

Exposé of Cheney's War Crimes Wins Oscar

by Edward Spannaus

Taxi to the Dark Side

Written, directed, and narrated by Alex Gibney.
Released by ThinkFilm.

To the surprise of many, on Feb. 24, the Academy Award for the Best Documentary Feature went to *Taxi to the Dark Side*, a powerful and graphic portrayal of the abuse, torture, and murder of prisoners held by the U.S. in Afghanistan, Iraq, and Guantanamo. The film pins the ultimate responsibility for these atrocities on Vice President Dick Cheney and his collaborators at the top of the Bush Administration.

In any other period, by any normal standard to which the United States has adhered throughout its history, what is depicted in *Taxi* would be regarded as war crimes—including by our impotent, do-nothing Congress.

And, as the film points out, by the standards which the United States and its allies applied at the post-World War II War Crimes Tribunals at Nuremberg and Tokyo, the most culpable for these crimes are not the enlisted men and women, the soldiers on the ground, who carried out what they believed to be the policies from the top. The culpable ones are those who designed the policy, and who let it be known down the chain of command, whether by direct orders, or innuendo, that the old rules of war no longer applied.

The film's very title constitutes an indictment of the leading war criminal in this Administration. It is a reference to chilling comments made by Vice President Dick Cheney, just five days after the 9/11 attacks, and the full meaning of which has only become apparent over the past two or three years.

In an Sept. 16, 2001 appearance on NBC's "Meet the Press," Cheney put the world on notice as to what he was planning. After dismissing the role of lawyers and legal process, Cheney laid out his intentions.

"We also have to work, though, sort of the dark side, if you will," Cheney explained. "We've got to spend time in the shadows in the intelligence world. A lot of what needs to be done here will have to be done quietly, without any discussion, using sources and methods that are available to our intelligence agencies, if we're going to be successful. That's the world these folks operate in, and so it's going to be vital for us to use any means at our disposal, basically, to achieve our ob-

jective.... It is a mean, nasty, dangerous, dirty business out there, and we have to operate in that arena. I'm convinced we can do it; we can do it successfully. But we need to make certain that we have not tied the hands, if you will, of our intelligence communities in terms of accomplishing their mission."

NBC host Tim Russert, then asked, helpfully: "These terrorists play by a whole set of different rules. It's going to force us, in your words, to get mean, dirty, nasty, in order to take them on?"

"Right," Cheney answered.

The reference to the "taxi" in the title is to an Afghan farmer, known only as Dilawar, who was picked up while driving his taxi with three men accused of rocketing a U.S. base. In between interrogations at the improvised military prison at Bagram, Dilawar was shackled by his wrists to a ceiling grate, so that his feet barely touched the ground. When Dilawar refused to "confess," he was beaten during interrogations, and when he shouted and screamed in agony from the overhead shackling, he was repeatedly hit in the leg just above the knee, in what is called a "common peroneal strike."

Dilawar died after five days of this treatment; a suppressed report by an Army coroner described the tissue in his legs as "pulpified," and said his legs looked as if they had been run over by a bus. Despite the coroner's report, the military went into a coverup mode. Dilawar was in fact the second detainee to die from beatings at Bagram; the Defense Department's press release said both had died of "natural causes."

A later Army investigation revealed that most of those involved in the beatings that caused Dilawar's death, believed him to be innocent. The three passengers in his cab were sent to Guantanamo; they were eventually released without any charges ever being brought against them. And, as it later turned out, Dilawar and the other three had been handed over to U.S. forces by a local militia leader who himself was responsible for rocketing the U.S. base and then accusing others.

After the Abu Ghraib revelations in 2004, the Army felt compelled to demonstrate that it was doing something, so it launched an investigation of the Dilawar case. Although authorities recommended that 27 officers and enlisted personnel be charged with criminal offenses, only seven enlisted men were actually charged. No officers were charged; in fact, the officer in charge of interrogations at Bagram was promoted and awarded a Bronze Star for Valor.

The 'Fog of Ambiguity'

How did it happen, that members of an Army, which has, on the whole, conducted itself honorably with respect to adversaries and prisoners for over 200 years, could commit atrocities such as documented in this film?

In on-screen interviews with the soldiers from Bagram,

they repeatedly emphasize that they were told that the Geneva Convention rules did not apply to their prisoners, but they were never told exactly what rules *did* apply.

As is well known by now, there was a raging dispute in late 2001, within the Bush Administration and the Pentagon, over the applicability of the Geneva Convention to those captured in Afghanistan.

At the height of this dispute, on Jan. 27, 2002, Cheney went on two Sunday talk shows, to declare his victory over Secretary of State Colin Powell's insistence that the U.S. adhere to the Geneva Convention. Asserting that Geneva didn't apply to terrorists, Cheney growled:

"These are bad people. I mean, they've already been screened before they get to Guantanamo. They may well have information about future terrorist attacks against the United States. We need that information, we need to be able to interrogate them and extract from them whatever information they have."

International law specialist Scott Horton¹ was secretly contacted by military lawyers who were alarmed at what was happening. As he describes it in the film:

"My first involvement in this came when I was visited by a group of very senior JAG [judge advocate general] officers more than a year before the first story about the Abu Ghraib broke, who were very troubled by what was going on. And the focus of their concern was failing in the responsibilities that the military leadership had to soldiers in the field—that was responsibility to provide fair, clear guidance to them as to how to behave in these difficult circumstances. And what they saw was an intentional decision taken at the height of the Pentagon, to put out a fog of ambiguity surrounding all of these issues. Coupled with great pressure to bring results. To be prepared to be violent with the detainees. But this violence with the detainees is a criminal act."

One of the principal values of this film, is that it shows exactly how this "fog of ambiguity" played out, on the ground in Afghanistan—and later at Guantanamo and in Iraq. Through interviews conducted by filmmaker Alex Gibney, we see how soldiers from Bagram and Abu Ghraib succumbed to the pressures to extract "intelligence" by mistreating prisoners as they believed their chain of command demanded. The soldiers involved in beatings and deaths at Bagram are unambiguous in their certainty that their officers knew exactly what was going on. They describe how officers were always coming and going through the prison. "Everyone wanted to see the terrorists," one says.

Without getting legalistic, *Taxi* documents how the Bush-Cheney Administration's interrogation and detention policies were worked out over the adamant objections of experienced military lawyers, and how these policies were transmitted

down the chain of command to the interrogators and MPs, who were under intense pressure to "get the information"—or, in Cheney's words, to "extract from them whatever information they have."

Damien Corsetti, a hulking and poorly trained military interrogator at Bagram and Abu Ghraib, who was known as "Monster" and the "King of Torture," described the pressures on the interrogators:

"Soldiers are dying, get the information. . . . Get the information." That's all they were told, Corsetti says in the film. "Mr. Rumsfeld's office called our office frequently," he adds. "Very high commanders would want to be kept up to date on a daily basis on certain prisoners there. The brass knew. They saw them shackled, they saw them hooded, and they said, 'Right on. You all are doing a great job.'"

"It's very clear that it starts in the office of VP Cheney," says lawyer Scott Horton in the film. "He had a very strong view that we were not as aggressive in dealing with people in interrogations as we could or should be. Taking the gloves off, being rough with detainees. . . ."

Or, as former Judge Advocate General of the Navy, retired Rear Admiral John Hutson, reports in the film: "The spine of the United States Armed Forces is the chain of command. What starts at the chain of command drops like a rock down the chain of command. And that's why Lynndie England knew what Donald Rumsfeld was thinking without actually talking to Donald Rumsfeld."

War Crimes

The horrors of the policies worked out by Cheney, Rumsfeld, and a handful of rogue lawyers working outside the U.S. military's well-established legal structure, hit the nation full-force with the disclosure of the Abu Ghraib photographs in the Spring of 2004, and have continued to spill out since that time, with new disclosures and admissions of secret prisons, extraordinary renditions, waterboarding (better termed "water torture"), and the like. Over 100 prisoners have died in U.S. custody during the so-called "war on terror." At least 30 of these are officially classified as homicides.

As Cheney's lawyer David Addington warned in a memorandum sent to President Bush in January 2002, the U.S. War Crimes Act mandates lengthy prison sentences and even the death penalty for grave breaches of the Geneva Convention. This and other memos confirm the simple truth documented in *Taxi to the Dark Side*.

With its graphic and uncensored photos, this is not an easy film to watch—no matter how much you think you know about the events of the past six years. But no honest viewer can come away from it with any doubt of the fact that, for the first time in American history, top U.S. government officials deliberately and systematically directed and supervised the commission of atrocities which, by any fair definition, constitute war crimes.

1. See interview with Scott Horton, *EIR*, Jan. 28, 2005.