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CIA ordered to turn over prisoner records

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A federal judge in Manhattan Wednesday ordered the CIA to turn over documents sought by the American Civil Liberties Union regarding the abuse of detainees and prisoners held in U.S. custody in Afghanistan, Iraq and Guantanamo.

U.S. District Judge Alvin Hellerstein denied the Central Intelligence Agency's request to set aside his September order directing the CIA and other government agencies to produce records concerning the treatment or death of detainees in U.S. custody or the transfer of detainees to countries known to use torture.

"The CIA shall search and review in response to plaintiffs' [Freedom of Information Act] requests," Hellerstein wrote.

The ACLU first requested the documents in October 2003 and May 2004, citing the Freedom of Information Act. The act, which took effect in 1966, allows the public to obtain unclassified government records that officials would not otherwise release.

The CIA sought to block an order issued by Hellerstein in September, arguing the material could not be disclosed and citing the CIA Information Act, which authorizes the CIA director and director of national intelligence to exempt "operational files."

Hellerstein wrote Wednesday this exemption is not automatic, and he ruled the CIA failed to follow proper procedure that requires a declaration by the CIA director.

"To date, defendant CIA has submitted no evidence that the Director declared such an exemption," Hellerstein wrote. "In the absence of adherence by the CIA ... I decline to find that its operation files warrant any protection from the requirements of FOIA."

The CIA also argued that the documents were the subject of an internal criminal investigation into allegations of impropriety in Iraq, launched in May 2004. Hellerstein said this was no excuse.

The judge noted that where a document may compromise national security, the CIA's Office of Inspector General may search for and either release or claim exemption to disclosing such documents.

Donna Lieberman, executive director of the New York Civil Union, which joined the ACLU in the suit, said, "We're pleased that the court has ordered them to shed some light on CIA operations... We need to get to the bottom of the massive abuse of detainees in Guantanamo and elsewhere."

Megan Gaffney, a spokeswoman for the U.S. attorney's office in Manhattan, which argued the case on behalf of the CIA, said her office was reviewing the decision.