

US Stalling Release of Thousands of Torture Photos Worse Than Abu Ghraib

By [Kit O'Connell](#)

Global Research, December 18, 2016

[Mint Press News](#) 16 December 2016

Region: [Middle East & North Africa, USA](#)

Theme: [Crimes against Humanity](#)

In-depth Report: [IRAQ REPORT](#)

The ACLU believes one photo depicts “the body of Muhamad Husain Kadir, an Iraqi farmer, shot dead at point-blank range by an American soldier while handcuffed.”

Next month, the U.S. government will return to court again to prevent the release of thousands of photos of military personnel torturing detainees at Abu Ghraib and other sites in Iraq and Afghanistan that have been described as more horrific than the infamous Abu Ghraib torture photos.

It's the latest round in a protracted legal battle that began in 2004 when the American Civil Liberties Union filed a suit demanding the release of some 2,000 photographs which were withheld by the government after it released the infamous images of Abu Ghraib, the Iraqi prison where U.S. soldiers tortured prisoners.

One photo is said to depict a mock execution, while another reportedly shows the body of a farmer shot who was by an American soldier while he was handcuffed.

The U.S. government has repeatedly argued that the images, which are believed to depict torture at Abu Ghraib and elsewhere in Iraq and Afghanistan at the hands of American soldiers, were so severely disturbing that their release would make U.S. forces vulnerable to retaliatory attack. In April, [Eliza Relman](#), a legal assistant to the ACLU's National Security Project, rejected this argument:

To allow the government to suppress evidence of abuse is to invite a recurrence of that abuse in the future.

The Bush and Obama administrations have both used [a series of legal stratagems to block the photos' release](#), including the Protected National Security Documents Act (PNSDA), [a 2009 law](#) that allows the secretary of defense to conceal any image for up to three years. Former Defense Secretary Robert Gates invoked the statute in 2009 to conceal all 2,000 images, and his successor, Leon Panetta, renewed the ban in 2012.

In March, Judge Alvin K. Hellerstein, a federal judge from the U.S. District Court in Manhattan ordered the release of all 2,000 images, giving the government 60 days to release the photos or file an appeal.

Faced with the prospect of further delays, the ACLU compiled [a spreadsheet](#) of everything it knows about the photographs. Relman highlighted a few of the horrors believed to be

contained in the collection:

One photo shows an Iraqi teenager bound and standing in the headlights of a truck immediately after his mock execution, staged by U.S. soldiers. Another shows a group of soldiers forcing a detainee to look at pictures of lingerie-clad women. Another depicts the body of Muhammad Husain Kadir, an Iraqi farmer, shot dead at point-blank range by an American soldier while handcuffed.

The government [filed an appeal on June 9](#), and oral arguments are scheduled to begin on Jan. 15 at the U.S. 2nd Circuit Court of Appeals in New York. In the appeal, the government argued that the PNSDA allows the secretary of defense to overrule Freedom of Information Act requests and even court orders like those issued by Judge Hellerstein. In the [ACLU's Aug. 6 response](#), they argue that this represents a drastically overbroad interpretation of the law:

This Court should now reject DOD's extreme argument, which fundamentally misunderstands the role of the judiciary in FOIA cases. While the PNSDA allows DOD to withhold certain photographs under Exemption 3 to FOIA, it nowhere seeks to eliminate, limit or even alter the power of Courts to exercise the power of judicial review that is explicit in FOIA.

Jameel Jaffer, the deputy legal director at the ACLU and the director of the ACLU's Center for Democracy, concurred in a January editorial, arguing that [the government cannot be allowed to use terrorism as an excuse](#) to hide unethical and illegal behavior:

To accept the argument, at least in the absence of a specific, credible threat directed against specific people, is to give the government far-reaching power to suppress evidence of its own misconduct. And the worse the misconduct, the stronger would be the government's argument for suppression.

A gonzo journalist from Austin, Texas and Staff Writer for MintPress News, Kit O'Connell's writing has also appeared at Truthout, the Texas Observer, and The Establishment.

The original source of this article is [Mint Press News](#)

Copyright © [Kit O'Connell](#), [Mint Press News](#), 2016

[Comment on Global Research Articles on our Facebook page](#)

[Become a Member of Global Research](#)

Articles by: [Kit O'Connell](#)

Disclaimer: The contents of this article are of sole responsibility of the author(s). The Centre for Research on Globalization will not be responsible for any inaccurate or incorrect statement in this article. The Centre of Research on Globalization grants permission to cross-post Global Research articles on community internet sites as long as the source and copyright are acknowledged together with a hyperlink to the original Global Research article. For publication of Global Research articles in

print or other forms including commercial internet sites, contact: publications@globalresearch.ca

www.globalresearch.ca contains copyrighted material the use of which has not always been specifically authorized by the copyright owner. We are making such material available to our readers under the provisions of "fair use" in an effort to advance a better understanding of political, economic and social issues. The material on this site is distributed without profit to those who have expressed a prior interest in receiving it for research and educational purposes. If you wish to use copyrighted material for purposes other than "fair use" you must request permission from the copyright owner.

For media inquiries: publications@globalresearch.ca