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May 13, 2004

The Honorable Donald H. Rumsfeld
Secretary of Defense
Department of Defense
Washington, D.C. 20301

Dear Secretary Rumsfeld:

The revelations that have emerged about the United States' treatment of detainees in Iraq are deeply disturbing. They necessitate a number of concrete changes. One change is that the U.S. Government provide an accounting of the location of detention and status of each detainee in U.S. military custody around the world. A second is that immediate families of all detainees be notified promptly that their family member is in custody. Such disclosure is required by the U.S. Government's obligations under international and domestic law, prohibiting lengthy incommunicado detention.

According to reports dating back to 2002, including news reports in the *Washington Post*, the *Guardian*, and other newspapers, the United States not only has been operating detention facilities at the U.S. Naval Base at Guantanamo Bay, Cuba, and at Bagram Air Force Base in Afghanistan, but also may hold detainees at other prison and military facilities, including but not limited to Kohat and Alizai in Pakistan; at Kandahar, Jalalabad, Asadabad, and Kabul in Afghanistan; at the U.S. Naval Base on Diego Garcia; and on U.S. military ships, particularly the USS Bataan and the USS Peleliu. The *Guardian* recently estimated the number of individuals being detained in Afghanistan alone is in the thousands.

Despite these reports, the U.S. government has refused to confirm whether individuals are in fact being held by the United States at these or other overseas facilities, and, if so--

- on what basis they are being held
- whether they have been afforded protections the United States is obligated to provide under the Geneva Conventions, binding military regulations and other instruments of national and international law
- whether they have received regular and unrestricted visits from the International Committee of the Red Cross (ICRC)
- who within the Defense Department is responsible for overseeing the detentions at each of these locations
- what process is followed with respect to determining their status

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- whether the immediate families of detainees have been notified of the above information

In light of the illegal treatment of U.S.-held prisoners in Iraq – coupled with recent government acknowledgment that at least 25 prisoners in Iraq and Afghanistan have died in U.S. custody – we strongly urge you to (1) provide a public accounting of questions listed above and (2) immediately notify immediate family members of the status and location of relatives.

On June 26, 2003, President Bush affirmed the United States' commitment not to torture security suspects or interrogate them in a manner that would constitute "cruel and unusual punishment." The President condemned the practices recently revealed in Iraq as abhorrent, describing the mistreatment as "an affront to the most basic standards of morality and decency." Consistent with these statements, it is essential for the United States Government to make this information available.

We appreciate your prompt attention to this critical matter, and look forward to hearing from you.

Sincerely,

Michael H. Posner
Executive Director

Cc: George J. Tenet, Director of Central Intelligence

Encl: November 12, 2003 letter to Lieutenant General John R. Vines from Human Rights First regarding treatment of prisoners at Bagram Air Force Base.