



UNITED STATES

## “No Blood, No Foul”

Soldiers’ Accounts of Detainee Abuse in Iraq

HUMAN  
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## Summary

*I pulled the guy out [an E6 interrogator, and said]: “I looked—I looked this stuff up and this is not the way it’s supposed to be,” you know? He was like, “This is the directive we had. You need to go ahead and drop this, sergeant.” You know, and he outranked me. “Drop this sergeant,” [he said]. It was repeatedly emphasized to me that this was not a wise course of action to pursue . . . It was blown off, but it was a little more stern: “You don’t want to take this inquiry anywhere else,” kind of thing. “You should definitely drop this; this is not something you wanna do to yourself.”*

- U.S. Army M.P. Sergeant stationed at Forward Operating Base Tiger, al Qaim, Iraq, in 2003, describing his efforts to complain about detainee abuse.

*I was very annoyed with them because they were saying things like we didn’t have to abide by the Geneva Conventions, because these people weren’t POWs. . . . [T]hey’re enemy combatants, they’re not POWs, and so we can do all this stuff to them and so forth. . . . It just went against everything we learned at Huachuca.*

- Military Intelligence Interrogator attached to a secretive task force stationed at Camp Nama, at Baghdad airport in Iraq, describing a briefing by military lawyers in early 2004 after soldiers raised concerns about abusive interrogation methods.

U.S. forces have now been deployed in Iraq for over three years. During this time, tens of thousands of Iraqis have been arrested, detained, and interrogated by U.S. personnel. Many of the detainees—held at Forward Operating Bases (FOBs) or at central detention centers such as Abu Ghraib prison, Camp Cropper, and Camp Bucca—have been interrogated by personnel from U.S. Military Intelligence (MI) or the Central Intelligence Agency (CIA). While some detainees have been insurgents, others have been innocent civilians caught up in U.S. military operations, in the wrong place at the wrong time.

There is mounting evidence to show that many detainees have been abused. The Abu Ghraib scandal, which broke in April 2004, brought the issue of detainee abuse to the world’s attention, but it is now clear that the scope of the problem is far broader than was known at the time. Since 2003, Human Rights Watch has reviewed hundreds of credible allegations of serious mistreatment and torture of detainees in U.S. custody. Alleged abuses have taken place in locations all over Iraq, in both FOBs and centralized facilities, and have involved CIA agents, military interrogators, MP guards, and ordinary combat soldiers. Abuses have also been alleged in detention facilities in Afghanistan and

at Guantanamo Bay, where smaller numbers of detainees are held. In many cases, it has taken years for abuses to come to light.

This report is based largely on firsthand accounts by U.S. military personnel stationed in Iraq, and describes abuses that took place in three separate locations in Iraq in 2003-2005. Many of the accounts are from soldiers who witnessed and in some cases participated in the abuses. First, the report discusses incidents involving a special military and CIA task force based at Camp Nama, near Baghdad, in 2003-2004, and near Balad in 2004-2005. Second, the report describes abuses in 2003-2004 at a Forward Operating Base on the Syrian border, called FOB Tiger. Third, the report details abuses in 2004 at detention facilities at the Mosul airport. The military's own investigations and reports by journalists and other observers support many of the accounts, and provide further details from soldiers about abuses at these facilities, including abuses in 2005.

In all three locations, soldiers witnessed seriously abusive treatment and interrogation of detainees, including beatings, psychological torture of varying kinds, and other physical torture and mistreatment. At Camp Nama, for instance, detainees were regularly stripped naked, subjected to sleep deprivation and extreme cold, placed in painful stress positions, and beaten. At FOB Tiger, they were held without food or water for over 24 hours at a time, in temperatures sometimes exceeding 135 degrees Fahrenheit, and then taken into interrogations where they were beaten and subjected to threats. At Mosul, detainees were regularly subject to extreme sleep deprivation, exposure to extreme cold, forced exercises, and were threatened with military guard dogs.

In all three locations, the abuses appear to have been part of a regularized process of detainee abuse—"standard operating procedure," in the words of some of the soldiers.

The accounts in this report provide compelling new evidence that detainee abuse was an established and apparently authorized part of the detention and interrogation processes in Iraq for much of 2003-2005. The accounts also suggest that U.S. military personnel who felt the practices were wrong and illegal have faced significant obstacles at every turn when they attempted to report or expose the abuses.

One military interrogator, cited at the beginning of this report, described to Human Rights Watch what happened when he and other colleagues complained about abuses to the colonel on duty: "a team of two JAG officers, JAG lawyers, came and gave us a couple hours slide show on why this is necessary, why this is legal, they're enemy combatants, they're not POWs, and so we can do all this stuff to them and so forth." After that presentation, the interrogator said, the abuses continued, but he and the

others who were unhappy with the situation felt that they had nowhere else to turn. As far as he knew, no other reporting mechanism existed. “That was it, case closed,” he explained. “There was nobody else to talk to.”

Many of the soldiers who have spoken with Human Rights Watch about detainee abuse have voiced anger at the way their concerns and complaints were dismissed, and said that they decided to speak publicly because they were concerned about the systemic problems that made reporting abuse so difficult.

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The military and the Bush Administration appear to be in denial. Both have consistently portrayed abuse cases from Iraq as exceptional and perpetrators as lone and independent actors—“rotten apples”—despite evidence that Military Intelligence officers and higher-echelon military and civilian leaders knew about or may even have authorized abusive techniques that were used against detainees. Such sweeping denials, and the military’s general failure to place any blame on leadership for abuses that occurred, have hindered candid assessments about the detainee abuse problem.

Take, for example, the role of U.S. Military Intelligence (MI) in formulating and executing interrogation and detention policy in Iraq. There are clear indications that MI battalions systematized the use of abusive techniques in Iraq in 2003 and 2004, and that MI interrogators—including officers—are implicated in the widespread abuses that occurred during that time. As detailed in this report, internal military documents and soldiers’ own accounts show that MI interrogators were using abusive tactics through much of 2003-2005; and that for much of this time these tactics were authorized by officers up the chain of command. Yet to date, no military intelligence officers who have served in Iraq have been charged with any criminal acts, either as a principal or under the doctrine of command responsibility. The few courts-martial that have occurred in relation to detainee abuse in Iraq have primarily involved military police, most of whom have claimed in courts-martial that they were ordered or authorized by military intelligence interrogators to use the tactics they were charged with.

Notably, Gen. Barbara Fast, the chief of military intelligence in Iraq during the period of the most serious abuses—late 2003 through 2004—has since been promoted for her work in Iraq. She is now the commander of the Army Intelligence Center, the U.S. Army’s interrogation school at Fort Huachuca, Arizona.

CIA personnel have also gone unpunished. Several homicide cases, involving detainees who died while being interrogated by the CIA, were referred to the Department of Justice for prosecution in 2004 and 2005, yet to date not one CIA agent has been charged. Human Rights Watch has repeatedly urged Justice Department officials to move forward with the investigation and prosecution of civilian personnel implicated in abuses, but as of June 2006 only a single civilian contractor had been indicted, for a case from Afghanistan. And there are others who have escaped investigation as well—for instance, military Judge Advocate Generals, Special Forces personnel, and civilian leadership in the Department of Defense.

Human Rights Watch is aware that U.S. forces in Iraq are fighting armed groups who themselves have shown little willingness to abide by international humanitarian law. As Human Rights Watch has detailed in previous reports, Iraqi insurgent groups routinely violate international humanitarian law, carrying out abductions and attacks against civilians and humanitarian aid workers, and detonating hundreds of bombs in bazaars, mosques, and other civilian areas. Human Rights Watch has previously stated that those responsible for violations, including the leaders of these groups, should, if captured, be investigated and prosecuted for violations of Iraqi law and the laws of war.

But the activities of these groups are no excuse for U.S. violations. Abuses by one party to a conflict, no matter how egregious, do not justify violations by the other side. This is a fundamental principle of international humanitarian law.

### ***Recommendations***

The U.S. government has refused to acknowledge the systemic nature of the problem of detainee abuse in Iraq since 2003, and done little to address the underlying problems that have led to abuse.

It is time for the Bush Administration to admit that there has been no real accountability for detainee abuses. It is time for military and CIA leaders to acknowledge that serious and systemic abuse has occurred, and recognize the weakness of their internal reporting procedures. It is time for the U.S. Congress to get serious about oversight on these issues, and work to ensure that systemic flaws are corrected and that criminal conduct is adequately investigated and punished, both now and in the future.

Human Rights Watch makes the following recommendations:

- Congress should appoint an independent bipartisan commission to investigate the scope of current and past detainee abuses, identify the involvement of military and

civilian officials in authorizing and allowing abusive interrogation techniques, and determine why military and civilian leaders who are implicated in abuse have not been held accountable.

- Congress should also re-open hearings on detention abuse issues, to address the same issues as above.
- Congress should push the President to appoint independent prosecutors—in the military and Justice Department—to investigate and prosecute detainee abuse cases, focusing not only on abusive interrogators and guards, but also on military and civilian leaders who authorized or condoned abuse.
- The U.S. military and CIA should identify institutional flaws that make it difficult for personnel to complain about illegal conduct and report crimes and abuses being committed by personnel, and remedy those flaws.
- The Secretary of Defense should appoint a panel of high-level members of the various Judge Advocate General Corps to consider reforms in the criminal justice system of the U.S. military, to increase the power and independence of military criminal investigators, and to remove institutional obstacles that make it difficult for personnel to report abuse.
- The Attorney-General should work with the Secretary of Defense, the National Director of Intelligence and the Director of the Central Intelligence Agency to revise procedures and protocols for investigating and prosecuting cases of abuse by non-military personnel.



## Soldiers' Accounts

### *I. Task Force 20/121/6-26/145 Camp Nama, Baghdad*

Some of the most serious allegations of detainee abuse in Iraq since 2003 have concerned a special military and CIA task force—known at various times as Task Force 20, Task Force 121, Task Force 6-26, and Task Force 145—charged with capturing or killing high-level combatants.<sup>1</sup> Its targets have included Saddam Hussein and Abu Musab Al-Zarqawi, but also hundreds of anonymous, and often innocent, detainees. Through most of 2003 and 2004, the task force maintained a detention and interrogation facility within Camp Nama, at the Baghdad International Airport (often called “BIAP”). The camp was off-limits to the International Committee of the Red Cross, as well as ordinary military personnel.<sup>2</sup> The task force moved to another location near Balad in the summer of 2004, and also reportedly maintains outposts in or near Fallujah, Ramadi and Kirkuk.

As described in more detail below, from 2003 to the present, numerous U.S. personnel and Iraqi detainees have reported serious mistreatment of detainees by the special task force, including beatings, exposure to extreme cold, threats of death, humiliation, and various forms of psychological abuse or torture. Many of these allegations have been contained in documents released to the American Civil Liberties Union and other human rights groups pursuant to Freedom of Information Act litigation. Human Rights Watch has also spoken to several veterans and government officials about the task force's abuses.

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<sup>1</sup> Serious allegations about Camp Nama were revealed in a front page article in the *New York Times* in March 2006, based on interviews with U.S. personnel who served at Nama or were familiar with operations there. Eric Schmitt and Carolyn Marshall, “In Secret Unit’s ‘Black Room,’ a Grim Portrait of U.S. Abuse,” *New York Times*, March 19, 2006.

<sup>2</sup> The camp was so secure that in August 2003, Gen. Geoffrey Miller, the former commander of the Guantanamo Bay detention facility in Cuba, who was brought to Iraq in 2003 to evaluate and critique the military's intelligence-gathering methods, was denied access when he sought to visit. In the end, he was only admitted after he made several calls to higher-level military commanders. Human Rights Watch telephone interview with a former military interrogator familiar with the incident, May 2006.

A few months later, Col. Stuart A. Herrington, a retired Army intelligence officer who was asked by the chief of military intelligence in Iraq, Gen. Barbara Fast, to carry out an assessment of the military's intelligence-gathering and counter-insurgency tactics, was also denied access. Human Rights Watch interview with a person familiar with the contents of a memorandum written by Herrington to Fast. See also Josh White, “U.S. Generals in Iraq Were Told of Abuse Early, Inquiry Finds,” *Washington Post*, December 1, 2004 (describing the contents of the Herrington memorandum).

The account below provides new information about the daily routine at Camp Nama, including details about how the camp was set up, and about how interrogators used abusive techniques on detainees. The account also contains details about how abusive treatment was a regular part of interrogations there, for instance, interrogators used an “authorization template” on computers at Nama, on which interrogators would check-off the harsh methods they intended to use on detainees. The account also details how the military leadership at the camp dealt with soldiers who expressed their discomfort with the methods then in regular use.

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### **Camp Nama**

Sergeant “Jeff Perry”<sup>3</sup> was an interrogator with the special task force at Camp Nama during the first half of 2004. He told Human Rights Watch about his experiences there, about abuses he saw, and about his efforts to report the abuses.

Jeff described how he came to join the task force and how it was set up:

At the time I didn’t know exactly what BIAP was, but it was intriguing to work with them and so forth. It was kind of like a high-speed job and [we were told] we would be doing something important. . . they wanted people who spoke Arabic. . . . that’s why we were chosen first off.

My chain of command was—well, I didn’t have any contact with my normal uniformed battalion. [Task Force 121/6-26] was my new chain of command for several months. It was pretty loose as far as chain of command goes. There was no rank within the task force. There was no rank as far as team member or interrogative analyst and so forth. Everybody was in civilian clothes. There was no rank. That’s the way they wanted it. They had us, you know, [for] input and expertise and so forth. It worked better that way. You didn’t have to worry about sucking up to whoever and pleasing this person or that person. But there was a sergeant major there who was in charge of everything, and there was also a commander who was at one point a captain 03 [“03” refers to the Department of Defense rank of captain] and then next time an 06 [a

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<sup>3</sup> This soldier requested that Human Rights Watch not use his real name or details about his deployment. The quotes and accounts provided by this soldier have been lightly edited—no substantive details have been altered in any way—solely to remove repetition and ensure readability.

colonel]. So they were actually in charge of this. Later on there was a senior interrogator who was a CW-5 [Chief Warrant Officer level five—a senior enlisted officer].

Jeff said that personnel at the facility only used their first names, and that he rarely learned anyone's family name:

We called the colonel by his first name, called the sergeant major by his first name. . . . I couldn't tell you the sergeant major's last name if I tried. Same with the colonel. A lot of my fellow interrogators, I didn't know their last names either. Some I did, 'cause I knew them from Huachuca [the U.S. military interrogation school in Arizona]. But yeah, when you asked somebody their name they don't offer up the last name. . . . The consensus was, more often than not, when they gave you their name it probably wasn't their real name anyway.

Jeff said that most of the task force was comprised of U.S. military special forces and CIA personnel, and most were highly secretive about their identity:

The people who were involved with that task force were just kind of brought up within that organization to be very secretive about not disclosing any kind of information. Some of them used their real name, they said, and some of them used something else. Some of these guys had different jobs rather than this specific task force within their organization, so they might do some clandestine work or something. . . . [There were] special forces. . . out of Fort Bragg. A loose chain of command. They go all over, and then they bring them back into the fold and they work in Afghanistan and Iraq and other places. They're very mobile, they're able to pick up and go. Highly mobile.

Jeff said the CIA personnel were mostly situated in a nearby building, and that CIA personnel would often take part in field operations (in which detainees were captured) and interrogations at the facility at NAMA.

Jeff described the interrogation facility at NAMA as “a normal-sized building, maybe even a small building,” with five interrogation rooms: the black room, the blue room, the red room [also known as the wood room], the soft room, and the medical screening room (reportedly the same room used for the initial medical screening of Saddam Hussein immediately after his capture; parts of the video footage of the screening were

televised internationally). Jeff said detainees were also taken outside the building for interrogations, into a courtyard between that building and another one.

Jeff described the black room, where the harshest interrogations would take place:

The black room was 12 by 12 [feet]. It was painted black floor to ceiling. The door was black, everything was black. It had speakers in the corners, all four corners, up at the ceiling. It had a small table in one of the corners, and maybe some chairs. But usually in the black room nobody was sitting down. It was standing, stress positions, and so forth. The table would be for the boom box and the computer. We patched it into the speakers and made the noise and stuff.

Most of the harsh interrogations were in that room. . . . Sleep deprivation, environmental controls, hot and cold, water. . . . I never saw anybody who was hot, you know, but it was cold a lot of times or we used cold water, we poured cold water onto them. [Certain times interrogators would] take clothes from the prisoners and so forth. . . . loud music, strobe lights—they were used as well.

Jeff said that some interrogators would beat detainees in the black room—hitting and kicking them during interrogations.

The other two rooms used for interrogation were the blue room and the red room (also called the wood room). As Jeff described them:

The blue room is more of a rectangle. It was right next to the wood room so these would look the same, only the blue room was painted blue and the wood is just wood finish on plywood. And so they were the exact same size. They were about 6 by 10. A lot of times they [the interrogators] just sat down and talked to them and there was normal interrogations, you know, like down or up [referring to different legal interrogation techniques], or “love of family,” or so forth. Whatever. They were just talking to them. Become their friend or whatever, just sitting down. If it’s not a harsh interrogation, you free up the backlog for that type of interrogation. And so you’re just talking to them and so forth, you know? So that’s what that was. Just a table in the middle, you’d sit on each side, and you’d have a chair for your interpreter. . . .

If interrogators wanted to show respect to a detainee who was cooperating, or needed to interview a cooperating intelligence source brought on base, they would use the “soft room.” The soft room was a little nicer. It was smaller than the other rooms, but they had some nice rugs, a back row of couches, prayer rugs hanging on the wall. Sometimes we had tea in there, teacups and so forth and you’d offer them soda or water. A nice little table in the middle. Three or four black leather chairs. We would bring people in there who we wanted to show respect to or show deference, maybe an ex-colonel or general in the Iraqi Army, somebody important or somebody who we thought we’d get more information by being nice to him.

Jeff said detainees would be taken from one room into another, depending on the level of their cooperation:

We would do that to show him if you tell us what we want to hear, then this is the treatment that you’ll get [the soft room]. If you don’t, then this is the treatment that you’ll get [the black room]. So there was a lot of that, going back and forth between the rooms.

Human Rights Watch asked about how detainees were chosen to be placed in the black room, where the harshest techniques were used. As Jeff explained:

It depends on what the [detainee’s] status is coming in from their target reporting. O.K., when they come in, for whatever reason they were chosen to get rounded up in the first place—sometimes it’s just the wrong guy or whatever, but that’s neither here nor there. If it’s the right guy, if we think it’s the right guy, and it’s kind of a higher-value type of target or somebody who can push us further into the circle, as they said—you have a circle, and Zarqawi’s in the middle, and lieutenants and so forth, like it was an onion—and if he can push us further into the circle, and we didn’t think that we couldn’t get past through normal methods or a normal type of approach in interrogation—then they would want to go hard on them. . . .

The senior interrogator—the interrogation leader [at Nama], who was actually a lieutenant in the Air Force, I believe—he usually wanted to go hard on people like that.

And then just normal, everyday type of detainees who have come in and you have maybe a screening or interrogation, in one of those rooms [the other rooms, the blue room or the red/wood room], and the interrogator thinks he's being lied to or he's not going to get anywhere with just talking to him and so forth, we would march with him into the black room, or [if interrogators were] angry at him and want to punish him for some reason.

### **Abusive Interrogations**

Jeff also saw several more severe interrogations that took place outside the main facility in the courtyard, including one that took place soon after he arrived at Nama, involving a detainee who was linked to Abu Musab Al-Zarqawi, the Jordanian insurgent leader who was later killed by a U.S. air strike, in June 2006:

He was kind of a financier of Zarqawi, or one of them from the beginning. He was caught and he didn't want to talk and say anything. I had no part in this interrogation, I was just observing. In fact, it was shortly after I got there, so I was observing this and a few other interrogations at the same time. Whenever I went in, there was a kind of courtyard in between what was next to the soft room and the other side of the main office, but no roof, in the middle of this building. There was kind of a garden-like area with dirt and mud and a hose out there.

He was stripped naked, put in the mud and sprayed with the hose, with very cold hoses, in February. At night it was very cold. They sprayed the cold hose and he was completely naked in the mud, you know, and everything. [Then] he was taken out of the mud and put next to an air conditioner. It was extremely cold, freezing, and he was put back in the mud and sprayed.

This happened all night. Everybody knew about it. People walked in, the sergeant major and so forth, everybody knew what was going on, and I was just one of them, kind of walking back and forth seeing [that] this is how they do things.

At another time, Jeff saw a British SAS officer beat a detainee:

[It] was a beating in a kind of a bunker behind the main facility. . . . this British guy actually who wasn't supposed to be interrogating anybody—

a British soldier. SAS. That's all I know about him. I don't know his name or anything. But we went back there and he gave the guy a pretty good pounding. Nothing really in the face. A lot of stomach shots, and I would say two or three groin shots, very harsh. A knee to the abdomen. Thrown against the wall and so forth.

He was very frustrated with this person, who supposedly had information about the whereabouts of Zarqawi. And he did. But we didn't know exactly that. He was blatantly stalling us and lying to us. It was frustrating, but he [the British soldier] decided to go that route and get physical with him. . . . [W]e ended up cutting in. "This is not working, we need to stop this." . . . I took the prisoner back and my partner took the other guy. It was reported. They weren't upset about any type of abuse or anything. They were just upset that he [the British soldier] was interrogating anybody at all, because it was not in adherence with the rules. Because he wasn't American or he wasn't, you know, signed on to do that type of job. He was allowed to stick around, but he wasn't allowed to talk to any more detainees.

### **Authorizations**

Many of the abusive interrogation methods that were being used at Nama were clearly authorized by the command structure at the camp. Jeff told Human Rights Watch that written authorizations were required for most abusive techniques, indicating that the use of these tactics was approved up the chain of command.

There was an authorization template on a computer, a sheet that you would print out, or actually just type it in. And it was a checklist. And it was all already typed out for you, environmental controls, hot and cold, you know, strobe lights, music, so forth. Working dogs, which, when I was there, wasn't being used. But you would just check what you want to use off, and if you planned on using a harsh interrogation you'd just get it signed off.

I never saw a sheet that wasn't signed. It would be signed off by the commander, whoever that was, whether it was 03 [captain] or 06 [colonel], whoever was in charge at the time. . . . When the 06 was there, yeah, he would sign off on that. . . . He would sign off on that every time it was done.

Some interrogators would go and use these techniques without typing up one of those things just because it was a hassle, or he didn't want to do it and knew it was going to be approved anyway, and you're not gonna get in that much trouble if you get caught doing one of these things without a signature.

Techniques involving outright assault—hitting, slapping, and beating—were apparently not on the list, but were regularly used at Nama, indicating that the harsh methods that were approved often degenerated into even harsher treatment in practice.

Jeff said that the colonel who was on duty for most of his deployment at BIAP often observed the interrogation process, including abusive interrogations:

He worked there. He had his desk there. They were working in a big room where the analysts, the report writers, the sergeant major, the colonel, some technical guys, they're all in that room. And the interrogators are in this little side room right next to the bigger room.

Human Rights Watch asked whether Jeff knew whether the colonel was receiving orders or pressure to use the abusive tactics. Jeff said that his understanding was that there was some form of pressure to use aggressive techniques coming from higher up the chain of command; however neither he nor other interrogators were briefed on the particular source.

We really didn't know too much about it. We knew that we were only like a few steps away in the chain of command from the Pentagon, but it was a little unclear, especially to the interrogators who weren't really part of that task force.

Jeff said that he did see Gen. Stanley McChrystal, commander of U.S. Joint Special Operations forces in Iraq, visiting the Nama facility on several occasions. "I saw him a couple of times. I know what he looks like."

Jeff also said that the commanding officer at Nama would sometimes tell the interrogators that the White House or Secretary of Defense Rumsfeld had been briefed on intelligence gathered by the team, especially intelligence about Zarqawi:

[They'd say:] "Rumsfeld was informed, such and such a report is on Rumsfeld's desk this morning, read by Secdef [Secretary of Defense]. . .



it's a big morale booster for people working 14 hour days. Hey, we got to the White House!"

### **Attempts to Complain**

Jeff was not comfortable with what he was seeing. Jeff said that after a few weeks of seeing abuse—and in particular the abuse of the detainee described above who was stripped naked, thrown in the mud outside in the cold, and put in front of an air conditioner—he began to feel uneasy.

A few more weeks of this, and a group of us went to the colonel there and told him we were uneasy about it. . . about four of us. Told him we were uneasy about this type of abuse, or just the treatment. . . . I think he said, I'll get back to you. . . .

And within a couple hours a team of two JAG officers, JAG lawyers, came and gave us a couple hours slide show on why this is necessary, why this is legal, they're enemy combatants, they're not POWs, and so we can do all this stuff to them and so forth. Yeah, they came the very same day. . . . Oh, it was very fast. We – [laughing] it was like they were ready. I mean they had this two hour slide show all prepared, and they came in and gave it to us and they stopped interrogations for it. It was a PowerPoint. It was on a computer laptop. . . .

The JAG presentation took place during a change-of-shift meeting, and Jeff said numerous interrogators and other personnel were ordered to attend.

Some of the slides were about the laws of war, the Geneva Convention, but it was kind of a starting-off point for them to kind of spout off, you know: why we don't have to follow these Geneva Convention articles and so forth. Like, you know, inhumane and degrading treatment, well, this specifically relates to POWs, so we don't have to do this. So basically, we can do inhumane and degrading treatment.

And then they went on to the actual treatment itself, what we were doing, what we'd signed off on and those types of things: cold water and nudity, strobe lights, loud music—that's not inhumane because they're able to rebound from it. And they claim no lasting mental effects or physical marks or anything, or permanent damage of any kind, so it's not inhumane. And then there was also [discussion about] degrading

[treatment]. Like what's more degrading than being thrown completely naked in the middle of a mud pile, with everybody looking at you and spraying water on you. . . .

I remember being very annoyed with them. . . . It was probably just like any other PowerPoint presentation in the Army, which is very boring and dry. But I was very annoyed with them because they were saying things like we didn't have to abide by the Geneva Conventions, because these people weren't POWs. And it was just—everything went against—this really hadn't come out of any big debate of “what can we do to these people” and “what can't we do,” and so forth. It just went against everything we learned at Huachuca. And just faulty logic, you know? Just really bad argument. . . . I felt that they were really kind of patronizing us and blowing smoke and just treating us like children. Like, “Well, it's OK.” [They] just came in and said whatever they had to say to patch it up and continue with the war.

Jeff said that some of the interrogators appeared indifferent to the whole matter, but that an equal number supported the use of abusive techniques:

[P]eople wanted to go, go, go harsh on everybody. They thought that was their job and that's what they needed to do, and do it every time. So they had no problem with the lawyers' explanations. The only problem they had was with us bringing it up. . . .

[Then] we went back to work. That was it, case closed. There was nobody else to talk to, you know?

Human Rights Watch asked if there was any other way to report to Army criminal investigators about the abuses taking place at Camp Nama.

We didn't have CID there [the Criminal Investigative Command of the U.S. Army]. There was nothing. Camp Nama was completely closed off. You had to get a special ID to get onto that little compound there.

Jeff said the only way in which he could have reported abuses, hypothetically, would have been to leave Nama, return to his unit at Abu Ghraib, and report to criminal investigators there. But he said that route was problematic:

That was a little hazy, too. I mean are we violating our NDA? [The non-disclosure agreement Jeff signed before joining the task force.] Are we doing that? Because they had this special order from—you know, they told us we have our special orders from the Pentagon, and we do this, and they [the orders] supersede any other. You can't even tell your chain of command [i.e., the unit he was originally drawn from] about—they told us we can't tell our chain of command about who works here or what it does. You're completely shut off. You can only discuss it amongst yourselves. That's what they told us from the very first day. I mean, I could have. [If there had been no non-disclosure agreement] I would have stopped working there, and then went back to my unit, and then talked to our CID, you know?

### **No Access by the Red Cross or Criminal Investigators**

Human Rights Watch asked whether any representatives of the International Committee of the Red Cross (ICRC) ever came to the facility, or requested access.

Absolutely not. I never saw any Red Cross people.

HRW: Was there any discussion of the Red Cross coming?

Yeah, they said that the Red Cross would never be able to get in there at all.

HRW: Why would somebody bring that up?

I think because the Red Cross and a couple other agencies were going around different places around Iraq, different facilities, and they were getting access. So somebody brought it up to somebody else. I think the colonel, or somebody in charge. You know, will they come here? It was the colonel, yeah. And he said absolutely not.

Jeff explained that the colonel told them that he “had this directly from General McChrystal and the Pentagon that there's no way that the Red Cross could get in.” Jeff did not question the colonel further on how these assurances were given to those in command in Camp Nama.

He explained that they were told: “they just don’t have access, and they won’t have access, and they never will. This facility was completely closed off to anybody investigating. Even Army investigators.”

HRW: Even CID investigators?

CID was not allowed. No, it was very closed off. We were very tight.

Jeff said that he and other interrogators, and the commanders at Nama, knew that the tactics being used at Nama, and its very existence, were supposed to stay secret. Jeff said that this was why the colonel in charge at Nama assured the interrogators that no one would be allowed into the facility, including the ICRC:

The commander was insistent that they wouldn’t come, and that they never would come because it was just very secretive. It was a very secretive place, and that’s kind of what we took it as, that the Red Cross wouldn’t come because—it was very necessary for the efficacy of the operation, and we don’t want people to know even our name, of the unit, and this and that. [The name has] been changed a couple of times, when people learn the name.<sup>4</sup>

The Red Cross—we can’t have all this transparency and people knowing where we are, ‘cause we don’t even want the prisoner to know where we are or where exactly we got them. We don’t want news reports and so forth. That’s kind of what it was about the Red Cross.

### **“Creative” Interrogation**

Jeff acknowledged to Human Rights Watch that none of the specific techniques used by interrogators were in the Army field manual for interrogations. Human Rights Watch then asked Jeff why he thought commanders and trained interrogators would chose abusive tactics, and not use the techniques they were trained in.

Well, some did [use the legal methods], but it was difficult to because it takes more thought. It takes so much more thought. There’s no promise there that you’re gonna get more results. And untrained people going at that person, doing these “creative” means of interrogation—that really is

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<sup>4</sup> As noted above, the task force at Nama changed its name several times in 2003-2006. The names have included Task Force 5, 20, 121, 6-26, and 145.

the most uncreative means. In reality, the people who are untrained—and [the people] who matter to them, like the commanders, the captains, and the high-ranking people who aren't really trained but who look through the window and they see this, they see the intimidation and the “go-get-‘em,” they think it's very high speed. “That's what we want to see! He's really into it!” And “that's a good thing,” right? And that's what they think. . . . It's a lot easier to take somebody's shirt off, pants off, to yell at them and make them do exercises. . . .

If [the detainees] were going to lie, they were going to stick with it—unless it became too harsh and they would break, or whatever. But then you get into the too-harsh area. . . and that's when you don't know if you're getting the right information—are they doing it just because of the pain or the discomfort?

Jeff said he was concerned that harsh tactics were not as effective as more traditional interrogation methods. When detainees provided information, yielding to abusive or harsh techniques, it would take time to corroborate and determine whether the information was accurate, whereas with traditional techniques, interrogators would usually determine immediately whether the information was accurate.

You know, the time difference of checking out the story, and this and that. Because if you're talking to somebody and you break them using a mental tactic or so forth, you just know when that person breaks. But from what I've seen of harsh physical tactics, where they supposedly break, that's harder to tell [whether the information is accurate] because they're just saying something to stop the discomfort. But if a prisoner breaks when you use the love of family approach [a traditional tactic, suggesting to the prisoner it is better for his family if he talks], the more traditional means, you instantly know it. So you don't have to fact check, you just know.

\* \* \* \* \*

### **Corroborating Accounts**

Jeff's accounts about the abuses at Camp Nama—and the fact that many of the abusive techniques were authorized—are consistent with other accounts provided by military investigators, soldiers familiar with the operations there, and other U.S. personnel.

A front page article about Camp Nama in the *New York Times* in March 2006, based on interviews with over a dozen U.S. personnel who served at Nama or were familiar with operations there, contained accounts about abuse at Nama consistent with Jeff's. The *New York Times* article also contained additional facts about the facility, and included allegations that some interrogators sometimes fired paintball guns at detainees, and engaged in other more physical abuses. A sign from Camp Nama obtained by the New York Times, reading "No Blood / No Foul – The High Five Paintball Club," was reportedly posted on a wall inside the compound at some point in 2004. (The sign is reproduced on the cover of this report.)

Declassified Department of Defense documents contain additional allegations. A CID investigation file from May 2004 contains statements from an interrogator with the 22nd Military Police Battalion who reported that he knew of abuses being committed at the Temporary Holding Facility at Baghdad International Airport (BIAP), involving members of task force at Nama. The reported abuse included sleep deprivation, 20-hour interrogation sessions, and a guard giving a prisoner urine to drink. According to the statement, the interrogator "was reporting this conduct because he felt the actions were inhumane even though every harsh interrogation was approved by the J2 of the TF [Task Force 6-26] and the medical personnel prior to its execution." The CID investigation was apparently ended because "the subject of this investigation is a member of TF 6-26 and the Special Agent in Charge, SOTF [Security Operations Training Facility], has accepted investigative jurisdiction in this matter."<sup>5</sup>

Another CID investigation file, from May 2004, details a complaint by a human intelligence "Augmentation Team" civilian interrogator at BIAP describing "harsh interrogations and inhumane conduct" by task force interrogators and BIAP guards in April 2004.<sup>6</sup> The CID report redacts two parts of the document's section describing the actual abuse, but contains the following part:

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<sup>5</sup> Investigation files from Army Criminal Investigative Command, Baghdad, Iraq, obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups, available at: [http://www.aclu.org/torturefoia/released/030705/9117\\_9134.pdf](http://www.aclu.org/torturefoia/released/030705/9117_9134.pdf).

<sup>6</sup> Investigation files from Army Criminal Investigative Command, Baghdad, Iraq, obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups, available at: [http://www.aclu.org/torturefoia/released/030705/9135\\_9166.pdf](http://www.aclu.org/torturefoia/released/030705/9135_9166.pdf). The underlying investigation concerns an allegation that a military guard at BIAP urinated into a bottle and gave it to a detainee to drink. The guard reportedly admitted to holding the bottle of urine to detainee's nose and making him smell it, "to teach him a lesson."

One time, I walked out to the bunk to locate one interrogator. They were in the middle of breaking a detainee. I could only hear groaning loud human noises and shouting by many people (I think they were beating the shit out of the detainee).

According to the same document, a captain at “Camp NAMA” told CID investigators that “inhumane treatment” allegations listed in the statement were unsubstantiated as they “fell within the Coalition Task Force-7 interrogation guidelines for the period in question.”<sup>7</sup>

In early May 2004, several soldiers who worked at Camp Cropper, near to the Nama complex, gave sworn statements to Army investigators about problems at Camp Cropper, including allegations that detainees who had been arrested and interrogated by “Task Force 20 and Seal Team 5” (other names used by the special task force at Nama) showed signs of abuse that they had presumably suffered before being processed into Camp Cropper—i.e., while they were in the custody of the task force, at camp Nama. For instance, an interrogator attached to the 519th Military Intelligence Battalion at Camp Cropper from May to September 2003 gave a sworn statement to CID that:

[W]hile at Camp Cropper, I was concerned about some detainees that were brought in by SEAL Team 5 and Task Force 20 that appeared to be very severely beaten. When we would inquire about these wounds, the SEALs/TF 20 members would provide a general “they resisted” response. [REDACTED] was responsible for reporting these injuries and wrote reports, I believe, on all such incidents.<sup>8</sup>

(The interrogator also stated that interrogators with the 519th Battalion, at Camp Cropper, were using painful “stress positions” against detainees.)

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<sup>7</sup> Ibid.

<sup>8</sup> Sworn statement of an Army interrogator (name redacted) in the 1st Engineer Battalion, 3rd Combat Support Brigade, 95th Division, attached to the 519th Military Intelligence Battalion, obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups, available at: [http://www.aclu.org/torturefoia/released/030905/DOD565\\_615.pdf](http://www.aclu.org/torturefoia/released/030905/DOD565_615.pdf) (PDF p. 36), originally placed in the classified annex to the combined investigation report of Gen. Anthony R. Jones and Gen. George R. Fay, *AR 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade*, August 2004 [hereinafter Fay-Jones Report], available at: <http://www4.army.mil/ocpa/reports/ar15-6/AR15-6.pdf>.

A Lieutenant Colonel who commanded the 115th Military Police Battalion at Camp Cropper, from April to November 2003, also gave a sworn statement to investigators outlining a particular case of abuse he knew about involving “Task Force 20”:

[The] incident regarded a detainee returned to the SP/CF [Special Prison/Confinement Facility at Camp Cropper] by Task Force 20. The detainee was bruised over a large portion of his body. I reported the incident to the 10th MP Bn (CID) [a military police battalion]. I did not hear the outcome of their investigation.<sup>9</sup>

An interrogator in the 321<sup>st</sup> Military Intelligence Battalion, stationed at Camp Cropper in August 2003, also gave a sworn statement mentioning abuse by the task force:

At the Cropper facility it was well known that detainees who were brought into the facility complained of beatings from members of Seal Team 5 and TF 20 [Task Force 20] personnel. . . . These instances of beatings were photographed and documented by [redacted].<sup>10</sup>

In June 2004, an FBI official at a temporary holding facility in Baghdad sent an e-mail to FBI headquarters reporting that a newly admitted detainee, transferred to the facility by a Task Force 6-26 team, had suspicious burns on his body, and that the military had launched an administrative investigation into the incident.<sup>11</sup>

Around the same period, a civilian Defense Intelligence Agency interrogator filed a “memorandum of record” to his superiors about abuse by “Task Force 6-26,” stating that he witnessed “two counts of violations of the Geneva Conventions” involving

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<sup>9</sup> Sworn statement of a Lieutenant Colonel (name redacted) in the 115<sup>th</sup> Military Police Battalion, originally placed in the classified annex of the Fay-Jones report, obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups, available at [http://www.aclu.org/torturefoia/released/030905/DOD780\\_821.pdf](http://www.aclu.org/torturefoia/released/030905/DOD780_821.pdf) (PDF p. 50).

<sup>10</sup> Sworn statement of a soldier in the 321<sup>st</sup> Military Intelligence Battalion, originally placed in the classified annex of the Fay-Jones report, obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups, available at: [http://www.aclu.org/torturefoia/released/030905/DOD452\\_517.pdf](http://www.aclu.org/torturefoia/released/030905/DOD452_517.pdf) (PDF p. 71).

<sup>11</sup> E-mail with redacted FBI sender and recipient, entitled “TF 6-26 Update,” June 25, 2004, obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups, available at: <http://www.aclu.org/torturefoia/released/FBI.121504.4887.pdf>.



“detainee abuse” and “illegal detainment of non-combatants.”<sup>12</sup> In the first, the author of the memorandum stated that, on or about May 11, 2004, he or she “witnessed the mistreatment of a TF 6-26 detainee,” as follows:

During the interrogation, conducted by a U.S. Army interrogator, four or five non-interrogator personnel from the Task Force entered the room and began slapping the detainee while he was attempting to respond to the questioning.

According to the DIA interrogator, the abuse lasted for fifteen minutes, before a senior officer “going by the call sign ‘X03’” entered the room, and told all the interrogators to leave. The memorandum then reads ominously: “I am not aware of what specifically occurred during my absence.” The interrogator also reported that he interviewed a different detainee who reported being slapped by task force personnel.

The DIA interrogator also reported an incident on May 9, 2004, in which TF-6-26, against the DIA agent’s objections, detained a 28-year old woman during a raid, “the wife of a suspected Iraqi terrorist [and target of the raid],” who task force personnel recommended be “detained and held in order to leverage the primary target’s surrender.” The woman, who had three young children (one only six months old and still nursing) was released two days later.

In June 2004, Vice Adm. Lowell E. Jacoby wrote to the Under Secretary of Defense for Intelligence, Stephen A. Cambone, about other reports by DIA personnel about abuse by 6-26 personnel. In a memorandum dated June 25, 2004, entitled “Alleged Detainee Abuse by TF 6-26 Personnel,” he wrote that two DIA personnel, in the Directorate for Human Intelligence, had observed abuses by task force personnel:

Prisoners arriving at the Temporary Detention Facility in Baghdad with burn marks on their backs. Some have bruises, and some have complained of kidney pain.

One of the two DIA/DH interrogators/debriefers witnessed TF 6-26 officers punch a prisoner in the face to the point the individual needed

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<sup>12</sup> Unknown (name redacted) DIA interrogator, “Memorandum For Record: Report of Violations of The Geneva Conventions and the International Laws of Land Warfare,” obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups, available at: <http://www.aclu.org/projects/foiasearch/pdf/DODDIA000172.pdf>.

medical attention. This record of treatment was not recorded by TF 6-26 personnel. In this instance, the debriefer was ordered to leave the room.

One DIA/DH interrogator/debriefer took pictures of the injuries and showed them to his TF 6-26 supervisor, who immediately confiscated them.

TF 6-26 personnel have taken the following actions with regards to the DIA/DH interrogators/debriefers:

- Confiscated vehicle keys
- Instructed them not to leave the compound without specific permission, even to get a haircut at the PX
- Threatened them
- Informed them that their e-mails were being screened
- Ordered them not to talk to anyone in the U.S.<sup>13</sup>

According to the memo, the DIA personnel reported the abuses they witnessed to other Department of Defense officials, who forwarded them to the Defense Intelligence Agency Inspector General, the Deputy Commander for Detainee Affairs, to Gen. Stanley McChrystal and the commander of Centcom. A handwritten note from Cambone to his top deputy, Lt. Gen. William G. Boykin, dated June 26, 2004 reads: “Get to the bottom of this immediately. This is not acceptable. In particular, I want to know if this is part of a pattern of behavior by TF 6-26.”<sup>14</sup>

According to the New York Times, a spokesman for General Boykin, when asked about what General Boykin reported back to Cambone, said on March 17, 2006 that “at the time he told Mr. Cambone he had found no pattern of misconduct with the task force.”<sup>15</sup>

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<sup>13</sup> Memorandum from Vice Adm. Lowell E. Jacoby Under Secretary of Defense for Intelligence, Stephen A. Cambone, “Alleged Detainee Abuse by TF 6-26 Personnel,” June 25, 2004, obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups,, available at: [http://www.aclu.org/torturefoia/released/t2596\\_0297.pdf](http://www.aclu.org/torturefoia/released/t2596_0297.pdf).

<sup>14</sup> Cambone’s note is at the same link: [http://www.aclu.org/torturefoia/released/t2596\\_0297.pdf](http://www.aclu.org/torturefoia/released/t2596_0297.pdf).

<sup>15</sup> Schmitt and Marshall, “In Secret Unit’s ‘Black Room,’ a Grim Portrait of U.S. Abuse,” *New York Times*, March 19, 2006.

In December 2004, Lawrence Di Rita, a Pentagon spokesman, told journalists who asked about the allegations raised in the Jacoby memo that four Special Operations soldiers in task force 6-26 had in fact received “administrative punishments” for cases involving “excessive use of force” including “unauthorized use of [a] Taser.”<sup>16</sup>

### **Criminal Culpability**

Almost all of the abuses as described above appear to violate U.S. military and federal criminal law, and international humanitarian law. (For more information on legal provisions applicable to the treatment of detainees in Iraq, see section on “Legal Standards,” below.) Yet there are few indications that there have been effective investigations or identification of any perpetrators at Camp Nama. As noted above, military officials have stated that a small number of task force members have been administratively disciplined, but not court-martialed. Five Army Rangers associated with the task force were reportedly court-martialed for abuses they carried out against detainees in September 2005, but the sentences were all six months or less. There are no indications that officers up the chain of command have been held accountable, despite serious questions about officers’ criminal culpability.

In December 2004, the Washington Post obtained a memorandum written a year earlier, in December 2003, by Col. Stuart A. Herrington, a retired military intelligence officer involved in counter-insurgency operations during the Vietnam war. Herrington was brought to Iraq in late 2003 by the chief of military intelligence in Iraq, Gen. Barbara Fast, to evaluate and critique intelligence-gathering and counter-insurgency operations in Iraq.<sup>17</sup> Herrington reportedly visited numerous operational sites, including the facilities at Baghdad airport, and wrote up a memorandum to General Fast about his findings.

During his mission, Task Force 121 denied Herrington access to the detention site at Nama. However, from talking to other intelligence officers, Herrington concluded that Task Force 121 was abusing detainees and intentionally keeping them “off the books,” not registering them in the U.S. military’s detention records or with the International Committee of the Red Cross. As he wrote in his memorandum: “Detainees captured by

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<sup>16</sup> Transcript of Department of Defense Press Briefing with Lawrence Di Rita, December 8, 2004. The reported punishments were that two of the personnel were “reassigned to other responsibilities, and two were removed from the unit.” Di Rita said that ten task force members in total had been issued “letters of reprimand” in relation to allegations of abuse, and that two special courts-martial were pending (note: special courts-martial can only result in a maximum of one year confinement).

<sup>17</sup> See Josh White, “U.S. Generals in Iraq Were Told of Abuse Early, Inquiry Finds,” *Washington Post*, December 1, 2004. Human Rights Watch also interviewed a person familiar with the Herrington mission and memorandum, who requested that his name not be used.

TF 121 have shown injuries that caused examining medical personnel to note that ‘detainee shows signs of having been beaten.’ . . . It seems clear that TF 121 needs to be reined in with respect to its treatment of detainees.’<sup>18</sup>

This report was written in December 2003, and most of the abuses described above occurred afterward—suggesting that the memorandum did not result in any significant changes. In other words, military intelligence officers, including Gen. Barbara Fast, were specifically informed of credible allegations of detainee abuses involving the task force, yet appear to have taken no action, or inadequate action, to correct the situation and stop abuses.

The fact that this memorandum was filed raises serious questions about the MI leadership’s complicity in the abuses described in this report. Under the doctrine of command responsibility, commanders may be liable for crimes committed by subordinates, in cases where they knew or should have known about the crimes but failed to stop them.

More investigation is needed into these issues and into the underlying abuses themselves, but the Herrington memorandum strongly suggests that military intelligence officers and other commanders could be held criminally liable for the abuses documented here. From the memorandum, it appears that senior officers were alerted to abuses at Nama in late 2003, and then failed to act, which potentially makes them criminally liable under the command responsibility doctrine.

## ***II. Forward Operating Base “Tiger,” near al Qaim, Iraq.***

Human Rights Watch has also documented allegations about abuse committed in 2003 at Forward Operating Base Tiger, near al Qaim, in western Iraq on the border of Syria. The account below, from a soldier stationed at FOB Tiger, details routine abuse at the facility, apparently built into the interrogation regime. The account details how detainees were kept in oppressively hot metal containers for 24-hour periods as temperatures reached 130s and 140s, how interrogators hit detainees during interrogations, and how senior officers squelched soldiers’ efforts to complain about the abuse.

### **FOB Tiger**

“Nick Forrester”<sup>19</sup> was stationed at FOB Tiger from early May 2003 through late September 2003, serving as a sergeant with the 82nd Airborne Division.

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<sup>18</sup> Josh White, “U.S. Generals in Iraq Were Told of Abuse Early, Inquiry Finds,” *Washington Post*, December 1, 2004.

In October 2005 and May and June 2006, Human Rights Watch interviewed Nick about his experience at FOB Tiger.

For most of his time at Tiger, Nick was ordered to serve as an MP guard for the detention and interrogation operations at the facility. He was responsible for guarding detainees brought to the base and for transporting detainees from holding areas to interrogation areas, where they would be interrogated by Army and CIA interrogators.

As described below, Nick told Human Rights Watch that almost all of the detainees captured and interrogated at Tiger were subject to serious mistreatment, either in detention or while being interrogated.<sup>20</sup> Specifically, he told Human Rights Watch that he and other guards, under orders, subjected detainees to severe sleep deprivation and exposure to dangerously high temperatures, forcing them to stand with their faces to the wall for twenty-four hours straight inside a metal shipping container, with the door open, but with little ventilation. And he said that he repeatedly saw interrogators subjecting detainees to severe mistreatment, including beatings and threats.

Nick described what happened when detainees were first brought into the facility:

Standard procedure, when I was there, you [i.e., the detainees] had twenty-four hour inside the Conex [container] . . . you're blind-folded, you're zip-stripped, your hands are behind your back; your feet usually weren't, unless there was a particularly volatile prisoner—somebody who'd caused a lot of trouble, they'd hitch the feet as well. You were there, twenty-four hours: no sleep, no food, no water.

The temperatures inside the container, Nick said, were extreme:

Early on, when I first got there, it only got up to about 115, but by July and August, we were regularly between 135 and 145 [Fahrenheit]. [Inside the container] it was really extremely hot, to the point where it was

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<sup>19</sup> This soldier requested that Human Rights Watch not use his real name or details about his deployment. The quotes and accounts provided by this soldier have been lightly edited—no substantive details have been altered in any way—solely to remove repetition and ensure readability.

<sup>20</sup> Nick told Human Rights Watch that about 20-40 detainees were typically held at Tiger at any one time, and that most detainees—after being interrogated at Tiger—were not released but usually sent south to Abu Ghraib or to other facilities. He said most detainees spent about one month at Tiger.

irritating to go into the back of the Conex to get somebody out to use the restroom, which is usually the only thing they were allowed to do. . . there was no talking, none of that inside there.

Nick said that the MPs were instructed to keep the detainees awake for the initial 24-hour period, by forcing them to stand in the metal shipping container:

It was your job to make sure that they weren't sleeping. . . . You'd shout something in there, every once in a while, you'd have a head check, or something like that. Nod their head, you know. . . .

They're standing. And their hands are usually zip-stripped behind. Some of them would jump their thing and put it in front [i.e., kneel down and bring the zip-cuff beneath their feet and stand up again with the cuffed hands in front].

For me, it didn't really matter, if they needed to go to the restroom, I'd put [the zipcuffs] back behind, and you know, walk them out. . . .

At night time, a lot of the guards would walk by, unload the magazine from the rifle, bang on the side [of the metal container] for a little bit to make sure that you know, everybody was awake. And you'd catch them if they'd fall asleep—they'd fall over because they're bound. You see, they'd try to lean their head against the wall [but] you'd slap on [the container] to make sure they lift their head back up off the wall, or do whatever it took to make sure they'd stay awake.

And then usually, after that 24 hour period, they were taken over and talked to [interrogated] for the first time.

### **Interrogations**

Human Rights Watch asked Nick who interrogated the detainees:

Sometimes, military interrogators. Sometimes, civilian personnel. We had a lot of various different—we could have CIA rolling through—it was chaos. We had special forces, CIA, everybody—various people at different times. The civilian people, I couldn't really tell you who they

were, you know, they weren't wearing tags or tapes or anything. You couldn't really know, unless you went up and asked them.

Nick would bring detainees from the metal shipper container over to a nearby building, where interrogators subjected detainees to jarring noise and lights, and then physically beat them. Nick had to stand guard during the interrogations, and he described to Human Rights Watch what he often saw occurring in the interrogation facility:

Typical case, you've been here for 24 hours. . . you were walked [over to the interrogation building] by one of my guys [MPs]. . . and then you were handed over to the MI guys—the two or three that was there. They'd sit you down on a chair. They start off with some softball questions, getting your name, getting warmed up, like that. And then, at the first “no,” at the first “I don't know,” at the first “I don't have any information,” the first wrong answer—that's when the lights went off, they put some strobe light on, put some kind of a heavy metal on—just some kind of loud music, whatever they could put on. One time, they put Barney<sup>21</sup> on real loud and it annoyed the hell out of me. You listen to that over and over for 2 hours and it's really annoying. Whatever they put on, it was real annoying. . . .

So, typical first time interrogation consisted of some kind of heavy metal music really loud, strobe light, lot of yelled questions and stuff like that, until they finally would break down and cry and say “I don't know anything, I don't know anything!” If [the detainee] was a particular target of interest that they thought knew something, you know, they'd grab him, punch him—stomach, neck, arms—you know, right in here [indicating the back of the arm, above the elbow], you'd punch them in the back of the elbows—hold your arms up—you'd punch them in the back of the elbow, I guess, so not to leave a mark. . . . Particularly people of interest, they really want to talk to, they would use everything.

Nick said music or noise was often played so loud in the interrogation room that soldiers standing 30 feet away, at the metal container where detainees were initially held, would have to yell at each other to be heard: “They had a nice sound system. On the 4th of

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<sup>21</sup> I.e., the main theme song from the children's television show “Barney,” a simplistic and short song with the lyrics: “I love you/ You love me/ We're a happy family/ With a great big hug and a kiss from me to you/ Won't you say you love me too?/ I love you/ You love me/ We're best friends as friends should be/ With a great big hug and a kiss from me to you/ Won't you say you love me too?”

July, it's what we used to play music. . .” Nick also said that interrogators used their M-16s (U.S.-issued automatic weapon) to intimidate or threaten detainees:

Typically, everybody got the chair kicked out from under them—you know, the kind of “bad cop” part, chair kicked out—at that point the guys would pull the chair out and hand them [the other interrogators] all the M16s you know, to make it, even though the weapon was all ready, they would pull the charge [chamber a round in the weapon] to get the full effect of “Hey, we’re serious,” and stuff like that.

At this point, usually the guy would say something meaningless—usually, for the most part, they would say something: “I can get you somebody,” or “I know something,” you know. For the most part, we’ll say, 60-70 percent of the time, they’d say something right then. Then the interrogator would keep on his line of questioning.

He’s on his knees, usually a rifle pointed at him, strobe light going, music going, whatever. Then the guys sitting at the desk asking him questions directly. It was always yelling at that point—you had to, in order to hear [over the music]. . . . For the most part, that would drag on for quite a while. They’d ask and ask and ask and ask.

I would say, about, overall, about half the guys to 60 percent of the guys got at least one gut shot—either punched or the butt of the rifle in the stomach. . . . I couldn’t put an exact figure, somewhere on the low ball, I would say, 60 percent. . . .

Civilian guys [civilian contractors or CIA] seem to get a little rougher—that always seemed to be the case. There was one military guy—he was blatantly racist towards Arabs, you know, as far as stuff went. He seemed to drag on a lot longer and he had a higher quantity of people getting punched or whatever else. [But generally] it seems to me the civilian guys—when the civilian guys are doing the interrogating, that’s when things got rougher.

Nick said he saw numerous detainees abused as described above—he couldn’t say a precise number, but estimated it was somewhere between thirty to fifty people. Interrogators often would have one detainee watch them as they abused another detainee, in order to intimidate them: “They would have [another] person first, and then



they would come back and get the guy and see if they could get information out of him—as a ‘this is what’s coming to you’ kind of thing.”

Human Rights Watch asked: “And if you totally cooperate, what would happen?”

If you totally cooperate and give out information—“Yes, sir,” or “No, sir,” “Yes, Mister, No Mister”—for the most part you’d still have the chair kicked out from under you, you still got at least one gut shot.

Human Rights Watch then asked: “And if you were completely uncooperative?” Nick described one of the worst cases he saw, which took place around July 2003, involving a detainee who a Special Forces team had arrested, and who the Special Forces team had decided had valuable information about insurgent activities. “They brought him back [to FOB Tiger] and he got the mess beat out of him,” Nick said. “He got the hell beat out of him.” Nick told Human Rights Watch what he saw when the detainee was brought into the interrogation building:

He wouldn’t say anything, and they kept screaming at him and screaming at him. And they picked him up and threw him against the wall—and it’s a concrete wall. They threw him up against the wall, they punched him in the neck, punched him in the stomach—you know, gut shot—they threw him down. [At one point,] they actually threw him outside—they had two guys [other detainees] outside watching—threw him outside the building, just threw him outside like that. And then they picked him up, dragged him back, pulling him by the hair and stuff. . . . They hold his arms like this [out behind his back] and then beat him down—enough so they could break it, to give you a little bit of the pain. Same with the kneecaps: kicked him in the kneecaps, you know, really hard, with those boots—combat boots.

They were [usually] very conscious of trying not to leave marks [on the body] most of the time, but with that guy—they really didn’t [i.e., they made no effort to avoid leaving bruises and cuts]. . . . [Later,] they took some of the sani-wipes from the MRE pack [Meals Ready to Eat], you know, clean his face off and stuff like that, but the next day, he was pretty bruised.

The detainee was beaten and interrogated for about two hours, Nick said. “He was there for a long time, a long time.” Later on, Nick said, the interrogators told guards and other

soldiers that the detainee had inflicted the damage on himself: “They blamed it on him—a ‘falling-down-the-stairs’ deal or whatever.”

As it turned out, the detainee who was beaten was Iranian: Nick said he was a middle aged man, probably in his late 40s, and said he was probably a small-time businessman or smuggler who brought electronics to and from Syria and through Kurdish areas in Iran and Iraq. The fact that the man didn’t speak Arabic apparently made the interrogators beat him more severely:

The guy didn’t speak Arabic at all; he spoke Farsi. And there was nobody who spoke Farsi on the post and he just kept getting the crap beat out of him because they thought that he was being silent when he only spoke Farsi.

Nick said that one of the Special Forces soldiers on the base—who was not trained as an interrogator or part of a military intelligence unit—was responsible:

The guy who was doing most of the roughing up in that case, I’m pretty sure that he was one of the SF [Special Forces] guys that just rotated through, and was just helping out in the interrogation. But they really thought this guy had a bunch of information, and he never opened his mouth except to scream incoherently, when he was getting hit.

After interrogations, Nick said, detainees would be taken to a second nearby facility, with a tile floor, where they were given Meals Ready to Eat (MREs) and were allowed to sit or lie down. (Since there were no mattresses, detainees usually used the cardboard MRE containers as pillows.) But not everyone was immediately brought there:

If you were pissing people off, if you pissed the guard off, and it was a hot day, they’d probably throw you back [in the metal container]. Blindfold you, zip-strip you, where he can directly eye on you, and put you back into that corner [of the container] where it’s really, really hot.

### **Raising Concerns**

Nick said that some soldiers at FOB Tiger were troubled by what they were seeing, but that most didn’t complain, and that in any case it was difficult for enlisted troops to complain. “I asked a few questions and stuff like that and it was pretty much kind of ‘Shut up’ or ‘Drop it now.’”

Human Rights Watch asked Nick about his reaction to the abuse, and whether he raised objections with his superiors or the interrogators:

It was very unsettling to me. I walked over to talk to [the interrogators] later and I started asking a couple of questions because I figure those guys were probably—they're at duty and little more versed in the Geneva Conventions than I am. I try to read up on everything—I'm a reader; I love books and stuff. And I try to read all the rules and regulations and stuff.

I started asking questions and [the lead interrogator, with an E6 rank] was like, "No, this is the way we do things" and stuff like that. It didn't sound right, so I went back and checked and everything. . . .

The first time that I talked to [the E6 interrogator] it was more inquiry, bringing it up that I didn't think that was right, you know? [I asked] what are the rules about—what does it say about this? "I was under the impression that we're not allowed to hit somebody," like that—you know, stuff like that. And it was—the first time, it was brushed aside:

"Oh, this is how we do things," you know? "Tough up, man. This is how the Army does things."

Nick said he looked up the Geneva Conventions on a mini-laptop he had on the base—he had a CD-ROM of training manuals and military documents—and then went back to the interrogators to ask again:

And the next time around, I pulled the guy out [the E6 interrogator, and said]: "I looked—I looked this stuff up and this is not the way it's supposed to be," you know? He was like, "This is the directive we had. You need to go ahead and drop this, sergeant." You know, and he outranked me. "Drop this sergeant" [he said]. It was repeatedly emphasized to me that this was not a wise course of action to pursue. . .

It was blown off, but it was a little more stern: "You don't want to take this inquiry anywhere else," kind of thing. "You should definitely drop this; this is not something you wanna do to yourself," kind of thing.

Nick said there was another soldier he was friends with, who shared his concerns (“he and I talked a lot about it kinda being bullshit”), but that for the most part, other soldiers didn’t seem to care, or worse, supported mistreating the detainees:

The guys that I was with—the duty guys that I had under me especially—were like [using the inflexion of an immature teenager:] “Did someone bring a camera?” You know, and stuff like that. They were out for blood. The army has some odd mentality people, you know. You’ve got a wide spectrum of people, but there are some odd people out there that are just, you know—get off on that kind of thing. They get off on the violence and stuff. And I don’t understand that, you know. And cameras were, supposedly, strictly forbidden. There’s a little sheet posted there that you are not to bring any cameras into the area at all. But that rule is broken many times—many, many times.

#### **“Geneva’s a town in Switzerland”**

As described earlier, Nick and MPs he worked with were under orders to keep newly arrived detainees awake and standing in the metal container. But Nick ordered the enlisted soldiers working under him not to hit detainees:

[I told them:] this is what I expect, this is how I do things. I don’t care what the other guys do, the rules are “don’t bring a camera,” so don’t bring a camera, you don’t hit the guys. I try to tell them to treat them the way you wanna be treated and stuff like that. . . Geneva Conventions, that’s what I do—I remind them of Geneva Conventions—this is what we do, this is what we don’t do to prisoners.

Nick said that neither he nor any of his troops had training in detention operations, or Geneva Conventions standards on treatment of detainees:

Geneva Conventions—I mean, a lot of people’s knowledge—99 percent of people’s knowledge extends to “hey, there’s a Geneva Conventions Category one in the back of my ID card,” [referring to the classification written on soldiers identification cards]. Or: “Geneva’s a town in Switzerland.” For a lot of people, you know, that’s what it extends to. I knew a little bit more, you know, as far as that goes: Those are rules governing warfare and stuff like that. But I didn’t know a lot of specific information or anything like that. I looked up specific information based

on the treatment of POWs, detainees, etc. etc. That's what I was looking for. And right now, I couldn't quote you much. . . .

That's pretty much how it went. That's the prevailing thought [process] and it was mentioned that, "Oh, that's an antiquated set of rules."

"You can't get information out of people these days without breaking them"—that kind of thing. That was the prevalent attitude. That was voiced by the E6. That was the quote: "You cannot get information out of them without breaking that stuff."

From Nick's perspective, the interrogators did not appear professional. He believed that much of the abuse stemmed from racist attitudes toward detainees. Many of the guards and interrogators called Iraqi's "Hajis," and would often mock or taunt them. Nick also said he didn't believe that abusive interrogation tactics worked:

I'm not an interrogator, so I can't render an expert opinion there. But to me, it seemed like some things that they did [showed] that they knew what they were doing as far as that stuff goes. But I think they could have used more training. They seemed a little lost at points. I mean they were very fluent in Arabic. They knew—they had a lot of information as far as that kind of stuff went. But with the process, you know, they could have probably used a lot more training on. . . .

I think part of the problem is the blatant racism against the Arabs. Just blatant, you know—bad. When you have an enemy you kinda have to demonize them a little bit like that in order to make yourself capable of pulling a trigger. . . . But I think, rather than demonize a whole race of people or anything like that, there are better ways to try to. . . [motivate your troops]. . . .

As far as the interrogation process, there are plenty of ways to get information out of people. Given enough time, and stuff like that, you can get information. I understand torture was effective back in the day, but was it really? I mean how much information that was given out was real and how much was given just to escape pain? In this case, I feel there were probably a couple of instances like that out there, at Qaim. People are just tired of dealing with bullshit so they'd say something. . . .

I don't think that those were the right way to do things. I think that encourages other people to do the same to us. If we were—we haven't had the opportunity to be on the invaded side, if you will, and see how it goes if the shoe were on the other foot, and I think that if it were, U.S. people would be up in arms if that happened. The same people who say that it's okay to circumvent that now, if it were happening to them, would definitely have a problem with it.

### **Corroborating Accounts**

Nick's accounts about FOB Tiger are consistent with and reinforced by other accounts from soldiers provided to Human Rights Watch. Human Rights Watch spoke with a guard and a captain, both of whom served at FOB Tiger in 2003. The guard said he observed abusive interrogations by civilian interrogators at FOB Tiger. The captain was not directly involved in detention operations, but said he heard from other personnel about abuse at the base, and once heard sounds of physical violence coming from rooms where civilian interrogators were questioning detainees.<sup>22</sup>

Military investigators also heard of other serious abuses at FOB Tiger, including a homicide in November 2003. (Nick departed Tiger in September 2003.) Serious allegations about abuse and torture at FOB Tiger were raised during two courts-martial convened in Fort Carson, Colorado, related to the torture and death of a 56-year-old Iraqi named Abed Hamed Mowhoush, who died at FOB Tiger in November 2003. Mowhoush had served as one of Saddam Hussein's generals and, at the time of his arrest, was suspected of involvement in attacks on U.S. forces.<sup>23</sup>

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<sup>22</sup> See Human Rights Watch, "Leadership Failure: Firsthand Accounts of Torture of Iraqi Detainees by the U.S. Army's 82nd Airborne Division," September 2005, Volume 17, No. 3(G), pp. 6-8, available at <http://hrw.org/reports/2005/us0905/>.

<sup>23</sup> The description of this case is based on numerous sources, including: Army Criminal Investigation Command documents and Autopsy Examination Reports and Death Certificate, obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups, available at: [http://www.aclu.org/torturefoia/released/041905/m001\\_203.pdf](http://www.aclu.org/torturefoia/released/041905/m001_203.pdf); Arthur Kane, "Iraqi General Beaten 2 Days Before Death," *Denver Post*, Apr. 5, 2005; "Guardsmen: CIA beat Iraqis with hammer handles," *Denver Post*, July 25, 2005; Josh White, "U.S. Army Officer Convicted in Death of Iraqi Detainee," *Washington Post*, January 23, 2006; and notes taken by Human Rights First during the Welshofer court-martial, see "Welshofer In His Own Words," January 20, 2006 (on file with Human Rights First), excerpts available at: [http://www.humanrightsfirst.org/us\\_law/etn/trial/welshofer-012006d.asp](http://www.humanrightsfirst.org/us_law/etn/trial/welshofer-012006d.asp).

(CIA personnel were also reportedly involved in the death, and a case was reportedly referred to the U.S. Department of Justice for investigation. Human Rights Watch asked officials in the Justice Department criminal division in April 2006 for an update on this and other cases, and was told that investigations were still open, but that no CIA personnel had been indicted.)

In March 2005, Chief Warrant Officer Lewis Welshofer Jr. and Spec. Jerry Loper were charged in Army courts-martial at Fort Carson with assault and murder in connection with Mowhoush's death. Many of the proceedings were sealed, and numerous documents connected to the case were classified, but information presented during the trial revealed numerous details about the standard interrogation techniques used at FOB Tiger and near al Qaim generally. During the trial, several classified documents related to the case were leaked to journalists at the *Washington Post* and *Denver Post*.

One classified investigation report, obtained by the *Washington Post*, described Mowhoush's detention and custody in detail. It stated that, two days before his death, he was severely beaten by a group of Army interrogators and Iraqi paramilitaries, reportedly paid by the CIA. According to the document, the group severely beat Mowhoush using "fists, a club and a length of rubber hose." A CIA operative was involved, referred to in the documents as "OGA Brian" (OGA is a commonly used acronym for "other government agency," a moniker used by military personnel for the CIA).

At the court-martial for Welshofer and Loper, an army investigator testified about the beatings (the hearing was sealed but the military did release a redacted transcript):

When he didn't answer or provided an answer that they didn't like, at first [redacted] would slap Mowhoush, and then after a few slaps, it turned into punches. And then from punches, it turned into [redacted] using a piece of hose.

An Army investigation report said that soldiers heard Mowhoush "being beaten with a hard object" and "screaming."

Soon after the beating described above, on November 26, 2003, Army personnel took over the interrogation: the two defendants, Welshofer and Loper, as well as a Sgt. 1st Class William Sommer (a linguist) and Chief Warrant Officer Jeff Williams (an intelligence analyst). According to testimony given at the court-martial, the interrogators decided to put Mowhoush inside a sleeping bag, close it, and tie an electrical cord around him. And it was while Mowhoush was inside the sleeping bag that he died.

Mowhoush's death certificate listed his cause of death as "asphyxia due to smothering and chest compression," and a December 2, 2003 autopsy stated that Mowhoush had "contusions and abrasions with pattern impressions" on a large part of his body, as well as six fractured ribs. Army investigators found that the investigation was complicated by the fact that Mowhoush had been severely beaten before being mistreated by Army interrogators.

Testimony given during the courts-martial process made clear that many of the abusive techniques used on Mowhoush were authorized and regularly used at FOB Tiger.

During a pre-court-martial hearing in March 2005, a Chief Warrant Officer who worked with Welshofer in Iraq, Richard Manwaring, testified that the use of the sleeping bag technique and similar techniques, like putting detainees in lockers and banging on them, were in his opinion "appropriate" and that he himself used the tactics to intimidate detainees. At the same hearing, Col. David A. Teeples, who commanded the 3rd Armored Cavalry Regiment at the time of the incident, testified that in his opinion the "claustrophobic technique" was effective and stated on the record that it had been authorized for use at the base. Teeples blamed Mowhoush's death on the beating by the CIA and Iraqi group.

At trial, in January 2006, Welshofer himself testified regarding an August 30, 2003 memorandum that he said stated that there were no specific "Rules of Engagement" for interrogations, because detainees' legal status as "unprivileged combatants" was unclear:

Basically [the August 30 memo] said that as far as they [senior commanders] knew there were no ROE [Rules of Engagement] for interrogations. They were still struggling with the definition for a detainee.

It also said that commanders were tired of us taking casualties and they wanted the gloves to come off . . . . Other than a memo saying that they were to be considered unprivileged combatants, we received no guidance from them.<sup>24</sup>

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<sup>24</sup> Chief Warrant Officer Lewis Welshofer, testifying during his court-martial, January 19, 2006, see "Welshofer In His Own Words," January 20, 2006 (on file with Human Rights First), excerpts available at: [http://www.humanrightsfirst.org/us\\_law/etn/trial/welshofer-012006d.asp](http://www.humanrightsfirst.org/us_law/etn/trial/welshofer-012006d.asp).



### **Criminal Culpability**

The abuses described above appear to violate U.S. military and federal criminal law, and international humanitarian law. Many of the “techniques” that were later said in the Fort Carson trials to be “appropriate” or “authorized” were illegal. (For more information on legal provisions applicable to the treatment of detainees in Iraq, see section on “Legal Standards,” below.) But as with the abuses at Nama, there are few indications the military undertook any systematic efforts to investigate and prosecute abuses. Besides the Welshofer-related investigation, there are no other known criminal investigations about abuses at al-Qaim.

Nor are there any indications that officers up the chain of command have been investigated or held accountable, even though the accounts here and the testimonies at the Fort Carson trials suggest that officers could be held liable for authorizing illegal techniques, and held liable as principals as well, under the command responsibility doctrine, since they appear to have known about abuse taking place and failed to stop it.

### ***III. Mosul: Camp Diamondback/Camp Glory***

Human Rights Watch has also documented allegations about abuse that took place at detention facilities at Mosul airport, in northern Iraq. The account below looks at abuses at the “Brigade Holding Area” (BHA) for the 2nd Brigade Combat Team (a unit of the 101st Airborne Division at Mosul), and a separate detention compound at the airport used exclusively by a special Navy SEALs team, “Naval Special Warfare Squadron 7,” sometimes known as Navy SEAL Team 7. (Forces stationed at Mosul airport in 2003-2004 referred to facilities at Mosul airport as Camp Diamondback and Camp Glory.) The account includes details about how military intelligence officers encouraged interrogators to use increasingly harsh techniques on detainees during questioning, including painful stress positions, sleep deprivation, and threatening detainees with military guard dogs.

### **Interrogations**

Tony Lagouranis, an Army interrogator at the rank of Specialist with the 202nd Military Intelligence Battalion, was based at Mosul airport from February to April 2004.<sup>25</sup> He provided intelligence-gathering support for combat operations in Mosul and also worked with the 311th Military Intelligence Battalion, based in Mosul at the time. He interrogated numerous detainees brought to the facility, as well as detainees initially detained in the Navy SEAL facility and then transferred into Army custody. The

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<sup>25</sup> The quotes and accounts provided by this soldier have been lightly edited—no substantive details have been altered in any way—solely to remove repetition and ensure readability.

detainees he interrogated included persons arrested by both the Navy SEALs and Army units based at Mosul, who at the time were mostly comprised of units in the 101st Airborne Division.<sup>26</sup>

Lagouranis told Human Rights Watch that from the very first days he was deployed at Mosul, he saw abusive techniques being used, including sleep deprivation, exposure to severe cold, forced exercises and use of painful stress positions, use of guard dogs to intimidate blindfolded detainees, and use of loud music and strobe lights to disorient detainees and keep them awake. Lagouranis—who was a Specialist—says he did not himself employ the techniques at first. However, after a few days at Mosul—and after pressure from Military Intelligence officers up the chain of command—he began participating in interrogations in which MPs and MI personnel were abusing detainees:

It sort of developed. We were doing normal interrogations, running your normal approaches [standard legal interrogation techniques]. But a week or two after we were there, the Warrant Officer [in charge of the interrogation unit] decided that we needed to step it up a little bit. So he introduced us to certain things, like we were to have a guard all night long on a guy, while he was on his knees and sitting out in the compound [i.e., outside, in the cold]. . . .

Lagouranis described to Human Rights Watch how one particular interrogation session, involving two brothers detained as suspected insurgents, became abusive after his MI officer pushed him and his team to become more aggressive:

[During the initial interrogation] we worked hard on these guys. There were two brothers and basically we knew that they had stuff, right, and so the Warrant Officer [name withheld] said: “Look, this is what we are gonna do: we’re gonna keep them up all night long, we’re gonna keep them on their knees and we’re not gonna let them sleep.” He was very specific about it. He didn’t say: “I want you guys to go nuts on these guys,” but he was very specific about what he wanted. . . .

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<sup>26</sup> Serving at these holding areas, besides the Navy SEALs, were various soldiers in the 101st Airborne Division, including soldiers from the division’s 1st Battalion, 502nd Infantry Regiment (“1/502”); soldiers from the 1st Battalion, 327th Infantry Regiment (“1/327”); soldiers from 2nd Battalion, 44th Air Defense Artillery Regiment (“2/44”); and soldiers from the 311th Military Intelligence Battalion (“311 MI”).

Later we had a few dogs on these guys too, and all the whole thing. . . . [The MI officer] said, you know, I've got these dog handlers, these MPs, they are going to come in and you're gonna use them in the interrogation. . . . The guard members came in and we just sort of like talked about what was possible and what we could do. So we just worked it out with them. . . . There was never beating or anything. But we were making these guys do PT [exercise], which were pretty rough on them. And the stretch positions were pretty rough on them too. . . . you know like kneeling in the gravel, walking on your knees in the gravel. . . . having them stand with outstretched arms with water bottles in [their] hands for extended periods of time. Crawling through the gravel. And the guards in the prison were helping with this.

Lagouranis explained that the abusive techniques were commonplace at Mosul, and that the general situation was chaotic. There were also signs of more serious abuse being committed by the Navy SEALs, in their facility. Lagouranis said he saw bruises and other signs of abuse on detainees transferred into Army custody from the Navy SEAL facility, and described how SEALs would often drop off or pick up detainees from Army custody, without explanation.

### **Lack of Guidance**

There was not any initial training or guidance about what interrogators could and couldn't do, he said, just instructions from a military intelligence officer to use the abusive techniques. Generally, Langouranis said, there was little guidance or oversight into how the interrogations were being conducted: "I wasn't really trained by interrogators up there. We just sort of set up under the Chief Warrant Officer and then started interrogating."

In March 2004, when Lagouranis and another interrogator voiced concerns about the techniques, their supervising MI officer provided them with an Interrogation Rules of Engagement card, authorizing the use of dogs, exposure to hot and cold temperatures, sleep deprivation, forced exercises and use of painful stress positions, and environmental manipulation (allowing strobe lights and loud music):

When we were doing that stuff it was under the direction of Chief Warrant Officer [name withheld]; he was telling us, this is what he wants. But when he told us this, you know, of course, we got a little worried. So we asked for IROE [Interrogation Rules of Engagement] and he gave us the IROE that his unit was supposedly using.

I think it was sort of an outdated IROE now that I think about it,<sup>27</sup> because I felt—because I saw others later that were different. I think he was using one from Afghanistan or something like that. But everything that he said, as far as I could tell, was it was legal on the IROE [i.e., the techniques were detailed in the IROE:] that we could use dogs, we could use environmental manipulation, sleep deprivation, sort of stress positions. But who knows—I don't know if it was legal or not, what we were doing.

### **Corroborating Accounts**

Lagouranis' accounts—including about abuses by Navy SEALs at Mosul—are consistent with other accounts of mistreatment at the Mosul facility documented by military investigators from late 2003 and through 2004.

For example, on December 9, 2003, according to Army criminal investigation documents, a detainee named Abu Malik Kenami (also known as Abdureda Lafta Abdul Kareem) died while in custody at Mosul Airport, after undergoing interrogation tactics similar to the tactics described above.<sup>28</sup> (This was about a month before Lagouranis arrived at Mosul.) Army personnel told investigators that Kenami, who was arrested a few days before his death, was repeatedly punished “for talking” by being forced to do exhaustive exercises while he had a sandbag hood on his head. On the night of his death, he had his hands zip-tied behind his back and was placed with other detainees in a holding cell and told to sleep. Kenami was found dead the next morning. No autopsy was ever conducted and no official cause of death was determined. A review of the Kenami case was initiated after the Abu Ghraib scandal became public. Army reviewers criticized the initial criminal investigation for failing to conduct an autopsy, failing to interview the interrogators, medics, or detainees present at the scene of the death, and

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<sup>27</sup> The IROE does appear to have been outdated. Lt. Gen. Ricardo S. Sanchez, then the chief commander in Iraq, had authorized a set of interrogation rules allowing these abusive techniques in September 2003, but then formally withdrew them in October 2003. However, as detailed in this report and in other accounts, personnel throughout Iraq continued to use many of the techniques well into 2004. See Article 15-6 Investigation of CJSOTF-AP and 5th SF Group Detention Operations by General Richard P. Formica (redacted and declassified copy), November 2004 (on file with Human Rights Watch). The Formica report found that Special Forces groups working in Iraq were still using many of the rescinded techniques, months after Sanchez's order. See also Eric Schmitt, “Pentagon Study Describes Abuse by Units in Iraq,” *New York Times*, June 17, 2006.

<sup>28</sup> The facts described here are discussed in more detail in a recent joint report by Human Rights Watch, Human Rights First, and NYU Center for Human Rights and Global Justice: “By the Numbers: Findings of the Detainee Abuse and Accountability Project,” April 2006, appendix B.

failing to collect physical evidence. As of July 2006, the Army appears to have taken no punitive or disciplinary action in the case.

A separate Army investigation in January 2004 detailed another detainee abuse case at the same facility at Mosul, reported on December 10, 2003 (the day after the death of Kenami, the detainee above). A teenage detainee who was undergoing stress exercises, as set out below, alleged that he was hit by a soldier and that his jaw was broken.<sup>29</sup> He was flown to Baghdad for surgery. An Army investigation, ordered by Army General David Petraeus, established the following details, entitled “FACTS” in the investigative report:

Detainee [Redacted] was either struck or fell at about 115030DEC03 [11:50 AM, December 30, 2003] and broke his jaw. [The date appears to be misprinted: the incident is described in all other accounts as taking place on December 10, 2003.] . . . There were soldiers from 1/502, 3/327, 2/44, and 311 MI at the BHA at this time, serving as either guards or in other MI roles.

The detainees [at Mosul airport] were being systematically and intentionally mistreated (heavy metal music, bullhorn, hit with water bottles, forced to perform repetitive physical exercises until they could not stand, having cold water thrown on them, deprived of sleep, and roughly grabbed off the floor when they could no longer stand).

The detainees had sand bags on their heads with “IED” written on them, the infantry soldiers stated they felt this was done to make them angry at the detainees and it had exactly this effect. . . .

The 3d & 4d Geneva Conventions were violated in regard to the treatment afforded to these detainees.<sup>30</sup>

The investigating officer also provided a synopsis of “Witness Statements” he took from various members of the 101st Airborne Division. The synopsis is as follows:

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<sup>29</sup> The description of this case is based on Army investigation documents obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups, available at: [http://www.aclu.org/torturefoia/released/032505/1081\\_1180.pdf](http://www.aclu.org/torturefoia/released/032505/1081_1180.pdf) (see PDF pp. 84-100)

<sup>30</sup> See *ibid.*

[Redacted] 1/502<sup>31</sup>: We always harassed the hell out of the detainees. They always told us to “smoke the detainees,<sup>32</sup> but to not physically harm them.” I saw the Chief throw them down, put his knee in his neck and back and grind them into the floor. He would use a bull-horn and yell at them in Arabic and play heavy metal music extremely loud, they got so scared they would urinate on themselves. He was very aggressive and rough with the detainees. We were told to only feed them crackers & water (may have been because of late hour).

[Redacted] 1/502: They were setting it up to make the infantry guys angry by writing IED<sup>33</sup> on the sand bags over their heads.

[Redacted] of Guard Detail) 3/327<sup>34</sup>: We would force them to stay awake, by banging on metal doors, playing loud music, screaming at them all night—those were our instructions. We were told not to strike them.

[Redacted] & [Redacted] 3/327: Our instructions were to keep them awake, smoke them, yell at them, but to not hurt them.

[Redacted] 2/44<sup>35</sup>: We “hazed” the detainees – we had a lot fall and hurt themselves.

[Redacted] 1/502: [Redacted, presumably the detainee whose jaw was broken] had IED [written] on the sandbag over his head, the guards were all over him, screaming at him things like “you like to use IED’s

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<sup>31</sup> Signifies 1st Battalion, 502nd Infantry Regiment of the 101st Airborne Division.

<sup>32</sup> “Smoking detainees” refers to the technique of using forced exercises and painful stress positions on detainees. For more information and descriptions about “smoking detainees,” see: Human Rights Watch, “Leadership Failure: Firsthand Accounts of Torture of Iraqi Detainees by the U.S. Army’s 82nd Airborne Division,” September 2005, Volume 17, No. 3(G), p. 7, available at <http://hrw.org/reports/2005/us0905/>.

<sup>33</sup> Stands for “Improvised Explosive Device,” the commonly used acronym for bombs used by insurgent groups against U.S. forces in Iraq. The personnel appear to have used the term to imply that detainees were responsible for setting bombs targeting U.S. forces.

<sup>34</sup> Signifies 3rd Battalion, 327th Infantry Regiment of the 101st Airborne Division.

<sup>35</sup> Signifies 2nd Battalion, 44th Air Defense Artillery Regiment of the 101st Airborne Division.

motherfucker,” and smoking him extra. They were smoking him really hard when I heard him cry in pain (he could have been hit or fell).

[Redacted] 3/327: A lot of detainees had IED written on their bags. I was near [Redacted] when he fell and I helped him up. Interpreters (ICDC) blew cigarette smoke up their sand bag hoods. They also poured water on them to get them up, after they were exhausted from being smoked.

[Redacted] 3/327: “We were yelling in a bullhorn at the detainees, making them do PT, things like flutter kicks, ups and downs, stuff like that.” We knew were supposed to do these things because MI was already doing this stuff when we got there. He did not say it was part of the SOP [Standard Operating Procedure]. He stated, “we were briefed to keep them awake, do not let them talk, and to not hurt them.” I had seen “detainees collapse before because of the intensive physical training.”

Despite documenting the above abuse, the investigation did not recommend court-martial or disciplinary action against any soldiers or the commander of the military intelligence unit at Mosul airport. Instead, the investigation put the blame on systemic problems and failures, noting that the MI unit was overburdened and not trained to operate a detainee holding facility. The investigation then noted that: “All deficiencies at the Strike BHA have been corrected”<sup>36</sup>—an assertion that cannot be reconciled with the later reports of abuse in 2004 provided by Lagouranis and contained in the other documents cited in this report.

In fact, there were numerous other reports of abuse at Mosul airport in 2004, after the above investigation—including another death. A detainee named Fashad Mohammad died at the Mosul airport around April 5, 2004.<sup>37</sup> According to military autopsy records released under a FOIA request, Mohammad was arrested by Navy SEALs in the Mosul area, and then transferred to the Mosul airport for interrogation.<sup>38</sup> (It is not clear whether

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<sup>36</sup> See *ibid.*

<sup>37</sup> See autopsy report cited in footnote below. Lagouranis told Human Rights Watch that he heard about a death that took place in Navy SEAL custody while he was at Mosul, but he had no first hand knowledge of what happened. Human Rights Watch telephone interview with Lagouranis, May 2006.

<sup>38</sup> Office of the Armed Forces Medical Examiner, Final Autopsy Report for Autopsy No. ME-04-309 (Fashad Mohammad), November 22, 2004, (on file with the advocacy group Human Rights First).

Mohammad was in SEAL custody for the entire time, or whether he was temporarily transferred into Army custody for part of the time). The Medical Examiner's report on Mohammad's death states that:

This approximately 27 year-old male civilian, presumed Iraqi national, died in U.S. custody approximately 72 hours after being apprehended. By report, physical force was required during his initial apprehension during a raid. During his confinement, he was hooded, sleep deprived, and subjected to hot and cold environmental conditions, including the use of cold water on his body and hood.<sup>39</sup>

The autopsy report also describes "multiple minor injuries, abrasions and contusions" and "blunt force trauma and positional asphyxia," but then states that the cause of death and manner of death is "undetermined."<sup>40</sup> According to reports in late 2004, three Navy SEALs were later recommended for courts-martial in relation to Mohammad's death, for aggravated assault, and cruelty and maltreatment of detainees, but it is not known whether any were ever charged.<sup>41</sup>

Human Rights Watch asked military public affairs officials in May and June 2006 for information on the outcome of these cases. On June 21, 2006, Navy Commander Jeffrey Bender, a public affairs official with the Navy Special Warfare Command, communicated to Human Rights Watch in an e-mail that his office had no information about any courts martial or disciplinary measures related to the case.

It should be noted also that the accounts provided above—both Lagouranis' and those in military investigation documents—are consistent with accounts provided by detainees held at Mosul in 2003 and 2004. For instance:

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<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Eric Schmitt, "Navy Charges 3 Commandos With Beating Of Prisoners," *New York Times*, September 25, 2004. ("The new Navy charges stem from the death in early April of Fashad Muhammad, an Iraqi seized by the commandos after a struggle and turned over to Army personnel at a logistics support base called Diamondback, near Mosul. A preliminary autopsy indicated blows to the torso and a lack of oxygen, possibly caused by severe restraint.") See also Josh White, "3 More Navy SEALs Face Abuse Charges; Sailors Linked to Two Deaths in Iraq," *Washington Post*, September 25, 2004 (The three were "charged with counts that include assault with a dangerous weapon, aggravated assault with intent to cause death or serious bodily harm, and maltreatment of detainees"; although investigators linked these and other SEALs in the same unit to other detainee deaths in Iraq in November 2003 and April 2004, no personnel have been charged with manslaughter or homicide).



- Two detainees, Haitham Saeed al-Mallah and Yasir Rubaii Saeed al-Qutaji, told a British lawyer that they were held and mistreated at the facility in the Mosul airport in early 2004, which they called “the disco” (the name that, according to Largouranis, soldiers sometimes used to describe the BHA facility at Mosul). Al-Mallah says that he was detained at the disco in January 2004, and that U.S. personnel “left me standing for hours, handcuffed and hooded. . . . I was kicked very hard in the stomach, which was followed by continuous beating with a stick and with their boots until I fell unconscious. I only woke up after they poured over my head very cold water.” Al-Mallah said other detainees were also mistreated, forced to carry out exhausting exercises, beaten, and doused with cold water whenever they fell to the floor. They were not permitted to use the toilet during these sessions, and allowed only two hours sleep at a time. The other detainee, al-Qutaji, had similar allegations. According to Shiner, Al-Qutaji was arrested in March 2004. While in custody, he says he was forced into painful stress positions and doused with cold water.<sup>42</sup>
- A detainee held at Abu Ghraib made credible allegations in June 2004 that he was severely mistreated at Mosul airport after his arrest in March 2004: specifically, that he was beaten, subjected to loud music and other sleep deprivation, kept outside in the cold weather and repeatedly doused with cold water, dragged naked over rocky ground, and, at one point, tied up and put close to some sort of fire, which burned one of his knees.<sup>43</sup> The detainee’s account suggested he was transferred to the Army facility at Mosul airport but on at least one occasion taken back by the SEALs for additional interrogation. The investigation confirmed that the detainee had been arrested by Navy SEALs from the Naval Special Warfare Squadron 7, around March 6, 2004, in Mosul, and that he was held at the detention facility at Mosul airport, where the SEALs had a separate facility. The investigation also confirmed that the detainee was held in the SEAL facility at the airport, and obtained medical records confirming that the detainee suffered injuries at Mosul during his detention, including burns; specifically, a medical record for March 21, 2004 stating that the detainee, “after being interrogated the evening prior, had 2nd degree burns and singed tissue on his body.” Despite all these findings, the investigation was closed and no personnel were ever disciplined or prosecuted. Navy SEALs interviewed during the

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<sup>42</sup> This information is based on written statements Haitham Saeed al-Mallah and Yasir Rubaii Saeed al-Qutaji provided in September 2004 to a British lawyer, Phil Shiner. Shiner provided copies of the statements to Human Rights Watch in June 2006. See also, Peter Graff, “U.S. Torture in Iraq Spread to Mosul,” Reuters, September 14, 2004.

<sup>43</sup> The description of this case is based on Army investigation documents obtained under the Freedom of Information Act by the American Civil Liberties Union and other human rights groups, available at: [http://www.aclu.org/torturefoia/released/1248\\_1288.pdf](http://www.aclu.org/torturefoia/released/1248_1288.pdf).

investigation made dubious claims about the detainee injuring himself by throwing himself on the ground. One investigating officer concluded without argument that the detainee's account was not credible, and stated that the medical records did not corroborate the allegations, with an unexplained assertion that the "alleged burns [on the detainee's body] were not consistent with thermal burns."<sup>44</sup>

### **Criminal Culpability**

Most of the abuses described here, as with the testimonies from other detention facilities, appear to constitute violations of U.S. military and federal criminal law, and international humanitarian law. (For more information on legal provisions applicable to the treatment of detainees in Iraq, see section on "Legal Standards," below.) Yet as in the other cases, there are few indications the military has undertaken any meaningful efforts to investigate and prosecute abuses, besides the few inadequate investigations noted above. Besides the few efforts noted above, Human Rights Watch knows of no other investigations and courts-martial into abuses involving detainees at Mosul airport. As noted above, Human Rights Watch requested information from the Navy Special Warfare Command in June 2006 about investigations involving Navy SEALs near Mosul, but was told that no information was available.

There are no indications that officers up the chain of command at Mosul have been held accountable for any wrongdoing—though serious questions can be raised about the culpability of officers. A January 2004 investigation into abuse at Mosul, described above, reported systemic abuses in the detention and interrogation process at Mosul, yet it appears officers made no real efforts—or made inadequate efforts—to correct the situation or punish abusers.

As noted earlier, under the command responsibility doctrine, commanders can be held liable for the crimes of their subordinates if they knew or should have known about abuses but failed to stop them. Further investigation is needed into the role of the leadership at Mosul, and the underlying abuses themselves, but the accounts and documents cited here suggest that military commanders at Mosul should be investigated and, as the facts dictate, be held criminally liable for abuses.

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<sup>44</sup> See *ibid.* It is not specified what other types of burns the officer believed the detainee had; in any case, the burns were not merely "alleged" but were confirmed in the medical files obtained by the investigation.

## Legal Standards

The acts of torture and other cruel and inhumane treatment alleged in this report do not fall within gray areas in the law. During the periods discussed in this report, U.S. and coalition forces in Iraq were bound by various provisions of the 1949 Geneva Conventions, as well as by customary international law.<sup>45</sup> The Geneva Conventions applied not only to the armed conflict between the United States and Iraq during March and April 2003, but also to the period of occupation thereafter. Specifically, the United States continued to be bound as an occupying power by the terms of the Fourth Geneva Convention until at least June 28, 2004, when sovereignty was formally transferred to the Interim Iraqi government.<sup>46</sup>

Article 130 of the Third Geneva Convention and Article 147 of the Fourth Geneva Convention deem torture and other inhumane treatment of persons protected by the respective conventions to be “grave breaches” of those conventions.<sup>47</sup> Acts of torture and other mistreatment that took place against protected persons detailed in this report

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<sup>45</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention), 75 U.N.T.S. 31, entered into force Oct. 21, 1950; Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention), 75 U.N.T.S. 85, entered into force Oct. 21, 1950; Geneva Convention relative to the Treatment of Prisoners of War (Third Geneva Convention), 75 U.N.T.S. 135, entered into force Oct. 21, 1950; Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 75 U.N.T.S. 287, entered into force Oct. 21, 1950.

<sup>46</sup> U.S. officials have made statements before and after the transfer stating that they consider the United States bound by the Geneva Conventions. Secretary of State Colin Powell, at the time of handover, wrote that “the forces that make up the MNF are and will remain committed at all times to act consistently with their obligations under the law of armed conflict, including the Geneva Conventions.” See Letter from Secretary of State Colin Powell to the President of the U.N. Security Council, June 5, 2004, Annex to S/RES/1546 (2004). In October 2005, Condoleezza Rice confirmed that: “The forces that make up the MNF will remain committed to acting consistently with their obligations under international law, including the law of armed conflict.” See Letter of October 29, 2005 from Secretary of State Condoleezza Rice to the President of the U.N. Security Council, Annex II to S/RES/1637 (2005).

<sup>47</sup> Prisoners of war, defined in Article 4 of the Third Geneva Convention, are protected persons for the purposes of that Convention. The Fourth Geneva Convention defines persons protected by the convention as all persons not otherwise protected by the first three conventions who, “at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.”

constituted grave breaches of the Geneva Conventions. The United States is bound to investigate and prosecute grave breaches that are committed by U.S. personnel in Iraq. The Geneva Conventions impose on the United States an obligation to “search for persons alleged to have committed, or order to be committed” grave breaches and to prosecute them.<sup>48</sup>

Other relevant provisions of the laws of war are also applicable. The continuing hostilities in Iraq since the end of the Saddam Hussein government are considered a non-international (internal) armed conflict, governed primarily by Article 3 common to the Geneva Conventions of 1949 (“Common Article 3”), which details minimal standards of treatment for persons during non-international armed conflict.<sup>49</sup> (Common Article 3, along with provisions of the 1977 Protocol I to the Geneva Conventions that also protect detainees, are also considered reflective of customary international law.<sup>50</sup>)

Common Article 3 prohibits “at any time and in any place whatsoever . . . violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture, [and] outrages upon personal dignity, in particular, humiliating and degrading treatment.” Additional applicable provisions, similar to those above, exist in the “fundamental guarantees” provided under article 75 of Protocol I to the Geneva Conventions, which as stated above is accepted as reflective of customary law on armed conflict, both international and non-international.

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<sup>48</sup> See Art. 130, Third Geneva Convention, Art. 147, Fourth Geneva Convention.

<sup>49</sup> For guidance on applicable rules under customary international law, see study commissioned by the International Committee of the Red Cross, Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law* (Cambridge: Cambridge Univ. Press, 2005), in particular, on the law relating to humane treatment of detainees, see pp. 299 - 396. See also U.S. Army Judge Advocate General’s Legal Center and School, *Law of War Handbook* 144 (2004), stating that Common Article 3 “serves as a ‘minimum yardstick of protection in all conflicts, not just internal armed conflicts,’” (quoting *Nicaragua v. United States*, 1986 I.C.J. 14, ¶ 218, 25 I.L.M. 1023); *Prosecutor v. Tadic*, International Criminal Tribunal for the Former Yugoslavia, Case No. IT. 94.1, Decision on the Defense Motion for Interlocutory Appeal on Jurisdiction, ¶102 (ICTY App. Chamber, Oct. 2, 1995) (“the character of the conflict is irrelevant” in deciding whether Common Article 3 applies).

<sup>50</sup> See Henckaerts and Doswald-Beck, *Customary International Humanitarian Law*; see also *Hamdan v. Rumsfeld*, 548 U. S. (2006), opinion of Justice Stevens: “Although the United States declined to ratify Protocol I, its objections were not to Article 75 thereof. Indeed, it appears that the Government “regard[s] the provisions of Article 75 as an articulation of safeguards to which all persons in the hands of an enemy are entitled.” See also William Taft, “The Law of Armed Conflict After 9/11: Some Salient Features,” 28 *Yale J. Int’l L.* 319, 322 (2003).

The mistreatment of prisoners as detailed in this report also violated U.S. obligations under international human rights law. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, prohibits both torture and “cruel, inhuman and degrading treatment,” and provides that “[n]o exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”<sup>51</sup> The International Covenant on Civil and Political Rights,<sup>52</sup> which also bans torture and other mistreatment, ensures that the right to be free from torture and other cruel, inhuman or degrading treatment can never be suspended by a state, including during periods of public emergency.<sup>53</sup>

In addition to binding international legal obligations, various provisions of the U.S. Uniform Code of Military Justice subject soldiers to court-martial or disciplinary measures for mistreating prisoners.<sup>54</sup> Applicable UCMJ criminal provisions include article 93 (cruelty and maltreatment), article 128 (assault), and articles 118 and 119 (murder and manslaughter), as well as article 120 (rape and carnal knowledge), article 124 (maiming), and, for officers, article 133 (conduct unbecoming an officer). Superior officers who order the mistreatment of prisoners or who knew or should have known that such mistreatment was occurring and did not take appropriate measures can be prosecuted as a matter of command responsibility.<sup>55</sup>

U.S. federal criminal law is also applicable. The War Crimes Act of 1996 (18 U.S.C. § 2441) makes it a criminal offense for any U.S. personnel to commit war crimes, which includes any conduct defined as grave breach of the Geneva Conventions and any conduct which is a violation of Common Article 3. In addition, the federal anti-torture statute (18 U.S.C. § 2340A), enacted in 1994, provides for the prosecution of a U.S. national or anyone present in the United States who, while outside the United States,

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<sup>51</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 39/46, annex, 39, U.N. Doc. A/39/51 (entered into force June 26, 1987; ratified by the United States on October 21, 1994).

<sup>52</sup> International Covenant on Civil and Political Rights, 999 U.N.T.S. 171 (entered into force March 23, 1976, ratified by the United States on June 8, 1992).

<sup>53</sup> See UN Human Rights Committee, general comment No. 29: Article 4: “Derogations during a state of emergency,” Adopted at the 1950th meeting, on 24 July 2001, paras. 7, 11, and 13.

<sup>54</sup> The Uniform Code of Military Justice is codified at Title 10, Chapter 47 of the U.S. Code (10 U.S.C. § 801 et seq.).

<sup>55</sup> For further details on the doctrine of command responsibility, see Human Rights Watch, “Getting Away with Torture? , Command Responsibility for the U.S. Abuse of Detainees,” April 2005, Vol. 17, No. 1 (G), Annex, available at [http://www.hrw.org/reports/2005/us0405/10.htm#\\_Toc101408106](http://www.hrw.org/reports/2005/us0405/10.htm#_Toc101408106).

commits or attempts to commit torture. U.S. personnel are also bound by applicable federal provisions on assault, sexual abuse, and homicide.

## Conclusions

Many of the crimes detailed in this report are violations of international humanitarian law, U.S. military law, and U.S. federal criminal law. The U.S. government's failure to properly investigate these violations is an affront to the victims of the abuses, and a violation of U.S. obligations under the Geneva Conventions, which obligate states to prosecute serious violations of the conventions' provisions ("grave breaches").

The accounts in this report are further evidence that detainee abuse was an established and apparently authorized part of detention and interrogation processes in Iraq for much of 2003-2005. The cases also show that U.S. military personnel have faced systemic obstacles to reporting or exposing abuses, that the U.S. military in numerous cases has not taken adequate measures to stop reported abuses. The report also shows that the U.S. military has often failed to properly investigate and prosecute perpetrators, including officers who allowed abuses to occur on their watch.

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## “No Blood, No Foul”

### Soldiers’ Accounts of Detainee Abuse in Iraq

Since the 2004 Abu Ghraib scandal, the U.S. government has portrayed detainee abuse cases from Iraq as exceptional and perpetrators as lone and independent actors—“rotten apples.”

In this report, Human Rights Watch provides firsthand accounts by U.S. military personnel that rebut those claims and suggest that torture and other abuse of detainees in U.S. custody in Iraq was authorized and routine, even after the 2004 Abu Ghraib scandal.

The accounts, from soldiers who witnessed and in some cases participated in abuses in Iraq, include descriptions of beatings, psychological torture of varying kinds, and other physical mistreatment. At one facility, detainees were regularly stripped naked, subjected to sleep deprivation and extreme cold, placed in painful stress positions, and beaten. At another, they were held without food or water for over 24 hours at a time, in temperatures sometimes exceeding 135 degrees Fahrenheit, and then taken into interrogations where they were beaten and subjected to threats.

The accounts reveal that detainee abuse was an established and apparently authorized part of the detention and interrogation processes in Iraq for much of 2003-2005. They also suggest that soldiers who sought to report abuse were rebuffed or ignored.

“*No Blood, No Foul*” makes it impossible for U.S. government officials to claim there has been real accountability for torture and abuse of detainees in Iraq. U.S. officials need to acknowledge that serious abuses have routinely occurred, and ensure that criminal conduct is adequately investigated and punished, both now and in the future.

*A sign posted in 2004 at Camp Nama, a U.S. interrogation center at Baghdad airport in Iraq. The High-Five Paintball Club reportedly refers to personnel who fired paintball guns at detainees held at the facility. The phrase “no blood, no foul,” apparently refers to U.S. interrogators at Nama being authorized to subject detainees to physical abuse providing they left no major physical marks on detainees.*

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