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## Rumsfeld Charged with Torture in French Court

by Haider Rizvi

NEW YORK - Donald Rumsfeld, the former U.S. secretary of defense, is facing criminal charges in France for ordering the torture of prisoners in Iraq and at the military prison at Guantanamo Bay.

Last week, some of the world's leading human rights law groups filed a complaint before a French court charging Rumsfeld with authorizing and ordering torture.

The complaint was registered at the office of the prosecutor of the Court of First Instance in Paris when Rumsfeld was in the city for a talk sponsored by Foreign Policy magazine.

"We will not rest until those U.S. officials involved in torture are brought to justice," said Michael Ratner, president of the Center for Constitutional Rights, a non-profit human rights law firm in the United States.

In filing the complaint against Rumsfeld, Ratner's group received full support from the European Center for Constitutional and Human Rights (ECCHR), the French League for Human Rights, and the International Federation for Human Rights (FIDH).

"Rumsfeld must understand that he has no place to hide," Ratner added in a statement after filing the complaint. "A torturer is an enemy of all humankind."

The charges against Rumsfeld were brought under the 1984 Convention against Torture, ratified by both the United States and France, which has been used in France in previous torture cases.

The criminal complaint states that because of the failure of authorities in the United States and Iraq to launch any independent investigation, it is the legal obligation of states such as France to take up the case.

Ratner and his colleagues in France's legal community contend that Rumsfeld and other top U.S. officials are subject to criminal trial because there is sufficient evidence to prove that they had authorized the torture of prisoners held on suspicion of involvement in terrorist acts.

"France is under the obligation to investigate and prosecute Rumsfeld," said FIDH



French, US and German rights groups said Friday they had filed suit for "torture" against ex-US defence secretary Donald Rumsfeld, seen here in August 2001, currently in Paris, for his role in the Iraq war and the US "war on terror". (AFP/File/Paul J. Richards)

president Souhayr Belhassen. “It has no choice but to open an investigation.”

Arguing that French courts are obligated under the Convention against Torture to prosecute individuals responsible for torture if they are present on French territory, Belhassen said he hoped the fight against impunity will “not be sacrificed in the name of politics.”

Rumsfeld’s presence on French territory gives French courts jurisdiction to prosecute him for having ordered and authorized torture and cruel, inhuman, and degrading treatment of detainees in Guantanamo, the notorious Abu Ghraib prison in Iraq, and elsewhere, lawyers who filed complaint said.

Rumsfeld, who stepped down from his position a year ago, can no longer claim immunity as a high-level statesman or as a former statesman, they added, because international law does not recognize such immunity in the case of international crimes including torture.

Former U.S. Army Brigadier General Janis Karpinski, who served as commander of Abu Ghraib and other U.S.-run prisons in Iraq, submitted written testimony to the Paris prosecutor for the plaintiffs’ case detailing Rumsfeld’s relationship to the abuse of detainees.

“We want to combat impunity and therefore demand a judicial investigation and a criminal prosecution wherever there is jurisdiction over the torture incidents,” said ECCHR General Secretary Wolfgang Kaleck.

This is the fifth time Rumsfeld has been charged with direct involvement in torture stemming from his role in the Bush administration’s global response to the September 11 terrorist attacks in New York and other parts of the United States.

Two previous criminal complaints were filed in Germany under its universal jurisdiction statute, which allows Germany to prosecute serious international crimes regardless of where they occurred or the nationality of the perpetrators or victims.

The first case was filed in 2004 by CCR, FIDH, and Kaleck, who is an attorney in Berlin. That case was dismissed in February 2005 in response to official pressure from the United States, in particular from the Pentagon, the plaintiffs said.

The second case was filed last fall by the same groups as well as dozens of national and international human rights groups, Nobel Peace Prize winners, and the former UN special rapporteur on torture.

The 2006 complaint was presented on behalf of 12 Iraqi citizens who had been held and abused in Abu Ghraib and one Saudi citizen still held at Guantanamo. That case was dismissed in April, though an appeal is expected this week.

Rumsfeld is also facing similar charges in two other cases filed against him in Argentina and Sweden.

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## 55 Comments so far

1. Earthian October 29th, 2007 4:24 pm

On April 13, 1945, soon to be Nuremberg chief prosecutor Robert Jackson gave an amazing speech on the inevitability of the implementation of international law. He was speaking of a certain WWI German officer, Von Bethmann-Hollweg, who knowingly violated international law, thinking he wouldn't be held accountable.

Jackson quotes him as saying, "Our troops have occupied Luxembourg; perhaps they have already entered Belgian territory. Gentlemen, this violates the rules of international law.... The wrong-speak openly—the wrong that we now do, we will try to make good again, as soon as our military ends have been reached."

Jackson remarked near the end of his speech:

"... we need not worry too much about absence of sanctions for international law or let disputes as to details obscure the ultimately important things. We may go forward on the assumption that reason has power to summon force to its support, confident that acceptable moral standards embodied in law for the governance nations will so appeal to the better natures of men that somehow they will ultimately vouchsafe the force to make them prevail."

<http://www.roberthjackson.org/Man/theman2-7-7-1/>

And so it did. The law prevailed at Nuremberg.

And if we support CCR and other such groups, and aim to the long run, Rumsfeld will wear orange.

2. Claude October 29th, 2007 4:24 pm

Haven't read the article in its entirety yet, don't properly understand universal jurisdiction, but am mildly hopeful that it may trip up the gang in charge in DC.

3. Marikken October 29th, 2007 4:25 pm

I hope this snowball keeps rolling. YES!!!

4. notsonaive October 29th, 2007 4:30 pm

It's an honourable and righteous effort, however, between the pressures from "Empire" and the French president who loves America and everything American, I don't see much hope for success.

5. [metroeloise](#) October 29th, 2007 4:36 pm

Thank for this article and a great thanks to those that are pressing for charges against Rumsfeld and the rest of them soon enough.

Only one criticism: What Bush&Co did and are continuing to do has nothing to do with a "global response to the September 11 terrorist attacks in New York." It has everything to do with their own agenda for global domination. These acts are not merely misguided or over reactions they are criminal and based on a world view that is insane, anti democratic, and treasonous.

6. DAB October 29th, 2007 4:42 pm

Bravo, ausgezeichnet. prima - that is the way to start the ball rolling. The rest of the clique (Rice, Bush, Cheney, et al) should also face a similar fate.

They can run but the can not hide.

7. blessthebeasts October 29th, 2007 4:47 pm

I'm hoping this will be the first step towards justice for this evil cabal. The rest of the world knows the reality of what these criminals did. There are more of them than there are of us.

8. Umlaut October 29th, 2007 4:57 pm

Vive La France!!!!!!!!!!!!

Suck on that Sarkozy! By the way how's the divorce going?

And Rummy, ever thought of being roommates with Kissinger? Welcome to his world.

Who am I kidding? If Kissinger got away with this long, bet he will too.

Nice to see the effort though.

Just wanted to self delude myself into happiness for about 30 seconds.

9. ToeBot October 29th, 2007 4:58 pm

The things they don't get up to over there in "Old Europe". But hey, there is always Poland.

10. [fella69](#) October 29th, 2007 5:12 pm

Finally, it is true that nobody is above the law. Congratulations to all and God bless you all.....ameen

11. whatfools October 29th, 2007 5:12 pm

A day in court for the Knave of Clubs?

That's far more generous than anything he ever gave to his victims. Perhaps a day roasting on the spit...

12. Thirdeye23 October 29th, 2007 5:22 pm

Unfortunately, unless the US courts prosecute them, then We the People stand behind them in the eyes of the world. I firmly believe that they will eventually be brought up on charges in The Hague but even then We the People will still be guilty right there with them.

13. RestoreDemocracy October 29th, 2007 5:32 pm

Nuremberg — NO, justice did not prevail. Even many Germans know that the Nuremberg Trials were, in part, 'show trials'. Many of those convicted were pardoned rather soon afterward, and the convictions were selective. Also interesting is that Rudolf Hess began to tell about how drugs and hypnotic mind control (the pre-cursors of MK-Ultra/Bluebird) were used to control the inner circles of the Third Reich, and a judge strategically shut him up before he talked more.

We have today, under the Bushes, what he have largely because the Nuremberg Trials DID NOT rout out the international Axis/Fascist power

network (thanks largely to Republican politicians and military leaders). If you think this is baseless 'conspiracy theory, then read these books, and no doubt will remain:

T H Tetens: The New Germany and the Old Nazis.

Sigrid Schultz: Germany Will Try It Again.

Glenn Infeld: Secrets of the S.S.

Dr Joost A M Meerloo: The Rape of the Mind (how they controlled Nazism survived, was fostered in Spain, Argentina, Paraguay, Chile, AND under the 'national security' secrecy guise of the C.I.A.

Please read the above books, unless you want to see the entire planet subjugated to an increasingly successful revived International Corporate Fascist Machine, of which Rumsfeld and some of his other Chicago (many mafia) military contractor friends are very much a part, along with the Bush-connected Texas military contractor machine.... the one native Texan Dwight Eisenhower warned us about.

14. george w. bush October 29th, 2007 5:41 pm

dead man walking

15. dolkar October 29th, 2007 5:42 pm

...then onward to those responsible for the policy implemented by Rumsfeld. Perhaps beginning with a player they can actually hope to bag makes sense. If Rumsfeld is convicted of crimes against humanity, it's an easy slide to applying those charges to his bosses. If the American people won't call our government on its trespasses, hopefully the rest of the world will.

16. Byrne October 29th, 2007 5:42 pm

It looks like Dumbsfeld may need a little help from Dumbledore to get himself out of this heated situation.

"Wand at the ready!"

Sorry Dumbsfeld - You have left the land of make believe — now it is time to face the music.

17. claudius October 29th, 2007 5:43 pm

Umlaut and RestoreDemocracy are right. Rumsfeld, even if he is found guilty, will not spend any longer than a day in jail and will be pardoned. A nice hidden villa in Argentina or Paraguay is probably waiting for him. Too bad they still don't use the guillotine in France.

18. iowairish October 29th, 2007 5:45 pm

Vive la France!!! Don't let your scarey new guy Sarkozy or the US pentagon stop you from doing what is right!! The average person in the US needs you to help us hold these men and women accountable for their actions. When are the charges coming against Wolfie, Feith, Rove, Powell, and all of the others who no longer have the statemen's immunity?

And thanks also to Germany (you gave it your best shot!) and Argentina and Sweden. Please help us make Rumsfeld and all of these criminals face the music in a courtroom.

We thank you! The world thanks you!

19. claudius October 29th, 2007 5:46 pm

However, it is nice to have 30 seconds of bliss, even if it is in dreamland!

20. kenL October 29th, 2007 5:50 pm

If one is objective, what the United States did in Iraq is no different than what the Japanese and the Germans were accused of doing in World War II. Preemptive attacks, and economic expansion, were the basis for Germany's and Japan's "foreign policy." Is the United States guilty of war crimes? You betcha. Our neocons in the United States had this grand design in the Middle East, and never thought of the adverse consequences of their ideological folly.

21. kateschertz October 29th, 2007 5:55 pm

This is important because if these people are excluded from the international community they will become powerless. Power is what it has always been about. Whether that power is defined as oil or influence really does not matter. If they are not listened to they are powerless. The only problem in the USA is that the military rightly does not openly contradict the orders they are given. We are soon approaching the moment when they must make critical decisions: carry out orders they know are foolhardy and will lead to unnecessary deaths of American soldiers or disobey. The only legitimate means of disobedience in the US military (and the State Dept) is to resign with a stated reason. Let us hope that there are still enough folks with morals around to take this step and make a difference.

I have been encouraged by the marches this past weekend against a war against Iran, but the noise has to get much louder before it will cause change." Vietnam War protests from beginning

22. anney October 29th, 2007 6:04 pm

Hourra pour le Français!

Now, don't allow anyone in France to pardon him. GW Bush sure can't, not from a verdict in another country. But maybe he'll be too busy hiding to be concerned about Rumsfeld.

23. [normvincent](#) October 29th, 2007 6:18 pm

Yeah ! War Criminal Bastard ! Hang Em !

24. bobpomeroy October 29th, 2007 6:41 pm

Boy Howdy this is indeed what needs to happen, pervasively. Even if it does get pushed off the table, they can only do that so many times until it stops being accepted. I remain concerned that the prospect of being prosecuted pushes them over the edge and we have to go rioting in the streets because they try to halt the whole thing by declaring martial law, and I don't think they're above that. Viva Smedley Butler, who rejected their offer to lead an army to oust FDR. Google Smedley Butler for a story about faith in us gringos in the face of capitalist duplicity.

25. KEM PATRICK October 29th, 2007 6:47 pm

I'd bet nothing comes of this. Hope I'm wrong.

26. anney October 29th, 2007 7:07 pm

Even if Rumsfeld doesn't end up in prison, a long view is that history will record him, and hopefully the entire Bush administration, as being found guilty of war crimes. That doesn't satisfy our wish for immediate justice, but maybe it will satisfy in another way.

Even now, these guys can't hide from history. Bush says he doesn't care what history says since he'll be dead. But you'd better believe it will matter to him on his death-bed. Every president wants to be remembered by millions as a good president. The Bush administration certainly will have their criminality rammed in their faces for the rest of their lives. No one will forget.

Still, it would be best for everyone, for the world, for the US government and people, and for the Iraqis if the administration were found guilty of war crimes and met justice face-on.

27. [braithwa842](#) October 29th, 2007 7:32 pm

This is too good to be true, so I won't believe it yet. But as one of the architects of the Iraq Holocaust, it would be sweet to see him go down.

28. Nietzsche October 29th, 2007 7:45 pm

Let's not forget: George is OUR president. Ever heard the phrase "collective guilt"?

29. anney October 29th, 2007 7:47 pm

Nietzsche

Let those who authorized and ordered torture collect the guilt.

30. eze-flyer October 29th, 2007 8:06 pm

We need a French Revolution.

31. Rosita October 29th, 2007 8:11 pm

Let Justice be done!

32. saywhat October 29th, 2007 9:09 pm

Maybe he will plead insanity.

33. anney October 29th, 2007 9:13 pm

Isn't the traditional French method of execution the guillotine?

34. Byrne October 29th, 2007 9:25 pm

Where is our Sieyes? we need to get the Revolution started.

35. AlexLawyer October 29th, 2007 10:02 pm

I guess we have to stop eating French fries and drinking French wines again. We can rename them fascist fries and start drinking Chateau Pinochet instead. Fye on those snail-eating do-gooders who learnt their lesson in Algeria.

36. WJM October 29th, 2007 10:13 pm

I whole heartedly support this action. It's time for some actual JUSTICE, and if it has to happen somewhere other than the US, so be it. Thank you very much, to all those who are trying to hold these criminals accountable. Since our own congress is so scared of justice, I don't care where it happens. Sweden, France, Argentina, I really don't care. These criminals need to be held to the same standard of justice that any other psychopath would be.

They are guilty of torture, murder, and illegal wars. Time for them to be held accountable for their insanity. The rest of the world will hopefully do what our own congress lacks the intestinal fortitude to do. So be it. I just want them locked up as an example to every other leader that this will not be tolerated in a civilized world. And ESPECIALLY to OUR leaders, who seem to be the biggest problems of all.

37. citizen1 October 29th, 2007 10:35 pm

Jawohl - hang this war criminal bastard!

38. jmndodge October 29th, 2007 10:39 pm

I find no joy in this report, but thank God that someone is actually going to call us into account. Remember that these crimes against God and man, are being done in our name, with our money, and using our best young people who are legitimate patriotic Americans as their tools in this aggression. May we as a nation have the wisdom to vote a new direction, not just a new political party, but a new direction for America's future. Time also for church members to hold clergy responsible for many of their anti-Christ attitudes and positions that must certainly make Jesus weep and wonder at what the church has become. What ever happened to Pauls call to overcome evil with good. Our attempt to be the biggest baddest nation on earth will only unite others to eventually bring us down while we are already eaten away within by our own foolish pride and arrogance.

39. willo October 29th, 2007 10:50 pm

“Rumsfeld must understand that he has no place to hide”

I like that statement and the same should go for all in our government who have furthered this policy of torture. These people have to be held to account for all their crimes. Failure to do so in the past is what has lead to this current bunch of thugs we now have running this place.

40. Ephraim October 29th, 2007 11:24 pm

Let's all hope and pray: Dead motherfucker walking.

41. commander\_n\_chimp October 29th, 2007 11:53 pm

I fully support and endorse the death penalty but only for war crimes and crimes against humanity.

42. lillulu October 29th, 2007 11:55 pm

Torture is abhorrent to a civilized person. How cowardly is that — tying up a defenseless prisoner and then ganging up on him and sadistically torturing him.

Trying to get information out of a person by torture is useless, as they'd say anything to stop the torture.

43. aum33 October 30th, 2007 12:34 am

The French are great people. Like the Germans, they have a keen sense of justice.

SHAME on the USA and the warmongering bastards in charge of it!!!

44. adrian October 30th, 2007 12:59 am

It is highly unlikely that such a pro-American French President will allow

Rumsfeld to be tried. Argentina and Sweden are more promising. But even if the French courts could circumvent his intervention, don't get too excited - Kissinger is still leading a fairly comfortable existence.

However, it is important that somebody officially records the crimes of this US administration. Ronald Reagan who presided over Iran Contra has since been sanctified by the right. Only when a politician is exposed and judged to "Nixonian" levels are the Republicans unable to rewrite history.

45. Vera Gottlieb October 30th, 2007 6:02 am

Why bother taking Rumsfeld to court. Catch him, show him the same mercy he has shown others...and be done with him.

46. whateveryousay October 30th, 2007 6:54 am

vive le france

47. WmC October 30th, 2007 8:56 am

I, too, am very dubious that Rummy will spend a day in prison. But I take a great deal of satisfaction knowing that he is furious with this development, and that he may never again feel safe travelling outside US borders. Consider: Rummy is now on moral par with Saddam.

48. greatbear215 October 30th, 2007 9:04 am

Prosecute him to the full extent of the law; ask for the death-penalty. It was given to so many because of him. Quid pro quo.

49. Nanoo October 30th, 2007 9:50 am

So was he arrested, taken into custody? Anything? house arrest even? He must not be afraid or he probably wouldn't have traveled there in the first place. Perhaps he thinks the Bush Administration can bully his freedom anywhere. Come on France, lock him up and proceed.

50. KEM PATRICK October 30th, 2007 10:35 am

SAYWHAT, if he does plead insanity, there could be no argument from the prosecutor.

51. eze-flyer October 30th, 2007 10:46 am

Rendition for him.

52. TheLorax October 30th, 2007 3:25 pm

The United States has not signed as a member of the International Criminal Court (The Hague) and so they remain outside of the court's jurisdiction. However, since the alleged crimes against humanity occurred in the territory of Iraq (a nation which DID sign) then Mr. Rumsfeld can be prosecuted in that court as a war criminal.

It is unlikely that The Hague will entertain charges against Mr. Rumsfeld as the actual hard evidence regarding his participation in crimes against humanity is thin at best.

France has a good start though. The rusty wheels of justice are finally beginning to turn.

53. blessthebeasts October 30th, 2007 3:52 pm

WmC-Rummy has always been on a par with Saddam. Remember the back-slapping eighties? He deserves nothing less than Saddam got.

54. KEM PATRICK October 30th, 2007 6:57 pm

Saddam was hung. I don't know about Rummy but heard Rove is.

55. yeranalyst October 30th, 2007 7:45 pm

All you people watch your thoughts. Democrat and neocon Jane Harman wants to. She authored and the other duplicitous Democratic representatives approved this abomination.

<http://www.indybay.org/newsitems/2007/10/25/18456040.php>

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