

US Transfer of Iraqi Prisoners: An Ongoing War Crime

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A report released Monday by the London-based human rights organization Amnesty International documents the criminal treatment that is being meted out to Iraqis who were summarily rounded up by US occupation troops, imprisoned, and now, as part of the “end of the combat mission,” have been turned over to torturers employed by the US-backed Iraqi regime.

The transfer of some 10,000 detainees has been carried out under terms negotiated between Washington and the Iraqi regime in the 2008 Status of Forces Agreement (SOFA) that provided a legal cover for the US occupation following the expiration of a United Nations mandate for the presence of American military forces in the country.

This is the same agreement that calls for the complete withdrawal of all US forces from Iraq by the end of 2011. The Obama administration is for the present keeping some 50,000 combat troops in the country. While the White House proclaimed with fanfare last month that the “combat mission” had ended, US troops continue to engage in combat, most recently on Sunday, when an American unit supplied supportive fire for Iraqi forces fighting insurgents northeast of Baghdad.

Under the portion of the agreement dealing with detainees, Washington agreed to hand over to Iraqi control the prisons where it held Iraqis captured by US forces. These included Camp Cropper, near Baghdad International Airport, Camp Taji, north of Baghdad, and Camp Bucca, near the southern Iraqi city of Basra. According to the Amnesty report, as of January 1, 2009, there were 15,500 Iraqis imprisoned in the three US camps.

Camp Bucca was closed down in September of last year, with US authorities transferring its inmates to Iraqi custody or to the two remaining US detention facilities. Control of Camp Taji was handed over to Iraqi security forces in March, while Camp Cropper, whose inmates included senior members of former government of Saddam Hussein and its ruling Ba’ath Party, was handed over to the Baghdad regime on July 15.

Among these prisoners turned over to Iraqi jailers was Tariq Aziz, 74, Iraq’s former foreign minister. Badie Arif, Aziz’s lawyer, said that his client did not expect to survive the transfer. “Aziz told me he was sure they would kill him because he had so much information,” he told Reuters. “He said, ‘They will kill me directly or indirectly, either by preventing me from getting medication or by putting poison in my food.’”

The US occupation forces continue to hold some 200 “high value detainees” in Karkh Prison

on the outskirts of Baghdad.

In its report, entitled “New Order, Same Abuses: Unlawful Detentions and Torture in Iraq,” Amnesty points out in relation to SOFA, “Nowhere in the agreement is there any mention of the human rights obligation of either state.”

“Iraq’s security forces have been responsible for systematically violating detainees’ rights and they have been permitted to do so with impunity,” Amnesty’s director for the Middle East and North Africa, Malcolm Smart, stated in releasing the report.

“Yet, the US authorities, whose own record on detainees’ rights has been so poor, have now handed over thousands of people detained by US forces to face this catalog of illegality, violence and abuse, abdicating any responsibility for their human rights.”

It is a clear violation of international law for any government to transfer detainees to a regime at whose hands they face torture or other serious human rights violations. Such transfers place Washington in violation of international law and treaties governing torture, making it guilty of one more war crime flowing from the war of aggression launched in March 2003.

As the report makes clear, the great bulk of the detainees held in Iraqi prisons, including those turned over by the US occupation forces, have never been charged, much less tried. Many were rounded up on the basis of information supplied by paid informants or swept up in dragnet-style raids.

The majority are being held under an anti-terrorism law adopted in 2005 that provides for the death penalty for those who “provoke, plan, finance and all those who enable terrorists” to carry out attacks. It also calls for life imprisonment for anyone hiding or giving “shelter to terrorists.”

The minority who are brought to trial are prosecuted based almost entirely on confessions, which are routinely extracted through torture. “Many people have been convicted by the Central Criminal Court of Iraq (CCCI), including hundreds of people subsequently sentenced to death, on the basis of confessions extracted allegedly as a result of torture,” the report states.

The Amnesty report catalogues the barbaric methods employed by Iraq’s jailers and interrogators: “Rape or the threat of rape. Beating with cables and hosepipes. Prolonged suspension by the limbs. Electric shocks to sensitive parts of the body. Breaking of limbs. Removal of toenails with pliers. Asphyxiation using a plastic bag over the head. Piercing the body with drills. Being forced to sit on sharp objects such as broken bottles.”

It points out that these “are just some of the torture methods used against men, women and children by Iraqi security forces.”

The report cites one of the better-known cases in which torture was employed to extract confessions: the case of Mohammad al-Daini, a Sunni secular member of the Iraqi parliament and outspoken opponent of Prime Minister Nouri al-Maliki, who was accused of responsibility for a 2007 terrorist bombing in the parliament building inside Baghdad’s Green Zone.

The Iraqi regime's Counter-Terrorism Police rounded up a dozen people associated with al-Daini, including seven of his nephews and other relatives and his bodyguards, holding them incommunicado and without charges in its prison located inside the Green Zone. They effectively "disappeared," with their families deprived of any knowledge of their whereabouts for several months.

The UN Special Rapporteur on human rights found that all of those held in connection with the case were "severely ill-treated, including by beating with cables, suspension from the ceiling with either the feet or hands upwards for up to two days, or electro-shocks. Some had black bags put over their heads and were suffocated for several minutes until the bodies became blue several times in a row. Also, some had plastic sticks introduced in the anus. They were also threatened with the rape of members of their families. They were forced to sign and fingerprint pre-prepared confessions, which were collected on 24 February 2009. As a result of the ill-treatment, several of them had visible injuries on several parts of their bodies. Many have lost considerable weight. Mr. Riyadh Ibrahim Jassem [al-Daini] suffers from liver failure as a result of the torture sustained."

The Amnesty report notes that while the UN Special Rapporteur was able to name those responsible for the torture, "no action is known to have been taken against them by the Iraqi authorities." All 12 of the detainees are believed to remain in detention, still without being charged or tried.

The report also cites the cases of less well-known detainees, such as Nasrallah Mohammad Ibrahim, a 41-year-old electrical company worker and father of six who was grabbed from his workplace by US troops in January 2008; Youssef Ali Jalil, a 25-year-old student, who was detained by US soldiers in November 2008 and in 2009 handed over to an Iraqi prison, where he has been repeatedly beaten; and Ahmad, a 50-year-old building worker, and his son Mounir, a 20-year-old college student, who were detained by Iraqi security forces and then taken to a notorious secret prison at Baghdad's old Muthanna airport, where they were beaten, subjected to electric shocks and suffocated with plastic bags until they signed confessions.

Also cited is a report by the Iraqi parliament's Human Rights Committee, which sent a delegation to the women's prison in al-Kadhimiya, where it heard from female detainees that they had been repeatedly raped during interrogations after their arrests.

In a significant number of cases, torture ends in death. The report cites the case of Riad Mohammed Saleh al-Oqaiba, 54, who was arrested in September 2009 and detained inside Baghdad's Green Zone before being transferred to the secret prison at Muthanna airport, where he died in February 2010.

"During interrogation, he is said to have been beaten so hard on the chest that his ribs were broken and his liver damaged," the report states. "He died on 12 or 13 February as a result of internal bleeding. His body was handed over weeks later to the family with a death certificate stating that the cause of death was heart failure."

Amnesty also refers to a horrific case of detainee deaths that occurred on May 12, 2010, when seven prisoners suffocated to death while being transferred from Camp Taji to al-Rusafa Prison. The report states that "nearly 100 detainees had been squeezed into two vans without any windows and which normally only carry about 20 people each."

As the report makes clear, those carrying out the torture and murder of detainees enjoy complete impunity. Amnesty states that while investigations have been announced of some of the more heinous abuses that have become public, in no case has there been any report on their conclusions. It adds, "In some cases, it appears, prison guards and low-ranking security officers have been suspended and even arrested in relation to abuses committed, but then immediately granted an amnesty and released."

In carrying out the transfer of more than 10,000 Iraqis into the hands of the US-backed regime in Baghdad, the Obama administration is complicit in crimes even more horrific than those committed under the Bush administration by US forces at Abu Ghraib.

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