



U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 17, 2006

The Honorable Richard Durbin
United States Senate
Washington, D.C. 20510

Dear Senator Durbin:

This responds to your letter of November 3, 2005, which requested an update on the Justice Department's handling of detainee abuse allegations.

Since the beginning of the conflict in Afghanistan, the Defense Department has referred eleven allegations of detainee abuse to the Department, and another agency has referred nine allegations of detainee abuse to the Department. These allegations relate to detainees captured in both Afghanistan and Iraq. It is important to note that the category of "detainee abuse" is not limited to allegations of physical abuse but may also include other possible violations of federal law or treaty obligations.

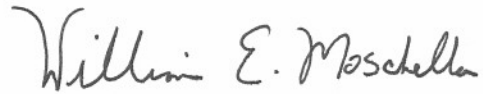
With the exception of the prosecution mentioned in your letter, all of these matters have been referred to a task force in the United States Attorney's Office in the Eastern District of Virginia. Six highly experienced career prosecutors from that Office have worked on the task force under the supervision of U.S. Attorney Paul J. McNulty. Two investigations have been completed and the Department has determined in each of them that there was insufficient evidence to support a prosecution. The remaining allegations remain under investigation. No other referrals have been made to the Department of Justice.

Prior to formation of the task force, the Department's Criminal Division received several referrals related to detainee abuse. One of these referrals resulted in the June 17, 2004, indictment of David Passaro in the Eastern District of North Carolina. Following the formation of the task force, with the exception of the Passaro case, the task force took responsibility for these referrals and reviewed all of them. Thus, these referrals are included in the numbers provided above. In connection with the work of the task force, one lawyer from the Criminal Division has assisted in the investigation and consideration of the referrals made by the Department of Defense. The Civil Rights Division has not been involved in any of these investigations.

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The Department of Justice treats any allegation of detainee abuse seriously and has made careful review of such allegations an important priority. Please do not hesitate to contact the Department if we can be of assistance in other matters.

Sincerely,

A handwritten signature in black ink that reads "William E. Moschella". The signature is written in a cursive style with a large initial 'W'.

William E. Moschella
Assistant Attorney General