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Rights Groups Call on Obama to Declassify Documents on Secret Detention, Rendition, and Torture
Documents Show Bush Administration Exploited Confusion; Obscured DOD Role

(New York and Washington, DC—April 13, 2009) The Obama administration should take immediate steps to declassify and release documents that would allow the American public to understand the truth about the human rights violations committed as part of the U.S. secret detention, extraordinary rendition, and coercive interrogation programs, said three prominent human rights groups today. The groups—Amnesty International USA (AIUSA), the Center for Constitutional Rights (CCR), and the Center for Human Rights and Global Justice (CHR&GJ) at NYU School of Law—issued their call after receiving declassified documents that contradict previous government documents regarding the role of the Department of Defense (DOD) in secretly detaining individuals in the name of national security.

The more than 2000 pages of newly released documents from DOD and the Department of State (DOS) were obtained through the groups' Freedom of Information Act (FOIA) lawsuit against multiple government agencies, which has been ongoing since 2007. Although the documents are heavily redacted, this particular batch suggests that the Bush administration exploited confusion over the term "ghost detainee" to assert that it did not hold such detainees at the same time that the CIA was operating the so-called "High-Value Detainee" program. DOD appears to have used four different categorizations for "ghost" detainees and asserts in "talking points" dated 2004 that it "does not hold 'ghost' detainees"—apparently in reference to one of these categories. The documents raise more questions than they answer, since they do not make clear DOD's role in holding individuals in secret and without access to the International Committee of the Red Cross (ICRC). In light of the newly-public report by the ICRC on the CIA's so-called "High Value Detainee" program, such questions demand immediate answers.

"We need a full and public accounting of the DOD's involvement in categorizing and handling 'ghost' detainees," said **Margaret Satterthwaite, Faculty Director of the CHR&GJ**. "Although the previous administration was able to hide behind this slippery vocabulary, the Obama Administration should take all possible steps to get to the heart of what happened. Without establishing the truth about past abuses, the Obama Administration cannot move forward with a clean slate."

An August 2004 "Talking Points" document on "Defining Ghost Detainees" prepared for then-Secretary of Defense Donald H. Rumsfeld, stated that "DOD policy is to issue an internment number [ISN, which triggers notification of detention to the ICRC] to each detainee captured within 96 hours," and that "DOD does not hold 'ghost' detainees." In stark contrast, previously released DOD documents—apparently created in August 2005—suggested that DOD held detainees for 14 to 30 days off the books, and admitted that "The practice of holding 'ghost detainees' for the CIA—although limited in scope—was guided by oral, ad hoc agreements and was the result, in part, of the lack of any specific, coordinated interagency guidance."

“Today’s disclosures confirm DOD was deliberately confusing in public statements about its participation in disappearing prisoners for the CIA’s exploitation and engaged in willful blindness towards the CIA’s torture interrogation tactics,” stated **CCR Attorney Gitanjali S. Gutierrez**. “Congress’s investigation of the CIA’s program must include examination of DOD personnel’s role and the efforts by high-ranking DOD officials to conceal the military’s support of the CIA program.”

The documents also include an almost entirely redacted 11-slide powerpoint entitled “Guantanamo Detention: Transfer / Release Progress”—which contemplates options for and obstacles to the transfer of detainees—dated November, 29, 2006, shortly after so-called High Value Detainees (HVDs) were transferred out of the CIA ghost detention program to Guantanamo.

From DOS, the groups received redacted notes from a January 27, 2004 meeting between then-Secretary of State Colin Powell and the President of the ICRC—a meeting which took place around the time the ICRC delivered a February 2004 report to the U.S. outlining serious violations of international humanitarian law by the United States with regard to detainees in Iraq. The groups also received a redacted September 24, 2004 cable describing the situation of juvenile detainees in Iraq, which makes no reference in the unredacted portions to the concerns articulated in the August 2004 Fay-Jones Report about abuse of juvenile detainees in Abu Ghraib.

“President Barack Obama pledged to restore transparency to government but very little has changed in this regard since he took office,” said **Tom Parker, AIUSA Policy Director, (Counter) Terrorism and Human Rights**. “Governmental agencies continue to drag their feet and obfuscate when addressing FOIA requests. The material released to date hints at widespread governmental misconduct, and it is high time officials realized that the cover up is every bit as damaging as the crime.”

AIUSA, CCR, and CHRJG filed FOIA requests with several U.S. government agencies, including the CIA, DOD, DOS, DOJ, and DHS beginning in 2004 and filed a lawsuit in June of 2007. Morrison & Foerster LLP serves as co-counsel in the case. This is the second set of documents released by DOD and DOS through the litigation.

To see the most recent documents from DOD and DOS, as well as the prior filings and the documents previously released through this litigation, click [here](#).

For more information or copies of legal filings in the case and released documents, please contact jnessel@ccrjustice.org, opgehaffen@juris.law.nyu.edu, or ssingh@aiusa.org.

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

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