RECOGNIZING BRETT RYAN HUNTLEY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Brett Ryan Huntley, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and in earning the most prestigious award of Eagle Scout.

Brett has been very active with his troop, participating in many Scout activities. Over the many years Brett has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Brett Ryan Huntley for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

ON THE NEED FOR ACCOUNTABILITY IN THE DETAINEE ABUSE SCANDAL

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. HOLT. Mr. Speaker, it's been more than 2 years now since the world saw the infamous photographs showing prisoner abuse at Abu Ghraib. To date, mostly junior enlisted personnel have been tried and prosecuted for various offenses related to detainee abuse in Iraq and Afghanistan. These individuals did not commit these acts in a vacuum; senior leaders allowed this abuse—and in several cases, deaths—to occur on their watch. That's not simply my opinion. It's the judgment of men like retired Rear Admiral John D. Hutson, a former senior Navy Judge Advocate General officer who has said ''One such incident would be an isolated transgression; two would be a serious problem; a dozen of them is policy.''

Admiral Hutson and other senior former officers offered those kinds of comments, and their endorsement, for a report issued earlier this year by Human Rights First entitled Command's Responsibility: Detainee Deaths in U.S. Custody in Iraq and Afghanistan. I strongly encourage my colleagues to take the time to read at least the executive summary of this meticulously documented 82-page report. You can find this report on the web at: http://www.humanrightsfirstinfo/pdf/06221-etn-hrf-dic-rep-web.pdf

I would also recommend that my colleagues familiarize themselves with Human Rights First 2004 report, Getting to Ground Truth, which formed the foundation of their work on the detainee abuse issue. That report can be found on the Human Rights First website at: http://www.humanrightsfirst.org/us_law/PDF/detainees/Getting_to_Ground_Truth_0908.04.pdf

Let me take a moment to share with you some of the key findings from Command's Responsibility, which I am also including for the RECORD. The report documents 98 detainee deaths in U.S. custody. Of those 98 deaths, 45 are suspected or confirmed homicides. Thirty-four deaths were classified as homicides under the U.S. military's own definition. Human Rights First found 11 additional cases where the facts suggest that deaths were the result of physical abuse or the harsh conditions of detention. In 48 cases—close to half of all the cases—the cause of death remains officially undetermined or unannounced. At least 8 detainees, and possibly as many as 12, were tortured to death. To date, only 12 deaths have resulted in any kind of punishment, and the highest punishment for a torture-related death has been 5 months confinement.

Most tellingly, no civilian official or officer above the rank of colonel responsible for interrogation and detention policies or practices has been charged in connection with any death of a detainee in U.S. custody, including the deaths of detainees by torture or abuse.

As retired Army Brigadier General David Irvine noted in the Human Rights First report, ''What is unquestionably broken is the fundamental principle of command accountability, and that starts at the very top. The Army exists not just to win America's wars, but to defend America's values. The policy and practice of torture without accountability has jeopardized both.''

I whole-heartedly agree, which is why last June I joined over 170 of my colleagues in cosponsoring HR 3003, which would establish an independent Commission on the Investigation of Detainee Abuses to conduct a full, complete, independent, and impartial investigation of the abuses of detainees in connection with Operation Iraqi Freedom, Operation Enduring Freedom, or any operation within the wider war against Al Qaeda. The Commission would be charged with determining: (1) the extent of the abuses; (2) why the abuses occurred; and (3) who is responsible, and to provide recommendations for corrective action.

This Commission is necessary because the work of uncovering all of the facts in these cases has yet to be done. This Commission must also help Congress determine why no flag-rank officers have been held accountable for the deaths and abuse that occurred on their watch. If we are to avoid future cases of abuse and rebuild our reputation as a nation that lives by the rule of law, we must air the full facts about how aggressive interrogation techniques resulted in serious injury or death for dozens of detainees in our custody.

Mr. Speaker, the detainee abuse scandal has done grievous harm to our moral standing in the world, and given our terrorist enemies a powerful recruiting tool. We cannot allow it to happen again. I urge the House leadership to bring H.R. 3003 to floor for an immediate vote. Congress has allowed too much time to pass already; we need answers, and we need to hold senior civilian and military leaders accountable for this sorry episode.

Finally, I commend Human Rights First for their unflagging commitment to preserving and protecting human rights, for the high quality of their work on these issues, and for holding our Government and its representatives accountable in the court of public opinion on this critically important issue.

[From Command's Responsibility]

I. INTRODUCTION

''Do I believe that [abuse] may have hurt us in winning the hearts and minds of Muslims around the world? Yes, and I do regret that. But one of the ways we address that is to show the world that we don't just talk about Geneva, we enforce Geneva. . . . [T]hat's why you have these military court-martials; that's why you have these administrative penalties imposed upon those responsible because we want to find out what happened so it doesn't happen again. And if someone has done something wrong, they're going to be held accountable.''—U.S. Attorney General Alberto Gonzales, Confirmation Hearings before the Senate Judiciary Committee, January 6, 2005.

''Basically [an August 30, 2003 memo] said that as far as they [senior commanders] knew there were no ROE [Rules of Engagement] for interrogations. They were still struggling with the definition for a detainee. It also said that commanders were tired of us taking casualties and they [told interrogators they] wanted the gloves to come off. . . . Other than a memo saying that they were to be considered 'unprivileged combatants' we received no guidance from them [on the status of detainees].''— Chief Warrant Officer Lewis Welshofer, Testifying during his Court Martial for Death of Iraqi General Abed Hamed Mowhoush, January 19, 2006.

Since August 2002, nearly 100 detainees have died while in the hands of U.S. officials in the global ''war on terror.'' According to the U.S. military's own classifications, 34 of these cases are suspected or confirmed homicides; Human Rights First has identified another 11 in which the facts suggest death as a result of physical abuse or harsh conditions of detention. In close to half the deaths Human Rights First surveyed, the cause of death remains officially undetermined or unannounced. Overall, eight people in U.S. custody were tortured to death.

Despite these numbers, four years since the first known death in U.S. custody, only 12 detainee deaths have resulted in punishment of any kind for any U.S. official. Of the 34 homicide cases so far identified by the military, investigators recommended criminal charges in fewer than two thirds, and charges were actually brought (based on decisions made by command) in less than half. While the CIA has been implicated in several deaths, not one CIA agent has faced a criminal charge. Crucially, among the worst cases in this list—those of detainees tortured to death—only half have resulted in punishment; the steepest sentence for anyone involved in a torture-related death: five months in jail.

It is difficult to assess the systemic adequacy of punishment when so few have been punished, and when the deliberations of juries and commanders are largely unknown. Nonetheless, two patterns clearly emerge: (1) because of investigative and evidentiary failures, accountability for wrongdoing has been limited at best, and almost non-existent for command; and (2) commanders have played a key role in undermining chances for full accountability. In dozens of cases documented here, grossly inadequate reporting, investigation, and follow-through have left no one at all responsible for homicides and other unexplained deaths. Commanders have failed both to provide troops clear guidance, and to take crimes seriously by insisting on vigorous investigations. And command responsibility itself—the law that requires commanders to be held liable for the unlawful acts of their subordinates about which they knew or should have known—has been all but forgotten.

The failure to deal adequately with these cases has opened a serious accountability gap for the U.S. military and intelligence community, and has produced a credibility gap for the United States—between policies the leadership says it respects on paper, and