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Within C.I.A., Growing Worry of Prosecution for Conduct

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New York Times
February 27, 2005

WASHINGTON - There is widening unease within the Central Intelligence Agency over the possibility that career officers could be prosecuted or otherwise punished for their conduct during interrogations and detentions of terrorism suspects, according to current and former government officials.

Until now, only one C.I.A. employee, a contract worker from North Carolina, has been charged with a crime in connection with the treatment of prisoners, stemming from a death in Afghanistan in 2003. But the officials confirmed that the agency had asked the Justice Department to review at least one other case, from Iraq, to determine if a C.I.A. officer and interpreter should face prosecution.

In addition, the current and former government officials said the agency's inspector general was now reviewing at least a half-dozen other cases, and perhaps many more, in what they described as an expanding circle of inquiries to determine whether C.I.A. employees had been involved in any misconduct.

Previously, intelligence officials have acknowledged only that "several" cases were under review by the agency's inspector general. But one government official said, "There's a lot more out there than has generally been recognized, and people at the agency are worried."

Of particular concern, the officials said, is the possibility that C.I.A. officers using interrogation techniques that the government ruled as permissible after the Sept. 11 terrorist attacks might now be punished, or even prosecuted, for their actions in the line of duty.

The details of some of the inquiries have been reported, but the government officials said other cases under review have never been publicly disclosed. Officials declined to provide details of all the cases now under scrutiny. They would not say whether the reviews were limited to incidents in Iraq and Afghanistan, where C.I.A. officers have been particularly active, or whether they might extend to cases from other countries, possibly including secret sites around the world where three dozen senior leaders of Al Qaeda are being held by the agency.

The officials said that the concern within the ranks had been growing since the agency's removal of its station chief in Baghdad, Iraq, in December 2003 in part because of concerns about the deaths of two Iraqis who had been questioned by C.I.A. employees.

The reason for the station chief's removal has not been previously disclosed. Former and current intelligence officials say the action occurred nearly four months before a wider pattern of abuse at Abu Ghraib prison in Iraq became publicly known. The removal was ordered by senior officials at C.I.A. headquarters in Washington within several weeks of their learning about the deaths of the Iraqi prisoners in separate incidents.

In response to the reviews, the C.I.A. has already made a number of significant changes to its rules on interrogation and detention as a new safeguard against problems, the officials said.

Asked about the inspector general's reviews, an intelligence official described them as a robust effort on the part of the C.I.A. to ensure that its conduct had been proper. "The inspector general

is working collaboratively with counterparts in the military services in all investigations," the official said.

The agency has referred some cases to the Justice Department for a review of possible criminal charges under the federal torture law, which forbids extreme interrogation tactics, and under civil rights laws more commonly used in police brutality prosecutions. Justice Department officials said that prosecutors working in a special unit in Alexandria, Va., were conducting criminal inquiries into the possible mistreatment of detainees by nonmilitary personnel, but that they would not discuss what cases were being reviewing or whether they would charge anyone with crimes.

Justice Department officials would say only that several cases involving civilian employees of the government had been referred to the department. They would not discuss which cases were under scrutiny or what agencies had sought the department's review. But they said such reviews would seek to determine whether the facts in the cases warrant prosecution under several federal statutes, among them the civil rights laws, which bar government employees from using excessive force, and the federal torture law, which forbids the use of extreme interrogation techniques on detainees.

In one of the cases that contributed to the removal of the station chief, an Iraqi named Manadel al-Jamadi died under C.I.A. interrogation in a shower room at Abu Ghraib on Nov. 4, 2003. It is probable that he died of wounds inflicted by commandos of the Navy Seals who struck him in the head with rifle butts after they and C.I.A. officers captured him. But former intelligence officials said there were still questions about the role played by a C.I.A. officer and contract interrogator who had taken custody of Mr. Jamadi and were questioning him at Abu Ghraib at the time of his death.

Mr. Jamadi had not been examined by a physician at the time he was brought to Abu Ghraib, because the C.I.A. officers had circumvented procedures in which he was to have been registered with the military.

The death was among the most notorious to emerge from the incidents at Abu Ghraib that became public last spring, in part because the man's body was photographed wrapped in plastic and packed in ice.

In another widely publicized incident, an Iraqi commander, Maj. Gen. Abed Hamed Mowhoush, died after he was shoved head-first into a sleeping bag by Army interrogators, after several days of questioning that also involved at least one C.I.A. officer. An autopsy showed that General Mowhoush died of "asphyxia due to smothering and chest compression" showing "evidence of blunt force trauma to the chest and legs," according to Army officials.

In both those cases, American military personnel are facing disciplinary proceedings, including hearings in Colorado in which several Army soldiers are being tried on murder charges. The death at Abu Ghraib is still being investigated by the C.I.A.'s inspector general, and has been referred to the Justice Department for possible prosecution, the current and former intelligence officials said.

None of the reviews at the C.I.A. have been completed, but they include a broad assessment of detention and interrogation procedures in Iraq, the officials said. Already, they said, senior officials at the C.I.A. have ordered broad changes as a result of the review, including some that would impose strict limits on the use of coercive techniques used to extract information from suspected terrorists, the officials said.

Intelligence officials had previously described the shakeup of the C.I.A.'s Baghdad operations as related to concerns about the officer's capacity to manage the agency's large and fast-growing station in Iraq. But in recent interviews, current and former intelligence officials said that while those accounts were partly accurate, the action was also prompted by concerns that the Baghdad

station chief had not paid enough attention to issues surrounding the detention and interrogation of prisoners.

There is no indication that the former station chief, who has since left the C.I.A., is under any kind of criminal scrutiny, the officials said.

To date, the C.I.A. has publicly acknowledged possible wrongdoing in a case of prisoner abuse in only one case, involving David Passaro, a civilian who had been working under contract for the C.I.A. in Iraq. Mr. Passaro is awaiting trial in federal court in North Carolina in connection with the June 21, 2003, death of a prisoner in Afghanistan a day after being beaten during an interrogation.

The reviews come after the Justice Department's repudiation of an August 2002 legal opinion that had served as the foundation for rules that guided the C.I.A. in how far its officers and contractors could go in using coercive techniques to extract information for prisoners during interrogations. Some current and former intelligence officials have expressed concern that the repudiation undermined some of the legal authority that the Bush administration had provided for the agency's role in detention and interrogation.

In public testimony last week, Porter J. Goss, the director of central intelligence, declined to say how many C.I.A. reviews of possible misconduct involving prisoners were under way or when they might be completed. But he told the Senate Intelligence Committee that while the North Carolina case was the only one to have been made public, "a bunch of other cases" were now under review by the inspector general.

"What I can't tell you is how many more might come in the door," Mr. Goss added. Mr. Goss, who took over in September, said that a report ordered by one of his predecessors had produced "10 recommendations or so" involving interrogation and detention, and that "about, I think, eight of those have been done."