

## Bush's 'war crimes' & misdemeanors

09/06/2008 03:30:00 PM GMT

**The evidence is now overwhelming that Bush knew of – and approved of – violations of the rules of war.**

*By Robert Parry*

**Facing a tough reelection fight in 2004, George W. Bush expressed outrage over leaked photos showing U.S. military police at Iraq's Abu Ghraib prison abusing detainees, who were paraded naked before female guards, threatened by attack dogs, chained in "stress positions" and forced to wear ladies underpants on their heads.**

President Bush assured the American people that he "shared a deep disgust that those prisoners were treated the way they were treated." Other administration officials pinned the blame on a "few bad apples" and dismissed the prison guards' claim that they were told to "soften up" the detainees for interrogation.

Now, a report by the Justice Department's Inspector General reveals that months before those abuses at Abu Ghraib, nearly identical tactics were used against "war on terror" detainees at Guantanamo Bay, Cuba, and at CIA prisons – and that FBI complaints about the tactics went up the chain of command back to Washington.

FBI agents at Guantanamo even opened a file that they labeled "war crimes" to document the systematic violations of the Geneva Conventions and laws against torture that they witnessed – before being told by superiors to close the file.

According to the Inspector General's report, the FBI protests reached the White House but went unheeded. Instead, the prisoner abuses spread to Iraq where the Abu Ghraib prison was "Gitmo-ized" with the same harsh and bizarre tactics applied to Iraqi detainees.

So, the new Inspector General's report adds to the growing body of evidence that – in the months before Election 2004 – Bush only feigned shock about what was being done to detainees in American custody.

The evidence is now overwhelming that Bush knew of – and approved of – those violations of the rules of war and basic human decency, that the "war crimes" catalogued by the FBI agents could be traced to him.

In April 2008, *ABC News* reported, citing unnamed sources, that during the early days of the "war on terror," senior Bush aides met in what was called the Principals Committee to calibrate the level of harsh techniques that would be used against detainees.

At the time, the Principals Committee included Vice President Dick Cheney, National Security Adviser Condoleezza Rice, Defense Secretary Donald Rumsfeld, Secretary of State Colin Powell, CIA Director George Tenet and Attorney General John Ashcroft.

"The high-level discussions about these 'enhanced interrogation techniques' were so detailed, these sources said, some of the interrogation sessions were almost choreographed – down to the number of times CIA agents could use a specific tactic," *ABC News* reported, adding:

"These top advisers signed off on how the CIA would interrogate top al-Qaeda suspects – whether they would be slapped, pushed, deprived of sleep or subjected to simulated drowning, called waterboarding, sources told *ABC News*."

Asked about his subordinates setting these interrogation rules, Bush told *ABC News* correspondent Martha Raddatz that "yes, I'm aware our national security team met on this issue. And I approved." [*ABC News*, April 11, 2008]



- **Moral leader?**

Yet, in 2004, by dismissing the grotesque scenes at Abu Ghraib as an aberration, Bush portrayed himself as a moral leader who was furious that some low-level American soldiers would misbehave in such a fashion.

After the photos became public, Army Sgt. Sam Provance was the only uniformed military intelligence officer at Abu Ghraib to support the guards' claim that the prisoner abuse was part of the "alternative interrogation techniques" that had made their way from Guantanamo to Abu Ghraib.

Provance, however, was punished for his candor and pushed out of the U.S. military. The Bush administration then went ahead and pinned the blame on the MPs.

Eventually, 11 enlisted soldiers were convicted in courts martial. Cpl. Charles Graner Jr. received the harshest sentence – 10 years in prison – while Lynndie England, a 22-year-old single mother who was photographed holding an Iraqi on a leash, was sentenced to three years in prison.

Protected from the scandal's fallout, Bush was rewarded with a second term in the White House. Later, he began to treat the Abu Ghraib case like some freak accident that the media had blown out of proportion.

At a press conference on May 25, 2006, Bush complained, "We've been paying for that for a long period of time."

However, it's now clear the President didn't pay much of a personal price at all. The more complete record now available indicates that Bush was a knowledgeable participant in the sadistic treatment of detainees, not an innocent bystander.

Indeed, on Feb. 7, 2002, Bush signed the key memo that cleared the way for the abuses, asserting that the Geneva Conventions' prohibitions against the degrading treatment of prisoners did not apply to "unlawful combatants," including al-Qaeda and the Taliban.

Many casual readers missed the import of Bush's phrasing, which stressed that captives would be treated "humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva."

The operative phrase in the memo turned out to be "to the extent appropriate and consistent with military necessity." In the Bush administration's view, that was a loophole you could drive a truck full of abusive tactics through.

- **Fresh evidence**

The Inspector General's report, released May 20, 2008, also provides fresh evidence that senior Bush aides signed off on the harsh treatment of detainees.

In spring 2002, when FBI agents objected to the treatment of badly wounded al-Qaeda captive Abu Zubaydah – what one agent called "borderline torture" – they were assured by CIA personnel "that the procedures being used on Zubaydah had been approved 'at the highest levels,'" the Inspector General's report said.

But one of the FBI agents, called "Thomas" in the report, still passed on his concerns to his superior, FBI Counterterrorism Assistant Director Pasquale D'Amuro, who soon pulled the FBI agents out of the interrogation.

D'Amuro, in turn, took the issue of Zubaydah's interrogation to FBI Director Robert Mueller; Michael Chertoff, then Assistant Attorney General in charge of the Justice Department's Criminal Division; and other senior department officials, the report said.

During a meeting with his superiors in summer 2002, D'Amuro said he learned that the CIA had obtained a legal opinion from the Justice Department opening the door for the harsh interrogations.

That was an apparent reference to memos written by John Yoo of the Justice Department's Office of Legal Counsel, claiming that the President's commander-in-chief authority gave Bush the right to ignore laws if he deemed that necessary to protect the nation.

"After his meeting at Chertoff's office, [D'Amuro] met with Director Mueller and recommended that the FBI not get involved in interviews in which aggressive interrogation techniques were being used," the Inspector General's report said.

"He stated that his exact words to Mueller were 'we don't do that,' and that someday the FBI would be called to testify and he wanted to be able to say that the FBI did not participate in this type of activity.

"D'Amuro said that the Director agreed with his recommendation that the FBI should not participate in interviews in which these techniques were used."

D'Amuro said he objected to the harsh techniques because they were less effective in gleaning reliable information; complicated later prosecutions; violated moral standards; and "helped al-Qaeda in spreading negative views of the United States."

- **Up the ladder**

These FBI concerns made their way up the ladder to Bush's National Security Council.

Mueller's chief of staff Daniel Levin said he attended a meeting at the NSC at which CIA techniques were discussed and an attorney from the Office of Legal Counsel [OLC] defended their legality.

"Levin stated that in connection with this meeting, or immediately after it, FBI Director Mueller decided that FBI agents would not participate in interrogations involving techniques the FBI did not normally use in the United States, even though OLC had determined such techniques were legal," the Inspector General's report said.

FBI agents also crossed swords with Pentagon interrogators over similar abusive techniques instituted at Guantanamo, especially the harsh questioning of suspected 20th hijacker Mohammed al-Qahtani between Nov. 23, 2002, and Jan. 15, 2003.

During this period, military interrogators tied al-Qahtani to a dog leash and made him perform dog tricks; repeatedly poured water over his head; put him in painful stress positions; questioned him for periods of 20 hours straight; stripped him naked in front of a woman; held him down while a female interrogator straddled him; called his mother and sister whores; accused him of homosexual tendencies; made him dance with a male interrogator; ordered him to pray to an idol shrine; and subjected him to extreme temperatures.

At one point in December 2002, al-Qahtani was taken to a hospital suffering from low blood pressure and low body core temperature, what one FBI agent termed hypothermia.

The FBI's objections to al-Qahtani's interrogation also were brought to the attention of senior officials in Washington, according to the Inspector General's report.

David Nahmias, a counsel in the Justice Department's Criminal Division, told the IG that he was "fairly confident" that department officials raised the al-Qahtani issue at a meeting of the Principals Committee.

Nahmias also said he believed Attorney General Ashcroft spoke with someone at the NSC, mostly likely NSC adviser Rice, about the FBI concerns regarding al-Qahtani.

"When asked if anything ever happened as a result of these meetings, Nahmias said that DOJ officials were continually frustrated by their inability to get any changes or make progress with regard to the al-Qahtani matter," the report said.

Ashcroft, who resigned in November 2004 shortly after Bush won a second term, declined to be interviewed by the Inspector General.

- **Lack of action**

But the reason for a lack of action on the FBI complaints is now more obvious.

The FBI's evidence of "war crimes" went up the chain of command, all the way to the White House, the NSC and the Principals Committee – precisely where the abusive policies had been developed in the first place.

Before senior FBI officials grasped this high-level support for the mistreatment of detainees, some FBI agents were instructed to compile the evidence for a "war crimes" file at Guantanamo.

"At some point in 2003, however," the Inspector General's report said, the FBI agents at Guantanamo "received instructions not to maintain a separate 'war crimes' file, ... that investigating detainee allegations of abuse was not the FBI's mission."

When the ugly reality of how the United States was treating detainees finally surfaced in spring 2004 with the Abu Ghraib photos, Bush and his top aides pretended that they were innocent parties as shocked as everyone else.

By laying the blame off on a "few bad apples," Bush managed to get through the November 2004 election relatively unscathed.

And now that the truth is finally coming to the surface, it appears to be too late for him to be held accountable for "war crimes" and other abuses of his presidential powers.

Some members of the Democratic-controlled Congress have expressed outrage over the latest disclosures

and want hearings.

But – if recent history suggests anything – it is that the Bush administration will brush aside congressional inquiries, and the Democrats, who long ago took impeachment off the table, will surrender once again.

*-- Robert Parry broke many of the Iran-Contra stories in the 1980s for the Associated Press and Newsweek. His latest book, Neck Deep: The Disastrous Presidency of George W. Bush , can be ordered at neckdeepbook.com. His two previous books, Secrecy & Privilege: The Rise of the Bush Dynasty from Watergate to Iraq and Lost History: Contras, Cocaine, the Press & 'Project Truth' are also available there. Or go to Amazon.com.*

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