

CIA “Interrogations” in Iraq: Torture and Rape of Detained Women

European Court of Human Rights Labels CIA Interrogation Procedures as “Torture”

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[Kitabat reports on 18 December](#). The chairman of the Iraqi List, Hamid al-Mutlaq, said in a press conference in Baghdad on 18 December: “ Iraqi prosecutors have submitted today a report to the Chairman of the Iraqi judiciary Medhat al-Mahmoud that confirms the occurrence of torture and violations and rape of women detained in Iraqi prisons. The report is based on confidential testimonies of female prisoners in Iraqi jails.”

Mutlaq said that “the report confirms what has been recently stated by some parliamentary committees and human rights organizations, that there is a systematic violation, torture and rape of female prisoners in Iraqi prisons,”

The Chairperson of the Committee on Women presented a report on the situation of women prisoners. This report confirms that prisoners are routinely subjected to torture and rape. The presentation led to a heated argument between the deputies of the Iraqi List and the Coalition of State of Law, evolving into a serious affray.

Mutlaq demanded that the Iraqi government and the judiciary system would “do their legal duties by issuing a death sentence against those who commit such crimes against Iraqi women and take the necessary measures to prevent these abuses. He also asked to protect the confidential informant and to implement Article IV of the Anti-terrorism Act.

The announcement of the Public Prosecutor to the Iraqi Judicial Council coincides with the statement of the Governor of Nineveh Ethel Nujaifi, on Tuesday, about an officer in the Second Division of the Iraqi army who raped a 17 year old minor after forcing her into the Headquarter of his Regiment in the Nimrod’s District.

Nobody is responsible ?

On 12 December the Sadrist movement submitted a request to the Public Prosecutor to issue an arrest warrant against the Minister of Justice Hassan Shammari and other officials in the ministry, for preventing the Iraqi MP’s from visiting prisons after they received information about the existence of torture and rape of some of the inmates.

Justice Minister Hassan Shammari responded on 13 December by filing a lawsuit against the Liberal bloc deputies for “overriding” the staff of the ministry during performing their duties,

demanding the political blocs to “refrain from pushing the ministry into their conflicts,” he said, and added that “the ministry will not remain silent on abuses against its staff.”

Despite the fact that the House of Representatives voted on 20 November to form a committee to investigate the situation of female detainees, the problem has not been solved. Although there are leaked judicial reports that indicate the involvement of security personnel in systematic torture and rape of women prisoners, the Committee didn't find a real case of rape, only “threats of rape”.

The Iraqi Interior Ministry denied in a report of 28 November that women are arrested without arrest warrants and tortured to extract confessions against their husbands. The Ministry said that all detainees had been lawfully arrested with legal arrest warrants issued by the judiciary system, and invited the local and international committees to visit its detaining centers to verify these “lies and false allegations.”

The Parliamentary Commission on Human Rights held on 28 November the executive bodies of prisons fully responsible for the proven cases of torture against detainees, and called on women who were released to start legal proceedings to condemn the officers and persons who assaulted them. The Interior Ministry denied the accusation of such “heinous acts” and called upon the local and international committees to verify the allegations related to the conditions in detention.

On 21 November The Ministry of Justice denied it is responsible for the torture and rape of women to obtain confessions, indicating that the interrogation operations conducted in prisons are the responsibility of the Ministries of Defence and Interior.

It is worth mentioning that Amnesty International revealed in its report issued on 12 September 2010, that there are at least thirty thousand detainees in Iraqi prisons who have not issued against them any judgments, and predicted their exposure to torture and ill-treatment. In addition to the death of a number of the detainees while in custody as a result of torture or ill-treatment by interrogators or prison guards, who refuse to reveal the names of the detainees.

US Administration guilty of torture, rape and Sodomy

Beginning in 2004, human rights violations in the form of physical, psychological, and sexual abuse, including torture, reports of rape, sodomy, and homicide, of prisoners held in the Abu Ghraib prison in Iraq came to public attention. These acts were committed by military police personnel of the United States Army, together with additional US governmental agencies.

In September 2010 Amnesty International warned in a report titled [*New Order, Same Abuses; Unlawful Detentions and Torture in Iraq*](#) that up to 30,000 prisoners remain detained without rights are frequently tortured or abused. Amnesty's Middle East and North Africa director, Malcolm Smart went on to say that “Iraq's security forces have been responsible for systematically violating detainees' rights and they have been permitted. US authorities, whose own record on detainees' rights has been so poor, have now handed over thousands of people detained by US forces to face this catalogue of illegality, violence and abuse, abdicating any responsibility for their human rights.”

On 22 October 2010 some [*war logs released by WikiLeaks*](#) detailed how US authorities failed to investigate hundreds of reports of abuse, torture, rape and even murder by Iraqi police

and soldiers, whose conduct appears to be systematic and normally unpunished and that US troops abused prisoners for years even after the Abu Ghraib scandal.

On 27 June 2011 the [U.S. Supreme Court declined to hear the appeal of lawsuits from a group of 250 Iraqis](#) who wanted to sue the two contractors CACI International Inc. and Titan Corp. (now a subsidiary of L-3 Communications) over claims of abuse by interrogators and translators at the prison. The suits had been dismissed on the grounds that the companies held a *derivative sovereign immunity* from suits, based on their status as government contractors.

On 11 May 2012 a five-panel tribunal unanimously delivered a guilty verdict against former United States President George W. Bush and his associates at the [Kuala Lumpur War Crimes Tribunal hearing](#).

On the charge of Crime of Torture and War Crimes, the tribunal found the accused persons former U.S. President George W. Bush and his associates namely Richard Cheney, former U.S. Vice President, Donald Rumsfeld, former Defence Secretary, Alberto Gonzales, then Counsel to President Bush, David Addington, then General Counsel to the Vice-President, William Haynes II, then General Counsel to Secretary of Defence, Jay Bybee, then Assistant Attorney General, and John Choon Yoo, former Deputy Assistant Attorney-General, guilty as charged and convicted as war criminals for Torture and Cruel, Inhumane and Degrading Treatment of the Complainant War Crime Victims.

[On 13 December the European Court of Human Rights](#) has ruled that German citizen Khaled el-Masri was tortured by CIA agents. It is the first time the court has described treatment meted out by the CIA as torture. CIA agents had tortured Khaled el-Masri, sodomising, shackling, and beating him, as Macedonian state police looked on, the European court of human rights said in a historic judgment. Masri was seized in Macedonia in December 2003 and handed over to a CIA “rendition team” at Skopje airport and secretly flown to Afghanistan. In a unanimous ruling, it also found Macedonia guilty of torturing, abusing, and secretly imprisoning Khaled el-Masri, wrongfully linked to terrorist organisations.

Accountability and Justice for victims of torture

James Goldston, executive director of the Open Society Justice Initiative, described the judgment of the European court of human rights as “an authoritative condemnation of some of the most objectionable tactics employed in the post-9/11 war on terror”. It should be a wake-up call for the Obama administration and US courts, he told the Guardian. For them to continue to avoid serious scrutiny of CIA activities was “simply unacceptable”, he said.

So finally we see some sort of justice for torture victims in the “War on Terror”. Let’s hope this is the beginning of a process that will hold the US Administration accountable for torture, war crimes and crimes against humanity.

[Peter Van Buren, a 24-year veteran Foreign Service Officer at the State Department](#), urges his compatriots to accept their responsibility: “There’s one particular nightmare that Americans need to face: in the first decade of the twenty-first century we tortured people as national policy. One day, we’re going to have to confront the reality of what that meant, of what effect it had on its victims and on us, too, we who condoned, supported, or at least allowed it to happen, either passively or with guilty (or guiltless) gusto. If not, torture won’t go away. It can’t be disappeared like the body of a political prisoner, or conveniently deep-

sixed simply by wishing it elsewhere or pretending it never happened or closing our bureaucratic eyes. After the fact, torture can only be dealt with by staring directly into the nightmare that changed us — that, like it or not, helped make us who we now are.”

The US-installed Iraqi Authorities are continuing the same policies as the US occupiers. They use the same excuses and tactics as the United States in order to evade their responsibilities. One day they will have to be brought to justice. It's the responsibility of all citizens of the “Coalition of the Willing” to make this happen, in cooperation with the Iraqi people.

Dirk Adriaensens is coordinator of SOS Iraq and member of the executive committee of the BRussells Tribunal. Between 1992 and 2003 he led several delegations to Iraq to observe the devastating effects of UN imposed sanctions. He was a member of the International Organizing Committee of the World Tribunal on Iraq (2003-2005). He is also co-coordinator of the Global Campaign Against the Assassination of Iraqi Academics.

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