



	content	new	all
articles	7	884	
headlines	51	2999	
videos	1	36	
links	0	148	
users	52	6341	
blogs	165	6422	
forum	175	7748	
store	*	*	

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Judge: Release of Abu Ghraib Pictures Too Dangerous

Thu, 1 Sep 2005 15:15:09 -0700

Summary:

In the latest chapter in the ongoing struggle to get the remaining photos and videos of detainee abuse at

Abu Ghraib released to the public, a NY judge has indicated he is inclined to side with the Pentagon's arguments against releasing them. Although the case has not yet been settled, I have a sinking feeling these pictures and videos will not see the light of day for a long time.

[Posted By [Gregoire](#)]

By Associated Press

Republished from [USA Today](#)

Judge hesitant to release pictures and videotapes of detainee abuse at Iraq's Abu Ghraib.

NEW YORK (AP) — A judge said Tuesday he was hesitant to release pictures and videotapes of detainee abuse at Iraq's Abu Ghraib prison while top government officials insisted that deaths could result.

U.S. District Judge Alvin K. Hellerstein commented as he listened to Manhattan's top government lawyer and an attorney for the American Civil Liberties Union, which was seeking release of the pictures.

The judge questioned whether he could disregard arguments by Gen. Richard B. Myers, chairman of the Joint Chiefs of Staff, who has warned that releasing the photos would aid al-Qaeda recruitment, weaken the Afghan and Iraqi governments and incite riots against U.S. troops.

"How can I ignore the expert opinion of General Myers, who is concerned with the safety of his troops?" the judge asked. "I can't substitute my opinion for the opinion of General Myers."

He said troops in Iraq "face danger every day and don't deserve to have that danger enlarged."

The ACLU has sought the release of 87 photographs and four videotapes taken at the prison. The request was part of a 2003 lawsuit demanding information on the treatment of detainees in U.S. custody and the transfer of prisoners to countries known to use torture. The ACLU contends prisoner abuse is systemic.

The judge on Tuesday reduced the number of photographs at issue to 74 and the number of videos to three, saying those he excluded would have required redactions so great as to render them inconsequential. He said the pictures and videos involve a limited number of soldiers engaging in acts that were "distasteful to an extreme degree."

The judge said he recognized the pictures might be useful to the public as it answers questions about the prison scandal, including whether those in command knew about the abuse and how extensive it was.

Yet, he said, there was a "high prurient value" in the pictures.

"A judge cannot look at these without thinking to himself how quickly they'd be put on the 6 o'clock or 11 o'clock news and how easily they could be subverted to create a false picture of this country," he said.

U.S. Attorney David Kelley told the judge that insurgents and propagandists in Afghanistan and Iraq would claim that a judge's order to release the pictures was a "deliberate war act" by the U.S.

He said insurgents who already are increasing the deadliness of their attacks would claim that more pictures were being released to "rub the noses of the Muslim world" in what had happened.

ACLU lawyer Amrit Singh argued that release of the pictures was necessary for the public to assess the scope of the abuse and whether it could have been carried out without the knowledge of military leaders.

The judge did not say when he would rule, but he has indicated that a speedy decision is important so the public's right to know is not compromised.

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Posted by [Gregoire](#)

I was born in NYC, raised in Palo Alto CA, attended university at UC Santa Cruz. I spent the better part of a decade traveling in Asia and working in restaurants before entering graduate school in Tibetan and Buddhist Studies at UVA in Charlottesville VA,...

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RECENT COMMENTS

I guess the photos would make the US gov't look bad. The Republicans may even lose the next election if they're released. They do have a point.

[Joe](#) @ 09/01/05 18:07:09

the fact that they are so bad we cant see'em says it all...!!!!

[moondancer](#) @ 09/01/05 18:09:14

To be fair, I wouldn't blame the judge for that descision.

However it definitely shows a disgusting double standard.

Remember after 9/11 when that Israeli recorded video of Palestinians cheering started appearing throught out the American and Western media? No one showed the slightest concern on how much harm that was indirectly going to cause for the Palestinian people.

[Sulk](#) @ 09/01/05 18:59:02

“To be fair, I wouldn’t blame the judge for that descision.”

Why?

[Joe](#) @ 09/01/05 19:53:29

A jewish guy I know threatened with the release of these photos. This is just another reason to release whatever terrorist attack they have up their sleeves and then blame it on “islamic terrorism” then go invade another arab country.

[killuminati](#) @ 09/01/05 20:24:17

Should anyone in the Bush administration be tried under international law for crimes committed, would this judge be responsible for a coverup? How liable is he?

[realtime](#) @ 09/01/05 21:39:12

“be tried under international law for crimes committed”

The US isn’t governed by international law...

[Joe](#) @ 09/01/05 22:18:55

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