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December 12, 2007

The Honorable Condoleezza Rice
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Rice:

According to today's *Chicago Tribune*, the interrogation of a detainee who was rendered to Egypt by the United States may have been recorded. This raises questions regarding whether Egypt or other countries to which the CIA has rendered detainees have made video or audio recordings of these detainees being interrogated and whether the State Department has reviewed any such recordings to determine whether detainees are being tortured.

As you know, it is illegal to render individuals to countries where they are likely to be tortured. Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which the United States has ratified, states, "No State Party shall expel, return or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture." The Administration has indicated that it stands by this legal prohibition on rendition to torture.

However, the Administration has indicated that in some cases it will transfer a detainee with a credible fear of torture to a country that routinely engages in torture if the State Department receives so-called "diplomatic assurances" that the detainee will not be tortured. For example, during his confirmation hearing in 2005, Attorney General Alberto Gonzales told me, "It is permissible in appropriate circumstances to rely on assurances from a country that it will not engage in torture, and such assurances can provide a basis for concluding that a person is not likely to be tortured if returned to another country." The State Department claims that it monitors compliance with such diplomatic assurances.

Please respond to the following questions:

1. To your knowledge, have any interrogations of rendered detainees been recorded by foreign governments or the United States?

2. Have any such recordings been reviewed to verify compliance with diplomatic assurances not to torture detainees?
3. If so, do any such recordings contain evidence that diplomatic assurances not to torture a detainee have been violated?
4. Would it be useful to record interrogations of rendered detainees to verify compliance with diplomatic assurances not to torture detainees?

In light of the seriousness of this issue, I request that you respond to this letter as soon as possible, and in no case later than December 19, 2007. Please provide an unclassified response to the greatest extent possible, with a classified annex only if necessary. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Dick Durbin". The signature is written in a cursive, slightly slanted style.

Richard J. Durbin