

WHITEWASH INVESTIGATION ON DETAINEE ABUSE IS WHY WE NEED WIKILEAKS

The Nation has a long study on the Army's Detainee Abuse Task Force, which one of its members described as a "whitewash."

Jon Renaud, a retired Army Warrant Officer who headed the task force as the Special Agent in Charge for the first half of 2005, now says of the DATF, "It didn't accomplish anything—it was a whitewash." Neither he nor his fellow agents could recall a single case they investigated that actually advanced to a court-martial hearing, known as an Article 32.

"These investigations needed to take place," said Renaud, a Bronze Star recipient who retired in 2009 after twenty years in the military. "But they needed to be staffed and resourced with the same level of resources that they gave the Abu Ghraib case." He noted that the Army assigned a general and staff to conduct a comprehensive investigation of Abu Ghraib. "That was a single case," he said, "and we had hundreds of others for six people."

In addition to the many details of abuses ultimately ignored in Iraq, the Nation's story demonstrates why we need something like WikiLeaks. After all, not only should there be some kind of public accountability for abuses like this (that should be as accessible and widely reviewed as the Taguba Report), citizens ought to be able search for more information.

But DOD claims the DATF never existed.

Requests to the Army for information about the origins, mission and track record of the DATF were refused, and a FOIA request to CID was denied with this claim: "No documents of the kind you described could be located. No official 'Detainee Abuse Task Force' was ever established by the USACIDC." After a lengthy appeals process, during which we provided several samples of DATF communications on DATF letterhead, this finding was reaffirmed: CID "never created an official 'Detainee Abuse Task Force,'" the denial letter read. "Individual criminal investigation units may have set up informal, ad hoc task forces while deployed to emphasize detainee abuse investigations. In turn, they may have labeled certain investigations as being subject to a 'Detainee Abuse Task Force.'" But "there was no official organization for such a task force."

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Angela Birt, the Operations Officer who oversaw CID's felony investigations across Iraq during 2005, including the DATF, expressed disbelief at the military's response. According to Birt, the DATF did not receive an official unit designator; "there was no heraldry behind it," she said. "But to say it didn't exist in the terms that they said in the letter? Wow, that's really embarrassing for them," said Birt.

"To say, 'You never existed,'" Renaud said, "It's insulting. It's insulting to the agents that worked on it.

"I have to assume they just don't want to release the cases," he went on, "because if anybody actually got ahold of all the cases [and] read over them, they would obviously see huge holes."

In fact, one of the Nation's sources noted that the military kept reopening the cases the ACLU was FOIAing.

Renaud explained that his superiors at Fort Belvoir sent him weekly e-mails containing an itemized list of cases they were ordering reopened. He also separately received a list of cases about which the ACLU had filed FOIA requests. And he began to notice a correlation.

"I challenged folks on this. I said, 'Hey, are we reopening these cases because we're going to work them? Or are we reopening them to play hide the ball because we don't want to release them?'"

"We did discuss the potential that they were just sending these back because as long as they're open, they're not subject to FOIA," said Birt. "The rule with [the] Crimes Records Center is: if a case is open, they will not honor a FOIA request because it might jeopardize open and valid investigative pursuits."

So it's not just DATF DOD was hiding from FOIA, it was the cases themselves (in a tactic the government appears to be repeating more generally).

The military, if asked, would probably deny that it issued orders not to investigate instances of Iraqi-on-Iraq torture. But, because of Wikileaks, we know they did issue that order.

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".

Frago 242 appears to have been issued as part of the wider political effort to pass the management of security from the coalition to Iraqi hands. In effect, it means that the regime has been forced to change its political constitution but allowed to retain its use of torture.

The military, if asked, would probably deny knowing that the US turned detainees over to the Iraqi Wolf Brigade to be tortured. But, because of WikiLeaks, we know that did happen.

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.

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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.

And if it weren't for WikiLeaks, we would know little about the multiple times our government bullied other countries to drop investigations of rendition and torture (one I'm certain we'll see repeated when the President visits Poland later this month).

Without such transparency, the Nation study makes clear, there will be no accountability for the systematic flouting of US and international law.

But note the irony. As the Nation describes, none of the hundreds of abuse cases—not the ones that involved electrocution, not the ones that involved rape, not the ones that involved mock execution—resulted in a court-martial. But not only has the military charged Bradley Manning, but they have alleged that his actions—and not the torture and not the cover-up of torture—bring discredit on the armed forces.