

President Authorized Abu Ghraib Torture, FBI Email Says

by NewStandard Staff

Among a new batch of documents rights groups have forced the gov't to release, a Bureau communication refers to a presidential Executive Order endorsing some forms of torture witnessed at Iraq prison.

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Repeated references in an internal FBI email suggest that the president issued a special order to permit some of the more objectionable torture techniques used at Abu Ghraib and other US-run prison facilities around Iraq. The email was among a new batch of FBI documents revealed by civil rights advocates on Monday. Other documents describe the initiation of investigations into alleged incidents of torture and rape at detention facilities in Iraq.

The email, which was obtained by the American Civil Liberties Union, represents the first hard evidence directly connecting the Abu Ghraib prison abuse scandal and the White House. The author of the email, whose name is blanked out but whose title is described as "On Scene Commander -- Baghdad," contains ten explicit mentions of an "Executive Order" that the author said mandated US military personnel to engage in extraordinary interrogation tactics.

An Executive Order is a presidential edict -- sometimes public, sometimes secretive -- instituting special laws or instructions that override or complement existing legislation. The White House has officially neither admitted nor denied that the president has issued an Executive Order pertaining to interrogation techniques.

The specific methods mentioned in the email as having been approved by the unnamed Executive Order and witnessed by FBI agents include sleep deprivation, placing hoods over prisoners' heads, the use of loud music for sensory overload, stripping detainees naked, forcing captives to stand in so-called "stress positions," and the employment of work dogs. One of the more horrifying tools of intimidation, Army canines were used at the prison to terrorize inmates, as depicted in photos taken inside Abu Ghraib.

The correspondence is dated May 22, 2004 -- a couple of weeks after images of torture and humiliation at the prison broke in the world media -- and was sent between FBI officials attempting to clarify the Bureau's position on the terminology to use when categorizing and reporting such techniques. The author repeatedly states those techniques were, at least temporarily, permitted under the mysterious presidential directive. The author also wrote that Pentagon policy had since restricted most of the techniques to require specific authorization from the chain of command.

"As stated, there was a revision last week in the military's standard operating procedures based on the Executive Order," the letter reads. "I have been told that all interrogation techniques previously authorized by the Executive Order are still on the table but that certain techniques can only be used if very high-level authority is granted." The author goes on to recount having seen a military email that said certain techniques -- including "stress positions," the use of dogs, "sleep management," hoods, "stripping (except for health inspection)," and blaring music -- cannot be used without special authorization.

The author wonders if techniques that fall within the scope of the Executive Order should be referred to as "abuse," since they are technically legal. Unless otherwise advised by the Bureau, the email continues, agents "will still not report the use of these techniques as 'abuse' since we will not be in a position to know whether or not the authorization for these tactics was received from the aforementioned officials."

The author does believe that interrogation methods that involve "physical beatings, sexual humiliation or touching" clearly constitute "abuse," suggesting they are not within the scope of the repeatedly referenced Executive Order.

The email says that FBI personnel operating at Abu Ghraib witnessed but did not participate in prisoner interrogations that involved actions approved by the Executive Order. That statement upholds separate documentation also obtained via Freedom of Information Act requests backed by a lawsuit on the part of the American Civil Liberties Union and other groups.

As reported by *The NewStandard*, documents revealed in October showed that FBI agents had witnessed abuses like those mentioned in the email, in addition to many more severe actions.

The email that was revealed on Monday is the first official document to state that the Oval Office was the source of directives permitting abuse and torture.

After the ACLU released the documents, White House, Pentagon and FBI officials told reporters that the author of the email was mistaken, and that the order was not an Executive Order, but a Defense Department directive. All sources refused to be identified in news reports.

The White House does not appear to have ever officially denied that President Bush issued an Executive Order specifying interrogation techniques, though none has been made public. The ACLU and other organizations involved in forcing the release of documents regarding prisoner treatment at Abu Ghraib as well as prison camps in Afghanistan and Guantánamo Bay, Cuba have demanded the White House "confirm or deny the existence of such an order," according to an ACLU press

release issued on Monday.

Last June the president insisted that the only authorization he has issued with regard to interrogation procedures was that American personnel "would conform to US law and would be consistent with international treaty obligations."

But as the unidentified FBI official noted in his email, techniques are made legal under US law if and when the president issues an Executive Order rendering them so.

Asked more directly less than two weeks later if President Bush had ever approved particular prisoner handling methods, White House spokesperson Scott McClellan responded, "In terms of interrogation techniques related to what the military may carry out in Guantánamo Bay or Iraq, those are determinations that are made by the military, and we expect that those techniques fit within the policies that this President has instituted."

The president and his legal advisors have repeatedly said that the US government neither condones nor commits torture. The Bush administration's conservative definition of torture, as expressed at a June 22 press briefing by White House Counsel Alberto Gonzales, incorporates only acts bearing "a specific intent to inflict severe physical or mental harm or suffering."

If White House statements are to be taken at face value, then, they still leave considerable room for the possibility that President Bush has authorized specific acts that civil libertarians and international law consider torturous, including the methods listed in the FBI email.

The United Nations Convention Against Torture, which the United States Congress has ratified, defines "torture" far more broadly as including "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession."

Also included among the newly released documents were notices regarding the initiation of criminal investigations pertaining to abuse of Iraqi detainees.

One of the documents is a memo stating that the US Army's Criminal Investigation Division had commenced an inquiry "regarding the alleged rape of [a] juvenile male detainee at Abu Ghraib Prison." The name of the investigating officer or unit has been blanked out, and no identifying information is offered pertaining to the case.

Another document notifies Valene Caproni of the FBI's Office of the General Counsel, that two FBI agents who were stationed in Iraq were to be interviewed by Army investigators looking into the alleged torture of an Iraqi detainee. Gary Bald of the Bureau's Counterterrorism Division wrote the email message, in which he notes suspicious military paperwork on a detainee whose name is redacted. He also writes that the two FBI special agents were with the military police unit that held the Iraqi and signed receipts claiming to have seen him before he was transferred to Abu Ghraib for further interrogation.

While the email states that the prisoner does not mention the FBI in his complaint, he described his treatment in troubling detail. "They tortured me and cuffed me in an act called the scorpion and pouring cold water on me," the email quotes the detainee's complaint as saying. "They tortured me from morning until the morning of the next day, and when I fell down from the severe torture I fell on the barbed wires, and then they dragged me from my feet and I was wounded and, and they punched me on my stomach."

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