

Dear

February 7, 2008 letter from the Department of Justice (DOJ) cited “insufficient evidence” and “low probability of conviction” in explaining why the DOJ has declined to prosecute 22 of the 24 cases of detainee abuse by civilians and private contractors referred to it by the Department of Defense and CIA.

After seeing the photographs from Abu Ghraib, knowing of the military’s prosecution and conviction of some of those involved in the abuses—years ago—and understanding that the Army’s investigations clearly indicated the involvement of private and civilian contractors in the abuse of detainees, the DOJ’s disclosure shocks the conscience.

It is particularly disturbing to hear of these cases being “declined” after the Department of Justice made a special effort to corral them into one place – the U.S. Attorney’s Office for the Eastern District of Virginia (USAO-EDVA) – to be prosecuted.

On June 17, 2004, the day the first civilian, David Passaro, was indicted for assault of a detainee in a North Carolina federal court, Attorney General John Ashcroft directed all remaining and all future cases of detainee abuse to the USAO-EDVA. Since that day, nearly four years later, the USAO-EDVA has not prosecuted a single case.

Possibly more troubling, though, is the utter lack of transparency with which these cases have been “declined”. Senator Durbin has taken the honorable first steps in making inquiries to the Department of Justice about these cases. Senator Durbin’s efforts would be emboldened if you also applied public pressure. It is only through the efforts of Congresspersons like yourself that we will see accountability, and at a minimum, some level of transparency, for the apparent impunity granted to civilians and contractors who have reportedly committed human rights violations in the name of the U.S. military and government overseas.

We ask you to request that the Department of Justice uphold its obligation and commitment to pursue those responsible for abuses. Please call on the DOJ to promptly investigate all allegations of human rights violations committed by employees or contractors of private military and security firms, and publicly report on the number and general status of cases referred to it, as well as detailed information as to why these cases are being declined.

Where clear evidence of human rights violations exists, perpetrators should be immediately prosecuted. Thank you for your time and commitment to the principles of justice and accountability.

Sincerely,