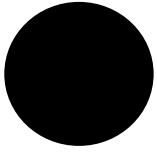


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## The U.S.-European Torture Dispute: An Autopsy

Godfrey Hodgson

As George W. Bush begins the sixth year of his presidency, he has been lamed if not crippled by international condemnation of suspected torture of detainees in U.S. custody. Media outrage over reports of “extraordinary rendition” of terrorist suspects dogged Secretary of State Condoleezza Rice at every stop of her pre-Christmas European tour. The result was a new kind of blow-back. Increasingly plausible reports that the United States, with or without the knowledge of European governments, had abducted terror suspects and flown them to countries where they might be tortured, helped forge a veto-proof bipartisan majority in the U.S. Congress for a ban on torture. In prohibiting the “cruel, inhuman, or degrading” treatment of any detainee, as proposed by Sen. John McCain of Arizona, Congress implicitly expressed disbelief in the formal denials of torture allegations by Secretary Rice and other U.S. spokespersons.

At times the issue evoked shrill, even hysterical reactions on both sides of the Atlantic. The British playwright, Harold Pinter, known equally for the brilliantly spare dialogue of his bleak dramas and for his intemperate attacks on all things American, devoted his inaugural lecture as winner of the Nobel Prize for literature in December to both of these preconceptions. Pinter, who is seriously ill with cancer, began his lecture with brooding and it must be said interesting introspection about the sources and nature of his own inspiration.

Abruptly he modulated into a fierce philippic against American policy, not just

under the Bush administration, but since the beginning of the Cold War. In Indonesia, Greece, Uruguay, Brazil, Paraguay, Haiti, Turkey, the Philippines, Guatemala, El Salvador and, of course Chile, he said, hundreds of thousands of deaths took place, but “you wouldn’t know it.” “The crimes of the United States have been systematic, constant, vicious, remorseless, but very few people have actually talked about them. You have to hand it to America. It has exercised a quiet clinical manipulation of power worldwide while masquerading as a force for universal good.” American policy has been “brutal, indifferent, scornful and ruthless,” but also “very clever.” And much, much more in the same angry, passionate vein.

The same day, the *Wall Street Journal* let rip with an editorial comment that was quite as angry and just as free from nuance as the playwright’s. “It has been quite the spectacle this week,” the *Journal* opined

with Condoleezza Rice touring Europe amid mock dismay over the fact that the CIA may have detained terrorists in European jails. If the Secretary of State weren’t so diplomatic, she’d cancel her tour and say she won’t come back until the Continent’s politicians decide to grow up.

One of Europe’s moral conceits is to fret constantly about the looming outbreak of fascism in America, even though it is on the Continent

itself where the dictators seem to pop up every couple of decades. Then Europe dials 911, and Washington dutifully rides to the rescue. The last time was just a few years ago, as U.S. firepower stopped Slobodan Milosevic, who had bedeviled Europe for years. In return, it would be nice if once in a while Europe decided to help America with its security problem, especially since Islamic terrorism is also Europe's security problem. But instead the U.S. Secretary of State has to put up with lectures about the phony issue of 'secret' prisons housing terrorists who killed 3,000 Americans.

The explanation of the reception that greeted the secretary of state on her visit to Europe in early December was perhaps after all neither the sudden revelation of unimagined American brutality, as denounced by Harold Pinter, nor yet an episode of European hypocrisy, as excoriated by the *Wall Street Journal*. It is more interesting to see it as evidence of how the relationship between the United States and Europe has been changed, for the worse, by three historic events: "9/11," "11/9," and the way in which the Iraq war was started and conducted by the Bush administration and its "coalition of the willing" among European allies.

#### *What the Press Said*

A trawl through the European press finds, as you would expect of a continent with two dozen languages, three dozen countries, and divided by history, ideology, religion, nationalism, and politics, that the *Wall Street Journal's* ill-tempered caricature of "the Europeans," united in cowardly and hypocritical anti-Americanism, is as fanciful, or at least as exaggerated, as the stricken playwright's wild generalizations about American policy.

Fortunately, for those who still hope that the United States and Europe may be able to work together to tackle the world's many problems, these were both extreme views, on the edge of the rational.

Harold Pinter's charges, while not all without substance, are so all-embracing that there is little point in examining them. He has nothing to say about America's part in the defense of freedom. The *Wall Street Journal's* undifferentiated fury also seems misplaced. It is not, for the most part, European politicians that are attacking Secretary Rice or the United States. It is some, not all, European media, and the politicians are embarrassed by their accusations, in part—perhaps—because some of them may not be quite so free from complicity with American secret operations as they would have us believe. Condoleezza Rice is not the only politician, by any means, who has parsed denials as carefully as a libel lawyer. German and British statesmen, in particular, understand the utility of denying something that is not quite what you are accused of.

There are, too, newspapers in Europe—fewer, it is painful to admit, in Britain than elsewhere—that make it their business to report what has actually been said, rather than launching, in the manner of the *Wall Street Journal* or some of the Euroskeptic London papers, into malice-fueled rhetoric.

Conservative, business-oriented newspapers like the *Frankfurter Allgemeine Zeitung* or *Handelsblatt* in Germany, for example, or the *Neue Zürcher Zeitung* in Switzerland, the *Journal's* European counterparts, focused on what the various political parties had said. The *FAZ*, for example, reported that "the NATO and EU foreign ministers conducted a 45-minute debate" with the secretary of state, who called it a "serious discussion." The secretary general of NATO, Jaap de Hoop Scheffer, the *Frankfurter Allgemeine Zeitung* reported, summed up with the words, "It cleared the air." The Swiss business bible, the *Neue Zürcher Zeitung*, reported in much

the same vein: “In the CIA affair the American foreign secretary Condoleezza Rice took pains over damage limitation in the circle of her European colleagues. In so doing she plainly spoke to willing ears and was able to calm widespread irritations.”

*Handelsblatt* also suggested that, given the dangers of terrorism, severe interrogation of terrorist suspects was justifiable. The same point was colorfully made in a reader’s letter to the *FAZ* from one Paul H. Peiseler: “We Germans should be grateful to the Americans that they are challenging worldwide terrorism. We should not let go of the fact that the biggest problem of our time is not to be handled with kid gloves and with angels’ tongues.”

The leading French conservative newspaper, *Le Figaro*, gave a pretty fair summary of the politicians’ reactions. Only the Dutch foreign minister, Bernard Bot, its reporter Alexandrine Bouilhet pointed out, had gone so far as to say that American explanations were “inadequate,” though Scandinavian diplomats protested against the use by the American intelligence services of methods “at the limit of legality.” On the whole, the Europeans, led by the British foreign secretary, Jack Straw, kept a low profile, so as not to rub the “iron lady” of American diplomacy the wrong way. “No one wants to set off a transatlantic diplomatic crisis about this CIA affair,” one diplomat from a country of “Old Europe” confided. “All the more so because most of the governments were no doubt in the know, because their secret services work in close collaboration with the Americans on the ground.” That, indeed, the *Figaro* reminded us, was what Condoleezza Rice was hinting at, when she said, as she left for Europe, “It is up to the European governments to take their responsibilities if they work with us. It is also up to them to decide what they make public.”

They may be embarrassed, or caught out, *Le Figaro* went on, but European governments have so far admitted nothing

that compromises them, hoping that the affair will go away as soon as possible. Tony Blair maintained he knew nothing when asked in the House of Commons about reports of some 400 secret CIA flights to British airports.

While Secretary of State Rice was still in Europe, the Paris evening paper, *Le Monde*, published a chronology that makes it clear that most of the reports indicating the “extraordinary rendition” or the torture of terrorist suspects by the CIA actually originated from American sources, though some investigative reporting also came from a British freelance reporter, Stephen Grey, and from the *Guardian* in London. The first report of secret American detention centers in more than a dozen countries came from Human Rights Watch in June 2004. There was indignation in the Bush administration when Amnesty International used the word “gulag” to describe this international archipelago of prisons, but on November 2 the *Washington Post* claimed to be able to confirm that there were secret American detention centers in Thailand, Afghanistan, Iraq, Poland, and Romania, as well as at Guantánamo Bay in Cuba.

The case that has caused the most concern in Europe, and which set off an absolute media furor in Germany, came to light as a result of a complaint filed by the American Civil Liberties Union in federal court in northern Virginia. According to many papers, most fully in the respected Spanish daily, *El País*, which reported the court pleadings at great length, Khaled al-Masri, a German citizen of Lebanese origin, was kidnapped on New Year’s Eve 2003 when on holiday in Macedonia. After being held incommunicado for several days, he was handed over to U.S. agents who beat him, drugged him, and took him to a secret prison in Afghanistan. Five months later, he was abandoned, with no explanation, in the Albanian mountains. It seems probable that this was a case of mistaken identity. However, during his sinister abduction al-Masri

was interrogated by a man who called himself “Sam” who was, al-Masri believed, a native German-speaker.

The obvious implication was that some German secret service was working with an American agency, though an anonymous German intelligence officer interviewed in *Der Tagesspiegel* on December 12 said he thought this was unlikely, as the CIA “liked to go its own way.” Not surprisingly, this case has aroused almost feverish interest in the German press. In a real media firestorm, of the kind that is all too familiar in the United States, German reporters have endlessly questioned German politicians. But the burden of their interest has been, not whether the CIA has been abducting terrorist suspects and transporting them to mysterious secret locations where they have been beaten, humiliated, and sometimes tortured (al-Masri says that at one point he was stripped naked and a rigid object was inserted into his anus), but whether or not German politicians and German intelligence agencies knew what was going on. This has not been an attack by European politicians on the United States, so much as an attack by European journalists on their own politicians for being too complicit with American clandestine activities.

The politicians stoutly deny knowledge. On December 12, long after Secretary Rice had returned to Washington, Foreign Secretary Jack Straw told the House of Commons that, yes, he had on two occasions checked out CIA flights and found there was nothing untoward about them, but that was back in the days of the Clinton administration. German politicians have also stoutly maintained that they knew nothing, either of the al-Masri affair or more generally of secret CIA operations in Europe.

It is hard to believe them. A number of cases, besides the al-Masri story, have now been rather fully reported. There was the case of two Egyptians, Ahmed Agiza and Mohammed Zeri, expertly kidnapped by American agents at an airport in Stockholm

in December 2001 and supposedly flown to Egypt, where at least one of them is said to have been severely tortured. There was the lifting, from a Milan street, of a former imam known as Abu Omar, which has caused a major row in Italy. This man was flown to the American base at Ramstein, near Frankfurt, and then taken on to Egypt, whose torturers have a particularly fearsome reputation.

The flights themselves are well documented. It turns out that in several European countries, especially in Britain, “plane spotting” is a popular hobby. Afficionados camp near airports and photograph and log flights in order to “collect” as many different aircraft and aircraft types as possible. Several specific planes registered to companies whose directors have subsequently been found to have CIA connections have allegedly been recorded flying into airports in Britain and Spain, among other destinations, and then out to Afghanistan and Guantánamo. A Swiss senator, Dick Marty, on behalf of the Council for Europe, the body that looks after the European convention on human rights, has asked Eurocontrol, the organization that plots 9 million flights across Europe every year, for details. So far he has not been given the information he wants.

Journalists and human rights investigators have found a number of former CIA officials willing to talk about what they know. The fullest accounts have been published, not in Europe, but in the *Washington Post* and the *New Yorker*, as well as by U.S.-based organizations such as Human Rights Watch.

#### *Where the Difference Lies*

Since the atrocities at the World Trade Center and the Pentagon in September 2001, the government of the United States, responding to the maximalist policies of the Bush administration and its war on terrorism, has expanded and extended activities, including secret abductions and harsh interrogation, that were already occasionally per-

mitted during the Cold War. The Canadian radical journalist, Naomi Klein, in an article originally published by the *Nation* and reprinted in the *Guardian*, made the point that allegations of torture against American troops and secret services are hardly new. (She mentioned the teaching of harsh interrogation tactics at the U.S. Army School of the Americas in Panama and later at Fort Benning, Georgia, and the evidence of water torture by U.S. marines in the Philippines in the early twentieth century.) What was new under the Bush administration, she argued, was the willingness to admit that such things went on. That willingness may well be explained by the shock of 9/11, with its implication that the United States was after all vulnerable to terrorism—something people in Britain, France, Spain, Germany, and Italy, for a start, have known all along about their own countries, all of which have been the scene of terrorist bombings in the past 40 years.

Meanwhile, since the end of the Cold War, symbolized by the fall of the Berlin Wall on November 9, 1991 (“11/9”), Americans and Europeans no longer seem to feel engaged in a common enterprise of self-defense against a common enemy.

There are, admittedly, those on both sides of the Atlantic who do not agree. Condoleezza Rice is apparently one of them, as is the reader of the *Frankfurter Allgemeine*, Paul Peiseler, he who thought terrorists must not be spoken to with “angels’ tongues.” There are, too, many who argue, persuasively, that Europe is threatened just as much as the United States, and perhaps more so, by Muslim terrorism. They can already point to the Madrid railway bombings and to the London bombs of last July 7. They can add that there are massive Muslim minorities in Western Europe—Turks and others in Germany, Maghrebis in France, Pakistanis and others in England. Even before the rioting in the Paris *banlieues* last fall, there was abundant evidence that many young Muslims in

Western Europe are dissatisfied and angry, and that they are easily worked on by the preachers of violent jihad.

All of that is true. Yet it remains a fact, on the basis of a survey of newspapers in five European nations that Europeans are less willing than Americans to approve of harsh responses to terrorism than the American majority appears to be. One can only speculate about why this should be so. And that, it would appear, is where the Bush administration’s decision to bomb, invade, and occupy Iraq comes in.

Many Europeans, and very many European journalists, were unimpressed by the successive reasons given by the Bush administration for that action. Was it to change a brutal regime in Iraq? But Iraq’s is hardly the only brutal regime in the Middle East, or indeed in the world. Was it to prevent Saddam attacking the United States, or its allies, or specifically Israel with nuclear, biological, or chemical weapons? But Saddam had no such weapons available, and the administration cut short efforts to find them. Was it because Saddam Hussein was in cahoots with al-Qaeda? But Saddam was and is a secular nationalist, not an Islamist, and the only evidence produced of collusion between his regime and al-Qaeda seems to have been tortured out of an unfortunate prisoner called Ibn al-Shaykh al-Libi. Was the invasion the first move in an attempt to bring democracy to the Middle East? Few Europeans, rightly or wrongly, buy the idea that democracy was brought to them by the United States in 1945. They think they had it already, and that it was taken from them by fascists, then returned by the combined efforts of the Soviet Union, the British Empire, the United States, and the European resistance. That may be a lamentable historical error, but it is what most Europeans believe. In short, because of the way the Bush administration justified the invasion of Iraq, many European journalists are less willing to believe what Washington says.

Very few Europeans, *pace* the *Wall Street Journal*, are “anti-American,” though many are indeed intensely critical of the policies of the Bush administration. One reason is that Europeans have had a bad experience, and have a low opinion, of nationalism. Rightly or wrongly, they identify the rhetoric and the policy of the Bush administration with nationalism. (I was sharply challenged recently by an American academic who works in London for speaking of American nationalism at all. Only others, he explained to me, have nationalism. Americans have patriotism. It is not always apparent to those who are not American where the difference lies. There has certainly been patriotism to spare in Europe since Dr. Johnson said it was the last refuge of scoundrels.)

Second, Europeans since the Second World War have set their minds, with a sincerity and singleness of purpose not acknowledged by those who share the *Wall Street Journal*'s low opinion of us, to right some of the ancient evils of our own history. Torture is one of these. Aggressive nationalism is another. So is bellicosity, of a kind that President Bush occasionally permits himself.

This difference of historical perspective underlies some, at least, of the differing responses in what Secretary of Defense Donald Rumsfeld patronizingly called “Old Europe” to the Iraq war. Europeans know about bombing. They have experienced it. I do not myself claim to have been in any great danger, but I did have the experience as a child of being hurried into an underground shelter, night after night, because there were German bombers overhead. German contemporaries had far worse experiences when the bombers overhead were British or American. We are significantly less happy with talk of “surgical” bombing, let alone of “shock and awe.” (Europeans in general are more shocked by Secretary Rumsfeld than in awe of him.) Some part of the difference between British readiness to join in the Bush administration’s “coalition of the willing,”

as compared with attitudes in France, Germany, or Russia, can perhaps be traced back to these very different experiences of the Second World War. The British are still prone to remember the war in terms of glorious victory. That is not the French, German, or Russian memory.

The same different historical experience no doubt explains different reactions to the idea of torture. Only 60 years ago, Europeans lived with the terror of the heavy knock on the door in the small hours of the morning, the real danger of betrayal, humiliation, torture, and summary execution. They thought, and I hope they were right to think, that Americans shared their revulsion for the cruelties of the Gestapo, the KGB, and all the other licensed sadists of the 1940s and 1950s.

There is nothing hypocritical or relativistic about the revulsion the majority of my generation of Europeans, and my children’s generation, feel at the idea that torture is justified by the need to head off terrorist outrages. After all, these are not new arguments for us. My brother-in-law served in the French army in Algeria in the 1950s. We argued late into the night whether torture was in any circumstance justified to prevent terrorist outrages. The newspaper I worked for in the 1970s exposed practices uncomfortably close to torture used by the British Army on Republican terrorists in Northern Ireland. We are now learning something of the way British troops behaved in colonial wars, in Cyprus for example, or in Kenya. We are more inclined than ever to believe that torture is not a reliable way of acquiring reliable intelligence.

The Blair government in Britain is often frustrated by what it sees as the over-liberal opinions of the judges (not indeed, historically, a body of men famous for their dangerously liberal prejudices). Yet few disagree with their recent judgment that evidence obtained by torture is in all circumstances inadmissible in our courts. Britain’s highest court of law, seven law lords, found unani-

mously, as former Lord Chief Justice Tom Bingham put it in his judgment, that “the principles of the common law, standing alone, in my opinion compel the exclusion of third-party torture evidence as unreliable, unfair, offensive to ordinary standards of humanity and decency and incompatible with the principles which should animate a tribunal seeking to administer justice.”

This, I have always believed, is also the historical position of the American legal and political culture. The U.S. Constitution, after all, prohibits “cruel and unusual punishment.” It has been painful for many in Europe to watch the Bush administration flirting with the idea that times have changed, so that such prohibitions might be a luxury we can no longer afford. Mainstream opinion in every country of Western Europe, I believe, was startled when a lawyer who considered the Geneva Conventions to be, at least in part, “quaint” was promoted to be attorney general of the United States. The overwhelming majority of Europeans were equally surprised when it was officially declared that pain equivalent to that occasioned by death or organ failure could legitimately be administered to prisoners of the United States, or that “water-boarding,” or—to avoid euphemism—water torture, was officially held acceptable as a technique of interrogation. Those (including many Europeans) who have looked to the United States as a political and legal model, found, when they read such things, like a navigator suddenly deprived of his compass.

It is true that some media in Europe and especially—Americans may be surprised to learn—in Britain, have made much of the torture issue recently. The *Guardian*, a serious left-of-center paper with a circulation of around 400,000, has vigorously pursued the story of “extraordinary renditions.” Its cartoonists (Steve Bell with some wit, and others, it must be said, with dehumanizing brutality), portray the president of the United States as a bemused moron whose knuckles brush the floor. Yet its edi-

torial position on the Iraq elections in December was hardly an anti-American rant. The fact that [the election] “is being touted by the US—now flailing around for a way out of its Iraqi adventure—does not mean that it is not a genuinely important one,” the paper said. “Iraq’s friends can only urge their own governments to start doing the right things, its leaders to talk rather than to fight—and hope that that day comes sooner rather than later.” In a recent look at the first five years of the Bush administration, the most critical material in the paper came from American writers such as Sidney Blumenthal and Howell Raines, though they were balanced by the more admiring thoughts of such as R. Emmett Tyrell, Jr.

The *Independent’s* coverage of Iraq, led by the very able Patrick Cockburn, has been consistently downbeat, certainly, but also temperate and exceptionally well-informed. It has also so far been right. A young columnist for the paper, Johann Hari, did write a fierce piece on December 13 under the headline, “Tortured Logic and Twisted Arguments,” in which he called the secretary of state’s claims that the United States does not practice torture “blatant lies.” But the thrust of the piece was a denunciation, not of Condoleezza Rice, but of Tony Blair for accepting her denials.

The reaction of European journalists to these recent revelations has been a determination to know the worst, not because they want to discredit the United States, but because they want to know what has been done in our name. The reaction of Europe’s political leaders has been slightly different. Those in power are afraid to admit that they may have been dragged, precisely by the habit of accepting American leadership, farther than their electorates or their media can accept, into going along with practices they cannot justify. Journalistic aggression in Germany, in Britain, and in Italy consequently has been directed more against governments that are suspected of colluding

with the Bush administration than with the U.S. government itself. The European media's very considerable suspicion, amounting in some cases almost to contempt, of the

Bush administration has nothing whatever to do with hostility to the United States, let alone to its people. ●

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