

Torture: from Algiers to Abu Ghraib

NEIL MACMASTER

Abstract: The treatment of detainees at Abu Ghraib prison in Iraq focused worldwide media attention on the US practice of torture. Underlying such a practice was not only a self-serving debate in US political circles, academia and entertainment media on how a liberal democracy could justify such methods but also a history of counter-insurgency techniques which owed much to French warfare in Algeria. Yet while the lessons of the torturer have been assiduously learnt, what has been ignored is the recent open debate in France on the profound damage done by such institutionalised barbarity both to the victims and to the individuals and regimes that deploy it.

Keywords: Algeria, Counter-insurgency, FLN, Guantanamo, Human Rights, Taguba Report

Neil MacMaster is senior lecturer in politics at the University of East Anglia and researches the history of racism, international migration and Islam in Europe. His most recent books are *Colonial Migrants and Racism: Algerians in France, 1900–62* (1997) and *Racism in Europe 1870–2000* (2001); he is also completing a co-authored study of the massacre of Algerians in Paris on 17 October 1961.

Race & Class

Copyright © 2004 Institute of Race Relations 0306-3968 Vol. 46(2): 1–21; 047722
10.1177/0306396804047722

2 Race & Class 46(2)

Worst of all, our nation, a nation that, to a degree unprecedented in human history, has sacrificed its blood and treasure to secure liberty and human rights around the world now must try to convince the world that the horrific images on their TV screens and front pages are not the real America, that what they see is not who we are.

– Senator Susan M. Collins (Republican-Maine), Senate Armed Services Committee hearing on Abu Ghraib prison, 7 May 2004

During the months following the al-Qaida attacks on New York and the Pentagon, the Bush administration seized on the climate of widespread confusion and fear to push through Congress an unprecedented assault on civil liberties in the name of the ‘war on terror’. Hard-liners such as Secretary of Defense Donald Rumsfeld, his deputy Paul Wolfowitz and Vice-President Dick Cheney, borne aloft on an apocalyptic rhetoric of moral absolutism – the redemptive mission of the US to save the world from evil – launched America on a neo-imperialist foreign policy path. This Hobbesian assertion of raw military power has increasingly broken away from international treaties and norms.¹ The Patriot Act, passed by Congress on 25 October 2001, enabled the government to arrest and detain indefinitely hundreds of people in secrecy under the vague catch-all of ‘reasonable grounds’ that they might constitute a threat to national security.² Prisoners were held at Guantanamo under degrading conditions of duress, without charge or access to lawyers and were to be hauled before military tribunals in contravention of guarantees to a fair trial under the International Covenant on Civil and Political Rights, to which the US is a signatory. Within this overall shift in US internal and external policy, a particularly troubling aspect was the willingness of journalists, academics and politicians openly to advocate the legitimacy of torture, a barbaric practice in breach of fundamental human rights and international law.

An examination of this debate shows, in particular, how ‘torture advocates’ developed their arguments *de nouveau*, reinventing the wheel as it were, without any reference to the huge field of historical, ethical, philosophical and legal knowledge that exists in relation to the practice of torture. This ahistorical political culture is itself a symptom of a dangerous American hegemony, an arrogance of power that is prepared to treat the opinions and experience of other states or societies with disdain, if not open contempt. That amnesia needs to be set against the major and concurrent French debate during 2000–04 on torture during the Algerian war. This highlighted the profound dangers of such forms of violence which, like a gangrene, threatened to corrupt the entire social and political order. Moreover, the techniques of counter-insurgency and interrogation developed by the French in colonial Algeria had a major impact on the formation of US ‘low intensity’ operations in Vietnam and elsewhere, with terrible consequences for

human rights. Yet American torture advocates chose to ignore the lessons of the Algerian war.

The discussion of torture in the US seems to have first been occasioned by the inability of interrogators to gain the cooperation of four suspect terrorists, among them Zacarias Moussaoui, being held in a New York jail following the September 11 attacks. FBI sources began to leak stories that a point might be reached ‘where we won’t have a choice’ but to utilise torture.³ This immediately generated a flood of media commentary suggesting that, in times of exceptional danger to the ‘homeland’, it might be legitimate to use torture in order to pre-empt further attacks. Shepard Smith, anchorman on Fox News Channel, asked: ‘Should law enforcement be allowed to do anything, even terrible things, to make suspects spill the beans?’, while, on CNN’s *Crossfire* programme, the right-winger Tucker Carlson suggested that, under certain circumstances, torture ‘may be the lesser of two evils’.⁴ Jonathan Alter, the self-proclaimed ‘liberal’ senior editor of *Newsweek*, in his column ‘Time to think about torture’ intimated that desperate times required desperate measures. Following the adage of Chief Justice Robert Jackson that ‘[t]he Constitution is not a suicide pact’, civil liberties and due process, he implied, should not get in the way of national security. While Alter admitted that legalised physical torture was against American values, he added that ‘we need to keep an open mind about certain measures to fight terrorism, like court-sanctioned psychological interrogation. And we’ll have to think about transferring some suspects to our less squeamish allies, even if that’s hypocritical. Nobody said this was going to be pretty.’⁵ Typically, Alter failed to mention that *refoulement* of an individual to another country where he or she would be at risk from state violence contravened the international Convention against Torture, ratified by the US in 1994.

However, the doyen of the ‘torture lobby’ was the Harvard law professor Alan M. Dershowitz, a celebrity after his defence of O. J. Simpson and a self-proclaimed champion of civil liberties. Dershowitz deployed the notorious ‘ticking bomb’ argument that had been used by General Massu’s paratroopers during the ‘Battle of Algiers’ in 1956–57. On the basis of a hypothetical scenario, in which a terrorist is captured who has knowledge of a primed bomb that will kill hundreds of people within twenty-four hours, it was claimed morally justifiable to torture the suspect to save those lives. Dershowitz developed three dubious premises: that torture is efficacious in gaining intelligence; that it will inevitably (and rightly) be used in an emergency; and, since this is so – and to prevent runaway abuse by security forces – it should be subject to the rule of law, since ‘democracy requires accountability and transparency’. Torture should be authorised through a judge’s issuing of a ‘torture warrant’.⁶ Dershowitz developed a

grotesque utilitarian calculus of levels of non-lethal pain that would leave no ‘lasting damage’, such as ‘a sterilized needle inserted under the fingernails to produce unbearable pain . . . [or] a dental drill through an unanesthetized tooth’.⁷ Dershowitz was under the bizarre illusion that administering criminal violence to a suspect, who might well be innocent, would become legitimate if brought within the legal system (forgetting the long and sorry history of states that have passed laws to facilitate the worst atrocities, including genocide). It might even serve to ‘maximize civil liberties’. However, international law makes it clear that protection from cruel, inhumane and degrading treatment by the state is not negotiable or open to derogation.⁸

That liberals and civil libertarians could go down such a road is symptomatic of the depth of the moral rot that has set into American society. Influential media and academic commentators like Alter, who wrote ‘I don’t think it helps to have the subject of torture be off limits for nuanced discussion’, opened up a dangerous and slippery slope by which torture became normalised, a topic that could legitimately be reviewed with a clear conscience.⁹ Press and TV debate helped habituate the general public to the idea of torture, but there are other signs of this poisonous agenda being drip-fed into wider society through the popular mass media. In the second series of the 20th Century Fox TV production *24*, a Middle East terrorist cell has planted a nuclear bomb in Los Angeles. Agent Jack Bauer (Kiefer Sutherland) has twenty-four hours in which to track down the evil-doers and stop millions being killed. Officially sanctioned torture occurs with regularity throughout the series; in one scene, President David Palmer (Dennis Haysbert) is present when a specialist interrogator applies his crafts. As the President turns away from the screaming victim, he notes calmly, ‘Everyone breaks eventually’.¹⁰ Hardly surprising, then, that a CNN poll found that 45 per cent of Americans were prepared to condone the use of torture against terrorist suspects.¹¹

A peculiarity of the torture advocates is the abstract nature of their arguments, which are developed without any meaningful reference to the past or to US obligations under both international and domestic law. Despite Dershowitz’s casuistical attempts to reinterpret the Convention against Torture,¹² a formidable battery of US constitutional and international law bans torture without exception.¹³ The systematic occultation of both law and historical precedent has been based on the dangerous argument that the attacks of September 11 constituted a world-shattering event of such an unprecedented kind that it demanded the slate be wiped clean: only new and exceptional measures could meet the threat of terrorism. Jonathan Alter remarked that those who stuck to ‘old assumptions about law enforcement . . . [were] hopelessly “Sept. 10” – living in a country that no longer exists’.¹⁴ Dershowitz insisted that the international laws of war that had evolved in relation to past

conflicts were entirely inadequate to meet the ‘new realities of fighting terrorism’.¹⁵ A dangerous climate of opinion was generated in which the rule of law was seen as a hindrance to effective anti-terrorist action. As Richard Thornburgh, former attorney general to Reagan, remarked: ‘We put emphasis on due process and sometimes it strangles us . . . legally admissible evidence may not be the be-all and end-all.’¹⁶ Such a discourse fitted in perfectly with the Bush neo-conservative agenda for a new world order and the synchronised assault on multi-lateralism and rule-based respect for global human rights and dignity. However, there was little that was, in the strict sense of the word, exceptional in the events of September 11, and almost every feature of the US response to the crisis had been prefigured in French counter-insurgency strategy during the Algerian war, a body of doctrine and practice that had had a major influence on US ‘low intensity’ warfare during the four decades after 1961.

* * *

During the Algerian war (1954–62), French intellectuals published a massive body of evidence on the systematic use of torture by the army and police.¹⁷ This has been complemented by the work of historians who have recently gained access to the military archives at Vincennes.¹⁸ It is impossible to do full justice to this complex field here, but I will extrapolate some central features that offer comparison with the present US responses to terrorism and torture.

The French army believed that it was confronted with a totally new form of Maoist-inspired guerrilla warfare, known as *la guerre révolutionnaire*, in which Algerian nationalists were prepared to use systematic terror, including bomb attacks on both indigenous and French civilians. Military exponents of revolutionary warfare, not unlike the present Bush administration, held an apocalyptic vision of a global threat from the forces of evil, communism and its proxy, Islamic fanaticism, to destroy western Christian civilisation. Against such an enemy, conventional forms of military action were doomed to fail; hence, exceptional and unconventional means (including torture) were viewed as necessary and legitimate.¹⁹ Ultimately, it was an unquestioning faith in the higher destiny of the French civilising mission, founded paradoxically on the universal Rights of Man of 1789, that provided the justification and dynamic for state violence against ‘others’, colonised peoples who were perceived to be at a primitive stage of historical evolution or racially inferior.²⁰ The ideological structure of contemporary American imperialism, founded on the rhetoric of a global mission to extend democracy, liberty and human rights, but associated with an underlying aggression stemming from a deep national insecurity, is similar in its expression to the ‘last ditch’ violence exuded by France, a self-proclaimed ‘great power’ undergoing the trauma of decolonisation.

The Algerian case shows that torture cannot be understood in isolation, but only as one key component in a wider, integrated system of repression. For example, the army and police could only carry out brutal interrogations in a situation in which victims could be arbitrarily arrested and held in secret for long periods of time, without the normal protections of due process, habeas corpus, access to lawyers and the courts, proper indictment and fair trial. Torture invariably went hand-in-hand with a fatal corruption or erosion of the judiciary and the rule of law.²¹ The following is a summary of some components of the system of counter-insurgency in Algeria and some US parallels:

- The French government refused to recognise that it was legally at war in Algeria; this was only finally acknowledged by the law of 10 June 1999. Algerian freedom fighters were classified not as combatants, but as common-law criminals or ‘bandits’. This fostered the worst human rights abuses, since captured nationalists fell outside the protection of the laws of war and the Geneva Conventions. The US, post-September 11, has also refused to grant fighters captured in Afghanistan POW status, instead inventing categories such as ‘unlawful combatant’ that have no existence in international law. By doing so, it has turned such individuals into a kind of ‘non-person’, cast into the legal black hole of Guantanamo.
- The French parliament passed a Special Powers Act on 16 March 1956, which provided the executive with an almost totalitarian mandate to introduce by administrative order any form of repressive measures it saw fit. The US, through the Patriot Act and other measures, has followed the same route.
- The French government introduced powers of arrest and detention without charge and held suspects in secret without access to lawyers or the courts. It was in holding centres such as the *Centre de tri et de transit* (CTT) that specially trained interrogation teams, the *détachement opérationnel de protection* (DOPS), engaged in torture. Special concentration camps were established in both France and Algeria for the long-term detention of thousands of prisoners. The US has followed a similar path, implementing ‘torture-lite’ at Guantanamo and even more atrocious forms in secret detention centres at Bagram (Afghanistan), Iraq and other possible locations (Diego Garcia); or by transfer to other states like Egypt, Morocco and Jordan.
- The holding of suspects in colonial Algeria, including the ‘extradition’ of nationalist militants from mainland France to North Africa, meant that they could be placed under the total control of the army and largely be denied access to the more robust protection of metropolitan courts. *Front de Libération Nationale* (FLN) suspects were brought before military tribunals and frequently executed. The

American creation of Guantanamo was also a deliberate ploy to deny prisoners access to US courts, under the fiction that US jurisdiction did not extend to foreign soil. Here again, military tribunals can operate in secrecy and impose the death sentence on a weakened burden of proof.

- The French government sought to deter civilian populations from harbouring ‘terrorists’ by inflicting collective punishment, destroying with fire, bombs and napalm those villages that happened to be closest to any attack on or ambush of armed forces. Collective punishment, although prohibited by international law,²² is currently being deployed in Iraq.
- The French army recognised that accurate intelligence was crucial to penetrating the sophisticated clandestine network of the FLN. The system developed by General Massu’s intelligence experts, most notably Colonel Roger Trinquier, was to capture and interrogate lower level cadres, so as to identify their superiors. The aim was to build up an *organigramme* or wall chart of the entire structure, which would then be ‘decapitated’ by commandos led by Colonel Aussaresses.²³ The essence was speed of action, and the use of torture was legitimated in a number of ways, including resort to the ‘ticking bomb’ scenario and the argument that rational administration of pain would be humane. Father Delarue, chaplain to the 10th Parachute Division, provided the moral justification: ‘there can be no hesitation in choosing the lesser of the two evils, in an effective but not sadistic interrogation’.²⁴ In 1955, the government ordered Inspector-General Roger Wuillaume to carry out an investigation into police torture. His report recommended that ‘the screen of hypocrisy’ surrounding such practices should be removed and police confidence restored by the authorisation of ‘controlled’ and safe methods, including the notorious water treatment and electric shock by the *gégène* (a field telephone dynamo). These were ‘no more brutal than deprivation of food, drink, and tobacco’.²⁵ Finally, the military argued that the exceptional nature of terrorism, which did not conform to conventional warfare, meant that it could only be checked by a willingness to jettison the constraints of existing liberal laws.²⁶

That the contemporary US theory and practice of ‘low intensity’ warfare, including torture, are so close to French counter-insurgency in Algeria is not entirely surprising, since they were significantly modelled on French methods. At a tactical level, Massu’s parachutists were widely credited with victory over the FLN terrorist networks in Algiers, although, in the longer term, military repression and torture led to the alienation of international opinion and the political defeat of French colonialism. But it was the perceived brilliant success of

French counter-insurgency, especially in urban contexts, that led other nation states, including the US, to invite French instructors into their military academies and special operations training programmes. In the two decades from 1957–77, the US and Latin American states (Argentina, Brazil, Panama, Chile, Uruguay, Paraguay and Bolivia) entered into joint missions with the French for the purposes of combating internal left-wing or communist movements. As early as 1957, Argentina, along with Portugal and Israel, sent officers to the Paris *École de Guerre* and for one month's training in the Algerian theatre of operations. This was followed by the establishment of an important French mission in 1959, attached to the Argentinian high command. In 1961, officers from fourteen countries, including the US, attended a French 'Interamerican course on counter-revolutionary warfare' in Buenos Aires and studied Trinquier's *La Guerre moderne*. The generals who headed the military coup of 1976 were all trained in what they termed 'the French doctrine': methods that, during the 'dirty war' of 1976–82, led to the secret abduction, torture and 'disappearance' of over 15,000 people.²⁷

Also in 1961, the US requested French Minister of War Pierre Messmer to provide specialist instructors, while Colonel Aussaresses was appointed military attaché to the French Embassy in Washington, along with ten liaison officers. They trained soldiers at Fort Benning and Fort Bragg for Vietnam operations.²⁸ Aussaresses had brought with him the proofs of Trinquier's *La Guerre moderne*, which was soon translated and continues to be a 'classic' text for US special forces instruction today.²⁹ Colonel Carl Bernard and General John Johns, both trained by Aussaresses, have noted that Trinquier's work was a major influence on the secret CIA Operation Phoenix in Vietnam, modelled on the 'Battle of Algiers', during which death squads tortured and killed an estimated 20,000 civilians in an attempt to crush and control the entire population through state terror. The standard US torture techniques were identical to those used by the French in Algeria: ingurgitation of water; painful suspension and beating ('the airplane'); and electric shock ('the Bell telephone hour').³⁰

Although the French campaign against torture was a central component of the anti-war movement during the Algerian war, French public interest in the issue largely died out after 1962, until the revival of an extraordinary media debate which raged between June 2000 and early 2002.³¹ This controversy was triggered by two events: first, on 20 June 2000, ex-FLN militant Louissette Ighilahriz recounted her abominable rape and torture by the 10th Parachute Division in Algiers and directly implicated General Massu and Colonel Bigeard;³² second, the now retired Aussaresses, protected from prosecution by post-war amnesties, acknowledged openly and with extraordinary cynicism his personal involvement in the torture and murder of many Algerians,

including the lawyer Ali Boumendjel and the charismatic FLN leader Larbi Ben M'Hidi.³³ The interesting thing about the intense French debate on torture is that it was taking place at the very time that the al-Qaida attack of September 11 occurred. Yet, as Americans began to discuss the legitimacy of interrogation under duress, they completely blocked out the substance of the French controversy.

The consensus that emerged in France, one accepted by the mainstream Left and centre-Right political parties, as well as by many ex-soldiers who had served in Algeria, was that the use of torture had constituted an unspeakable catastrophe. It had irreparably damaged both the victims and the perpetrators. The psychologist Marie-Odile Godard estimated that some 350,000 French ex-combatants still suffer from psychiatric disorders and trauma (insomnia, nightmares, hallucinations, flashbacks, depression, suicidal impulses).³⁴ Torture, widely referred to as '*la gangrene*', was seen as a form of cancer that inexorably led to the degeneration of the liberal democratic state, its institutions (particularly the army and the judiciary), its core values and fundamental respect for human rights and dignity. The centrality of torture to the debate on the Algerian war lay not in the grim horrors of the practice as taken in isolation, but rather in the extent to which it served as a symbol of a deeper corruption, both of the state and of the structures of military, administrative and judicial power that had made it possible.

The argument developed in 2000–02 was that French society could only come to terms with, and lance the abscess of, systematic colonial violence through a *travail de vérité* and by formal government recognition of responsibility for past war crimes, just as the state had for its participation in the Holocaust under the Vichy regime. There could be no excuse for torture under any conditions. Even General Massu, the hero of the 'Battle of Algiers', responded to the revelations of Ighilahriz by publicly expressing his regret for the use of torture. He admitted that it had served no useful or necessary function in combating terrorism.³⁵ It was widely acknowledged that state violence had also served to drive most of the Algerian population into the arms of the FLN, reinforcing resistance, while simultaneously alienating international public opinion, leading to the isolation and defeat of France in the UN. Although it was extraordinarily difficult, because of the amnesty laws, to prosecute Aussaresses for his open acknowledgement of torture and murder, actions were brought against him in May 2001 under the only technical loophole open in law, the charge of 'apology for war crimes'. Aussaresses was tried on 26–28 November 2001 and sentenced on 25 January 2002 to a fine of €7,500 – a derisory penalty, but the first time a French court had recognised that war crimes were committed by the military in Algeria.

None of the above lessons of the Algerian war were taken on board by the American advocates of torture. Rather, they seemed only interested – as was the military – in stripping out the technical and instrumental lessons of French counter-revolutionary warfare so that they could be applied to the global fight against al-Qaida. Within a week of September 11, an online reviewer regretted that Aoussarès' book *Services spéciaux* had not yet been translated, since the 'candid' revelations of this, the 'most effective' of French intelligence officers, were 'particularly powerful for the American military today', especially the lesson that torture 'may become absolutely indispensable . . . the only tool available' to prevent terrorism.³⁶ On 22 December 2001, Aoussarès flew to New York and was interviewed by Mike Wallace on the TV programme *Sixty Minutes* as an expert on counter-terrorism. Aoussarès, asked if 'it would be a good idea to torture information' out of a suspected al-Qaida hijacker, replied, 'it would be certainly the only way to have him talk'.³⁷ What the producers failed to tell the audience was that the General had been tried in France one month earlier as an apologist for war crimes. Alan Dershowitz, who shares the Bush neo-conservative detestation of the French as pusillanimous and 'soft' on terrorism, held up the Aoussarès prosecution as 'the most extreme example' of the hypocritical approach to torture; that is, whereby governments publicly condemned the violence that they used in secret. Aoussarès had been victimised 'not for what he had done to the Algerians . . . [but] for *revealing* what he had done', claimed Dershowitz, distorting the fact that the amnesty and French law made it possible to prosecute *only* for publication.³⁸ Soon afterwards, in August 2002, Aoussarès' book was translated and published under the catchy orientalist title *The Battle of the Casbah*.³⁹

Even as the Bush government planned and implemented the invasion of Iraq, the prospect of fighting insurgents within a modern urban environment and tracking down Saddam Hussein resisters, who could move like fish in water within Arab society, led to a renewed interest in French theories of revolutionary warfare and the famous 'Battle of Algiers'. There was revived interest in Trinquier's *Modern Warfare*, while, in September 2003, the Pentagon screened Gillo Pontecorvo's famous 1965 drama documentary *The Battle of Algiers* before an audience of officers and civilian experts. The idea for the projection, which showed graphic scenes of torture as a key element in intelligence-gathering operations, came from the right-wing Directorate for Special Operations and Low-Intensity Conflict, a civilian-led organisation with powerful military-industrial links, responsible, according to a Defense Department official, for 'thinking aggressively and creatively' on issues of guerrilla warfare.⁴⁰ The Pontecorvo film had been used in 1967 for similar ends to train Argentinian officers at the Naval College in Buenos Aires.⁴¹

As the US army became bogged down in Iraq and began to suffer increasing casualties from an urban-based resistance, so it riposted with aggressive hunt-and-destroy strategies modelled on those of colonial Algeria and the Israeli army in Palestine. The turning point came with Operation Iron Hammer on 12 November 2003, a form of operation that culminated in the bloody siege of Falluja. During the siege, the army applied the classic counter-insurgency strategy of surrounding and sealing off a target urban sector, breaking into houses (often at night), seizing male ‘suspects’ en masse and bombing or physically destroying houses – a collective punishment of civilian populations prohibited by the Fourth Geneva Convention.⁴²

The US military had prepared the ground well: in March 2001, a conference of experts from Britain, Israel and Jordan, along with US Vietnam veterans, explored the techniques of urban combat. The publication of the proceedings by the Rand Corporation showed a return of the theories elaborated by the French in Indo-China and Algeria.⁴³ Such collaboration between intelligence and military personnel from different states was a permanent feature of the post-second world war ‘free world’, so that a standardised knowledge, a *savoir-faire*, of anti-guerrilla warfare, interrogation and torture was built up. By the twenty-first century, the most recent ‘hands-on’ experience of aggressive urban counter-insurgency against ‘terrorists’ had been acquired by Israel. Its methods included the widespread use of torture, assassination of Palestinian leaders, sealing off centres of resistance with razor wire, and the razing of buildings as a form of deterrence.⁴⁴ The Israeli Defense Force (IDF) sent advisers to instruct US special forces in such methods at Fort Bragg and provided ‘consultants’ in Iraq. Brigadier General Michael Vane, deputy chief of staff at the army training and doctrine command centre, has stated that: ‘We recently travelled to Israel to glean lessons learned from their counterterrorist operations in urban areas.’⁴⁵ Significantly, Alan Dershowitz developed all his key ideas on the efficacy and legitimacy of state-controlled torture of terrorists from his visits as an academic to Israel from the late 1980s, and his support for ‘torture warrants’ appears to derive from the 1987 Landau Commission.⁴⁶ Moshe Landau, a retired Supreme Court judge, was appointed to investigate allegations of torture by the Israeli security forces and his Commission recommended that ‘moderate physical pressure’ be allowed in future. This euphemism virtually legalised and institutionalised torture, overseen and regulated by ministerial committees, until outlawed by the Supreme Court in September 1999. As the sociologist Stanley Cohen has noted, the ‘open’ debate on torture in Israel has led to a whole body of rationalisations through which even liberals have come to accept such practices.⁴⁷ This process of normalisation seems to have set the agenda for the US debate on torture after September 11.

When the post-September 11 ‘war on terror’ led into a cycle of growing abuse of human rights, there were some in the US – left-wing or liberal academics, civil rights lawyers and even conservative retired soldiers – who pointed to the dangers of the French Algerian model of counter-insurgency and torture. Retired Colonel Carl Bernard, who had been trained by Aussaresses at Fort Bragg during 1961–62 and had then applied his ideas in Operation Phoenix in Vietnam, as well as F. Andy Messing, a retired major in the Special Forces who was close to President Bush, were both aware of the drawbacks of such violence.⁴⁸ Bernard wrote to a friend in October 2000, ‘My concern is that our new focus [on terrorism] will delude us into using the same torture techniques the French used to get enough intelligence to keep Algiers and other population centers under control’.⁴⁹ In both Algeria and Vietnam, he noted, torture had not been effective as a means of gathering intelligence, as Massu had also come to admit in June 2000. Information obtained under duress was unreliable, while, as Messing pointed out, ‘you can get only so much out of a strong-willed guy’,⁵⁰ a key point that Cesare Beccaria made in his classic treatise *On Crimes and Punishments* (1764).⁵¹

The use of torture, argued Messing, would always leak out eventually and get into the media, proving highly counter-productive in a number of ways. If you deployed torture against an enemy, the enemy would, in turn, feel justified in using it against your side – a point that echoed a wider concern in the army that government failure to apply the Geneva Convention to ‘unlawful combatants’ would result in similar treatment being meted out to captured US personnel. Moreover, as was clear from both Algeria and Vietnam, the deployment of inhumane violence merely served to deepen resistance and drive most civilians into the arms of the FLN or the Vietminh. Algeria provided the clearest instance of a colonial war in which the military had effectively won the battle, but in which global publicity about the vast repression, ‘pacification’ methods and torture was crucial to a final political defeat in the UN and elsewhere. Other commentators noted that the utilisation by Dershowitz and others of the ‘ticking bomb’ argument for torture was radically flawed; such a scenario was rarely, if ever, to be found in reality. Historically, whenever states started on the slippery slope of enabling a restricted or ‘controlled’ use of duress, this inevitably deteriorated into a monstrous system of brutality.

* * *

These warnings and predictions were suddenly borne out by the shattering photographic revelations of torture and sexual humiliation in the Abu Ghraib prison, a dramatic crisis that exploded as this article was nearing completion. A large body of new evidence has rapidly emerged, particularly through the leaking of the secret investigation

carried out by Major General Antonio M. Taguba during January and February 2004.⁵² How far do these revelations reinforce the preceding analysis? A number of key issues arise.

First, Bush, Rumsfeld and senior army commanders pretended surprise at the revelations of human rights abuse, although there was a mass of both public and confidential evidence available to them on the use of criminal violence and torture over the previous two years. In January 2002, the world media published pictures of al-Qaida suspects arriving at Camp X-Ray, manacled hand and foot, wearing blacked-out goggles and masks, kneeling before US guards and the tiny chain-link cages in which they were detained, or bound to stretchers with duct tape.⁵³ Although such degrading treatment could be classified as torture,⁵⁴ CIA interrogators reserved their most brutal techniques for secret locations well away from the prying eyes of journalists or the International Red Cross. By December 2002, the *Washington Post*, through extensive interviews with intelligence officers and national security officials, had been able to build up an accurate picture of systematic violence. At Bagram airbase in Afghanistan, al-Qaida suspects were systematically ‘softened up’ or beaten and terrified by military police and Special Forces troops to make them compliant just before being handed over to interrogators.⁵⁵ In March 2003, military coroners ruled that two deaths at Bagram were ‘homicides’ produced by ‘blunt force trauma’; a further death was reported in June at the holding facility of Asadabad. One official, who had supervised the capture and transfer of terrorist suspects, commented to the *Washington Post*, ‘If you don’t violate someone’s human rights some of the time, you probably aren’t doing your job’. The CIA was also involved in so-called ‘extraordinary renditions’ through which prisoners were transferred, in breach of international law, to third countries known for their use of brutal torture. In Saudi Arabia, US agents observed live interrogations through one-way mirrors; in other countries (Egypt, Jordan, Morocco), as a senior official noted, ‘We will feed questions to their investigators’ and then usually get summaries.⁵⁶

Throughout the first year of the coalition occupation of Iraq, and before the media bombshell of obscene tortures in Abu Ghraib, Amnesty International publicly reported in close detail a massive catalogue of human rights abuses. These included the indiscriminate arrest of thousands of people, most of them innocent; their indefinite detention without charge and without access to lawyers; and the systematic use of torture and degrading treatment.⁵⁷ The International Red Cross had made similar, but confidential, reports to the US government and army throughout 2003.⁵⁸ As early as 23 July 2003, Amnesty had reported complaints by Iraqi detainees of torture and particularly bad conditions at Abu Ghraib, including numerous escape attempts or riots that were put down with excessive force: on 13 June, soldiers

fired on prisoners, killing Alaa Jassem; and, in a second riot, on 24 November, three more prisoners were killed and eight wounded.⁵⁹

Second, Bush and Rumsfeld, army commanders and many senators not only claimed ignorance of malpractice, but also marshalled a rhetoric that suggested that torture was only practised by a very small number of aberrant soldiers who sullied the 'courageous and compassionate' majority of troops with their 'un-American' activities. Implicit in such a discourse was the claim that there was no systematic deployment of torture interrogation techniques in the US army and that sadistic acts were isolated to degraded individuals and did not reach up through the chain of command. The shocking and sadistic photographs taken in Abu Ghraib between October and December 2003 would seem to give the impression that low-ranking military police (MP) had engaged in a form of improvised and freelance pornographic enactments that had little to do with the wider system of official intelligence. However, the secret Taguba Report showed otherwise: it revealed that the more senior military intelligence (MI) officers had directed or encouraged the MP guards to 'set favourable conditions' for interrogation by torturing and breaking down prisoners before questioning. In an email of 18 December 2003, guard Ivan Frederick noted, 'We have had a very high rate with our style of getting them to break'.⁶⁰ And MP Granier was complimented by MI staff: 'Good job, they're breaking down real fast. They answer every question.'⁶¹

That this system derived from the highest level is confirmed by the extraordinary fact that it was supported by Major General Geoffrey D. Miller, Commander at Guantanamo.⁶² In September 2003, Miller, clearly admired for his track record in Cuba, was asked to lead a team to review intelligence gathering in Iraq. His report stated that 'it is essential that the guard force be actively engaged in setting the conditions for successful exploitation of the internees', adding that the regime at Abu Ghraib would help create a 'synergy between MP and MI resources'.⁶³ This is coded language for torture, a 'softening up' process that utilised a battery of coercion techniques, such as sleep deprivation, and which was condemned by Taguba as a breach of army regulations.⁶⁴ But despite this, Miller was flown in as a trouble-shooter to sort out the mess in Abu Ghraib after the suspension of Janis Karpinski, the disgraced Commander of the 800th MP brigade. Rumsfeld, during the Senate Armed Services Committee hearing, openly supported Miller and the practice of detention guards preparing prisoners for interrogators.⁶⁵ Later revelations from a classified appendix to the Taguba Report showed that Lieutenant-General Ricardo Sanchez, head of the Iraq coalition forces, had issued written orders on 12 October 2003 to allow MI to work closely with MP to 'manipulate an internee's emotions and weaknesses'.⁶⁶ Within a few days, Washington announced it was to replace Sanchez.⁶⁷

Evidence of systematic torture backed at the highest levels of the US army would suggest that the CIA has never abandoned the illegal interrogation methods (as set out in the so-called ‘Kubark’ training manual of 1963) that had been applied in Vietnam and Honduras (as set out in the later 1983 version).⁶⁸ These manuals contained directives for psychological torture and radically breaking down a person’s identity through stripping suspects naked; blindfolding them; inflicting sleep deprivation; maintaining prisoners in a rigid position; administering electric shocks – and a panoply of other techniques that have resurfaced since September 11. Stripping prisoners naked, sexual assault and rape are well-worn procedures in torture; means of dehumanising victims and destroying their personalities.⁶⁹ Moreover, reports from Afghanistan and Iraq indicate that US intelligence was fully aware of, and prepared to assault, the central values of traditional gender roles, sexuality and the code of honour of Arab culture. Seymour Hersh has revealed that the military have been much influenced by the orientalist work of the anthropologist Raphael Patai, *The Arab Mind* (1973), which concluded that the Arabs were particularly vulnerable through their fear of sexual humiliation.⁷⁰ As the 1955 Guillaume Report had also noted in Algeria, ‘persons were forced to dance naked in front of their relatives and neighbours, which for a Muslim is a fearful humiliation, worse than most forms of physical violence’.⁷¹ The new ingredient at Abu Ghraib, as in other Iraqi holding centres and probably Guantanamo, was that sexual humiliation was inflicted by women. The process of taking ‘choreographed’ photographs, at which MI officers were present, may also have been part of a process by which images of torture were stored to be later shown to other detainees to intimidate them during interrogation. The French police and military in Algeria and Paris had also used photographs of horribly mutilated and tortured bodies to terrify FLN supporters.⁷²

It was the process of detention without habeas corpus or access to lawyers and the courts that created the conditions for torture and ‘disappearances’. In November 2003, one prisoner died under torture, but interrogators, it is alleged, were able to dispose of his body since the dead Iraqi was never entered into the inmate control system ‘and therefore never had a number’. Taguba also revealed that prisoners without any official identification, known as ‘ghost detainees’, were secretly moved to Abu Ghraib from other countries or Iraqi centres and moved around within the prison ‘to hide them from a visiting International Committee of the Red Cross (ICRC) survey team, in breach of international law’.⁷³ Such systems for the concealment and ‘disappearing’ of prisoners, especially those who carried the mental and physical scars of torture, were endemic during the Algerian war.

Finally, an entirely novel feature of the Iraqi and Guantanamo situations – and ultimate symbol of an ideological order driven to the

extreme limits of marketisation, state deregulation and privatisation – was the tendering out of contracts to the Titan and CACI corporations for the secret interrogation of prisoners.⁷⁴ A major problem with such a system is that private agents are not subject to the normal hierarchical controls and regulations of the army.

In conclusion, like many of the Americans shocked by the photographs from Abu Ghraib, we might ask how it was possible that a state that prides itself on its role as a global champion of democratic rights could sink into such barbaric violence, resorting to criminal persecution within the walls of the same prison from which it had rescued the torture victims of Saddam Hussein. There is no simple answer to this, but the historical evidence shows that torture has a long and deeply entrenched institutional basis within the American intelligence and military services, as well as its colonial and postcolonial allies (France, Britain, Israel . . .). One of the particular problems after September 11 was that the US, imbued with an exaggerated sense of an impending Armageddon, failed to learn the lessons of the past. It failed to learn from the profound damage that torture inflicts, not only on the victims, but also on the individuals and regimes that deploy it. In particular, during 2001–02, most Americans turned a blind eye to the major debate that was taking place in France, an autopsy of the horrific failings of the colonial French state in Algeria forty years earlier. The failure of the US government, of Congress and of far too many in the academic community to learn from historical precedent about the conditions under which states have slid into a fatal abuse of basic human rights, or to take notice of the clear warnings that were emerging from Afghanistan and Iraq, is indicative of a profound malaise in American society and political culture. Irene Gendzier's comments on the impoverishment of US analysis of the Middle East hold equally true of torture. She identifies a failure that

reflects a loss of historical memory, the disappearance from view of the impact of past policies, and an indifference to their human and social as well as political consequences . . . [this] reflects the politics of nonrecognition, the loss of the human subject . . . indifference to questions of social justice and freedom.⁷⁵

At the heart of this tragic failure lies the so-called 'Bush doctrine', the drive towards an aggressive unilateralism in which the US 'threatens to unravel the international system of institutions and legal precedents built up over fifty years' from the trashing of the Kyoto Agreement and the UN, to the failure to sign up to the new International Criminal Court or to abide by the Geneva Conventions.⁷⁶ However, the damage to a system of global justice extends further than American isolationism and a refusal to participate in a regulated world order, since the US has provided military and financial support

for regimes with a long track-record of domestic torture and human rights abuse, but which are now viewed as allies in the ‘war on terror’. For example, in December 2002, the US announced an agreement to supply arms to Algeria, despite evidence that the ruling generals were deeply involved in the torture and massacre of civilian populations.⁷⁷ In July 2002, Amnesty International noted a radical deterioration in the global human rights environment as many states rushed into programmes of internal repression that, through enabling them to get into America’s good books, also proved excellent dollar and aid earners.⁷⁸ In Macedonia, the former interior minister and senior police officers have been charged with the murder of seven poor migrant workers on their way to Greece, faking a shoot-out with these ‘terrorists’ in order to curry favour with the US.⁷⁹

* * *

It is not easy to predict how far the horrific and degrading events at Abu Ghraib prison will inflict longer-term political damage on the Bush regime. A key question remains as to how far torture was initiated at the highest levels of government and whether conclusive evidence for this will come to light. A significant part of the answer emerged in early June 2004 as the American press disclosed the detail of a series of secret legal memoranda from the Justice Department, beginning in early 2002, that had attempted to search out any legal loopholes or special pleadings that would allow torture and protect those involved in its implementation from criminal prosecution. This approach was endorsed by the White House legal counsel Alberto Gonzalez on 25 January 2002.

The concerted move to legitimate torture was pushed further by an important working group of military and civilian lawyers appointed by the Pentagon’s general counsel, William J. Haynes, which presented its findings to Rumsfeld in a classified memorandum of 6 March 2003.⁸⁰ The ‘Walker report’⁸¹ claimed that President Bush, as Commander-in-Chief with ‘complete authority over the conduct of war’, could override international or federal laws that banned torture and authorise any form of interrogation needed to protect national security. An interrogator involved in the implementation of torture, it was claimed, could justify his actions by a number of arguments, including obeying the orders of superiors (a plea that had not washed at the Nuremberg trials) and the doctrine of necessity (that is, if he ‘believed at the moment [of torture] that his act is necessary and designed to avoid greater harm’).⁸² In April 2002, after receipt of the memorandum, Defense Secretary Rumsfeld approved a list of twenty-four ‘humane’ interrogation procedures that could be used at Guantanamo. On 8 June 2004, the day after the press disclosures, Attorney General John Ashcroft was grilled by Democrats on the Senate Committee on the Judiciary.

Ashcroft denied that torture had been authorised by the President, but refused to disclose the contents of the Walker report, even under threat from Senator Joe Biden of being in contempt of Congress. Holding up the notorious Abu Ghraib photographs, Edward Kennedy remarked: 'This is what directly results when you have that kind of memo out there. And it's all because of executive authority and executive power.'⁸³

Evidence is now building up of deep divisions within government over the torture issue, in particular that within weeks of the September 11 attacks, the inner Bush circle was routinely ignoring or over-ruling experts on international law and the Geneva Conventions.⁸⁴ It now seems clear that Bush and his closest advisers decided from November 2001 to initiate illegal forms of arrest, detention and interrogation and then later instructed or railroaded their place-men to invent the cynical and profoundly flawed legal arguments that could be used to outflank the Geneva Conventions. As an editorial in the *Washington Post* noted, through the leaked Walker report:

we have begun to learn the deeply disturbing truth about the legal opinions that the Pentagon and the Justice Department seek to keep secret . . . There is no justification, legal or moral, for the judgements made by Mr. Bush's political appointees at the Justice and Defense departments. Theirs is the logic of criminal regimes, of dictatorships around the world that sanction torture on grounds of 'national security'.⁸⁵

It can only be hoped that the American electorate will finally wake up to the fact that Abu Ghraib was not, as Rumsfeld and Bush have claimed, an isolated incident carried out by 'un-American' deviants acting without orders, but that it resulted from policy formulated at the very heart of government.

References

- 1 J. Feffer (ed), *Power Trip: US unilateralism and global strategy after September 11* (New York, Seven Stories Press, 2003).
- 2 R. Dworkin, 'The threat to patriotism', *New York Review of Books* (Vol. 49, no. 3, 28 February, 2002), pp. 44–9.
- 3 'Silence of 4 terror probe suspects poses dilemma', *Washington Post* (21 October 2001).
- 4 David Walsh, 'US liberal pundits debate the value of torture', 10 November 2001, World Socialist Web Site <www.wsws.org>.
- 5 *Newsweek* (5 November 2001).
- 6 A.M. Dershowitz, *Los Angeles Times* (8 November 2001).
- 7 A.M. Dershowitz, *Why Terrorism Works: understanding the threat, responding to the challenge* (New Haven, Yale University Press, 2002), p. 144.
- 8 *Ibid.*, p. 141.

- 9 On this, see the perceptive article by Slavoj Žižek, 'Are we in a war? Do we have an enemy?', *London Review of Books* (23 May 2002).
- 10 24 *Series 2* was broadcast in the US during 2002, and in the UK by BBC2 in March–April 2003.
- 11 'Civil wrongs', interview with Columbia law professor Patricia J. Williams, *Guardian Weekend* (22 June 2002), p. 58.
- 12 Dershowitz, *Why Terrorism Works*, op. cit., pp. 135–6.
- 13 It is not my aim to go into the detail of this here, but see the on-line statement of Amnesty International, 'Pursuing justice, not revenge' of 11 December 2000, <www.amnesty.org>; and the legal expert Karen L. Snell, 'Torture by proxy', 9 November 2001, <www.counterpunch.org/snell.html>.
- 14 *Newsweek* (5 November 2001).
- 15 Dershowitz, *Why Terrorism Works*, op. cit., p. 221.
- 16 Kate Randall, 'US considers use of torture in interrogation of terrorism suspects', 24 October 2001, located <www.wsws.org/articles/2001/oct2001>.
- 17 See in particular P. Vidal-Naquet, *La Raison d'État* (Paris, Minuit, 1962) and *Torture: cancer of democracy* (Harmondsworth, Penguin Books, 1963); R. Maran, *Torture: the role of ideology in the French-Algerian war* (New York, Praeger, 1989).
- 18 R. Branche, *La Torture et l'Armée pendant la Guerre d'Algérie* (Paris, Gallimard, 2001); S. Thénault, *Une Drôle de Justice: les magistrats dans la guerre d'Algérie* (Paris, La Découverte, 2001); and the review by Adam Shatz, 'The torture of Algiers', in *New York Review* (21 November 2002), pp. 53–7.
- 19 See P. Paret, *French Revolutionary Warfare from Indochina to Algeria* (New York, Praeger, 1964).
- 20 This is the central thesis of Rita Maran, *Torture*, op. cit.
- 21 See Thénault, *Une Drôle de Justice*, op. cit. and A. Heymann, *Les Libertés Publiques et la Guerre d'Algérie* (Paris, LGDJ, 1972).
- 22 Dershowitz is ready to support the practice, following the example of Israel's punitive bulldozing of Palestinian houses. See Dershowitz, *Why Terrorism Works*, op. cit., pp. 172–8.
- 23 The most influential text on this system was Roger Trinquier, *La Guerre Moderne* (Paris, Table Rond, 1961).
- 24 Vidal-Naquet, *Torture*, op. cit., pp. 50–1.
- 25 Ibid. and Wuillaume Report, 2 March 1955, Appendix, pp. 169–79.
- 26 The argument adopted by Alan Dershowitz on 'torture warrants', far from setting the courageous and path-breaking agenda which he claims, is identical in almost every detail. See his *Why Terrorism Works*, op. cit.
- 27 This was investigated by Marie-Monique Robin in her TV documentary *Escadrons de la Mort: l'école Française*, Canal Plus, broadcast in September 2003; see also the reviews in *L'Humanité* (20 September 2003) and Eric Stener Carlson, 'Through a glass darkly: reflections of French torture ideology in the Argentine "dirty war"', <<http://internationalstudies.uchicago.edu/torture/abstracts/ericsterner Carlson.htm>>.
- 28 *Escadrons de la Mort*, op. cit.; General P. Aussaresses, *Services Spéciaux. Algérie 1955–1957* (Paris, Perrin, 2001), p. 196.
- 29 R. Trinquier, *Modern Warfare: a French view of counterinsurgency* (London, Pall Mall Press, 1965) can be found on-line in the library of the US Army Command and General Staff College, Fort Leavenworth, Kansas, <<http://egsc.leavenworth.army.mil/carl/resources/csi/trinquier/trinquier.asp>>.
- 30 D. Valentine, *The Phoenix Program* (New York, Avon Books, 1992). Phoenix was also advised by the British army officer Robert Thompson, who had developed counter-insurgency against the Communists in Malaysia. See J. Newsinger, *British Counterinsurgency: from Palestine to Northern Ireland* (Basingstoke, Palgrave, 2002), Chapter 2.

- 31 N. MacMaster, 'The torture controversy (1998–2002): towards a “new history” of the Algerian war?', *Modern and Contemporary France* (Vol. 10, no. 4, 2002), pp. 449–59.
- 32 *Le Monde* (20 June 2000). Ighilahriz later gave a fuller account in her autobiography, *Algérienne* (Paris, Fayard/Calmann-Lévy, 2001).
- 33 *Le Monde* (23 November 2000; 3 May 2001). Aouissresses added fuel to the flames with his book, *Services Spéciaux Algérie, 1955–1957*, published on 3 May 2001.
- 34 *Le Monde* (28 December 2000).
- 35 *Le Monde* (22 June 2000; 23 November 2000).
- 36 See <www.korean-war.com/Archives/> .
- 37 Martin Edwin Andersen, 'Is torture an option in war on terror?', 17 June 2002, <www.insightmag.com> .
- 38 Dershowitz, *Why Terrorism Works*, op. cit., p. 152.
- 39 P. Aouissresses, *The Battle of the Casbah: terrorism and counter-terrorism in Algeria, 1955–1957* (New York, Enigma Books, 2002).
- 40 *New York Times* (7 September 2003).
- 41 TV documentary *Escadrons de la Mort*: interview with General Alcides Lopez Aufranc.
- 42 On the systematic razing of houses, see Amnesty International, 'Iraq. One year on the human rights situation remains dire', 18 March 2004, <http://news.amnesty.org/library> .
- 43 Paul Labarique, 'Opération “marteau de fer”', *Réseau Voltaire*, accessed 2 April 2004, <www.reseauvoltaire.net> .
- 44 The large-scale use of torture by the Israeli General Security Service (GSS) has been well documented by human rights organisations, including the Public Committee Against Torture in Israel (PCATI), Human Rights Watch and the International Committee of the Red Cross (ICRC). See the PCATI web site, <www.stoptorture.org.il> . Almost all of the 23,000 Palestinians arrested during the first intifada (1987–93) were subjected to some form of torture.
- 45 'Israel trains US assassination squads in Iraq', *Guardian* (9 December 2003).
- 46 Dershowitz, *Why Terrorism Works*, op. cit., pp. 139–41, 150.
- 47 Yifat interview with Stanley Cohen, 'Torture in the only democracy in the Middle East', <www.mideastfacts.com/torture> .
- 48 Andersen, 'Is torture an option in war on terror?', op. cit. Both Messing and Bernard are leading figures in the right-wing National Defense Council Foundation (NDCF) founded in 1978 to promote the idea of low intensity conflict.
- 49 Ibid.
- 50 Ibid.
- 51 C. Beccaria, *On Crimes and Punishments* (New York, Bobbs-Merrill, 1963), Chapter 12 'Torture', pp. 30–36.
- 52 The Taguba Report was first leaked by Seymour M. Hersh in the *New Yorker* (30 April 2004); the full text quickly appeared on the internet, and the version used here is at <www.msnbc.msn.com/id/4894001/> , 55 pp.
- 53 *Guardian* (21 January 2002).
- 54 'Welcome to Guantanamo', *Guardian* G2 special investigation (3 December 2003). This revealed that physical torture was not widely practised, but that the greatest psychological torment – which led to many cases of attempted suicide – arose from the fact that two years on, prisoners still had no information as to charges or whether they would ever be tried or released.
- 55 *Washington Post* (26 December 2002).
- 56 Ibid.
- 57 Amnesty International Report, 'Iraq. One year on the human rights situation remains dire', posted 18 March 2004, <www.amnesty.org/library> .
- 58 *Guardian* (7 May 2004).

- 59 This was later confirmed in more detail in the Taguba Report, op. cit., pp. 26–31.
- 60 *Guardian* (1 May 2004).
- 61 Taguba Report, op. cit., p. 18.
- 62 General Miller replaced General Baccus as commander of Guantanamo after the latter was removed in October 2002 for being too ‘soft’ on detainees, to the annoyance of interrogators. Miller introduced a ‘72–point matrix for stress and duress’, *Guardian* (19 May 2004).
- 63 *Ibid.*, p.7.
- 64 *Ibid.*, p. 12.
- 65 Senate Armed Services Committee, 7 May 2004, pp.32–3.
- 66 ‘US general linked to Abu Ghraib abuse’, *Guardian* (22 May 2004).
- 67 ‘General in jail abuse scandal replaced’, *Guardian* (26 May 2004).
- 68 ‘Torture was taught by CIA’, *Baltimore Sun* (27 January 1997); this revealed the declassified CIA training manuals.
- 69 Joanna Bourke, ‘Torture as pornography’, *Guardian G2* (7 May 2004). A sign of the double standard of Donald Rumsfeld is that he refused to apply the Geneva conventions, only to complain when Al-Jazeera showed footage of five captured US soldiers, ‘it is against the Geneva convention to show photographs of prisoners of war in a manner that is humiliating to them’, *Guardian* (24, 25 March 2003).
- 70 *Guardian* (17 May 2004). A 2002 edition of *The Arab Mind* has a new foreword by Norvell B. De Atkine, Director of Middle East Studies at the JFK Special Warfare Center and School at Fort Bragg.
- 71 P. Vidal-Naquet, *Torture: cancer of democracy*, op. cit., p. 173.
- 72 Archives of the Paris Prefecture of Police, H1B21, FLN report 21 December 1958 on M. K. who was photographed during torture; and the use by police of another photograph of the corpse of S., tortured to death, to ‘sow terror among Algerians’.
- 73 Taguba Report, op. cit., p.26.
- 74 See the interview with one CACI International interrogator, Torin Nelson, in the *Guardian* (7 May 2004) who also noted the arrival of private contractors at Guantanamo from early 2003.
- 75 Irene L. Gendzier, ‘Invisible by design: US policy in the Middle East’, *Diplomatic History* (Vol. 26, no. 4, Fall 2002), p.618.
- 76 J. Feffer (ed), *Power Trip*, op. cit., p.18.
- 77 ‘US arms Algeria for fight against Islamic terror’, *Guardian* (10 December 2002).
- 78 ‘The big trade off’, *Amnesty* (No. 114, July–August 2002), pp. 18–21.
- 79 ‘Gunned down to impress America’, *Guardian* (8 May 2004).
- 80 *New York Times*, 7 June 2004; Human Rights Watch report, *The Road to Abu Ghraib*, 9 June 2004, electronic version, <<http://hrw.org/reports/2004/usa0604/1.htm>>, especially part 1, ‘A policy to evade international law’, op. cit.
- 81 The working party was chaired by Mary Walker, the air force general counsel.
- 82 *New York Times* (7 June 2004).
- 83 *Salt Lake Tribune* (9 June 2004), electronic version, <www.sltrib.com/2004/Jun/> .
- 84 ‘Bush ignored Pentagon lawyers over tactics in war on terror’, *Guardian* (9 June 2004).
- 85 *Washington Post* (9 June 2004).