

December 9, 2016

The Honorable Loretta Lynch
Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

RE: Open a Comprehensive Investigation into the U.S. Torture Program

Dear Attorney General Lynch:

Today marks two years since the public release of the Executive Summary of the Senate Select Committee on Intelligence *Study of the Central Intelligence Agency's Detention and Interrogation Program* ("SSCI Report Summary"). The Senate Intelligence Committee's investigation, along with investigations by the Senate Armed Services Committee and U.S. government agencies, documented the multiple ways in which U.S. officials committed torture and other forms of ill-treatment. Indeed, President Obama explicitly acknowledged that U.S. officials tortured detainees under their control.

Under your predecessors, the Justice Department's circumscribed reviews and investigations into the U.S. post-9/11 interrogation and detention program all closed without a single charge filed against anyone. The SSCI Report Summary contains significant new information about the C.I.A. interrogation and detention program, and yet no criminal investigation was opened after its release.

We urge you to use this opportunity to open an expanded and comprehensive investigation into the post-9/11 detention and interrogation program in order to bring to justice those suspected of crimes under international law as well as US federal law (i.e., 18 U.S.C. § 2340, 18 U.S.C. § 2441). This investigation must be permitted to follow the evidence wherever it leads. We note that in the absence of independent, credible investigations into torture and other serious violations of international law by U.S. officials in the United States, the Office of the Prosecutor of the International Criminal Court recently reported that it will move to open an investigation into torture and other war crimes committed in Afghanistan and on the territory of other ICC States Parties "imminently."¹ We recall that, operating under the principle of complementarity, the International Criminal Court will not pursue cases where the relevant domestic state is willing and able to prosecute perpetrators effectively. Moreover, we urge you to direct the declassification and disclosure of information about the Justice Department's reviews and investigations to date.

Lack of accountability contributes to the risk that torture will recur. It is critically important that the Justice Department make clear that torture and enforced disappearance will always be treated as serious crimes, and that perpetrators of these acts will always be brought to justice, regardless of position.

¹ "Office of the Prosecutor: Report on Preliminary Examination Activities (2016)," Nov. 14, 2016, p. 51, available at https://www.icc-cpi.int/iccdocs/otp/161114-otp-rep-PE_ENG.pdf.

Thank you for your time and consideration. Please do not hesitate to contact us to discuss this request through Katherine Gallagher (kgallagher@ccrjustice.org) at the Center for Constitutional Rights.

Sincerely,

Amnesty International

Appeal for Justice

Center for Constitutional Rights

Columbia Law School Human Rights Clinic

Drexel University Thomas R. Kline School of Law, Community Lawyering Clinic

European Center for Constitutional and Human Rights

Global Justice Clinic, NYU School of Law

Human Rights in Practice

International Human Rights Clinic, Duke University School of Law

International Human Rights Clinic, University of Chicago Law School

International Human Rights Clinic, Western New England University School of Law

NC Stop Torture Now

New York University Center for Health and Human Rights

No More Guantanamos

The Quaker Initiative to End Torture - QUIT!

The Redress Trust (REDRESS)

The Rendition Project

Relieve

Robert F. Kennedy Human Rights

Santa Clara University, International Human Rights Clinic

UC Davis Center for the Study of Human Rights in the Americas

Urban Morgan Institute for Human Rights, University of Cincinnati College of Law

USC Gould International Human Rights Clinic

Win Without War

Witness Against Torture