

CIA Documents on Torture: Treatment of prisoners in U.S. custody overseas

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The CIA turned over the documents in response to an ongoing Freedom of Information Act (FOIA) lawsuit brought by the ACLU and other organizations seeking documents related to the treatment of prisoners in U.S. custody overseas. Government lawyers informed the ACLU today that a federal judge has also “preliminarily overruled” claims by the CIA that other documents it continues to withhold are exempt from the FOIA.

ACLU Obtains Heavily Redacted CIA Documents Regarding Waterboarding (5/27/2008)

Judge’s Preliminary Ruling May Force CIA To Hand Over Additional Documents

NEW YORK – The American Civil Liberties Union today obtained several heavily redacted documents concerning the CIA’s use of waterboarding as well as a CIA Office of Inspector General report on the CIA’s interrogation and detention program. The CIA turned over the documents in response to an ongoing Freedom of Information Act (FOIA) lawsuit brought by the ACLU and other organizations seeking documents related to the treatment of prisoners in U.S. custody overseas. Government lawyers informed the ACLU today that a federal judge has also “preliminarily overruled” claims by the CIA that other documents it continues to withhold are exempt from the FOIA.

“Even a cursory glance at these heavily-redacted documents shows that the CIA is still withholding a great deal of information that should be released,” said Jameel Jaffer, Director of the ACLU National Security Project. “This information is being withheld not for legitimate security reasons but rather to shield government officials who ought to be held accountable for their decisions to break the law.”

One of the documents obtained by the ACLU today is a heavily redacted version of a report by the CIA Office of the Inspector General (OIG) on its review of the CIA’s interrogation and detention program. The report includes information about an as yet undisclosed Justice Department Office of Legal Counsel (OLC) opinion from August 2002. This opinion appears to be the same OLC memo authorizing specific interrogations methods for use by the CIA that is being withheld by the CIA as a classified document in the ACLU’s FOIA litigation. However, the OIG report refers to this document as “unclassified.”

In addition to the documents obtained by the ACLU today, Judge Alvin K. Hellerstein of the Southern District of New York has preliminarily overruled the CIA’s claims that other documents relating to the treatment of detainees are exempt from disclosure under the ACLU’s FOIA lawsuit. In January 2008, Judge Hellerstein ordered the CIA to provide him with

a sample of the withheld documents so he could determine for himself whether they should be made public. The documents that could be made public in response to Judge Hellerstein's ruling include:

- A September 17, 2001 CIA Presidential Directive setting up secret CIA detention centers abroad;
- An August 2002 OLC memo authorizing the CIA to use particular interrogation methods; and
- CIA documents gathered by the CIA's Inspector General in the course of investigations into unlawful and improper conduct by CIA personnel.

"We welcome the court's preliminary ruling rejecting the CIA's attempt to withhold records relating to its unlawful treatment of prisoners," said Amrit Singh, staff attorney with the ACLU Immigrants' Rights Project. "If sustained, this ruling would be a historic victory that could compel the CIA to publicly disclose for the first time meaningful records relating to its use of torture."

Judge Hellerstein is still considering the ACLU's motion to hold the CIA in contempt of court for destroying hundreds of hours of videotape depicting the abusive interrogations of two detainees in its custody.

In addition to Jaffer and Singh, attorneys on the case are Alexa Kolbi-Molinas and Judy Rabinovitz of the national ACLU; Arthur Eisenberg and Beth Haroules of the New York Civil Liberties Union; Lawrence S. Lustberg and Melanca D. Clark of the New Jersey-based law firm Gibbons P.C.; and Shayana Kadidal and Michael Ratner of the Center for Constitutional Rights.

The documents released today are available online at:

www.aclu.org/torturefoia/released/052708/

Other information on the ACLU's FOIA lawsuit is at:

www.aclu.org/torturefoia

URL <http://www.aclu.org/safefree/torture/35454prs20080527.html>

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