

ANNALS OF NATIONAL SECURITY

## Torture at Abu Ghraib

American soldiers brutalized Iraqis. How far up does the responsibility go?

by Seymour M. Hersh

In the era of Saddam Hussein, Abu Ghraib, twenty miles west of Baghdad, was one of the world's most notorious prisons, with torture, weekly executions, and vile living conditions. As many as fifty thousand men and women—no accurate count is possible—were jammed into Abu Ghraib at one time, in twelve-by-twelve-foot cells that were little more than human holding pits.

In the looting that followed the regime's collapse, last April, the huge prison complex, by then deserted, was stripped of everything that could be removed, including doors, windows, and bricks. The coalition authorities had the floors tiled, cells cleaned and repaired, and toilets, showers, and a new medical center added. Abu Ghraib was now a U.S. military prison. Most of the prisoners, however—by the fall there were several thousand, including women and teen-agers—were civilians, many of whom had been picked up in random military sweeps and at highway checkpoints. They fell into three loosely defined categories: common criminals; security detainees suspected of "crimes against the coalition"; and a small number of suspected "high-value" leaders of the insurgency against the coalition forces.

Last June, Janis Karpinski, an Army reserve brigadier general, was named commander of the 800th Military Police Brigade and put in charge of military prisons in Iraq. General Karpinski, the only female commander in the war zone, was an experienced operations and intelligence officer who had served with the Special Forces and in the 1991 Gulf War, but she had never run a prison system. Now she was in charge of three large jails, eight battalions, and thirty-four hundred Army reservists, most of whom, like her, had no training in handling prisoners.

General Karpinski, who had wanted to be a soldier since she was five, is a business consultant in civilian life, and was enthusiastic about her new job. In an interview last December with the *St. Petersburg Times*, she said that, for many of the Iraqi inmates at Abu Ghraib, "living conditions now are better in prison than at home. At one point we were concerned that they wouldn't want to leave."

A month later, General Karpinski was formally admonished and quietly suspended, and a major investigation into the Army's prison system, authorized by Lieutenant General Ricardo S. Sanchez, the senior commander in Iraq, was under way. A fifty-three-page report, obtained by *The New Yorker*, written by Major General Antonio M. Taguba and not meant for public release, was completed in late February. Its conclusions about the institutional failures of the Army prison system were devastating. Specifically, Taguba found that between October and December of 2003 there were numerous instances of "sadistic, blatant, and wanton criminal abuses" at Abu Ghraib. This systematic and illegal abuse of detainees, Taguba reported, was perpetrated by soldiers of the 372nd Military Police Company, and also by members of the American intelligence community. (The 372nd was attached to the 320th M.P. Battalion, which reported to Karpinski's brigade headquarters.) Taguba's report listed some of the wrongdoing:

Breaking chemical lights and pouring the phosphoric liquid on detainees; pouring cold water on naked detainees; beating detainees with a broom handle and a chair; threatening male detainees with rape; allowing a military police guard to stitch the wound of a detainee who was injured after being slammed against the wall in his cell; sodomizing a detainee with a chemical light and perhaps a broom stick, and using military working dogs to frighten

and intimidate detainees with threats of attack, and in one instance actually biting a detainee.

There was stunning evidence to support the allegations, Taguba added—“detailed witness statements and the discovery of extremely graphic photographic evidence.” Photographs and videos taken by the soldiers as the abuses were happening were not included in his report, Taguba said, because of their “extremely sensitive nature.”

The photographs—several of which were broadcast on CBS’s “60 Minutes 2” last week—show leering G.I.s taunting naked Iraqi prisoners who are forced to assume humiliating poses. Six suspects—Staff Sergeant Ivan L. Frederick II, known as Chip, who was the senior enlisted man; Specialist Charles A. Graner; Sergeant Javal Davis; Specialist Megan Ambuhl; Specialist Sabrina Harman; and Private Jeremy Sivits—are now facing prosecution in Iraq, on charges that include conspiracy, dereliction of duty, cruelty toward prisoners, maltreatment, assault, and indecent acts. A seventh suspect, Private Lynndie England, was reassigned to Fort Bragg, North Carolina, after becoming pregnant.

The photographs tell it all. In one, Private England, a cigarette dangling from her mouth, is giving a jaunty thumbs-up sign and pointing at the genitals of a young Iraqi, who is naked except for a sandbag over his head, as he masturbates. Three other hooded and naked Iraqi prisoners are shown, hands reflexively crossed over their genitals. A fifth prisoner has his hands at his sides. In another, England stands arm in arm with Specialist Graner; both are grinning and giving the thumbs-up behind a cluster of perhaps seven naked Iraqis, knees bent, piled clumsily on top of each other in a pyramid. There is another photograph of a cluster of naked prisoners, again piled in a pyramid. Near them stands Graner, smiling, his arms crossed; a woman soldier stands in front of him, bending over, and she, too, is smiling. Then, there is another cluster of hooded bodies, with a female soldier standing in front, taking photographs. Yet another photograph shows a kneeling, naked, unhooded male prisoner, head momentarily turned away from the camera, posed to make it appear that he is performing oral sex on another male prisoner, who is naked and hooded.

Such dehumanization is unacceptable in any culture, but it is especially so in the Arab world. Homosexual acts are against Islamic law and it is humiliating for men to be naked in front of other men, Bernard Haykel, a professor of Middle Eastern studies at New York University, explained. “Being put on top of each other and forced to masturbate, being naked in front of each other—it’s all a form of torture,” Haykel said.

Two Iraqi faces that do appear in the photographs are those of dead men. There is the battered face of prisoner No. 153399, and the bloodied body of another prisoner, wrapped in cellophane and packed in ice. There is a photograph of an empty room, splattered with blood.

The 372nd’s abuse of prisoners seemed almost routine—a fact of Army life that the soldiers felt no need to hide. On April 9th, at an Article 32 hearing (the military equivalent of a grand jury) in the case against Sergeant Frederick, at Camp Victory, near Baghdad, one of the witnesses, Specialist Matthew Wisdom, an M.P., told the courtroom what happened when he and other soldiers delivered seven prisoners, hooded and bound, to the so-called “hard site” at Abu Ghraib—seven tiers of cells where the inmates who were considered the most dangerous were housed. The men had been accused of starting a riot in another section of the prison. Wisdom said:

SFC Snider grabbed my prisoner and threw him into a pile. . . . I do not think it was right to put them in a pile. I saw SSG Frederic, SGT Davis and CPL Graner walking around the pile hitting the prisoners. I remember SSG Frederick hitting one prisoner in the side of its [sic] ribcage. The prisoner was no danger to SSG Frederick. . . . I left after that.

When he returned later, Wisdom testified:

I saw two naked detainees, one masturbating to another kneeling with its mouth open. I thought I should just get out of there. I didn't think it was right . . . I saw ssg Frederick walking towards me, and he said, "Look what these animals do when you leave them alone for two seconds." I heard PFC England shout out, "He's getting hard."

Wisdom testified that he told his superiors what had happened, and assumed that "the issue was taken care of." He said, "I just didn't want to be part of anything that looked criminal."

The abuses became public because of the outrage of Specialist Joseph M. Darby, an M.P. whose role emerged during the Article 32 hearing against Chip Frederick. A government witness, Special Agent Scott Bobeck, who is a member of the Army's Criminal Investigation Division, or C.I.D., told the court, according to an abridged transcript made available to me, "The investigation started after sfc Darby . . . got a CD from CPL Graner. . . . He came across pictures of naked detainees." Bobeck said that Darby had "initially put an anonymous letter under our door, then he later came forward and gave a sworn statement. He felt very bad about it and thought it was very wrong."

Questioned further, the Army investigator said that Frederick and his colleagues had not been given any "training guidelines" that he was aware of. The M.P.s in the 372nd had been assigned to routine traffic and police duties upon their arrival in Iraq, in the spring of 2003. In October of 2003, the 372nd was ordered to prison-guard duty at Abu Ghraib. Frederick, at thirty-seven, was far older than his colleagues, and was a natural leader; he had also worked for six years as a guard for the Virginia Department of Corrections. Bobeck explained:

What I got is that ssg Frederick and CPL Graner were road M.P.s and were put in charge because they were civilian prison guards and had knowledge of how things were supposed to be run.

Bobeck also testified that witnesses had said that Frederick, on one occasion, "had punched a detainee in the chest so hard that the detainee almost went into cardiac arrest."

At the Article 32 hearing, the Army informed Frederick and his attorneys, Captain Robert Shuck, an Army lawyer, and Gary Myers, a civilian, that two dozen witnesses they had sought, including General Karpinski and all of Frederick's co-defendants, would not appear. Some had been excused after exercising their Fifth Amendment right; others were deemed to be too far away from the courtroom. "The purpose of an Article 32 hearing is for us to engage witnesses and discover facts," Gary Myers told me. "We ended up with a c.i.d. agent and no alleged victims to examine." After the hearing, the presiding investigative officer ruled that there was sufficient evidence to convene a court-martial against Frederick.

Myers, who was one of the military defense attorneys in the My Lai prosecutions of the nineteen-seventies, told me that his client's defense will be that he was carrying out the orders of his superiors and, in particular, the directions of military intelligence. He said, "Do you really think a group of kids from rural Virginia decided to do this on their own? Decided that the best way to embarrass Arabs and make them talk was to have them walk around nude?"

In letters and e-mails to family members, Frederick repeatedly noted that the military-intelligence teams, which included C.I.A. officers and linguists and interrogation specialists from private defense contractors, were the dominant force inside Abu Ghraib. In a letter written in January, he said:

I questioned some of the things that I saw . . . such things as leaving inmates in their cell with no clothes or in female underpants, handcuffing them to the door of their cell—and the answer I got was, “This is how military intelligence (MI) wants it done.” . . . MI has also instructed us to place a prisoner in an isolation cell with little or no clothes, no toilet or running water, no ventilation or window, for as much as three days.

The military-intelligence officers have “encouraged and told us, ‘Great job,’ they were now getting positive results and information,” Frederick wrote. “CID has been present when the military working dogs were used to intimidate prisoners at MI’s request.” At one point, Frederick told his family, he pulled aside his superior officer, Lieutenant Colonel Jerry Phillabaum, the commander of the 320th M.P. Battalion, and asked about the mistreatment of prisoners. “His reply was ‘Don’t worry about it.’”

In November, Frederick wrote, an Iraqi prisoner under the control of what the Abu Ghraib guards called “O.G.A.,” or other government agencies—that is, the C.I.A. and its paramilitary employees—was brought to his unit for questioning. “They stressed him out so bad that the man passed away. They put his body in a body bag and packed him in ice for approximately twenty-four hours in the shower. . . . The next day the medics came and put his body on a stretcher, placed a fake IV in his arm and took him away.” The dead Iraqi was never entered into the prison’s inmate-control system, Frederick recounted, “and therefore never had a number.”

Frederick’s defense is, of course, highly self-serving. But the complaints in his letters and e-mails home were reinforced by two internal Army reports—Taguba’s and one by the Army’s chief law-enforcement officer, Provost Marshal Donald Ryder, a major general.

Last fall, General Sanchez ordered Ryder to review the prison system in Iraq and recommend ways to improve it. Ryder’s report, filed on November 5th, concluded that there were potential human-rights, training, and manpower issues, system-wide, that needed immediate attention. It also discussed serious concerns about the tension between the missions of the military police assigned to guard the prisoners and the intelligence teams who wanted to interrogate them. Army regulations limit intelligence activity by the M.P.s to passive collection. But something had gone wrong at Abu Ghraib.

There was evidence dating back to the Afghanistan war, the Ryder report said, that M.P.s had worked with intelligence operatives to “set favorable conditions for subsequent interviews”—a euphemism for breaking the will of prisoners. “Such actions generally run counter to the smooth operation of a detention facility, attempting to maintain its population in a compliant and docile state.” General Karpinski’s brigade, Ryder reported, “has not been directed to change its facility procedures to set the conditions for MI interrogations, nor participate in those interrogations.” Ryder called for the establishment of procedures to “define the role of military police soldiers . . . clearly separating the actions of the guards from those of the military intelligence personnel.” The officers running the war in Iraq were put on notice.

Ryder undercut his warning, however, by concluding that the situation had not yet reached a crisis point. Though some procedures were flawed, he said, he found “no military police units purposely applying inappropriate confinement practices.” His investigation was at best a failure and at worst a coverup.

Taguba, in his report, was polite but direct in refuting his fellow-general. “Unfortunately, many of the systemic problems that surfaced during [Ryder’s] assessment are the very same issues that are the subject of this investigation,” he wrote. “In fact, many of the abuses suffered by detainees occurred during, or near to, the time of that assessment.” The report continued, “Contrary to the findings of MG Ryder’s report, I find that personnel assigned to the 372nd MP Company, 800th MP Brigade were directed

to change facility procedures to ‘set the conditions’ for MI interrogations.” Army intelligence officers, C.I.A. agents, and private contractors “actively requested that MP guards set physical and mental conditions for favorable interrogation of witnesses.”

Taguba backed up his assertion by citing evidence from sworn statements to Army C.I.D. investigators. Specialist Sabrina Harman, one of the accused M.P.s, testified that it was her job to keep detainees awake, including one hooded prisoner who was placed on a box with wires attached to his fingers, toes, and penis. She stated, “MI wanted to get them to talk. It is Graner and Frederick’s job to do things for MI and OGA to get these people to talk.”

Another witness, Sergeant Javal Davis, who is also one of the accused, told C.I.D. investigators, “I witnessed prisoners in the MI hold section . . . being made to do various things that I would question morally. . . . We were told that they had different rules.” Taguba wrote, “Davis also stated that he had heard MI insinuate to the guards to abuse the inmates. When asked what MI said he stated: ‘Loosen this guy up for us.’ ‘Make sure he has a bad night.’ ‘Make sure he gets the treatment.’” Military intelligence made these comments to Graner and Frederick, Davis said. “The MI staffs to my understanding have been giving Graner compliments . . . statements like, ‘Good job, they’re breaking down real fast. They answer every question. They’re giving out good information.’”

When asked why he did not inform his chain of command about the abuse, Sergeant Davis answered, “Because I assumed that if they were doing things out of the ordinary or outside the guidelines, someone would have said something. Also the wing”—where the abuse took place—“belongs to MI and it appeared MI personnel approved of the abuse.”

Another witness, Specialist Jason Kennel, who was not accused of wrongdoing, said, “I saw them nude, but MI would tell us to take away their mattresses, sheets, and clothes.” (It was his view, he added, that if M.I. wanted him to do this “they needed to give me paperwork.”) Taguba also cited an interview with Adel L. Nakhla, a translator who was an employee of Titan, a civilian contractor. He told of one night when a “bunch of people from MI” watched as a group of handcuffed and shackled inmates were subjected to abuse by Graner and Frederick.

General Taguba saved his harshest words for the military-intelligence officers and private contractors. He recommended that Colonel Thomas Pappas, the commander of one of the M.I. brigades, be reprimanded and receive non-judicial punishment, and that Lieutenant Colonel Steven Jordan, the former director of the Joint Interrogation and Debriefing Center, be relieved of duty and reprimanded. He further urged that a civilian contractor, Steven Stephanowicz, of CACI International, be fired from his Army job, reprimanded, and denied his security clearances for lying to the investigating team and allowing or ordering military policemen “who were not trained in interrogation techniques to facilitate interrogations by ‘setting conditions’ which were neither authorized” nor in accordance with Army regulations. “He clearly knew his instructions equated to physical abuse,” Taguba wrote. He also recommended disciplinary action against a second CACI employee, John Israel. (A spokeswoman for CACI said that the company had “received no formal communication” from the Army about the matter.)

“I suspect,” Taguba concluded, that Pappas, Jordan, Stephanowicz, and Israel “were either directly or indirectly responsible for the abuse at Abu Ghraib,” and strongly recommended immediate disciplinary action.

The problems inside the Army prison system in Iraq were not hidden from senior commanders. During Karpinski’s seven-month tour of duty, Taguba noted, there were at least a dozen officially reported incidents involving escapes, attempted escapes, and other serious security issues that were investigated by officers of the 800th M.P. Brigade. Some of the incidents had led to the killing or wounding of inmates and M.P.s, and resulted in a series of “lessons learned” inquiries within the brigade. Karpinski invari-

ably approved the reports and signed orders calling for changes in day-to-day procedures. But Taguba found that she did not follow up, doing nothing to insure that the orders were carried out. Had she done so, he added, “cases of abuse may have been prevented.”

General Taguba further found that Abu Ghraib was filled beyond capacity, and that the M.P. guard force was significantly undermanned and short of resources. “This imbalance has contributed to the poor living conditions, escapes, and accountability lapses,” he wrote. There were gross differences, Taguba said, between the actual number of prisoners on hand and the number officially recorded. A lack of proper screening also meant that many innocent Iraqis were wrongly being detained—indefinitely, it seemed, in some cases. The Taguba study noted that more than sixty per cent of the civilian inmates at Abu Ghraib were deemed not to be a threat to society, which should have enabled them to be released. Karpinski’s defense, Taguba said, was that her superior officers “routinely” rejected her recommendations regarding the release of such prisoners.

Karpinski was rarely seen at the prisons she was supposed to be running, Taguba wrote. He also found a wide range of administrative problems, including some that he considered “without precedent in my military career.” The soldiers, he added, were “poorly prepared and untrained . . . prior to deployment, at the mobilization site, upon arrival in theater, and throughout the mission.”

General Taguba spent more than four hours interviewing Karpinski, whom he described as extremely emotional: “What I found particularly disturbing in her testimony was her complete unwillingness to either understand or accept that many of the problems inherent in the 800th MP Brigade were caused or exacerbated by poor leadership and the refusal of her command to both establish and enforce basic standards and principles among its soldiers.”

Taguba recommended that Karpinski and seven brigade military-police officers and enlisted men be relieved of command and formally reprimanded. No criminal proceedings were suggested for Karpinski; apparently, the loss of promotion and the indignity of a public rebuke were seen as enough punishment.

**A**fter the story broke on CBS last week, the Pentagon announced that Major General Geoffrey Miller, the new head of the Iraqi prison system, had arrived in Baghdad and was on the job. He had been the commander of the Guantánamo Bay detention center. General Sanchez also authorized an investigation into possible wrongdoing by military and civilian interrogators.

As the international furor grew, senior military officers, and President Bush, insisted that the actions of a few did not reflect the conduct of the military as a whole. Taguba’s report, however, amounts to an unsparing study of collective wrongdoing and the failure of Army leadership at the highest levels. The picture he draws of Abu Ghraib is one in which Army regulations and the Geneva conventions were routinely violated, and in which much of the day-to-day management of the prisoners was abdicated to Army military-intelligence units and civilian contract employees. Interrogating prisoners and getting intelligence, including by intimidation and torture, was the priority.

The mistreatment at Abu Ghraib may have done little to further American intelligence, however. Willie J. Rowell, who served for thirty-six years as a C.I.D. agent, told me that the use of force or humiliation with prisoners is invariably counterproductive. “They’ll tell you what you want to hear, truth or no truth,” Rowell said. “‘You can flog me until I tell you what I know you want me to say.’ You don’t get righteous information.”

Under the fourth Geneva convention, an occupying power can jail civilians who pose an “imperative” security threat, but it must establish a regular procedure for insuring that only civilians who remain a genuine security threat be kept imprisoned. Prisoners have the right to appeal any internment decision and have their cases reviewed. Human Rights Watch complained to Secretary of Defense Donald Rumsfeld that civil-

ians in Iraq remained in custody month after month with no charges brought against them. Abu Ghraib had become, in effect, another Guantánamo.

As the photographs from Abu Ghraib make clear, these detentions have had enormous consequences: for the imprisoned civilian Iraqis, many of whom had nothing to do with the growing insurgency; for the integrity of the Army; and for the United States' reputation in the world.

Captain Robert Shuck, Frederick's military attorney, closed his defense at the Article 32 hearing last month by saying that the Army was "attempting to have these six soldiers atone for its sins." Similarly, Gary Myers, Frederick's civilian attorney, told me that he would argue at the court-martial that culpability in the case extended far beyond his client. "I'm going to drag every involved intelligence officer and civilian contractor I can find into court," he said. "Do you really believe the Army relieved a general officer because of six soldiers? Not a chance."