

Fog of War: How Seeking the Guilty Causes the Abuse of the Innocent

Stathis N. Kalyvas and Matthew Kocher

Recent reports from Iraq suggest that 70-80 percent of Iraqi captives have been arrested by mistake and that the Abu Ghraib interrogation center has produced little valuable intelligence. We should not be surprised by such reports because they merely reflect a long-standing pattern of failed responses to insurgencies.

Is such intelligence failure due to the natural incompetence of a foreign occupier? The pattern is much more general and affects both governments and insurgent forces fighting on their own soil and dealing with their own people. Evidence from Peru shows that the special anti-terrorism courts set up to combat the Shining Path insurgency convicted hundreds of people who were later proven innocent. British archives indicate that during the Irish Revolution and Civil War (1916-1923), very few of the people killed by the IRA on suspicion of informing for the British, were actual informers; most were innocent victims. Only a few real informers were actually identified and killed. On their own soil, the IRA systematically punished the wrong people.

We have been analyzing a unique database compiled by the US during the Vietnam War. It is a computerized record of the notorious Phoenix Program, a system developed to coordinate intelligence gathering and assist in the “neutralization” of Vietcong insurgents. Almost 74,000 Vietnamese were targeted, over 15,000 killed, and another 22,000 arrested. As part of their efforts to get better information, the managers of the program left a systematic record of their own beliefs about the reliability of the intelligence they were using.

The Phoenix program classified its targets as either confirmed or unconfirmed Vietcong. The standard for confirmation was low; three independent pieces of intelligence were sufficient. We found that only about 10 percent of all individuals targeted under the Phoenix Program were confirmed Vietcong members. Of those eventually killed, less than 3 percent were confirmed Vietcong. In fact, the data show that individuals fared better if they fell under more suspicion. Once someone was targeted by Phoenix, the odds of being killed were over 4 times greater if he or she had *not* been confirmed as an insurgent. When the database was closed in 1973, over 90% of confirmed Vietcong (but only 25% of the unconfirmed) were still at large. US counterinsurgency in Vietnam systematically victimized those likely to be innocent.

Why do so many innocent people pay such a high price? Occupation, insurgency, and civil war are environments where malicious people can manipulate armies to settle personal or local scores. In “wars without fronts,” information is the most important resource and armies are desperate for intelligence. As a result, they use any source they can lay their hands on, and this opens the door to malicious accusations. Indeed, American soldiers in Iraq refer to these false denunciations as “Jerry Springer moments,” highlighting the squalid family dramas and tortuous local conflicts that motivate people to turn in their neighbors.

Abusing and torturing prisoners is wrong and immoral. Victimizing prisoners captured in counterinsurgency campaigns adds a horrifying twist: most are likely to be innocent and the

information extracted from them useless. If the victims of maltreatment seek revenge by helping or joining the insurgency, this kind of abuse may also be counterproductive. High-level recognition that the detainees are more likely than not innocent may decrease institutional pressures for barbaric treatment of captives.

Stathis N. Kalyvas is Arnold Wolfers Professor of Political Science at Yale University
Matthew Kocher is Assistant Professor at CIDE, Mexico.