

New documents confirm widespread US abuse of Iraqi prisoners, implicate top general

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A new series of documents released over the weekend provides fresh evidence of the pervasive US military abuse of prisoners in Iraq. The documents were released by the Pentagon in response to a lawsuit filed by the American Civil Liberties Union (ACLU), the Center for Constitutional Rights and other organizations.

"These documents provide further evidence that the torture of detainees was much more widespread than the government has acknowledged," said Jameel Jaffer, attorney for the ACLU. The actions revealed in the documents are all clear and direct violations of international law on the treatment of prisoners of war.

An additional document posted on the ACLU's web site on Tuesday provides evidence that the former top military official in Iraq, Lieutenant General Ricardo Sanchez, directly authorized illegal interrogation techniques.

The civil liberties organization also charged that the Pentagon has abused a court order to turn over the documents in order to bury the scandal. "The documents were supposed to have been turned over to the ACLU on March 21, but were not released to the ACLU until late on Friday [March 25] of what for many is a holiday weekend [Easter]," a statement from the ACLU noted. "Select reporters received a CD-ROM with the documents before they were given to the ACLU," and before the documents could be properly analyzed and publicly posted. All the documents are now available on the ACLU's web site.

The document written by Sanchez is dated September 14, 2003 and had previously been reported by news outlets. This was the first time, however, that it was released publicly. In it, Sanchez authorizes a number of techniques, including "presence of military working dogs," arguing that this technique "exploits Arab fear of dogs while maintaining security during interrogations." The memo also approves "yelling, loud music and light control" and "stress positions."

The Sanchez memo is more extensive than a list of techniques approved by Secretary of Defense Donald Rumsfeld in April 2003. It corresponded with the visit of General Geoffrey Miller to Iraq in the fall of 2003. At the time, Miller was head of the US camp in Guantánamo Bay, where harsher interrogation techniques were then being used. In the late fall of 2003 the incidents at Abu Ghraib occurred that were made infamous after public release of the shocking photographs.

The other documents consist mainly of reports from internal military investigations of abuse allegations that occurred shortly after the Sanchez memo but were not limited to Abu Ghraib. One

series of reports concerns incidents that took place in December 2003 inside the Brigade Holding Area (BHA) of the 311th Military Intelligence unit, part of the 101st Airborne Division, stationed in Mosul.

On December 11, a 20-year-old Iraqi male had his jaw broken while detained by American forces. He was picked up a week earlier because his father had once been a member of Saddam Hussein's Fedayeen paramilitary unit. According to the Iraqi youth's statement, he was subjected to abuse prior to being punched in the jaw by an American soldier. "All night they were throwing water on us and making us stand and squat," he told the investigator. "From the night to the next day...they were beating us. I was hit on Thursday [and broke my jaw]. Then they gave me water but I couldn't really drink any." He was told by American troops to say that he had fallen and that no one had assaulted him.

While looking into the incident, the investigator found evidence of widespread abuse at the facility. "There is evidence that suggests the 311th MI personnel and/or translators engaged in physical torture of the detainees," he wrote. Abuse of detainees, he added, "was an acceptable practice and was demonstrated to the inexperienced infantry guards almost as guidance.... The 3rd & 4th Geneva Conventions were violated in regard to the treatment afforded to these detainees."

Among the methods used by the soldiers were blasting heavy metal music, yelling at the detainees with bullhorns, hitting them with water bottles, forcing them to perform physical exercises for prolonged periods of time, throwing cold water at them and depriving them of sleep.

According to one soldier, "We would force them to stay awake, by banging on metal doors, playing loud music, screaming at them all night—those were our instructions." While he said that the soldiers were told not to strike the detainees, another member of the unit reported witnessing the commander "put his knee in [a detainee's] neck and back and grind them into the floor.... He was very aggressive and rough with the detainees."

These tactics were apparently intended to facilitate interrogation of prisoners. One officer whose name is redacted said that they "[made] them tired, and when you're tired, you slip up."

Two days earlier, on December 9, another prisoner, Abu Malik Kenami, died of an apparent heart attack. One unsigned document reports, "From the 5th through the early morning of 9th of December there is a history with Kenami of not obeying the BHA rules for detainees; his punishment is ups and downs. Ups and

downs is a correctional technique of having a detainee stand up and then sit down rapidly, always keeping them in constant motion.” Kenami had no history of heart problems, and no autopsy was performed.

The investigator did not recommend that any disciplinary action against the commander of the 311th Military Intelligence unit.

Another investigation involved Task Force Iron Gunner, a unit of the 4th Infantry Division, stationed in Taji, Iraq, 30 miles north of Baghdad. The incidents took place in June 2003.

A report from a Psychological Operations (PSYOP) officer gives an indication of the indiscriminate and criminal character of detentions and operations, often targeting the Iraqi population as a whole. According to the officer, “Task Force Gunner continually detains local civilians on nothing more than a whim. At first, detainees were brought in for nothing more than having the equivalent of \$100 on their possession.... Many times this task force kept the money and never returned it.... Of the over 650 detainees interrogated, only 20 have proven to be of any real intelligence value.”

The commander, he continues, had an “unorthodox method of deciding who was a ‘bad guy’ and needed to be detained; he would wave at them and if they did not wave back, he had them arrested.” In one incident, the unit was fired upon while on patrol. “The [redacted] had a raid executed on the dwelling closest to the incident.... On the broadcast of the surrender appeal, the residents of the house (approximately 19 women and children and 3 men) immediately surrendered to us. When the residents were clear, a Bradley fighting vehicle then opened fire on the house for approximately 1 minute, at which point the house burst into flames right in front of the weeping and distraught families.”

In another case, an artillery convoy opened fire on a vehicle that had allegedly fired on the convoy, “though the report failed to mention any weapons being recovered,” the officer wrote. “The bodies were promptly buried on Taji military complex, and when the family inquired as to their whereabouts, they were detained temporarily, and told to come back on the following day to claim the bodies. The father returned the next day, and had to dig the bodies of his sons up.”

According to the officer, “The [redacted] also made it very clear on every occasion that shooting and killing an Iraqi national for running on task force members is acceptable and even required.”

A number of other incidents are reported in the documents. According to one document, an officer stationed near Baghdad pled guilty to violations of the code of military justice for “willfully directing his soldiers to strip all clothing from a detainee, a person whose name is unknown, and release said detainee naked in public.”

A commander in the 41st Infantry was accused of telling his troops, during the initial invasion of Iraq in March 2003, that they were “not to take POWs and [instead] kill all Enemy whether they are fighting, injured or surrendering.”

Documents dated August 16, 2003, describe one officer as telling one of his soldiers to take “take the detainee[s] out back and beat the f*** out of them.” One soldier in Husaybah, Iraq, made a video that was meant to be a spoof on an MTV show, “Jackass,” in which the hosts engage in often violent pranks. In the

video he said, “I am going to punch this guy in the stomach; this is Jackass Iraq,” and then punched the prisoner.

These are only the latest in a massive quantity of documents that civil liberties advocates have forced the US military to release. On March 9, the ACLU posted on its web site a series of documents relating to the CIA’s “ghost detainees,” including sworn statements that an agreement was reached between the CIA and military intelligence at Abu Ghraib to use the prison to store the CIA’s secret prisoners. These prisoners were hidden from the International Committee of the Red Cross.

The *Washington Post* obtained related documents last week. According to a *Post* article of March 24, “unregistered CIA detainees were brought to Abu Ghraib several times a week in late 2003, and...were hidden in a special row of cells. Military police soldiers came up with a rough system to keep track of such detainees with single-digit identification numbers, while others were dropped off unnamed, unannounced and unaccounted for.”

The documents obtained by the *Post* show that Colonel Thomas Pappas and Lieutenant Colonel Steven Jordan, the highest-ranking military intelligence officials at the prison, were involved in discussion with the CIA over how to handle ghost detainees. One of the documents is a deposition from Sanchez, then the military commander in Iraq, stating that the top intelligence officer in Iraq, Major General Barbara Fast, “had been made aware of the allocation of cells used by OGA [Other Government Agency, referring to the CIA].”

The CIA ghost detainees are among those who were abused in the infamous Abu Ghraib photos. One of these photographs is of a dead Iraqi, Manadel a-Jamadi, packed in ice. A-Jamadi was likely a CIA prisoner. These documents indicate that top intelligence officials in Iraq were aware that Abu Ghraib prison was being used to hide prisoners, a blatantly illegal practice under international law.



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