



HOME MARYLAND NATION/WORLD BUSINESS SPORTS ARTS/LIFE OPINION

Search:  Go

MARKETPLACE JOBS CARS REAL ESTATE SHOPPING

Site Web enhanced by Google

advertisement

**BREAK DOWN BORDERS**  
with a degree in  
Master of  
Management ~  
INTERNATIONAL

University of Phoenix  
ONLINE

[CLICK HERE](#)

nation/world > iraq

## U.S. to drop Geneva rule, officials say

*Clause bars humiliation, degradation of detainees*

BY JULIAN E. BARNES

ORIGINALLY PUBLISHED JUNE 5, 2006

**WASHINGTON //** The Pentagon has decided to omit from new detainee policies a key tenet of the Geneva Conventions that explicitly bans "humiliating and degrading treatment," according to knowledgeable military officials, a step that would mark a further shift away from strict adherence to international human rights standards.

The decision culminates a lengthy debate within the Defense Department but will not become final until the Pentagon makes new guidelines public, a step that has been delayed. However, the State Department opposes the military's decision to exclude Geneva Conventions protections and has been pushing for the Pentagon and White House to reconsider, the defense officials acknowledged.

For more than a year, the Pentagon has been redrawing its policies on detainees and interrogation, and intends to issue a new Army Field Manual, which, along with accompanying directives, represents core instructions to U.S. soldiers worldwide. The process has been beset by debate and dispute, but the decision to omit Geneva Conventions protections from a principal directive comes at a time of growing worldwide criticism of U.S. detention practices and the conduct of American forces in Iraq.

The directive on interrogations, a senior defense official said, is being rewritten to create safeguards so that all detainees are treated humanely but can still be questioned effectively.

President Bush's critics and supporters have debated whether it is possible to prove a direct link between administration declarations that it will not be bound by Geneva and events such as the abuses at Abu Ghraib or the killings of civilians last year at Haditha, allegedly by Marines. But the exclusion of the Geneva provisions may make it more difficult for the administration to portray such incidents as aberrations. And it undercuts arguments that U.S. forces follow the toughest, most broadly accepted standards when fighting wars.

"The rest of the world is completely convinced that we are busy torturing people," said Oona A. Hathaway, an expert in international law at Yale Law School and a former law clerk to then-Supreme Court Justice Sandra Day O'Connor. "Whether that is true or not, the fact we keep refusing to provide these protections in our formal directives puts a lot of fuel on the fire. It makes people think we are violating these provisions left and right."

The detainee directive was due to be released in late April along with the Army Field Manual on interrogations. But objections from several senators on other field manual issues forced a delay. Senators objected to

- Talk about it
- E-mail it
- Print it
- Contact us
- XML** RSS feed

### PHOTO GALLERY



[Prisoners at Abu Ghraib](#)

### IN DEPTH

[Prisoner abuse scandal](#)

### RELATED ARTICLES

[Read the Church report](#)

### ON THE WEB

[FBI records on Guantanamo Bay incidents](#)

[ACLU page on treatment of detainees](#)

[Church Report](#)

[Fay Report](#)

[Schlesinger Report](#)

[Inspector general report on detainee operations](#)

[The Law of War \(including the Geneva](#)

ADVERTISEMENTS

**SIMPLYHOME**

A SPECIAL ADVERTISING SECTION

provisions allowing harsher interrogation techniques for unlawful combatants, such as terrorism suspects, as opposed to traditional prisoners of war.

The lawmakers argue that differing standards of treatment allowed by the field manual would violate a broadly supported anti-torture measure advanced by Sen. John McCain, an Arizona Republican. McCain pushed Congress last year to ban torture and cruel treatment and to establish the Army Field Manual as the uniform standard for treatment of all detainees. Despite administration opposition, the measure passed and became law.

For decades, it had been the official policy of the U.S. military to follow the minimum standards for treating all detainees as laid out in the Geneva Conventions. But in 2002 President Bush suspended portions of the Geneva Conventions for captured al-Qaida and Taliban fighters. Bush's order superseded military policy at the time, touching off a wide debate over U.S. obligations under the Geneva accord, a debate that intensified after reports of detainee abuses at Guantanamo Bay, Cuba, and at Iraq's Abu Ghraib prison.

Among the directives being rewritten after Bush's 2002 order is one governing U.S. detention operations. Military lawyers and other defense officials wanted the redrawn version of the directive to again embrace Common Article 3 of the Geneva Conventions.

That provision - known as a "common" article because it is part of each of the four Geneva pacts approved in 1949 - bans torture and cruel treatment. Unlike other Geneva provisions, Article 3 covers all detainees - whether they are unlawful combatants or traditional prisoners of war. The protections for detainees in Article 3 go beyond the McCain amendment by prohibiting humiliation.

However, the move to restore U.S. adherence to Article 3 was opposed by officials from Vice President Dick Cheney's office and by the Pentagon's intelligence arm, government sources said. David Addington, Cheney's chief of staff, and Stephen Cambone, the defense undersecretary for intelligence, argued that it would restrict the United States' ability to question detainees.

The Pentagon tried to satisfy some of the military lawyers' concerns by including some protections of Article 3 in the new policy, most notably a ban on inhumane treatment, but steadfastly refused to embrace the actual Geneva standard in the directive it plans to issue.

The military lawyers, known as judge advocates general, or JAGs, have concluded that they will have to wait for a new administration before launching another push to link Pentagon policy to the standards of Geneva.

"The JAGs came to the conclusion that this was the best they can get," said one participant familiar with the Defense Department debate who spoke anonymously because of the protracted controversy. "But it was a massive mistake to have withdrawn from Geneva. By backing away you weaken the proposition that this is the baseline provision that is binding to all nations."


Derek P. Jinks, an assistant professor at the University of Texas School of Law and the author of a forthcoming book on Geneva, *The Rule of War*, argues that the decision to remove the Geneva reference from the directive shows that the administration intends to push the interrogation envelope.

"We are walking the line on the prohibition on cruel treatment," Jinks said. "But are we really in search of the boundary between the cruel and the acceptable?"

The military has long applied Article 3 to all conflicts - including civil wars - using it as a minimum standard of conduct, even during peacekeeping operations. The old version of the U.S. directive on detainees says the military will "comply with the principles, spirit, and intent" of the Geneva Conventions.

But top Pentagon officials now believe Common Article 3 creates an

## Conventions and Protocols


 [Article 15-6 Investigation of the 800th Military Police Brigade \(145k PDF\)](#)  
May 5, 2004

### VIDEOS




- Taguba statement
- Bush praises Rumsfeld
- Rumsfeld apologizes

### AUDIO

 [Rumsfeld on the release of more abuse photos](#)  
(AP)  
May 13, 2004

 [Rumsfeld on Congress and the photos](#)  
(AP)  
May 13, 2004

 [Rumsfeld on the abuse of prisoners](#)  
(AP)  
May 13, 2004

 [Rumsfeld on allegations of a cover-up](#)  
(AP)  
May 13, 2004

 [Bush on prisoner abuse](#)  
(AP)  
May 10, 2004

 [Bush on the rule of law](#)  
(AP)  
May 10, 2004

### INTERACTIVE



#### Maryland's Fallen

A look at those with local ties killed in Operation Iraqi Freedom.

- E-mail to a friend
- You will need [Macromedia Flash Player 7](#) to view.

### IN DEPTH

 [Battlefield medical technology](#)  
Sun special reports on the U.S. military's use of tourniquets and different types of bandages in combat zones

## University of Phoenix Online

### ASSOCIATES DEGREES

- Associate of Arts in General Studies

### BACHELOR'S DEGREES

- Bachelor of Science in Business/Accounting
- Bachelor of Science in Business/Administration
- Bachelor of Science in Business/e-Business
- Bachelor of Science in Business/Management
- Bachelor of Science in Business/Marketing
- Bachelor of Science in Criminal Justice Administration
- Bachelor of Science in Information Technology
- Bachelor of Science in Management
- RN to Bachelor of Science in Nursing

### MASTER'S DEGREES

- Master of Arts in Education with a Specialization in Curriculum and Instruction
- Master of Arts in Education with a Specialization in Teacher Education for Elementary Licensure

[Learn More](#)

"unintentional sanctuary" that could allow al-Qaida members to avoid telling what they know to interrogators.

"As much as possible the foundation is Common Article 3. That is the foundation," the senior official said, speaking on the condition of anonymity because the new policies have not been made public. "But there are certain things unlawful combatants are not entitled to."

Jump to page: 1 2

[Next >>](#)

Ads by Google

#### Buy Iraq Dinars

\$795 per Million dinars. Next day COD delivery guarantee  
[www.dinartrade.com](http://www.dinartrade.com)

#### God Loves Soldiers

A site for soldiers about Jesus Christ  
[GodLovesSoldiers.com](http://GodLovesSoldiers.com)

#### U.S. in Iraq? Pros & Cons

Should the U.S. have attacked Iraq? Credible pros & cons in the debate  
[www.ProCon.org](http://www.ProCon.org)

#### Special Ops. Training

High Risk Protection Training in Dangerous Places: Iraq-Afghanistan  
[www.esi-lifeforce.com](http://www.esi-lifeforce.com)

#### Human Rights

An independent look at Australia's Terrorism Laws - Read More Now  
[Crikey.com.au/Politics/Terrorism](http://Crikey.com.au/Politics/Terrorism)

#### Related News from the Web

- > [Amnesty International](#)
- > [George Bush](#)
- > [US News](#)
- > [John McCain](#)
- > [US Senate](#)
- > [Republican](#)
- > [Abu Ghraib](#)
- > [Charitable Organizations](#)
- > [Terrorism](#)

Powered by [Topix.net](http://Topix.net)

#### Prisoner abuse scandal

Full coverage of the investigation into alleged abuse of Iraqi detainees by U.S. soldiers at Abu Ghraib prison.

#### PHOTOS



#### Photo galleries

- U.S. troops killed
- Saddam Hussein captured
- Hussein sons (Warning: graphic images)
- Sun photos
- Sun front pages
- Iraq ID playing cards
- Saddam Hussein
- More photos

#### RELATED ARTICLES



**In remembrance: American service members killed in Iraq**

#### MULTIMEDIA

##### Audio/video

- Audio & video: Saddam Hussein captured
- Audio: Reporting in a war zone
- Multimedia archive

#### PHOTO GALLERY



#### Sun front pages

#### BACKGROUND



- Facts & figures
- Saddam Hussein
- Leadership

UMUC

Build your career in homeland security management at UMUC

Classes available evenings, weekends, and online

Classes start September 5



[Click here to register or request a FREE Schedule of Classes](#)



University of Maryland University College

ADVERTISEMENTS

#### Contests



Enter to win tickets to movies, concerts, festivals, sporting events and more.

#### Events

The Baltimore Sun's HEADLINES & BIOGRAPHIES

Learn more about events sponsored by The Baltimore Sun and [baltimoresun.com](http://baltimoresun.com), including Headlines and Biographies.

#### Special sections

SPECIAL SECTIONS

Special sections from The Baltimore Sun.

#### Sun Store



Purchase guaranteed signed sports memorabilia.

- Military
- History

#### IN DEPTH

 [Iraq coverage](#)

#### ALSO SEE

##### **Iraq**

- > [Soldiers killed](#)
- > [Photo galleries](#)
- > [Sun front pages](#)
- > [Multimedia](#)
- > [Baghdad weather](#)
- > [About Iraq](#)
- > [Archive](#)

#### **Lower Blood Pressure**

The Mayo Clinic and NBC agree it's a safe way to Lower Blood Pressure  
[www.resperate.com](http://www.resperate.com)

#### **Lose 10 lbs in 10 Days Guaranteed**

Revolutionary New Fat Loss System Works Fast. Get An Entire 30 Day Supply FREE  
[www.nitetrim.com/freespecial](http://www.nitetrim.com/freespecial)

[Buy a link here](#)

-  [Talk about it](#)    [E-mail it](#)    [Print it](#)    [Contact us](#)

#### Top iraq headlines

- [Anti-gay funeral protesters sued](#)
- [50 travelers kidnapped in Iraq](#)
- [Ambassador's new role in Iraq](#)
- [21 Shiites shot dead; 9 Sunnis killed by police](#)
- [U.S. to drop Geneva rule, officials say](#)

#### Top baltimoresun.com headlines

- [Special session planned](#)
- [New life seen for vaccine industry](#)
- [On 6-6-06, no apocalypse](#)
- [Birds find a good life in the big-box stores](#)
- [Terror cell discovery is 2-sided win](#)

#### Most e-mailed in the past 24 hours

1. [Special session planned](#)
  2. [At picnic, greyhounds are top dog](#)
  3. [U.S. to drop Geneva rule, officials say](#)
  4. [Ocean of freedom](#)
  5. [Surviving, even thriving, with HIV](#)
- [More most e-mailed](#)

[baltimoresun.com](#) > [iraq](#)

[back to top](#)

[Iraq](#) | [War on Terror](#) | [Health/Science](#) | [AP News](#)  
[Home](#) | [Maryland](#) | [Nation/World](#) | [Business](#) | [Sports](#) | [Arts/Life](#) | [Opinion](#)  
[Marketplace](#) | [Jobs](#) | [Cars](#) | [Real Estate](#) | [Shopping](#)

**Contact us:** Submit feedback, send a letter to the editor, submit a news tip, get subscription info, or place an ad.

Maryland Weather

**Classified partners:** [Jobs](#) | [Autos](#) | [Homes](#) | [Apartments](#)

[Become a mySun member](#) | [Login](#)

Search:



Site



Web

