

Welcome to Boston, Mr. Rumsfeld. You Are Under Arrest

By [Ralph Lopez](#)

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Former Secretary of Defense Donald Rumsfeld has been [stripped of legal immunity](#) for acts of torture against US citizens authorized while he was in office.

The 7th Circuit made the ruling in the case of two American contractors who were tortured by the US military in Iraq after uncovering a smuggling ring within an Iraqi security company. The company was under contract to the Department of Defense. The company was assisting Iraqi insurgent groups in the “mass acquisition” of American weapons. The ruling comes as Rumsfeld begins his book tour with a visit to Boston on [Monday, September 26](#), and as new, uncensored photos of Abu Ghraib spark fresh outrage across Internet. Awareness is growing that Bush-era crimes went far beyond mere waterboarding.

Torture Room, Abu Ghraib



Republican Senator Lindsey Graham [told reporters in 2004](#) of photos withheld by the Defense Department from Abu Ghraib, “The American public needs to understand, we’re talking about rape and murder here... We’re not just talking about giving people a humiliating experience. We’re talking about rape and murder and some very serious charges.” And journalist [Seymour Hersh says](#): “boys were sodomized with the cameras rolling. And the worst above all of that is the soundtrack of the boys shrieking that your government has.”

Rumsfeld resigned days before a criminal complaint was filed in Germany in which the American general who commanded the military police battalion at Abu Ghraib had promised to testify. General Janis Karpinski [in an interview with Salon.com](#) was asked: “Do you feel like Rumsfeld is at the heart of all of this and should be held completely accountable for what happened [at Abu Ghraib]?”

Karpinski answered: "Yes, absolutely." In the criminal complaint filed in Germany against Rumsfeld, Karpinski [submitted 17 pages of testimony](#) and offered to appear before the German prosecutor as a witness. Congressman Kendrick Meek of Florida, who participated in the hearings on Abu Ghraib, said of Rumsfeld: "There was no way Rumsfeld didn't know what was going on. He's a guy who wants to know everything."

And Major General Antonio Taguba, who led the official Army investigation into Abu Ghraib, [said in his report](#):

"there is no longer any doubt as to whether the [Bush] administration has committed war crimes. The only question is whether those who ordered the use of torture will be held to account."

Abu Ghraib Prisoner Smeared with Feces



Amazingly, the two American contractors in the 7th Circuit decision were known by the military to be working undercover for the FBI, to whom they had reported witnessing the sale of U.S government munitions to Iraqi rebel groups. The FBI in Iraq had vouched for Vance and Ertel numerous times before they nevertheless disappeared into military custody. They were held at Camp Cropper in Iraq where the two were tortured, one for 97 days, and the other for six weeks.

In a puzzling and incriminating move, Camp Cropper base commander General John Gardner ordered Nathan Ertel released on May 17, 2006, while keeping Donald Vance in detention for another two months of torture. By ordering the release of one man but not the other, Gardner revealed awareness of the situation but prolonged it at the same time.

It is unlikely that Gardner could act alone in a situation as sensitive as the illegal detention and torture of two Americans confirmed by the FBI to be working undercover in the national interest, to prevent American weapons and munitions from reaching the hands of insurgents, for the sole purpose of using them to kill American troops. Vance and Ertel suggest he was acting on orders from the highest political level.

The forms of torture employed against the Americans included "techniques" which crop up frequently in descriptions of Iraqi and Afghan prisoner abuse at Bagram, Guantanamo, and Abu Ghraib. They included "walling," where the head is slammed repeatedly into a concrete wall, sleep deprivation to the point of psychosis by use of round-the-clock bright lights and harsh music at ear-splitting volume, in total isolation, for days, weeks or months at a time, and intolerable cold.

The 7th Circuit ruling is the latest in a growing number of legal actions involving hundreds of former prisoners and torture victims filed in courts around the world. Criminal complaints

have been filed against Rumsfeld and other Bush administration officials in [Germany, France, and Spain](#). Former President Bush [recently curbed travel to Switzerland](#) due to fear of arrest following criminal complaints lodged in Geneva. “He’s avoiding the handcuffs,” Reed Brody, counsel for Human Rights Watch, told Reuters.

And the Mayor of London threatened Bush with arrest for war crimes earlier this year should he ever set foot in his city, [saying that were he](#) to land in London to “flog his memoirs,” that “the real trouble — from the Bush point of view — is that he might never see Texas again.”

Former Secretary of State Colin Powell’s Chief-of-Staff Col. Lawrence Wilkerson [surmised on MSNBC](#) earlier this year that soon, Saudi Arabia and Israel will be “the only two countries Cheney, Rumsfeld and the rest will travel to.”

Abu Ghraib: Dog Bites



What would seem to make Rumsfeld’s situation more precarious is the number of credible former officials and military officers who seem to be eager to testify against him, such as Col. Wilkerson and General Janis Karpinsky.

In a signed declaration in support of torture plaintiffs in a civil suit naming Rumsfeld in the US District Court for the District of Columbia, Col. Wilkerson, one of Rumsfeld’s most vociferous critics, [stated](#): “I am willing to testify in person regarding the content of this declaration, should that be necessary.” That declaration, among other things, affirmed that a [documentary on the chilling murder](#) of a 22-year-old Afghan farmer and taxi driver in Afghanistan was “accurate.” Wilkerson [said earlier this year](#) that in that case, and in the case of another murder at Bagram at about the same time, “authorization for the abuse went to the very top of the United States government.”

Dilawar

The young farmer’s name was Dilawar. The [New York Times reported on May 20, 2005](#):

“Four days before [his death,] on the eve of the Muslim holiday of Id al-Fitr, Mr. Dilawar set out from his tiny village of Yakubi in a prized new possession, a used Toyota sedan that his family bought for him a few weeks earlier to drive as a taxi. On the day that he disappeared, Mr. Dilawar’s mother had asked him to gather his three sisters from their nearby villages and bring them home for the holiday. However, he needed gas money and decided instead to drive to the provincial capital, Khost, about 45 minutes away, to look for fares.”

Dilawar's misfortune was to drive past the gate of an American base which had been hit by a rocket attack that morning. Dilawar and his fares were arrested at a checkpoint by a warlord, who was later suspected of mounting the rocket attack himself, and then turning over random captures like Dilawar in order to win trust.

The [UK Guardian reports](#):

"Guards at Bagram routinely kneed prisoners in their thighs — a blow called a 'peroneal strike'... Whenever a guard did this to Dilawar, he would cry out, 'Allah! Allah!' Some guards apparently found this amusing, and would strike him repeatedly to show off the behavior to buddies. One military policeman told investigators, 'Everybody heard him cry out and thought it was funny. ... It went on over a 24-hour period, and I would think that it was over 100 strikes.'"

Dilawar was shackled from the ceiling much of the time, with his feet barely able to touch the ground. On the last day of his life, after 4 days at Bagram, an interpreter who was present said his legs were bouncing uncontrollably as he sat in a plastic chair. He had been chained by the wrists to the top of his cell for much of the previous four days.

The New York Times reported that on the last day of his life, four days after he was arrested:

"Mr. Dilawar asked for a drink of water, and one of the two interrogators, Specialist Joshua R. Claus, 21, picked up a large plastic bottle. But first he punched a hole in the bottom, the interpreter said, so as the prisoner fumbled weakly with the cap, the water poured out over his orange prison scrubs. The soldier then grabbed the bottle back and began squirting the water forcefully into Mr. Dilawar's face. "Come on, drink!" the interpreter said Specialist Claus had shouted, as the prisoner gagged on the spray. "Drink!"

At the interrogators' behest, a guard tried to force the young man to his knees. But his legs, which had been pummeled by guards for several days, could no longer bend. An interrogator told Mr. Dilawar that he could see a doctor after they finished with him. When he was finally sent back to his cell, though, the guards were instructed only to chain the prisoner back to the ceiling.

"'Leave him up,' one of the guards quoted Specialist Claus as saying."

The next time the prison medic saw Dilawar a few hours later, he was dead, his head lolled to one side and his body beginning to stiffen. A coroner would testify that his legs "[had basically been pulpified](#)." The Army coroner, Maj. Elizabeth Rouse, said: "I've seen similar injuries in an individual run over by a bus." She testified that had he lived, Dilawar's legs would have had to be amputated.

Despite the military's false statement that Dilawar's death was the result of "natural causes," Maj. Rouse marked the death certificate as a "homicide" and arranged for the certificate to be delivered to the family. The military was forced to retract the statement when a reporter for the New York Times, Carlotta Gall, tracked down Dilawar's family in Afghanistan and was given a folded piece of paper by Dilawar's brother. It was the death certificate, which he couldn't read, because it was in English.

The practice of forcing prisoners to stand for long periods of time, links Dilawar's treatment

to a memo which bears Rumsfeld's own handwriting on that particular subject. Obtained through a Freedom of Information Act Request, the memo may show how fairly benign-sounding authorizations for clear circumventions of the Geneva Conventions may have translated into gruesome practice on the battlefield.

The memo, which addresses keeping prisoners "standing" for up to four hours, is annotated with a note initialed by Rumsfeld reading: "I stand for 8-10 hours a day. Why is standing limited to 4 hours?" Not mentioned in writing anywhere is anything about accomplishing this by chaining prisoners to the ceiling. There is evidence that, unable to support his weight on tiptoe for the days on end he was chained to the ceiling, Dilawars arms dislocated, and they flapped around uselessly when he was taken down for interrogation. The [National Catholic Reporter writes](#), "They flapped like a bird's broken wings."

Contradicting, on the record, a February 2003 statement by Rumsfeld's top commander in Afghanistan at the time, General Daniel McNeill, that "we are not chaining people to the ceilings," is Spc. Willie Brand, the only soldier disciplined in the death of Dilawar, with a reduction in rank. Told of McNeill's statement, Brand told [Scott Pelley on 60 Minutes](#): "Well, he's lying." Brand said of his punishment: "I didn't understand how they could do this after they had trained you to do this stuff and they turn around and say you've been bad."

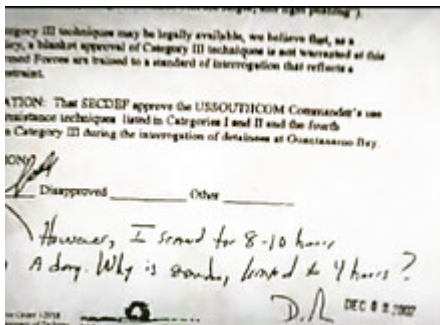
Exhibit: A sketch by Sgt. Thomas V. Curtis, a former Reserve M.P. sergeant, showing how Dilawar was chained to the ceiling of his cell



[Exhibit: Dilawar Death Certificate marked "homicide"](#)

	Mort accidentelle	
	SUICIDE Suicide	NAME OF PATHOLOGIST ELIZABETH
X	HOMICIDE Homicide	SIGNATURE Sig <i>[Signature]</i>
DATE OF DEATH (Hour, day, month, year) Date de décès (l'heure, le jour, le mois, l'année)		

[Exhibit: Rumsfeld Memo: "I stand 8-10 hours a day. Why only 4 hours?"](#)



Dilawar's daughter and her grandfather



Binyam, Genital-Slicing

Binyam Mohamed was seized by the Pakistani Forces in April 2002 and turned over to the Americans for a \$5,000 bounty. He was held for more than five years without charge or trial in Bagram Air Force Base, Guantánamo Bay, and third country “black” sites.

In his diary he describes being flown by a US government plane to a prison in Morocco. He writes:

“They cut off my clothes with some kind of doctor’s scalpel. I was naked. I tried to put on a brave face. But maybe I was going to be raped. Maybe they’d electrocute me. Maybe castrate me...One of them took my penis in his hand and began to make cuts. He did it once, and they stood still for maybe a minute, watching my reaction. I was in agony. They must have done this 20 to 30 times, in maybe two hours. There was blood all over. ‘I told you I was going to teach you who’s the man,’ [one] eventually said.

“They cut all over my private parts. One of them said it would be better just to cut it off, as I would only breed terrorists. I asked for a doctor.

“I was in Morocco for 18 months. Once they began this, they would do it to me about once a month. One time I asked a guard: ‘What’s the point of this? I’ve got nothing I can say to them. I’ve told them everything I possibly could.’

“‘As far as I know, it’s just to degrade you. So when you leave here, you’ll have these scars and you’ll never forget. So you’ll always fear doing anything but what the US wants.’

“Later, when a US airplane picked me up the following January, a female MP took pictures. She was one of the few Americans who ever showed me any sympathy. When she saw the injuries I had she gasped. They treated me and took more photos when I was in Kabul. Someone told me this was ‘to show Washington it’s healing.’”

The obvious question for any prosecutor in Binyam’s case is: Who does “Washington” refer to? Rumfeld? Cheney? Is it not in the national interest to uncover these most depraved of sadists at the highest level? US Judge Gladys Kessler, in her findings on Binyam made in relation to a Guantanamo prisoner’s petition,

found Binyam exceedingly credible. [She wrote:](#)

“His genitals were mutilated. He was deprived of sleep and food. He was summarily transported from one foreign prison to another. Captors held him in stress positions for days at a time. He was forced to listen to piercingly loud music and the screams of other prisoners while locked in a pitch-black cell. All the while, he was forced to inculcate himself and others in plots to imperil Americans. The government does not dispute this evidence.”

Obama: Torturers’ Last Defense

The prospect of Rumsfeld in a courtroom cannot possibly be relished by the Obama administration, which has now cast itself as the last and staunchest defender of the embattled former officials, including John Yoo, Alberto Gonzalez, Judge Jay Bybee, Dick Cheney, George W. Bush, and others. The administration employed an [unprecedented twisting of arms](#) in order to keep evidence in a lawsuit which Binyam had filed in the UK suppressed, threatening an end of cooperation between the British MI5 and the CIA. This even though the British judges whose hand was forced puzzled that the evidence contained “no disclosure of sensitive intelligence matters.” The judges suggested another reason for the secrecy requested by the Obama administration, that it might be “politically embarrassing.”

The Obama Justice Department’s active involvement in seeking the dismissal of the cases is by choice, as the statutory obligation of the US Attorney General to defend cases against public officials ends the day they leave office. Indeed, the real significance of recent court decisions, the one by the 7th Circuit and yet [another against Rumsfeld in a DC federal court](#), may be the clarification the common misconception that high officials are forever immune for crimes committed while in office, in the name of the state. The misconception persists despite just a moment of thought telling one that if this were true, Hermann Goering, Augusto Pinochet, and Charles Taylor would never have been arrested, for they were all in office at the time they ordered atrocities, and they all invoked national security.

Judge Kessler’s findings point to yet another even more alarming aspect of the Bush-era crimes for which Rumsfeld is now being pursued for his part. And that is the emerging evidence that the tortures perpetrated were not designed to protect national security at all, but to obtain false confessions in order to score propaganda points for the War on terror.

[Andy Worthington writes](#) that:

“As it happens, one of the confessions that was tortured out of Binyam is so ludicrous that it was soon dropped...The US authorities insisted that Padilla and Binyam had dinner with various high-up members of al-Qaeda the night before Padilla was to fly off to America. According to their theory the dinner party had to have been on the evening of 3 April in Karachi ... Binyam was meant to have dined with Khalid Sheikh Mohammed, Abu Zubaydah, Sheikh al-Libi, Ramzi bin al-Shibh and Jose Padilla. What made the scenario ‘absurd,’ as [Binyam’s lawyer] pointed out, was that ‘two of the conspirators were already in U.S. custody at the time — Abu Zubaydah was seized six days before, on 28 March 2002, and al-Libi had been held since November 2001.’”

The charges against Binyam were dropped, after the prosecutor, Lieutenant Colonel [Darrel Vandeveld, resigned](#). He told the BBC later that he had concerns at the repeated suppression of evidence that could prove prisoners' innocence.

The litany of tortures alleged against Rumsfeld in the military prisons he ran could go on for some time. The new photographic images from Abu Ghraib make it hard to conceive of how the methods of torture and dehumanization could have possibly served a national purpose.

The approved use of attack dogs, sexual humiliation, forced masturbation, and treatments which plumb the depths of human depravity are either documented in Rumsfeld's own [memos](#), or credibly reported on.

[The UK Guardian writes:](#)

"The sexual humiliation of Iraqi prisoners at Abu Ghraib prison was not an invention of maverick guards, but part of a system of ill-treatment and degradation used by special forces soldiers that is now being disseminated among ordinary troops and contractors who do not know what they are doing, according to British military sources. The techniques devised in the system, called R2I - resistance to interrogation - match the crude exploitation and abuse of prisoners at the Abu Ghraib jail in Baghdad.

"One former British special forces officer who returned last week from Iraq, said: 'It was clear from discussions with US private contractors in Iraq that the prison guards were using R2I techniques, but they didn't know what they were doing.'"

Torture Now Aimed at Americans, Programs Designed to Obtain False Confessions, Not Intelligence

The worst of the worst is that Rumsfeld's logic strikes directly at the foundations of our democracy and the legitimacy of the War on Terror. The torture methods studied and adopted by the Bush administration were not new, but adopted from the Survival, Evasion, Resistance, and Escape program (SERE) which is taught to elite military units. The program was developed during the Cold War, in response to North Korean, Chinese, and Soviet Bloc torture methods. But the aim of those methods was never to obtain intelligence, but to elicit false confessions. The Bush administration asked the military to "[reverse engineer](#)" the methods, i.e. figure out how to break down resistance to false confessions.

In the 2008 [Senate Armed Services Committee report](#) which indicted high-level Bush administration officials, including Rumsfeld, as bearing major responsibility for the torture at Abu Gharib, Guantanamo, and Bagram, the Committee said:

"SERE instructors explained "Biderman's Principles" - which were based on coercive methods used by the Chinese Communist dictatorship to elicit false confessions from U.S. POWs during the Korean War - and left with GTMO personnel a chart of those coercive techniques."

The Biderman Principles were based on the work of Air Force Psychiatrist Albert Biderman, who wrote the landmark "Communist Attempts to Elicit False Confessions from Air Force Prisoners of War," on which SERE resistance was based. [Biderman wrote:](#)

“The experiences of American Air Force prisoners of war in Korea who were pressured for false confessions, enabled us to compile an outline of methods of eliciting compliance, not much different, it turned out, from those reported by persons held by Communists of other nations. I have prepared a chart showing a condensed version of this outline.”

The chart is a how-to for communist torturers interested only in false confessions for propaganda purposes, not intelligence. It was the manual for, in Biderman’s words, “brainwashing.” In the reference for Principle Number 7, “Degradation,” the chart explains:

“Makes Costs of Resistance Appear More Damaging to Self-Esteem than Capitulation; Reduces Prisoner to “Animal Level...Personal Hygiene Prevented; Filthy, Infested Surroundings; Demeaning Punishments; Insults and Taunts; Denial of Privacy”

Appallingly, this could explain that even photos such as those of feces-smearred prisoners at Abu Ghraib might not, as we would hope, be only the individual work of particularly demented guards, but part of systematic degradation authorized at the highest levels.

Exhibit: Abu Ghraib, Female POW



This could go far toward explaining why the Bush administration seemed so tone-deaf [to intelligence professionals](#), including legendary CIA Director William Colby, who essentially told them they were doing it all wrong. A startling level of consensus existed within the intelligence community that the way to produce good intelligence was to gain the trust of prisoners and to prove everything they had been told by their recruiters, about the cruelty and degeneracy of America, to be wrong.

But why would the administration care about what worked to produce intelligence, if the goal was never intelligence in the first place? What the Ponzi scheme of either innocent men or low-level operatives incriminating each other DID accomplish, was produce a framework of rapid successes and trophies in the new War on Terror.

And now, American contractors Vance and Ertel show, unless there are prosecutions, the law has effectively changed and they can do it to Americans. Jane Mayer in the New Yorker describes a new regime for prisoners which has become coldly methodical, quoting a report issued by the Parliamentary Assembly of the Council of Europe,

titled “Secret Detentions and Illegal Transfers of Detainees.” In the report on the CIA paramilitary Special Activities Division detainees were “taken to their cells by strong people who wore black outfits, masks that covered their whole faces, and dark visors over their eyes.”

[Mayer writes](#) that a former member of a C.I.A. transport team has described the “takeout” of prisoners as:

“a carefully choreographed twenty-minute routine, during which a suspect was hog-tied, stripped naked, photographed, hooded, sedated with anal suppositories, placed in diapers, and transported by plane to a secret location.”

A person involved in the Council of Europe inquiry, referring to cavity searches and the frequent use of suppositories, likened the treatment to “sodomy.” He said, “It was used to absolutely strip the detainee of any dignity. It breaks down someone’s sense of impenetrability.”

Of course we have seen these images before, in the trial balloon treatment of Jose Padilla, the first American citizen arrested and declared “enemy combatant” in the first undeclared war without end. The designation placed Padilla outside of his Bill of Rights as an American citizen even though he was arrested on American soil. Padilla was kept in isolation and tortured for nearly 4 years before being released to a civilian trial, at which point according to his lawyer he was useless in his own defense, and exhibited fear and [mistrust of everyone, complete docility, and a range of nervous facial tics.](#)

Jose Padilla in Military Custody



He was convicted by a Miami jury and sentenced to 17 more years. As of [this writing, and meriting it’s own outrage, on Sept. 19, an appeals court threw out Padilla’s sentence as “too lenient”](#) and has sent it back for review.

Rumsfeld’s avuncular “golly-gee, gee-whiz” performances in public are legendary. Randall M. Schmidt, the Air Force Lieutenant General appointed by the Army to investigate abuses at Guantanamo, and who recommended holding Rumsfeld protege and close associate General Geoffrey Miller “accountable” as the commander of Guantanamo, watched Rumsfeld’s performance before a House Committee with some interest. “[He was going, ‘My God! Did I authorize putting a bra and underwear on this guy’s head and telling him all his buddies knew he was a homosexual?’](#)”

But General Taguba said of Rumsfeld: “Rummy did what we called ‘case law’ policy — verbal and not in writing. What he’s really saying is that if this decision comes back to haunt me I’ll deny it.”

[Taguba went on](#): “Rumsfeld is very perceptive and has a mind like a steel trap. There’s no way he’s suffering from C.R.S.—Can’t Remember Shit.”

Miller was the general deployed by Rumsfeld to “Gitmo-ize” Abu Ghraib in 2003 after Rumsfeld had determined they were being too “soft” on prisoners. He said famously in one memo “you have to treat them like dogs.” General Karpinski questioned the fall of Charles Graner and Lyndie England as the main focus of low-level “bad apple” abuse in the Abu Ghraib investigations. “Did Lyndie England deploy with a dog leash?” she asks.

Exhibit: Dog deployed at Abu Ghraib, mentally-ill prisoner



Abu Ghraib prisoner in “restraint” chair, screaming “Allah!!”



Rumsfeld’s worry now is the [doctrine of Universal Jurisdiction](#), as well as ordinary common law. The veil of immunity stripped in civil cases would seem to free the hand of any prosecutor who determines there is sufficient evidence that a crime has been committed based on available evidence. A grand jury’s bar for opening a prosecution is minimal. It has been said “a grand jury would indict a ham sandwich.” Rumsfeld, and the evidence against him, would certainly seem to pass this test.

The name Dilawar translates to English roughly as “Braveheart.” Let us pray he had one to endure the manner of his death. But the more spiritual may believe that somehow it had a purpose, to shock the world and begin the toppling of unimaginable evil among us. Dilawar represented the poorest of the poor and most powerless, wanting only to pick up his three sisters, as his mother had told him to, for the holiday. The question now is whether Americans will finally draw a line, as the case against Rumsfeld falls into place and becomes legally bulletproof. Andy Worthington noted that the case for prosecutors became rock solid when Susan Crawford, senior Pentagon official overseeing the Military Commissions at Guantánamo — [told Bob Woodward](#) that the Bush administration had “met the legal

definition of torture.”

As Rumsfeld continues his book tour and people like Dilawar are remembered, it is not beyond the pale that an ambitious prosecutor, whether local, state, or federal, might sense the advantage. It is perhaps unlikely, but not inconceivable, that upon landing at Logan International Airport on Wed., Sept. 21st, or similarly anywhere he travels thereafter, Rumsfeld could be greeted with the words such as:

“Welcome to Boston, Mr. Secretary. You are under arrest.”

Massachusetts District Attorneys Who Can Indict Rumsfeld, Please Email them this post and call them. [SAMPLE INDICTMENT TEXT, BASED ON GERMAN CRIMINAL COMPLAINT](#)

Massachusetts Attorney General Martha Coakley:

email: ago@state.ma.us

One Ashburton Place

Boston, MA 02108 -1518

Phone: (617) 727-2200

Here is the contact info for members of the Boston City Council, which could pass a resolution directing the Police Commissioner to arrest Rumsfeld on sight (google Brattleboro Resolution, George W. Bush):

<http://www.cityofboston.gov/...>

And Gov. Duval Patrick has an obligation to order the state police to do the same: [CONTACT FORM](#)

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