

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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CIA's Acknowledgment of Waterboarding is Admission of a Crime

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CIA Director Michael Hayden's admission that the CIA used waterboarding should prompt an immediate criminal investigation by the Department of Justice, Human Rights Watch said today. Although use of waterboarding has been widely reported in the press, this is the first time that the CIA has openly acknowledged employing the practice.

During a Senate Intelligence Committee hearing today, General Hayden stated that the CIA had waterboarded three al Qaeda suspects Abd al-Rahim al-Nashiri, Abu Zubaydah, and Khalid Sheikh Mohammed while holding them in secret custody in 2002 and 2003. Waterboarding, a torture technique in which a prisoner is made to believe he is drowning, violates both the federal anti-torture statute and the War Crimes Act.

General Hayden's acknowledgment that the CIA subjected three detainees to waterboarding is an explicit admission of criminal activity, said Joanne Mariner, terrorism and counterterrorism director at Human Rights Watch. Those who authorized these crimes have to be held accountable.

Waterboarding has been prosecuted by US courts as torture since the Spanish-American War. After World War II, US military commissions prosecuted and severely punished enemy soldiers for subjecting American prisoners to waterboarding.

General Hayden's testimony gives the lie to all of the administrations past protestations that the CIA has not employed torture, Mariner said. Waterboarding is torture, and torture is a crime.

In January, the Department of Justice launched a formal investigation into the CIA's destruction of tapes showing the interrogations of Abu Zubaydah and Nashiri two of the detainees who were subject to waterboarding. But as Attorney General Michael Mukasey [told the Senate Judiciary committee on January 31](#), the investigation is not currently focused on the legality of the interrogations themselves.

Either the scope of the current investigation should be expanded, or a new investigation launched, Mariner said. Those who engaged in and approved waterboarding should no longer be given a free pass.

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