

Army Whitewashes Abu Ghraib Torture Scandal

by Carl Osgood

The Defense Department's strategy of burying the Abu Ghraib torture scandal under a blizzard of investigations that will pin the blame for abuse and torture of Iraqi detainees on the "aberrant behavior" of a few soldiers, was put into action on July 22. That was the day the Army released an Inspector General (IG) report on detainee and interrogation operations in Iraq that concluded that the abuses "were unauthorized actions taken by a few individuals," the result of inadequate supervision.

The report was met with incredulity, by several members of the Senate Armed Services Committee, which held a hearing that day; and in the editorial pages of the *New York Times* and the *Washington Post*. The *Post* commented, "The Pentagon cannot be counted on to reliably or thoroughly investigate the prisoner abuse affair." The *Times* concluded that "The only way to learn why innocent Iraqis were tortured by American soldiers is a formal Congressional inquiry, with subpoena power."

The IG report contradicts those of the International Committee of the Red Cross (ICRC) on conditions in prisons and detention camps run by U.S. forces in Iraq, as well as the investigation of Maj. Gen. Antonio Taguba into abuse of Iraqi prisoners at the Abu Ghraib prison. It furthermore ignores the impact of a long trail of legal opinions issued by Bush Administration lawyers, beginning a few months after the Sept. 11, 2001 attacks, that the provisions of the Geneva Conventions do not apply to the so-called war on terrorism, of which the invasion of Iraq has repeatedly been declared a part. A Jan. 25, 2002 memo by White House counsel Alberto Gonzales called it "a new kind of war" which "renders obsolete" and "quaint" some of the provisions of the Geneva Convention. The attitude of the Administration was echoed by Army Chief of Staff Gen. Peter Schoomaker, at the July 22 hearing. While not condoning unlawful activity, he told the committee, "People ought to understand how dangerous this enemy is and how dangerous the situation we are in, and folks that are underestimating the challenge we face in this century and today are making a big mistake."

In its February 2004 report, leaked to the *Wall Street Journal* last May, the Red Cross reported, among other things, that "methods of physical and psychological coercion used by the interrogators (at Abu Ghraib and elsewhere) appeared to be part of the standard operating procedures by military intelligence (MI) to obtain confessions and extract information."

The report added that MI personnel told the ICRC that “it was part of the military intelligence process to hold a person . . . naked in a completely dark and empty cell for a prolonged period, to use inhumane and degrading treatment including physical and psychological coercion . . . to secure their cooperation.” The ICRC reported that its delegates had witnessed detainees being treated in this manner, as well as evidence of physical abuse consistent with the claims of the detainees it interviewed.

With regard to interrogation operations in particular, General Taguba found that an earlier review of interrogation operations in Iraq conducted by Maj. Gen. Geoffrey Miller—who had been commander of the prison at Guantánamo Bay—concluded that “detention operations must act as an enabler for interrogation.” Miller recommended that a guard force be specifically trained subordinate to the interrogation center commander who “sets the conditions for successful interrogation and exploitation of internees/detainees.” He added, “It is essential that the guard force be actively engaged in setting the conditions for successful exploitation of the internees.” Taguba’s report noted that Miller’s recommendations not only opposed Army doctrine and regulation, but “clearly run counter to the smooth operation of a detention facility.” Miller’s report was dated Sept. 9, 2003; the abuses and torture inside Abu Ghraib that Taguba was investigating took place during October and November of 2003.

‘No Systemic Problems Found’

As noted above, the IG report found that the abuses in Iraq and Afghanistan resulted from “unauthorized actions taken by a few individuals, coupled with the failure of a few leaders to provide adequate monitoring, supervision, and leadership over those soldiers.” It claimed that “all detainee abuse occurred when one or more individuals failed to adhere to basic standards of discipline, training, or Army values”; or, in some cases, “by leadership failure at the tactical level.” It also found that command-approved policies in Iraq and Afghanistan “generally met legal obligations under U.S. Law, treaty obligations, and policy, if executed carefully, by trained soldiers, under the full range of safeguards.” The inspection team found the policies ambiguous and the training, implementation and oversight inconsistent. But, “No confirmed instance of detainee abuse was caused by the approved policies.”

The inspection also examined 125 case summaries of alleged abuse, including 31 cases in which no abuse was determined to have occurred, either by courts martial or due to lack of evidence. The 125 cases included 40 deaths of detainees. Of the 94 cases either still open or in which abuse was confirmed, 45 of them are reported to have occurred at the point of capture, at battalion level and below, “where most contact with detainees occurs under the most uncertain, dangerous, and frequently violent circumstances.” Of the other incidents, 21 occurred at detention facilities; the report attributes those

to “individual failure to abide by known standards” and failure of supervision. Overall, the IG concluded that “incidents where detainees were allegedly mistreated occurred as isolated events.”

Skeptical Senators

At the July 22 hearing, Sen. Carl Levin (D-Mich.) noted that U.S. Central Command chief Gen. John Abizaid had testified last May, that in regard to detainee and interrogation operations, “Our doctrine is not right.” Levin said the IG report finds that Army doctrine needs to be adapted to present operations, and makes 50 recommendations for improving those operations. “The findings and recommendations of this report will need to be closely examined in light of the additional allegations of abuse and legal and policy memoranda that have emerged in the last few months,” including the February 2004 ICRC report and the government memoranda. “Interrogation techniques witnessed by the ICRC . . . appear consistent with techniques that we now know were approved and later rescinded by high-level Defense Department officials or by commanders in theater in Iraq,” Levin added.

Levin pressed the Army IG, Lt. Gen. Paul Mikolashek, on doctrine, and on the abuse reported by the ICRC. Mikolashek agreed that there were, indeed, doctrinal problems, particularly in the relationship between military intelligence—who have the responsibility for interrogating prisoners—and military police, who maintain custody of them. However, “we found no direct linkage” of the doctrinal problems “to each of those cases of abuse that we reviewed.” Mikolashek also said that if the abuses in the ICRC report did occur, “They were not the result of an approved technique.” Instead, he maintained, they came from “individual breakdown in following orders, following procedures that had been published.”

The policy issue was also raised by Sen. Jack Reed (D-R.I.) who asked Mikolashek about “ghost detainees,” prisoners deliberately hidden from the ICRC and not reported to be in the system. Defense Secretary Rumsfeld has admitted that he ordered at least one individual hidden. “Did you examine this issue?” Reed asked. Mikolashek claimed “no evidence” of any ghost detainees, and admitted that he had not done “a *post mortem*” on that issue. “But there is evidence that they did exist. There is evidence that that is contrary to our obligations under the Geneva Convention,” Reed said. He noted that such an order from Rumsfeld would have to have been transmitted through the chain of command. Again, Mikolashek admitted that he did not look at that particular issue.

“I just think the premise of your report that there’s been no systemic problems is undercut by the fact that you didn’t look into some systemic problems,” Reed concluded. Under further questioning, Mikolashek admitted that his inspection did not look into command issues above the brigade level. In fact, the report implies there were no command problems above the rank of lieutenant colonel.