

Human Rights Watch

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

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It has now been three months since the appearance of the first pictures of U.S. soldiers humiliating and torturing detainees at Abu Ghraib prison in Iraq. Shortly after the photos came out, Secretary of State Colin L. Powell told foreign leaders: "Watch America. Watch how we deal with this. Watch how America will do the right thing."

But America is not doing the right thing. The photos were followed by revelations that the use of illegal, coercive interrogation methods on detainees had been approved at the highest levels of government, and by evidence that abuse of detainees was widespread in both Iraq and Afghanistan. Yet only a few low-ranking soldiers have been called to account, and the administration is sticking to its line that the Abu Ghraib crimes were the work of a few "bad apples."

If there is no real accountability for the widespread abuses against detainees, all the protestations of disgust and condemnation by President Bush and others will be meaningless. For the next decade, the perpetrators of atrocities around the world will point to Abu Ghraib as a justification or an excuse.

The United States, however, can still demonstrate its repudiation of these crimes by permitting an independent investigation and by prosecuting vigorously all those responsible.

Many important issues remain unanswered. What interrogation techniques were approved for use on detainees? Why were inquiries into the many detainee deaths so lackluster and late? Why were detainees "rendered" to countries such as Syria, Egypt and Saudi Arabia, where torture is regularly practiced? How does the Bush administration justify holding detainees incommunicado in "undisclosed locations" in light of the historical condemnation by the U.S. of "disappearances" in other countries?

The severest abuses at Abu Ghraib occurred in the aftermath of a decision by Defense Secretary Donald H. Rumsfeld to step up the hunt for "actionable intelligence" among Iraqi prisoners. Yet the chain of events remains shrouded in mystery. Who in the Pentagon ordered Army Maj. Gen. Geoffrey D. Miller, the former commander at Guantanamo, to Abu Ghraib to overhaul interrogation practices, and with what instructions? What were his recommendations? What practices were then approved by Lt. Gen. Ricardo Sanchez, then the top U.S. commander in Iraq? Who in the Pentagon knew of the interrogation practices at Abu Ghraib?

We have yet to see many key documents relating to the treatment of detainees. The Defense Department documents released with great fanfare on June 22 only go up to April 2003 and do not cover practices at Abu Ghraib and other military prisons in Iraq. The Pentagon is still withholding Sanchez's key September and October 2003 memorandums on interrogation techniques in Iraq. These techniques reportedly include the use of military dogs, painful stress positions, temperature extremes, sleep and sensory deprivation.

The Pentagon has established no fewer than seven investigations in the wake of Abu Ghraib. Yet none has the independence or the breadth to get to the bottom of this scandal. How are investigators appointed by Rumsfeld going to determine whether Rumsfeld ordered, condoned or acquiesced in torture? The first report, released this month by Lt. Gen. Paul T. Mikolashek, the Army's inspector general, was nothing less than a whitewash. After reviewing 94 confirmed cases of detainee abuse in Afghanistan and Iraq, Mikolashek concluded in keeping with the government line that the abuses did not result from any policy and were not the fault of senior officers but rather were "unauthorized actions taken by a few individuals." Imagine if China or Russia released a similar report.

Pentagon sources told Human Rights Watch that those working on the outstanding investigations are under tremendous pressure not to implicate top officials. It is increasingly obvious that only an independent panel, along the lines of the Sept. 11 commission, can begin to repair the damage done by the Abu Ghraib debacle. The commission should have subpoena power and the authority to call for a special prosecutor if the evidence indicates criminal activity by senior government officials.

The world is still watching and waiting to see how the U.S. deals with these crimes.

Reed Brody is special counsel for Human Rights Watch.

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