

Final act in cover-up of US atrocities

# Military court acquits Abu Ghraib interrogations director of prisoner abuse

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A military jury on Tuesday acquitted Lt. Col. Steven L. Jordan of all charges related to the torture of Iraqi detainees at the Abu Ghraib prison in Baghdad. Jordan is the only officer to face criminal charges in the horrific abuse of Iraqi prisoners that came to light with the publication in April 2004 of photos showing grinning US military police subjecting detainees to sadistic and degrading treatment.

Jordan's court martial, the final trial in connection with the Abu Ghraib atrocities, is the last act in a systematic cover-up of both the scale of the torture and murder that occurred at the US-run prison as well as the responsibility of top military commanders and government officials, including former Defense Secretary Donald Rumsfeld, Vice President Dick Cheney and President George Bush, for war crimes that shocked world opinion and have come to symbolize the American rape of Iraq.

Eleven low-ranking soldiers have been convicted for their roles in the crimes carried out at Abu Ghraib, but the military, with the full support of the Bush administration and both Republican and Democratic congressional leaders, has refused to hold those who were the true authors of the atrocities accountable. In a number of trials, the defendants requested that high-ranking government officials and military commanders, such as Rumsfeld and Lt. Gen. Ricardo Sanchez, formerly the top American commander in Iraq, be called to testify, in an attempt to substantiate their claim that the methods they employed to terrorize and humiliate Iraqi prisoners had been approved and encouraged by their superiors. In every case, the trial judge denied their request.

Jordan led the Joint Interrogation and Debriefing Center at Abu Ghraib from its creation in September of 2003 to December 2003, the period when the worst abuses seem to have taken place.

A jury of nine Army colonels and a brigadier general deliberated for seven hours in Jordan's court martial at Fort Meade, Maryland, before returning a verdict of not guilty on three counts relating to the abuse of prisoners. The jury did find Jordan guilty of one count of disobeying an order to refrain from discussing the investigation.

That count carries a maximum sentence of five years in prison. However, prosecutors have recommended that Jordan, a 28-year career soldier who was a reservist when he was sent to Iraq in 2003, be reprimanded and fined one month's pay, about \$7,400.

The trial itself saw a number of extraordinary twists, all of which weakened the prosecution case. At the beginning of the trial on August 20, Jordan faced a maximum punishment of 17 years in prison if convicted on all counts. But just as the jury was being seated, the military dropped two charges that Jordan had lied in 2004 to investigators looking into the abuse at Abu Ghraib. They said they dismissed those counts because they learned he had not been read his legal rights before talking to investigators.

Maj. Gen. George Fay, who conducted an investigation in the spring of

2004 and questioned Jordan, claimed to have suddenly remembered that he had failed to inform Jordan of his rights. This contradicted sworn testimony Fay gave at a hearing last March, when he said the opposite.

Fay was a central prosecution witness, as he had concluded from his investigation that Jordan bore criminal responsibility for the actions of the military police. Fay's about face not only resulted in the dropping of two major charges; it allowed the presiding judge, Army Col. Stephen R. Henley, to rule out all testimony concerning Jordan's statements to Fay concerning his role in the interrogation of abused prisoners.

In the course of the trial, Col. Thomas M. Pappas, Jordan's superior and a military intelligence officer at Abu Ghraib, testified as a prosecution witness, but substantiated the central contention of the defense that Jordan had no command responsibility for the actions of either the military police or the interrogators.

Pappas was one of those named by the initial military investigator into the Abu Ghraib scandal, Army Maj. Gen. Antonio Taguba, as one of several officers directly or indirectly responsible for the abuse. However, he was never prosecuted by the military. He was merely relieved of his command and fined.

Eugene R. Fidell, president of the National Institute of Military Justice in Washington, countered the defense argument, telling the Associated Press, "He [Jordan] may not have had responsibility in the sense of what his duties were, but he certainly had authority. And if he saw something irregular going on, it was within his power to tell people to stop it and make that stick."

The case mounted by the prosecutors was so weak as to suggest a deliberate effort to "throw" the trial.

According to an account in the August 29 *New York Times*, John Sifton, a senior researcher for Human Rights Watch, said prosecutors "completely failed to muster evidence, including military case law, to show that Colonel Jordan, even if he did not participate in or know about abuses, was, as a senior officer at Abu Ghraib, responsible for abuses that occurred there."

In other statements to the press Sifton called Jordan's prosecution "amateurish and half-baked" and added, "The military was not interested in pursuing real accountability. The only thing they've shown themselves committed to is putting the Abu Ghraib scandal behind them."

In fact, there is testimony pointing to Jordan's direct involvement in prisoner abuse. In June 2004, Captain Donald Reese, the commander of the military police company whose members were charged with abusing prisoners, testified at a hearing in Iraq that someone he referred to as Jordan was present one night in November 2003 in a room at the prison with the body of an Iraqi prisoner, Manadel al-Jamadi, who had died during interrogation.

Reese testified that the man he identified as Jordan ordered a lower-

ranking officer to “get some ice out of the chow hall” to store the body.

Moreover, Jordan was the senior officer in the cell block on November 24, 2003, when Iraqis were strip-search for smuggled weapons and a dog was brought in to intimidate a detainee during questioning in his cell.

Placing Jordan on trial, while maneuvering for an acquittal on prisoner abuse charges, would be entirely consistent with the *modus operandi* of the military’s cover-up of the Abu Ghraib crimes. The trial itself can be cited as evidence that the military has not sought to shield officers, while the result fits nicely with the official contention that the atrocities were merely the actions of a few low-level “bad apples.”

In reality, the obscene atrocities photographed on tier one of Abu Ghraib prison resulted from criminal orders that came down a chain of command that reached all the way into the White House. Since the broadcast and publishing of the Abu Ghraib photographs, a steady stream of revelations has established beyond any doubt that the torture as well as murder of prisoners portrayed in these images was anything but an aberration.

They were prepared by legal opinions produced by the then-White House counsel and now US Attorney General Alberto Gonzales, who rationalized torture and argued that the protections of the Geneva Convention did not apply to those captured in Washington’s “global war on terrorism.”

The same methods of sexual and religious humiliation used at Abu Ghraib were first tried out at the Guantánamo Bay detention camp and then exported to Iraq. Specific forms of torture—keeping prisoners in “stress positions,” threatening them with attack dogs and other methods—received explicit authorization from Defense Secretary Rumsfeld and Lt. Gen. Sanchez.

Rumsfeld and Bush gave implicit sanction for abusive treatment of prisoners of war when, during the US invasion of Afghanistan in the fall of 2001, they publicly renounced the Geneva Conventions protecting prisoners of war.

In September of 2003, in the face of a rising Iraqi insurgency against the US occupation, Rumsfeld and the US Joint Chiefs of Staff dispatched Maj. Gen. Geoffrey D. Miller, commander of the military prison at Guantánamo Bay, to Iraq to introduce there the torture methods he was employing at the US prison camp in Cuba.

Sergeant Michael J. Smith, who was convicted in March of 2006 for abusing Abu Ghraib detainees with his Belgian shepherd, said in his trial that he was merely following interrogation procedures approved by Col. Pappas. In turn, Pappas had said he had been following guidance from Maj. Gen. Miller. But General Miller was never called to testify—clearly because he was too closely linked to Rumsfeld and the top military brass.

This criminal whitewash could not have been carried out without the complicity of Congress, and, in particular, the Democratic Party. Congress never held hearings, as had been promised in May of 2004, on the role of high-level military and civilian officials in the prisoner abuse at Abu Ghraib.

Instead, the Democrats agreed to suppress the vast majority of photos and video footage of torture, brutality, sexual sadism and murder at Abu Ghraib. In the spring of 2004, members of Congress were invited to private viewings held by the Pentagon of even more damning material than that which had become public—material that was withheld from the American people.

The photos that did become available to the public showed hooded detainees placed in painful stress positions, made to wear female underwear on their heads and placed in simulated sexual positions while naked. The images included a naked detainee with a leash around his neck and others cowering from unmuzzled dogs in the prison’s hallways.

Lawmakers revealed that the photos and videos shown them by the Pentagon featured dogs snarling at cowering prisoners, Iraqi women forced to expose their breasts and naked prisoners forced to have sex with each other. Other photos showed US military guards having sex in front of

the prisoners. There were also pictures of prisoners being covered in feces.

According to investigative reporter Seymour Hersh in his book *Chain of Command*, the statement of one witness described the rape of a boy by a foreign contract employee who served as an interpreter at Abu Ghraib.

A *New York Times* article from January 12, 2005, reported testimony suggesting the following crimes had taken place at Abu Ghraib: urinating on detainees, jumping on a detainee’s wounded leg, pouring phosphoric acid on detainees, sodomizing detainees with a baton, and tying ropes to the detainees’ legs or penises and dragging them across the floor.

The hooded prisoner shown in one of the public photos standing on a box with electrical wires connected to various parts of his body stated in an interview after his release that the wires were live and electric shocks were applied many times.

Some images in the suppressed photos reportedly show homicide and corpses, some shot in the head and some with slit throats.

On March, 15, 2006, the internet site *Salon.com* published extensive documentation of the abuse. It included a June 6, 2004, Army Criminal Investigation Command report with the following summary of material: “A review of all the computer media submitted to this office revealed a total of 1,325 images of suspected detainee abuse, 93 video files of suspected detainee abuse, 660 images of adult pornography, 546 images of suspected dead Iraqi detainees, 29 images of soldiers in simulated sexual acts, 20 images of a soldier with a Swastika drawn between his eyes, 37 images of military working dogs being used in abuse of detainees and 125 images of questionable acts.”

More than three years of official investigations—military and civilian—were never anything more than a systematic cover-up, which has now been completed, of these unspeakable atrocities, and a free pass for those in the military command and the government who bear direct political responsibility for them. This cover-up set the stage for the passage of laws, such as the Military Commissions Act of 2006, which provide retroactive legal amnesty for crimes committed in the “war on terror,” gut habeas corpus rights and sanction the continued use of torture.

The entire American ruling elite and all of its institutions are implicated in these crimes, which affect not only the victims of US military aggression, but also the American people, whose sons and daughters are turned into cannon fodder and whose democratic rights are thoroughly undermined. A central political responsibility of the American and international working class is bring to justice those war criminals who are responsible for the atrocities at Abu Ghraib.



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