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Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/news/2004/09/23/torture-management-failure>

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Beatings, un-muzzled dogs, terrified detainees? Sounds like Abu Ghraib. But in fact, it was in Chicago's Cook County Jail in 1999. But whether in a prison overseas or a jail in the U.S., such abuse is never just the work of a few rogue officers. Torture is a management failure.

Over the past few months I have talked with correctional leaders who have run prisons, jails and prison systems across the country about the parallels between what happened at Abu Ghraib and abuse in U.S. jails and prisons.

Each acknowledged that isolated instances of abuse can occur even in the best-run correctional institution. But when those instances are repeated over time, when more than a few officers are involved in either committing or covering up the abuse, and when many inmates are affected, responsibility lies with management.

The grand jury report on Cook County Jail proves the point that a number of factors are invariably present when inmates are abused.

In such cases, the leadership of a jail or prison has not emphasized the imperative that staff must treat all inmates with respect. It has not forcefully communicated by word and deed a zero tolerance policy regarding abuse by staff.

Second, management has not taken seriously reports of inmate mistreatment. If there is an investigation, there is scant effort to find out what really happened. The upshot of most complaints of abuse is that the necessary paperwork is completed, forms are signed, and the matter is shelved.

Third and worst of all, management may even deliberately look the other way and condone abuse. When prisons become riddled with staff violence against inmates, it is not just that senior officials have failed to control it. They have accepted it as part and parcel of doing business. They may even participate in it themselves.

There is rarely a smoking gun: a memorandum or verbal statement authorizing, encouraging or even acquiescing to inmate mistreatment. Rather, senior officials typically send a message through more subtle but equally effective means. All the head of a prison or jail has to do is shrug or turn to other matters when told of staff abuse of inmates, and everyone will understand that management won't intervene.

It often takes a horrifying scandal such as photographs of pyramids of naked bodies at Abu Ghraib, or the mass beating of naked inmates at Cook County Jail to trigger public attention to what is going on behind bars. Criminal prosecutions may be appropriate. But equally important is a comprehensive, impartial investigation into how and why the abuse occurred and an investigation that goes up the chain of command, beyond the individuals who actually tormented the detainees. It needs to investigate the senior officers who failed to uphold the law governing detentions and interrogations, monitor the treatment of inmates, and investigate reports of abuse or discipline staff who cross the line.

Chicago has had the benefit of such an investigation. It now has the opportunity to institute serious reforms to ensure that the abuses that took place in Cook County Jail in 1999 are never repeated.

But a similarly comprehensive independent investigation of abuses by U.S. forces in Iraq as well as Afghanistan and Guantanamo has yet to be undertaken. The inquiries thus far have been limited in scope, and most have been undertaken by persons who cannot be deemed independent and unbiased. What is needed is an independent bipartisan commission, appointed by Congress, such as the one that produced the report on 9/11 a commission that can thoroughly investigate what happened and make recommendations to ensure that U.S. forces treat detainees humanely.

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