

INTRODUCTION: ADMINISTRATION OF TORTURE

Let me make very clear the position of my government and our country. We do not condone torture. I have never ordered torture. I will never order torture. The values of this country are such that torture is not a part of our soul and our being.

—*President George W. Bush*
June 22, 2004¹

When the American media published photographs of U.S. soldiers abusing prisoners at Abu Ghraib prison in Iraq, the Bush administration assured the world that the abuse was isolated and that the perpetrators would be held accountable. In a May 10, 2004 address, President Bush said that the “cruel and disgraceful” abuses were the work of “a small number” of soldiers and that some of those responsible had already been charged with crimes.² Defense Secretary Donald Rumsfeld traveled to Iraq and offered similar assurances there.³ Over the next three years, the Bush administration refined its narrative at the margins, but by and large its public position remained the same.⁴ Yes, the administration acknowledged, some soldiers had abused prisoners, but these soldiers were anomalous

¹Remarks by the president during a photo opportunity with Prime Minister Medgyessy of Hungary at the White House Oval Office, June 22, 2004. Available at <http://www.whitehouse.gov/news/releases/2004/06/20040622-4.html>.

²Statement of President George W. Bush, “President Bush Reaffirms Commitments in Iraq,” May 10, 2004. Available at <http://www.whitehouse.gov/news/releases/2004/05/20040510-3.html>.

³Remarks by Secretary of Defense Donald H. Rumsfeld at Abu Ghraib Prison, May 13, 2004. Available at <http://www.defenselink.mil/speeches/speech.aspx?speechid=121>.

⁴See, e.g., the testimony of Alberto Gonzales before the U.S. Senate Judiciary Committee, January 6, 2005: “[The President] does not believe in torture, condone torture; has never ordered torture . . . [a]nd anyone engaged in conduct that constitutes torture is going to be held accountable.” Available at <http://www.washingtonpost.com/wp-dyn/articles/A53883-2005Jan6.html>. See also the Second Periodic Report of the United States of America to the Committee Against Torture, May 6, 2005, ¶ 10: “When allegations of torture or other unlawful treatment arise, they are investigated and, if substantiated, prosecuted.” Available at <http://www.state.gov/drl/rls/45738.htm>.

sadists who ignored clear orders. Abuse was aberrational—not systemic, not widespread, and certainly not a matter of policy.

The government's own documents tell a starkly different story. In October 2003, the ACLU, the Center for Constitutional Rights, Physicians for a Human Rights, Veterans for Common Sense, and Veterans for Peace filed a request under the Freedom of Information Act (FOIA) for government records concerning the treatment of prisoners apprehended by the United States in connection with the “war on terror.” A lawsuit filed in New York to enforce the FOIA request has since resulted in the release of thousands of government documents. While the government continues to withhold many key records, the documents that have been released show that the abuse and torture of prisoners was not limited to Abu Ghraib but was pervasive in U.S. detention facilities in Iraq and Afghanistan and at Guantánamo Bay, and that the maltreatment of prisoners resulted in large part from decisions made by senior civilian and military officials. These decisions, moreover, were reaffirmed repeatedly, even in the face of complaints from law enforcement and military personnel that the policies were illegal and ineffective, and even after countless prisoners—including prisoners not thought to have any connection to terrorism—were abused, tortured, or killed in custody. The documents show that senior officials endorsed the abuse of prisoners as a matter of policy—sometimes by tolerating it, sometimes by encouraging it, and sometimes by expressly authorizing it.

The Bush administration has professed a commitment to democracy and human rights and claimed solidarity with those who struggle against tyranny. But the documents show unambiguously that the administration has adopted some of the methods of the most tyrannical regimes. Documents from Guantánamo describe prisoners shackled in excruciating “stress positions,” held in freezing-cold cells, forcibly stripped, hooded, terrorized with military dogs, and deprived of human contact for months. Documents from Afghanistan and Iraq describe prisoners beaten, kicked, electrocuted, and burned. An autopsy report from Iraq describes a prisoner who was found shackled to the top of a door frame with a gag in his mouth; the report concludes that interrogators beat and asphyxiated the prisoner to death. The documents, besides evidencing conduct that violates U.S. and international law, demonstrate a profound betrayal of the values that President Bush and his administration pledged to uphold.

This book is an effort to make the government's documents and the story they tell more widely known. All of the documents that have been released in response to the FOIA litigation are posted on the ACLU's website, but the sheer number of documents—more than a hundred thousand pages have been released thus far—renders the collection of limited use to anyone not already immersed in the issues. By presenting some of the most significant documents here, we hope to make at least this important subset of the records known to a larger number of people. In this introduction, we have sought to explain the significance of the key documents and place them in context. The introduction relies on the FOIA documents—and on other

documents obtained and made public by the news media—to show the connection between the policies adopted by senior civilian and military officials and the torture and abuse that took place on the ground.