United States Senate
WASHINGTON, DC 20510

July 21, 2011

The Honorable Leon Panetta
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Secretary Panetta:

We write to you today to strongly oppose the reported transfer of an extraordinarily dangerous senior Hezbollah operative, Ali Mussa Daqduq, from U.S. military custody to the Government of Iraq. We believe such a transfer puts in jeopardy the safety of our troops in Iraq.

Daqduq, as you know, is the highest ranking Hezbollah operative currently in our custody. In 2005, Daqduq was directed by senior Hezbollah leadership to go to Iran and train Iraqi extremists. Daqduq trained these Iraqis on the use of explosively formed penetrators, mortars, rockets, and other terrorist tactics and is suspected of orchestrating a brazen kidnapping in Karbala, Iraq, in 2007 that resulted in the murder of five U.S. military personnel. If he is released from custody, we firmly believe he will seek to harm or kill more American servicemen and women.

Our concern is that Iraq's current legal regime could allow for Daqduq to return to the fight either as a result of an inability to detain and prosecute him under Iraqi criminal laws, ineffective incarceration, or other challenges. We know that matters such as these remain the subject of ongoing discussions with our Iraqi partners, but we believe that the potential transfer of Daqduq to Iraqi authority could pose an unacceptable risk to U.S. national security interests.

While we may not all be in agreement on long term plans for Guantanamo Bay, that debate does not mitigate the fact that with the absence of a proposal from the Administration on how to proceed with detainees if the detention facility at Guantanamo Bay is closed, it appears that Guantanamo Bay is the only available detention facility. It is absolutely clear that the policy option that most reduces the risk to Americans' safety is the one the Administration apparently refuses to consider—law of war detention at Guantanamo with or without trial by military commission. We urge the Administration to closely evaluate the legal authority available to bring Daqduq's case before a military commission.

If he is released from United States custody, there is little doubt that Daqduq will return to the battlefield and resume his terrorist activities against the United States and our interests. For this reason, we urge you to take whatever steps you can to block Daqduq's transfer to the Iraqi Government and out of U.S. custody.

Thank you for your prompt attention on this matter.

Sincerely,

John McCain
United States Senator

Mitch McConnell
United States Senator

John Thune
United States Senator

James Inhofe
United States Senator

Jeff Sessions
United States Senator

Saxby Chambliss
United States Senator

Roger Wicker
United States Senator

Scott Brown
United States Senator

Kelly Ayotte
United States Senator

Lindsey Graham
United States Senator

David Vitter
United States Senator

Chuck Grassley
United States Senator

Orrin Hatch
United States Senator

Richard Burr
United States Senator

Roy Blunt
United States Senator

Marco Rubio
United States Senator

Jon Kyl
United States Senator

Joseph Lieberman
United States Senator

Mark Kirk
United States Senator

Susan Collins
United States Senator