

Human Rights Watch

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

<https://www.hrw.org/report/2006/07/22/no-blood-no-foul/soldiers-accounts-detainee-abuse-iraq>

Policy Issue Resources

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

[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](#)

us0706arwebwcover.pdf

Download this report

us0706arwebwcover.pdf

Download this report

Soldiers' Accounts of Detainee Abuse in Iraq

I pulled the guy out [an E6 interrogator, and said]: "I looked-I looked this stuff up and this is not the way it's supposed to be," you know? He was like, "This is the directive we had. You need to go ahead and drop this, sergeant." You know, and he outranked me. "Drop this sergeant," [he said]. It was repeatedly emphasized to me that this was not a wise course of action to pursue . . . It was blown off, but it was a little more stern: "You don't want to take this inquiry anywhere else," kind of thing. "You should definitely drop this; this is not something you wanna do to yourself."

-U.S. Army M.P. Sergeant stationed at Forward Operating Base Tiger, al Qaim, Iraq, in 2003, describing his efforts to complain about detainee abuse.

I was very annoyed with them because they were saying things like we didn't have to abide by the Geneva Conventions, because these people weren't POWs. . . . [T]hey're enemy combatants, they're not POWs, and so we can do all this stuff to them and so forth. . . . It just went against everything we learned at Huachuca.

-Military Intelligence Interrogator attached to a secretive task force stationed at Camp Nama, at Baghdad airport in Iraq, describing a briefing by military lawyers in early 2004 after soldiers raised concerns about abusive interrogation methods.

U.S. forces have now been deployed in Iraq for over three years. During this time, tens of thousands of Iraqis have been arrested, detained, and interrogated by U.S. personnel. Many of the detainees-held at Forward Operating Bases (FOBs) or at central detention centers such as Abu Ghraib prison, Camp Cropper, and Camp Bucca-have been interrogated by personnel from U.S. Military Intelligence (MI) or the Central Intelligence Agency (CIA). While some detainees have been insurgents, others have been innocent civilians caught up in U.S. military operations, in the wrong place at the wrong time.

There is mounting evidence to show that many detainees have been abused. The Abu Ghraib scandal, which broke in April 2004, brought the issue of detainee abuse to the world's attention, but it is now clear that the scope of the problem is far broader than was known at the time. Since 2003, Human Rights Watch has reviewed hundreds of credible allegations of serious mistreatment and torture of detainees in U.S. custody. Alleged abuses have taken place in locations all over Iraq, in both FOBs and centralized facilities, and have involved CIA agents, military interrogators, MP guards, and ordinary combat soldiers. Abuses have also been alleged in detention facilities in Afghanistan and at Guantanamo Bay, where smaller numbers of detainees are held. In many cases, it has taken years for abuses to come to light.

This report is based largely on firsthand accounts by U.S. military personnel stationed in Iraq, and describes abuses that took place in three separate locations in Iraq in 2003-2005. Many of the accounts are from soldiers who witnessed and in some cases participated in the abuses. First, the report discusses incidents involving a special military and CIA task force based at Camp Nama, near Baghdad, in 2003-2004, and near Balad in 2004-2005. Second, the report describes abuses in 2003-2004 at a Forward Operating Base on the Syrian border, called FOB Tiger. Third, the report details abuses in 2004 at detention facilities at the Mosul airport. The military's own investigations and reports by journalists and other observers support many of the accounts, and provide further details from soldiers

about abuses at these facilities, including abuses in 2005.

In all three locations, soldiers witnessed seriously abusive treatment and interrogation of detainees, including beatings, psychological torture of varying kinds, and other physical torture and mistreatment. At Camp Nama, for instance, detainees were regularly stripped naked, subjected to sleep deprivation and extreme cold, placed in painful stress positions, and beaten. At FOB Tiger, they were held without food or water for over 24 hours at a time, in temperatures sometimes exceeding 135 degrees Fahrenheit, and then taken into interrogations where they were beaten and subjected to threats. At Mosul, detainees were regularly subject to extreme sleep deprivation, exposure to extreme cold, forced exercises, and were threatened with military guard dogs.

In all three locations, the abuses appear to have been part of a regularized process of detainee abuse-"standard operating procedure," in the words of some of the soldiers.

The accounts in this report provide compelling new evidence that detainee abuse was an established and apparently authorized part of the detention and interrogation processes in Iraq for much of 2003-2005. The accounts also suggest that U.S. military personnel who felt the practices were wrong and illegal have faced significant obstacles at every turn when they attempted to report or expose the abuses.

One military interrogator, cited at the beginning of this report, described to Human Rights Watch what happened when he and other colleagues complained about abuses to the colonel on duty: "a team of two JAG officers, JAG lawyers, came and gave us a couple hours slide show on why this is necessary, why this is legal, they're enemy combatants, they're not POWs, and so we can do all this stuff to them and so forth." After that presentation, the interrogator said, the abuses continued, but he and the others who were unhappy with the situation felt that they had nowhere else to turn. As far as he knew, no other reporting mechanism existed. "That was it, case closed," he explained. "There was nobody else to talk to."

Many of the soldiers who have spoken with Human Rights Watch about detainee abuse have voiced anger at the way their concerns and complaints were dismissed, and said that they decided to speak publicly because they were concerned about the systemic problems that made reporting abuse so difficult.

*** **

The military and the Bush Administration appear to be in denial. Both have consistently portrayed abuse cases from Iraq as exceptional and perpetrators as lone and independent actors-"rotten apples"-despite evidence that Military Intelligence officers and higher-echelon military and civilian leaders knew about or may even have authorized abusive techniques that were used against detainees. Such sweeping denials, and the military's general failure to place any blame on leadership for abuses that occurred, have hindered candid assessments about the detainee abuse problem.

Take, for example, the role of U.S. Military Intelligence (MI) in formulating and executing interrogation and detention policy in Iraq. There are clear indications that MI battalions systematized the use of abusive techniques in Iraq in 2003 and 2004, and that MI interrogators-including officers-are implicated in the widespread abuses that occurred during that time. As detailed in this report, internal military documents and soldiers' own accounts show that MI interrogators were using abusive tactics through much of 2003-2005; and that for much of this time these tactics were authorized by officers up the chain of command. Yet to date, no military intelligence officers who have served in Iraq have been charged with any criminal acts, either as a principal or under the doctrine of command responsibility. The few courts-martial that have occurred in relation to detainee abuse in Iraq have primarily involved military police, most of whom have claimed in courts-martial that they were ordered or authorized by military intelligence interrogators to use the tactics they were charged with.

Notably, Gen. Barbara Fast, the chief of military intelligence in Iraq during the period of the most serious abuses-late 2003 through 2004-has since been promoted for her work in Iraq. She is now the commander of the Army Intelligence Center, the U.S. Army's interrogation school at Fort Huachuca, Arizona.

CIA personnel have also gone unpunished. Several homicide cases, involving detainees who died while being interrogated by the CIA, were referred to the Department of Justice for prosecution in 2004 and 2005, yet to date not one CIA agent has been charged. Human Rights Watch has repeatedly urged Justice Department officials to move forward with the investigation and prosecution of civilian personnel implicated in abuses, but as of June 2006 only a single civilian contractor had been indicted, for a case from Afghanistan. And there are others who have escaped investigation as well-for instance, military Judge Advocate Generals, Special Forces personnel, and civilian leadership in the Department of Defense.

Human Rights Watch is aware that U.S. forces in Iraq are fighting armed groups who themselves have shown little willingness to abide by international humanitarian law. As Human Rights Watch has detailed in previous reports, Iraqi insurgent groups routinely violate international humanitarian law, carrying out abductions and attacks against civilians and humanitarian aid workers, and detonating hundreds of bombs in bazaars, mosques, and other civilian areas. Human Rights Watch has previously stated that those responsible for violations, including the leaders of these groups, should, if captured, be investigated and prosecuted for violations of Iraqi law and the laws of war.

But the activities of these groups are no excuse for U.S. violations. Abuses by one party to a conflict, no matter how egregious, do not justify violations by the other side. This is a fundamental principle of international humanitarian law.

The U.S. government has refused to acknowledge the systemic nature of the problem of detainee abuse in Iraq since 2003, and done little to address the underlying problems that have led to abuse.

It is time for the Bush Administration to admit that there has been no real accountability for detainee abuses. It is time for military and CIA leaders to acknowledge that serious and systemic abuse has occurred, and recognize the weakness of their internal reporting procedures. It is time for the U.S. Congress to get serious about oversight on these issues, and work to ensure that systemic flaws are corrected and that criminal conduct is adequately investigated and punished, both now and in the future.

Human Rights Watch makes the following recommendations:

Congress should appoint an independent bipartisan commission to investigate the scope of current and past detainee abuses, identify the involvement of military and civilian officials in authorizing and allowing abusive interrogation techniques, and determine why military and civilian leaders who are implicated in abuse have not been held accountable.

Congress should also re-open hearings on detention abuse issues, to address the same issues as above.

Congress should push the President to appoint independent prosecutors-in the military and Justice Department-to investigate and prosecute detainee abuse cases, focusing not only on abusive interrogators and guards, but also on military and civilian leaders who authorized or condoned abuse.

The U.S. military and CIA should identify institutional flaws that make it difficult for personnel to complain about illegal conduct and report crimes and abuses being committed by personnel, and remedy those flaws.

The Secretary of Defense should appoint a panel of high-level members of the various Judge Advocate General Corps to consider reforms in the criminal justice system of the U.S. military, to increase the power and independence of military criminal investigators, and to remove institutional obstacles that make it difficult for personnel to report abuse.

The Attorney-General should work with the Secretary of Defense, the National Director of Intelligence and the Director of the Central Intelligence Agency to revise procedures and protocols for investigating and prosecuting cases of abuse by non-military personnel.

Some of the most serious allegations of detainee abuse in Iraq since 2003 have concerned a special military and CIA task force-known at various times as Task Force 20, Task Force 121, Task Force 6-26, and Task Force 145-charged with capturing or killing high-level combatants.^[1] Its targets have included Saddam Hussein and Abu Musab Al-Zarqawi, but also hundreds of anonymous, and often innocent, detainees. Through most of 2003 and 2004, the task force maintained a detention and interrogation facility within Camp Nama, at the Baghdad International Airport (often called "BIAP"). The camp was off-limits to the International Committee of the Red Cross, as well as ordinary military personnel.^[2] The task force moved to another location near Balad in the summer of 2004, and also reportedly maintains outposts in or near Fallujah, Ramadi and Kirkuk.

As described in more detail below, from 2003 to the present, numerous U.S. personnel and Iraqi detainees have reported serious mistreatment of detainees by the special task force, including beatings, exposure to extreme cold, threats of death, humiliation, and various forms of psychological abuse or torture. Many of these allegations have been contained in documents released to the American Civil Liberties Union and other human rights groups pursuant to Freedom of Information Act litigation. Human Rights Watch has also spoken to several veterans and government officials about the task force's abuses.

The account below provides new information about the daily routine at Camp Nama, including details about how the camp was set up, and about how interrogators used abusive techniques on detainees. The account also contains details about how abusive treatment was a regular part of interrogations there, for instance, interrogators used an "authorization template" on computers at Nama, on which interrogators would check-off the harsh methods they intended to use on detainees. The account also details how the military leadership at the camp dealt with soldiers who expressed their discomfort with the methods then in regular use.

Camp Nama

Sergeant "Jeff Perry"^[3] was an interrogator with the special task force at Camp Nama during the first half of 2004. He told Human Rights Watch about his experiences there, about abuses he saw, and about his efforts to report the abuses.

Jeff described how he came to join the task force and how it was set up:

Jeff said that personnel at the facility only used their first names, and that he rarely learned anyone's family name:

Jeff said that most of the task force was comprised of U.S. military special forces and CIA personnel, and most were highly secretive about their identity:

Jeff said the CIA personnel were mostly situated in a nearby building, and that CIA personnel would often take part in field operations (in which detainees were captured) and interrogations at the facility at NAMA.

Jeff described the interrogation facility at NAMA as "a normal-sized building, maybe even a small building," with five interrogation rooms: the black room, the blue room, the red room [also known as the wood room], the soft room, and the medical screening room (reportedly the same room used for the initial medical screening of Saddam Hussein immediately after his capture; parts of the video footage of the screening were televised internationally). Jeff said detainees were also taken outside the building for interrogations, into a courtyard between that building and another one.

Jeff described the black room, where the harshest interrogations would take place:

Jeff said that some interrogators would beat detainees in the black room-hitting and kicking them during interrogations.

The other two rooms used for interrogation were the blue room and the red room (also called the wood room). As Jeff described them:

Jeff said detainees would be taken from one room into another, depending on the level of their cooperation:

Human Rights Watch asked about how detainees were chosen to be placed in the black room, where the harshest techniques were used. As Jeff explained:

Abusive Interrogations

Jeff also saw several more severe interrogations that took place outside the main facility in the courtyard, including one that took place soon after he arrived at Nama, involving a detainee who was linked to Abu Musab Al-Zarqawi, the Jordanian insurgent leader who was later killed by a U.S. air strike, in June 2006:

At another time, Jeff saw a British SAS officer beat a detainee:

Authorizations

Many of the abusive interrogation methods that were being used at Nama were clearly authorized by the command structure at the camp. Jeff told Human Rights Watch that written authorizations were required for most abusive techniques, indicating that the use of these tactics was approved up the chain of command.

Techniques involving outright assault-hitting, slapping, and beating-were apparently not on the list, but were regularly used at Nama, indicating that the harsh methods that were approved often degenerated into even harsher treatment in practice.

Jeff said that the colonel who was on duty for most of his deployment at BIAP often observed the interrogation process, including abusive interrogations:

Human Rights Watch asked whether Jeff knew whether the colonel was receiving orders or pressure to use the abusive tactics. Jeff said that his understanding was that there was some form of pressure to use aggressive techniques coming from higher up the chain of command; however neither he nor other interrogators were briefed on the particular source.

Jeff said that he did see Gen. Stanley McChrystal, commander of U.S. Joint Special Operations forces in Iraq, visiting the Nama facility on several occasions. "I saw him a couple of times. I know what he looks like."

Jeff also said that the commanding officer at Nama would sometimes tell the interrogators that the White House or Secretary of Defense Rumsfeld had been briefed on intelligence gathered by the team, especially intelligence about Zarqawi:

Attempts to Complain

Jeff was not comfortable with what he was seeing. Jeff said that after a few weeks of seeing abuse-and in particular the abuse of the detainee described above who was stripped naked, thrown in the mud outside in the cold, and put in front of an air conditioner-he began to feel uneasy.

The JAG presentation took place during a change-of-shift meeting, and Jeff said numerous interrogators and other personnel were ordered to attend.

Jeff said that some of the interrogators appeared indifferent to the whole matter, but that an equal number supported the use of abusive techniques:

Human Rights Watch asked if there was any other way to report to Army criminal investigators about the abuses taking place at CampNama.

Jeff said the only way in which he could have reported abuses, hypothetically, would have been to leave Nama, return to his unit at Abu Ghraib, and report to criminal investigators there. But he said that route was problematic:

No Access by the Red Cross or Criminal Investigators

Human Rights Watch asked whether any representatives of the International Committee of the Red Cross (ICRC) ever came to the facility, or requested access.

Jeff said that he and other interrogators, and the commanders at Nama, knew that the tactics being used at Nama, and its very existence, were supposed to stay secret. Jeff said that this was why the colonel in charge at Nama assured the interrogators that no one would be allowed into the facility, including the ICRC:

"Creative" Interrogation

Jeff acknowledged to Human Rights Watch that none of the specific techniques used by interrogators were in the Army field manual for interrogations. Human Rights Watch then asked Jeff why he thought commanders and trained interrogators would chose abusive tactics, and not use the techniques they were trained in.

Jeff said he was concerned that harsh tactics were not as effective as more traditional interrogation methods. When detainees provided information, yielding to abusive or harsh techniques, it would take time to corroborate and determine whether the information was accurate, whereas with traditional techniques, interrogators would usually determine immediately whether the information was accurate.

Corroborating Accounts

Jeff's accounts about the abuses at Camp Nama-and the fact that many of the abusive techniques were authorized-are consistent with other accounts provided by military investigators, soldiers familiar with the operations there, and other U.S. personnel.

A front page article about CampNama in the *New York Times* in March 2006, based on interviews with over a dozen U.S. personnel who

served at Nama or were familiar with operations there, contained accounts about abuse at Nama consistent with Jeff's. The *New York Times* article also contained additional facts about the facility, and included allegations that some interrogators sometimes fired paintball guns at detainees, and engaged in other more physical abuses. A sign from CampNama obtained by the New York Times, reading "No Blood / No Foul The High Five Paintball Club," was reportedly posted on a wall inside the compound at some point in 2004. (The sign is reproduced on the cover of this report.)

Declassified Department of Defense documents contain additional allegations. A CID investigation file from May 2004 contains statements from an interrogator with the 22nd Military Police Battalion who reported that he knew of abuses being committed at the Temporary Holding Facility at Baghdad International Airport (BIAP), involving members of task force at Nama. The reported abuse included sleep deprivation, 20-hour interrogation sessions, and a guard giving a prisoner urine to drink. According to the statement, the interrogator "was reporting this conduct because he felt the actions were inhumane even though every harsh interrogation was approved by the J2 of the TF [Task Force 6-26] and the medical personnel prior to its execution." The CID investigation was apparently ended because "the subject of this investigation is a member of TF 6-26 and the Special Agent in Charge, SOTF [Security Operations Training Facility], has accepted investigative jurisdiction in this matter."[\[5\]](#)

Another CID investigation file, from May 2004, details a complaint by a human intelligence "Augmentation Team" civilian interrogator at BIAP describing "harsh interrogations and inhumane conduct" by task force interrogators and BIAP guards in April 2004.[\[6\]](#) The CID report redacts two parts of the document's section describing the actual abuse, but contains the following part:

According to the same document, a captain at "CampNAMA" told CID investigators that "inhumane treatment" allegations listed in the statement were unsubstantiated as they "fell within the Coalition Task Force-7 interrogation guidelines for the period in question."[\[7\]](#)

In early May 2004, several soldiers who worked at Camp Cropper, near to the Nama complex, gave sworn statements to Army investigators about problems at Camp Cropper, including allegations that detainees who had been arrested and interrogated by "Task Force 20 and Seal Team 5" (other names used by the special task force at Nama) showed signs of abuse that they had presumably suffered before being processed into Camp Cropper-i.e., while they were in the custody of the task force, at camp Nama. For instance, an interrogator attached to the 519th Military Intelligence Battalion at CampCropper from May to September 2003 gave a sworn statement to CID that:

(The interrogator also stated that interrogators with the 519th Battalion, at CampCropper, were using painful "stress positions" against detainees.)

A Lieutenant Colonel who commanded the 115th Military Police Battalion at CampCropper, from April to November 2003, also gave a sworn statement to investigators outlining a particular case of abuse he knew about involving "Task Force 20":

An interrogator in the 321st Military Intelligence Battalion, stationed at CampCropper in August 2003, also gave a sworn statement mentioning abuse by the task force:

In June 2004, an FBI official at a temporary holding facility in Baghdad sent an e-mail to FBI headquarters reporting that a newly admitted detainee, transferred to the facility by a Task Force 6-26 team, had suspicious burns on his body, and that the military had launched an administrative investigation into the incident.[\[11\]](#)

Around the same period, a civilian Defense Intelligence Agency interrogator filed a "memorandum of record" to his superiors about abuse by "Task Force 6-26," stating that he witnessed "two counts of violations of the Geneva Conventions" involving "detainee abuse" and "illegal detainment of non-combatants."[\[12\]](#) In the first, the author of the memorandum stated that, on or about May 11, 2004, he or she "witnessed the mistreatment of a TF 6-26 detainee," as follows:

According to the DIA interrogator, the abuse lasted for fifteen minutes, before a senior officer "going by the call sign 'X03'" entered the room, and told all the interrogators to leave. The memorandum then reads ominously: "I am not aware of what specifically occurred during my absence." The interrogator also reported that he interviewed a different detainee who reported being slapped by task force personnel.

The DIA interrogator also reported an incident on May 9, 2004, in which TF-6-26, against the DIA agent's objections, detained a 28-year old woman during a raid, "the wife of a suspected Iraqi terrorist [and target of the raid]," who task force personnel recommended be "detained and held in order to leverage the primary target's surrender." The woman, who had three young children (one only six months old and still nursing) was released two days later.

In June 2004, Vice Adm. Lowell E. Jacoby wrote to the Under Secretary of Defense for Intelligence, Stephen A. Cambone, about other reports by DIA personnel about abuse by 6-26 personnel. In a memorandum dated June 25, 2004, entitled "Alleged Detainee Abuse by TF 6-26 Personnel," he wrote that two DIA personnel, in the Directorate for Human Intelligence, had observed abuses by task force personnel:

According to the memo, the DIA personnel reported the abuses they witnessed to other Department of Defense officials, who forwarded them to the Defense Intelligence Agency Inspector General, the Deputy Commander for Detainee Affairs, to Gen. Stanley McChrystal and the commander of Centcom. A handwritten note from Cambone to his top deputy, Lt. Gen. William G. Boykin, dated June 26, 2004 reads: "Get to the bottom of this immediately. This is not acceptable. In particular, I want to know if this is part of a pattern of behavior by TF 6-26."[\[14\]](#)

According to the New York Times, a spokesman for General Boykin, when asked about what General Boykin reported back to Cambone, said on March 17, 2006 that "at the time he told Mr. Cambone he had found no pattern of misconduct with the task force."[\[15\]](#)

In December 2004, Lawrence Di Rita, a Pentagon spokesman, told journalists who asked about the allegations raised in the Jacoby memo that four Special Operations soldiers in task force 6-26 had in fact received "administrative punishments" for cases involving "excessive use of force" including "unauthorized use of [a] Taser."[\[16\]](#)

Criminal Culpability

Almost all of the abuses as described above appear to violate U.S. military and federal criminal law, and international humanitarian law. (For more information on legal provisions applicable to the treatment of detainees in Iraq, see section on "Legal Standards," below.) Yet there are few indications that there have been effective investigations or identification of any perpetrators at Camp Nama. As noted above, military officials have stated that a small number of task force members have been administratively disciplined, but not court-martialed. Five Army Rangers associated with the task force were reportedly court-martialed for abuses they carried out against detainees in September 2005, but the sentences were all six months or less. There are no indications that officers up the chain of command have been held accountable, despite serious questions about officers' criminal culpability.

In December 2004, the Washington Post obtained a memorandum written a year earlier, in December 2003, by Col. Stuart A. Herrington, a retired military intelligence officer involved in counter-insurgency operations during the Vietnam war. Herrington was brought to Iraq in late 2003 by the chief of military intelligence in Iraq, Gen. Barbara Fast, to evaluate and critique intelligence-gathering and counter-insurgency operations in Iraq.^[17] Herrington reportedly visited numerous operational sites, including the facilities at Baghdad airport, and wrote up a memorandum to General Fast about his findings.

During his mission, Task Force 121 denied Herrington access to the detention site at Nama. However, from talking to other intelligence officers, Herrington concluded that Task Force 121 was abusing detainees and intentionally keeping them "off the books," not registering them in the U.S. military's detention records or with the International Committee of the Red Cross. As he wrote in his memorandum: "Detainees captured by TF 121 have shown injuries that caused examining medical personnel to note that 'detainee shows signs of having been beaten.' . . . It seems clear that TF 121 needs to be reined in with respect to its treatment of detainees."^[18]

This report was written in December 2003, and most of the abuses described above occurred afterward—suggesting that the memorandum did not result in any significant changes. In other words, military intelligence officers, including Gen. Barbara Fast, were specifically informed of credible allegations of detainee abuses involving the task force, yet appear to have taken no action, or inadequate action, to correct the situation and stop abuses.

The fact that this memorandum was filed raises serious questions about the MI leadership's complicity in the abuses described in this report. Under the doctrine of command responsibility, commanders may be liable for crimes committed by subordinates, in cases where they knew or should have known about the crimes but failed to stop them.

More investigation is needed into these issues and into the underlying abuses themselves, but the Herrington memorandum strongly suggests that military intelligence officers and other commanders could be held criminally liable for the abuses documented here. From the memorandum, it appears that senior officers were alerted to abuses at Nama in late 2003, and then failed to act, which potentially makes them criminally liable under the command responsibility doctrine.

Human Rights Watch has also documented allegations about abuse committed in 2003 at Forward Operating Base Tiger, near al Qaim, in western Iraq on the border of Syria. The account below, from a soldier stationed at FOB Tiger, details routine abuse at the facility, apparently built into the interrogation regime. The account details how detainees were kept in oppressively hot metal containers for 24-hour periods as temperatures reached 130s and 140s, how interrogators hit detainees during interrogations, and how senior officers squelched soldiers' efforts to complain about the abuse.

FOB Tiger

"Nick Forrester"^[19] was stationed at FOB Tiger from early May 2003 through late September 2003, serving as a sergeant with the 82nd Airborne Division.

In October 2005 and May and June 2006, Human Rights Watch interviewed Nick about his experience at FOB Tiger.

For most of his time at Tiger, Nick was ordered to serve as an MP guard for the detention and interrogation operations at the facility. He was responsible for guarding detainees brought to the base and for transporting detainees from holding areas to interrogation areas, where they would be interrogated by Army and CIA interrogators.

As described below, Nick told Human Rights Watch that almost all of the detainees captured and interrogated at Tiger were subject to serious mistreatment, either in detention or while being interrogated.^[20] Specifically, he told Human Rights Watch that he and other guards, under orders, subjected detainees to severe sleep deprivation and exposure to dangerously high temperatures, forcing them to stand with their faces to the wall for twenty-four hours straight inside a metal shipping container, with the door open, but with little ventilation. And he said that he repeatedly saw interrogators subjecting detainees to severe mistreatment, including beatings and threats.

Nick described what happened when detainees were first brought into the facility:

The temperatures inside the container, Nick said, were extreme:

Nick said that the MPs were instructed to keep the detainees awake for the initial 24-hour period, by forcing them to stand in the metal shipping container:

Interrogations

Human Rights Watch asked Nick who interrogated the detainees:

Nick would bring detainees from the metal shipper container over to a nearby building, where interrogators subjected detainees to jarring noise and lights, and then physically beat them. Nick had to stand guard during the interrogations, and he described to Human Rights Watch what he often saw occurring in the interrogation facility:

Nick said music or noise was often played so loud in the interrogation room that soldiers standing 30 feet away, at the metal container where detainees were initially held, would have to yell at each other to be heard: "They had a nice sound system. On the 4th of July, it's what we used to play music. . ." Nick also said that interrogators used their M-16s (U.S.-issued automatic weapon) to intimidate or threaten detainees:

Nick said he saw numerous detainees abused as described above-he couldn't say a precise number, but estimated it was somewhere between thirty to fifty people. Interrogators often would have one detainee watch them as they abused another detainee, in order to intimidate them: "They would have [another] person first, and then they would come back and get the guy and see if they could get information out of him-as a 'this is what's coming to you' kind of thing."

Human Rights Watch asked: "And if you totally cooperate, what would happen?"

Human Rights Watch then asked: "And if you were completely uncooperative?" Nick described one of the worst cases he saw, which took place around July 2003, involving a detainee who a Special Forces team had arrested, and who the Special Forces team had decided had valuable information about insurgent activities. "They brought him back [to FOB Tiger] and he got the mess beat out of him," Nick said. "He got the hell beat out of him." Nick told Human Rights Watch what he saw when the detainee was brought into the interrogation building:

The detainee was beaten and interrogated for about two hours, Nick said. "He was there for a long time, a long time." Later on, Nick said, the interrogators told guards and other soldiers that the detainee had inflicted the damage on himself: "They blamed it on him-a 'falling-down-the-stairs' deal or whatever."

As it turned out, the detainee who was beaten was Iranian: Nick said he was a middle aged man, probably in his late 40s, and said he was probably a small-time businessman or smuggler who brought electronics to and from Syria and through Kurdish areas in Iran and Iraq. The fact that the man didn't speak Arabic apparently made the interrogators beat him more severely:

Nick said that one of the Special Forces soldiers on the base-who was not trained as an interrogator or part of a military intelligence unit-was responsible:

After interrogations, Nick said, detainees would be taken to a second nearby facility, with a tile floor, where they were given Meals Ready to Eat (MREs) and were allowed to sit or lie down. (Since there were no mattresses, detainees usually used the cardboard MRE containers as pillows.) But not everyone was immediately brought there:

Raising Concerns

Nick said that some soldiers at FOB Tiger were troubled by what they were seeing, but that most didn't complain, and that in any case it was difficult for enlisted troops to complain. "I asked a few questions and stuff like that and it was pretty much kind of 'Shut up' or 'Drop it now.'"

Human Rights Watch asked Nick about his reaction to the abuse, and whether he raised objections with his superiors or the interrogators:

Nick said he looked up the Geneva Conventions on a mini-laptop he had on the base-he had a CD-ROM of training manuals and military documents-and then went back to the interrogators to ask again:

Nick said there was another soldier he was friends with, who shared his concerns ("he and I talked a lot about it kinda being bullshit"), but that for the most part, other soldiers didn't seem to care, or worse, supported mistreating the detainees:

"Geneva's a town in Switzerland"

As described earlier, Nick and MPs he worked with were under orders to keep newly arrived detainees awake and standing in the metal container. But Nick ordered the enlisted soldiers working under him not to hit detainees:

Nick said that neither he nor any of his troops had training in detention operations, or Geneva Conventions standards on treatment of detainees:

From Nick's perspective, the interrogators did not appear professional. He believed that much of the abuse stemmed from racist attitudes toward detainees. Many of the guards and interrogators called Iraqi's "Hajis," and would often mock or taunt them. Nick also said he didn't believe that abusive interrogation tactics worked:

Corroborating Accounts

Nick's accounts about FOB Tiger are consistent with and reinforced by other accounts from soldiers provided to Human Rights Watch. Human Rights Watch spoke with a guard and a captain, both of whom served at FOB Tiger in 2003. The guard said he observed abusive interrogations by civilian interrogators at FOB Tiger. The captain was not directly involved in detention operations, but said he heard from other personnel about abuse at the base, and once heard sounds of physical violence coming from rooms where civilian interrogators were questioning detainees.[\[22\]](#)

Military investigators also heard of other serious abuses at FOB Tiger, including a homicide in November 2003. (Nick departed Tiger in September 2003.) Serious allegations about abuse and torture at FOB Tiger were raised during two courts-martial convened in Fort Carson, Colorado, related to the torture and death of a 56-year-old Iraqi named Abed Hamed Mowhoush, who died at FOB Tiger in November 2003. Mowhoush had served as one of Saddam Hussein's generals and, at the time of his arrest, was suspected of involvement in attacks on U.S. forces.[\[23\]](#)

(CIA personnel were also reportedly involved in the death, and a case was reportedly referred to the U.S. Department of Justice for

investigation. Human Rights Watch asked officials in the Justice Department criminal division in April 2006 for an update on this and other cases, and was told that investigations were still open, but that no CIA personnel had been indicted.)

In March 2005, Chief Warrant Officer Lewis Welshofer Jr. and Spec. Jerry Loper were charged in Army courts-martial at Fort Carson with assault and murder in connection with Mowhoush's death. Many of the proceedings were sealed, and numerous documents connected to the case were classified, but information presented during the trial revealed numerous details about the standard interrogation techniques used at FOB Tiger and near al Qaim generally. During the trial, several classified documents related to the case were leaked to journalists at the *Washington Post* and *Denver Post*.

One classified investigation report, obtained by the *Washington Post*, described Mowhoush's detention and custody in detail. It stated that, two days before his death, he was severely beaten by a group of Army interrogators and Iraqi paramilitaries, reportedly paid by the CIA. According to the document, the group severely beat Mowhoush using "fists, a club and a length of rubber hose." A CIA operative was involved, referred to in the documents as "OGA Brian" (OGA is a commonly used acronym for "other government agency," a moniker used by military personnel for the CIA).

At the court-martial for Welshofer and Loper, an army investigator testified about the beatings (the hearing was sealed but the military did release a redacted transcript):

An Army investigation report said that soldiers heard Mowhoush "being beaten with a hard object" and "screaming."

Soon after the beating described above, on November 26, 2003, Army personnel took over the interrogation: the two defendants, Welshofer and Loper, as well as a Sgt. 1st Class William Sommer (a linguist) and Chief Warrant Officer Jeff Williams (an intelligence analyst). According to testimony given at the court-martial, the interrogators decided to put Mowhoush inside a sleeping bag, close it, and tie an electrical cord around him. And it was while Mowhoush was inside the sleeping bag that he died.

Mowhoush's death certificate listed his cause of death as "asphyxia due to smothering and chest compression," and a December 2, 2003 autopsy stated that Mowhoush had "contusions and abrasions with pattern impressions" on a large part of his body, as well as six fractured ribs. Army investigators found that the investigation was complicated by the fact that Mowhoush had been severely beaten before being mistreated by Army interrogators.

Testimony given during the courts-martial process made clear that many of the abusive techniques used on Mowhoush were authorized and regularly used at FOB Tiger.

During a pre-court-martial hearing in March 2005, a Chief Warrant Officer who worked with Welshofer in Iraq, Richard Manwaring, testified that the use of the sleeping bag technique and similar techniques, like putting detainees in lockers and banging on them, were in his opinion "appropriate" and that he himself used the tactics to intimidate detainees. At the same hearing, Col. David A. Teeple, who commanded the 3rd Armored Cavalry Regiment at the time of the incident, testified that in his opinion the "claustrophobic technique" was effective and stated on the record that it had been authorized for use at the base. Teeple blamed Mowhoush's death on the beating by the CIA and Iraqi group.

At trial, in January 2006, Welshofer himself testified regarding an August 30, 2003 memorandum that he said stated that there were no specific "Rules of Engagement" for interrogations, because detainees' legal status as "unprivileged combatants" was unclear:

Criminal Culpability

The abuses described above appear to violate U.S. military and federal criminal law, and international humanitarian law. Many of the "techniques" that were later said in the Fort Carson trials to be "appropriate" or "authorized" were illegal. (For more information on legal provisions applicable to the treatment of detainees in Iraq, see section on "Legal Standards," below.) But as with the abuses at Nama, there are few indications the military undertook any systematic efforts to investigate and prosecute abuses. Besides the Welshofer-related investigation, there are no other known criminal investigations about abuses at al-Qaim.

Nor are there any indications that officers up the chain of command have been investigated or held accountable, even though the accounts here and the testimonies at the Fort Carson trials suggest that officers could be held liable for authorizing illegal techniques, and held liable as principals as well, under the command responsibility doctrine, since they appear to have known about abuse taking place and failed to stop it.

Human Rights Watch has also documented allegations about abuse that took place at detention facilities at Mosul airport, in northern Iraq. The account below looks at abuses at the "Brigade Holding Area" (BHA) for the 2nd Brigade Combat Team (a unit of the 101st Airborne Division at Mosul), and a separate detention compound at the airport used exclusively by a special Navy SEALs team, "Naval Special Warfare Squadron 7," sometimes known as Navy SEAL Team 7. (Forces stationed at Mosul airport in 2003-2004 referred to facilities at Mosul airport as Camp Diamondback and Camp Glory.) The account includes details about how military intelligence officers encouraged interrogators to use increasingly harsh techniques on detainees during questioning, including painful stress positions, sleep deprivation, and threatening detainees with military guard dogs.

Interrogations

Tony Lagouranis, an Army interrogator at the rank of Specialist with the 202nd Military Intelligence Battalion, was based at Mosul airport from February to April 2004. [\[25\]](#) He provided intelligence-gathering support for combat operations in Mosul and also worked with the 311th Military Intelligence Battalion, based in Mosul at the time. He interrogated numerous detainees brought to the facility, as well as detainees initially detained in the Navy SEAL facility and then transferred into Army custody. The detainees he interrogated included persons arrested by both the Navy SEALs and Army units based at Mosul, who at the time were mostly comprised of units in the 101st Airborne Division. [\[26\]](#)

Lagouranis told Human Rights Watch that from the very first days he was deployed at Mosul, he saw abusive techniques being used,

including sleep deprivation, exposure to severe cold, forced exercises and use of painful stress positions, use of guard dogs to intimidate blindfolded detainees, and use of loud music and strobe lights to disorient detainees and keep them awake. Lagouranis-who was a Specialist-says he did not himself employ the techniques at first. However, after a few days at Mosul-and after pressure from Military Intelligence officers up the chain of command-he began participating in interrogations in which MPs and MI personnel were abusing detainees:

Lagouranis described to Human Rights Watch how one particular interrogation session, involving two brothers detained as suspected insurgents, became abusive after his MI officer pushed him and his team to become more aggressive:

Lagouranis explained that the abusive techniques were commonplace at Mosul, and that the general situation was chaotic. There were also signs of more serious abuse being committed by the Navy SEALs, in their facility. Lagouranis said he saw bruises and other signs of abuse on detainees transferred into Army custody from the Navy SEAL facility, and described how SEALs would often drop off or pick up detainees from Army custody, without explanation.

Lack of Guidance

There was not any initial training or guidance about what interrogators could and couldn't do, he said, just instructions from a military intelligence officer to use the abusive techniques. Generally, Lagouranis said, there was little guidance or oversight into how the interrogations were being conducted: "I wasn't really trained by interrogators up there. We just sort of set up under the Chief Warrant Officer and then started interrogating."

In March 2004, when Lagouranis and another interrogator voiced concerns about the techniques, their supervising MI officer provided them with an Interrogation Rules of Engagement card, authorizing the use of dogs, exposure to hot and cold temperatures, sleep deprivation, forced exercises and use of painful stress positions, and environmental manipulation (allowing strobe lights and loud music):

Corroborating Accounts

Lagouranis' accounts-including about abuses by Navy SEALs at Mosul-are consistent with other accounts of mistreatment at the Mosul facility documented by military investigators from late 2003 and through 2004.

For example, on December 9, 2003, according to Army criminal investigation documents, a detainee named Abu Malik Kenami (also known as Abdureda Lafta Abdul Kareem) died while in custody at Mosul Airport, after undergoing interrogation tactics similar to the tactics described above.^[28] (This was about a month before Lagouranis arrived at Mosul.) Army personnel told investigators that Kenami, who was arrested a few days before his death, was repeatedly punished "for talking" by being forced to do exhaustive exercises while he had a sandbag hood on his head. On the night of his death, he had his hands zip-tied behind his back and was placed with other detainees in a holding cell and told to sleep. Kenami was found dead the next morning. No autopsy was ever conducted and no official cause of death was determined. A review of the Kenami case was initiated after the Abu Ghraib scandal became public. Army reviewers criticized the initial criminal investigation for failing to conduct an autopsy, failing to interview the interrogators, medics, or detainees present at the scene of the death, and failing to collect physical evidence. As of July 2006, the Army appears to have taken no punitive or disciplinary action in the case.

A separate Army investigation in January 2004 detailed another detainee abuse case at the same facility at Mosul, reported on December 10, 2003 (the day after the death of Kenami, the detainee above). A teenage detainee who was undergoing stress exercises, as set out below, alleged that he was hit by a soldier and that his jaw was broken.^[29] He was flown to Baghdad for surgery. An Army investigation, ordered by Army General David Petraeus, established the following details, entitled "FACTS" in the investigative report:

The investigating officer also provided a synopsis of "Witness Statements" he took from various members of the 101st Airborne Division. The synopsis is as follows:

Despite documenting the above abuse, the investigation did not recommend court-martial or disciplinary action against any soldiers or the commander of the military intelligence unit at Mosul airport. Instead, the investigation put the blame on systemic problems and failures, noting that the MI unit was overburdened and not trained to operate a detainee holding facility. The investigation then noted that: "All deficiencies at the Strike BHA have been corrected"^[36] -an assertion that cannot be reconciled with the later reports of abuse in 2004 provided by Lagouranis and contained in the other documents cited in this report.

In fact, there were numerous other reports of abuse at Mosul airport in 2004, after the above investigation-including another death. A detainee named Fashad Mohammad died at the Mosul airport around April 5, 2004.^[37] According to military autopsy records released under a FOIA request, Mohammad was arrested by Navy SEALs in the Mosul area, and then transferred to the Mosul airport for interrogation.^[38] (It is not clear whether Mohammad was in SEAL custody for the entire time, or whether he was temporarily transferred into Army custody for part of the time). The Medical Examiner's report on Mohammad's death states that:

The autopsy report also describes "multiple minor injuries, abrasions and contusions" and "blunt force trauma and positional asphyxia," but then states that the cause of death and manner of death is "undetermined."^[40] According to reports in late 2004, three Navy SEALs were later recommended for courts-martial in relation to Mohammad's death, for aggravated assault, and cruelty and maltreatment of detainees, but it is not known whether any were ever charged.^[41]

Human Rights Watch asked military public affairs officials in May and June 2006 for information on the outcome of these cases. On June 21, 2006, Navy Commander Jeffrey Bender, a public affairs official with the Navy Special Warfare Command, communicated to Human Rights Watch in an e-mail that his office had no information about any courts martial or disciplinary measures related to the case.

It should be noted also that the accounts provided above-both Lagouranis' and those in military investigation documents-are consistent with accounts provided by detainees held at Mosul in 2003 and 2004. For instance:

Two detainees, Haitham Saeed al-Mallah and Yasir Rubaii Saeed al-Qutaji, told a British lawyer that they were held and mistreated at the facility in the Mosul airport in early 2004, which they called "the disco" (the name that, according to Largouranis, soldiers sometimes used to describe the BHA facility at Mosul). Al-Mallah says that he was detained at the disco in January 2004, and that U.S. personnel "left me standing for hours, handcuffed and hooded. . . . I was kicked very hard in the stomach, which was followed by continuous beating with a stick and with their boots until I fell unconscious. I only woke up after they poured over my head very cold water." Al-Mallah said other detainees were also mistreated, forced to carry out exhausting exercises, beaten, and doused with cold water whenever they fell to the floor. They were not permitted to use the toilet during these sessions, and allowed only two hours sleep at a time. The other detainee, al-Qutaji, had similar allegations. According to Shiner, Al-Qutaji was arrested in March 2004. While in custody, he says he was forced into painful stress positions and doused with cold water.[\[42\]](#)

A detainee held at Abu Ghraib made credible allegations in June 2004 that he was severely mistreated at Mosul airport after his arrest in March 2004: specifically, that he was beaten, subjected to loud music and other sleep deprivation, kept outside in the cold weather and repeatedly doused with cold water, dragged naked over rocky ground, and, at one point, tied up and put close to some sort of fire, which burned one of his knees.[\[43\]](#) The detainee's account suggested he was transferred to the Army facility at Mosul airport but on at least one occasion taken back by the SEALs for additional interrogation. The investigation confirmed that the detainee had been arrested by Navy SEALs from the Naval Special Warfare Squadron 7, around March 6, 2004, in Mosul, and that he was held at the detention facility at Mosul airport, where the SEALs had a separate facility. The investigation also confirmed that the detainee was held in the SEAL facility at the airport, and obtained medical records confirming that the detainee suffered injuries at Mosul during his detention, including burns; specifically, a medical record for March 21, 2004 stating that the detainee, "after being interrogated the evening prior, had 2nd degree burns and singed tissue on his body." Despite all these findings, the investigation was closed and no personnel were ever disciplined or prosecuted. Navy SEALs interviewed during the investigation made dubious claims about the detainee injuring himself by throwing himself on the ground. One investigating officer concluded without argument that the detainee's account was not credible, and stated that the medical records did not corroborate the allegations, with an unexplained assertion that the "alleged burns [on the detainee's body] were not consistent with thermal burns."[\[44\]](#)

Criminal Culpability

Most of the abuses described here, as with the testimonies from other detention facilities, appear to constitute violations of U.S. military and federal criminal law, and international humanitarian law. (For more information on legal provisions applicable to the treatment of detainees in Iraq, see section on "Legal Standards," below.) Yet as in the other cases, there are few indications the military has undertaken any meaningful efforts to investigate and prosecute abuses, besides the few inadequate investigations noted above. Besides the few efforts noted above, Human Rights Watch knows of no other investigations and courts-martial into abuses involving detainees at Mosul airport. As noted above, Human Rights Watch requested information from the Navy Special Warfare Command in June 2006 about investigations involving Navy SEALs near Mosul, but was told that no information was available.

There are no indications that officers up the chain of command at Mosul have been held accountable for any wrongdoing-though serious questions can be raised about the culpability of officers. A January 2004 investigation into abuse at Mosul, described above, reported systemic abuses in the detention and interrogation process at Mosul, yet it appears officers made no real efforts-or made inadequate efforts-to correct the situation or punish abusers.

As noted earlier, under the command responsibility doctrine, commanders can be held liable for the crimes of their subordinates if they knew or should have known about abuses but failed to stop them. Further investigation is needed into the role of the leadership at Mosul, and the underlying abuses themselves, but the accounts and documents cited here suggest that military commanders at Mosul should be investigated and, as the facts dictate, be held criminally liable for abuses.

The acts of torture and other cruel and inhumane treatment alleged in this report do not fall within gray areas in the law. During the periods discussed in this report, U.S. and coalition forces in Iraq were bound by various provisions of the 1949 Geneva Conventions, as well as by customary international law.[\[45\]](#) The Geneva Conventions applied not only to the armed conflict between the United States and Iraq during March and April 2003, but also to the period of occupation thereafter. Specifically, the United States continued to be bound as an occupying power by the terms of the Fourth Geneva Convention until at least June 28, 2004, when sovereignty was formally transferred to the Interim Iraqi government.[\[46\]](#)

Article 130 of the Third Geneva Convention and Article 147 of the Fourth Geneva Convention deem torture and other inhumane treatment of persons protected by the respective conventions to be "grave breaches" of those conventions.[\[47\]](#) Acts of torture and other mistreatment that took place against protected persons detailed in this report constituted grave breaches of the Geneva Conventions. The United States is bound to investigate and prosecute grave breaches that are committed by U.S. personnel in Iraq. The Geneva Conventions impose on the United States an obligation to "search for persons alleged to have committed, or order to be committed" grave breaches and to prosecute them.[\[48\]](#)

Other relevant provisions of the laws of war are also applicable. The continuing hostilities in Iraq since the end of the Saddam Hussein government are considered a non-international (internal) armed conflict, governed primarily by Article 3 common to the Geneva Conventions of 1949 ("Common Article 3"), which details minimal standards of treatment for persons during non-international armed conflict.[\[49\]](#) (Common Article 3, along with provisions of the 1977 Protocol I to the Geneva Conventions that also protect detainees, are also considered reflective of customary international law.[\[50\]](#))

Common Article 3 prohibits "at any time and in any place whatsoever . . . violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture, [and] outrages upon personal dignity, in particular, humiliating and degrading treatment." Additional applicable provisions, similar to those above, exist in the "fundamental guarantees" provided under article 75 of Protocol I to the Geneva Conventions, which as stated above is accepted as reflective of customary law on armed conflict, both international and non-international.

The mistreatment of prisoners as detailed in this report also violated U.S. obligations under international human rights law. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, prohibits both torture and "cruel,

inhuman and degrading treatment," and provides that "[n]o exceptional circumstances whatsoever, whether a state of war or a threat or war, internal political instability or any other public emergency, may be invoked as a justification of torture."^[51] The International Covenant on Civil and Political Rights,^[52] which also bans torture and other mistreatment, ensures that the right to be free from torture and other cruel, inhuman or degrading treatment can never be suspended by a state, including during periods of public emergency.^[53]

In addition to binding international legal obligations, various provisions of the U.S. Uniform Code of Military Justice subject soldiers to court-martial or disciplinary measures for mistreating prisoners.^[54] Applicable UCMJ criminal provisions include article 93 (cruelty and maltreatment), article 128 (assault), and articles 118 and 119 (murder and manslaughter), as well as article 120 (rape and carnal knowledge), article 124 (maiming), and, for officers, article 133 (conduct unbecoming an officer). Superior officers who order the mistreatment of prisoners or who knew or should have known that such mistreatment was occurring and did not take appropriate measures can be prosecuted as a matter of command responsibility.^[55]

U.S. federal criminal law is also applicable. The War Crimes Act of 1996 (18 U.S.C. 2441) makes it a criminal offense for any U.S. personnel to commit war crimes, which includes any conduct defined as grave breach of the Geneva Conventions and any conduct which is a violation of Common Article 3. In addition, the federal anti-torture statute (18 U.S.C. 2340A), enacted in 1994, provides for the prosecution of a U.S. national or anyone present in the United States who, while outside the United States, commits or attempts to commit torture. U.S. personnel are also bound by applicable federal provisions on assault, sexual abuse, and homicide.

Many of the crimes detailed in this report are violations of international humanitarian law, U.S. military law, and U.S. federal criminal law. The U.S. government's failure to properly investigate these violations is an affront to the victims of the abuses, and a violation of U.S. obligations under the Geneva Conventions, which obligate states to prosecute serious violations of the conventions' provisions ("grave breaches").

The accounts in this report are further evidence that detainee abuse was an established and apparently authorized part of detention and interrogation processes in Iraq for much of 2003-2005. The cases also show that U.S. military personnel have faced systemic obstacles to reporting or exposing abuses, that the U.S. military in numerous cases has not taken adequate measures to stop reported abuses. The report also shows that the U.S. military has often failed to properly investigate and prosecute perpetrators, including officers who allowed abuses to occur on their watch.

This report was written by John Sifton, senior researcher on terrorism and counterterrorism for Human Rights Watch. It is based on research conducted by Sifton and Marc Garlasco, senior military analyst for Human Rights Watch. It was edited by Joanne Mariner, director of Human Rights Watch's terrorism and counterterrorism program, and Joe Saunders, deputy program director. Aisling Reidy provided legal review. Thodleen Dessources and Andrea Holley formatted the report, and Rafael Jimenez designed the cover. Fitzroy Hepkins provided production assistance. Daniel Matza-Brown, Colleen Peppard, Zoe Salzman, Hanna Abrams, and Brendan Kao provided invaluable research assistance.

Human Rights Watch would particularly like to thank Katherine Hawkins, who conducted in-depth background research for this report.

Human Rights Watch would like to thank the American Civil Liberties Union, Human Rights First, the Center for Constitutional Rights, and the New York University Center for Human Rights and Global Justice, for their work and collaboration in investigating and compiling information about detainee abuse in Iraq.

Human Rights Watch's research on Iraq and counterterrorism issues requires significant resources. Human Rights Watch would like to thank Omar S. Amanat, Amberstone Trust, Paul Newman, The Pears Family Charitable Foundation, and Herman Warsh.

^[1] Serious allegations about Camp Nama were revealed in a front page article in the New York Times in March 2006, based on interviews with U.S. personnel who served at Nama or were familiar with operations there. Eric Schmitt and Carolyn Marshall, "In Secret Unit's 'Black Room,' a Grim Portrait of U.S. Abuse," *New York Times*, March 19, 2006.

^[2] The camp was so secure that in August 2003, Gen. Geoffrey Miller, the former commander of the Guantanamo Bay detention facility in Cuba, who was brought to Iraq in 2003 to evaluate and critique the military's intelligence-gathering methods, was denied access when he sought to visit. In the end, he was only admitted after he made several calls to higher-level military commanders. Human Rights Watch telephone interview with a former military interrogator familiar with the incident, May 2006.

A few months later, Col. Stuart A. Herrington, a retired Army intelligence officer who was asked by the chief of military intelligence in Iraq, Gen. Barbara Fast, to carry out an assessment of the military's intelligence-gathering and counter-insurgency tactics, was also denied access. Human Rights Watch interview with a person familiar with the contents of a memorandum written by Herrington to Fast. See also Josh White, "U.S. Generals in Iraq Were Told of Abuse Early, Inquiry Finds," *Washington Post*, December 1, 2004 (describing the contents of the Herrington memorandum).

^[3] This soldier requested that Human Rights Watch not use his real name or details about his deployment. The quotes and accounts provided by this soldier have been lightly edited—no substantive details have been altered in any way—solely to remove repetition and ensure readability.

^[4] As noted above, the task force at Nama changed its name several times in 2003-2006. The names have included Task Force 5, 20, 121, 6-26, and 145.

^[5] Investigation files from Army Criminal Investigative Command, Baghdad, Iraq, obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups, available at: http://www.aclu.org/torturefoia/released/030705/9117_9134.pdf.

^[6] Investigation files from Army Criminal Investigative Command, Baghdad, Iraq, obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups, available at: http://www.aclu.org/torturefoia/released/030705/9135_9166.pdf. The underlying investigation concerns an allegation that a military

guard at BIAP urinated into a bottle and gave it to a detainee to drink. The guard reportedly admitted to holding the bottle of urine to detainee's nose and making him smell it, "to teach him a lesson."

[7] Ibid.

[8] Sworn statement of an Army interrogator (name redacted) in the 1st Engineer Battalion, 3rd Combat Support Brigade, 95th Division, attached to the 519th Military Intelligence Battalion, obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups, available at: http://www.aclu.org/torturefoia/released/030905/DOD565_615.pdf (PDF p. 36), originally placed in the classified annex to the combined investigation report of Gen. Anthony R. Jones and Gen. George R. Fay, *AR 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade*, August 2004 [hereinafter Fay-Jones Report], available at: <http://www4.army.mil/ocpa/reports/ar15-6/AR15-6.pdf>.

[9] Sworn statement of a Lieutenant Colonel (name redacted) in the 115th Military Police Battalion, originally placed in the classified annex of the Fay-Jones report, obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups, available at http://www.aclu.org/torturefoia/released/030905/DOD780_821.pdf (PDF p. 50).

[10] Sworn statement of a soldier in the 321st Military Intelligence Battalion, originally placed in the classified annex of the Fay-Jones report, obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups, available at: http://www.aclu.org/torturefoia/released/030905/DOD452_517.pdf (PDF p. 71).

[11] E-mail with redacted FBI sender and recipient, entitled "TF 6-26 Update," June 25, 2004, obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups, available at: <http://www.aclu.org/torturefoia/released/FBI.121504.4887.pdf>.

[12] Unknown (name redacted) DIA interrogator, "Memorandum For Record: Report of Violations of The Geneva Conventions and the International Laws of Land Warfare," obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups, available at: <http://www.aclu.org/projects/foiasearch/pdf/DODDIA000172.pdf>.

[13] Memorandum from Vice Adm. Lowell E. Jacoby Under Secretary of Defense for Intelligence, Stephen A. Cambone, "Alleged Detainee Abuse by TF 6-26 Personnel," June 25, 2004, obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups, available at: http://www.aclu.org/torturefoia/released/t2596_0297.pdf.

[14] Cambone's note is at the same link: http://www.aclu.org/torturefoia/released/t2596_0297.pdf.

[15] Schmitt and Marshall, "In Secret Unit's 'Black Room,' a Grim Portrait of U.S. Abuse," *New York Times*, March 19, 2006.

[16] Transcript of Department of Defense Press Briefing with Lawrence Di Rita, December 8, 2004. The reported punishments were that two of the personnel were "reassigned to other responsibilities, and two were removed from the unit." Di Rita said that ten task force members in total had been issued "letters of reprimand" in relation to allegations of abuse, and that two special courts-martial were pending (note: special courts-martial can only result in a maximum of one year confinement).

[17] See Josh White, "U.S. Generals in Iraq Were Told of Abuse Early, Inquiry Finds," *Washington Post*, December 1, 2004. Human Rights Watch also interviewed a person familiar with the Herrington mission and memorandum, who requested that his name not be used.

[18] Josh White, "U.S. Generals in Iraq Were Told of Abuse Early, Inquiry Finds," *Washington Post*, December 1, 2004.

[19] This soldier requested that Human Rights Watch not use his real name or details about his deployment. The quotes and accounts provided by this soldier have been lightly edited-no substantive details have been altered in any way-solely to remove repetition and ensure readability.

[20] Nick told Human Rights Watch that about 20-40 detainees were typically held at Tiger at any one time, and that most detainees-after being interrogated at Tiger-were not released but usually sent south to Abu Ghraib or to other facilities. He said most detainees spent about one month at Tiger.

[21] I.e., the main theme song from the children's television show "Barney," a simplistic and short song with the lyrics: "I love you/ You love me/ We're a happy family/ With a great big hug and a kiss from me to you/ Won't you say you love me too?/ I love you/ You love me/ We're best friends as friends should be/ With a great big hug and a kiss from me to you/ Won't you say you love me too?"

[22] See Human Rights Watch, "Leadership Failure: Firsthand Accounts of Torture of Iraqi Detainees by the U.S. Army's 82nd Airborne Division," September 2005, Volume 17, No. 3(G), pp. 6-8, available at <http://hrw.org/reports/2005/us0905/>.

[23] The description of this case is based on numerous sources, including: Army Criminal Investigation Command documents and Autopsy Examination Reports and Death Certificate, obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups, available at: http://www.aclu.org/torturefoia/released/041905/m001_203.pdf; Arthur Kane, "Iraqi General Beaten 2 Days Before Death," *Denver Post*, Apr. 5, 2005; "Guardman: CIA beat Iraqis with hammer handles," *Denver Post*, July 25, 2005; Josh White, "U.S. Army Officer Convicted in Death of Iraqi Detainee," *Washington Post*, January 23, 2006; and notes taken by Human Rights First during the Welshofer court-martial, see "Welshofer In His Own Words," January 20, 2006 (on file with Human Rights First), excerpts available at: http://www.humanrightsfirst.org/us_law/etn/trial/welshofer-012006d.asp.

[24] Chief Warrant Officer Lewis Welshofer, testifying during his court-martial, January 19, 2006, see "Welshofer In His Own Words," January 20, 2006 (on file with Human Rights First), excerpts available at: http://www.humanrightsfirst.org/us_law/etn/trial/welshofer-012006d.asp.

[25] The quotes and accounts provided by this soldier have been lightly edited-no substantive details have been altered in any way-solely to remove repetition and ensure readability.

[26] Serving at these holding areas, besides the Navy SEALs, were various soldiers in the 101st Airborne Division, including soldiers from the division's 1st Battalion, 502nd Infantry Regiment ("1/502"); soldiers from the 1st Battalion, 327th Infantry Regiment ("1/327"); soldiers from 2nd Battalion, 44th Air Defense Artillery Regiment ("2/44"); and soldiers from the 311th Military Intelligence Battalion ("311 MI").

[27] The IROE does appear to have been outdated. Lt. Gen. Ricardo S. Sanchez, then the chief commander in Iraq, had authorized a set of interrogation rules allowing these abusive techniques in September 2003, but then formally withdrew them in October 2003. However, as detailed in this report and in other accounts, personnel throughout Iraq continued to use many of the techniques well into 2004. See Article 15-6 Investigation of CJSOTF-AP and 5th SF Group Detention Operations by General Richard P. Formica (redacted and declassified copy), November 2004 (on file with Human Rights Watch). The Formica report found that Special Forces groups working in Iraq were still using many of the rescinded techniques, months after Sanchez's order. See also Eric Schmitt, "Pentagon Study Describes Abuse by Units in Iraq," *New York Times*, June 17, 2006.

[28] The facts described here are discussed in more detail in a recent joint report by Human Rights Watch, Human Rights First, and NYU Center for Human Rights and Global Justice: "By the Numbers: Findings of the Detainee Abuse and Accountability Project," April 2006, appendix B.

[29] The description of this case is based on Army investigation documents obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups, available at: http://www.aclu.org/torturefoia/released/032505/1081_1180.pdf (see PDF pp. 84-100)

[30] See *ibid*.

[31] Signifies 1st Battalion, 502nd Infantry Regiment of the 101st Airborne Division.

[32] "Smoking detainees" refers to the technique of using forced exercises and painful stress positions on detainees. For more information and descriptions about "smoking detainees," see: Human Rights Watch, "Leadership Failure: Firsthand Accounts of Torture of Iraqi Detainees by the U.S. Army's 82nd Airborne Division," September 2005, Volume 17, No. 3(G), p. 7, available at <http://hrw.org/reports/2005/us0905/>.

[33] Stands for "Improvised Explosive Device," the commonly used acronym for bombs used by insurgent groups against U.S. forces in Iraq. The personnel appear to have used the term to imply that detainees were responsible for setting bombs targeting U.S. forces.

[34] Signifies 3rd Battalion, 327th Infantry Regiment of the 101st Airborne Division.

[35] Signifies 2nd Battalion, 44th Air Defense Artillery Regiment of the 101st Airborne Division.

[36] See *ibid*.

[37] See autopsy report cited in footnote below. Lagouranis told Human Rights Watch that he heard about a death that took place in Navy SEAL custody while he was at Mosul, but he had no first hand knowledge of what happened. Human Rights Watch telephone interview with Lagouranis, May 2006.

[38] Office of the Armed Forces Medical Examiner, Final Autopsy Report for Autopsy No. ME-04-309 (Fashad Mohammad), November 22, 2004, (on file with the advocacy group Human Rights First).

[39] *Ibid*.

[40] *Ibid*.

[41] Eric Schmitt, "Navy Charges 3 Commandos With Beating Of Prisoners," *New York Times*, September 25, 2004. ("The new Navy charges stem from the death in early April of Fashad Muhammad, an Iraqi seized by the commandos after a struggle and turned over to Army personnel at a logistics support base called Diamondback, near Mosul. A preliminary autopsy indicated blows to the torso and a lack of oxygen, possibly caused by severe restraint.") See also Josh White, "3 More Navy SEALs Face Abuse Charges; Sailors Linked to Two Deaths in Iraq," *Washington Post*, September 25, 2004 (The three were "charged with counts that include assault with a dangerous weapon, aggravated assault with intent to cause death or serious bodily harm, and maltreatment of detainees"; although investigators linked these and other SEALs in the same unit to other detainee deaths in Iraq in November 2003 and April 2004, no personnel have been charged with manslaughter or homicide).

[42] This information is based on written statements Haitham Saeed al-Mallah and Yasir Rubaii Saeed al-Qutaji provided in September 2004 to a British lawyer, Phil Shiner. Shiner provided copies of the statements to Human Rights Watch in June 2006. See also, Peter Graff, "U.S. Torture in Iraq Spread to Mosul," Reuters, September 14, 2004.

[43] The description of this case is based on Army investigation documents obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups, available at: http://www.aclu.org/torturefoia/released/1248_1288.pdf.

[44] See *ibid*. It is not specified what other types of burns the officer believed the detainee had; in any case, the burns were not merely "alleged" but were confirmed in the medical files obtained by the investigation.

[45] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention), 75 U.N.T.S. 31, entered into force Oct. 21, 1950; Geneva Convention for the Amelioration of the Condition of Wounded,

Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention), 75 U.N.T.S. 85, entered into force Oct. 21, 1950; Geneva Convention relative to the Treatment of Prisoners of War (Third Geneva Convention), 75 U.N.T.S. 135, entered into force Oct. 21, 1950; Geneva Convention relative to the Protection of Civilian Persons in Time of War (Third Geneva Convention), 75 U.N.T.S. 287, entered into force Oct. 21, 1950.

[46] U.S. officials have made statements before and after the transfer stating that they consider the United States bound by the Geneva Conventions. Secretary of State Colin Powell, at the time of handover, wrote that "the forces that make up the MNF are and will remain committed at all times to act consistently with their obligations under the law of armed conflict, including the Geneva Conventions." See Letter from Secretary of State Colin Powell to the President of the U.N. Security Council, June 5, 2004, Annex to S/RES/1546 (2004). In October 2005, Condoleezza Rice confirmed that: "The forces that make up the MNF will remain committed to acting consistently with their obligations under international law, including the law of armed conflict." See Letter of October 29, 2005 from Secretary of State Condoleezza Rice to the President of the U.N. Security Council, Annex II to S/RES/1637 (2005).

[47] Prisoners of war, defined in Article 4 of the Third Geneva Convention, are protected persons for the purposes of that Convention. The Fourth Geneva Convention defines persons protected by the convention as all persons not otherwise protected by the first three conventions who, "at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals."

[48] See Art. 130, Third Geneva Convention, Art. 147, Fourth Geneva Convention.

[49] For guidance on applicable rules under customary international law, see study commissioned by the International Committee of the Red Cross, Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law* (Cambridge: Cambridge Univ. Press, 2005), in particular, on the law relating to humane treatment of detainees, see pp. 299 - 396. See also U.S. Army Judge Advocate General's Legal Center and School, *Law of War Handbook* 144 (2004), stating that Common Article 3 "serves as a 'minimum yardstick of protection in all conflicts, not just internal armed conflicts,'" (quoting *Nicaragua v. United States*, 1986 I.C.J. 14, 218, 25 I.L.M. 1023); *Prosecutor v. Tadic*, International Criminal Tribunal for the Former Yugoslavia, Case No. IT. 94.1, Decision on the Defense Motion for Interlocutory Appeal on Jurisdiction, 102 (ICTY App. Chamber, Oct. 2, 1995) ("the character of the conflict is irrelevant" in deciding whether Common Article 3 applies).

[50] See Henckaerts and Doswald-Beck, *Customary International Humanitarian Law*; see also *Hamdan v. Rumsfeld*, 548 U. S. (2006), opinion of Justice Stevens: "Although the United States declined to ratify Protocol I, its objections were not to Article 75 thereof. Indeed, it appears that the Government 'regard[s] the provisions of Article 75 as an articulation of safeguards to which all persons in the hands of an enemy are entitled.'" See also William Taft, "The Law of Armed Conflict After 9/11: Some Salient Features," 28 Yale J. Int'l L. 319, 322 (2003).

[51] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 39/46, annex, 39, U.N. Doc. A/39/51 (entered into force June 26, 1987; ratified by the United States on October 21, 1994).

[52] International Covenant on Civil and Political Rights, 999 U.N.T.S. 171 (entered into force March 23, 1976, ratified by the United States on June 8, 1992).

[53] See UN Human Rights Committee, general comment No. 29: Article 4: "Derogations during a state of emergency," Adopted at the 1950th meeting, on 24 July 2001, paras. 7, 11, and 13.

[54] The Uniform Code of Military Justice is codified at Title 10, Chapter 47 of the U.S. Code (10 U.S.C. 801 et seq.).

[55] For further details on the doctrine of command responsibility, see Human Rights Watch, "Getting Away with Torture? , Command Responsibility for the U.S. Abuse of Detainees," April 2005, Vol. 17, No. 1 (G), Annex, available at http://www.hrw.org/reports/2005/us0405/10.htm#_Toc101408106.

Abusive Techniques Were Authorized, Soldiers Complaints Ignored

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

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