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Rank and File Have Taken Heat for Abu Ghraib

Upper-level officials don't face charges

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WASHINGTON -- With his job on the line over the shocking revelations of torture at Abu Ghraib prison last year, Defense Secretary Donald H. Rumsfeld told the world to "watch how democracy deals with wrongdoing and scandal and the pain of acknowledging and correcting our own mistakes and, indeed, our own weaknesses."

Now, exactly one year after the photographs from Abu Ghraib became public, the Defense Department has placed seven low-ranking guards under court-martial. No general -- or colonel, or CIA intelligence officer, or political appointee -- has faced any charges.

Human rights groups yesterday seized on the anniversary to reiterate their dismay over the lack of command responsibility, saying Abu Ghraib will be remembered as much for who wasn't held accountable as who was.

But while investigations into the Iraqi prison case have come to a close, the scandal has led to broader revelations about the mistreatment of prisoners in US military custody around the world.

Disclosures at other military detention centers, from Guantanamo Bay to Afghanistan, have revealed use of sleep deprivation, shackling in painful positions, exposure to temperature extremes, and beatings that have resulted in at least 28 deaths -- suggesting that the detainee abuse scandal that started with Abu Ghraib will haunt the war on terrorism for years to come.

"The abuses aren't as sexy, so to speak, as some of the genuinely perverted images that came from Abu Ghraib," said Ken Hurwitz of Human Rights First. "But the real interrogations have been, by all accounts, quite brutal. As more and more detainees are released from places like Guantanamo, the idea that Guantanamo was doing it right and Abu Ghraib was doing it wrong is just not holding up."

The Army is preparing to update its interrogation manual to bar such harsh techniques and to incorporate safeguards to prevent such misconduct at military prison camps, The New York Times reports today, quoting Army officials. The officials said that such practices as stripping prisoners, keeping them in stressful positions for long periods, and using dogs to intimidate inmates would be prohibited.

At the height of the Abu Ghraib controversy, the FBI asked agents who had been to Guantanamo Bay to report any abuses they had seen at the prison for detainees from Afghanistan. Agents responded with graphic descriptions of what one called "torture techniques."

Further reports disclosed this spring that the Army is investigating 28 homicides of detainees in Iraq and Afghanistan -- only one of which was at Abu Ghraib. And pressure has been building on the CIA to open its files about the treatment of those in its custody, including rendering prisoners to other countries that use torture.

Meanwhile, the Army has tried or administratively punished about 125 soldiers for abusing detainees in Iraq or Afghanistan since 2002, including seven reservists who appeared in the Abu Ghraib pictures. None of the Abu Ghraib defendants are ranked higher than staff sergeant, even though several asserted that they were acting on superiors' orders.

Five of the seven have pleaded guilty or been convicted of criminal charges, including Specialist Charles Graner Jr., who was sentenced to 10 years in prison. The other two, including Private First Class Lynndie England, are scheduled to go on trial next month.

But investigations into the culpability of higher authorities -- from the CIA to military leaders to civilians in the Bush administration -- have been far less fruitful.

One of the investigations, led by Major General George Fay, found that the CIA, which oversaw some of the interrogations at Abu Ghraib, had "poisoned the atmosphere" and led to "a loss of accountability [and] abuse." But he went no further, complaining that the agency did not turn over information he requested.

But disclosures in the past year have shed light on secret discussions among high-ranking civilian officials in the Bush administration about what kind of interrogation techniques would be allowed.

Attorney General Alberto Gonzales, while he was serving as White House counsel, commissioned a memo from Justice Department aides that defined torture as only those techniques that can cause major organ failure or death, a standard that would allow many types of pain to be inflicted on detainees. Lawyers for then-secretary of state Colin L. Powell and for the military services objected strenuously to the definition, but Rumsfeld's top lawyer, William Haynes, overruled them.

After the memo was leaked to the public in late 2004, however, the administration disavowed it and replaced it with a less permissive version, saying it had never relied on the more extreme claims in setting policy.

To many human rights activists, the memo is the evidence that proved high-level culpability for prisoner abuses. But that view is not universal.

James Carafano, a national security analyst at the conservative Heritage Foundation, argued that "you can't draw a line from the [memo] to the White House, and from the White House to torture . . . I'm all for having heads roll, but I want to have evidence first that people's actions led to the bad events."

Still, reports have shown that Rumsfeld himself briefly approved the use of particularly harsh techniques at Guantanamo Bay in December 2002, and Lieutenant General Ricardo Sanchez briefly approved such a list for use at Abu Ghraib in September 2003. In both cases, the officials rescinded those policies after only a month.

But the 10 official investigations into detainee abuses have all concluded that top officials did not authorize a systematic policy of torturing detainees. Instead, they blamed abuse cases on confusion amid changing rules, lax supervision, poor training, and individual misconduct.

An independent panel led by former defense secretary James Schlesinger said there was "both institutional and personal responsibility at higher levels" for the "widespread abuses," but characterized this culpability as indirect.

The Army's inspector general recently completed the final investigation into detainee matters. Though its report has not been made public, the Washington Post reported that it clears Sanchez and top aides of misconduct, while recommending an administrative reprimand for Brigadier General Janis Karpinski, who was in charge of Abu Ghraib at the time of the abuses.

Karpinski has said her Army superiors banned her from the wing of the prison where interrogations took place after Major General Geoffrey Miller, then the Guantanamo commander, visited Abu Ghraib in September 2003. Miller, who made recommendations to Sanchez about

how to get more information from prisoners, has denied that his suggestions could have led to any mistreatment of prisoners.

At a press conference this week, Rumsfeld declined to answer critics who said the inspector general's report shows the Army is unwilling to hold high-ranking officials responsible for abuses. He said he has not seen the report.

Meanwhile, in a Senate speech this week marking the anniversary of the Abu Ghraib revelations, Senator Edward M. Kennedy, Democrat of Massachusetts, accused the Bush administration of letting low-ranking soldiers be scapegoated for the consequences of policies enacted by top military and civilian officials.

Kennedy and other administration critics have called for a full outside inquiry. But even if such an inquiry doesn't occur, one said, the full truth will eventually be known, even if it takes decades.

"The full story of the torture and abuse that has happened, and the systematic nature of it, will come out," said ACLU president Anthony Romero. "The question is, will future generations look back at us and decide that we were sufficiently vigorous in prosecuting the torture and abuse that happened?"