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## U.S. Probes More Prisoner Deaths, Weighs The Role Of CIA Officer

By Gary Fields, Greg Jaffe and David S. Cloud, Staff Reporters Of The Wall Street Journal

WASHINGTON -- U.S. officials are investigating the deaths of at least 10 prisoners in Iraq and Afghanistan and are weighing a possible criminal investigation of a Central Intelligence Agency case officer in the death of one prisoner.

The CIA contacted the Justice Department last week to discuss opening a criminal case against the CIA officer and what charges could be brought, a senior law-enforcement official said. The incident involved the death of an Iraqi prisoner at Abu Ghraib prison west of Baghdad and may have included Navy Seals, officials said.

Army officials said Tuesday that in addition to the 10 deaths being investigated, they had found evidence of two homicides involving U.S. personnel. It couldn't be determined whether the CIA case at Abu Ghraib is one of them. The CIA also is investigating whether one of its contractors was involved in the death of a prisoner in Afghanistan last year.

Investigations of 12 other deaths have concluded the causes were natural or undetermined. A 13th was determined to have been a justified homicide.

The new disclosures came as Defense Secretary Donald Rumsfeld said he hoped recent photographs depicting U.S. soldiers abusing Iraqi prisoners represented an isolated case. "The images that we've seen that include U.S. forces are deeply disturbing, both because of the fundamental unacceptability of what they depicted and because the actions by U.S. military personnel in those photos do not in any way represent the values of our country or of the armed forces," Mr. Rumsfeld said.

The Pentagon has faced heavy criticism in Congress for being slow to disclose the full extent of the abuse at Abu Ghraib, where soldiers were documented in photos and a 53-page U.S. Army report abusing and sexually humiliating prisoners.

"The Congress ... has been kept completely in the dark," Sen. John McCain (R., Ariz.) said as he left a Senate Armed Services Committee briefing from Pentagon generals. His criticism was echoed by Sen. Carl Levin of Michigan, the ranking Democrat on the Armed Services panel, who complained that the report, which was completed in February, "should have been forthcoming here immediately."

CIA officials refused to confirm that they had opened talks with the Justice Department about launching a criminal investigation of the case officer, whose name couldn't be learned. But they confirmed that the CIA inspector general has been investigating whether CIA personnel were involved in a prisoner death at Abu Ghraib.

One of the issues CIA and Justice lawyers are discussing is what charges could be brought against the CIA

employee, because there doesn't appear to be any applicable federal murder statute, according to the law-enforcement official. Prosecutors are examining whether the CIA employee could be charged under statutes that outlaw torture. They also are considering the Military Extraterritorial Jurisdiction Act, which allows prosecution of crimes committed by civilians attached to military personnel in foreign countries.

In one of the other cases involving the deaths of prisoners in U.S. custody, a U.S. Army soldier opened fire on an Iraqi prisoner who was throwing rocks at him. The soldier was court-martialed for using excessive force, reduced in rank and dismissed from the Army, the official said.