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Files suggest US troops tried to hide abuses

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WASHINGTON -- A former Iraqi detainee told Army investigators that a US soldier forced him to sign a statement that he had not been abused even though American interrogators in September 2003 had dislocated his arms, beaten his leg with a bat, crushed his nose, and put an unloaded gun in his mouth and pulled the trigger, according to newly released internal military documents.

In addition, a sergeant at a military camp in southern Afghanistan told an Army investigator in July 2004 that his unit erased a series of digital photographs showing guards beating detainees and aiming guns at hooded prisoners. The sergeant said the pictures were deleted after photos from the Abu Ghraib prison appeared in the media, out of the unit's fear that the pictures could spark a second wave of scandal.

The disclosures provide the first evidence that in both the Iraq and Afghanistan theaters of war, soldiers involved in alleged abuse incidents may have sought to suppress evidence of their actions, muddying any inquiry into how pervasive the abuse of detainees was. Other documents released yesterday also suggest that while the military has said it is investigating all allegations of abuse, it is also closing many of the investigations on the grounds that no conclusion can be reached.

"These raise the question of how many other allegations of abuse were buried in the same way," said Jameel Jaffer, a staff attorney with the American Civil Liberties Union, which has filed a Freedom of Information Act request seeking government documents on detainee abuses. "That's very troubling because we already think that abuse was pervasive, but maybe there is a whole layer of abuse that we haven't seen."

Lieutenant Colonel Pamela Hart, an Army spokeswoman, released a fact sheet about the documents and a statement saying, "The Army remains committed to addressing identified problems in detainee operations and to communicating the progress to the public."

The newly disclosed abuse allegations were among 988 pages of Army Criminal Investigation Division files released yesterday by the ACLU, which is making the documents public when it obtains them from various federal agencies.

In addition to indicating two examples of evidence of abuse that allegedly was suppressed, the documents also indicated that military investigators often closed cases quickly on the grounds that they did not have enough evidence to prove or refute the claims, Jaffer said.

"What we do see here is more evidence of a pattern in which the government failed to aggressively investigate credible allegations of abuse," he said.

The files released yesterday cover eight separate Army investigations in detention centers in Iraq and Afghanistan, including the one in which the Iraqi detainee was forced to sign a statement saying he was not abused -- in exchange for his freedom -- and the sergeant in Afghanistan who said soldiers wiped out digital pictures of abuse.

The ACLU documents also include the case of a detainee who died while in US custody, and seven alleged assaults on detainees or civilians. Army investigators determined that the detainee died from natural causes, and five of the seven alleged assault cases were closed with a

conclusion that the claims were unfounded or there was not enough evidence to support them. The cases have not been previously reported.

An Army fact sheet released yesterday said six soldiers were punished under the Uniform Code of Military Justice, and two soldiers were disciplined through less serious administrative proceedings. The military did not match the cases to the punishments.

In one case, two soldiers allegedly punched and kicked an Iraqi whom they had captured at a roadblock after a female passenger in his car accused him of raping her. A sergeant allegedly videotaped the beating. An investigator concluded there was "probable cause" to believe this assault had occurred, but the file did not say whether any punishment resulted.

Jaffer suggested that the cases that the military closed for insufficient evidence merited greater scrutiny.

For example, senior "psychological operations" officers in Afghanistan reported seeing special forces soldiers assault civilians during raids in the villages of Gurjay and Sukhagen in May 2004. But investigators could not go to those villages and interview witnesses because the area was deemed too dangerous, so they closed the case without a finding.

In the case of the Iraqi who said he was forced to sign a document clearing his captors, investigators initially closed his case almost immediately, according to the documents. Six months later, after the Abu Ghraib prison scandal grabbed headlines, investigators reopened his case. The documents report that investigators found medical records apparently confirming his broken nose and other injuries, and tracked the man down in Tikrit to take a statement. But the case was closed for insufficient evidence after one of his interrogators denied he had seen the alleged abuse.

The Army statement said it "stands prepared to reopen any investigation should additional information become available that warrants further investigative action. In fact, (the Criminal Investigative Division) has done so on a number of occasions when new information or evidence has come to light."

The Army also noted that it has conducted 950 interviews in its investigation of alleged detainee mistreatment around the world and opened more than 300 criminal investigations. Allegations against more than 100 military members have led to courts-martial and administrative punishments, it said.

The Defense Department has released about 21,600 pages of documents on allegations of detainee abuse, and thousands more have come from other agencies. Jaffer said most of the documents that have not yet been made public are from the CIA, the Pentagon, and the Justice Department's Office of Legal Counsel, which analyzed interrogation techniques and laws against torture.

One previously released batch included descriptions of aggressive interrogations at the US military prison at Guantanamo Bay, Cuba, as recounted in 2002 and 2003 by FBI agents who said they were outraged by what they had witnessed. It also made reference to top Pentagon approval for certain techniques.

The FBI agents described seeing detainees bound in painful positions for 24 hours or more; one detainee defecated on himself. They also described detainees being left in rooms that were freezing or sweltering, with loud music piped in on speakers.

The release of the FBI files in December renewed questions about whether the Bush administration had secretly authorized interrogation techniques that violate US laws against

torture and the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. The Bush administration has denied any policy authorizing torture.

During a hearing of the Senate Armed Services Committee yesterday, Senator Carl Levin, Democrat of Michigan, asked Defense Secretary Donald H. Rumsfeld about the FBI memos. Rumsfeld testified that he had been aware of the general dispute between FBI interrogators and the military about whether the aggressive interrogation techniques were appropriate or counterproductive. He noted that the specific allegations of abuse contained in the memos are under investigation, and "we will pursue every one of them."