

Prison Scandal Indicates Gap in U.S. Chain of Command

by: Ariana Eunjung Cha and Ellen McCarthy - The Washington Post

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Questions about the role of civilian interrogators in the abuse of inmates at the Abu Ghraib prison have put the spotlight on the accountability of tens of thousands of contractors in Iraq and on whether the administrative setup at the prison gave contractors too much freedom from and too much power over military units.

"As we begin to dig below the surface, we're seeing the larger involvement of contractors in this war and within the prison itself," said Justin Hamilton, legislative director for Rep. Chris Bell (D-Tex.). Bell wants Defense Secretary Donald H. Rumsfeld to begin a military inspector-general investigation of abuses at the prison.

Private contractors, Hamilton said, "at this point don't seem to be in the chain of command. They don't answer to the military chain of command."

Another member of Congress, Rep. Janice D. **Schakowsky** (D-Ill.), in a letter to President Bush, proposed suspending all contracts with civilian firms for "security, supervision and interrogation of prisoners."

"The sadistic abuses of Iraqis at a U.S. military prison raise serious questions about the accountability of U.S.-hired private military contractors who are involved in illegal activity," said **Schakowsky**, a longtime critic of the growing prominence of civilian contractors.

CACI International Inc. and Titan Corp., employees of which were named in the inquiry, said Tuesday that they still had not received notice from the Pentagon about any charges against their employees and that they therefore had not taken disciplinary action.

The use of contractors has increased significantly since Sept. 11, 2001, and the line between the military and defense contractors has blurred further. No longer are civilians providing only support services such as cooking or driving trucks. They are responsible for some of the military's most sensitive tasks. They are building giant databases of credit cards and travel

information for patterns that might indicate terrorist attacks. They are training international police forces. They provide security for U.S. officials such as L. Paul Bremer, the occupation government's top administrator in Iraq.

U.S. soldiers operating in war zones are subject to a strict code of conduct. It's less clear what legal framework the tens of thousands of contractors supporting U.S. troops and working on reconstruction in Iraq must adhere to. Under an order issued last summer by the U.S.-led Coalition Provisional Authority, contractors are not subject to Iraqi law. If they are suspected of a crime, the military can send them to their home countries to face charges.

Marc E. Garlasco, a senior military analyst for Human Rights Watch, said: "If there are three people from three different countries and they commit the same crime, they will face three different judicial systems and three different sanctions. There is certainly potential for abuse of this system."

A law passed in 2000, after DynCorp employees in Bosnia accused of trafficking in prostitutes were not prosecuted, theoretically could be used to charge private contractors. But the Military Extraterritorial Jurisdiction Act, which authorizes the Justice Department to investigate military contractors, is untested, said Deborah D. Avant, an associate professor of political science at George Washington University and author of a book on the privatization of security.

The prisoner-abuse report by Maj. Gen. Antonio M. Taguba that has caused an international furor names two civilian contractors who he said should be reprimanded for their role in the abuses. Steven Stephanowicz, described as an interrogator working for CACI, made a false statement regarding "the locations of his interrogations, the activities during his interrogations and his knowledge of abuses." Another contractor, interpreter John Israel, "denied ever having seen interrogation processes in violation . . . which is contrary to several witness statements." It is not clear from Taguba's report what company employs Israel.

Taguba wrote that he believes two military officials and Stephanowicz and Israel were either "directly or indirectly responsible for the abuses at Abu Ghraib."

Stephanowicz "allowed and/or instructed" military police to assist in interrogations by "setting conditions." "He clearly knew his instructions equated to physical abuse," Taguba wrote.

Another contractor, Adel L. Nakhla, whom the report said was a Titan employee, was identified as a "suspect."

Nakhla said he observed: "They made them do strange exercises by sliding on their stomach, jump up and down, throw water on them and made them some wet, called them all kinds of names such as 'gays' do like they like to make love to gays, then they handcuffed their hands together and their legs with shackles and started to stack them on top of each other."

The Taguba report raises the question of who was in charge at Abu Ghraib. Some of the soldiers who were disciplined blamed not their military supervisors but a military intelligence unit staffed in part by private contractors.

Some analysts say the use of civilians as interrogators raises questions regarding oversight and training of contractors.

"If they are working sources, how are they working sources? What are their rules of engagement? I don't think they exist," said Paul C. Forage, a military analyst at Florida Atlantic University.

After the Sept. 11, 2001, attacks showed an intelligence gap, the Defense Department rushed to hire private contractors. "[I]n our rush to meet the requirements, the mere numerical requirements, I think folks were brought on based on those initial checks and then the more detailed checks followed as time permitted," Charles S. Abell, principal deputy undersecretary of defense, said in testimony to the Senate in October. "We have found a couple who were not as trustworthy as we had hoped initially."