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Ashcroft Says U.S. Can Prosecute Civilian Contractors For Prison Abuse

By Dan Eggen and Walter Pincus, Washington Post Staff Writers

Attorney General John D. Ashcroft said yesterday that killings or abuse of military detainees in Iraq that involved civilian contractors could be prosecuted by the Justice Department under several statutes, including civil rights violations and anti-torture laws.

Federal criminal prosecutors can pursue cases against nonmilitary personnel and against those who have left the military, Ashcroft said. In addition, Ashcroft and other Justice Department officials said, the Military Extraterritorial Jurisdiction Act of 1999 allows for prosecution of civilian contractors who commit crimes while working overseas for the military.

"We obviously are shocked by conduct which would violate the rights of the detainees, and we'll take action where appropriate within the jurisdiction of the Justice Department," Ashcroft said.

Ashcroft's comments came as the Bush administration struggled to control a widening scandal over the treatment of Iraqi detainees at the Abu Ghraib prison, where U.S. soldiers took photographs of naked prisoners in degrading positions.

The CIA has referred two suspicious deaths of detainees to federal prosecutors, and the Justice Department is examining the circumstances surrounding a third death, intelligence and law enforcement sources said. Prosecutors in the Criminal Division are reviewing the reports of abuse at Abu Ghraib to determine whether U.S. criminal laws might apply to any incidents, according to a Justice Department official who declined to be identified because the inquiry is ongoing.

At a news conference here, Ashcroft declined to discuss any cases under review or to say whether the Pentagon, which is probing the Abu Ghraib abuses and other incidents, has formally referred any cases to his department.

"I do know that the Department of Defense is involved in a substantial investigation, and that it certainly wouldn't be our intention to disrupt investigations underway by the Department of Defense," Ashcroft said.

Noting that his son serves in the Navy, Ashcroft said he was "shocked and appalled" by the incidents at Abu Ghraib but also said he believed they were "anomalies."

A senior intelligence official, who would speak to a reporter only on the condition that he not be identified, provided a general account yesterday of the three suspicious deaths involving CIA contractors.

One of the deaths in Abu Ghraib last November was an Iraqi who was captured and held by U.S. Navy SEALs for what was believed to be anti-coalition activities, the official said. After "several stops" on the day he was captured, the Iraqi, named Mana Jamidi, was brought to the prison for interrogation by a CIA

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officer accompanied by a contractor-translator, according to the official.

During the questioning, Jamidi slumped over and died. An autopsy determined internal injuries were the cause of death, the official said. After learning of the autopsy results in January, the CIA notified Congress and, in February, sent a report to the Justice Department, the official said.

A second case occurred in June 2003, when an Afghani was interrogated in a facility near the Afghanistan-Pakistan border by a CIA retiree who was acting as an independent contractor. The CIA inspector general has been investigating the case, and Congress and the Justice Department were notified in July 2003, according to the official.

The third case, also in November, involved former Gen. Abid Hamad Mahawish, who was interrogated by a CIA officer in a military facility in western Iraq. Several days later, Mahawish died amid allegations he had been mistreated, the official said.

The CIA inspector general and Army criminal investigators are probing the cause of death and Congress was informed by the agency in January. The Mahawish case has not been referred to the Justice Department, the intelligence official said.