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## **War Crimes**

Editorial  
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THANKS TO a lawsuit by the American Civil Liberties Union and other human rights groups, thousands of pages of government documents released this month have confirmed some of the painful truths about the abuse of foreign detainees by the U.S. military and the CIA -- truths the Bush administration implacably has refused to acknowledge. Since the publication of photographs of abuse at Iraq's Abu Ghraib prison in the spring the administration's whitewashers -- led by Defense Secretary Donald H. Rumsfeld -- have contended that the crimes were carried out by a few low-ranking reservists, that they were limited to the night shift during a few chaotic months at Abu Ghraib in 2003, that they were unrelated to the interrogation of prisoners and that no torture occurred at the Guantanamo Bay prison where hundreds of terrorism suspects are held. The new documents establish beyond any doubt that every part of this cover story is false.

Though they represent only part of the record that lies in government files, the documents show that the abuse of prisoners was already occurring at Guantanamo in 2002 and continued in Iraq even after the outcry over the Abu Ghraib photographs. FBI agents reported in internal e-mails and memos about systematic abuses by military interrogators at the base in Cuba, including beatings, chokings, prolonged sleep deprivation and humiliations such as being wrapped in an Israeli flag. "On a couple of occasions I entered interview rooms to find a detainee chained hand and foot in a fetal position to the floor, with no chair, food or water," an unidentified FBI agent wrote on Aug. 2, 2004. "Most times they had urinated or defecated on themselves, and had been left there for 18 to 24 hours or more." Two defense intelligence officials reported seeing prisoners severely beaten in Baghdad by members of a special operations unit, Task Force 6-26, in June. When they protested they were threatened and pictures they took were confiscated.

Other documents detail abuses by Marines in Iraq, including mock executions and the torture of detainees by burning and electric shock. Several dozen detainees have died in U.S. custody. In many cases, Army investigations of these crimes were shockingly shoddy: Officials lost records, failed to conduct autopsies after suspicious deaths and allowed evidence to be contaminated. Soldiers found to have committed war crimes were excused with noncriminal punishments. The summary of one suspicious death of a detainee at the Abu Ghraib prison reads: "No crime scene exam was conducted, no autopsy conducted, no copy of medical file obtained for investigation because copy machine broken in medical office."

Some of the abuses can be attributed to lack of discipline in some military units -- though the broad extent of the problem suggests, at best, that senior commanders made little effort to prevent or control wrongdoing. But the documents also confirm that interrogators at Guantanamo believed they were following orders from Mr. Rumsfeld. One FBI agent reported on May 10 about a conversation he had with Guantanamo's commander, Maj. Gen. Geoffrey D. Miller, who defended the use of interrogation techniques the FBI regarded as illegal on the grounds that the military "has their marching orders from the Sec Def." Gen. Miller has testified under oath that dogs were never used to intimidate prisoners at Guantanamo, as authorized by Mr. Rumsfeld in December 2002; the FBI papers show otherwise.

The Bush administration refused to release these records to the human rights groups under the Freedom of Information Act until it was ordered to do so by a judge. Now it has responded to their publication with bland promises by spokesmen that any wrongdoing will be investigated. The record of the past few months suggests that the administration will neither hold any senior official

accountable nor change the policies that have produced this shameful record. Congress, too, has abdicated its responsibility under its Republican leadership: It has been nearly four months since the last hearing on prisoner abuse. Perhaps intervention by the courts will eventually stem the violations of human rights that appear to be ongoing in Guantanamo, Iraq and Afghanistan. For now the appalling truth is that there has been no remedy for the documented torture and killing of foreign prisoners by this American government.