U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General *Washington, DC 20530*

JUN 14 2004

The Honorable John Conyers
U.S. House of Representatives
Washington, DC 20515-3705

Dear Congressman Conyers:

This is in response to your letter of May 5, 2004, in which you and other Members of Congress requested that the Department of Justice conduct an investigation into allegations of abuse by private contractors at United States detention facilities in Iraq.

A tremendous amount of media attention has recently focused on reports of abuse of prisoners by Department of Defense personnel at Abu Ghraib prison. Like all Americans, we at DOJ were appalled by the conduct that has been reported in regard to certain prisoners. It is our understanding that DoD has been actively investigating these particular matters.

As you may know, there is a complicated framework, set by statute, policy, and longstanding practice, that establishes the respective responsibility and jurisdiction of DoD and DOJ to investigate and prosecute current and former military personnel, as well as civilians employed by or accompanying the armed forces. This framework includes an established protocol by which DoD refers cases to DOJ for prosecution when circumstances indicate that jurisdiction is appropriately vested in DOJ. DOJ has received a referral from DoD regarding a civilian contractor in Iraq and immediately opened an investigation into the matter. Because this investigation is ongoing, our ability to divulge its details is curtailed.

There have also been media reports concerning CIA referrals to DOJ. Because these matters involve intelligence issues, they are referred to DOJ in classified form. However, we have confirmed that the CIA has no objection to a disclosure that DOJ has received formal referrals for criminal investigation from the CIA pertaining to treatment of detainees by CIA-associated personnel. We are limited in our ability to discuss the details of these referrals, however, because they implicate ongoing investigations and matters which are classified. We understand that the CIA has briefed the Intelligence Committees on these matters.

The news reports of abuses of Iraqi prisoners are extremely disturbing, and DOJ is committed to taking all appropriate actions within its jurisdiction to ensure that those responsible will be held accountable. Please do not hesitate to contact me should you have any additional questions.

Sincerely,

William E. Moschella

William E. Moschella
Assistant Attorney General