



May 14, 2009

Obama Moves to Bar Release of Detainee Abuse Photos

By [JEFF ZELENY](#) and [THOM SHANKER](#)

WASHINGTON — [President Obama](#) said Wednesday that he would fight to prevent the release of photographs documenting abuse of prisoners in Iraq and Afghanistan by United States military personnel, reversing his position on the issue after commanders warned that the images could set off a deadly backlash against American troops.

The administration said last month that it would not oppose the release of the pictures, but Mr. Obama changed his mind after seeing the photographs and getting warnings from top Pentagon officials that the images, taken from the early years of the wars, would “further inflame anti-American opinion” and endanger troops in two war zones.

The decision in effect tossed aside an agreement the government had reached with the [American Civil Liberties Union](#), which had fought to release photographs of incidents at Abu Ghraib and a half-dozen other prisons. [The Justice Department informed](#) the United States District Court in New York, which had backed the A.C.L.U.’s request, that it would appeal the ruling, citing “further reflection at the highest levels of government.”

To explain his position, which was sharply criticized by the A.C.L.U., Mr. Obama spoke at the White House before flying to Arizona to deliver a commencement address. He suggested that the new mission in Iraq and Afghanistan could be imperiled by an old fight.

“The publication of these photos would not add any additional benefit to our understanding of what was carried out in the past by a small number of individuals,” Mr. Obama told reporters on the South Lawn. “In fact, the most direct consequence of releasing them, I believe, would be to further inflame anti-American opinion and to put our troops in greater danger.”

Defense Secretary [Robert M. Gates](#) said he had changed his mind about releasing the photographs, and suggested the president did as well, because of the strong views of the top commanders in Iraq and Afghanistan, Gen. [Ray Odierno](#) and Gen. [David D. McKiernan](#), who is being replaced.

In Iraq, American combat forces are withdrawing from urban areas and reducing their numbers nationwide. In Afghanistan, more than 20,000 new troops are flowing in to combat an insurgency that has grown in potency ahead of national elections in August.

The A.C.L.U. had prevailed in the case at the federal trial court level and before an appeals court panel. The photographs were set to be released on May 28 under an agreement with the Pentagon and the White House. But as that date approached, military officials expressed growing unease to Mr. Gates, who then

discussed the issue with the president.

Officials who have seen the photos describe them as falling into two categories: Abu Ghraib-style personal snapshots taken by soldiers; and photos taken by military criminal investigators documenting allegations of abuse, including autopsy photos of prisoners who died in custody.

Many of the photos may recall those taken at the Abu Ghraib prison in Iraq, which showed prisoners naked or in degrading positions, sometimes with Americans posing smugly nearby, and caused an uproar in the Arab world and elsewhere when they came to light in 2004.

Anthony D. Romero, executive director of the A.C.L.U., said the decision to fight the release of the photos was a mistake. He said officials had described them as “worse than Abu Ghraib” and said their volume, more than 2,000 images, showed that “it is no longer tenable to blame abuse on a few bad apples. These were policies set at the highest level.”

One Pentagon official involved in the discussion said the photos showed detainees in humiliating positions, but said they were not as provocative as pictures of detainee abuse at Abu Ghraib. The official said that the photos showed detainee nudity, and that some included images of detainees shackled for transfer. Other photographs showed American military personnel members with weapons drawn, pointing at detainees in what another official said had the appearance of “a war trophy.”

The officials spoke on condition of anonymity to describe photographs that are the subject of continuing litigation.

During the court case, Pentagon officials had fought the release of the photographs, connected with investigations between 2003 and 2006, on the grounds that their release could harm American military personnel overseas and that the privacy of detainees would be violated. But the United States Court of Appeals for the Second Circuit, in upholding a lower court ruling, said the public interest involved in release of the pictures outweighed a vague, speculative fear of danger to the American military or violation of the detainees' privacy.

Last month, the administration said it had agreed to release the images, in part because it did not believe it could persuade the [Supreme Court](#) to review the case. But [Robert Gibbs](#), the White House press secretary, said Wednesday that the president did not believe that the government had made the strongest possible case to the court about the ramifications of releasing the photographs, particularly on “what the release of these would do to our national security.”

The release of these detainee photographs, Pentagon and military officials said, could provoke outrage and, in particular, be used by violent extremists to stoke attacks and recruit suicide bombers. Military personnel in Iraq and Afghanistan were said to be particular targets of such attacks, but officials said civilians also might be extremists' targets.

Several left-leaning groups, which had been fierce critics of the Bush administration, said they were stunned by the decision. [Human Rights Watch](#) called it a blow to transparency and accountability. And Mr. Romero, the executive director of the A.C.L.U., suggested that the Obama administration was “covering up not only for the Bush White House, but for itself.”

Asked whether release of the photos might not help [Al Qaeda](#) or provoke violence in the Muslim world, Mr. Romero said, “The greatest recruitment tool for Al Qaeda and violent jihadis has been the use of torture.”

In his remarks at the White House, Mr. Obama spoke out forcefully against torture and said he had impressed upon military commanders “that the abuse of detainees in our custody is prohibited and will not be tolerated.” But as commander in chief, he said, the well-being of American forces carrying out his strategy in Afghanistan and Iraq outweighed the call to release the images.

“Moreover,” he said, “I fear the publication of these photos may only have a chilling effect on future investigations of detainee abuse.”

Elisabeth Bumiller and Scott Shane contributed reporting.

Copyright 2009 The New York Times Company

[Privacy Policy](#) | [Search](#) | [Corrections](#) | [RSS](#) | [First Look](#) | [Help](#) | [Contact Us](#) | [Work for Us](#) | [Site Map](#)