

AMNESTY INTERNATIONAL

Public Statement

AI Index: AMR 51/194/2007 (Public)

News Service No: 236

7 December 2007

USA: Destruction of CIA interrogation tapes may conceal government crimes

The destruction by the Central Intelligence Agency (CIA) of videotapes of the interrogation of two “high value” detainees in 2002 amounts to obstruction of justice and concealment of evidence. The destroyed tapes included the interrogation of Abu Zubaydah, reliably reported to have been “waterboarded”.

“Waterboarding” is a form of torture, while other techniques acknowledged to have been used by the CIA also constitute torture or other cruel, inhuman or degrading treatment. In addition, the detainees whose interrogations were recorded were victims of enforced disappearance, also a crime under international law. Concealing evidence of a crime is itself a criminal offence.

General Michael V. Hayden, the Director of the CIA, reportedly acknowledged the destruction of the tapes after the agency was informed by the media that the story was about to be made public. In a message to CIA staff, General Hayden said that the tapes were destroyed in 2005 because were they ever to leak into the public domain, it would expose agents “to retaliation from al-Qa’ida and its sympathizers”.

Amnesty International points out that if the tapes contained evidence of criminal wrongdoing they would have exposed those involved to criminal liability. Moreover, the destruction of the tapes falls into a pattern of measures taken by the government that block accountability for human rights violations authorized or carried out by US personnel during the “war on terror”, particularly in relation to US intelligence agencies.

Amnesty International is calling for a full investigation into the CIA detention and interrogation program, and for the destruction of the tapes to be a part of this investigation. All documents and other evidence relating to authorization of the program and the treatment of those held in it should be made public. The leaked Abu Ghraib photographs demonstrated the power of documentary evidence of torture and other ill-treatment to uncover the reality behind government assurances that all detainees are treated humanely.

The CIA tapes reportedly depict the interrogation in 2002 of Abu Zubaydah and a second alleged leading member of al-Qa’ida, who has not been identified in public reports. Abu Zubaydah was reportedly taken into custody in Pakistan in March 2002 and flown to a CIA “black site” in Thailand. He was reportedly subjected to ill-treatment which under international law amounted to torture including being held in secret, incommunicado detention for three and a half years, forced nudity, extremes of cold, isolation, loud music; being kept for a prolonged period in a cage known as a “dog box”, in which there was not enough room to stand; as well as being subjected to “waterboarding”, simulated drowning.

After three and a half years in secret detention, Abu Zubaydah was transferred to the US Naval Base in Guantánamo Bay, Cuba, with 13 other detainees who had been held in CIA custody. At his Combatant Status Review Tribunal (CSRT) hearing on 27 March 2007, Abu Zubaydah referred to “months of torture” during his time in secret custody. The CSRT hearing was conducted in camera on the grounds that he had details of the CIA detention program – such as interrogation techniques, conditions of confinement and location of facilities – that are classified to the highest levels of secrecy. Details he provided to the CSRT about the alleged torture are redacted from the unclassified transcript of the hearing.

Amnesty International knows of no investigation that has been carried out into the allegations of torture made by Abu Zubaydah and other detainees who have been held in the CIA program. Under its international treaty obligations, the USA is required to ensure prompt and impartial investigation of any allegations of torture and other cruel, inhuman or degrading treatment. Any cases of enforced disappearance must also be subject to prompt and impartial investigation. Anyone against whom there is evidence of having authorized, been complicit or participated in such human rights violations should be brought to justice in proceedings which meet international standards of fairness.

Amnesty International wrote to President George W. Bush and other officials on 26 September 2007 following the President’s re-authorization by executive order of the CIA’s detention program. The organization pointed out that if the program held detainees as before – their fate and whereabouts concealed – he would have re-authorized the practice of enforced disappearance, a crime under international law. Amnesty International has not received any response to its letter.

In June 2007, Amnesty International and five other human rights organizations published a list of more than three dozen individuals who are reported to have been held in the CIA program but whose fate and whereabouts remain unknown.

For further information see:

USA: Law and executive disorder – President gives green light to secret detention program, August 2007,

[http://web.amnesty.org/library/pdf/AMR511352007ENGLISH/\\$File/AMR5113507.pdf](http://web.amnesty.org/library/pdf/AMR511352007ENGLISH/$File/AMR5113507.pdf) .

Off the Record: US responsibility for enforced disappearances in the ‘war on terror’, AI Index: AMR 51/093/2007, June 2007,

<http://web.amnesty.org/library/Index/ENGAMR510932007>