

Graveyard of Republics: An Analysis of Torture in Counterinsurgency

By

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Author's Declaration

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners. I understand that my thesis may be made electronically available to the public.

Abstract

Counterinsurgency relies on the dual instruments of propaganda and coercion. If well balanced, these instruments may convince the civilian populace that the rebels cannot win; furthermore, the agenda of counterinsurgents seems to be morally superior to that of the rebels. To attain this balance, counterinsurgents must have a steady flow of intelligence. This is a key to victory, but intelligence gathering is a complex and time-consuming process. In times of great pressure, counterinsurgents tend to fall back on brutality, including torture, to compensate for a lack of information. Although torture provides a great volume of information, the cost of its acquisition is enormous: torture cripples pacification efforts, as it alienates the civilian populace and boosts insurgency. Furthermore, the credibility of information gained via torture is uncertain. The French campaign in Algeria and the American Global War on Terror were lost in part because security agencies resorted to torture in order to gain vital intelligence. The poison pill of torture is inimical to rational counterinsurgency operations.

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Introduction

To paraphrase Oliver Lyttleton, counterinsurgency is a war waged by two instruments: propaganda and armed force.¹ These instruments, applied in a way to compel undecided citizens to support the fight against insurgency and that rally people by offering them an agenda that they perceive as attractive, are necessary for true victory. A smart counterinsurgent will enforce reforms targeting the root of the unrest, while applying coercion to its manifestations. Stick and carrot, deftly wielded, may potentially cultivate a sense of legitimacy and result in fruitful relationships with the civilians who carry the main burdens of war. Dictatorships can sometimes suppress rebellions by relying on unlimited force alone, but democracies usually have no such pacification option. They must meaningfully communicate, appear morally sound, or otherwise become more appealing to the civilians than the insurgency; otherwise, their hard and painful effort will end in decisive defeat.

Intelligence is the currency of successful counterinsurgency operations. Coherent and up-to-date intelligence provides functional, actionable information to target insurgents while preventing the killing or imprisonment of bystanders. Civilians, defectors, and captured rebels are the primary intelligence sources for the counterinsurgent. In order to get high-quality intelligence, security agencies need to build inroads into both the civilian and insurgent communities, which requires time. This investment, done properly, may convince both the civilian and rebel that the

¹ John A. Nagl, *Learning to Eat Soup with a Knife: Counterinsurgency Lessons from Malaya and Vietnam* (Chicago, IL: University of Chicago Press, 2005).

counterinsurgent means to win this war, with the result that self-interest will drive them to support the authorities rather than the rebellion.

There is, however, one method of intelligence gathering that can uproot every inch of progress made toward building a relationship between counterinsurgents and civilians. This method is torture. If security agencies swallow this poison pill, they will frustrate every future overture or outreach program because the memory of such techniques, especially if they are institutionalized, will stick in the minds of people. Torture of captives for information undermines the moral legitimacy of the counterinsurgent, and surrenders any pre-existing moral superiority to the insurgency. Despite the clamouring of its proponents, torture's limited effectiveness cannot outweigh the damage it does to the campaign overall.

This study begins with an analysis of the legal arguments surrounding the use of torture, and the legal ambiguity that has allowed government to sanction torture. Understanding how supposedly rational governments that promote moral values and human rights convince themselves of the effectiveness of torture underpins the consequences of torture in the examined counterinsurgency campaign. The first historical research case study is the 1954-1962 Algerian War, as torture was a hallmark of French operations in that campaign. It delivered victory in battle, but cost the French both the Fourth Republic and the war. The second case study is an analysis of the foundational stage of the US Enhanced Interrogation Techniques (EIT) in Afghanistan, as EIT has become a euphemism for torture in counterinsurgency operations. Finally, the third case study is an examination of torture in Iraq, highlighting both the employment of the EIT program and the

damage it has done. As each case indicates, the use of torture not only torpedoes public relations, but amounts to strategic and operational self-destruction. The case studies conclusively prove that torture has no place in a rational counterinsurgency doctrine.

The framework for the analysis and argument against the continued use of torture for intelligence gathering over moral objections or other subjective elements is based in discussions surrounding the rationality of the practice as a tool of counterinsurgency. Most of the existing literature skips the question of torture as a rational tool, preferring to discuss the legality and moral degradation of the act. For this study, key works in the field of counterinsurgency have contributed their analyses of the historical events and consequences to the debate on whether torture is a rational weapon in the counterinsurgency arsenal, and whether its rationality depends on circumstances. Alistair Horne provides a striking example of torture's self-defeating prospects in Algeria, where it brought tactical success but heralded an eventual catastrophic defeat.² Having interviewed the torturers, politicians, and the tortured, Horne showed that the events surrounding the French victory during the Battle of Algiers present a convincing argument in favour of torture, while the consequences of its application provide phenomenal arguments against it. Conrad Crane³ analyzes the foundations behind modern US counterinsurgency doctrine in the transitional period between what remained of their Vietnam era thinking, and

² Alistair A. Horne, *Savage War of Peace: Algeria 1954-1962*, 1st ed. (New York City, NY: Viking Press, 1977).

³ Conrad C. Crane, *Cassandra in OZ: Counterinsurgency and Future War*, 1st ed. (Annapolis, MA: Naval Institute Press, 2016); United States Army, *U.S. Counterinsurgency Warrior Handbook* (Guilford, CN: Lyons Press, 2014).

the holistic understanding of counterinsurgency. Crane derides the use of torture for any purpose, while the official manual offers solutions and discusses strategies that are potentially damaging to the counterinsurgency if misconstrued or inappropriately applied, and emphasizes a need to be aware of unfamiliar cultural norms of the host nation, such as paternalism, nepotism, and corruption.⁴ Andrew Tan⁵ discusses US counterinsurgency failures by illustrating how torture damaged the US effort during the Iraq War. The revelation of EIT to the world helped the insurgents to sustain the very terror networks that the US was hoping to crush. Tan also analyzes the mindsets, motivations, and support networks of the insurgent groups during the Global War on Terror (GWOT), thus demonstrating how poorly implemented counterinsurgency doctrine can exacerbate a situation. Intelligence shortages, the occasional use of indiscriminate violence, the reuse of Abu Ghraib prison with no understanding of its grim image during the Saddam era, and the decision-making process that led to the use of torture in the first place showed how the consequences of these failures became unmanageable.

Augmenting the set of specific works for the case studies are a brace of publications that have macro level analyses of counterinsurgency theory, or discuss US doctrine from a specific historical lens. Michael Shafer offers historical background on what has formed much of the American perception of counterinsurgency campaigns.⁶ What Shafer portrays as mass misunderstandings in

⁴ Talya Green, Joshua Buckman, Christopher Dandeker, and Neil Greenburg, "The Impact of Culture Clash on Deployed Troops," *Military Medicine* 175, no. 12 (September 2010): 959.

⁵ Andrew Tan, *U.S. Strategy Against Global Terrorism: How It Evolved, Why It Failed, and Where It is Headed* (New York City, NY: Palgrave Macmillan, 2009).

⁶ D. Michael Shafer, *Deadly Paradigms: The Failure of US Counterinsurgency Policy* (Princeton, NJ: Princeton University Press, 1988).

the US administrative complex and military machine comes down to failures of intelligence gathering. By contrast, John Lynn illustrates the broader role of traditional espionage and surveillance in intelligence gathering, as opposed to more esoteric discussions on torture and forced confessions.⁷ Publications from, and interviews with, intelligence community members will also be examined and drawn upon for commentary on the use of EIT. In former CIA agent Douglas Laux's biography,⁸ he talks about his traditional format for infiltration and the intelligence coup against Improvised Explosive Device manufacturing in Iraq during his tenure as a field agent.

Several documentaries from the mid-2000s discussing the use of EIT will serve to underline the depth to which the US government was devoted to the practice, and how ineffective it proved to be.

There are almost as many justifications for torture as there have been incidents of its use in military settings: the enemy is unbreakable otherwise; the need for the information outweighs the rights of the enemy combatant; the enemy has no protection under the conventions or laws of war; revenge; the enemy is subhuman; or that the act is effective regardless of its illegality or moral repugnancy. The proponents of torture claim that it is justifiable because ultimately it saves the lives of innocent people. This argument of ultimate efficacy acts as the final shield against the array of arguments that these proponents have already lost. It is against this last bastion of infringement upon the human rights and protections

⁷ John A. Lynn, *Battle: A History of Combat and Culture* (New York: Basic Books, 2009).

⁸ Douglas Laux, *Left of Boom: How a Young CIA Case Officer Penetrated the Taliban and Al-Qaeda* (New York City, NY: St. Martin's Griffin, 2016).

afforded to a captured combatant by various conventions that this study strikes.

Torture, masquerading under any label, is an ineffectual and self-defeating counterinsurgency tool.

Chapter 1: Torture: Moral and Legal Debasement

Legal arguments defending strategy often come down to definitions. In the contexts of torture, and counterinsurgency, the definitions for both have had mercurial application throughout history. The lack of delineation creates avenues for states to escape public scrutiny in their counterinsurgency campaigns, even when they sanction torture. Arguments about the professional background of the torturers, the identity of the tortured, the mechanisms and application of torture, and to what end often belong to legal grey areas that are grounds for the justification of torture. In conjunction with efforts to dodge the pre-existing definition of torture, or redefine the actions and mechanisms of torture so that they become outside the purview of torture, there are regular efforts by proponents of this method to give it either blanket legal protection,⁹ or to create a set of parameters within which it is excused.

The initial goal of defining torture with the intent to implement it ran afoul of international and domestic definitions of torture, acts that fall short of torture, and the subjects of torture. Opportunities for national deviation from international laws and treaties appear predominantly when nations adapt international discourse to their domestic priorities. The United Nations Convention against Torture (UNCAT),¹⁰ creates an opportunity for the shielding of acts that resemble torture by reclassifying them, or under-reporting damage caused to victims, such that it does not approach the existing definition of torture provided within the UNCAT. Under

⁹ Jerome Slater, "Tragic Choices in the War on Terrorism: Should We Try to Regulate and Control Torture," *Political Science Quarterly* 121, no. 2 (November 2, 2006): 205.

¹⁰ Office of the High Commissioner for Human Rights, "Convention against Torture."

the UNCAT, actions defined as “‘torture’ means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person,”¹¹ with the goals of the torture including the obtaining of information, or a confession, among others.¹² Some governments seek to obtain leeway in their interrogation methods by twisting the UNCAT’s definition of torture in an effort to obtain information or a confession, to punish for alleged crimes, or to intimidate or coerce for any other reason. Some countries tried to create leeway with regard to their employment of torture by interpreting the UNCAT’s definition of torture as a limited and specific definition, stating that their goal to obtain information is the singular goal, and the physical and mental harm is not severe. The subjective interpretation of “severe” with regard to pain or mental harm allows interrogators to engage in acts that cause much distress, particularly among the majority Islamic prisoners through, for example, the destruction of Korans by flushing them down toilets,¹³ or the forced consumption of pork, which is forbidden under Islamic law.¹⁴ Further acts that would be understandably considered torture by a layman, such as subjecting prisoners to psychological pressure through the witnessing of the interrogations of others,¹⁵ or through threats to the families of detainees, were

¹¹ Daniel L. Levin, Acting Assistant of Attorney General, *Definition of Torture under 18 U.S.C. §§ 2340–2340A*, Vol. 28 (Washington, DC: United States Department of Justice, 2004), 301.

¹² *Ibid.*, 300.

¹³ John Mintz, “Pentagon Probes Detainee Reports of Koran Dumping,” *Washington Post*, May 14, 2005.

¹⁴ Jane Lampman, “Islam as Interrogation Tool: Need for Limits?” *Christian Science Monitor*, May 16, 2005.

¹⁵ Hernan Reyes, “The Worst Scars Are in the Mind: Psychological Torture,” *International Review of the Red Cross* 89, no. 867 (September 2007): 594.

deemed to not meet the qualification of “severe.”¹⁶ Some states sought to present torture as meeting what the UNCAT delineated as “[o]ther acts of cruel, inhumane, or degrading treatment or punishment which do not amount to torture,”¹⁷ thereby circumventing the protections and obligations these states have under the UNCAT.

Related to the use of torture, and what the American counterinsurgents euphemistically called Enhanced Interrogation Techniques (EIT) — as outlined above — are debates that move beyond the legality of the act, focussing on the rationality and effectiveness of its use. Some cling to the viewpoint that torture delivers a form of intelligence skeleton key,¹⁸ or is a tool to access otherwise inaccessible information on time-sensitive terror attacks. This justification, and specifically the argument surrounding time sensitivity, is the most common gateway for nominally law-abiding and human-rights championing states to step into the realm of torture. Pressure to come up with suspects or illustrate progress to an angry and frightened public both incentivizes the use of harsher intelligence-gathering methods for the military and increases the acceptability of such tactics in the eyes of the public. The event that enabled the use of torture in Algeria was the graphic bombing attacks in Algiers launched by the Front of National Liberation (FLN) that targeted civilians broadly, and children specifically. However, the case of Khalid Sheikh Mohammad questions torture as a useful tool in intelligence gathering.¹⁹ After being waterboarded 183 times by American interrogators, Khalid

¹⁶ International Human Rights Law Clinic, *Non-Typical Forms of Torture and Ill-Treatment*, IHRLC Working Paper Series No. 5 (Berkeley, CA: Berkley Law, University of California, July 2018), 14.

¹⁷ Levin, 302.

¹⁸ Senate Select Committee on Intelligence, *Committee Study of the Central Intelligence Agency's Detention and Interrogation Program*, S. Rep. No. 113-113-288 at 1 (2014), xi.

¹⁹ *Ibid.*, 92.

Sheikh Mohammad confessed to approximately 30 attacks, including planned, foiled, and successful acts of terrorism. However, he fabricated many of the confessed plots,²⁰ such as the plan to recruit disgruntled Muslim African Americans to commit acts of domestic terror in the name of Al-Qaeda.²¹ False confessions under torture are indicative of the risks and weaknesses of using torture; an enormous volume of fake intelligence often damages the operational integrity of counterinsurgent operations, and causes the misuse of precious personnel, material, and political capital.

The problems created by torture led to the repeated backsliding of successful counterinsurgency and counter terrorism campaigns;²² they weakened domestic support and led to international condemnation, once revelations about the employment and extent of torture²³ – or near torture techniques – surfaced. Theoretical debates around the use of torture turn on the moralistic, legal, ethical, and practical realms beyond a strict counterinsurgency focus. The conclusions drawn in these parallel fields of study remain applicable as broad problems within legal frameworks;²⁴ the questions of codifying torture and the effectiveness of torture remain the predominant pillars of all inquests into the rationality of

²⁰ *Frontline: Secrets, Politics and Torture*, directed by Michael Kirk (May 19, 2015), PBS documentary, 54 min.

²¹ *Ibid.*

²² Tan, 125.

²³ Czarek Sokolowski, "Anger in Poland as It Is Forced to Pay CIA Rendition Victims, the Only Country to Face Repercussions over Program," *National Post*, May 15, 2015.

²⁴ Eric A. Posner and Adrian Vermeule, "Should Coercive Interrogation Be Legal?" *Michigan Law Review* 104, no. 671 (February 2006): 673-74.

torture.²⁵ Relevant to torture's legal framework are philosophical debates on harm reduction, use of force, and human rights.²⁶ The impetus for the philosophical basis of debates surrounding torture is that the base of a great deal of international and human rights law is entrenched in the writings of central figures such as John Locke,²⁷ Thomas Hobbes,²⁸ and René Descartes,²⁹ who collectively contributed to the basis of humanitarian, moralistic, and rationally based legal theory.³⁰ Torture then, as an inherently harmful method of intelligence gathering with broader impacts, has been justified by the "ticking bomb" argument,³¹ in which the credible threat of innocent life lost is resolved by torturing a suspect in order to get information unobtainable through less invasive or hostile means. This argument presents torture as the unattractive necessity, and relates closely to the main morality-preoccupied philosophical discussion put forth about providing for the safety of many innocent lives at the cost of the temporary suffering of one suspect. Changing the metrics of whether or not torture of the captive guarantees the information necessary to stop the "ticking bomb" (or at least reduce the number of victims), the likelihood of torture's success, and the guilt of the captive traditionally

²⁵ William O'Donohue, Cassandra Snipes, Georgia Dalto, Cyndy Soto, Alexandros Maragakis, and Sungjin Im, "The Ethics of Enhanced Interrogations and Torture: A Reappraisal of the Argument," *Ethics & Behavior* 24, no. 2 (January 27, 2014): 109-25.

²⁶ Thomas Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge, UK: Cambridge University Press, 1997), 93.

²⁷ John Locke, "Second Treatise of Government," *The Project Gutenberg EBook of Second Treatise of Government*, Chapter 2, Section 4.

²⁸ Hobbes, *Leviathan*, 96.

²⁹ Norman Kemp Smith, ed. and trans., *Descartes Philosophical Writings* (New York: Modern Library, 1958), 99, 193, 280.

³⁰ O'Donohue and others, "The Ethics of Enhanced Interrogations," 110.

³¹ Major S. A. Thompson, "Defusing the Ticking Bomb: An Argument for the Absolute Legal Ban on Torture" (PhD diss., Canadian Forces College, 2016), 2, 3, 9, 11.

compound these thought exercises further.³² The weakness of philosophical debates surrounding torture, however, is the fixation on ethics and other intangible facets of this act while effectively disregarding the practical considerations and consequences that have historically plagued the use of torture in counterinsurgency.³³ William O'Donohue authored several articles alongside his colleagues Alexandros Maraakis, Cassandra Snipes, and Cyndy Soto, all of which defended torture as an ethically viable tool in the face of threats against innocent lives. The underpinning ethical impetus is that so long as many lives are saved, or greater harm avoided by using torture to extract life-saving information, the government or interrogator has a moral and ethical duty to use torture.³⁴ A particularly telling recommendation contained within O'Donohue's work relates to the ability of the state to shield its unsavoury activities behind euphemisms. O'Donohue recommends that the US government rebrand its use of torture for intelligence gathering from EIT (Enhanced Interrogation Techniques) to "EITSL (Enhanced Interrogation and Torture that Saves Lives)."³⁵ The arguments attempting to construct an ethical application of torture are intriguing rhetorical exercises, but these attempts to defend torture by comparing "the ethical distinction between stabbing in a robbery ... and the use of scalpel in surgery"³⁶ demonstrate a failure to grasp the damage that implementation

³² O'Donohue and others, "The Ethics of Enhanced Interrogations," 111.

³³ Jean Maria Arrigo, David DeBatto, Lawrence Rockwood, and Timothy G. Mawe, "The 'Good' Psychologist, 'Good' Torture, and 'Good' Reputation - Response to O'Donohue, Snipes, Dalto, Soto, Maragakis, and Im (2014) 'The Ethics of Enhanced Interrogations and Torture,'" *Ethics & Behavior* 25, no. 5 (2014): 363.

³⁴ *Ibid.*, 362.

³⁵ William O'Donohue, Alexandros Maragakis, Cassandra Snipes, and Cyndy Soto, "Psychologists and the Ethical Use of Enhanced Interrogation Techniques to Save Lives," *Ethics & Behaviour* 25, no. 5 (April 2, 2015): 374.

³⁶ *Ibid.*, 375.

of torture brings on a strategic level. An assertion that “certain preconditions”³⁷ allow the use of torture enables states engaged in counterinsurgency to unilaterally construct conditions under which they can justify torture – even to the degree of falsifying charges for the subject of torture³⁸ – in an attempt to secure the short-term goal of intelligence.

Integral to the legal debates surrounding torture is the issue of combatant status, and protections afforded to the participants in an armed conflict. The broad rhetorical frameworks are twofold. The first framework states that despite the unofficial and stateless nature of the insurgents – as they have no governing body and no defined uniform – they are protected by the Laws of War,³⁹ Geneva Conventions,⁴⁰ and United Nations conventions on the treatment of Prisoners of War.⁴¹ Although the insurgents did not sign any conventions, their adherence to Laws of War referring to the collection of conventions and agreements – is a commitment to offer these protections to any opponent or combatant, without prejudice or qualification. In opposition to this point of view is the belief that due to the customary status of portions of the Geneva Conventions no signatory state actor necessarily has to abide by the protections contained within, nor offer them to a

³⁷ *Ibid.*, 374.

³⁸ Tara Scholler-Burke, “The Wrongful Imprisonment of the Guildford Four: Who Bears the Blame?” (PhD diss., Victoria University of Wellington, 2013), 10.

³⁹ “Treaties, States Parties, and Commentaries - Hague Convention (II) on the Laws and Customs of War on Land, 1899,” *International Committee of the Red Cross*.

⁴⁰ “Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949,” *Treaties, States Parties, and Commentaries - Geneva Convention (I) on Wounded and Sick in Armed Forces in the Field, 1949*.

⁴¹ “Convention (III) Relative to the Treatment of Prisoners of War. Geneva, 12 August 1949,” *Treaties, States Parties, and Commentaries - Geneva Convention (III) on Prisoners of War, 1949*.

non-signatory.⁴² With regard to non-state actors, however, there have been several concrete legal rulings determining that a signatory combatant is obligated to offer the protections.⁴³ However, a proverbial grey area still exists and it allows governments to detain individuals under the title of combatant⁴⁴ and remove them from the civil and criminal codes of their state in exchange for their military justice codes, while simultaneously labeling them an illegal combatant and thus depriving them of the protections afforded to combatants by the Laws of War.⁴⁵

So long as the status of the enemy force is disputed, and classified or reclassified as an illegal combatant, the counterinsurgent has no obligation to follow the Geneva Convention,⁴⁶ and thus becomes effectively free to use whatever methods are legal within its own code or set of laws against the enemy combatant. Under the Geneva Conventions, “[a] combatant [is] obliged to distinguish [himself] from the civilian population [and when] there are situations where ... [a] combatant cannot so distinguish himself, he shall retain his status as a combatant, provided that ... he carries his arms openly,”⁴⁷ with the sub-clauses demanding that this must be followed when “he is visible to the adversary.”⁴⁸ This clause creates a legal opportunity for the state to claim that the insurgents made themselves illegal

⁴² O’Donohue and others, “Psychologists and the Ethical Use of Enhanced Interrogation Techniques to Save Lives”, 383.

⁴³ Tung Yin, “Broken Promises or Unrealistic Expectations: Comparing the Bush and Obama Administrations on Counterterrorism,” *Transnational Law & Contemporary Problems* 20, no. 465 (Summer 2011): 477.

⁴⁴ Joseph P. Bialke, “Al-Qaeda & Taliban Unlawful Combatant Detainees, Unlawful Belligerency, and the International Laws of Armed Conflict,” *Air Force Law Review* 55 (March 22, 2004): 5.

⁴⁵ *Ibid.*, 10.

⁴⁶ *Ibid.*

⁴⁷ “Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977,” *Treaties, States Parties, and Commentaries - Additional Protocol (I) to the Geneva Conventions, 1977*. Article 44, Clause 3.

⁴⁸ *Ibid.*, Clause 2.

combatants by failing to reveal their weapons upon surveillance, without the consideration of the insurgents' operational reality. Compounding the ability of counterinsurgents to manipulate the Geneva Convention's definitions is Article 37 on the "Prohibition of Perfidy."⁴⁹ The major advantage that an insurgent has is his ability to hide among the populace, as written by Mao Tse-tung when recounting his analysis of successful revolutionary war strategy during the Chinese Civil War.⁵⁰ Blending in with the civilian population, or using them as an obscuring shield, is vital for the insurgency's survival against the typically overwhelming military power advantage wielded by the counterinsurgents. Having the capacity to hide within the civilian population is of particular importance for insurgencies operating in areas where the geography does not permit them to hide in the hinterlands, such as the deserts of Algeria and Iraq. Article 37 effectively dictates whether or not insurgency is to be considered a legitimate form of resistance when combined with the terrain that the combat is occurring upon; it will spell doom for insurgents if they attempt to hide in open desert or tundra, so they are forced to violate Article 37's clauses to survive. Article 37, however, directly bans "feigning of civilian [or] non-combatant status"⁵¹ with the objective of killing or carrying out military operations. These two clauses of the Geneva Conventions effectively place every insurgent into the realm of illegal combatants, stripping them of the protections of the Geneva Conventions if they are convicted of having breached these codes, or if they have been detained

⁴⁹ Ibid., Article 37.

⁵⁰ United States Marine Corps, Department of the Navy Headquarters, *FMFRP 12-18 Mao Tse-tung on Guerrilla Warfare* (Washington, DC: Department of the Navy, 1989), 93.

⁵¹ Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977," *Treaties, States Parties, and Commentaries - Additional Protocol (I) to the Geneva Conventions, 1977*. Clause C.

without clearly worn insignia. Effectively, if the captured insurgents have not previously disclosed that they were insurgents, then technically they are already in breach and fit the label of “Unprivileged Combatants.”⁵²

The upshot of the struggle to determine the proper legal protections and titles for insurgents during the Global War on Terror led the United States to create the legal heading of “Enemy Combatant,” as distinct from a legal or illegal combatant, thus enabling them to deny these individuals the protections of the Geneva Conventions by way of their “Unprivileged Combatant” status. Combining this new heading with the legal flexibility of Enhanced Interrogation, the United States instituted the practice of what was effectively torture for the use of intelligence gathering during their counterinsurgency campaigns. Torture has been able to provide intelligence that would have otherwise been unavailable on only a handful of occasions. And efforts to generalize on these minute successes and accept them as unquestionable proof of effectiveness have been willfully blind to the strategic, legal, and societal fallout of torture. Although the US defended employment of EIT through legal chicaneries, the blowback from the international community and the American public greatly undermined operations against the Taliban and Al-Qaeda. Compounding the failure to fulfill legal duties and responsibilities toward detained enemy combatants was the American decision to skirt the requirement contained within the US accession to the UNCAT regarding responsibility within American jurisdiction or on American soil.⁵³ The solution

⁵² Ibid., Article 44 I-3, Additional Protocol 1.

⁵³ Silvia Borelli, “Casting Light on the Legal Black Hole: International Law and Detentions Abroad in the ‘War on Terror,’” *International Review of the Red Cross* 87, no. 857 (March 2005): 40.

brought forward by the CIA was to use “Black Sites”⁵⁴ in foreign countries run by cooperative governments. American personnel could apply the “Enhanced Interrogation Techniques” in these areas as it was outside American jurisdiction, and thus without the direct responsibilities of American law. These Black Sites, located all around the globe – in Poland,⁵⁵ Armenia,⁵⁶ Egypt,⁵⁷ Syria, and Thailand – acted as testing grounds for EIT.⁵⁸

The French experience with the legal ramifications of torture, and its geographic spread, were far simpler than the American manipulation and careful interpretation of international law. France’s experience with legalized torture ended during the French Revolution that abolished it.⁵⁹ Napoleon Bonaparte directly opposed torture, stating: “The barbarous custom of having men beaten who are suspected of having important secrets to reveal must be abolished. ... The poor wretches say anything that comes into their mind.”⁶⁰ The fact that France rejected the use of torture at the peak of its glory determined its aversion to this method of intelligence acquisition in subsequent conflicts. The height of French debates surrounding torture during the War in Algeria came during a series of heated exchanges within the vehemently anti-torture French National Assembly composed

⁵⁴ Sam Raphael, Crofton Black, Ruth Blakely, and Steve Kostas, “Tracking Rendition Aircraft as a Way to Understand CIA Secret Detention and Torture in Europe,” *The International Journal of Human Rights* 20, no. 1 (June 19, 2015): 79.

⁵⁵ *Ibid.*, 79-80.

⁵⁶ Dick Marty, Council of Europe Committee on Legal Affairs and Human Rights, “*Alleged Secret Detentions in Council of Europe Member States*” (2006), 1.

⁵⁷ Vincent Charles Keating, “The Anti-torture Norm and Cooperation in the CIA Black Site Programme,” *The International Journal of Human Rights* 20, no. 7 (June 17, 2016): 938.

⁵⁸ Kevin Hewison, “Black Site: The Cold War and the Shaping of Thailand’s Politics,” *Journal of Contemporary Asia* 50, no. 4 (2020): 552.

⁵⁹ Government of Canada, Department of Justice, “The French Revolution and the Organization of Justice” (January 7, 2015).

⁶⁰ Jay Luvaas, ed., *Napoleon on the Art of War* (New York: Simon & Schuster, 2001), 11.

of the endemically unstable Fourth Republic Left-Wing Coalition government.⁶¹ As a result, despite the lack of an official acknowledgement of torture's use, torture incidents hung around the neck of the military and civil government as a strategy unpopular among the civilian population of contiguous France.

Officially, the domestic legal codes of most countries banned torture.⁶² Layers of international law and agreements protecting universal human rights reinforced these domestic efforts.⁶³ Yet, many states continue to use torture regardless of their accession to the UNCAT, and in direct contravention of their own domestic legal codes. For authoritarian states, with limited political debate and weak public opinion,⁶⁴ the use of torture lacks any serious consequences.⁶⁵ These nations are able to swamp the media with their versions of events, and when boosted by their strong internal security capacity,⁶⁶ curtail critique of torture by hinting that those with too long tongues may face a possibility of being tortured as a consequence. In this case, the only reservation about the use of torture stems from the cost-benefit analysis made by opponents and the greater populace, which can lead to the increased incentive of open and violent opposition. If the repression becomes indiscriminate, there is no incentive to remain compliant or supportive to the government, as there is no way to avoid being the target of the internal security

⁶¹ Horne, 289.

⁶² Amnesty International, "Why Amnesty Thinks Torture Should Be Abolished Everywhere," *Torture - Amnesty International*.

⁶³ Office of the High Commissioner for Human Rights, "Convention against Torture."

⁶⁴ David A. Siegel, "When Does Repression Work? Collective Action in Social Networks," *The Journal of Politics* 73, no. 4 (October 2011): 993, 1000-1004.

⁶⁵ Haifeng Huang, "Propaganda as Signaling," *Comparative Politics* 47, no. 4 (2015): 420.

⁶⁶ Lisa Wedeen, "Acting 'As If': Symbolic Politics and Social Control in Syria," *Comparative Studies in Society and History* 40, no. 03 (1998): 505.

apparatus.⁶⁷ Democracies, by comparison, are vulnerable to social movements and popular opinion within their nations that can undermine popular support, and thus power, should unpopular laws and actions such as torture be implemented.⁶⁸ The cost-benefit analysis undertaken by democratic governments would then theoretically play out to having torture be an unattractive option, yet the French and American governments both resorted to torture despite the inevitable consequences of popular upheaval.⁶⁹

The most poignant difference between the French and American domestic social and political reactions to the use of torture is the collapse of the Fourth Republic compared to the re-election of President George W. Bush in 2004,⁷⁰ under whom the increasingly unpopular Iraq War, and the use of EIT, had been ordered,⁷¹ defended,⁷² expanded,⁷³ and justified.⁷⁴ The second Bush administration, despite the approval of EIT via their election, drew down the usage of EIT in an attempt to undo the damage torture had wrought.⁷⁵ The Obama administration finally banished it by issuing a blanket ban on the use of EIT, but created its own legacy of mass human rights abuses and creative interpretation of international laws via the massive

⁶⁷ Huang, 424-25.

⁶⁸ Siegel, "When Does Repression Work? Collective Action in Social Networks," 1008.

⁶⁹ Angelique Chrisafis, "France Admits Systematic Torture during Algeria War for First Time," *Guardian*, September 13, 2018.

⁷⁰ Gary C. Jacobson, "George W. Bush, the Iraq War, and the Election of Barack Obama," *Presidential Studies Quarterly* 40, no. 2 (June 2010): 207-10.

⁷¹ Michele Chwastiak, "Torture as Normal Work: The Bush Administration, the Central Intelligence Agency and 'Enhanced Interrogation Techniques'," *Organization* 22, no. 4 (2015): 495.

⁷² James Simpson, "No Brainer: The Early Modern Tragedy of Torture," *Religion & Literature* 43, no. 3 (Autumn 2011): 1-4.

⁷³ Raphael and others, "Tracking Rendition Aircraft as a Way to Understand CIA Secret Detention and Torture in Europe," 91-93.

⁷⁴ Donovan Conley, and William O. Saas, "Occultatio: The Bush Administration's Rhetorical War," *Western Journal of Communication* 74, no. 4 (2010): 337-38.

⁷⁵ *Ibid.*, 343.

investment and employment of armed Unmanned Aerial Vehicles (UAV) for targeted killings.⁷⁶ These attacks, a new form of terrorism, also damaged the reputation of the United States in the eyes of American allies,⁷⁷ and the American public.⁷⁸

The legal battle over torture between those who believe it has inherent advantages when compared to the traditional forms of intelligence gathering and those who understand that it damages the efforts to combat an insurgency will continue. Those who support torture and were part of the Bush administration try to conceal the extent of the EIT program; they cite documents that have yet to be declassified⁷⁹ and they have destroyed many documents and videotapes before Senate committees studying the effects and effectiveness of the EIT program could examine them.⁸⁰ So long as the state is able to effectively block access to critical evidence or obscure it, it is unlikely that the forces proposing the use of torture within governments will ever face effective opposition. This is particularly true for dictatorial regimes who are not at the whim of public opinion. However, as history shows, democracies that face smart, strong, and ruthless rebels have also, to their detriment, occasionally resorted to torture for intelligence-gathering purposes.

Curiously, the proponents of torture failed to provide convincing arguments for its legalization despite their claims that lethal use of force by police has graver

⁷⁶ Mike Dreyfuss, "My Fellow Americans, We Are Going to Kill You: The Legality of Targeting and Killing U.S. Citizens Abroad," *Vanderbilt Law Review*, 249th ser., 65, no. 1 (2012): 255-56.

⁷⁷ Dreyfuss, 259.

⁷⁸ James Cavallaro, Sarah Knuckey, and Stephan Sonnenberg, "Living Under Drones: Death, Injury, and Trauma to Civilians From US Drone Practices in Pakistan," *Proceedings of International Human Rights and Conflict Resolution Clinic (Stanford Law School), Global Justice Clinic (NYU School of Law), New York City* (September 2012), 134.

⁷⁹ *Frontline: Secrets, Politics and Torture*, directed by Michael Kirk.

⁸⁰ *Ibid.*

consequences than torture.⁸¹ For democracies, torture is a tempting but counterproductive shortcut to conventional intelligence gathering based on human intelligence. Torture actively undermines the core efforts of counterinsurgents to win “hearts and minds”⁸² in rebellious regions and upsets any political competition with the rebels. No matter the legal manipulation that could be done to theoretically legalize the effort, it simply is not worth the fallout. Democracies must reject torture as a counterinsurgency tool and forfeit attempts to give torture legal protection. Torture has no place in the operational scheme of any security agency of a democracy that desires to achieve its national security objectives through implementing a rational and competent counterinsurgency doctrine; efforts to skirt international law to justify the use of torture deceive no one and only fuel rebellion.

⁸¹ Posner and Vermeule, “Should Coercive Interrogation Be Legal,” 675.

⁸² Conrad C. Crane, *Cassandra in OZ: Counter Insurgency and Future War*, 1st ed. (Annapolis, MA: Naval Institute Press, 2016), 92-93.

Chapter 2: Algeria (1954-1962): Winning to Lose

France's entanglement in Algeria ended with a civil war that had a counterinsurgency component. Algeria had belonged to France for a little over one hundred and twenty years by the 1950s, and the French viewed it as an integral part of France for most of this period. France perceived counterinsurgency operations in Algeria not as another distant colonial war, such as in Indochina, but as a defence of French soil.⁸³ While losing Indochina had been painful, losing Algeria was unacceptable; it would be as destructive to the French vision of their nation as losing Lyon or Burgundy. Algeria continued to have representation in the French Legislature throughout the conflict, and held rights similar to any other contiguous part of France.⁸⁴ The recent loss of Indochina to the Viet Minh had humiliated the French government and, in particular, the French military, with defeat at the hands of a colony making the loss particularly poignant. The French military's outrage primarily grew from the perceived betrayal wrought by the French government after peace had been negotiated with Indochina. Many French soldiers, especially the elite Parachute Regiments and French Foreign Legion (FFL), had been captured, tortured, and sent to re-education camps by the Communists,⁸⁵ and when these men went on to leadership roles during the Algerian conflict they still bore anger toward the perceived weakness and failure of civilian leadership during the conflict.

In the Algerian War of Independence, the anger and resentment within the military manifested primarily in its unwillingness to meaningfully pursue non-

⁸³ Horne, 83.

⁸⁴ *Ibid.*, 68.

⁸⁵ *Ibid.*, 166.

kinetic forms of counterinsurgency doctrine, such as the prioritization of passive human intelligence-gathering opportunities in favour of direct capture operations and interrogations. Exacerbating the French military's proclivity toward using physical interrogation on civilians or informants, as well as suspected insurgents, was the overarching civil and economic disparity facing Algerian Muslims.⁸⁶ France's attempts to assimilate the Algerian Muslims into French society included having schools and universities provide lessons in French only,⁸⁷ and incentivizing Arabs who abandoned traditional lifestyles and adopted French attitudes by enabling them with greater opportunity for upward social mobility. Learned Arabs could then be absorbed to some degree within the colonial government and society. Employment of Arabs within the French Algerian government was quite common, even at the height of insurgent campaigns to eliminate these perceived collaborators, and Algerians moved in great numbers to find work in the French industrial regions. Despite the availability of Arabs who theoretically could have been used as interlocutors, the reality of the situation was that once Arabs entered into the greater French sphere they became useless as intelligence agents or infiltrators. The FLN had an effective capacity to monitor and track who had, in their eyes, entered into the French colonialist machine, thereby abandoning their Arab brothers – French-Arab civil servants were often targets of gruesome reprisals by the FLN.⁸⁸ Without the capacity to engage and exploit individuals who could transition between the social strata dedicated to the French-speaking and French-

⁸⁶ *Ibid.*, 168.

⁸⁷ *Ibid.*, 55.

⁸⁸ *Ibid.*, 100.

dominated environment and that of the predominantly Muslim and Arabic opposition, the French counterinsurgency effort was incentivized to engage in harsher and more invasive methods of intelligence gathering.

Complicating the French operations was the dichotomy of reactionary pressure groups within Algeria, and France proper – the early period of the conflict saw military and government interests and thinking align with the local European Algerian social class, the Pied Noir. The consistently intractable demands of the Pied Noir elites presuming their control of the government in French Algeria often crippled repeated Algerian Arab and French efforts directed at reforms intended to broker compromise with the FLN and address the societal issues that were at the heart of the move for independence.⁸⁹ The French government attempted to cajole the Pied Noirs into compromising on the efforts of moderate Arabs attempting to alleviate the economic and social plight driving the insurgency.⁹⁰ However, Pied Noir dominance in the Algerian legislature limited French efforts to employ soft counterinsurgency methods, such as meaningful political reforms intended to elevate Arabs' social status and increase their legislative representation, and economic reforms promoting Arab entrepreneurship. These problems reduced the number of collaborators willing to supply French security agencies with intelligence on the insurgency. In the absence of negotiations between the authorities and the FLN, the French could not identify key members of the insurgency and investigate them for intelligence-gathering efforts. Reluctance to offer amnesties to insurgents,

⁸⁹ Ibid., 70.

⁹⁰ Paul Lushenko and John Hardy, "Panjwai: A Tale of Two COINs in Afghanistan," *Small Wars and Insurgencies* 27, no. 1 (February 05, 2016): 108-9.

many of whom had committed gruesome atrocities, deprived the French of the opportunity to gain intelligence from defecting insurgents. Strategic ignorance, the unpredictable agenda of an increasingly unstable French government,⁹¹ the Pied Noir resistance to a compromise with the Arabs, and disbelief that FLN would pursue a negotiated solution led the French to follow a doctrine that viewed the socio-economic factors of counterinsurgency as secondary and rely primarily on overwhelming force: aggressive pursuit, raiding, and force projection against the centres of gravity binding the insurgency together.⁹² This approach presumed that overwhelming force would persuade the FLN that resistance was impossible and force them to capitulate.

The strategic decision to assign primacy to a military defeat of the FLN, which implied reliance on ruthless tactics⁹³ and had little regard for the social, political, and economic realities motivating Algerians to join the insurgency, invariably drove many formerly neutral civilians into the camp of the insurgency. New FLN recruits compensated for the grave casualties suffered by the insurgents. Moderate Arab nationalists who could have acted as interlocutors found themselves driven out by combat-minded Arab hardliners,⁹⁴ or by those radicalized by the continuing failures to negotiate and compromise with the civil Algerian government and legislature. The Algerian War had started in bloody acts of terrorism during the

⁹¹ Constantin Melnik, *The French Campaign Against the FLN* (Santa Monica, CA: RAND Corporation, 1967), 1.

⁹² *Ibid.*, 109.

⁹³ Lou DiMarco, "Losing the Moral Compass: Torture and Guerre Revolutionnaire in the Algerian War," *Parameters* (Summer 2006): 70.

⁹⁴ Horne, 116-17.

All-Saints Day Massacre in 1954.⁹⁵ The FLN regularly tortured⁹⁶ and mutilated any members of the French security forces that had been captured, and any alleged collaborators or civilian Pied Noirs as well. The horrors inflicted on both combatant and innocent civilians only increased throughout the fighting, and one such incident was the slaughter of French men, women, and children in Phillippeville,⁹⁷ a massacre from which only six of the town's inhabitants would survive. The inevitable outcome of this was Pied Noir and French military reprisals in the form of "ratissage" (the raking over of neighbourhoods),⁹⁸ and repeated acts of merciless "ratonnades" (rat hunts)⁹⁹ by civilians and local security in an effort to take revenge.

Torture the enemy for information is not a preferred option for a rational state, but is the weapon of last resort used when the state regards the compliance of the populace only as a secondary objective, not as a means to achieve victory. Given that the French counterinsurgents prioritized the acquisition of critical intelligence over the winning of Algerians' hearts and minds, such a response to the two phases of terror bombings by the FLN during the Battle of Algiers seemed rational so long as the French public remained unaware of the exact methods used to combat the insurgency. The military objective fixation, combined with the time-sensitive nature of the terror threat in Algiers, took precedence once the Mayor of Algiers surrendered control of Algiers' security apparatus to the 10th Parachute Division

⁹⁵ Ibid., 25.

⁹⁶ Ibid., 210.

⁹⁷ Ibid., 148.

⁹⁸ Ibid., 136.

⁹⁹ Ibid.

and its commanding officer Brigadier General Jacques Massu.¹⁰⁰ Under Massu, the decision to employ torture as the main strategy for breaking open the tightly coordinated bombing network run out of the casbahs of Algiers bore fruit. The pressure exerted during the surge of snatch-and-torture efforts by French paratroopers resulted in a decrease in terror bombings and in increased willingness from the civilian population to collaborate and inform on the FLN insurgents in their midst. The surprising appearance of informers and other collaborators willing to undermine the FLN terrorist campaign, despite the unspoken acknowledgement of the French use of torture, points to the conceptually difficult duality of hard power in counterinsurgency. With the knowledge that these French security forces were using torture,¹⁰¹ the civilian populace of Algiers preferred the safety this repression generated over the promises of the FLN, due in no small part to the brutality of the FLN terror campaign and its purposeful targeting of civilians.¹⁰² Notably, the French Special Administrative Sections,¹⁰³ special units that operated independently of garrisoned security forces, were able to forge an effective fighting force from local volunteers, known as the Harka.¹⁰⁴ The Harka were able to identify FLN insurgents within the villages from which they had been recruited, although they largely operated as a second-line force.¹⁰⁵ Despite the influx of passive human intelligence

¹⁰⁰ Gil Merom, *How Democracies Lose Small Wars: State, Society, and the Failures of France in Algeria, Israel in Lebanon, and the United States in Vietnam* (Princeton, NJ: Cambridge University Press, 2002), 228.

¹⁰¹ Horne, 202.

¹⁰² *Ibid.*, 191.

¹⁰³ DiMarco, 68.

¹⁰⁴ *Ibid.*, 68-69.

¹⁰⁵ *Ibid.*, 69.

from collaborators, turncoats, and paid informants,¹⁰⁶ the French military continued to employ torture as the primary method of rapid intelligence gathering throughout the campaign in the city of Algiers.¹⁰⁷ The consequences of relying on torture would only manifest after the conclusion of the campaign within Algiers.

Torture had undeniably made a vital contribution to France's victory during the Battle of Algiers, as the intelligence gathered from torture enabled the raids on, and destruction of, the bomb manufacturing, distribution, and command network operating within the city. In parallel, the domination of the insurgency's battle space by Massu's paratroopers saw the death or detention of key FLN leadership figures, such as Ben M'hidi, one of the founding members of FLN,¹⁰⁸ and Saadi Yacef,¹⁰⁹ the mastermind of the bombing campaign.¹¹⁰ Massu's rapid deployment of his forces to the city allowed the French to gather actionable human-sourced intelligence from the suspected insurgents and collaborators in a setting that had long denied them any opportunities. The French established a tight procedural loop that enabled them to immediately act upon time-sensitive intelligence extracted via torture.¹¹¹ This tactical-level intelligence, most often the fastest to degrade or expire, was key to directing the raids that helped to break the bomb network terrorizing Algiers.¹¹² In the aftermath of the Battle of Algiers, the FLN leadership cadre was in a shambles, and the display of combat effectiveness and skill of the Parachute Divisions, army

¹⁰⁶ Ibid., 69.

¹⁰⁷ Ibid., 64.

¹⁰⁸ Horne, 76.

¹⁰⁹ Ibid., 188-91.

¹¹⁰ Jim Dingeman and Saadi Yacef, "You Cannot Continually Inflict': An Interview with Saadi Yacef," *Framework: The Journal of Cinema and Media* 49, no. 2 (Fall 2008): 50.

¹¹¹ DiMarco, 67.

¹¹² Ibid.

regulars, and French Foreign Legion units restored security throughout the region. The FLN was unquestionably weak in that moment, and both Alistair Horne¹¹³ and contemporary military analyses¹¹⁴ propose that in those critical days the French could have forced a peace settlement on the broken FLN and its ineffectual military arm, the Armée de Libération Nationale (ALN), putting an end to the war in Algeria with a French victory. However, the Faustian bargain they made with torture denied the French military the very capability they needed to achieve victory. Despite the increasing notoriety of torture's use in Algeria, the French military continued to practise it after the battle of Algiers, and increased the breadth and catalogue of techniques at their disposal, thus losing a key opportunity for achieving victory over the FLN.

The domestic consequences of employing torture for counterinsurgency are usually grave, particularly in the context of democratic states viewing themselves as champions of human rights and international law, yet rarely has torture produced such a severe political crisis as it did in France. The resort to torture deeply disturbed veteran French officers, particularly those with similar experiences to Paul Teitgen, the head of police in Algeria. Teitgen had served with distinction in the French resistance during the German occupation,¹¹⁵ and after being captured by the Gestapo he was deported to Dachau, where he was tortured nine times.¹¹⁶ During the Algerian conflict, Teitgen resigned in protest over the continuing and expanding

¹¹³ Horne, 267.

¹¹⁴ Melnik, 9, 39.

¹¹⁵ Horne, 203.

¹¹⁶ Major Hervé Pierre, "Gathering of Human Intelligence in Counter-Insurgency Warfare: The French Experience during the Battle of Algiers (January-October 1957)," (PhD diss., United States Marine Corps Command and Staff College, 2009), 19.

use of torture by the French military because he felt it was leading the counterinsurgency effort and France itself morally astray. Teitgen's resignation was a particularly poignant rebuke of torture because he continued to serve as the head of the police after stopping a coup attempt led by the military early in the conflict.¹¹⁷ When Teitgen saw his countrymen operating with methods used by the Gestapo, he realized how fear and rage could drive individuals who were formerly devout and devoted to the moral principles of freedom and liberty to use torture. Teitgen faced pressure and even temptation to use torture when faced with a literal ticking time bomb scenario, but rose above the coercion from his troops and his own temptations.¹¹⁸ In the aftermath of the bomb crisis, Teitgen commented, "All our so-called civilization is covered with a varnish ... underneath you find fear. The French, even the Germans, are not torturers by nature. But when you see the throats of your *copains* slit, then the varnish disappears."¹¹⁹

The possibility of being tortured was not contained within the geographical boundaries of Algeria, as instances of torture clung to returning soldiers and security forces like barnacles on a ship. French soldiers returning from tours in Algeria regularly complained of nightmares¹²⁰ or other maladies that are now recognized as clear signs of post-traumatic stress disorder. The mental health of troops operating as torturers suffered, and the rationality of their judgment atrophied in the aftermath of the French counterinsurgency operations. As one of

¹¹⁷ Horne, 183.

¹¹⁸ Ibid., 204.

¹¹⁹ Ibid., 204.

¹²⁰ Ibid., 201, 206.

them described, “I felt myself becoming contaminated.”¹²¹ A tragic example of torture’s caustic nature is the police inspector who, after torturing his own wife and children, cited his past torturing of Algerian suspects as the trigger for his own neurosis.¹²² In 1961, the Paris metropolitan police occasionally threw pro-Algerian protestors into the Seine River,¹²³ with the most prominent incident being the crackdown against a massive protest that ended with approximately 150 Algerians dying at the hands of French police.¹²⁴ Anti-war protests in Paris were regularly met with heavy-handed police response: deaths among the protestors were frequent;¹²⁵ some international correspondents were beaten, while French journalists were jailed;¹²⁶ and many arrested Algerians were deported back to Algeria. There were also several instances of French police copying methods used in Algeria, as the lynching of detainees in the woods around Paris demonstrates.¹²⁷

Within Algeria, the extremes of prisoner mistreatment graphically culminated in the incarceration of 101 detainees in a single room for over a day.¹²⁸ This led to the deaths of 41 prisoners¹²⁹ as they suffocated in the cramped conditions. This incident demonstrated to civil society that the military was not simply pursuing a matter of intelligence gathering against an entrenched enemy, but was actively treating the captives as nothing more than a biological resource that

¹²¹ Ibid., 201.

¹²² Ibid., 206.

¹²³ Ibid., 500.

¹²⁴ Stuart Jeffries, “Paris Recalls Murder of Algerians,” *Guardian*, October 17, 2001.

¹²⁵ Merom, 129.

¹²⁶ Ibid., 129-130.

¹²⁷ Horne, 500.

¹²⁸ Ibid., 200-202.

¹²⁹ Ibid., 201

could be exploited and did not require the application of moral scruples.¹³⁰ The effectiveness of torture for the gathering of intelligence was undeniable during the Battle of Algiers, and in those circumstances it was arguably rational as a tactic but not as a strategy. The men spearheading torture in Algeria were given increased authority, and the defining military plan, the “Challe Plan,”¹³¹ called for intelligence acquisition “through all possible means.”¹³² Despite an official prohibition of torture, the Plan institutionalized information-gathering methods deemed most effective by contemporary analysis in spite of their undeniable consequences.

By the date of Teitgen’s resignation, he estimated that approximately 3,000 Algerians had “disappeared,”¹³³ a term that specifically captures the “inconvenient” innocents and suspected insurgents who had been tortured to death by French paratroopers and regular French military units. The security forces dealt with the victims by burying their mutilated and disfigured bodies in gardens covered in quicklime to destroy the evidence¹³⁴ or taking them to the woods to be buried;¹³⁵ other victims were flown out to sea, where they were thrown to their deaths.¹³⁶ The threat and fear of being disappeared was not geographically limited to Arabs, as several French paratroopers recall having tortured Europeans during their tenure in Algeria.¹³⁷ French citizens whom the military suspected of collaboration with the Algerian insurgency would earn a trip to Algeria where they experienced the

¹³⁰ Ibid., 198.

¹³¹ Melnik, 44.

¹³² Ibid., 16.

¹³³ Horne, 204.

¹³⁴ Ibid., 201.

¹³⁵ Ibid., 201.

¹³⁶ Ibid., 201-2.

¹³⁷ Ibid., 199.

mercies of whichever torture technique was in vogue. Key figures in the Algerian nationalist movement, such as Henri Alleg,¹³⁸ were threatened with having their families transported to Algeria to be tortured.¹³⁹ The French military curtailed all avenues of moral objection through peer pressure,¹⁴⁰ and training schools were established to disseminate the various techniques of torture. French paratroopers also employed the classic facilitating method of dehumanizing their victims, only rarely referring to them by their names, preferring to use “rat”¹⁴¹ in order to deprive their victims of their humanity. In the words of General Bollardiere, a vocal opponent of torture, “It’s easy to torture a *bougnoul* [rat], because you figure he’s not a human being.”¹⁴² Despite the firm grip Frenchmen keep to their Catholicism as a moral guide, this point of potential objection and resistance was circumvented by the military, specifically the 20th Paratrooper Division’s commander ordering the unit’s chaplains to invent whatever religious sanctions¹⁴³ were necessary to justify the use of torture in the minds of the French troops charged with gathering intelligence. Hardening the hearts of French soldiers to moral objections inspired by religious contemplation was an act meant to reinforce the peer-derived education and pressure to continue the use of torture for gathering intelligence.

The majority of proponents for torture remained within the French military and among the Pied Noirs,¹⁴⁴ who had the most to lose should the French Army

¹³⁸ Jeff Erickson, “Torture: Henri Alleg and the Algerian War,” *Iowa Historical Review* 4, no. 1 (2013): 25-27.

¹³⁹ *Ibid.*, 31.

¹⁴⁰ Horne. 201.

¹⁴¹ Erickson, 29.

¹⁴² *Ibid.*, 29.

¹⁴³ Merom, 126.

¹⁴⁴ Horne, 54.

prove unsuccessful in defeating the insurgency in Algeria. French law demands a death penalty for any who carry out the act of torture.¹⁴⁵ However, as the loyalty of the professional soldiers in Algeria moved from the state to their officers and comrades, the ability of the French government to impose its will over these men evaporated.

The most dramatic episode in French politics was a coup attempt carried out by the Organization Armée Secrète (OAS).¹⁴⁶ The OAS, a right-wing group dominated by members of the French Military, included the likes of Massu's second-in-command, Yves Godard, and Raoul Salan, the commander-in-chief of French military operations within Algeria,¹⁴⁷ with their espoused goal being to keep Algeria a part of France by any means necessary. The OAS's later actions would include an ironic mimicry of the FLN with an armed insurgency flaring up under the OAS in the final days of French Algeria.¹⁴⁸ The OAS sought to assassinate key French politicians, including Charles de Gaulle,¹⁴⁹ though direct military support had only gone as far as the May 13th coup, and the subsequent return of de Gaulle.¹⁵⁰ With the senior commanders engaged in coup attempts against the central government, combined with civil unrest within France and the deeply unpopular governmental structure, the collapse of the Fourth Republic was unavoidable; it finally crumbled in 1958 during the May 13th crisis.¹⁵¹ In the chaos, Charles de Gaulle exited retirement, and

¹⁴⁵ "Fifth Republic of France' [France's?] Legal Code," *Légifrance*.

¹⁴⁶ Horne., 515.

¹⁴⁷ Ibid., 440, 443.

¹⁴⁸ Ibid., 500, 529-530.

¹⁴⁹ Ibid., 428, 441.

¹⁵⁰ Melnik, 22-23.

¹⁵¹ Horne, 289-290.

returned at the behest of the outgoing government.¹⁵² Charles de Gaulle enjoyed significant popularity among the military, unlike the detested civil politicians.¹⁵³ President de Gaulle introduced the socially unpopular but politically necessary amnesty for all war crimes committed in Algeria in 1962,¹⁵⁴ in line with the final negotiations that arranged for the transfer of power and the French withdrawal from Algeria.¹⁵⁵ The amnesty was arguably due in large part to the continuation of the Fourth Republic's proclivity for harsh interrogations into the Fifth Republic's counterinsurgency doctrine.¹⁵⁶ Under de Gaulle's reinvigorating leadership, the French operations in Algeria retained the veneer of military dominance in the counterinsurgency doctrine, but the new doctrine also sought to create conditions for a negotiated end to the conflict, and of France's involvement in Algeria.¹⁵⁷

Despite the resolute French legal requirement that criminals convicted of using torture would face the guillotine, there did exist a short-lived overture that questioned whether it would be better for the French international and domestic image to legitimize the French military's actions in Algeria. The Fourth Republic directed Inspector General Roger Wullaume to suggest solutions for the problem of torture.¹⁵⁸ In the report,¹⁵⁹ likening the uncontrollable use of torture to solutions applied to a rampant black market, Wullaume recommended legislating the use of torture in an attempt to at least regain some level of control over the program.

¹⁵² Melnik, V.

¹⁵³ *Ibid.*, 6-8.

¹⁵⁴ "The Torture of Algiers," *Algeria-Watch Website*.

¹⁵⁵ Horne, 530.

¹⁵⁶ Melnik, 39.

¹⁵⁷ *Ibid.*, 4-6.

¹⁵⁸ Nancy Wood, *Germaine Tillion, A Woman of Memory: From One Algeria to Another* (2003), 196.

¹⁵⁹ Horne, 197.

Wuillaume's solution was to create a category of torture that, so long as it induced only psychological damage with a limited physical impact, could be legally approved and accepted. However, the French government immediately and emphatically refused Wuillaume's suggestion to legislate torture to control it,¹⁶⁰ viewing it as surrendering legislative power to the military, especially as the impetus for the legalization was the already illegal actions of the French armed forces. The French government also refused to entertain the recommendations of Wuillaume's report on the grounds that they were in direct contravention of the French notions of human decency, and of France's national moral values. Wuillaume, however, observed that the French counterinsurgents in Algeria would continue to use torture widely regardless of its legality.¹⁶¹

The ultimate damage inflicted through the use of torture, the subsequent cover-ups by the French government,¹⁶² and the resistance toward government oversight by the military manifested in the collapse of the Fourth Republic and the inability to exploit the weakness of the FLN after the Battle of Algiers. Among the strategic consequences of torture was the political decision under the Fifth Republic to step down the commitment to Algeria, and ultimately pursue a negotiated withdrawal and end to hostilities in the region. Despite the introduction of sweeping reforms in operational doctrine and counterinsurgency planning during the Fifth Republic, as well as the curtailing of Pied Noir mass violence, illustrated by the marked drop in "raking over" attacks and "rat hunts" undertaken after 1958, the

¹⁶⁰ Ibid., 197.

¹⁶¹ Ibid., 197.

¹⁶² Erickson, 26, 28, 30.

war against the FLN had been lost. The French military was winning victory after victory, yet in spite of this dominance on the operational level, the strategic realm was firmly controlled by actors moving toward an outcome favoured by the FLN.¹⁶³ Torture enabled elimination of the FLN's many cells, yet this method, so inimical to French social and political moral moorings, crippled in the end the effectiveness of France's response to the rebellion. Lacking the domestic support and commitment for continued operations against the FLN in Algeria under both the Fourth and Fifth Republics, a series of military victories did not lead to a strategic breakthrough. Modern insurgencies can rarely be beaten by naked aggression alone; mastering the intertwined political and economic motivations of insurgents and undermining these mobilizing points is integral to a successful counterinsurgency campaign. Torture is indicative of a failure to grasp this necessary understanding, and within Algeria the French use of torture eviscerated domestic public support for the counterinsurgency campaign, and undermined the government's willingness to commit further resources to the operational capacity of the military. Victory in Algeria against the FLN would have been difficult without the use of torture for gathering information, but after the employment of torture on a strategic scale, the preconditions for victory became impossible to fulfill.

¹⁶³ Horne, 540.

Chapter 3: Afghanistan (2001-2021): Rising Just to Fall

The late 20th and early 21st centuries witnessed a rapid growth of Islamic fundamentalism, with international terrorism as the primary weapon of choice. The key event that first triggered this growth was the victory of the Mujahedeen over Soviet intervention into the Afghan civil war because it was perceived as an Islamic victory over an atheist superpower by the imams and preachers who rallied a large part of the Islamic world into jihad against the infidels. Compounding the rapid growth of terrorist networks in the 1990s was the collapse of the Warsaw Pact and the Eastern Bloc as weapons flowed from their arsenals into the hands of rogue states, or left in the hands of the men who carried them from the service of the state to whatever individual group radicalized them first.¹⁶⁴ The crucial group in this camp was the Mujahedeen's massive network comprised of interoperating and cooperating Islamic fighters from all over the world, and financiers who had gained expertise and weapons following the Soviet invasion of Afghanistan. Although the Mujahedeen subdivided into religiously segregated Shia and Sunni forces,¹⁶⁵ between which the fighting was often just as fierce and brutal as that against the Soviet forces in Afghanistan,¹⁶⁶ the dominant Sunni groups emerged as Al-Qaeda (AQ), a capable terrorist network that recruited the radicalized Muslims primarily

¹⁶⁴ Robert Niebuhr, "Death of The Yugoslav People's Army and the Wars of Succession" (PhD diss., Arizona State University, 2005), 92, 93.

¹⁶⁵ Antonio De Lauri, and Astri Suhrke, "Armed Governance: The Case of the CIA-supported Afghan Militias," *Small Wars and Insurgencies* 27, no. 2 (June 18, 2020), 3-4.

¹⁶⁶ Gilles Dorronsoro, *The Taliban's Winning Strategy in Afghanistan* (Washington, DC: Carnegie Endowment for International Peace, 2009), 14.

from the Middle East but also from Pakistan, South-East Asia, Chechnya,¹⁶⁷ the former Yugoslavia,¹⁶⁸ and fracturing states and governments all over Africa.¹⁶⁹ The global threat of Al-Qaeda required previously unseen levels of cooperation between intelligence agencies, yet the variety of potential threats spread the efforts of the future counterinsurgents thin. While keeping tendrils of influence all around the globe, the United States' Central Intelligence Agency (CIA) had only obscure warnings from its shrinking traditional intelligence network in Afghanistan that a major attack was coming. The obsession with preventing the blindness that would lead to the events of September 11th guided the United States to the use of torture.

The September 11th terrorist act was the most devastating attack on American soil since Pearl Harbor. This trauma can be compared to the aftermath of December 7th, 1941, as the American populace and government reeled, and almost immediately swung out blindly against anyone perceived as the enemy, as the murder of Balbir Singh Sodhi,¹⁷⁰ a Sikh mistaken for a Muslim, attests. It was shocking to realize that intelligence gained by traditional methods in the days leading up to the attack forewarned of a possible threat against the United States

¹⁶⁷ Timothy L. Thomas, "Russian Tactical Lessons Learned Fighting Chechen Separatists," *Journal of Slavic Military Studies* 18, no. 4 (2005): 735.

¹⁶⁸ Edwin Bakker, and Roel De Bont, "Belgian and Dutch Jihadist Foreign Fighters (2012–2015): Characteristics, Motivations, and Roles in the War in Syria and Iraq," *Small Wars and Insurgencies* 27, no. 5 (August 5, 2016): 839.

¹⁶⁹ Rohan Gunaratna, *Inside Al Qaeda: Global Network of Terror* (New York City, NY: Cambridge University Press, 2002), 66-67.

¹⁷⁰ Anita Snow, "Arizona Sikh Preaches Love 18 Years after Post-9-11 Killing," *CityNews Toronto*, September 14, 2019.

using the medium of hijacked airliners — though this was displaced by streams of other prioritized intelligence reports due to the perceived low chance of success.¹⁷¹

The pre-existing massive base of intelligence built up during the 1990s and in the days immediately following the attacks on September 11th guided early operations in Afghanistan. The Taliban operated largely as a conventional force preceding the American invasion of Afghanistan (dubbed Operation Enduring Freedom),¹⁷² and as such their movements and larger forces were vulnerable to the massive technological surveillance of the American intelligence agencies and of the American Special Operations Command (SOCOM).¹⁷³ For years before Operation Enduring Freedom began there had been photographic and thermal images showing AQ training facilities within Afghanistan¹⁷⁴ as the United States had acted against the primordial AQ in response to the bombing of the USS *Cole*.¹⁷⁵ The American and NATO forces going into Afghanistan gathered intelligence through satellite photography and unmanned and manned aerial and ground surveillance; they also collected general human intelligence. These efforts allowed the Coalition forces to spot and quickly eliminate the Taliban's strongholds, training bases, major formations, and AQ allies while limiting civilian endangerment, the in-country Coalition footprint, and the overall cost of the operations. The outcome largely cemented the American obsession with the Revolution in Military Affairs (RMA)

¹⁷¹ *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks on the United States* (New York City, NY: W.W. Norton and Company, 2004), 264.

¹⁷² "The Beasts of Kabul: Inside the Afghan Army's Soviet Tanks," July 15, 2014, video, 6:57, produced by Afghan National Army.

¹⁷³ Mark Peceny and Yury Bosin, "Winning with Warlords in Afghanistan," *Small Wars and Insurgencies* 22, no. 4 (September 20, 2011): 608.

¹⁷⁴ Gunaratna, 228.

¹⁷⁵ *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks on the United States*, 190-91.

school of thought.¹⁷⁶ RMA contends that contemporary standing armies become obsolete; smaller forces equipped with state-of-the-art technology can attain their desired objectives more effectively and faster. RMA's core principles are high mobility, sophisticated weapons, and low footprint, all of which proved effective in the First Gulf War, former Yugoslavia, and the invasions of Iraq and Afghanistan. However, the small troop complement predicated by RMA thought makes it an insufficient tool to meet the demands of an extended counterinsurgency campaign.¹⁷⁷

The United States and its NATO allies swept aside the weak Taliban conventional army and dominated the battlefield. However, the hard deceleration of this successful momentum began once battlefield conditions outpaced intelligence. The first major failure for the counterinsurgency campaign, and for the GWOT overall, began with Operation Anaconda and the assault on Tora Bora and its massive cave complexes.¹⁷⁸ Coalition intelligence accurately pinpointed the location of not only Osama Bin Laden, but also other leaders of AQ and the Taliban, as well as foreign fighters.¹⁷⁹ Starved of resources and the necessary human intelligence, the effort to both secure Tora Bora and capture Osama Bin Laden and the Al-Qaeda commanders failed. The failure of Operation Anaconda stemmed from the inability to control the few passages into and out of Tora Bora, and the inability to grasp Osama Bin Laden's popularity within the villages that controlled these passages. By

¹⁷⁶ Tan, 105-6.

¹⁷⁷ Ibid., 110-12.

¹⁷⁸ Benjamin Runkle, "Tora Bora Revisited: Lessons from 125 Years of Strategic Manhunts," *Joint Force Quarterly* 70 (Fall 2013): 41.

¹⁷⁹ Steve Bowman and Catherine Dale, "War in Afghanistan: Strategy, Military Operations, and Issues for Congress," Congressional Research Service, 6.

failing to integrate Coalition-friendly human intelligence assets on the ground, and counter the Taliban-AQ forces' human intelligence capabilities, the attempt to decapitate insurgent leadership failed. Al-Qaeda leaders and Taliban fighters slipped through friendly villages over the border with Pakistan, allowing both organizations to maintain a strategic level of leadership and guidance as the campaign began drifting into a sphere of unconventional warfare.

The greatest strategic blunder of the Coalition, however, was the failure to invest in post-Taliban reconstruction and stabilization to avoid the chaos and factionalism that frequently plagued and divided the Afghan nation. The Pashtuns supported the Taliban, while the Uzbek, Tajik, and Hazara factions forming the Northern Alliance had different attitudes toward the International Security Assistance Force (ISAF), NATO, and United Nations, all of which supported leadership of the new Afghan government headed by Hamid Karzai.¹⁸⁰ Complicating US operations in Afghanistan was the nebulous role of Pakistan's Inter-Service Intelligence:¹⁸¹ despite their nominal alliance with the United States, the Inter-Service Intelligence often operated in a manner that was directly counterproductive to the US-led Coalition. The Inter-Service Intelligence at times directly funded, armed, and supported the Pakistani Taliban – a group almost directly intertwined with the Afghani Taliban.¹⁸²

¹⁸⁰ Tan, 22.

¹⁸¹ Laux, 201-209. The assertions made by Laux, despite the heavy redactions forced by CIA censors, point to the Pakistani ISI being the foreign intelligence service aiding the Taliban.

¹⁸² Tan, 39-40.

The matter of Afghanistan's human terrain complicated the gathering of human intelligence.¹⁸³ The United States treated the Northern Alliance as though it were a concrete whole of interests and objectives, but in truth their cooperation relied heavily on a joint desire to remove the Taliban, not on the security of Afghanistan as a whole.¹⁸⁴ The misperception of Afghan warring parties perceived as allies continued despite clear evidence to the contrary originating from reports filed by SOCOM agencies, including American Green Berets.¹⁸⁵ These agencies were aware and sensitive to the extreme diversity of the Northern Alliance, as SOCOM regularly stressed the complexity of the situation on the ground.¹⁸⁶ Great political challenges stemming from the tribal nature of Afghan society undermined the ISAF's goal of asserting a strong central government in Afghanistan and limited the efforts of the Afghan National Army (ANA) and Afghan National Police (ANP) directed toward this common goal. The ISAF and ANA were both equally foreign to Afghani tribal groups populating remote areas.¹⁸⁷ Those who supported the ISAF as opposed to AQ did it only because they understood that support of AQ would lead to a return of the hated Taliban.¹⁸⁸ With ethnically diverse northern Afghanistan facing the predominantly pro-Taliban Pashtu in the south, there were obstacles to intelligence penetration that were difficult to overcome.

¹⁸³ Runkle, 9.

¹⁸⁴ Walter L. Perry and David Kassing, "Toppling the Taliban: Air-Ground Operations in Afghanistan," October 2001-June 2002," *RAND* (2015): 41.

¹⁸⁵ *Ibid.*, xv, xvi.

¹⁸⁶ *Ibid.*, 31.

¹⁸⁷ Runkle, 42.

¹⁸⁸ Gunaratna, 9.

The ANA and ANP could not achieve concrete and meaningful results from their military actions against the Taliban,¹⁸⁹ and at the same time, their regular employment of torture, not just for intelligence gathering but also as a form of retaliation against the Taliban,¹⁹⁰ exacerbated their unpopularity with the Afghan people and damaged international cooperation between the Afghan security apparatus and its international partners.¹⁹¹ Canada ceased its transfer of suspected Taliban detainees to ANA and ANP because Canadian legislation banned the turning over of prisoners or deportees to states or groups who are likely to torture them.¹⁹² The continuing transfer of captured AQ and Taliban forces to American interrogators saw no parallel interruption, despite clear evidence that Americans used torture in both Afghanistan and Iraq.¹⁹³ The Taliban also tortured captured ANA soldiers¹⁹⁴ and it is unclear whether they did it to gain intelligence from their captives or simply in retaliation; after all, the massive operational security problems plaguing the ANA and ANP led to the steady leakage of important information to the Taliban.¹⁹⁵

The use of torture by the CIA, ANA, and ANP heavily damaged the effort to legitimize the Afghan government, and also restricted the flow of information from

¹⁸⁹ Antonio Giustozzi, "Auxiliary Force or National Army? Afghanistan's 'ANA' and the Counter-Insurgency Effort, 2002–2006," *Small Wars and Insurgencies* 18, no. 1 (April 30, 2007): 56; Craig Whitlock, "In Confidential Documents, U.S. Military Trainers Describe Afghan Security Forces as Incompetent, Unmotivated and Rife with Deserters," *Washington Post*, December 9, 2019.

¹⁹⁰ Lt. Col. Nishika Jardine, "Canadian Armed Forces and the Rule of Law: Failures of the Arrangement for the Transfer of Detainees in Afghanistan," (PhD diss., Canadian Forces College, 2007), 7.

¹⁹¹ Allan Woods, "Canada Halts Transfer of Afghan Detainees," *Thestar.com*, January 24, 2008.

¹⁹² Jardine, iii, 2-3.

¹⁹³ Dorrnsoro, 16.

¹⁹⁴ Omar, "Rescued Afghan Soldiers Speak of Appalling Torture, Brutality in Taliban Prison," *Salaam Times*, January 31, 2020.

¹⁹⁵ Bowman and Dale, 7.

demoralized, unmotivated insurgents willing otherwise to take amnesties. Defectors are critical for obtaining intelligence in counterinsurgency, as they bring with them invaluable internal knowledge about key leaders, recruiters, and suppliers and their methods.¹⁹⁶ Former terrorists and insurgents can also be exploited for political purposes; turncoat insurgents denounce their colleagues or spread propaganda to de-legitimize an insurgency.¹⁹⁷ Within Afghanistan, however, the lack of incentives to defect, and the lack of moral legitimacy among the United States and its allies,¹⁹⁸ undermined defection of the disaffected Taliban fighters. The Coalition failed to retain a focus on Afghanistan,¹⁹⁹ and it did not establish or cultivate a viable economic and socially legitimate government;²⁰⁰ it focused mainly on the military aspects of pacification as opposed to the motivating factors of the rebellion.²⁰¹

The United States and its NATO allies entered Afghanistan ill prepared for the rapid transition between fighting a limited conventional war against the regular formations of the Taliban government and the massive and multifaceted counterinsurgency that rapidly grew in the aftermath. They found themselves without the key linkage between the external intelligence organizations and the sources of information on the ground. Some members of NATO, such as Germany or Spain, were familiar with the counterinsurgency strategy in the national context, as

¹⁹⁶ *U.S. Counterinsurgency Warrior Handbook*, 77-79.

¹⁹⁷ Rogelio Alonso and Javier Diaz Bada, "What Role Have Former ETA Terrorists Played in Counterterrorism and Counterradicalization Initiatives in Spain?" *Studies in Conflict & Terrorism* 39, no. 11 (2016): 985.

¹⁹⁸ Dorrnsoro, 25.

¹⁹⁹ Nagl, 29.

²⁰⁰ *Ibid.* Robert Thompson's Five Principles of Counter Insugency. Principle 1.

²⁰¹ *Ibid.*, Principle 4.

the German security agencies had fought the Red Army Faction (RAF),²⁰² while the Spanish ones had struggled against the Basque terrorists of the Euskadi Ta Askatasuna (ETA).²⁰³ However, this experience was of little help against an entrenched foe within hostile terrain in a foreign country. The United States did develop a counterinsurgency doctrine during the Vietnam War, as did Britain during the Malayan Emergency and in campaigns against the Mau-Mau rebels in Kenya²⁰⁴ and the Irish Republican Army,²⁰⁵ but the defeat in Vietnam discredited US doctrine. NATO failed to develop a common counterinsurgency doctrine. The US Army experiments with two opposite approaches to pacification exemplified by the Hard, or Enemy-Centric counterinsurgency,²⁰⁶ and Soft, or Population centric counterinsurgency,²⁰⁷ were inconclusive; their only conclusive element was the realization that both cooperation between counterinsurgents and the local population providing accurate intelligence were vital for success.

The counter-intelligence capability of Al-Qaeda was extensive; it had clear guidelines on how to avoid intrusion by the global intelligence community. AQ could effectively impede some of the CIA and NATO intelligence efforts to penetrate into their command structure by rapidly adapting their protocols for communication. After Al-Qaeda agents became aware of the CIA's ability to breach the satellite

²⁰² Dennis A. Pulchinsky, "Germany's Red Army Faction: An Obituary," *Studies in Conflict & Terrorism* 16, no. 2 (1993): 138.

²⁰³ Alonso and Bada, 984-87.

²⁰⁴ David M. Anderson, "British Abuse and Torture in Kenyas Counter-insurgency, 1952-1960," *Small Wars and Insurgencies* 23, no. 4-5 (September 28, 2012): 702-3, 710-11.

²⁰⁵ B. W. Morgan and M. L. R. Smith, "Northern Ireland and Minimum Force: The Refutation of a Concept?" *Small Wars and Insurgencies* 27, no. 1 (2016): 82, 85-87.

²⁰⁶ Lushenko and Hardy, 110.

²⁰⁷ *Ibid.*, 111.

phones used by their leaders,²⁰⁸ the protocol changed multiple times to decentralize communications and thus avoid direct tracking efforts. The adaptation of the communication pattern was effective: it took the United States a long time to track and eliminate Osama Bin Laden.

NATO's detainee processing system handicapped counterinsurgency efforts. A definitional framework did not appear for several weeks for detained individuals within Afghanistan, well after the US-led Operation Enduring Freedom.²⁰⁹ The lack of guidelines for the treatment of detainees within the armed forces resulted in confusion, abuses, and the establishment of ad hoc frameworks outside the constraints of international law.²¹⁰ The US and NATO units within Afghanistan employed local militias to boost their efforts and to extract information from captured Taliban fighters during this period; the militia units lacked a concrete policy for detainees and employed a host of practices banned by NATO. The methods used by the proto-ANA and local militiamen were brutal by international standards, with torture of varying techniques being the heart of the interrogations.²¹¹ The failure to establish a definitive plan for dealing with captured terrorists and insurgents resulted in the tactical application of torture for small-scale information extraction believed to be crucial for strategic success. This perception normalized physical interrogation techniques, and resembled the

²⁰⁸ Gunaratna, 80.

²⁰⁹ Miles P. Fischer, "Applicability of the Geneva Conventions to 'Armed Conflict' in the War on Terror," *Fordham International Law Journal* 30, no. 3 (2006), 510.

²¹⁰ Vanda Felbab-Brown, "Hurray for Militias? Not so Fast: Lessons from the Afghan Local Police Experience," *Small Wars and Insurgencies* 27, no. 2 (2016): 267.

²¹¹ Jardine, 7-10.

Taliban's interrogation method,²¹² which crippled the legitimacy of the Afghan government in the eyes of the Afghan people.²¹³

Determining the protections vis-à-vis the prisoners taken by NATO units required the creation of a new legal definition; specifically, one that would enable the extraordinary rendition and intelligence exploitation of these detainees. Conditions of detention required creative legal analysis. The challenge was due in part to the inconsistent nature of the Taliban's position as a functional government²¹⁴ and a loosely associated network of terror cells.²¹⁵ To deny the detainees their protections defined in Additional Protocol 1 of the Geneva Conventions,²¹⁶ the United States argued that the ways insurgents fought inherently broke the article stating that forces must be identifiable. Furthermore, neither the United States nor the Islamic Government of Afghanistan had signed onto the specific component within the addendum to Protocol 1 that defined a contemporary understanding and protection for insurgents who hid their identity on the battlefield.²¹⁷ The pre-existing customary international human rights law dictates that states must act as though they are party to this additional section, yet the technically unenforceable nature of customary laws – international or domestic – enables states willing to weather international condemnation to ignore them. The

²¹² Omar, "Rescued Afghan Soldiers Speak of Appalling Torture, Brutality in Taliban Prison."

²¹³ United States Army, *U.S. Counterinsurgency Warrior Handbook* (Guilford, CN: Lyons Press, 2014), 299.

²¹⁴ Niels Terpstra, "Rebel Governance, Rebel Legitimacy, and External Intervention: Assessing Three Phases of Taliban Rule in Afghanistan," *Small Wars and Insurgencies* 31, no. 6 (May 25, 2020): 1161.

²¹⁵ *Ibid.*, 1158.

²¹⁶ "Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977."

²¹⁷ "Signatories of Additional Protocol Three," *International Committee of the Red Cross*.

Americans assigned detained enemy fighters the title of “Enemy Combatant,”²¹⁸ arguing that the Taliban do not wear insignia identifying them as combatants,²¹⁹ and therefore engaged in perfidy.²²⁰ ISAF and the United States used the new definition of their prisoners to detain suspected Taliban fighters within the system of military law,²²¹ but claimed to be free from the responsibility of providing the full host of protections afforded to prisoners of war by the Geneva Conventions due to the Taliban’s perfidy on the battlefield. The complex nature of the definition for captured insurgents gets deeper if applied to the stateless AQ suspects captured in Afghanistan and around the globe. While establishing the legal status of detained Taliban and other non-aligned insurgents operating in Afghanistan required much thought, the legal interpretation of Al-Qaeda as an international terrorist group changed the conception of what actions and legal protections were admissible or required and enabled the United States to adopt extreme measures when dealing with this enemy.

Counterinsurgency doctrines have historically been tied to regions within certain geographic boundaries. The operational area of insurgencies has grown in parallel with the technology available to them. The French counterinsurgency operations in Vendée targeted a small region,²²² while during the Second World

²¹⁸ George Grafton Wilson, “The Guerrilla and the Lawful Combatant,” *The American Journal of International Law* 37, no. 3 (July 1943): 495.

²¹⁹ “Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977,” *Treaties, States Parties, and Commentaries - Additional Protocol (I) to the Geneva Conventions, 1977*, Protocol 1.

²²⁰ United States Marine Corps, *FMFRP 12-18 Mao Tse-tung on Guerrilla Warfare*, 93.

²²¹ Joseph Blocher, “Combatant Status Review Tribunals: Flawed Answers to the Wrong Question,” *The Yale Law Journal* 116, no. 667 (December 2006), 670.

²²² Alan Forrest, “The Insurgency of the Vendée,” *Small Wars and Insurgencies* 25, no. 4 (2014): 800-802.

War, the Germans faced Soviet partisans operating all over the Eastern Front, including Poland and Slovakia and coordinated via radio with command echelons.²²³ The difficulty a counterinsurgent faces in gathering information increases with the span and diversity of operational regions: in Vendée, French revolutionaries had encountered insurgents with their singular culture operating on the same terrain, while German counterinsurgents had to fight a multiethnic force well adapted to a diverse terrain, which was a much more difficult task. The American battles against Al-Qaeda and the Taliban within Afghanistan are indicative of this exponential difficulty of intelligence gathering. The United States poured their counterinsurgency efforts into a host of arenas – the specific operational environment of Afghanistan, the international intelligence-gathering community, and the various domestic political situations of participating nations, among others – in addition to combating the international threat posed by Al-Qaeda. The March 11th, 2004 Madrid train bombings and the July 7th, 2005 terrorist acts in London demonstrated the range of the threat: these were attacks conducted by international terrorists inspired or trained by the jihadist insurgency.²²⁴ The chronologically sensitive nature of terror attacks incentivized torture by counter-terrorist agencies – torture’s siren claim supposed that it could promptly deliver the intelligence necessary to avert terrorist acts. The threat posed by the insurgency overcame distance and geographic boundaries; it became ever-present and enabled by both information technology and the emergence of lone-wolf terrorism.

²²³ Alexander Statiev, *The Soviet Counterinsurgency in the Western Borderlands*, 3rd ed. (Cambridge: Cambridge University Press, 2013), 74-75.

²²⁴ Tan, 37.

The United States faced a conundrum similar to the French during the Battle of Algiers: a pressing need to gather intelligence from forces that were hindered by substantial obstacles – language, culture, and behaviour, all were alien to Western intelligence services – combined with preserving the position of leadership and prestige held by the United States. Despite the nominally shared nature of the financial, technological, and personnel burdens of organizations such as Five Eyes – an intelligence sharing arrangement comprised of the US, Canada, UK, Australia, and New Zealand – and NATO – the United States maintains a leading role in these structures as it did in ISAF. Thus, the onus for gathering intelligence and disseminating it to allied forces fell mostly on the United States, to the point where the allies handed off detainees to the United States.²²⁵ The establishment of an entrenched process for transferring potential intelligence sources is a tacit acknowledgement of the leadership role held by the United States, and a trust in the competence of their interrogators and subsequent information transfers. This leadership role, when combined with the possible risks of failing to obtain necessary information, provoked a temptation to use torture, particularly when conventional intelligence-gathering methodology was problematic.

Conventional intelligence gathering involves infiltration, monitoring, and establishment of local partnerships; to be successful, the program also requires a significant investment of time and resources, as well as familiarity with local customs. The United States alone, and NATO on the whole, had not enough

²²⁵ Jardine, 48.

interpreters²²⁶ and not enough knowledge of the various customs of Afghanistan's disparate clans and ethnic groups.²²⁷ The security situation as well proved far too mercurial for the development of any major working relationships with local civilians outside of major towns such as Kandahar and Kabul, where the deployment of Coalition troops could provide sufficient security against the Taliban.²²⁸ Often the various warlords corralled into helping to overthrow the Taliban inflamed civilian dissatisfaction with the anti-Taliban Coalition members as they began to have violent internal conflicts,²²⁹ and some are reported to have engaged in ethnic cleansing near the northern city of Mazar-i-Sharif, which had been conquered by the Northern Alliance.²³⁰ As the feasibility of non-invasive intelligence gathering diminished through the second year of Operation Enduring Freedom, the American intelligence units assigned to the counterinsurgency efforts, predominantly the CIA,²³¹ began to introduce more extreme methods of interrogation, as well as the transportation and seclusion of key detainees in the "Black Sites."²³² The name "Black Sites" refers to locations outside the direct legal jurisdiction of the United States; they operate without any governmental oversight and their contents and the actions taken within are classified as top secret. The transfer of prisoners to these

²²⁶ Evan Wright, *Generation Kill* (New York: The Berkley Publishing Group, Penguin Publishing Group, 2009), 162.

²²⁷ Talya Green, Joshua Buckman, Christopher Dandeker, and Neil Greenburg, "The Impact of Culture Clash on Deployed Troops," *Military Medicine* 175, no. 12 (September 2010): 958-63.

²²⁸ Austin Long, "After ISAF: Partners and Proxies in Afghanistan after 2014," *Small Wars and Insurgencies* 27, no. 1 (2016), 31.

²²⁹ Steven Komarow, "Pashtuns Say They're Being Brutalized," *USA Today*, May 12, 2002.

²³⁰ Peceny and Bosin, "Winning with Warlords in Afghanistan," 609.

²³¹ Senate Select Committee on Intelligence (2014), 2.

²³² Huw Dylan, David V. Gioe, and Michael S. Goodman, "The Terrorist Hunters Become Political Quarry: The CIA and Rendition, Detention and Interrogation," in *The CIA and the Pursuit of Security: History, Documents and Contexts* (Edinburgh: Edinburgh University Press, 2020), 451, 453-54; Vincent Charles Keating, "The Anti-torture Norm and Cooperation in the CIA Black Site Programme," *The International Journal of Human Rights* 20, no. 7 (June 17, 2016): 936.

facilities located outside of US jurisdiction in states willing to turn a blind eye to torture began as early as December 2002.²³³ Intelligence-gathering efforts outside of the proto-EIT procedure, then known as “Rendition, Detention, and Interrogation” (RDI),²³⁴ were construed as too time consuming,²³⁵ and in conjunction with the American exposure to torture via the ANA and ANP, the incentive to practise such heavy-handed techniques under American interrogators increased dramatically.²³⁶

The belief was that torture had the capacity to deliver actionable intelligence rapidly – similar to the French belief in Algeria – yet without the need to engage in foundational pre-interrogation case-building that enabled conventional interrogation techniques such as GRIMACE²³⁷ and PEACE,²³⁸ which use previously obtained evidence to direct and guide questioning. Reliance on torture induced a psychological condition in the interrogators²³⁹ that was known as “guilt-presumptive” interrogation. Effectively, in the minds of the interrogators their prisoners were both guilty and purposely withholding information, which dramatically increased the likelihood of torture.²⁴⁰ The presumption that every individual detained and placed before the interrogator was guilty had ruinous effects during the French campaign in Algeria, when the French interrogators

²³³ Raphael and others, “Tracking Rendition Aircraft as a Way to Understand CIA Secret Detention and Torture in Europe,” 78-79.

²³⁴ Ibid, 179.

²³⁵ Misty C. Duke and Damien Van Puyvelde, “What Science Can Teach Us About ‘Enhanced Interrogation,’” *International Journal of Intelligence and Counterintelligence* 30, no. 2 (February 08, 2017): 311.

²³⁶ Ibid., 317.

²³⁷ Ibid., 320. GRIMACE: Gathering Reliable Information prior to the interview, Motivating an Account, Challenging Effectively.

²³⁸ Ibid., 320. PEACE: Preparation and Planning, Engage and Explain, Account, Closure, and Evaluation.

²³⁹ Ibid., 317.

²⁴⁰ Ibid.

tortured to death many Algerians.²⁴¹ A similar pathology presented itself in Afghanistan, as reports about prisoners whom Canada had handed over to American intelligence agencies and who then vanished without a trace grew in number.²⁴² It is reasonable to assume that in parallel with France's practice in Algeria, the United States also found itself disposing of the bodies of torture victims.²⁴³

Intelligence forces had torture as a tool, and they became familiar with its application during the initial campaign in Afghanistan. The experience obtained established the practice within the intelligence-gathering apparatus. After the invasion of Iraq, and the introduction and wholesale adoption of EIT by the CIA for high-value targets, Afghanistan also received elements of the EIT program. Bagram Airbase had a detention facility used by American personnel for torture, although they shut it down after it attracted international attention. In an ironic twist, a soldier charged in the US Army investigation into the allegations of torture at the Bagram facility, Specialist Damien Corsetti, was later assigned to Abu Ghraib after being cleared of all charges, and again engaged in torture there.²⁴⁴ The lack of a concrete and lasting legal punishment for those involved in the torture of captives, for leisure or for intelligence gathering, indicates a laxity within the United States Military Judiciary; this laxity came back to haunt and cripple the entire US counterinsurgency effort.

²⁴¹ Horne, 204.

²⁴² Jardine, 57.

²⁴³ John McChesney, "The Death of an Iraqi Prisoner," *NPR*, October 27, 2005; Amnesty International, Centre for Human Rights and Global Justice, Human Rights Watch and others, "Off the Record: U.S. Responsibility for Enforced Disappearances in the 'War on Terror,'" press release, November 2016, 2-3; Adam Goldman and Kathy Gannon, "Gul Rahman's Death in the Salt Pit: A Cautionary Tale from CIA Prison in Afghanistan," *Cleveland.com*, March 29, 2010; Emma Graham-Harrison, "Fears Build as CIA's 'Ghost Prisoners' Vanish into Afghan Jails," *Guardian*, December 20, 2014.

²⁴⁴ "Damien M. Corsetti," Duke University's Archives and Manuscripts.

Enhanced interrogation techniques, and their first victim, Abu Zubaydah,²⁴⁵ were in place before the invasion of Iraq. The investigation into the EIT program discovered US-government memos and communiqués affirming the list of aggressive interrogation techniques from 2002.²⁴⁶ The government cited Zubaydah’s testimony, which was retrieved under torture, to justify the invasion of Iraq. This practice thus predated the Abu Ghraib incident and the commonly understood start of the EIT program. CIA and FBI reports on the interrogation of Zubaydah confirm the use of EIT, yet Ali Soufan – the FBI agent attached as an interrogator – stated that traditional case-building interrogation delivered the same actionable intelligence at the same time scale as EIT;²⁴⁷ Soufan also testified that the actions of the CIA constituted torture.²⁴⁸ Retaining personnel familiar with torture and transferring them to Iraq after the invasion was not the only flotsam carried to the new campaign. The policies developed in Afghanistan presented the playbook for both solving uncomfortable legal conundrums and obtaining the information believed to be necessary for counterinsurgency operations. The CIA advanced RDI into Iraq with a new name and fresh legal protections – Enhanced Interrogation Techniques.

²⁴⁵ Senate Select Committee on Intelligence (2014), 3.

²⁴⁶ Ibid.

²⁴⁷ Ibid., 234 of 499.

²⁴⁸ Ibid.

Chapter 4: Iraq (2003-Present Day): Broken Bodies and Doomed Campaigns

The Neo-Conservative desire and initiatives to install democracy in various oil-rich Middle Eastern countries were intended to solve various social ills, thus turning these countries into rational partners on the global stage. However, these ideologically charged objectives blinded the Bush administration to the consequences of the Global War on Terror and their effect on the counterinsurgency mission on the ground in Iraq. The first major failure of Neo-Conservative thinking with regard to the environment that American forces would be operating in post-Saddam Iraq was the assumption that all populations naturally trend toward democratic function.²⁴⁹ Groups of selfish Iraqi exiles contracted by the US government reinforced the assertion that Iraq would welcome the American invasion.²⁵⁰ The belief that the various Iraqi ethnic groups and their political actors with different historic understandings and cultural practices would desire a Western-style democracy, allegedly an ideal template for all peoples, was at best ignorant or, for Iraq, destructive.²⁵¹ The US strategy dictated by ideology decreased the likelihood of a successful transition from Saddam Hussein's dictatorship to a better future for Iraq.²⁵² The fog of ideology resulted in the failure of the counterinsurgency effort in Iraq, and the ultimate adoption of torture as an interrogation method.

²⁴⁹ Alexander B. Downes and Jonathan Monten, "Forced to Be Free? Why Foreign-Imposed Regime Change Rarely Leads to Democratization," *International Security* 37, no. 4 (Spring 2013): 95.

²⁵⁰ Jeanne Godfroy and Liam Collins, "Iraq, 2003–2011: Succeeding to Fail," *Small Wars and Insurgencies* 30, no. 1 (2019): 143.

²⁵¹ *Ibid.*, 143-45.

²⁵² Robert Tomes, "Schlock and Blah: Counter-insurgency Realities in a Rapid Dominance Era," *Small Wars and Insurgencies* 16, no. 1 (2005): 38-39, 41, 53.

The US strategists have held up the victory against Iraq in the First Gulf War, with technological advancements and the overwhelming force enjoyed by the Americans,²⁵³ as the proof required for dispensing with numerically large militaries built up during the Cold War. However, the removal of these large infantry formations reduced the capability to hold ground.²⁵⁴ The ability to access local intelligence networks relies on the visible presence of an occupier who protects the civilian population from retaliation by insurgents. The United States started its counterinsurgency campaign in Iraq with a numerically handicapped force, and with a doctrine that overemphasized technological capacity but neglected to take control of the territory and its population.²⁵⁵ Counterinsurgents who cannot provide continuing security, reconstruction, and social support will have these responsibilities subverted and overtaken by the insurgency. The RMA theory's predetermined strategic deployment mechanism resulted in a woefully inadequate number of soldiers being sent to Iraq.

By destroying Iraq's already strained infrastructure, the United States squandered the good will of the Iraqi people in the immediate aftermath of a successful invasion.²⁵⁶ Some Iraqis preferred the inevitable, though assumed temporary, chaos of the American intervention to bring an end to the previous government. Saddam Hussein was a brutal dictator, and although estimates of the exact timeline of friendly dispositions toward American intervention varies,²⁵⁷ most

²⁵³ Tan, 107.

²⁵⁴ Ibid, 108.

²⁵⁵ Wright, 326.

²⁵⁶ Ibid, 325.

²⁵⁷ Godfroy and Collins, 149.

have the window of American opportunity pegged between three weeks to two months, post capitulation.²⁵⁸ Having an accommodating population and a disorganized official opposition should have made the American counterinsurgency mission simple to carry out; the happy population being more likely to cooperate, and thus less likely to support or join an insurgency.

The American intelligence community and policymakers demonstrated their cultural ignorance when they completely overlooked the role the Iraqi Army played as a uniting force for the disparate ethnic groups within Iraq. Iraq's religious and ethnic groups – Sunni and Shia Muslims, Yazidis, and Christians from any one of dozens of backgrounds, be they Arab, Kurdish, Turkish, or even African Arabs²⁵⁹ – are deeply suspicious of one another. While the civil and social sphere of pre-invasion Iraq was fraught with ethnic tensions, the Iraqi military acted as a form of social leveler.²⁶⁰ Recruits from the various religious and ethnic groups lived together as members of a secular institution separated from the interests of any one group, and singularly focused on the survival of the state as a whole. Disbanding the military caused an unmanageable growth of sectarianism. Various ethnic groups armed themselves and formed militias that could either protect their specific group from territorial or genocidal predations of others, or attack their rivals. Dissolution of the Iraqi Army supercharged the inexperienced militias, with trained soldiers deserting their bases, taking arms and comrades with them. These soldiers, traumatized by the defeat suffered by Iraq, and its occupation by foreign powers,

²⁵⁸ Ibid, 145-46.

²⁵⁹ Major Robert S. Weiler, "Eliminating Success During Eclipse II: An Examination of the Decision to Disband the Iraqi Military" (master's thesis, United States Marine Corps Staff College, 2009), 4.

²⁶⁰ Ibid, 7.

had now also lost their employment and income. Thousands of disgruntled ex-servicemen formed the core of the resistance, providing it with trained troops, weapons, and explosives, while the population was arming itself out of fear of ethnic and religious rivals, and against their perceived common enemy: the United States and the other members of the “Coalition of the Willing.” The egregious missteps the United States committed during the preliminary planning of the invasion of Iraq, as well as the courses taken in the immediate aftermath of seizing power from the Ba’ath Party, had created favourable conditions for the rapid rise of insurgency.

The American-made chaos impacting the counterinsurgents’ ability to access or cultivate local assets for information on the growing insurgency was fated to force them to pursue extreme measures. Gathering information from groups ostensibly sponsored by the American-aligned government,²⁶¹ such as the Sons of Iraq militia group,²⁶² proved to be difficult as the militiamen’s cooperation with American intelligence was at the whim of the individual or the individual’s bribe price. The viewpoint that conflated the nominally nationalist resistance with the global phenomena of Al-Qaeda²⁶³ further impeded American intelligence gathering in Iraq. The Bush administration’s preoccupation with proving pre-existing links between the government of Saddam Hussein and Al-Qaeda diverted critical intelligence capacity away from fighting the insurgency. The initial construing of Saddam Hussein as an ally or assistant to Al-Qaeda by the Bush Administration²⁶⁴ had been proven wrong by the historic inability of AQ to infiltrate the tightly

²⁶¹ Crane, 172.

²⁶² Ibid., 130.

²⁶³ Tan, 75.

²⁶⁴ Ibid., 76.

controlled Saddam Iraq.²⁶⁵ This self-fulfilling assumption undermined the American capacity to actually redress the problems driving Iraqis into the insurgency. In truth, only several months after the beginning of the American occupation of Iraq did Al-Qaeda infiltrate and cross unguarded borders and cooperate with aggrieved local Iraqis desperate to regain control over their nation.

The Americans had to redeploy their forces from Afghanistan into Iraq as the insurgency grew exponentially. Troops were not the only asset transported from Afghanistan, however, as the legal definitions of the insurgents, the legality and protections afforded to them, and the interrogation methods and extraordinary rendition came with them as well. Socio-cultural ignorance is a common issue for foreign counterinsurgents, as they inherently lack familiarity with the minutiae of local cultural customs. Seemingly innocent gestures, such as how to shake hands, what must be done upon entering someone's home, how to address elders, who must be spoken to first, and hundreds of other scenarios are part of cultural awareness. Having a functional understanding of cultural differences can build inroads and connections to communities and build opposition for the insurgency.²⁶⁶ The "Coalition of the Willing" was ignorant of such differences. As the United States and its allies sent reinforcements to Iraq,²⁶⁷ so too did Al-Qaeda send its most capable terrorists and insurgent commanders abroad to drum up additional

²⁶⁵ Ibid., 16.

²⁶⁶ Thomas Barnett, "Let's Rethink America's Military Strategy," *TED*. February 2005, video timestamp 22:16.

²⁶⁷ Daniel Byman, "An Autopsy of the Iraq Debacle: Policy Failure or Bridge Too Far?" *Security Studies* 17 (2008): 612.

recruits, funding, and weapons.²⁶⁸ The rise of Al-Qaeda in Iraq²⁶⁹ would have been impossible without the invasion of Iraq that provoked the backlash from the Islamic world.²⁷⁰

The United States found itself unable to acquire actionable intelligence for operations against the Iraqi insurgency, let alone the broader global integration of terror networks and affiliated insurgent groups. Of particular concern to American planners was the effective deployment of small numbers of American troops on the ground. Due to the dominant position of RMA theory in American strategic planning, American forces were far better suited to precision attacks on insurgent strongholds or key targets, and less suited to operating as a static presence in Iraqi neighbourhoods and patrolling for insurgents. The few instances of semi-conventional combat, such as the Second Battle of Fallujah,²⁷¹ saw clear American victories over the insurgents due to their technological superiority, yet the campaign against the Iraqi rebels rarely gave the US forces these sorts of opportunities. Intelligence acquired on the insurgency was critical for enabling RMA strategies such as precision raids and drone attacks. Yet, intelligence-gathering operations in the hostile Iraqi environment failed to produce a sufficient quantity of information, which paralyzed American counterinsurgency efforts. Strategic personnel limitations, dictated by RMA, prevented the counterinsurgents from

²⁶⁸ Gunaratna, 149-154.

²⁶⁹ Tan, 57.

²⁷⁰ Ibid., 85.

²⁷¹ Lt. Col. Michael S. Groen, *With the 1st Marine Division in Iraq, 2003: No Greater Friend, No Worse Enemy*, 1st ed. (Quantico, VA: United States Marine Corps University, 2006). This is the pre-Fallujah history of the 1st Marine Division; Stephen Pampinella, "Hegemonic Competition in Intrastate War: The Social Construction of Insurgency and Counterinsurgency in Iraq's Al-Anbar Province," *Studies in Conflict & Terrorism* 35, no. 2 (January 19, 2012): 103.

swapping out counterinsurgency doctrines that could cultivate integral bilateral relationships within the Iraqi civilian populace. In response, key military personnel, such as General David Petraeus,²⁷² pushed strategic planners for a troop surge in Iraq that would also open up opportunities for conventional intelligence gathering. The surge would increase the security and thus facilitate Iraqi civil development, which in turn would expand the cooperation of the Iraqi populace for intelligence purposes.

Pressure to make progress against the insurgency, however, did not wait for the troop surge of 2007. American-dominated counterinsurgents needed solutions on the battlefield immediately, which, when combined with the legal definitions for the Iraqi insurgency imported from Afghanistan,²⁷³ incentivized mass detention and the use of Enhanced Interrogation Techniques.²⁷⁴ Pressure to use EIT originated with the Bush administration's civil and legal advisory groups,²⁷⁵ as well as within the Central Intelligence Agency.²⁷⁶ Key American legal advisors, such as Attorney General Alberto Gonzales,²⁷⁷ believed that the information generated from applying torture led to positive outcomes. The infamous "Torture Memos," signed by Gonzales and drafted by John Yoo, were in response to the conundrum of how far the United States could go when dealing with Abu Zubaydah.²⁷⁸ Yoo's perception of the American executive branch's power dictated the effectual circumvention of

²⁷² Crane, 101.

²⁷³ Fischer, 510.

²⁷⁴ Tan, 93.

²⁷⁵ Daniel L. Levin, Acting Assistant of Attorney General, "Definition of Torture Under 18 U.S.C. §§ 2340-2340A," Vol. 28 (Washington, DC: United States Department of Justice, 2004), 298.

²⁷⁶ Senate Select Committee on Intelligence, (2014), 7.

²⁷⁷ Jay Bybee, Assistant Attorney General, "Memorandum for Alberto R. Gonzales Counsel to the President" (2002), 1, 3-5, 9.

²⁷⁸ Senate Select Committee on Intelligence (2014), 35.

congressional oversight in law making;²⁷⁹ in Yoo's opinion, "customary"²⁸⁰ international law is not federal law and ... the president is free to override it at his discretion."²⁸¹ This was an extremely liberal interpretation of the UNCAT. Principally, communications between the CIA and the Bush administration contained directions for the relocation of Zubaydah, recommendations on the use of torture, and approval from the Attorney General to use waterboarding, among other Enhanced Interrogation Techniques.²⁸² These memos, and the legal advisors for the Bush administration, heavily influenced the decisions to introduce and deploy EIT, as well as the decision to base the acts of interrogation themselves outside of the United States, in areas such as Guantanamo Bay or the global array of Black Sites.

The United Kingdom also engaged in a form of physical interrogation inspired in many ways by the American Enhanced Interrogation program. Differentiating the United Kingdom from the United States was the absence of pro-torture members of the legislature, and the kind of legal advisors within the executive that plagued the United States during the creation of EIT. When British operations in Basra bogged down without actionable information, the British employed their form of extreme physical interrogation methods, and this came as early as September 2003,²⁸³ when Baha Mousa's death at the Temporary Detention

²⁷⁹ Eugene Jarecki, *The American Way of War: Guided Missiles, Misguided Men, and a Republic in Peril*, (New York: Free Press, 2010), 230.

²⁸⁰ Customary law is a form of legal understanding. Effectively it is an understanding or agreement unwritten in the code or law itself, but is treated as such. For example, laws banning mercenaries by word could be understood to customarily ban Private Military Contractors, despite them not being specifically included in the definition.

²⁸¹ Jarecki, 231.

²⁸² Senate Select Committee on Intelligence (2014), 36-37.

²⁸³ Samantha Newbery, "The UK, Interrogation and Iraq, 2003-2008," *Small Wars and Insurgencies* 27, no. 4 (June 19, 2016): 659.

Facility, a prison established within the British zone of control in Basra, entered the international media cycle. Many of the techniques used by the British military interrogators mirror the CIA's own textbook of EIT methods, with the most prominent technique being the use of stress positions over long periods.²⁸⁴ A critical distinction, however, and the saving grace for the British in terms of avoiding international and domestic condemnation, was the limited scope and employment of these harsher interrogation methods. The British catalogued and detailed their methods, and unlike the American interrogators who resorted to regular waterboarding and beatings, the British stopped at stress positions and minor deprivation.²⁸⁵ While the use of physical interrogation methods damaged the Tony Blair government's reputation, the clear definition, tracking, and hard end point of what would be acceptable helped to defend and legitimize the British military's use of physical interrogation.

The desperate need for actionable intelligence meant employing familiar tools and skills gained during harsh interrogations in Afghanistan. This would prove to be a fundamental misstep of its own, but combined with the dissolving of the Iraqi Army, and American cultural blindness, the step led to a dark place. American decision-making had already been deeply compromised in Iraq, as the dissolution of its military and abject ignorance of the major ethno-religious divides in the region illustrates, but the employment of torture paved the way to disaster.²⁸⁶ The torture of suspects by Americans within Hussein's infamous prison already known for the

²⁸⁴ Ibid, 660.

²⁸⁵ Senate Select Committee on Intelligence (2014), 13.

²⁸⁶ Abdul Kareem Toma M. Kaab, "My Time of Torture in Iraq's Abu Ghraib," *Diplomat Magazine*, April 11, 2017.

use of torture compounded the destruction of American legitimacy in the eyes of the Iraqi people, who were already facing massive deprivations as a result of prolonged chaos resulting from the invasion and smashed civil infrastructure.²⁸⁷ The tortures and abuses within Abu Ghraib, however, were bound to enrage and enflame the Islamic world. Women, who were treated as chattel by fundamentalist Islamist regimes at worst,²⁸⁸ and as second-class citizens at best,²⁸⁹ were the most prominent torturers at Abu Ghraib. In societies where, despite the hot climate, men cannot even wear shorts,²⁹⁰ and women must wear veils or other clothing that completely covers all their skin,²⁹¹ photos of private first class Lynndie England posing with stacks of naked men²⁹² or leading a naked man around on a leash like a dog, which Islam sees as a dirty and impure animal, ignited an explosion of anger. The outrage provoked by this public relations disaster destabilized relations with Islamic nations such as Saudi Arabia and Pakistan, nations that the United States relied on in their counterinsurgency campaign.²⁹³ Further acts, such as the forced feeding of pork – the eating of pork is banned in Islam as the pig is considered to be a dirty animal – to Islamic inmates, rape and other forced sexual acts, and the general physical abuse levied on the prisoners of Abu Ghraib completely eviscerated the previously enjoyed capacity of the United States to act as a leader in global morality. The use of EIT would have proven disastrous even without the seemingly

²⁸⁷ Weiler, 1.

²⁸⁸ "Everything You Need to Know about Human Rights in Saudi Arabia," *Amnesty International*.

²⁸⁹ Megan Specia, "Saudi Arabia Granted Women the Right to Drive. A Year On, It's Still Complicated." *New York Times*, June 24, 2019.

²⁹⁰ Phil Sylvester, "What You Can and Cannot Wear in UAE," *World Nomads*, February 1, 2018.

²⁹¹ Haroon Janjua, "'I Lost Consciousness': Woman Whipped by the Taliban over Burqa without Veil," *Guardian*, April 18, 2019.

²⁹² "Abu Ghraib Prisoner Abuse," Wikimedia Commons.

²⁹³ Tan, 85.

purposeful insults levied against Islam. Their having spit, intentionally or not, upon several core tenets of Islam has caused a torrent of Islamic hatred toward the United States, and a greater problem still for the counterinsurgency campaign in Iraq,²⁹⁴ and this impact continues to be an obstacle for the Global War on Terror.

The collapse of American soft power, and the effective surrender of their moral high ground, legitimized the Iraqi insurgency and played directly into the propaganda metanarrative constructed by Al-Qaeda.²⁹⁵ Al-Qaeda had claimed for nearly a decade that the Western Crusaders were directly attacking Muslims and taking away their lands.²⁹⁶ The invasion of Iraq gave merit to this argument, and the revelations about Abu Ghraib vindicated the Islamist cause for many Muslims. Analyses of Al-Qaeda membership illustrate the disastrous impact the invasion of Iraq had on American efforts to curtail international terrorism, with jihadist manpower increasing dramatically after the invasion.²⁹⁷ Torture and Abu Ghraib also completely undercut the American capacity to convincingly present Western democracy as a shining alternative to the populations of both Iraq and Afghanistan, while destroying the international prestige of the invaders as non-Western media and the insurgents' own public relations mechanisms constantly publicized and replayed their human rights abuses. The revelations of torture for information gathering in Iraq, Afghanistan, and around the globe nullified the majority of successes in the Global War on Terror. The exposure of torture weakened international Coalition-fighting of global terrorism, as well as the credibility of

²⁹⁴ Ibid., 100.

²⁹⁵ Ibid., 94.

²⁹⁶ Ibid., 95.

²⁹⁷ Ibid., 81-84.

governments established by the Coalition in Iraq and Afghanistan. The flames of insurgency grew into an inferno both in and outside Iraq. The admission of the existence of an international network of CIA Black Sites, located in cooperating states such as Poland and Romania, where legal interpretation and jurisdiction shielded American actions,²⁹⁸ caused domestic unrest in those countries.²⁹⁹ This also helped to fuel the birth of new Al-Qaeda-inspired affiliates around the globe, including Syria, Sudan, Somalia, Yemen, Nigeria, and Kashmir. Within Iraq, the ranks of the insurgency grew, while cooperation between the United States and the new Iraqi government broke down further. It became close to impossible to regain the moral high ground or positive perception of counterinsurgency after the crippling consequences of torture incidents – both proven and alleged.

Within Iraq, the insurgency exploded in size after Abu Ghraib. Most of the insurgents were Sunni Muslims. The Sunnis dominate in the Middle East, with key holdings in Saudi Arabia, Jordan, Egypt, and, most notably for the farthest-reaching consequences of the American use of torture in Abu Ghraib and around the world, Syria.³⁰⁰ After the revelations of torture, Sunnis from all around the Middle East flocked to the cause of the Iraqi insurgency, though the impetus for many was not the defeat of Coalition forces and control of the government by their preferred clan or religious group, but purely anti-Western sentiment. The insurgency grew into a force with territorial ambitions beyond the Iraqi borders, and what would become known as the Islamic State in Iraq and Syria (ISIS), Daesh, or the Islamic State in Iraq

²⁹⁸ Joseph Pugliese, "Instrumental and Gratuitous Violence: The Torture and Death of Gul Rahman in the CIA Salt Pit," *Cultural Studies* 27, no. 1 (2013): 72-91.

²⁹⁹ "Polish PM Promises Truth on CIA Rendition Prisoners," *BBC News*, March 29, 2012.

³⁰⁰ "Sunnis and Shia in the Middle East," *BBC News*, December 19, 2013.

and the Levant (ISIL), gestated within the incensed multinational Sunni insurgency within Iraq.³⁰¹ Well before the Islamic state, however, the community of Muslim nations around Iraq fed equipment, men, and money into the insurgency. By attempting to remedy the intelligence shortages in Iraq with torture, the United States only further radicalized and empowered the insurgency. Failing to generate any information leading to operational advancement or success, while accelerating the deaths of American servicemen, torture did nothing to limit or interrupt the globally integrated IED manufacturing networks, the deadliest weapon of the insurgents. Only steady traditional infiltration, case building, and an analysis of origin points and possible sources of bomb making parts and expertise carried out by American intelligence operatives would help in solving this problem.³⁰² Torture actively undermined the efforts of traditional intelligence-gathering operations, as the necessary interpersonal relationships between intelligence agents and their contacts within organizations like Al-Qaeda was crippled by American actions at Abu Ghraib.

The revelations about torture had a profound effect on the American domestic public and their support for continuing operations in the Middle East. Retention of domestic support for the intervening counterinsurgent is a necessity for the continuation and success of any pacification campaign. It is difficult to maintain the momentum of public approval for the intervention or counterinsurgency campaign in contemporary conflicts because social media

³⁰¹ Liz Sly, "The Islamic State Has Been a Catastrophe for Sunnis," *Washington Post*, November 23, 2016.

³⁰² *Ibid.*, 194-97.

enables insurgents to create their own media fronts by spreading disinformation or notifying the world of counterinsurgent missteps. The American invasion of Iraq enjoyed a 71 percent approval rating among the domestic population in March 2003,³⁰³ even without a sanction from the United Nations for the invasion, and in the face of criticism and condemnation from the international community.³⁰⁴ Having what was ostensibly three-quarters of the American population in support of the invasion, the United States could act with a free hand in the pursuit of the continuing counterinsurgency campaign within Iraq and Afghanistan. Yet opposition did exist within the United States, as anti-Bush³⁰⁵ and anti-war sentiment were a constant presence in the public domain. The largest demonstrations occurred after the start of the Iraqi insurgency, as fatalities among the American forces grew, and after Abu Ghraib. Abu Ghraib itself should have torn down the columns of support as coverage of the abuses and subsequent scandal broke in April 2004,³⁰⁶ and yet public opinion polls indicated that a majority of Americans did approve of torture under the condition that it would “thwart a terrorist attack.”³⁰⁷ Individually and by faction, the United States public never rose above 40 percent approval directly for torture,³⁰⁸ yet the Bush administration relied on crafted polling questions referring to a simple situation with an unquestionably guilty subject. The questions implied the effectiveness of torture, thus sidestepping the opportunity to question or oppose the

³⁰³ Frank Newport, “Seventy-Two Percent of Americans Support War Against Iraq,” *Gallup.com*. (April 3, 2021).

³⁰⁴ Tan, 50-51.

³⁰⁵ Conor O’Clery, “250,000 Protest Against Bush and Iraq War,” *Irish Times*, August 30, 2004.

³⁰⁶ Tara McKelvey, “‘I Hated Myself for Abu Ghraib Abuse,’” *BBC News*, May 16, 2018.

³⁰⁷ Paul Gronke, Darius Rejali, Dustin Drenguis, James Hicks, Peter Miller, and Bryan Nakayama, “U.S. Public Opinion on Torture, 2001–2009,” *PS: Political Science and Politics* 43, no. 3 (July 2010): 437.

³⁰⁸ *Ibid*, 438.

CIA and the Bush government's central justification for the use of Enhanced Interrogation, and that it offered access to information that was otherwise unobtainable. Popular support for the invasion of Iraq plummeted from a high of 80 percent just after the invasion, down to 39 percent in late June 2004,³⁰⁹ months away from the next election, and only one year into the occupation. Aggregate polling from 2001 to 2009 indicates that 54.16 percent of Americans oppose the use of torture, while 41.68 percent support it. Marines and Army soldiers serving in Iraq in 2006 also displayed similar levels of opposition to torture, both for gathering information and, surprisingly, even if the torture would save the life of a fellow soldier or Marine.³¹⁰ It should be noted that the high of 2004 was only a 55 percent approval rating, indicating that the honeymoon period that had swept the Bush administration through the early days of Iraq was firmly over. Yet in a key shift from the French experience with torture's impact on domestic politics, the American Republic not only forged ahead, but the Bush administration secured the popular vote and won the overall election in November 2004. While the American electoral system does not require the popular vote, as the electoral college's role is to specifically prevent the dominance of large population centers, Bush's re-election with a slim popular majority as well as the electoral college vote implied that Bush and his choices enjoyed the support of the American people. Despite the collapse of public opinion, despite the revelations about Abu Ghraib, despite popular

³⁰⁹ Kevin Coe, "Television News, Public Opinion, and the Iraq War: Do Wartime Rationales Matter?" *Communication Research* 40, no. 4 (2012): 496.

³¹⁰ Gronke and others, 439.

disapproval of torture and the invasion of Iraq, the Bush administration received approval to continue governing.

The American invasion of Iraq, conducted under ramshackle legal justifications, without proper study of the intended operational theatre and hampered by the Neo-Conservative ideology, the hyper-focus on a conventional war expressed via RMA fixation, as well as total disregard of the limited experience already gained in Afghanistan, would have made the attainment of success against the Iraqi insurgents improbable regardless of other circumstances. However, it was not this list of challenges that killed any chance of achieving stability in Iraq or the defeat of global Islamic terrorism and what has ruined any chance of a successful end to the Global War on Terror; it was the use of torture against the Iraqi insurgency. Systemic torture for information in a counterinsurgency campaign dooms any democratic state that seeks to cut corners in intelligence acquisition. The American policy makers sacrificed the moral high ground and US international prestige in favour of the EIT, and completely ignored basic human rights, thus handing victory to whatever spinoff of Al-Qaeda rears its head. The United States continues to engage in armed conflict against Al-Qaeda affiliates, or groups directly spawned by its missteps in the Middle East, especially in Iraq. It is likely that the day Abu Ghraib and the extent of the EIT program came to light will be determined as the beginning of the end for the American counterinsurgency effort in Iraq and Afghanistan, as both the Taliban and the Iraqi insurgents received massive boosts to

funding and recruitment in the aftermath.³¹¹ Whereas it may have required a miracle before EIT to have the United States gain victory in the Global War on Terror, there is nothing that can help them now.

³¹¹ Tan, 81.

Conclusion: Tortured Outcomes

Counterinsurgency is an inherently dirty and bloody form of warfare. T.E. Lawrence equated successful counterinsurgency profoundly to “learning to eat soup with a knife.”³¹² Torture is a choice made by a counterinsurgent, and understanding the motivation that compels torture means comprehending the desperation of the actors in the conflict. The need to rapidly defeat the insurgency incentivizes the pursuit of drastic action by the counterinsurgent; the need to stabilize the lives of civilians compels the application of counterproductive brutality. Mai Lai in Vietnam, the Rat Hunts of Algeria, and Haditha in Iraq all illustrate the willful acts of violence that plague a counterinsurgent’s efforts to better the lives of those they are occupying. Yet what differentiates these horrific incidents, from those that will forever cripple a counterinsurgency campaign, is that they are by their nature spontaneous. The perpetrators of an individual willful act can be punished; the rules of engagement amended; visible remedies can be applied to restore confidence of both the host nation’s populace, and of the domestic audience that such sickening acts of brutality will not occur again, and certainly not without punishment. The poor judgment or rage of an individual is damaging, but institutionally sanctioned horrors are permanently crippling; the damage done by institutionalized torture cannot be undone. Torture incidents occur in most counterinsurgency campaigns. If those incidents are random, they can be explained as the momentary insanity or sadism of a single individual. However, when this is an institutionalized policy, it

³¹² Nagl, xii.

speaks to moral abdication and debased government-sanctioned policy. This practice involves conscious and mass violations of laws;³¹³ masterful legal justifications do nothing to unseat the perception that those who employ torture have no respect for the basic rights of a human being, nor the desire to improve the situation of those they ostensibly are operating to protect. If counterinsurgency were a game, the only proper move after using torture would be to cease playing. There is no realistic way to win a modern counterinsurgency campaign conducted by a democracy after employing torture. The domestic support collapses, while the hearts and minds of the population targeted by the counterinsurgents become unreachable. The revelations of torture in Algeria shook the French government and public to the extent that they opted to forfeit the land perceived as an integral part of France despite the impressive tactical victories it delivered. Torture in Afghanistan by American and Afghan troops alienated Afghans, and the ultimate failure in Iraq evaporated the enormous initial international support for America's Global War on Terror, while reviving the organization responsible for the attacks on 9/11.

The effectiveness of traditional intelligence gathering, tools such as questioning, case building, observation and infiltration undercut any alleged increase in the volume and speed of intelligence gathered by torture. EIT failed to deliver information faster than traditional interrogation methods when used against

³¹³ Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949," *Treaties, States Parties, and Commentaries - Geneva Convention (I) on Wounded and Sick in Armed Forces in the Field, 1949.*

the Al-Qaeda member Abu Zubaydah,³¹⁴ and has often delivered false intelligence. The tortured often say or agree to anything to make the pain and suffering stop, as seen in the false information invented by Khalid Sheik Muhammad after he had no real information left to give.³¹⁵ The arguments of some proponents of torture, who believe that legalizing and incorporating it into the inventory of techniques for interrogators, disregard the realities of domestic and international law. Torture is not a golden key that can open up critical information faster; torture does not deliver information that would otherwise be unavailable; it only leads to public relation disasters that dooms counterinsurgency. Set aside the immorality of torture, it remains completely irrational as a counterinsurgency strategy as the consequences by far outweigh the benefits it provides. Images of the events, a la Abu Ghraib's infamous photoset, or retellings of the individual stories reinforce the insurgents cause, and in the case of the GWOT, the torture gave the Islamic Fundamentalist the claim that the West is specifically targeting Muslims. Those scandals play right into the hands of the insurgents, delivering them a moral victory that can easily lead to a strategic one. Torture surrenders the moral high ground to the insurgents, and it encourages them to escalate levels of brutality. Sanctioning torture by state agencies in a counterinsurgency setting effectively precludes victory, and extends the conflict, hemorrhaging the lives of its men, and the coin in its treasury into a battle it cannot win. Counterinsurgency operations must be

³¹⁴ Senate Select Committee on Intelligence, (2014), 234. Executive Summary. Discusses Soufan's testimony in the citation section.

³¹⁵ Ibid., 92.

waged with forethought, patient intelligence gathering, an understanding of the operational environment, and of the populace upon whom the entire venture rides.

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Glossary

ALN (Armée Liberation Nationale): The military arm of the Algerian insurgency.

AQ (Al-Qaeda): Formed by Fundamentalist Islamists in the 1980s, AQ was the archetypal international Jihadi terrorist organization.

ANA (Afghan National Army): The NATO and ISAF founded military that has since collapsed ahead of the Taliban following the US withdrawal.

ANP (Afghan National Police): The police force founded by NATO nations within ISAF for Afghanistan, also collapsed.

CIA (Central Intelligence Agency): The United States of America's foreign intelligence service.

EIT (Enhanced Interrogation Techniques): The euphemism for torture invented by members of the Bush administration and the CIA.

FBI (Federal Bureau of Investigation): The United States internal policing, investigation, and cross border security service.

FFL (French Foreign Legion): The French Foreign Legion is composed mainly of foreign nationals who wish to leave their lives behind, and become French citizens.

FLN (Fronte Liberation Nationale): The political, guerrilla, and terror arm of the Algerian independence movement.

GWOT (Global War on Terror): The title given by George W. Bush to the international efforts to punish the architects of the 9/11 attacks.

ISAF (International Stabilization and Assistance Force): ISAF effectively took over operations in Afghanistan from NATO, as the goals had swapped from combat to reconstruction.

RDI (Rendition, Detention, Interrogation): RDI is the immediate predecessor of Enhanced Interrogation Techniques. The activities of RDI are effectively the same as EIT.

RMA (Revolution in Military Affairs): RMA describes the school of thought involving modernization and technological integration for militaries.

SOCOM (Special Operations Command): SOCOM is the American military's central command structure for Special Operations forces from all branches.

OAS (Organization Armée Secrète): A right wing group composed largely of French military personnel serving in Algeria.