

Official probes of US prisoner abuse document crimes, exonerate arch criminals

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Two official reports were published at the end of August investigating instances of torture of Iraqi prisoners by American troops. The content of the reports and a recent string of new revelations reveal the extent to which torture has become a regular component of American policy in Iraq, Afghanistan and elsewhere.

Nevertheless, the essential purpose of these reports—as with all the official investigations into US prisoner abuse—has been to whitewash the decisive role of top policy-makers—beginning with Bush, Cheney and Rumsfeld—in encouraging and sanctioning the use of torture.

This was evident, based on the individuals leading the various probes. One of the reports was issued by a supposedly independent commission appointed by Secretary of Defense Donald Rumsfeld and led by the defense secretary under Richard Nixon, James Schlesinger. Another investigation was carried out by the army, led by Maj. Gen. George Fay and Lt. Gen. Anthony Jones. The army has also launched a number of separate and isolated investigations into different aspects of the abuse carried out at the Abu Ghraib prison in Baghdad.

The Fay investigation was tasked with looking into the role of military intelligence in participating in or encouraging torture at Abu Ghraib.

In testimony before Congress on August 26, Schlesinger summed up the attitude that his commission took. “It is preposterous,” he declared, to suppose “that what these pictures [taken of torture at Abu Ghraib] show is we were prepared to use torture to get information.” Rather, the incidents captured in the photographs were merely the consequence of “an animal house on the night shift.”

In other words, whatever criticisms might be leveled at the government for inadequate preparation or insufficient police staffing at Abu Ghraib, the actions perpetrated there and elsewhere can in no way be seen as a product of American policy. Both Schlesinger and Fay specifically exonerated Rumsfeld from any direct responsibility for the actions at Abu Ghraib.

The blatant character of the whitewash prompted both the *New York Times* and the *Washington Post* to issue criticisms of the investigations. The newspapers—both of which support the continued occupation of Iraq—felt obliged to rebuke the Bush administration for the brazenness with which it has handled the aftermath of the Abu Ghraib revelations.

In its lead editorial of September 10 (“No Accountability on Abu Ghraib”), the *Times* noted, “After months of Senate hearings and eight Pentagon investigations, it is obvious that the administration does not intend to hold any high-ranking official accountable for the nightmare at Abu Ghraib.”

Countering Schlesinger’s testimony, the editors pointed out that the torture at Abu Ghraib came after much policy preparation within the Bush administration, preparation that was led and encouraged by Rumsfeld. “Mr. Rumsfeld gave President Bush the legal advice that led to the president’s famous memo declaring that the United States could, at his discretion, suspend the Geneva Conventions in the ‘global war on terror,’ and that prisoners with the newly minted designation of ‘unlawful

combatants’ were not entitled to the conventions’ protection. Mr. Rumsfeld authorized the use of brutal interrogation techniques at the prison in Guantanamo Bay, some of which he later rescinded...Mr. Rumsfeld’s staff sent the chief Guantanamo Bay jailer to Iraq. There, he gave Lt. Gen. Ricardo Sanchez [then commander of US forces in Iraq], who was under immense pressure from Washington to get intelligence on the Iraqi insurgency, a rundown on how they forced information out of prisoners at Guantanamo Bay.”

In its own editorial on the same day (“A Failed Investigation”), the *Post* noted, “Although several official panels have documented failings by senior military officers and their superiors in Washington, those responsible face no sanction of any kind, even as low-ranking personnel are criminally prosecuted.” Quoting the congressional testimony of General Paul Kern, who is leading a separate investigation, the editors pointed out that the “Pentagon has never answered the critical question of how harsh interrogation techniques promoted by Mr. Rumsfeld and other political appointees at the Pentagon and the Justice Department ‘found their way into documentation that we found at Abu Ghraib.’ As Gen. Kern put it, tactics that were ‘being debated back here in the United States found [their] way into the hard drives of the computers that were found in the prison.’”

The newspapers pointed to what is obvious to anyone approaching the Abu Ghraib torture revelations with any degree of objectivity—namely, that the actions that came to light there were a product of government policy. A decision was made toward the end of 2003 to escalate interrogation tactics in order to get more information from Iraqi prisoners. This information was considered critical to the effort to repress a growing insurgency supported by broad sections of the Iraqi population.

Methods that had already been developed at Guantanamo Bay, in Afghanistan and elsewhere by the American military, CIA and elite special forces were transferred to Iraq. This was the significance of the visit by Geoffrey Miller—then head of the Guantanamo Bay prison complex and now head of the Iraqi prison system—to Iraq in September 2003. His stated task was “to review current Iraqi theater ability to rapidly exploit internees for actionable intelligence.”

Military police officers, including those who have been the first to face trial for the Abu Ghraib incidents, were encouraged by military intelligence to “prepare the conditions” for successful interrogation.

The absurdity of the attempt to separate the torture from government policy emerges in some of the material which the reports themselves present, particularly in relation to the widespread character of the abuse. The Schlesinger report notes, “As of the date of this report, there were 300 incidents of alleged detainee abuse across the Joint Operations Area [including Iraq and Afghanistan]. Of the 155 completed investigations, 66 have resulted in a determination that detainees under the control of U.S. forces were abused.”

Of the 55 substantiated cases of abuse in Iraq, “There were five cases of detainee deaths as a result of abuse by US personnel during

interrogations...There are 23 cases of detainee deaths still under investigation; three in Afghanistan and 20 in Iraq.”

The statement—passed over without comment—that five detainees died during interrogation by American forces is extraordinary and deserves emphasis. By the government’s own figures, at least five individuals were tortured to death by the United States military.

The Fay report investigated only 44 cases of abuse and found that in 16 of these, military intelligence was directly involved, encouraging or soliciting the torture, and in 11 cases intelligence personnel committed abuses themselves.

Both reports nevertheless attempt to draw a line between the abuse encouraged by military intelligence and the types of atrocities captured in the photographs from Abu Ghraib. Their purpose is to separate intelligence-gathering from the portraits of brutality and sadism that have become infamous around the world, thereby exonerating policy-makers who were exerting enormous pressure for more “actionable intelligence.”

The distinction is a fraudulent one. Even those cases of abuse that did not involve military intelligence were a consequence of an atmosphere encouraged as part of the intelligence-gathering process.

Staff Sgt. Ivan Frederick, who is expected to plead guilty to charges of abuse at a court martial on October 20, explained the atmosphere that prevailed at Abu Ghraib. Discussing the events that led up to one of the incidents, Frederick told the German weekly *Der Spiegel*, “On the one hand I was full of rage that this prisoner had injured a soldier. And they’d told me ‘humiliate them.’ On the other hand, no one explained in detail how we should do it...The secret service [presumably military intelligence or CIA] set no limits at all. It was about concrete results and they weren’t interested how they were achieved.”

Classified parts of the Fay report say that the former top commander in Iraq, Lt. Gen. Richard Sanchez, approved a list of interrogation techniques that had previously been used at Guantanamo Bay and in Afghanistan. Some of these approved procedures directly contravene the Geneva Conventions.

According to the *New York Times*, which obtained information on the classified sections, the techniques approved by Sanchez “were among those previously approved by the Pentagon for use in Afghanistan and Cuba, and were recommended to General Sanchez and his staff in the summer of 2003 in memorandums sent by a team headed by Maj. Gen. Geoffrey Miller.”

The *Times* quotes this classified section of the Fay report as stating that, among these approved methods, “Interrogators at Abu Ghraib used both dogs and isolation as interrogation practices. The manner in which they were used on some occasions clearly violated the Geneva Conventions.”

In spite of these findings, Fay did not recommend any actions be taken against Generals Sanchez or Miller, or Pentagon chief Rumsfeld.

Several other recent developments indicate the extent to which torture has become a part of American policy:

* In testimony before the Senate Armed Service Committee on September 9, Fay and Jones reported that the military had kept hidden at least several dozen detainees at Abu Ghraib. These prisoners—so-called “ghost detainees”—were being held at the behest of the CIA. Holding prisoners incommunicado and preventing their access to the Red Cross is a violation of international law. Rumsfeld has already acknowledged that he personally authorized the holding of one such detainee. The CIA has refused to cooperate with any outside investigations into the handling of ghost detainees.

* According to a recently published book by investigative journalist Seymour Hersh (*Chain of Command*), the Bush administration was well informed about abuses at the Guantanamo Bay prison complex as early as the summer of 2002, but did nothing to halt them. The book also develops Hersh’s previously published reports that what happened at Abu Ghraib was the extension to Iraq of a secret program set up by the White House

and the Pentagon to interrogate prisoners outside of any constraints of international law. Citing former intelligence officials, Hersh reports that Rumsfeld and his undersecretary for intelligence, Stephen Cambone, approved the top-secret use of sexual humiliation and physical abuse on Iraqi prisoners.

* On September 14, Phil Shiner, a British lawyer leading a case against British soldiers accused of abusing Iraqis in the city of Basra, said that he had found evidence of abuse perpetrated by US forces in the northern Iraqi city of Mosul. Shiner provided the Reuters news agency with statements by two Iraqis who reported similar treatment to that meted out in Abu Ghraib: hooding, enforced nudity, beatings and other forms of torture.

One of the victims at Mosul, Yasir Rubaai Said al-Qutaji, reported that he was arrested by American forces after seeking to uncover evidence of abuse of other prisoners in Mosul. According to Shiner, “The only reason he was detained was that he was working on documenting these cases of torture, at this prison [in Mosul] and the Americans then went and detained him.”

Reuters itself has called on the Pentagon to seriously investigate claims by three of its Iraqi reporters that American troops had subjected them to torture, including sexual abuse, beatings, stress positions and sleep deprivation. The army concluded that there was no evidence of such abuse after carrying out a cursory investigation that did not even include interviews with the alleged victims.

* On September 16, Jonathan Idema was convicted in Afghanistan on counts of torture and other crimes. Idema was arrested after Afghan police found eight men tied up or hanging in his private prison in Kabul. Idema, a former member of the Special Forces, has claimed that he was acting at the behest of sections of the CIA and the Defense Department, including Deputy Undersecretary of Defense for Intelligence William Boykin. Idema claims that he was left out to dry after his case became politically problematic for the administration. The Afghan judge refused to consider evidence of high-level American support for the operation.

* Finally, the *New York Times* reported on September 17 more allegations of abuse perpetrated by American soldiers in Afghanistan. The army has charged one soldier with assault for beating a prisoner to death and has recommended charges be brought against two dozen other soldiers. The soldiers served at the American air base in Bagram, Afghanistan, and were members of the 519th military intelligence unit. This unit was later transferred to Iraq and played a major role in the torture at Abu Ghraib.



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