

Human Rights Watch

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

<https://www.hrw.org/news/2004/04/29/iraq-us-prisoner-abuse-sparks-concerns-over-war-crimes>

Campaign and Advocacy

Help us continue to fight human rights abuses. Please give now to support our work

Investigation Should Probe Role of Superiors, Private Contractors

[Share this via Facebook](#)

[Share this via Twitter](#)

[Share this via WhatsApp](#)

[Share this via Email](#)

[Other ways to share](#) [Share this via LinkedIn](#)

[Share this via Reddit](#)  [Share this via Telegram](#)  [Share this via Printer](#)

The promised U.S. investigation into the mistreatment of Iraqi prisoners should not stop with the lower-level soldiers who were immediately involved, Human Rights Watch said today.

Photographs in media accounts show U.S. military personnel in Baghdad subjecting Iraqi detainees to humiliating and degrading treatment and perhaps committing war crimes. Defense counsel for one of the accused soldiers claims that the soldiers had been ordered to "soften up" the detainees for interrogation. Moreover, private contractors allegedly were among those overseeing the interrogation process.

"The brazenness with which these soldiers conducted themselves, snapping photographs and flashing the 'thumbs-up' sign as they abused prisoners, suggests they felt they had nothing to hide from their superiors," said Kenneth Roth, executive director of Human Rights Watch. "Their superiors should be closely scrutinized to see whether they created an atmosphere of impunity that fostered this abuse."

The photographs show U.S. soldiers smiling, posing and laughing while naked Iraqi prisoners were stacked in a pyramid or positioned committing simulated sex acts. The 1949 Geneva Conventions prohibit "outrages upon the personal dignity, in particular humiliating and degrading treatment" against any detainee. Mistreatment that amounts to "torture or inhuman treatment" is a grave breach of the Geneva Conventions or a war crime.

The record of the United States in addressing alleged mistreatment of detainees by its personnel in Iraq and Afghanistan causes serious concern. In Afghanistan, as Human Rights Watch has previously reported, the U.S. government has yet to provide information on its investigations into the officially declared "homicide" deaths more than two years ago of two detainees in U.S. custody at Bagram airbase. The United States has also not adequately responded to allegations of other abuses in U.S. detention in Afghanistan, including cases of beatings, severe sleep deprivation, and exposure of detainees to extreme cold.

In Iraq a U.S. army lieutenant colonel who admitted that in August he threatened to kill an Iraqi detainee, firing a shot next to the man's head during a violent interrogation, received a fine as a disciplinary measure, but was not subjected to a court martial. The U.S. army in January discharged three reservists for abusing detainees at a detention camp near Basra in southern Iraq.

"It's clear that the United States has not taken the issue of prisoner abuse seriously enough," said Roth. "These sordid photos from Iraq show that systematic changes in the treatment of prisoners are needed immediately. The investigations should be made public."

The alleged involvement of private contractors is another dimension of the problem that merits investigation. Human Rights Watch is concerned that these contractors operate in Iraq with virtual impunity exempt by the terms of their engagement with the U.S. military from prosecution by Iraqi courts, outside the military chain of command and thus ineligible for court-martial, and not subject to prosecution by U.S. courts. Under the Geneva Conventions, the United States nonetheless remains responsible for the actions of those running the detention facilities, be they regular soldiers, reservists or private contractors.

"If the Pentagon seeks to use private contractors in military or intelligence roles, it must ensure that they are subject to legal restraints," said Roth. "Allowing private contractors to operate in a legal vacuum is an invitation to abuse."

Bahrain Death Sentences Follow Torture, Sham Trials

Suspicious Killings and Extrajudicial Executions by Egyptian Security Forces

[Share this via Facebook](#)

[Share this via Twitter](#)
[Share this via WhatsApp](#)
[Share this via Email](#)

[Other ways to share](#) [Share this via LinkedIn](#)

[Share this via Reddit](#)  [Share this via Telegram](#)  [Share this via Printer](#)

Human Rights Watch defends the rights of people in 90 countries worldwide, spotlighting abuses and bringing perpetrators to justice

Get updates on human rights issues from around the globe. Join our movement today.

Human Rights Watch is a 501(C)(3)nonprofit registered in the US under EIN: 13-2875808