

Torturers' Logic

All over the world, torturers have one thing in common: they think they're doing the right thing.

By [John Conroy](#) (May 13, 2004)

"It's the glee on their faces," a *New York Times* reporter said to me last week, explaining what he found so disturbing.

"It's the women," a producer from CNN confided, meaning it was easier for her to imagine men doing what was done in Abu Ghraib.

It's also, of course, the sexual debasement, the Pentagon's attempt to keep the photos from the public eye, the denials of those at the top that they had even read the report filed by Army Major General Antonio Taguba. Most of all, it's the photographs, which overshadow even the news about deaths in custody.

In Chicago it all has a familiar ring. The interrogations during Jon Burge's years at Areas Two and Three had glee (Burge called it "fun time"), women (albeit in peripheral roles and as bystanders), photographs (of the results, but not of the work in progress), sexual debasement (cattle prods to the rectum and genitals), the city's attempt to suppress reports (ultimately released by order of federal judges), and the denial of a police superintendent that he had read--or even heard of--the department's own report on the torture ("I don't know nothing about the Goldston report," Terry Hillard said in a 1999 deposition).

Despite plenty of other examples of torture at home, the nation now wonders how to explain "un-American" behavior committed abroad. In so doing we follow the predictable path of other nations caught torturing suspects: It's a few bad apples. The orders were unclear. It's abuse, not torture. Other regimes have done far worse.

The "few bad apples" defense almost never washes. In Chicago the detectives who tortured suspects under Burge's command were only a few among many, but the few become many when you consider the coconspirators. Many detectives who did not participate but knew about the torture said nothing. And scores of assistant state's attorneys participated: Felony review ASAs took confessions despite evidence that suspects had been "softened." Trial prosecutors pressed for execution on the basis of tainted confessions. Appeal prosecutors seemed to have raised not a whimper of dissent as they filed more than a hundred briefs that named the same set of detectives as perpetrators. Above it all reigned Richard Daley, Cecil Partee, Jack O'Malley, and Dick Devine, the county's successive chief prosecutors, none of them willing to investigate despite evidence that something was seriously wrong.

When bad apples are singled out, they invariably believe they've been given permission to act and are baffled by their position at the epicenter of a human rights debacle. Eleven years ago I interviewed three Israeli soldiers--a colonel, a captain, and a lieutenant--who had carried out orders to break the arms and legs of 20 Palestinians in January 1988, during the uprising that later became known as the intifada. The junior officers said they had followed the orders of the colonel. The colonel said the orders came from Yitzhak Rabin, defense minister at the time of the torture, later prime minister and winner of the Nobel Peace Prize, and later still assassinated. Rabin had stated publicly that the intifada would be suppressed with "force, might, and beatings." The Israel Defense Forces initially declined to prosecute the perpetrators because of "a lack of clarity" in the orders at the time, but that decision was reversed by the Israeli High Court. "Is it at all possible to speak of 'a lack of clarity' and 'haziness' when the matter is one of an order to remove people from their homes, bind their hands and gag their mouths, beat them with clubs in order to break their hands and feet?" wrote High Court Justice Moshe Beiski (whose name can be found on Schindler's list). "Acts of this sort arouse every cultured person and no haziness or lack of clarity can excuse them."

But the men who had carried out the orders were cultured, reasonable, intelligent men. Captain Eldad Ben-Moshe, the supervisor at the scene, a man who believed Israel did not belong in the occupied territories, told me, "This order, when we are sitting here in this room, it seems something like a monster, but in this time, in this area, in this situation, it wasn't like that. Everybody did these things all the time. It wasn't something so bad. It wasn't something that dropped from the sky. It was something you saw every day." Lieutenant Omri Kochva, who took part in the beating and later helped expose it, attributed his behavior to "a very confused situation--confused orders, confused commander, confused soldiers, everyone was confused."

So the torturers' defense builds. The orders were unclear--what is absolutely forbidden in the eyes of the civilian is conceivably normal behavior in war with a foreign enemy or war on crime at home. Soldiers (or police officers) feel they occupy the high moral ground. Each knows he's on the front line of a noble war keeping the nation (or the city) safe from those who would destroy it. The behavior that so shocks civilians is something he saw yesterday and will see again tomorrow. The victims are from the demonized enemy, the less-than-human gooks, rag heads, paddies, niggers, Jews, Arabs, communists, reactionaries, gangbangers, whoever the out-group happens to be. The obligation to refuse to follow an illegal order from a superior is a vague notion with no connection to life as he knows it. How he would report such an order is unexplained, and the filing of such a charge would constitute betrayal of friends whose bond ensures his survival. When caught, the torturer argues that he is a victim, a scapegoat taking the fall for high-ranking officers who have escaped indictment. Public sympathy builds for the devoted soldier. Lieutenant William Calley, who supervised the My Lai massacre, was embraced by elements of both the right and the left. The former argued that his crime was to be a good soldier, and the latter claimed he was the victim of a military policy set at the highest levels, one that determined victory through body counts.

Once exposed, the torturer and the torturing nation tend to minimize the abuse. Maybe it wasn't torture. Captain Ben-Moshe, whose men had beaten Palestinians into unconsciousness, broken clubs over their bodies, and abandoned them in the rain in fields far from any house, told me that what his men had done was not torture. His men had not asked any questions of the Palestinians, so it couldn't be torture, he said, and he believed (wrongly) that they had actually failed to break any bones. He preferred to call the beatings punishment, though he conceded that the army had no right to punish.

The British government was called before the European Commission on Human Rights for torturing 14 Northern Irish Catholics in August 1971. The men were tortured in a secret location then moved to the Long Kesh internment camp near Belfast. In September 1976 the commission ruled that the British techniques (sleep deprivation, food deprivation, hooding, bombardment with noise, the forced assumption of painful positions, the humiliating denial of access to a toilet) amounted to torture and inhuman and degrading treatment. *The Times of London*, vigorously defending the actions, responded with an editorial explaining that the British should not be lumped with notorious regimes like those of Greece, Brazil, Iran, and Argentina, where the terror of continued pain forced victims to submit. *The Times* argued that the UK's techniques were more humane, designed merely to introduce mental disorientation so the victim's will to resist was lost. British editorial writers had a field day when the European Court overruled the commission in 1978, saying that the techniques, while inhuman and degrading, were not torture, because they did not "occasion suffering of the particular intensity and cruelty implied by the word 'torture.'" *The Daily Telegraph* called the ruling "a triumph." *The Daily Express* said the British people were amazed that the case should have been brought at all.

In 1991 I tracked down the 14 Irish men. One had died of a heart attack in 1975 at the age of 45. His hair had turned white overnight in the wake of the torture, and he'd believed that he received messages from a television set in Long Kesh that told him how the camp should be run. Another man had died in 1984 at the age of 49, also of a heart attack. After the torture he'd seen rabbits in the ceiling of the prison hut and had tried to feed them. A third man had died in 1985 of stomach cancer. He was 54, and he'd become so averse to noise that he couldn't stand the sound of cars idling outside his house. One man had developed Hodgkin's disease in Long Kesh. He'd been shot in 1977 after his address was printed in a newspaper in an article about the torture. Another man had gone berserk and barricaded himself in his prison cell, believing his torturers were back. Two men who had survived to 1991 had been hospitalized in mental institutions. A third had been treated for depression and Crohn's disease and had not worked in the 20 years after his arrest. One man refused to talk about the ordeal, while another made several appointments with me for which he never showed.

The final refuge of the torturer and the torturing nation is the conviction that someone else is doing or has done something worse. Captain Ben-Moshe and Lieutenant Kochva, who broke arms and legs in the West Bank, believed they

were not as bad as the Americans in Vietnam, who, in their estimation, had become "animals." I interviewed an American interrogator who had tortured in Vietnam. He spoke of the viciousness of the South Vietnamese National Police. An Uruguayan told me that he had tortured to get information and that he had no hard feelings toward his victims, while the far worse Argentines had tortured to punish. A Rhodesian army tracker who had tortured children had a line he would not cross--he, unlike others, did not attack anyone's genitals. President Bush now says we are better than the regime we replaced in Iraq, as if not being Saddam is the standard by which we should be judged.

There is reason to believe now that the perpetrators in Iraq will be prosecuted and punished. Here in Chicago, prosecution and punishment of the torturers and justice for the victims who are still serving long prison sentences seem almost forlorn hopes. Edward Egan was appointed special prosecutor on the police torture cases in 2002. While the evidence of abuse is mighty, the passage of time has made Egan's work very difficult. Two of the alleged perpetrators are now dead. Photographs and evidence have disappeared. The statute of limitations for various crimes requires nimble application of legal theory. Unlike in Iraq, where two soldiers came forward in a timely manner and gave evidence of their colleagues' abominable behavior, Chicago has yet to produce a single such officer, 30 years after the first known victim was given electric shock. One officer wrote anonymous letters in 1989 that named members of the torture gang as well as detectives who did not go along with Burge's program, but that officer has never identified himself publicly. In the 15 years since those letters were written, though innocent men's lives were at stake, not one officer, male or female, white or black, broke ranks and offered evidence. It may be that the special prosecutor, endowed with subpoena power and the ability to call a grand jury, can turn the unwilling into the grudgingly helpful. His job would be easier with photographs of perpetrators caught in the act, but it seems that detectives don't collect such souvenirs.