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## Is No One Accountable?

By Bob Herbert

**03/28/05 "New York Times"** - - The Bush administration is desperately trying to keep the full story from emerging. But there is no longer any doubt that prisoners seized by the U.S. in Iraq, Afghanistan and elsewhere have been killed, tortured, sexually humiliated and otherwise grotesquely abused.

These atrocities have been carried out in an atmosphere in which administration officials have routinely behaved as though they were above the law, and thus accountable to no one. People have been rounded up, stripped, shackled, beaten, incarcerated and in some cases killed, without being offered even the semblance of due process. No charges. No lawyers. No appeals.

Arkan Mohammed Ali is a 26-year-old Iraqi who was detained by the U.S. military for nearly a year at various locations, including the infamous Abu Ghraib prison. According to a lawsuit filed against Defense Secretary Donald Rumsfeld, Mr. Ali was at times beaten into unconsciousness during interrogations. He was stabbed, shocked with an electrical device, urinated on and kept locked - hooded and naked - in a wooden, coffinlike box. He said he was told by his captors that soldiers could kill detainees with impunity.

(This was not a boast from the blue. On Saturday, for example, The Times reported that the Army would not prosecute 17 American soldiers implicated in the deaths of three prisoners in Iraq and Afghanistan.)

Mr. Ali's story is depressingly similar to other accounts pouring in from detainees, human rights groups, intelligence sources and U.S. government investigators. If you pay close attention to what is already known about the sadistic and barbaric treatment of prisoners by the U.S., you can begin to wonder how far we've come from the Middle Ages. The alleged heretics hauled before the Inquisition were not permitted to face their accusers or mount a defense. Innocence was irrelevant. Torture was the preferred method of obtaining confessions.

No charges were ever filed against Mr. Ali, and he was eventually released. But what should be of paramount concern to Americans is this country's precipitous and frightening descent into the hellish zone of lawlessness that the Bush administration, on the one hand, is trying to conceal and, on the other, is defending as absolutely essential to its fight against terror.

The lawsuit against Mr. Rumsfeld was filed by the American Civil Liberties Union and Human Rights First, a New York-based group, on behalf of Mr. Ali and seven other former detainees from Iraq and Afghanistan who claim to have been tortured by U.S. personnel.

The suit charges that Mr. Rumsfeld personally authorized unlawful interrogation techniques and abdicated his responsibility to stop the torture and other abuses of prisoners in U.S. custody. It contends that the abuse of detainees was widespread and that Mr. Rumsfeld and other top administration officials were well aware of it.

According to the suit, it is unreasonable to believe that Mr. Rumsfeld could have remained in the dark about the rampant mistreatment of prisoners in U.S. custody. It cites a wealth of evidence readily available to the secretary, including the scandalous eruptions at Abu Ghraib prison, the reports of detainee abuse at Guantánamo Bay, myriad newspaper and magazine articles, internal U.S. government reports, and concerns expressed by such reputable groups as the International Committee of the Red Cross.

(The committee has noted, among other things, that military intelligence estimates suggest that 70 percent to 90 percent of the people detained in Iraq had been seized by mistake.)

Whether this suit will ultimately be successful in holding Mr. Rumsfeld personally accountable is questionable. But if it is thoroughly argued in the courts, it will raise yet another curtain on the stomach-turning practices that have shamed the United States in the eyes of the world.

The primary aim of the lawsuit is quite simply to re-establish the rule of law. "It's that fundamental idea that nobody is above the law," said Michael Posner, executive director of Human Rights First. "The violations here were created by policies that deliberately undermined the rule of law. That needs to be challenged."

Lawlessness should never be an option for the United States. Once the rule of law has been extinguished, you're left with an environment in which moral degeneracy can flourish and a great nation can lose its soul.

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