

THE ASSOCIATION OF THE BAR  
OF THE CITY OF NEW YORK  
42 WEST 44TH STREET  
NEW YORK CITY, NEW YORK 10036-6690

STANDING COMMITTEE ON MILITARY AFFAIRS AND JUSTICE

COMMITTEE CHAIR  
Miles P. Fischer, Esq.  
440 E. 79<sup>th</sup> St., Apt. 14D  
New York, NY 10021  
(212) 838-7380 t  
(212) 838-7463 f  
[mpfischer@aol.com](mailto:mpfischer@aol.com)

COMMITTEE SECRETARY  
Michael Memin, Esq.  
Budd Lamer Rosenbaum Greenberg & Sade  
150 JFK Pkwy  
Short Hills, NJ 07078  
(973) 315-4421 t  
(973) 379-7734 f  
[mmemin@budd-lamer.com](mailto:mmemin@budd-lamer.com)

June 4, 2003

Scott W. Muller  
General Counsel  
Central Intelligence Agency  
1 George Bush Center  
Washington, D.C. 20505

Dear Mr. Muller:

We are writing on behalf of the Committees on International Human Rights and Military Affairs & Justice of the Association of the Bar of the City of New York. Founded in 1870, the Association is an independent non-governmental organization with a membership of more than 22,000 lawyers, judges, law professors and government officials, principally from New York City but also from throughout the United States and from 40 other countries. The Committee on International Human Rights investigates and reports on human rights conditions around the world. The Committee on Military Affairs & Justice engages in matters of policy and law relating to the United States Armed Forces. The two committees are investigating reports about the treatment of detainees subject to CIA interrogation at locations outside of the United States, including the centers at Bagram air base in Afghanistan and on the island of Diego Garcia and at Guantanamo.

Over the past six months, several newspapers (the Washington Post, The New York Times and the Wall Street Journal) have reported allegations of abusive treatment by U.S. interrogators of people detained at Bagram. As described in these reports, some of the abusive treatment would qualify under international law as torture or cruel, inhuman and degrading treatment. In addition, the reports state that in some instances, people suspected of having links to terrorism have been apprehended by U.S. officials outside of the United States and rendered to countries where they can be subject to interrogation tactics -- including torture -- that are illegal in the United States.

Mr. William J. Haynes II, General Counsel of the Defense Department, recently wrote -- in response to a letter from the Executive Director of Human Rights Watch to President Bush raising these issues -- that "[w]hen questioning enemy combatants, U.S. personnel are required to

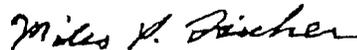
follow [United States] policy and applicable laws prohibiting torture." In addition, Mr. Haynes confirmed that in the event of a transfer of "detained enemy combatants to other countries for continued detention on [the U.S. Government's] behalf, U.S. Government instructions are to seek and obtain appropriate assurances that such enemy combatants are not tortured."

Our Committees would like an opportunity to review the Directorate of Operations instructions and any other relevant materials giving guidance to interrogators, so that we may assess the clarity and specificity of the instructions given to U.S. interrogators and other U.S. personnel responsible for handling detainees. It is essential that U.S. personnel understand precisely those actions which are permissible and those which are prohibited by law. Our Committees, therefore, would appreciate it if your office could send us copies of the Directorate of Operations instructions and any other relevant material providing guidance to interrogators.

We are requesting only unclassified materials or classified materials redacted to remove classified information. After we have had an opportunity to review the materials, we would like to arrange a meeting with you to discuss these issues further.

We look forward to hearing from you.

Respectfully,



MILES P. FISCHER, CHAIR  
COMMITTEE ON MILITARY AFFAIRS & JUSTICE



SCOTT HORTON, CHAIR  
COMMITTEE ON INTERNATIONAL HUMAN RIGHTS