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US turned blind eye to torture

Leaked documents on Iraq war contain thousands of allegations of abuse, but a Pentagon order told troops to ignore them.

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An alleged militant identified only as "DAT 326" was detained by the Iraqi army on July 7, 2006 at a checkpoint in the town of Tarmiya, north of Baghdad. When US forces interrogated him later that night, he described hours of brutal abuse at the hands of the Iraqi soldiers, an allegation apparently backed by the findings of a medical exam.

DAT 326 states he was told to lay down on his stomach with his hands behind his back, which is when the Iraqi soldiers allegedly stepped, jumped, urinated and spit on him.

[...] DAT 326 was evaluated and treated for his injuries at Cobra Clinic. Injuries include blurred vision, diminished hearing in left ear, bleeding in ears, bruising on forehead, neck, chest, back, shoulders, arms, hands, and thighs, cuts over the left eye and on the upper and lower lips, hemorrhaging eyes, blood in nasal cavities, and swollen hands/wrists.

Since the alleged torture was committed by Iraqi forces, the US quickly dropped the case: "Due to no allegation or evidence of US involvement, a US investigation is not being initiated," the report said.

A review of the leaked documents reveals more than 1,000 allegations of abuse committed by Iraqi security forces. Not all of them are credible, as some detainees showed no physical evidence of abuse, while others changed their stories during multiple interrogations.

But hundreds of them – like "DAT 326" – are supported by medical evidence and other corroboration. Those reports demonstrate a clear pattern of abuse and torture in Iraqi jails, one that a high-level Pentagon directive barred US forces from investigating.

"Only an initial report will be made"

The instruction not to investigate was handed down in fragmentary order (FRAGO) 242, first mentioned in a report filed on May 16, 2005.

Provided the initial report confirms US forces were not involved in the detainee abuse, no further investigation will be conducted unless directed by HHQ.

The order is mentioned again in a report on June 19, which says that "only an initial report will be made for apparent [laws of armed combat] violations... not involving US forces." That initial report was often enough to establish that torture had taken place, and the results of interviews and medical examinations were reported in gruesome detail, like the July 2006 report about a detainee in Baghdad suspected of being a foreign fighter.

Any further investigation, however, required sanction from superiors and such approval was rarely given. Thus the US did little to address abuses by Iraqi soldiers and police. Hundreds of abuse reports conclude with the phrase, "the allegation is being forwarded to the [Iraqi army] commander for investigation".

The US state department, indeed, has repeatedly noted that the Iraqi government ignores reports of torture and abuse. "There was little indication that disciplinary action was taken against security forces accused of human rights abuses," the department wrote in its **2007 human rights report on Iraq**.

That has slowly begun to change – in 2009, Iraq's interior ministry **opened 55 investigations** into human rights abuses – but the US state department's reporting shows that abuses reported to the Iraqi interior ministry were ignored for years.

Violating its obligations

International law did not require the US to investigate these allegations of Iraqi-on-Iraqi detainee abuse, because all of them were reported after June 30, 2004 – when Iraq once again became a "sovereign country", according to the United Nations resolution 1546. The United States no longer directly controlled Iraq's security services, and thus, it was no longer legally obligated to police them.

One could argue, of course, that the decision to look the other way represents a clear moral failing – and a conscious decision to undermine US' own stated goal of nation-building. The US has spent tens of millions of dollars to develop prisons, courts, and the "rule of law" in Iraq. But the leaked documents show that Iraq's security forces routinely violated the most basic rights of detainees in their custody, assaulting them, threatening their families, occasionally even raping or murdering them.

More importantly, many of the detainee abuse reports suggest that the US knowingly violated the United Nations Convention Against Torture.

The convention – which the United States ratified in 1994 – forbids signatories from transferring a detainee to other countries "where there are substantial grounds for believing that he would be in danger of being subjected to torture".

The thousand-plus allegations of torture in Iraqi jails, many of them substantiated by medical evidence, clearly seem to constitute "substantial grounds" to believe that prisoners transferred to Iraqi custody could be tortured. Yet the US has transferred thousands of prisoners to Iraqi custody in recent years, including nearly 2,000 who were handed over to the Iraqis in July, 2010.

"Evidence of unchecked torture"

The abuses reported by detainees were often nearly identical to those used by the ousted regime of Saddam Hussein. Some detainees were whipped across the feet with heavy cables, an excruciatingly painful form of torture but one that leaves few marks on its victims. Others reported being hung from hooks attached to the ceiling, or receiving electrical shocks across their bodies.

1x detainee claims that he was seized from his house by IA in the Khalis area of the Diyala province. He was then held underground in bunkers for approximately 2 months around August 2005 and subjected to torture by members of the 2/5 IA. This alleged tortured [sic] included, among other things, the strappado stress position, whereby his hands were bound/shacked [sic] and he was suspended from the ceiling; the use of blunt objects (i.e. pipes) to beat him on the back and legs; and the use of electric drills to bore holes in his legs.

Sexual assault, or the threat there of, was a common tactic for interrogators. One detainee said he was sodomised with a water bottle; another, with a hose.

A number of reports describe apparent "torture rooms" in police stations and army installations across the country.

Evidence of unchecked torture was noted in the Iraqi police station in Husaybah, IZ. Large amounts of blood on the cell floor, a wire used for electric shock and a rubber hose were located in the holding cell.

US forces did occasionally act to stop abuses by Iraqi security forces: In August 2005, for example, an American army patrol stopped a group of Iraqi soldiers from punching a detainee in their custody.

Such intervention was more an exception rather than the rule. An August 2006 report describes Sergeant Andrew Spade, from the 300th Military Police company, who witnesses Iraqi police whipping and kicking detainees. But the army does nothing to remove them from the abusive officers: "Both [detainees] are still at Al Huryia police station," the report notes. [[173:060]] US forces too indulged in abuses. The most notorious of course was the systematic torture at Abu Ghraib prison, west of Baghdad.

However, the leaked Iraq reports document a number of smaller-scale abuses. In October 2006, for example, members of a Stryker battalion talked about detainee abuses committed by their unit, a report that was forwarded to a higher-level commander.

They said when persons were detained, the driver of the Stryker would call back to warn the soldiers that he was about to stop abruptly. The soldiers would hold on and watch as the detainee was propelled forward. PFC Palmer and unidentified SPC also explained how soldiers in the bank [sic] of the Stryker would take turns punching the detainees... on one occasion a Sunni detainee was extremely upset after the Stryker knowingly dropped the detainee off outside of a Shia mosque.

There are numerous other claims, of US troops allegedly beating detainees or threatening to kill their families.

Still, the vast majority of the allegations deal with abuse committed by Iraqi security forces – abuse that human rights groups allege continues to this day. Indeed, **Amnesty International warned in September** that detainees recently transferred to Iraqi custody – and others who could soon be handed over - "remain at risk of torture and other forms of ill-treatment".