

As Torture Accounts Proliferate, Senators Seek Independent Commission

by Edward Spannaus

A group of twelve Democratic Senators has introduced legislation which would require the United States to adhere to the minimal standards of treatment defined in the Geneva Conventions, for all persons detained in the war on terrorism. The bill would also create an Independent Commission to investigate how the Administration's policies on treatment and interrogation of detainees were developed.

This bill stands in sharp contrast to another bill soon to be introduced by Rep. Jane Harman, the senior Democrat on the House Intelligence Committee, which would legalize "coercive interrogations" of prisoners under certain exceptional circumstances. (*EIR* will have more to say about the Harman bill in future issues.)

These legislative initiatives come as new revelations continue to emerge, almost daily, regarding abuse and torture of U.S. prisoners at known locations such as Guantanamo and Iraq, and at undisclosed locations and in other countries to which the United States regularly transfers prisoners for what has been called "torture by proxy."

'Extraordinary Rendition'

Long overdue attention is beginning to be focussed on the practice of "extraordinary rendition," in which individuals are forcibly taken to countries such as Egypt, Syria, Morocco, Saudi Arabia, Yemen, or Jordan, where they are brutally tortured, including with electrical shocks, on behalf of U.S. agencies which remain in the background. (All those countries named have been criticized in U.S. State Department human rights reports for using torture in prisoner interrogations.)

The current issue of the *New Yorker* magazine, contains a detailed account, entitled "Outsourcing Torture," of such practices and their background, written by veteran reporter Jane Mayer. International law expert Scott Horton, who participated in the preparation of a comprehensive report on renditions issued last Fall by the New York City Bar Association and New York University School of Law, is cited as estimating that there have been 150 cases of extraordinary rendition since 2001. The New York Bar Association report concluded that "Extraordinary Rendition is an illegal practice under both domestic and international law," and that the U.S. government is duty bound to cease the practice, to investigate those that have already taken place, "and to prosecute and punish

those found to have engaged in acts that amount to crimes in connection with Extraordinary Rendition."

The practice of rendition was justified by policy memoranda produced in the U.S. Department of Justice, which claimed that the President of the United States could suspend adherence to the Geneva Conventions, and declare that there are categories of prisoners excluded from the protections of those Conventions.

The State Department, on the contrary, had presented extensive arguments and documentation in early 2002, showing that the policies and practices being urged by the Justice Department and the White House, constituted "grave violations" of the Geneva Conventions, and that U.S. officials could thus be prosecuted for war crimes.

One of those who argued in favor of scuttling the Geneva Conventions was, of course, then-White House Counsel Alberto Gonzales, who has been rewarded for his services by being promoted to the position of U.S. Attorney General—from which position he intends to ensure that no Administration official is ever prosecuted for war crimes committed in the "war on terrorism."

Religious and Sexual Humiliation

Continuing disclosures regarding Guantanamo, coming from a variety of sources, show that the abuse of prisoners there was much more planned and systematic than the headline-grabbing events at Abu Ghraib. As background to these recent revelations, it is significant that, for the past two years, stories have been filtering out of Guantanamo, according to which U.S. interrogators were using prostitutes to attempt to break down prisoners. Now, it turns out that the "prostitutes" were themselves U.S. interrogators, who were using sexual taunts and degradation to try and break the prisoners.

Now, as more prisoners are being released from Guantanamo in the wake of last Summer's U.S. Supreme Court decisions, their accounts are pouring out, especially in the British and Australian news media, showing that prisoners were systematically beaten, attacked by dogs, forcibly injected with drugs, and subjected to religious and sexual humiliation.

Such allegations have been routinely denied by Pentagon officials, who continue to claim that the making of such claims is something that al-Qaeda operatives are trained to do. How-

ever, it has recently been disclosed that these allegations are the subject of an official Defense Department investigation of U.S. detention and interrogation tactics, which is being conducted by Vice Adm. Albert Church.

Associated Press reported on Jan. 29, that it had obtained part of a draft manuscript for a book, entitled *Inside the Wire*, being written by Army Sgt. Erik R. Saar. Sergeant Saar, who is not himself Arab or Muslim, worked as an Arabic translator at Guantanamo from December 2002 to June 2003, during which time the prison was under the command of Maj. Gen. Geoffrey Miller.

The manuscript obtained by AP is classified Secret, pending a Pentagon review, and parts of it have been censored. "I have really struggled with this because the detainees, their families and much of the world will think this is a religious war based on some of the techniques used, even though it is not the case," Saar told AP. He describes how one female civilian contractor used a special outfit that included a mini-skirt, thong underwear, and a bra during late-night interrogations with prisoners, mostly Muslim men who consider it taboo to have close contact with women who aren't their wives. Saar describes one case in which a female military interrogator was questioning an uncooperative 21-year-old Saudi detainee.

"His female interrogator decided that she needed to turn up the heat," Saar writes, and she told the detainee he could "cooperate" or "have no hope whatsoever of ever leaving this place or talking to a lawyer." The man closed his eyes and began to pray. She then partially undressed and began touching and taunting the prisoner, at which point he looked up and spat in her face. The interrogator left the room to ask a Muslim linguist how she could break the prisoner's reliance on God. The linguist told her to tell the detainee that she was menstruating, touch him, then make sure to turn off the water in his cell so he couldn't wash. The prisoner, therefore being unclean, could not pray to God. This is what was then done.

On Feb. 10, the *Washington Post* reported in a front-page story that the military investigation headed by Vice Admiral Church has found that such tactics were used repeatedly at Guantanamo, especially during 2003. According to an unnamed Pentagon official, one investigation found that "interrogators used sexually-oriented tactics and harassment to shock or offend Muslim prisoners." Lawyers for detainees have likened these tactics to Nazis shaving the beards of orthodox Jews. "They're exploiting religious beliefs to break them down, to destroy them," says Michael Ratner of the Center for Constitutional Rights.

FBI agents have also criticized the sexual tactics used by female interrogators at Guantanamo, and have flatly labelled the methods used at Guantanamo as "torture." FBI memos sent from Guantanamo to FBI headquarters made it clear that the top military officers at Guantanamo justified their actions by saying they were acting on orders from top Defense De-

partment officials—in one case, referring directly to Deputy Secretary of Defense Paul Wolfowitz.

Sergeant Saar says that "interrogators were given a lot of latitude under Miller." In the Fall of 2003, Miller went from Guantanamo to Iraq, to "Gitmo-ize" U.S.-run prisons there. Miller is a close associate of the Muslim-hating Christian Zionist fanatic Gen. William "Jerry" Boykin, the top deputy to Undersecretary of Defense for Intelligence Stephen Cambone. While Boykin was the commander of the JFK School of Special Warfare at Fort Bragg, N.C., the crackpot book *The Arab Mind*—which emphasized alleged sexual phobias of Arab males—was used for training U.S. special operations troops.

Independent Commission

The Senate bill, S. 12, introduced by Senators Joseph Biden, Richard Durbin, and others on Jan. 24, would bring an end to such practices, as well as authorizing an independent investigation of how the underlying policies were developed. It would establish (re-establish, actually), that "No detainee shall be subject to torture or cruel, inhumane, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States." It would also establish strict and regular reporting requirements, of any investigation of a violation of this prohibition by any U.S. government personnel, or by a private contractor.

It would also require individualized hearings for all detainees to determine whether or not they are entitled to prisoner-of-war status; such hearings are required under U.S. military regulations, and have been conducted in all prior conflicts, including the first Gulf War.

Another feature of the S. 12 bill, is that it would establish an independent "National Commission To Review Policy Regarding the Treatment of Detainees," modelled on the 9/11 Commission.

The creation of such an independent commission was called for in a statement issued by eight retired generals and admirals in September 2004. At a press conference, a spokesman for the group, retired Adm. John Hutson, formerly the Judge Advocate General of the Navy, said that the ongoing Defense Department investigations had been "reverse-engineered" in order to reach the pre-determined conclusion that the prisoner abuses were just the work of a few low-level "bad apples."

In contrast to the current official investigations, the probe contemplated in S. 12 would focus on the development of the policy regarding detainees in Afghanistan and Iraq, and the Commission would be charged with determining whether this policy "has adversely affected the security of members of the Armed Forces of the United States," or "the standing of the United States in the world." It would also examine how the policies established by the Administration in the war on terrorism differ from traditional established policies of the U.S. military.