facilities is undertaken with full respect for the principle of *non-refoulement*, such that individuals are not transferred in circumstances where there is a risk of torture or cruel, inhuman or degrading treatment;
- Make known the names, fate, and whereabouts of all individuals the United States has secretly detained, even if they have been released, transferred to the custody of a foreign state, or are deceased; and

- Take steps to ensure that the United States provides proper remedies to individuals it has secretly detained.

Sincerely,

Asim Qureshi
Senior Researcher
Cageprisoners

Vince Warren
Executive Director
Center for Constitutional Rights

Professor Margaret Satterthwaite
Faculty Director
Center for Human Rights and Global Justice, New York University School of Law

Clive Stafford Smith
Director
Reprieve