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THE CONFLICT IN IRAQ

Lawmakers Disturbed by Report of Secret Transfers of Detainees; CIA purportedly moved prisoners out of Iraq, a possible violation of the Geneva Convention.

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WASHINGTON

A report that the CIA secretly transferred detainees out of Iraq for interrogation without notifying the Red Cross drew criticism Sunday from key members of Congress.

"The thing that separates us from the enemy is our respect for human rights," Sen. John McCain (R-Ariz.) said on ABC's "This Week."

McCain was responding to a report in Sunday's Washington Post that as many as a dozen detainees had been moved out of Iraq over the last six months, a possible violation of the Geneva Convention.

The Post cited a draft Justice Department opinion, written in March, as saying that the CIA can take Iraqis from their country for interrogation for a "brief but not indefinite period." Intelligence officials have not disclosed the names or the locations of the detainees removed from Iraq.

"These conventions and these rules are in place for a reason, because you get on a slippery slope and you don't know where to get off," McCain said. This latest disclosure, he added, is "another argument for new bosses at the CIA" and for an overhaul of the nation's intelligence-gathering operation.

Sen. Joseph R. Biden Jr. of Delaware, senior Democrat on the Senate Foreign Relations Committee, said the disclosure showed a need for "new leadership" at the Justice Department.

Congress is now considering legislation that would revamp the 15 agencies in the U.S. intelligence community under a new director of national intelligence. The CIA has come under fire for failures in intelligence-gathering before the Iraq war, as well as for having as many as 100 "ghost detainees" -- prisoners who were held without being registered and whose whereabouts were not officially known -- in Iraq.

White House spokeswoman Suzy DeFrancis said Sunday that the administration would not comment on specific intelligence matters "because of the importance and sensitivity of intelligence activities in fighting and winning the war on terror."

U.S. policy, she said, "is to follow the Geneva Conventions, which we believe apply to the conflict in Iraq, and the president expects that policy to be followed."

The administration has argued that prisoners captured in Afghanistan and detained at the U.S. naval base at Guantanamo Bay, Cuba, are "enemy combatants," not prisoners of war. As such, they are not entitled to the international safeguards accorded POWs under the Geneva Convention -- although U.S. officials insist that the spirit of international law is observed.

Under the Geneva Convention, the guiding principle of international law during wartime, "individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying power or to that of any other country, occupied or not, are prohibited, regardless of their motive."

Although the administration has justified the relocation of enemy combatants from Afghanistan to Guantanamo Bay, a top Pentagon lawyer assured reporters in June, after the Abu Ghraib prison scandal, that the treatment of prisoners in Iraq would be "all Geneva, all the time." Another Defense Department lawyer described the situation in Iraq as a more traditional conflict involving two signatories of the Geneva Convention, unlike the fight against the Taliban or Al Qaeda.