

Chapter 5

Abuse and Torture of Prisoners

“...what has been charged so far is abuse, which I believe technically is different from torture...I'm not going to address the 'torture' word.”

– US Secretary of Defense Donald Rumsfeld¹

Coalition forces have criminally abused and tortured large numbers of Iraqi prisoners. Hundreds of Iraqis have suffered from this inhuman treatment and some have died as a direct result. Torture has taken place in many sites across Iraq, including central prisons like Abu Ghraib, secret interrogation centers and dozens of local facilities. Torture increasingly takes place in Iraqi prisons, apparently with US awareness and complicity.

Early Abuse & Torture

In the spring and summer of 2003, as the armed Iraqi insurgency grew stronger, Washington and London promoted increasingly aggressive detention and interrogation methods. In spite of official investigations that showed serious abuse of Iraqi detainees,² the top command in Baghdad sent emails to US military interrogators in late summer, saying that the “gloves are coming off” and asking for “wish-lists” of harsher interrogation methods.³ At the same time, the Pentagon sent the commander of Guantanamo Prison, General Geoffrey Miller, to advise occupation forces on more aggressive interrogation tactics.⁴ Miller proposed innovations such as the use of fierce guard dogs to frighten naked inmates.⁵

In the fall of 2003, in response to rising worldwide public concern, the US military commissioned several investigations that provided extensive evidence of detainee abuse and torture.⁶ Confidential Red Cross reports provided similar evidence.⁷ General Antonio Taguba submitted an influential report in March 2004, concluding that US guards had subjected Iraqi detainees to “numerous incidents of sadistic, blatant and wanton criminal abuses.”⁸ The report further described these abuses as “egregious acts and grave breaches of international law.”⁹ Gen. Taguba concluded that General Miller’s recommendations were inappropriate and conducive to excessive use of force in the interrogation process.¹⁰ As news (and photos) of torture began to leak out to the public, the Pentagon removed the commander of military police guards serving at Abu Ghraib, General Janis Karpinski, and later named as the new commander of Iraq-wide detainee operations the very person widely seen as architect of the worst illegalities – General Geoffrey Miller himself.

Details of the Torture System

Reports have revealed acts by Coalition guards and interrogators that included vicious beating, strangulation and suffocation, forced nudity and other forms of humiliation, threats with dogs, and prolonged exposure to intense heat or cold.¹¹ Reports have also

detailed hooding, sleep deprivation, hanging by the arms, near-drowning, sexual abuse, restricted food and water, burns, use of sharp and blunt instruments, exposure to intolerable noise, threats of murder, beating with clubs and wire, prolonged “stress” positions, electric shocks and more.¹² Even Pentagon reports have described torture in clear, unambiguous and agonizing detail.¹³

The abuses at Abu Ghraib Prison on the outskirts of Baghdad – controlled by US forces – are known worldwide. But Coalition personnel have abused and tortured prisoners at numerous other sites, including:

- Central prisons such as Camp Cropper, Camp Bucca and Camp Shu’aiba near Basra (a UK facility)
- Secret interrogation sites such as Camp Nama near Baghdad,¹⁴ and Camp Diamondback at the Mosul Airport.¹⁵
- Makeshift prison camps
- Divisional and brigade level military detention centers
- Forward operating bases such as Tiger in al-Qaim¹⁶ and Mercury in Falluja,¹⁷
- Points of capture.¹⁸

Hundreds of US personnel have abused and tortured prisoners in Iraq.¹⁹ UK forces have also been clearly involved and the Dutch contingent has also been implicated.²⁰ Regular military forces and units of military police guards have most often appeared in press stories, official reports and court martials. Virtually all of those in the spotlight during the Abu Ghraib scandal were US army reservists, members of the 800th Military Police Brigade. But this focus was seriously misleading.

Less visible, but far more systematically involved in abusive practices, are:

- Military Intelligence personnel
- Special Operations personnel (US Army Rangers, US Navy Seals, British Special Air Services, etc.)
- CIA and other intelligence and police service personnel (in particular, staff of the Defense Intelligence Agency, the FBI and the British Secret Intelligence Service, sometimes known as MI6).²¹

At Abu Ghraib, Military Intelligence (and the CIA) controlled Cellblocks 1A and 1B, the prison buildings where torture was taking place.²² Military Intelligence put pressure on the Military Police guards to “set the conditions” (i.e. abusively prepare detainees) for interrogation.²³ The notorious Camp Nama, another major interrogation site, included among its key personnel: special operations, military intelligence, and CIA.²⁴ Others involved in the torture and abuse are:

- Military medical personnel, including doctors, who have helped design, approve and monitor abusive interrogation, as well as filing false medical reports, including false death certificates.²⁵
- Private military contractors, including employees of Titan and CACI International, who were hired to perform guard duty, translation or interrogation services.²⁶ CACI alone employed almost half of all interrogators and analysts at Abu Ghraib during the scandal period.²⁷ Some of these contract personnel

previously worked in US domestic prisons, where they already had records of criminal abuse of prisoners.²⁸

Continuing Torture and Abuse

The world public began to learn the details of the Iraq torture scandal in April 2004. During the spring and summer, US officials assured the public that the abuse would cease, that it was not official policy.²⁹ But torture and abuse clearly have continued. Though abuse apparently diminished at Abu Ghraib and other central detention facilities, it continued in secret interrogation centers, forward operating bases and local military prisons – and particularly in Iraqi-run facilities.³⁰ Serious cases have regularly come to light and the head of the UN Human Rights Office in Baghdad, Gianni Magazzeni told Associated Press in April, 2006 that cases of torture and summary execution are “happening every day.”³¹

A March 2006 report by Amnesty International provides evidence of some grisly cases long after the official promises of reform. In one instance, seven US soldiers were sentenced in a court martial for an incident in March 2005 in which they used electric shock on Iraqi detainees at a site near Baghdad.³² In another case, five soldiers were also sentenced in connection with an incident in September 2005 for the violent punching and kicking of detainees.³³ Amnesty also obtained an October 2005 photo of a detainee in a harmful “restraint chair” at Abu Ghraib, a chair that authorities said was being used as “punishment.” Such a chair, Amnesty determined, posed a major health risk, was seriously abusive, and was clearly contrary to international law.³⁴ Still more alarming are the subsequent reports of murder of Iraqi detainees.

A Pentagon survey, released on May 5, 2007, found that many US military personnel were willing to tolerate torture of Iraqi detainees and unwilling to report abuse by comrades.³⁵ General David Petraeus, the top Coalition commander, wrote an open letter to troops shortly afterwards expressing concern about this fresh evidence of widespread abusive behavior.³⁶ But it remains to be seen whether the general’s letter, posted on a web site, is intended to change the treatment of detainees on the ground or is mainly a public relations measure.

The Secret Gulag Shields Torture

Extremely limited access to detainees by lawyers, families, even the Red Cross means that there are thousands of Iraqis at the mercy of their captors, with no independent oversight. The complete lack of visits by human rights groups and UN experts compounds the situation, as does the absence of army criminal investigators in some highly-restricted sites.³⁷ Thus shielded from independent oversight and accountability, especially in the field sites, angry and battle-weary officers and soldiers have seriously abused detainees, as have CIA and Military Intelligence interrogators. In the many field interrogation centers, UK personnel too, such as Special Air Service interrogation specialists, have been implicated in abusive acts.³⁸

Interviews by Human Rights Watch with US army veterans have revealed that concerned soldiers or officers who tried to raise questions or complained were pressured into silence – by senior officers or even military lawyers of the Judge Advocate General’s office.³⁹ The hesitant soldiers were assured that interrogation methods were approved by commanders and perfectly legal.⁴⁰ Even officers who doubted the legality of their actions found it almost impossible to get satisfactory answers from the chain of command and one officer was reminded of the “honor of the unit” as a reason to stay silent.⁴¹ Interviews have revealed that soldiers working in special detention facilities have had limited communication with the outside world. They report that they did not know the family names of others serving with them, and they had no contact with military justice investigators.⁴² At Camp Nama, commanders assured the interrogation personnel that there would be no Red Cross visits and no visits by the army’s criminal investigators either.⁴³ The place was kept secret and even its code name was regularly changed.⁴⁴

Deaths in Detention

There have been many deaths in US or UK detention in Iraq, including cases where the deaths were due to torture, abuse or murder. In a 2006 report, Human Rights First (HRF) reviewed broad evidence on prisoners who have died in US custody in Iraq and Afghanistan, in some cases during and shortly after interrogation. It is clear from the report that there had been dozens of prisoner deaths from the beginning of the Iraq occupation until early 2006. Though the military officially attributes most of these deaths to “natural causes,” or “unknown causes” independent medical experts doubt such findings, considering the age of most detainees and the circumstances of their detention. HRF believes that about half of the cases it examined can be clearly attributed to homicide, bad treatment, abuse or torture.⁴⁵ UK cases include four that Amnesty identified in late 2004 as probably resulting from torture or ill-treatment.⁴⁶

The most common form of death in detention has probably been the killing of prisoners during protests, riots, escape attempts and other incidents. Guards have apparently been very quick to apply “lethal force” in such circumstances and official reports indicate that guards have shot dozens of prisoners, while wounding many more.⁴⁷ Prisoners also die in circumstances that appear to be acts of vengeance. There are two well-known cases, one by US troops and one by UK troops, where those in charge of detainees pushed the Iraqis into rivers or canals from bridges or high embankments, causing death from drowning.⁴⁸

In one case in November 2003, later brought to a court martial and widely publicized, US interrogators used a sledgehammer handle beating to “ratchet up the pressure” while interrogating Iraqi Major General Abed Hamed Mowhoush at Forward Operating Base Tiger in al-Qaim near the Syrian border.⁴⁹ Eventually, Mowhoush was moved to the “Blacksmith Hotel,” a makeshift facility in the desert. There, Chief Warrant Officer Lewis Welshofer stuffed Mowhoush head first into a sleeping bag, wrapped the bag with electrical cord, sat on his chest, and covered his mouth and nose, eventually killing him. Though the military immediately issued a statement attributing Mowhoush’s death to “natural causes,” the autopsy indicated that Mowhoush died of asphyxia due to smothering and chest compression, while suffering massive bruising and five broken

ribs.⁵⁰ The investigation determined that the abhorrent interrogation methods had been approved by Company Commander Major Jessica Voss and had been used on at least 12 other prisoners.⁵¹ A shadowy CIA-organized Iraqi team called the “Scorpions” was involved in the incident.⁵²

The *New York Times* reported on July 23, 2006 that sixteen US military personnel had been charged with murder in the previous month alone, with many homicides committed against Iraqis in detention.⁵³ On May 9, 2006, three US soldiers shot and killed three Iraqi detainees, having allowed the Iraqis to escape so as to make the killings appear justified. The army eventually brought homicide charges against four men, who include a sergeant and three others of lower rank, one of whom has pleaded guilty and been sentenced to 18 years in prison.⁵⁴ The case has raised evidence of a still more disturbing kind, though. The soldiers’ have testified that two senior officers gave an order to “kill all military age males” they encountered, information that the officers themselves have corroborated. In this context, the soldiers understood that detainees were to be summarily executed.⁵⁵

Torture and Abuse by Iraqi Authorities

Iraqi government and security forces, under the overall authority of US commanders, have taken a more active role in detention and interrogation, especially since the “transfer of power” in mid-2004. Reports have documented extreme abuse and torture in facilities under their control, as well as abuse by government-influenced paramilitary forces.⁵⁶ Iraqi torture has included burning flesh, sexual assault, and the use of electrical shocks on delicate body tissue.⁵⁷

Amnesty International states in a 2006 report that by shifting interrogation to Iraqi authorities the Coalition “would appear to have been either seriously negligent or, effectively complicit in the abuses committed by Iraqi government forces.”⁵⁸ It appears that US commanders have been outsourcing torture to the Iraqis in an effort to put criminal abuse at a deniable distance. Abundant evidence suggests that US personnel are present at (and may be involved in directing) abusive interrogation in Iraqi prisons.

An Iraqi general, a former commander of Special Forces at the Interior Ministry told Amnesty that US personnel visited the main Ministry prison at Al-Nasr Square “every day” and that “US troops knew everything about torture.”⁵⁹ Further, the main Iraqi intelligence service, certain to be involved in interrogation, is under the direct operational control of the CIA.⁶⁰ In response to reports of torture by Iraqi authorities with US military personnel present, US Defense Secretary Donald Rumsfeld commented in November 2005 that US soldiers were not obligated to intervene when they witnessed the inhuman treatment of detainees.⁶¹ Since Iraqi forces operate almost exclusively under US command, it is likely that the US military and intelligence personnel present in the Iraqi torture chambers are far more than just innocent and surprised visitors.

In the summer of 2005, *The Observer* newspaper reported that US and UK aid money, intended to support the building of a regular Iraqi police force, “was being diverted to paramilitary commando units accused of widespread human rights abuses, including

torture and extrajudicial killings.”⁶² In late 2005, new evidence emerged that forces of the Iraqi Interior Ministry were subjecting detainees to gross torture and ill-treatment in a number of facilities under its control. The Special Police Commandos, a unit of the Interior Ministry, trained and armed by the US, has reportedly been especially abusive and lawless.⁶³ On November 13, 2005, an Interior Ministry detention facility in the al-Jadiriya district of Baghdad, was found to be holding more than 170 detainees in appalling conditions, and many had apparently been tortured.⁶⁴ On December 8, 2005, another detention facility in Baghdad came to light, also controlled by the Interior Ministry. Several of the 625 detainees found there required immediate medical care, as a result of torture or ill-treatment.⁶⁵ The US ambassador to Iraq, Zalmay Khalilzad, admitted that “over 100” detainees found at the detention facility in al-Jadiriya and 26 detainees at the other detention location had been abused.⁶⁶ According to media reports, in both cases detainees alleged that they had been subjected to electric shocks and some had had their fingernails pulled out.⁶⁷ Hundreds of US advisors and military contractors work in the Interior Ministry, both in headquarters and in training programs with Ministry forces.

Abuse and torture of detainees in Iraqi facilities has not abated, despite many past reports and announcements of reform. In May 2007, a UN official in Baghdad told a *Washington Post* journalist about “routine ill-treatment and abuse,” detailing beatings, suspension by limbs, electric shocks, threat to families and injury with sharp instruments.⁶⁸

Failing to Bring Offenders to Justice

Members of the US Coalition have immunity from prosecution under Iraqi criminal and civil law, as stipulated in Security Council resolution 1546, so that the only likely venue for prosecution is the national courts of Coalition members. Amnesty International has expressed concern that this justice arrangement “may not meet international standards of impartiality.”⁶⁹

The US and the UK governments have responded to reports of the use of torture and abuse with many official investigations of low-level misdeeds combined with firm denials of high-level responsibility. Few offenders have been brought to justice, light sentences have been handed out, and high-level officials and commanders have escaped responsibility.⁷⁰

According to a definitive human rights report, among six hundred US military personnel clearly implicated in detainee torture and abuse in Iraq, Afghanistan and Guantanamo, only seventy-nine are known to have been recommended for court-martial, and only sixty-four appear to have actually been court-martialed as of April 10, 2006.⁷¹ Only ten were sentenced to more than one year in prison. Even in the grave case of detainee deaths, only a handful of those implicated were punished. Most sentences were very light and the highest-ranking person prosecuted was a major.⁷² The report describes a “pattern of impunity for the worst violations, with punishment for bad behavior too little and too late, and a still incomplete picture of what really went wrong.”⁷³

In the trial of Chief Warrant Officer Welshofer, responsible for the sleeping bag death of General Mowhoush, sentencing was reduced to a \$6,000 fine and 60 days of restricted movement between home, base, and church.⁷⁴ Welshofer's defense pointed to the policies of the Bush administration and of those in the military chain of command to argue that he was acting within orders,⁷⁵ but no further charges were brought in the case. CIA and Special Forces personnel involved in the interrogation evidently escaped responsibility completely.⁷⁶

In the UK, judicial accountability for forces in Iraq has also been sparse. British personnel tortured and beat to death an innocent Iraqi hotel worker, Baha Mousa, but when seven soldiers were finally brought to military trail, six were acquitted (including the senior officer, a colonel). The one soldier who pleaded guilty was sentenced to just a year in jail.⁷⁷

While the CIA, MI6, FBI, special forces and military intelligence have been heavily involved in abusive interrogation, the US Army Criminal Investigation Division (CID) has not had the authority to investigate the agencies' personnel.⁷⁸ Alleged special forces crimes are said to have been investigated by commanders and action (if any) remains classified.⁷⁹ The CIA has kept all its cases classified, and, in spite of frequent CIA involvement, it appears that the Department of Justice has not indicted a single CIA employee.⁸⁰ Though a prosecution team was set up in Virginia in June 2004, it eventually decided against indictments in most cases (a few remain open), because evidence and witnesses were lacking, due to what one human rights report called "little action" and "minimal initiative" in the investigation, as well as the secretive operational methods of the agency.⁸¹

The same is also true of Military Intelligence personnel. Human Rights Watch reported in July 2006 that not a single case had been brought against Military Intelligence personnel of any rank.⁸² Where the military has prosecuted officers responsible for torture and abuse, in most cases it has targeted only those of low rank and used closed administrative hearings to hand down light administrative punishments like pay reductions and reprimands.⁸³ All official investigations have looked downward, mainly towards low-ranking offenders. There have been no serious efforts to investigate responsibility upward through the chain of command.⁸⁴

Impunity of High Officials & Senior Officers

US officials have continued to maintain that torture and abuse has only occurred in isolated instances, at the hands of a few "bad apples." But clear evidence shows that high officials and military commanders lifted restraints on torture and denied the applicability of international law, setting the stage for abuse in Iraqi prisons. US President George W. Bush issued a memorandum in February 2002 rejecting US obligations under the Geneva Conventions for persons detained during the "war on terrorism."⁸⁵ Top White House legal advisors defined such detainees using new terms such as "unlawful combatants" and "security internees" rather than "prisoners of war," in an effort to exempt them from the protection of domestic and international law. White House legal advisers also redefined

the meaning of torture, rejecting the traditional meaning of international law. They limited the acts the US considers as torture and they considerably narrowed the standards for who is a torturer.⁸⁶ Similarly, the UK Attorney General, Lord Goldsmith, told UK field commanders in 2003 that their interrogation of detainees in Iraq did not have to meet the standards of the UK Human Rights Act and that they should adopt a “pragmatic” approach when handling prisoners.⁸⁷

Senior US field commanders, taking their cues from Washington, issued new directives for more extreme forms of questioning and more heavy handed approaches to interrogation.⁸⁸ The Iraq abuses were part of a world-wide pattern, begun in Afghanistan and Guantanamo, and continued in the US programs of “extraordinary rendition” and secret prisons.⁸⁹

When information about torture has been brought to the attention of those with command responsibilities, they have failed to act on it. General Taguba spoke of “wanton criminal abuses,” but General Barbara Fast, chief of US Military Intelligence, remained unpunished in her post and later was named commander of the Army’s Intelligence Center -- the training school for MI personnel. And while the top brass removed General Janis Karpinski, commander of the guard unit at Abu Ghraib,⁹⁰ they proceeded to name General Geoffrey Miller, the notorious Guantanamo chief, as the new, Iraq-wide detention commander.

To deflect responsibility from those at the top, official reports have spoken about lapses in policy implementation. These reports have referred to “improper training,”⁹¹ “confusion or ignorance about the rules,”⁹² “lack of adequate oversight,”⁹³ “rivalry between interrogators and military police units,”⁹⁴ and the like. The Pentagon’s high-level Schlesinger Report, released in August 2004, is a classic case of this obfuscation.⁹⁵ Since then, some high-ranking military officers with direct field responsibility for the torture have actually been praised, promoted and honored. General Miller, the main architect of US interrogation in Iraq, was honored on his retirement with a ceremony in the Pentagon’s Hall of Heroes where he was awarded the Distinguished Service Medal for “exceptionally commendable service in a position of great responsibility.”⁹⁶

Under the international law doctrine of “command responsibility,” applied by the United States and the United Kingdom in the post-World War II war crimes trials, senior officials and commanders must be accountable for grave violations of international law, even if they did not give direct orders for such violations to take place. Under this doctrine, US and UK authorities at the highest level are clearly answerable for these offenses.⁹⁷

Conclusion

The Convention against Torture unequivocally prohibits the use of any form of torture. The Universal Declaration of Human Rights (1948) insists that: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” The same protection is guaranteed by other key international legal agreements, including the

International Covenant on Civil and Political Rights, the Hague Regulations, and the Geneva Conventions. Legal arguments by high officials of the United States and the United Kingdom have sought to undermine the absolute prohibition on torture, but the overwhelming opinion of humanity remains opposed to torture in all circumstances. US General Antonio Taguba was correct in denouncing the deeds of Abu Ghraib and determining that they were “grave breaches of international law.” Those responsible at the highest levels, whose decisions led to these acts, must be held accountable.

¹ US Department of Defense, *Remarks by Secretary of Defense Donald Rumsfeld, Update Briefing* (March 4, 2004)

² “CID Report and Investigation – Camp Bucca” (June, 2003) [Bucca Report].

³ Josh White, “Documents Tell of Brutal Improvisation by GI’s” *Washington Post* (August 3, 2005) The email about the gloves coming off was sent on August 30, 2003 (Human Rights First, *Command’s Responsibility* (February, 2006) p. 1)

⁴ Miller visited Iraq from August 30 through September 9, with a team of about 20 others.

⁵ R. Jeffrey Smith, “General is Said to Have Urged Use of Dogs” *Washington Post* (May 27, 2004)

⁶ After the Bucca investigation was completed in June, there was a major investigation by General Donald J. Ryder (November) and another by Colonel Stuart Herrington (December).

⁷ The International Committee of the Red Cross submitted a number of reports during the early months of the occupation. The best-known report, which was leaked, was dated February 2004, long after earlier warnings to high officials had been disregarded. See International Committee of the Red Cross, *Report of the International Committee of the Red Cross (ICRC) on the Treatment by the Coalition Forces of Prisoners of War and Other Protected Persons by the Geneva Conventions in Iraq During Arrest, Internment and Interrogation* (February 2004) [ICRC Report]

⁸ Article 15-6 Investigation of the 800th Military Police Brigade, March, 2004 [Taguba Report] p. 16 Taguba was tasked with investigating only the guards, not the Military Intelligence or CIA interrogators.

⁹ *Ibid.*, p. 50

¹⁰ *Ibid.*, pp. 8-9

¹¹ The first reports to detail torture methods were: Bucca Report, ICRC Report, and Taguba Report. We have studied seven military reports and twelve reports from human rights organizations where these methods are described in detail. Much additional evidence is available in the press and in military court martial trails, as referenced below.

¹² *Ibid.*

¹³ See Bucca Report, Taguba Report; and reports by General Donald Ryder, Colonel Stuart Herrington, General Paul Mikolashek, and General George Fay, among others.

¹⁴ Human Rights Watch, *No Blood, No Foul* (July 2006) pp. 6-25. See also Eric Schmitt and Carolyn Marshall, “In Secret Unit’s ‘Black Room,’ a Grim Portrait of US Abuse” *New York Times* (March 19, 2006)

¹⁵ Human Rights Watch, *op.cit.* pp. 38-47

¹⁶ *Ibid.*, pp. 25-38

¹⁷ Human Rights Watch, *Leadership Failure: Firsthand Accounts of Torture of Iraqi Detainees by the U.S. Army’s 82nd Airborne Division* (September, 2005) A “forward operating base” is a temporary base located close to a theater of operations.

¹⁸ The Mikolashek Report mentions that in the period to June 2004, nearly half of the alleged cases of abuse occurred at the “point of capture,” – that is, before persons had been brought to any detention facility at all. And of 20 cases of detainee deaths examined, 10 occurred in prisons, five at forward collection points and five at points of capture. See Josh White and Scott Higham, “Army Calls Abuses ‘Aberrations’” *Washington Post* (July 23, 2004)

¹⁹ See Detainee Abuse and Accountability Project (Human Rights Watch, Human Rights First and the New York University School of Law Center for Human Rights and Global Justice, *By the Numbers* (April, 2006) and American Civil Liberty Union, *Enduring Abuse* (April 2006)

²⁰ As additional evidence emerges of UK abusive detention practices, the Parliamentary Joint Committee on Human Rights has expressed concern and asked for explanations about the “use of inhuman and degrading interrogation techniques.” Robert Verkaik, “Kidnap and Torture: New Claims of Army War Crimes in

Iraq" *Independent* (May 18, 2007); Robert Verkaik, "Human Rights in Iraq: a Case to Answer"

Independent (May 29, 2007) "Dutch Military in Iraq Abuse Row" *BBC* (November 17, 2006)

²¹ See for example Schmitt and Marshall, *op.cit.*; Human Rights First, *Command's Responsibility* (February, 2006) pp. 7 and 9; Peter Beaumont, Martin Bright, Paul Harris, "British Quizzed Iraqis at Torture Jail" *Observer* (May 9, 2004); David Johnston, "US Inquiry Falter on Civilians Accused of Detainee Abuse" *International Herald Tribune* (December 19, 2006). Human Rights Watch's information on Camp Nama, an extremely abusive secret site for prisoner interrogation, quotes a participant who says that most of those at the camp were CIA and special forces personnel. "No Blood, No Foul" p. 8. The FBI has also reportedly been involved in interrogation in Camp Nama and elsewhere in Iraq (Schmitt and Marshall, *op. cit.*).

²² Taguba Report, *op. cit.* pp. 18-19

²³ *Ibid.*, p. 18. See also "ICRC Report", *op. cit.* p. 13. There has been extreme underreporting of the actual interrogations at Abu Ghraib.

²⁴ Human Rights Watch, *No Blood, No Foul* (July 2006) pp. 6-25

²⁵ Steven H. Miles, "Abu Graib: its legacy for military medicine" *The Lancet*, Vol 364 (August 21, 2004) pp. 725-729

²⁶ Taguba Report. The report mentions by name four persons from the two contractor firms who were involved in torture. Contractors have been immune from military law and none have been prosecuted under US law for these crimes.

²⁷ Peter Beaumont, "Abu Ghraib Abuse Firms are Rewarded" *Observer* (January 16, 2005)

²⁸ Avery Gordon, "D'où viennent les tortionnaires d'Abu Ghraib?" *Le Monde Diplomatique* (November, 2006) pp. 20-21

²⁹ See e.g. Donald Rumsfeld, Secretary of Defense, Testimony to the Senate Armed Services Committee (May 7, 2004) and George W. Bush, President, Speech at the US Army War College, Carlisle, Pennsylvania (May 24, 2004)

³⁰ For notorious Coalition sites see Human Rights Watch, *No Blood, No Foul* (July 2006)0; for Iraqi abuse, see Human Rights Watch, *The New Iraq?* (January, 2005) and Amnesty International, *Beyond Abu Ghraib* (March, 2006)

³¹ Alexander G. Higgins, "UN Exec Decries Illegal Iraq Detainees" *Associated Press* (April 21, 2006)

³² Amnesty International, *Beyond Abu Ghraib* (March 2006) pp. 28-29

³³ *Ibid.*, p. 29

³⁴ *Ibid.*, p. 30

³⁵ Thomas E. Ricks and Ann Scott Tyson, "Troops at Odds with Ethics Standards," *Washington Post* (May 5, 2007)

³⁶ Thomas E. Ricks, "Gen. Petraeus Warns Against Using Torture" *Washington Post* (May 11, 2007)

³⁷ "No Blood, No Foul", *op.cit.* pp. 6-25

³⁸ *Ibid.*, p. 4

³⁹ Human Rights Watch, *Leadership Failure* (September, 2005) and "No Blood, No Foul" *op.cit.*

⁴⁰ "No Blood, No Foul" *op.cit.* p. 6

⁴¹ Human Rights Watch, *Leadership Failure: Firsthand Accounts of Torture of Iraqi Detainees by the U.S. Army's 82nd Airborne Division* (September 2005) p. 17

⁴² "No Blood, No. Foul" *op.cit.* p. 8

⁴³ *Ibid.*, pp. 16-17

⁴⁴ *Ibid.*, p. 17, incl. fn. 4.

⁴⁵ "Command's Responsibility" Appendix A

⁴⁶ Amnesty International, "United Kingdom Briefing for the Committee Against Torture" (November 26, 2004)

⁴⁷ Taguba Report, pp. 27-31. ICRC Report, pp. 18-21

⁴⁸ "Beyond Abu Ghraib," p. 13 (US case), p. 15 (UK case)

⁴⁹ Human Rights First, *Command's Responsibility* (February, 2006) p. 7

⁵⁰ *Ibid.*, p. 8

⁵¹ *Ibid.*, p. 8

⁵² *Ibid.*, p. 8

⁵³ Robert F. Worth, "Lawyers for 4 Accused Soldiers Say They Acted on Orders" *New York Times* (July 23, 2006) p. 10

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- ⁵⁴ Catherine Philip, "US Troops Face Murder Charges" *Times, London* (June 20, 2006) ; Paul von Zielbauer, "G.I.'s Say Officers Ordered Killing of Young Iraqi Men" *New York Times* (August 3, 2006) p. A13. Private First Class Corey Claggett was sentenced on January 25, 2007.
- ⁵⁵ Worth, *op. cit.* The officers are Captain Jason A. Sienko and Colonel Michael Steele.
- ⁵⁶ See, for example, "Beyond Abu Ghraib" *op.cit.*
- ⁵⁷ "Beyond Abu Ghraib" *op.cit.* and "The New Iraq?" *op.cit.*
- ⁵⁸ "Beyond Abu Ghraib" *op.cit.* p. 8
- ⁵⁹ *Ibid.*, p. 9
- ⁶⁰ Ned Parker, "Divided Iraq Has Two Spy Agencies," *Los Angeles Times* (April 15, 2007)
- ⁶¹ Dana Milbank, "Rumsfeld's War on 'Insurgents'" *Washington Post* (November 30, 2005)
- ⁶² Peter Beaumont and Martin Bright, "UK Aid Funds Iraqi Torture Units" *The Observer* (July 3, 2005)
- ⁶³ Council on Foreign Relations, *Iraq: Militia Groups* (June 9, 2005) See esp. Peter Maas, "The Way of the Commandos" *New York Times* (May 1, 2005)
- ⁶⁴ "Beyond Abu Ghraib" *op.cit.* p. 4
- ⁶⁵ *Ibid.*, p. 4
- ⁶⁶ *Ibid.*, p. 4
- ⁶⁷ "Iraqi Detainees Tell of Torture" *BBC* (November 24, 2005); Ellen Knickmeyer, "Abuse Cited in 2nd Jail Operated by Iraqi Ministry" *Washington Post* (December 12, 2005)
- ⁶⁸ Joshua Partlow, "New Detainees Strain Iraq's Jails" *Washington Post* (May 15, 2007). In particular, abuse appears to be most serious in the detention facilities of the Ministry of Defense and Ministry of Interior.
- ⁶⁹ "Beyond Abu Ghraib" *op.cit.* p. 15
- ⁷⁰ Detainee Abuse and Accountability Project (Human Rights Watch, Human Rights First and the New York University School of Law Center for Human Rights and Global Justice, *By the Numbers* (April, 2006)
- ⁷¹ *Ibid.*, p. 9.
- ⁷² "Command's Responsibility" *op.cit.* Appendix A
- ⁷³ *Ibid.*, p. 29
- ⁷⁴ *Ibid.*, p. 8
- ⁷⁵ *Ibid.*
- ⁷⁶ *Ibid.*
- ⁷⁷ Robert Verkaik, "Kidnap and Torture" *op. cit.* As of May 2007, rights groups were preparing an estimated 60 cases on behalf of Iraqis alleging torture, abuse, kidnapping, hostage-taking, and other violations by UK forces of the Human Rights Act.
- ⁷⁸ *Ibid.*, p. 9
- ⁷⁹ *Ibid.*, p. 9
- ⁸⁰ *Ibid.* See Johnston, "U.S. Inquiry Falters" *op. cit.*
- ⁸¹ Johnston, *op. cit.* and "By the Numbers" *op.cit.* p. 3
- ⁸² "No Blood, No Foul" *op. cit.*
- ⁸³ See details of the cases in "Command's Responsibility" *op.cit.* Special Forces cases have delivered even less justice, as demonstrated by the case of Navy Seals treatment of Manadel al-Jamadi ("Command's Responsibility" *op.cit.* pp. 11-12
- ⁸⁴ "Leadership Failure" *op.cit.* p.3
- ⁸⁵ White House, *Memorandum: Humane Treatment of Al Qaeda and Taliban Detainees* (February 7, 2002) Accessed at Human Rights First
- ⁸⁶ US Department of Justice Office of Legal Counsel, *Memo from Deputy Assistant Attorney General John Yoo to the White House Counsel on Interrogation Methods that Do Not Violate Prohibitions against Torture* (August 1, 2002); US Department of Justice Office of Legal Counsel, *Memorandum for Alberto R. Gonzales, Counsel to the President* (August 1, 2002)
- ⁸⁷ Robert Verkaik, "Human Rights in Iraq," *op.cit.*
- ⁸⁸ General Richardo Sanchez, overall commander in Iraq, issued a clear directive in September 2003 for more aggressive interrogation. Seymour Hersh, "Chain of Command" *New Yorker* (May 9, 2004); James R. Schlesinger *et al.* "Final Report of the Independent Panel to Review DoD Detention Operations" (August 2004) [Schlesinger Report] p.9
- ⁸⁹ Human Rights Watch, *The Road to Abu Ghraib* (June, 2004)

⁹⁰ Karpinski was reprimanded, relieved of her command, and reduced in rank one grade to colonel. She was the only general to be penalized at all.

⁹¹ Taguba Report, *op.cit.*

⁹² “Command’s Responsibility” *op.cit.* p. 6-7

⁹³ See especially Schlesinger Report, *op.cit.*

⁹⁴ *Ibid.*, pp.12, 75

⁹⁵ *Ibid.* See also the July 22, 2004 report of General Paul Mikolashek, delivered to the US Senate.

⁹⁶ Thom Shanker, “General in Abu Ghraib Case Retires After Forced Delay” *New York Times* (August 1, 2006) p. A13. General Miller retired on May 31, 2006. The award ceremony took place in the Pentagon’s Hall of Heroes.

⁹⁷ For a thorough discussion of this issue, see “Command’s Responsibility” *op.cit.*