

**Department of Justice
EXECUTIVE SECRETARIAT
CONTROL SHEET**

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DUE DATE: 06/29/2004

FROM: Mr. Michael Posner
Executive Director
human rights first
The New Name of Lawyers Committee for Human Rights
333 Seventh Avenue
13th Floor
New York, NY 10001

TO: AG

MAIL TYPE: General

SUBJECT: Expressing concern regarding acts of torture and abuse at Abu Ghraib, and requesting that the AG act expeditiously to investigate and prosecute those who have violated U.S. law.

DATE ASSIGNED
06/15/2004

ACTION COMPONENT & ACTION REQUESTED
Criminal Division
For component response.

INFO COMPONENT: OAG, ODAG, FBI

COMMENTS:

FILE CODE:

EXECSEC POC:

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-03-2004 BY 61578BNW/PCS/jgg/04-00-4151

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human rights first
THE NEW NAME OF
LAWYERS COMMITTEE FOR HUMAN RIGHTS

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 DEPT OF JUSTICE

JUN 14 PM 3:16

CONFIDENTIAL
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601350

The Honorable John Ashcroft
 Attorney General
 U.S. Department of Justice
 950 Pennsylvania Avenue, NW
 Washington, DC 20530-0001

June 4, 2004

Dear Attorney General Ashcroft:

In recent weeks a number of U.S. military and civilian officials have urged that those responsible for the abuses at Abu Ghraib and elsewhere be held legally accountable. We write to ask that you to act expeditiously to investigate and prosecute those who have violated U.S. law.

Major General Taguba's report suggests that, in addition to U.S. military personnel, at least two civilian contractors may have been involved in acts of torture and abuse at Abu Ghraib. Numerous press reports suggest that civilians, including both CIA officials and contractors, may have been involved in ordering, carrying out, or tolerating serious abuses. According to news reports, your Department has received at least three referrals from the CIA's Inspector General involving cases from Abu Ghraib.

We are anxious to learn what steps you have taken to investigate and hold accountable non-military personnel who may share responsibility for the Abu Ghraib abuses. We are concerned by your recent comment, quoted in the *Washington Post* that "it certainly wouldn't be our intention to disrupt investigations underway by the Department of Defense." This might suggest that in many cases you are waiting for the Defense Department to finish its investigations before you proceed with your own. This would be troubling, especially in light of the Pentagon's very slow pace in investigating previous allegations of homicide and other abuse in Afghanistan and Iraq. We were pleased when you announced on May 21 that your department has opened its first investigation into alleged abuses committed by a civilian contractor in Iraq.

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However our recent inquiries with the FBI indicate that the FBI has not yet been involved in this investigation.

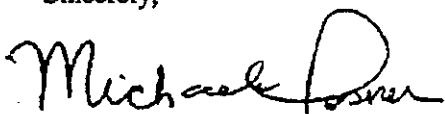
As you know, civilian contractors to the U.S. military abroad may be subject to prosecution in the United States under several federal statutes, including the Military Extraterritorial Jurisdiction Act of 2000, 18 U.S.C. §§ 3261, *et seq.* (MEJA). That law generally provides for federal jurisdiction over crimes committed abroad by civilians, including third country nationals, "accompanying or employed by" the U.S. military. This law applies to any conduct that constitutes an offense punishable by imprisonment for more than one year if engaged in within the United States. Substantive offenses in the U.S. Code that would be subject to MEJA prosecution include murder, manslaughter, assault, sexual abuse, and the criminal statute prohibiting "deprivation of rights under color of law." Federal law sanctions not just those directly responsible for committing such acts, but all those who assisted, abetted, or ordered such offenses, as well as those who may have helped conceal such crimes.

It is crucial for you to advance these investigations expeditiously. As you know well, proper handling of serious and complex crimes becomes more difficult with the passage of time. Military investigations into homicides documented at the U.S. Air Force Base in Bagram, Afghanistan, for example, remain unresolved after seventeen months – a result the military has attributed in part to dispersal of witnesses through troop rotations. After the 1998 bombings of U.S. embassies in Africa, your Department immediately sent more than 900 FBI agents to conduct on-site investigations. In our view the crimes committed at Abu Ghraib also require prompt and aggressive investigation

The torture and abuse of security detainees in Iraq and elsewhere represents an enormous setback for the United States' efforts to encourage democracy and human rights in Iraq and around the world. It is now more important than ever for the United States to demonstrate its commitment to the rule of law. We trust that you recognize this urgent need, and will give these cases the priority focus they require.

We would be pleased to discuss these matters with you or your representatives in the Department of Justice. We look forward to hearing from you.

Sincerely,



Michael Posner
Executive Director

DETAINEES-2128