

Australian government lies exposed on Abu Ghraib torture

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After weeks of denying that it had any knowledge of the torture of Iraqi prisoners prior to January, the Howard government was forced yesterday to admit that it has repeatedly misled the Australian public. The government has responded to the scandal, however, with its standard operating procedure of evasion, falsifications and lies, seeking to blame the Australian military and the defence department for allegedly not passing on relevant information.

Only last Friday, the secretary to the department of defence, Ric Smith, and armed forces chief, General Peter Cosgrove, released a joint statement which stated that no defence force personnel were aware of “abuse or serious mistreatment” before January. This claim, which echoed previous statements by government ministers, was completely false.

Yesterday Smith and Cosgrove issued a grovelling apology, admitting that senior Australian military officers knew last October that the International Committee of the Red Cross had raised concerns about widespread abuse of prisoners. Prime Minister John Howard immediately denied any culpability. “I am very unhappy that I was misinformed by the defence department. So is the defence minister,” Howard declared. “Everything that I said was based on the advice of the defence department. I did not set out to mislead anybody.”

When the Abu Ghraib photographs were first published in April, the government claimed to be appalled by the evidence of abuse, and insisted that no-one in Canberra had any idea of the extent and nature of the mistreatment. Howard repeatedly emphasised that no Australians were implicated. “We were not involved,” he declared.

Howard stuck to this claim yesterday, but it has unravelled completely. Leaks from within the defence establishment fuelled a *Sydney Morning Herald* investigation. It soon emerged that a number of Australian officers were working at the highest levels of the US military legal team in Baghdad, and played a central role in the US prison regime. Australian military lawyers advised US forces on interrogation techniques, and drafted replies to the Red Cross justifying violations of the Geneva Conventions.

Particular attention has been focussed on one of these legal officers, Major George O’Kane, who spent six months up until February this year in the US military headquarters in Baghdad.

He worked in the office of the senior US legal officer in Iraq, and was closely involved in the American legal assessment of the allegations of torture and illegal interrogation techniques.

O’Kane received two Red Cross reports on conditions inside Iraqi prisons, issued in October and November last year. He was responsible for investigating many of these complaints, and visited Abu Ghraib prison on at least five occasions between August 2003 and January 2004.

The Australian legal officer worked closely with the American military authorities in producing legal arguments justifying war crimes. He drafted the official reply to the Red Cross reports, arguing that a number of Geneva Conventions did not apply to prisoners who allegedly posed a serious security risk.

The letter went on to threaten the Red Cross that its unannounced prison inspections might be blocked in the future. This draft was finally signed by US Brigadier General Janice Karpinsky, who has since been reprimanded by the US military, and found to be unfit for duty.

O’Kane also gave advice to interrogators and guards, some of whom have been charged subsequently for their crimes against Iraqi prisoners. In August 2003 he delivered lectures to American interrogators inside Abu Ghraib prison, and advised them on the application of the Geneva Conventions. In January he gave further instructions on interrogation techniques, this time to US prison guards. He warned the guards to prepare for a Red Cross inspection that he subsequently accompanied.

Among those advised by O’Kane were members of the US 205th Military Intelligence Brigade, who committed many of the abuses revealed in the Abu Ghraib photographs. US defence lawyers for these interrogators are now seeking access to O’Kane’s documents, as part of their defence that the brutal treatment of prisoners was authorised by their superiors.

The Australian official had an intimate knowledge of virtually every aspect of the allegations and investigations of torture. According to the *Sydney Morning Herald*, O’Kane learned of the existence of the photographs of torture inside Abu Ghraib prison in late 2003, and was aware this February of US General Taguba’s damning internal military report, which confirmed that the Geneva Conventions had been seriously breached.

A number of other Australian officers, some of significantly

higher rank than Major O’Kane, worked alongside the US authorities. The defence department has admitted that at least six other Australian military lawyers visited Abu Ghraib prison on a number of occasions. Colonel Mike Kelly liaised with the Red Cross and went to Abu Ghraib seven times. Another Australian lawyer, Lieutenant-Colonel Paul Muggleton, also received the Red Cross’ October report. An unspecified number of Australian officers were aware of the existence of the Red Cross papers.

All these military personnel reported back to Australia’s Joint Operations Command. O’Kane issued weekly reports of his activities to his Australian superiors. These reports included at least 10 references to his work with the Red Cross on prison conditions. On December 4, defence officials in Canberra were told that O’Kane’s visit to Abu Ghraib was “in response to concerns raised by the [Red Cross] about conditions in the prison”.

The role of Australian military-legal figures working with the US forces in Iraq demolishes the government’s repeated insistence that no-one in Canberra knew anything about allegations of abuse before January, when it was first reported that the US military was conducting an internal investigation. Both Howard and Defence Minister Robert Hill have maintained that they only became aware of the nature and extent of the torture with the publication of the photographs taken inside Baghdad’s Abu Ghraib prison.

“The first that I became aware of the scale of the alleged abuses was at the time most other Australians did, some time in April when the photographs emerged.” Howard told parliament. Only last Friday Alexander Downer vehemently insisted that “nobody in Australia knew about the Abu Ghraib abuses, including in January”.

Howard also maintained that the October Red Cross findings were only “critical of conditions—that is food, of clothing and of communications opportunities with families”. But the *Sydney Morning Herald* has now quoted the unreleased October report as saying that “punishment [for Iraqi prisoners] included being made to walk in the corridors handcuffed and naked, or with women’s underwear on the head, or being handcuffed either dressed or naked to bed bars or the cell doors”. The Red Cross found that prisoners were left naked for days in dark and empty concrete cells, and were subjected to sleep deprivation.

The government’s attempt to deflect all responsibility for its lies onto the defence department and the military is a desperate, though well-tested, ploy. Deliberately shielding itself from potentially damaging information has been a recurrent modus operandi for the Howard government. From the “children overboard” affair during the 2001 election campaign to the concoction of “weapons of mass destruction” allegations against Iraq, the government has repeatedly used public service, intelligence and military officials as scapegoats.

For the past two weeks, the government has claimed to have provided information to parliament and the public based on

briefings it received from the defence department. Yet, it took only a few days of newspaper reports, followed by a day of questioning of officials in a Senate committee, for the real story to begin to unfold. Either the government is hopelessly incompetent, or it knew the truth all along. The fact that Howard has expressed his full confidence in Smith and Cosgrove—despite claiming to have been misled by them—suggests that the latter explanation is more likely.

Even if true, Howard’s explanation of the events represents a damning self-indictment. According to his account, the government first learned of the abuse allegations in January, following which it made no attempt to discover the nature of these allegations, or the extent of the torture. No clarification was ever sought from either the US military or the Bush administration, and no attempt was made to obtain a copy of the Red Cross reports. Nor did the government ever ask the defence department whether any Australians working in the Coalition Provisional Authority were involved in any aspect of the affair. Far from constituting a defence, the government’s account is an admission of criminal negligence.

International law makes clear that Australia has definite obligations to ensure the welfare of Iraqi prisoners and detainees. These responsibilities were explicitly noted in a joint agreement signed in March 2003 by Australian, British and American commanders. This agreement stated that all captured Iraqis must be treated in accordance with the Geneva Convention. Australia was also obliged to appoint liaison officers to monitor the treatment of prisoners Australian troops had handed over to the US forces. Approximately 100 such prisoners have been turned over by Australian soldiers.

Asked about Australia’s responsibility for ensuring the proper treatment of these prisoners, Howard flatly stated, “I think we have discharged all of our moral responsibilities”. This reaction is characteristic of the government’s conduct during the entire course of the invasion and occupation of Iraq. The killing and wounding of tens of thousands of Iraqis was for Howard an insignificant by-product of his alliance with the Bush administration. The horrific abuse of Iraqis by coalition forces is seen in exactly the same manner.

The Howard government is as culpable for war crimes as is the Bush administration. Howard, Hill and Downer should all be prosecuted for their role in the illegal invasion of Iraq, and the torture of Iraqi detainees.



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