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1	DCIA		X	12			
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Action Officer:

COORDINATION/ROUTING:

OIG to respond as appropriate in coordination with OCA.

SUMMARY:

24 October 2005 letter to CIA, IG, from Senator Levin, Ranking Member SASC, requesting IG report on its investigation of CIA personnel involvement in abuse of detainees.

Date of Document: 24 October 2005
Received in DAC: 28 October 2005

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**** COMMITTEE ON ARMED SERVICES ****

FAX COVER SHEET

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TO: MR. JOHN HELGERSON C/O MR. STAN MOSKOWITZ	FAX NUMBER: 703-482-0672 PHONE NUMBER:
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COMMENTS:

*Please see the attached letter
from Senator Helms.*

FROM: <u>BILL MONAHAN</u> Committee on Armed Services United States Senate Room 228 Russell Senate Office Building Washington, D.C. 20510-6050 PHONE NUMBER: 202-224- <u>9353</u>	THIS TRANSMISSION CONSISTS OF <u>5</u> PAGES, INCLUDING THIS COVER SHEET
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United States Senate
 COMMITTEE ON ARMED SERVICES
 WASHINGTON, DC 20510-6050

October 24, 2005

Mr. John Helgerson
 Office of the Inspector General
 Central Intelligence Agency
 2X30 NHB
 Washington, DC 20505

Dear Mr. Helgerson:

Congress and the public have yet to receive an accounting of the role Central Intelligence Agency (CIA) personnel have played in the mistreatment of detainees in U.S. custody in Afghanistan, Iraq, Guantanamo Bay and elsewhere. I request that the Office of Inspector General report on its efforts to assess the responsibility of the CIA and its personnel for alleged abuses of detainees.

Senators have sought information on a number of occasions about the CIA's role in alleged detainee abuses and the steps the CIA has taken to investigate these allegations. For example, in February of this year, I asked Director of Central Intelligence (DCI) Goss about the Inspector General's efforts to look into incidents of detainee abuse involving CIA personnel. At that time, DCI Goss was unable to say when the Inspector General would be completing his review of abuse allegations. More recently, Senator Reed asked Secretary of Defense Rumsfeld at a Senate Armed Services Committee hearing on September 29, 2005, for any information he might have regarding the status of the CIA Inspector General's investigation into the "ghost detainee" matter. Secretary Rumsfeld testified that he had no information about that CIA investigation.

The nearly a dozen reviews conducted by the Department of Defense have shed little light on how CIA personnel may have contributed to detainee abuse. On September 9, 2004, Generals Kern and Fay testified to the Senate Armed Services Committee that, in meetings with the CIA's Inspector General, the CIA denied their request for information relating to detainee abuses, but that the CIA Inspector General agreed to conduct his own investigation. The Schlesinger Panel report states that it "did not have full access to information involving the role of the Central Intelligence Agency in detention operations" and recommended further investigation and review. The Church report states that the CIA's cooperation with his investigation was limited to providing "information only on

activities in Iraq." The lack of CIA cooperation with the investigations to date has left significant omissions in the record.

General Kern also testified in September 2004 that both the Defense Department Inspector General and the CIA Inspector General had undertaken an investigation into "ghost detainee" policy, whereby detainees were held unregistered and hidden from monitoring by the International Committee of the Red Cross (ICRC). To date, the Committee has received no information on the progress of either of these investigations. There have also been press reports of numerous covert CIA-operated detention facilities where detainees are being held incommunicado and outside ICRC monitoring.

Public reports indicate that CIA personnel were involved in numerous abuse incidents, including several involving detainee deaths:

- Manadel Al Jamadi died on November 4, 2003, while under CIA interrogation in a shower stall in Tier 1B of the Abu Ghraib detention facility in Baghdad. At the time of the report of Major General George Fay on the role of military intelligence in the Abu Ghraib abuses, the incident remained under CIA investigation.
- Iraqi Major General Abed Hamed Mowhoush died on November 26, 2003 at the Al Qaim facility. While General Mowhoush appears to have died from suffocation during an interrogation by military intelligence personnel after being stuffed head-first in a sleeping bag, according to news reports a classified Army report found that "the circumstances surrounding the death are further complicated due to Mowhoush being interrogated and reportedly beaten by members of a Special Forces team and other government agency (OGA) employees two days earlier." Your office reportedly initiated an investigation of at least one CIA operative in connection with this incident.
- Abdul Wali died on June 21, 2003 near Asadabad, Afghanistan, after being interrogated for two days by a CIA contractor, David Passaro, who punched, kicked and hit Wali with a large flashlight. The CIA referred the case to the Department of Justice, which has brought criminal charges in connection with this death.
- Iraqi Lt. Col. Abdul Jaleel died on January 9, 2004 at Forward Operating Base (FOB) Rifles, Al Asad, Iraq. Jaleel was reportedly beaten during interrogation by special operations forces, and died later after being tied to the top of his cell door and gagged. A detainee autopsy summary released under a FOIA request lists an early January 2004 death of a detainee at FOB Rifles as a homicide by "blunt force

injuries & asphyxia." News reports indicate possible involvement of CIA personnel in this incident.

- According to news reports, an Afghan detainee died of "hypothermia" in November 2002 after a CIA case officer ordered the detainee to be stripped naked, chained to the floor, and left overnight in an abandoned warehouse known as the Salt Pit. The Salt Pit case was reportedly under investigation by your office.

Finally, the CIA has failed to respond to allegations that the Agency is engaging in a policy of rendition, reportedly resulting in dozens of individuals being secretly transferred for interrogation to foreign countries, including countries with a track record of engaging in torture. An FBI document recently released by the Justice Department suggests that military intelligence at Guantanamo may also have been considering the use of rendition as part of interrogation plans for resistant detainees. The document, entitled "Legal Analysis of Interrogation Techniques" and dated November 27, 2002, includes among the categories of "coercive interrogation techniques" under consideration at Guantanamo the following:

"Category IV--

1. Detainee will be sent off GTMO, either temporarily or permanently, to Jordan, Egypt, or another third country to allow these countries to employ interrogation techniques that will enable them to obtain the requisite information."

The report of Generals Schmidt and Furlow on their investigation of FBI allegations of detainee abuse at Guantanamo failed to address the question of whether U.S. officials at Guantanamo were engaging in or threatening the rendition of detainees as an interrogation technique.

The American people need answers. It is insufficient to say that the Chairman and Vice Chairman of the congressional oversight committee have been briefed on these matters. There must be a forthright accounting of both the CIA's involvement in the treatment of detainees and what steps the CIA has taken to address the policies and practices that may have contributed to alleged detainee abuse.

I request that you provide answers to the following questions:

- Have you completed your investigation into the "ghost detainee" policy referred to by General Kern in his testimony before the Committee? If so, what were the

findings of your investigation? Have you cooperated with the DoD Inspector General in his investigation into the "ghost detainee" policy?

- How many cases of alleged detainee abuse have you investigated? Have you completed your review of these cases? If not, what is the timeline for completing the review of these cases?
- How many cases of detainee abuse involving CIA personnel have been referred to the Justice Department for their review? How many CIA operatives have been named in the cases referred to the Justice Department? To what office within the Justice Department have these cases been referred? How many of these cases does the Justice Department plan to prosecute?
- Is the CIA cooperating fully with the Army's investigations into the allegations raised by Army Captain Ian Fishback and two non-commissioned officers of having witnessed and heard about detainee abuse in Afghanistan and Iraq, including abuse carried out by Other Government Agency, i.e., CIA, personnel?
- Have you investigated cases of individuals alleged to have been subjected to rendition, resulting in their being transferred to foreign countries for interrogation? If so, did you find any case in which these transfers resulted in detainees being subjected to treatment that violated U.S. obligations under the Convention Against Torture and Cruel, Inhuman, or Degrading Treatment or Punishment?
- Did the CIA receive any requests for information from Generals Schmidt or Furlow in connection with their investigation into FBI allegations of detainee abuse at Guantanamo Bay, and if so, was the requested information provided? Have you looked into whether CIA personnel at Guantanamo Bay used rendition or the threat of rendition as an interrogation technique or cooperated with military intelligence in their doing so?

I look forward to receiving your responses. Should you have any questions, please have your staff contact Bill Monahan of my staff at (202) 224-9353.

Sincerely,



Carl Levin
Ranking Member