

“Responsibility for Abu Ghraib may be difficult to unravel,” *Baltimore Sun*, May 18, 2004

French version: “Obeir aux ordres: Qui est responsable des mauvais traitements infliges aux detenus irakiens?” *La Presse*, May 20, 2004

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SINCE THE Iraq prison abuse scandal broke, commentators have focused on the question of responsibility. Was the abuse independently devised by individual guards? Was it ordered by superiors? If so, how highly placed were they?

The New Yorker reported that Defense Secretary Donald H. Rumsfeld secretly authorized "physical coercion and sexual humiliation" against detainees. According to The New York Times, U.S. soldiers charged with abuse have told investigators that they were following orders.

U.S. officials deny such allegations, suggesting it is inconceivable that their leaders would ever give instructions to beat helpless victims, force prisoners to masturbate or tie them up like dogs.

Who is telling the truth?

I have studied torture and other conflict-related abuses for 12 years, first as an investigator for Human Rights Watch, later as a sociologist. Increasingly, I realize how elusive the notion of responsibility often is. Orders come in many shapes and forms, and soldiers often respond to tacit hints, not explicit commands.

Such vagueness can explain why post-abuse accounts often radically diverge. Soldiers claiming to have followed orders believe they are telling the truth, but so do the leaders who deny responsibility.

A decade ago, I interviewed a Israeli military police officer who admitted beating Palestinian prisoners in 1988, when the first uprising against Israeli rule began. First Sgt. A.M. - not his real name - had served in the Al-Faraa military prison in the northern West Bank during his reserve duty and, like the other soldiers I interviewed, spoke on the condition he wouldn't be identified. He later appeared on Israeli television to tell his tale.

A.M. said that when Palestinian prisoners refused to answer questions, interrogators ordered him to use violence. "We hit them everywhere," he recalled. "Head, face, mouth, arms, testicles. Interrogations were a combination of beating and questions."

When the blows did not work, interrogators poured an astringent liquid on open wounds to cause further pain.

Individual Israeli interrogators had ordered these beatings, but who had instructed them?

In November 1987, an official Israeli inquiry, widely known as the Landau Commission, reported that coercion, including "criminal assault," had been used by Israel's General Security Services. Israel subsequently introduced new interrogation guidelines.

Other cases were even more difficult to pin down. Interviews with dozens of Israelis involved in suppressing Palestinian demonstrations during 1988, for example, said that an orgy of beatings stemmed from vaguely worded instructions to use violence coupled with the widespread distribution of wooden clubs. The events were broadly publicized at the time.

According to one senior combat officer, written orders were circulated to field commanders in January 1988 telling them to "beat rioters." There were no strict guidelines as to when the beatings were to stop. Individual commanders had some leeway when deciding how best to proceed. Some used their clubs only when Palestinians resisted arrest, but others beat demonstrators long after they were bound and subdued.

As two Israeli military correspondents, Zeev Schiff and Ehud Yaari, later wrote in their book *Intifada*, "There were countless incidents in which young Arabs were dragged behind walls of deserted buildings and systematically beaten all but senseless."

When questioned, top Israeli officials truthfully said they had never ordered such behavior. Lower-ranking personnel honestly claimed to have followed orders. They had received vaguely worded instructions coupled with nods and winks, and they had responded appropriately.

As U.S. military investigators question the men and women charged with torturing Iraqi detainees, they will be looking for concrete, written orders to commit specific acts. If no such evidence emerges, they will likely conclude the torturers acted alone.

When questions are so narrowly framed, however, they reveal little. To understand why crimes of war occur, we must probe further, uncovering the complex web of tacit signals and understandings that motivate soldiers' behavior.

Fuzzy claims about tacit orders may not withstand legal cross-examination, but it is in such vague formulations that the truth often lies.

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