

Obama administration handed over detainees despite reports of torture

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President Barack Obama's government handed over thousands of detainees to the Iraqi authorities, despite knowing there were hundreds of reports of alleged torture in Iraqi government facilities.

Washington was warned by the United Nations and many human rights organisations that torture was widespread in Iraqi detention centres. But the Bureau of Investigative Journalism can reveal the US's own troops informed their commanders of more than 1,300 claims of torture by Iraqi Security forces between 2005 and 2009.

Prisoner handover In July 2010, the US completed the handover of 9,250 detainees to the Iraqi authorities.

"US authorities committed a serious breach of international law when they handed over thousands of detainees to Iraqi security forces." Malcolm Smart, Amnesty International
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It would be a clear violation of international law, drawn up by the United Nations Convention Against Torture, ratified by the US in 1994, for any government to transfer detainees to a regime at whose hands they face torture or other serious human rights violations.

However, the 1,365 cases of alleged torture by the Iraqi authorities found by the Bureau, raise questions as to why the US government handed over detainees to these authorities.

Human rights organisations have expressed outrage at the revelations. Professor Novak, the UN Rapporteur on Torture told the Bureau: "If the United States forces handed over detainees to Iraqi jurisdiction, despite the fact that they were at serious risk of being subjected to torture, that is a violation of Article 3C of the Convention Against Torture of which the US is a signatory."

He said there should be a full and thorough investigation to ascertain whether any of the detainees handed over to the Iraqi authorities by the US have been abused.

"The burden of proof is on the US to prove that they can categorically state that the detainees they are handing over are not at risk of torture. There should be an investigation to look into the fate of those individuals to see whether they have been abused."

It is likely that the detainees handed over could face torture. Many of the reports in the logs

detail complaints of brutality reminiscent of Saddam Hussein's regime. They include accounts of detainees being whipped with cables, chains, wire and pistols and being burnt with acid and cigarettes. Some accounts describe people having electric shocks to their genitals, fingernails ripped out and fingers cut off. In other cases, the documents report men being sodomised with bottles, hoses and raped.

One of the worst cases relates to a man held in an underground bunker and tortured for two months in Diyala Prison, run by the Iraqi Ministry of Justice.

March 25 2006 His hands were bound/shackled and he was suspended from the ceiling; the use of blunt objects (pipes) to beat him on the back and legs; and the use of electric drills to bore holes in his legs.

Malcolm Smart, director of Amnesty International's Middle East and North Africa Programme said: "This adds further weight, if it were needed, that US authorities committed a serious breach of international law when they handed over thousands of detainees to Iraqi security forces who, they clearly knew, were responsible for widespread and systematic torture. It is our view that the current US administration is complicit in torture.

"There should be an investigation to look into the fate of those individuals to see whether they have been abused." Professor Novwak, UN Rapporteur on Torture "The US authorities, like all other governments, have an obligation not only to ensure that their own forces do not use torture, but also that people who were detained and are being held by US forces are not handed over to other authorities who are likely to torture them."

He continued: "The US failed to respect this obligation in Iraq, despite the great volume of evidence available from many different quarters showing that the Iraqi security forces use torture widely and are allowed to do so with impunity.

The US military records add to a body of evidence gathered by the international community concerning allegations of torture within Iraqi state facilities.

Evidence of abuse In 2008 the United Nations Assistance Mission for Iraq (UNAMI) warned, "Ongoing widespread ill-treatment and torture of detainees by Iraqi law enforcement authorities, amidst pervasive impunity of current and past human rights abuses, constitute severe breaches of international human rights obligations."

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Despite this, on January 1 2009, the Iraq-United States Bilateral Security Agreement came into force. This provided for the release and transfer from US jurisdiction of detainees to Iraqi custody. At the time, the UNAMI called on both parties "to implement the agreement in strict compliance with human rights norms and standards".

US forces continued to gather evidence of alleged detainee abuse throughout this period, logging 112 cases in 2009. The last detainee case reported in the military files is dated December 23. It describes an incident in a video recording that showed 12 Iraqi Army officers executing a detainee. This, even when the handover was occurring.

The bulk of the torture allegations are against facilities run by either the Iraqi Ministry of

Interior or the Ministry of Defence – establishments such as police stations and army buildings. But there are allegations also against the MOJ recorded in the SIGACTS.

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