March 23, 2018

The Honorable Mitch McConnell
Senate Majority Leader, US Senate

The Honorable Chuck Schumer
Senate Minority Leader, US Senate

The Honorable Richard Burr
Chairman, US Senate Select Committee on Intelligence

The Honorable Mark Warner
Vice Chairman, US Senate Select Committee on Intelligence

Re: Nomination of Gina Haspel to be CIA Director

Dear Majority Leader McConnell, Minority Leader Schumer, Chairman Burr, and Vice Chairman Warner:

We write on behalf of Human Rights Watch to express our opposition to the impending nomination of Gina Haspel to be Central Intelligence Agency director.

President Donald Trump’s decision to nominate as CIA director someone closely involved in the torture of detainees under the CIA’s Rendition, Detention, and Interrogation (RDI) program,¹ and the destruction of related evidence, demonstrates contempt for the prohibition against torture under US and international law. It sends a message to the American people and the world that acting without regard for rights protections and the rule of law will be rewarded.

Much of Haspel’s role in the RDI program is not publicly known because the government has classified extensive information related to that program. Information on her role should be declassified and released publicly prior to her hearing so that both senators and the American public have a clear and full understanding of her record. However, what is already known should disqualify her from this critical cabinet-level position.

Ran CIA “Black Site,” Oversaw Torture

Haspel is credibly reported to have run a CIA “black site” in Thailand from late October 2002 until late December 2002 where at least two detainees, Abu Zubaydah, and Abd al-Rahim al-Nashiri, were held.²

Though Haspel appears to have physically arrived at the Thai site toward the end of Abu Zubaydah’s most aggressive interrogation period, she would have known or should have learned that Abu Zubaydah had been subject to extensive torture and ill-treatment. This included being stripped naked, hit, slammed into walls, shackled into extremely painful stress positions, subjected to extreme cold, and waterboarded 83 times—on at least one occasion to the point of near death.³

Within weeks of her arrival, Haspel supervised the interrogation of al-Nashiri, a new detainee brought to the site. Interrogators used many of the same unlawful techniques used on Abu Zubaydah, including waterboarding.⁴

Role in Other Aspects of the RDI Program

By the end of December 2002, Haspel reportedly returned to the CIA Counterterrorism Center outside Washington as an operations officer.⁵ No public record exists of the role she played in the RDI program between then and the time that she became chief of staff to Jose Rodriguez, who headed the CIA’s National Clandestine Service from 2004 or 2005 until 2007.⁶ But credible, public accounts suggest that during this time she played a leading, supervisory role.

In his book, former CIA General Counsel John Rizzo describes Haspel as having “run the [CIA] interrogation program.”⁷ Glenn Carle, a former undercover CIA operative involved in

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⁴ Senate Summary, p. 67.
interrogating a detainee in CIA custody described her as “one of the architects, designers, implementers and one of the top two managers of the [CIA interrogation program].”

In addition to using so-called “enhanced interrogation techniques,” the CIA also held detainees in long-term incommunicado detention in unsanitary conditions, forced detainees to be naked or wear diapers, and deprived them of food, and fed at least five detainees through their rectums. The agency also unlawfully rendered numerous men to various countries, many of whom were then tortured by US partner forces.

Haspel should publicly explain which aspects of the CIA program she was involved in during this time, if any, and her role. The CIA has admitted to a number of “management failures” during the time that she was in charge of the Thailand CIA “black site.” This included a failure to discipline for detainee abuse. The agency also admitted to inflating the value of intelligence gathered from detainees to continue justifying the program.

**Destruction of Videotapes**

In 2005 Haspel was involved in destroying 96 videotapes of some of the most violent images of CIA torture, mostly depicting the torture of Abu Zubaydah. During one waterboarding session likely recorded, a CIA cable describes Abu Zubaydah having become “completely unresponsive, with bubbles rising through his open, full mouth.”

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9 See generally, Senate Summary. See also: Human Rights Watch, *No More Excuses: A Roadmap to Justice for CIA Torture*.


11 See U.S. Central Intelligence Agency, “Comments on the Senate Select Committee on Intelligence’s Study of the Central Intelligence Agency’s Former Detention and Interrogation Program,” June 27, 2013, [https://www.cia.gov/library/reports/CIAas_June2013_Response_to_the_SSCI_Study_on_the_Former_Detention_and_Interrogation_Program.pdf](https://www.cia.gov/library/reports/CIAas_June2013_Response_to_the_SSCI_Study_on_the_Former_Detention_and_Interrogation_Program.pdf) (accessed March 22, 2018).


John McPhearson, a CIA lawyer who reviewed the tapes, said they showed Abu Zubaydah, “crying” and “gagging” and that they were “very unpleasant to look at.”

In November 2005, Haspel drafted the order to destroy the tapes and Rodriguez signed it though Rizzo had instructed Rodriguez not to do so without his and further White House approval. According to Rizzo, Rodriguez and Haspel were “the staunchest advocates inside the [CIA] for destroying the tapes,” and Rodriguez said in his book that destroying the tapes was something that he and Haspel had been trying to do for a long time.

Conclusion

The US Senate is charged with scrupulously examining the administration’s nominee for CIA director. Given her record, confirming Haspel would not only erode US respect for the prohibition on torture and other ill-treatment but would undermine US commitments to human rights at home and abroad. For these reasons, we urge you to oppose her nomination.

Sincerely,

Nicole Austin-Hillery
Executive Director, US Program
Human Rights Watch

Sarah Margon
Washington Director
Human Rights Watch

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16 Ibid., pp. 16-17.