

US press accounts confirm: Rumsfeld, Bush approved Iraq torture policy

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Recent press reports have demolished Bush administration claims that US torture in Iraq was an isolated act of a few deviant soldiers and reservists. Interviews and government documents obtained by *The New Yorker* and *Newsweek* show that the very highest levels of the Bush administration—including President George W. Bush and Defense Secretary Rumsfeld—set up programs designed to extract more information out of detainees by circumventing international laws banning torture. Moreover, they were fully conscious that in doing so they were violating US and international law and leaving themselves open to prosecution for war crimes.

Seymour Hersh's article (http://www.newyorker.com/fact/content/?040524fa_fact) "The Gray Zone," posted on May 15 by the *New Yorker*, reveals how Rumsfeld, assisted by his Undersecretary for Intelligence Stephen Cambone, set up a secret program to assassinate targeted individuals in the Bush administration's "war on terror." This program was later extended to the interrogation of prisoners captured in Afghanistan and Iraq and, according to Hersh, "encouraged physical coercion and sexual humiliation of Iraqi prisoners in an effort to generate more intelligence about the growing insurgency in Iraq."

A Special Access Program (SAP) was initially set up weeks after September 11, 2001, in order to carry out rapid US assassinations of terrorism suspects. On October 7, 2001, a military lawyer refused to grant permission for a missile strike on an automobile convoy which US officials thought might have been carrying Taliban leader Mullah Omar. Rumsfeld was furious and ordered the set-up of the SAP to oversee such assassinations. This had the advantage of getting around lawyers' objections and the supervision of other US personnel—such as US ambassadors to the countries where operations were taking place—as well as the military superiors of officers engaged in the assassination operations.

According to a former senior intelligence official interviewed by Hersh, the program had the full approval of top Bush administration officials, including National Security Adviser Condoleezza Rice. President Bush and General Richard Myers, chairman of the Joint Chiefs of Staff, were notified of the SAP's existence.

Hersh's exhaustive account of the program—his article is over 5,000 words long—repeatedly cites conversations and decisions at the highest levels of the Bush administration and the Pentagon. The *New Yorker* correspondent is effectively serving as a conduit for top intelligence officials who are settling some scores in the raging conflict within the US government arising from the failure of the Iraq occupation.

Their particular target is the network of neo-conservative ideologues whom Rumsfeld brought into the Pentagon and installed in the key civilian policy-making positions there, frequently treading on the toes of uniformed military and career intelligence operatives.

Given its sources, it is not surprising that Hersh's article largely absolves the CIA of responsibility for the atrocities at Abu Ghraib. But

despite this one-sidedness, the wealth of detail about the secret, off-the-books plan for torture and interrogation of prisoners gives it the ring of truth. Moreover, the essentials of Hersh's account have been verified independently in reporting by *Newsweek*, the *Washington Post*, the *New York Times*, and other press outlets.

The role of Undersecretary Cambone

In March 2003 a Rumsfeld protégé, Stephen Cambone, was named Undersecretary of Defense for Intelligence and assumed control of the SAP. Cambone's military assistant was Lieutenant General Jerry Boykin, the zealot who has described the war on terrorism as a religious war fought against Satan and described Bush's installation as an unelected president as an act of divine will. Their role in the US international assassination program has been noted by the WWSW (see here).

These programs were brought to Iraq as US forces there confronted a tenacious and growing insurgency in the summer and fall of 2003. Despite its public position that US forces were simply mopping up a few "dead-enders," the US military establishment was well aware that its intelligence-gathering abilities in Iraq were far outmatched by those of the resistance. A Defense Department study quoted by Hersh notes: "[Insurgents'] ability to attack convoys, other vulnerable targets and particular individuals has been the result of painstaking surveillance and reconnaissance." It ascribes insurgents' intelligence gathering to widespread sympathy for the resistance in the Iraqi police and security forces, Iraqi government offices, and amongst Iraqi workers inside the US Coalition Provisional Authority (CPA), which runs Iraq.

It noted: "Politically, the US has failed to date. [...] The disaster is that the reconstruction of Iraq has been the key cause of the insurgency. There is no legitimate government, and it behooves the Coalition Provisional Authority to absorb the sad but unvarnished fact that most Iraqis do not see the [US-appointed Iraqi] Governing Council as the legitimate authority. Indeed, they know that the true power is the CPA."

In view of the obvious fact that US forces were facing massive resistance in imposing an occupation regime on Iraq, the study deplored the fact that US "intelligence is poor or lacking ... due to the dearth of competence and expertise."

The solution, described by Hersh as "endorsed by Rumsfeld and carried out by Stephen Cambone," was to turn US prisons in Iraq into torture camps to extract enough information about the resistance to drown it in blood. Cambone incorporated military intelligence officers and mercenaries carrying out interrogations into the SAP, removing them from the authority of the normal military chain of command. This matches claims by Abu Ghraib commander General Janice Karpinski that she did not exert effective control over the interrogations taking place at Abu

Ghraib, which were run by military intelligence officers and civilian contractors not acting under her orders.

At the same time, Rumsfeld and Cambone directed General Geoffrey Miller, head of the US concentration camp for Afghan prisoners at Guantanamo Bay, to visit Iraq and brief the US high command there on the methods used in Guantanamo. There, according to the *Washington Post*, the Pentagon had approved legal guidelines for torturing detainees, using methods including sleep deprivation, exposure to extreme heat or cold, placing detainees in positions causing severe pain, and forcing detainees to remove their clothing (see here).

There was another motive for the methods employed at Abu Ghraib. Hersh reveals evidence that, faced with popular resistance, US forces pursued a deliberate policy of sexual torture in the hopes of blackmailing ordinary Iraqis into becoming informants for US troops. He quotes a government consultant who was told that the goal was to “create an army of informants” by threatening released detainees who refused to cooperate with US forces with sexual humiliation, by releasing explicit pictures taken during their stays in prison.

This would explain US forces’ willingness to torture thousands of detainees, most of whom (70-90%, according to Red Cross estimates) are wrongly detained. US forces are not trying to apprehend and interrogate resistance fighters, but rather to set up a large-scale spy network within a hostile population. It also explains comments by Israel’s Shin Bet domestic security service, which routinely uses torture against Arab detainees, that it viewed sexual humiliation as an unreliable form of interrogation, since it risks breaking a victim to the point where he “will say anything. That information is worthless.” If US forces were using sexual humiliation to torture Iraqi detainees, it was precisely because they had no particular interest in what the Iraqis were going to say thereafter.

The Pentagon issued heated but curiously legalistic denials of the Hersh story. Defense Department spokesman Lawrence DiRita, in a formal statement to the press, declared, “The abuse evidenced in the videos and photos, and any similar abuse that may come to light in any of the ongoing half dozen investigations into this matter, has no basis in any sanctioned program, training manual, instruction, or order in the Department of Defense.”

Hersh’s article contends, however, that the torture was the outcome of a special “black operation,” a program which would not have been “sanctioned” but would rather have been kept “off-the-books” to preserve deniability. In response to press questions, DiRita simply refused to address whether such a program existed.

An article in the May 24 issue of *Newsweek*, titled “The Roots of Torture,” has revealed the bitter internal disputes triggered in the US government by the Bush administration’s decision to discard the Geneva Conventions and foster a general atmosphere of lawlessness with regards to detainees held by the US. Although *Newsweek* does not point this out, its article confirms that the Bush administration was conscious of the fact that the interrogation methods it was employing against prisoners captured in Afghanistan were in violation of US and international law, leaving US officials open to prosecution for war crimes.

Newsweek quotes a January 25, 2002 memo by White House counsel Alberto Gonzales to President Bush, advocating scrapping the Geneva Conventions so as to shield US officials from prosecution for war crimes during the “war on terror.” Gonzales wrote: “As you have said, the war on terrorism is a new kind of war. [...] In my judgment, this new paradigm renders obsolete Geneva’s strict limitations on questioning of enemy prisoners and renders quaint some of its provisions.”

According to *Newsweek*, Gonzales thought that announcing that the US would not honor the Geneva Conventions with regard to prisoners from the Afghan war—itself an illegal act, since the Geneva Conventions have been ratified by Congress and carry the force of US law—would be the best shield from future war crimes prosecutions. Gonzales wrote Bush that he

feared “prosecutors and independent counsels who may in the future decide to pursue unwarranted charges,” based on a 1996 US law which allows for the prosecution of “any grave breach” of the Geneva Conventions.

The White House met with opposition from Secretary of State Colin Powell, who wrote a January 26, 2002 memo cautioning against the “high cost in terms of international reaction” to a US decision to breach the Geneva Conventions. The White House then disregarded this warning, unilaterally claiming its detainees were not protected by the Geneva Conventions (an act which is in itself a violation of the Conventions). It claimed that detainees captured in the Afghan war were “unlawful combatants”—a legal category invented to suit the needs of the Bush administration—and not prisoners of war (POWs) covered by the Geneva Conventions.

Initial interrogation results from Guantanamo Bay detainees did not satisfy the Pentagon. In late 2002 civilian lawyers at the Pentagon therefore began drawing up legal guidelines for torture, requiring the notification of Defense Secretary Rumsfeld, as reported previously by the *Washington Post*. This alarmed military lawyers, who were concerned that the junking of the Geneva Convention might expose captured US soldiers to similar mistreatment. Ultimately, after months of debate between civilian and military lawyers at the Pentagon, the Pentagon gave the green light to the torture guidelines for Guantanamo Bay in April 2003.

Disgruntled military lawyers visited Scott Horton, an international human-rights lawyer with the New York City Bar Association, and decried “a calculated effort to create an atmosphere of legal ambiguity” about how the Geneva Conventions applied to detainees. They denounced DOD Under-Secretary for Defense Douglas Feith and DOD general counsel William Haynes and warned of “a real risk of disaster.”

The mounting evidence of a deliberate Bush administration policy to torture Guantanamo Bay—and subsequently Iraqi—detainees underscores the case for war crimes charges against all of the American high officials, civilian and military, responsible for the invasion and conquest of Afghanistan and Iraq. Bush, Rumsfeld, Powell, Rice, Myers, Cambone and others should all be placed in the dock.



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