

Army court martial conceals CIA involvement in death of former Iraqi general

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An army court martial convicted Chief Warrant Officer Lewis E. Welshofer of negligent homicide on January 22 for killing Abed Hamed Mowhoush, a former major general in the Iraqi military.

Mowhoush died after Welshofer stuffed him in a sleeping bag, wrapped a cord around his body, straddled his broken ribs, and covered his mouth. Welshofer's sentence included no prison time. Evidence has emerged in media reports that Mowhoush was tortured to death over the course of 16 days, and that his interrogation involved several intelligence agencies, including the CIA.

Mowhoush walked into a US base in the Iraqi city of Qaim on November 10, 2003, hoping to secure the release of his four sons who had been taken hostage by army troops. One of Mowhoush's sons told the *Washington Post* in an article published January 25, "They [the US Army] said if my father does not come, you will never see your family back." Mowhoush was suspected by US forces of helping to fund the Iraqi insurgency, which was escalating in the months following the American invasion. The tactic of taking prisoners to lure their relatives to surrender is illegal under international law, but has been used on several occasions by the US military.

During his imprisonment, Mowhoush, an ailing 56-year-old man, was beaten to the point where he could not walk unaided and had difficulty breathing. His son told the *Post*, "He was tired and I saw wounds on his body...because they hit him so much, they made a lot of pain on him and he couldn't even talk to me."

It is obvious that Welshofer's trial was an attempt to smooth over the edges of a US torture policy that pervades throughout all branches of the US military and intelligence agencies. The court martial assigned all blame for Mowhoush's death onto Welshofer, but even so, the soldier received no prison time. Welshofer was originally on trial for murder, but was subsequently charged only with negligent homicide and dereliction of duty, penalties that carry up to three years and three months jail time, respectively.

At his final sentencing on January 23, he was given a fine and restricted to barracks, work and his place of worship for 90 days. This negligible sentence is a clear sign from the military that it will not seriously prosecute those who have engaged in torture. The fact that Welshofer's superiors—those who authorized and encouraged the torture methods used on Mowhoush—have not even been charged is an even more serious transgression of justice.

Welshofer's court martial was a whitewash of the US military's systematic use of torture and, more specifically, the CIA's participation in Mowhoush's interrogation and torture. The official cover-up of the incident began only hours after Mowhoush's death, when military officials issued a blatantly fraudulent statement claiming that Mowhoush died of "natural causes." The claim was later rebuked by classified documents obtained by the media.

The leaked documents also disclosed that Mowhoush had been systematically tortured—by the CIA, Special Forces, army and a CIA-funded Iraqi special operations group known as the Scorpions—at a military detention center referred to as Blacksmith Hotel. These are revelations of great magnitude, as they point to the direct participation by multiple agencies in the torture and subsequent murder of a well-known prisoner.

In an article dated August 3, 2005, the *Washington Post* published excerpts from highly redacted classified documents pertaining to Welshofer's trial. Based on these documents, the *Post* reported, "On Nov. 24, the CIA and one of its four-man Scorpion units interrogated Mowhoush." The documents investigated by the *Post* quoted testimony by Army Special Agent Curtis Ryan stating that "When he didn't answer or provided an answer that they didn't like, at first [redacted] would slap Mowhoush, and then after a few slaps, it turned into punches," Ryan testified. "And then from punches, it turned into [redacted] using a piece of hose."

The *Post* further reported that a provost marshal's report stated that after being tortured by the CIA, "four Army guards had to carry Mowhoush back to his cell."

The torture of captured prisoners is a war crime under the Geneva Conventions, which require the warring powers to treat all detained combatants humanely. If war crimes tribunals are to be held at a later date, Mowhoush's murder will doubtless be a very powerful weapon in the hands of prosecutors. Not only does Mowhoush's highly documented death leave intelligence agents and bureaucrats involved in his case liable to prosecution, but by providing evidence of broad inter-agency cooperation in the torture of detainees, this incident further implicates the top echelons in the Pentagon and CIA in war crimes.

For this reason, the military has handled the incident with exceptional care, managing Welshofer's court martial like a theatrical production. Everything was done to make sure the case did not lead to a broader exposure, including a prohibition on discussing the role of the CIA. According to an article published by *Forbes* on January 22, the CIA was mentioned only once during the proceedings via a defense lawyer's slip of the tongue.

This occurred during the questioning of a witness who was hidden behind a tarp to keep his identity secret. The witness informed defense attorney Frank Spinner that Welshofer had told him that he believed that army interrogation guidelines were being broken on a daily basis at the detention facility where Mowhoush was being held.

Inadvertently pointing the witness out as a CIA agent or subcontractor, Spinner asked, "And you didn't report it to the CIA?" Recognizing his error, he quickly proceeded to recall the question and apologize to the judge. In addition to the strict censorship at the trial, *Forbes* reported that all documents pertaining to the trial were stamped "secret" and were kept in a three-foot-long locked box that had to be wheeled into the courtroom every day and manned by a security officer. All questions from the jury had to be pre-approved in writing to keep jurors from revealing secret information.

According to reports, Welshofer was acting in accordance with military practice when he killed Mowhoush—his "improvised" sleeping bag technique was approved by his commanding officer. In the August 3 article cited above, the *Washington Post* reported, "Col. David A. Teeple, who then commanded the 3rd Armored Cavalry Regiment, told the court he believed the 'claustrophobic technique' was both approved and effective. It was used before, and for some time after, Mowhoush's death, according to sources familiar with the interrogation operation."

Keeping in line with the US government's tacit endorsement of torture as an instrument of foreign policy, the instructions given to military personnel throughout the course of the Iraq war regarding the treatment of prisoners were either extremely ambiguous or tacitly encouraged

abuse. An e-mail received by Welshofer in August 2003 from superior officers in Baghdad stated that, as yet, there were no rules for the interrogation of prisoners, but that "the gloves are coming off." Mowhoush's death came three months after General Geoffrey Miller, the former commander of the Camp Delta prison at Guantánamo Bay, visited Iraq, tasked by the Defense Department with bringing to Iraq the more "aggressive" techniques used at Guantánamo Bay. This was around the same time as the torture at Abu Ghraib.

At the direction of the Bush administration, the US military created an atmosphere where soldiers felt free to torture, beat, and in many cases kill detainees without fear of significant repercussions. At the same time, individual military and intelligence officials have sought to deny their complicity in the systematic use of torture by claiming they did not specifically authorize its use.

The way the government has handled the killing of Mowhoush is of the same mold as its handling of the Abu Ghraib torture scandal. However, in the case of Abu Ghraib, several low-ranking soldiers were charged and received prison time, two of them for 10 years. Because of the enormous international public outrage generated by the torture photographs from Abu Ghraib, the US government felt obliged to punish a few scapegoats, while still allowing higher-level officers and political officials to go unpunished.

On the other hand, the Iraqi general's murder had a much smaller media impact, in large part due to the fact that there was no photographic documentation of the conditions surrounding his death. It could thus be portrayed as a fluke—one ailing man who died when an interrogator "crossed the line." In all probability, the incident would not have even been reported, investigated or prosecuted had the victim not been so highly placed in the Iraqi military and widely known throughout the area. Unlike the cases of the anonymous detainees that fill prisons in Iraq, the US military could not simply sweep a general's murder under the rug. So it did the next best thing, setting up a stage-managed military trial to further obscure the truth regarding the circumstances of Mowhoush's death.



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