



For Immediate Release

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RIGHTS GROUPS CHALLENGE CIA FOR FAILURE TO RELEASE MORE THAN 7000 DOCUMENTS RELATING TO SECRET DETENTION, RENDITION, AND TORTURE PROGRAM

Groups Charge CIA with Covering up Improper Activity, Not Protecting National Security

(New York and Washington, DC)—The Central Intelligence Agency (CIA) must no longer be allowed to use classification arguments in its attempts to prevent the disclosure of illegal or embarrassing conduct in its secret detention, torture, and rendition programs, three prominent human rights groups said today. The statement came just hours after they collectively filed a motion to require the CIA to make certain information public and to provide more details about all the documents withheld.

The groups—Amnesty International USA (AIUSA), the Center for Constitutional Rights (CCR), and the International Human Rights Clinic at NYU School of Law (NYU IHRC)—filed the motion on the evening of June 25th, 2008 in the Southern District of New York, where the case is being heard. The lawsuit was filed in June 2007 under the Freedom of Information Act (FOIA), after repeated attempts to obtain information from the CIA had failed.

“Our government cannot just ‘disappear’ people and on top of that, not be forced to account for its actions. That is the stuff of the most brutal dictatorships and it should not be the legacy that this country creates,” said **CCR Staff Attorney Emi MacLean**. *“Moreover, the CIA’s claim that legal advice sought on torture techniques is covered by privilege is a perversion of the law: there is no privilege that covers illegal activity.”*

The filing came in opposition to a CIA motion for summary judgment to end a FOIA lawsuit filed in federal court last June and avoid turning over more than 7000 documents related to its secret “ghost” detention and extraordinary rendition programs. The groups argue that the CIA has not provided enough information to the court to justify keeping thousands of records secret and the suit must be allowed to go forward. They also allege that the agency has at times selectively disclosed some of the information for political gain and seeks to keep secret even information that President Bush and CIA Director General Hayden have already made public.

In its motion for summary judgment, the CIA claimed that it did not have to release the documents because many involve the President or the DOJ or CIA lawyers who oversaw the program. The CIA confirmed that it requested—and received—legal advice from attorneys at the Department of Justice Office of Legal Counsel concerning various interrogation techniques. This latest brief argues that there is no privilege covering illegal activities.

The filing is accompanied by a comprehensive account of what is known to date about the U.S. rendition, secret detention, and interrogation program, in the form of a 78-page declaration by IHRC’s Margaret Satterthwaite. The declaration—which also contains several hundred pages of exhibits—details government statements and publicly available information

collected about the CIA's program, providing a coherent picture of how much has already been made public about the program and precisely how it operates.

"Our declaration shows how systematic, widespread, and well-orchestrated the CIA's program of torture, enforced disappearances, and extraordinary renditions really is," said **Margaret Satterthwaite, Director of the NYU IHRC**. *"The CIA must be held to account by being forced to disclose vital information to the American people, who have a right to know about illegal techniques like torture and rendition being used in their name by the U.S. government."*

AIUSA, CCR, and NYU IHRC filed FOIA requests with several U.S. government agencies, including the CIA, seeking information about the government program of secret or irregular detention.

"What is the United States government trying to hide? Unlawful or disgraceful conduct are not legitimate reasons to keep the American public in the dark about what the Bush administration is doing under the guise of securing public safety," said **Curt Goering, AIUSA senior deputy executive director**. *"The pattern of deceit and executive secrecy of the administration only compounds concerns about human rights violations that the U.S. government may have authorized and even encouraged."*

The CIA earlier released some a small number of documents in response to the FOIA request. Many were already in the public domain, such as newspaper articles and, ironically, a single copy of the Fourth Geneva Convention, which governs the treatment of civilians in times of war. Among the documents that were newly released, however, were documents pertaining to congressional oversight of the program by the House and Senate Intelligence Committees. These documents demonstrate both that a limited number of legislators were aware of the program since soon after its inception, but also that there were bipartisan expressions of concern expressed behind closed doors.

Regardless of these and other concerns, 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 more than two dozen 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 opgehaffen@juris.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 case, as well as the prior filings and the documents previously released through this litigation, go to <http://www.ccrjustice.org/newsroom/press-releases/cia-foia-documents>.

To read the full declaration that accompanied the filing, go to <http://www.chrgj.org/projects/docs/jun08declaration.pdf>

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