

HOW DOES FRAGO 242 RELATE TO OUR COLLABORATION WITH THE WOLF BRIGADE?

The biggest headline from Friday's Wikileaks dump (everywhere but the NYT, anyway) is that the "US ignored torture." But the way in which an official policy ignoring torture was followed by collaboration with one of Iraq's torture squads raises the question whether the US involvement in Iraqi torture was more direct.

Did the US "ignore" torture, or "encourage" it?

The basis for the claim that the US ignored torture comes from references to Frago 242, which officially instituted a policy of looking the other way in cases of Iraqi on Iraqi abuse.

This is the impact of Frago 242. A frago is a "fragmentary order" which summarises a complex requirement. This one, issued in June 2004, about a year after the invasion of Iraq, orders coalition troops not to investigate any breach of the laws of armed conflict, such as the abuse of detainees, unless it directly involves members of the coalition. Where the alleged abuse is committed by Iraqi on Iraqi, "only an initial report will be made ... No further investigation will be required unless directed by HQ".

While the Guardian ascribes the timing of this order—which they date to June 2004—to Iraqi sovereignty and the effort to get Iraqis to take over more of their own security, it also coincides with the time when Abu Ghraib made it politically difficult for the US to remain in the torture business.

By the end of 2004, according to the Wikileaks

dump, the US was handing over detainees to a US trained group known to torture.

In Samarra, the series of log entries in 2004 and 2005 describe repeated raids by US infantry, who then handed their captives over to the Wolf Brigade for “further questioning”. Typical entries read: “All 5 detainees were turned over to Ministry of Interior for further questioning” (from 29 November 2004) and “The detainee was then turned over to the 2nd Ministry of Interior Commando Battalion for further questioning” (30 November 2004).

The field reports chime with allegations made by New York Times writer Peter Maass, who was in Samarra at the time. He told Guardian Films : “US soldiers, US advisers, were standing aside and doing nothing,” while members of the Wolf Brigade beat and tortured prisoners. The interior ministry commandos took over the public library in Samarra, and turned it into a detention centre, he said.

[snip]

The Wolf Brigade was created and supported by the US in an attempt to re-employ elements of Saddam Hussein’s Republican Guard, this time to terrorise insurgents. Members typically wore red berets, sunglasses and balaclavas, and drove out on raids in convoys of Toyota Landcruisers. They were accused by Iraqis of beating prisoners, torturing them with electric drills and sometimes executing suspects. The then interior minister in charge of them was alleged to have been a former member of the Shia Badr militia.

Now, the timing of the two events—the formal policy of doing nothing about Iraqi on Iraqi

torture and the collaboration with the Wolf Brigade—is not exact. Wolf Brigade was founded in October 2004, some time after Frago 242 was issued.

But given how adamant Rummy was in late 2005 that US soldiers were not required to physically stop any abuse they found,

Q And General Pace, what guidance do you have for your military commanders over there as to what to do if – like when General Horst found this Interior Ministry jail?

GEN. PACE: It is absolutely the responsibility of every U.S. service member, if they see inhumane treatment being conducted, to intervene to stop it. As an example of how to do it if you don't see it happening but you're told about it is exactly what happened a couple weeks ago. There's a report from an Iraqi to a U.S. commander that there was possibility of inhumane treatment in a particular facility. That U.S. commander got together with his Iraqi counterparts. They went together to the facility, found what they found, reported it to the Iraqi government, and the Iraqi government has taken ownership of that problem and is investigating it. So they did exactly what they should have done.

SEC. RUMSFELD: But I don't think you mean they have an obligation to physically stop it; it's to report it.

GEN. PACE: If they are physically present when inhumane treatment is taking place, sir, they have an obligation to try to stop it.

It sure seems that the relationship between Frago 242 and the torture committed by the Wolf Brigade constitutes even more than just "ignoring" torture.