

# Torture at Abu Ghraib: A Technique in Fighting A New Kind of War

Written by Fatmata Samura

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FATMATA SAMURA, OCT 24 2012

After five decades of enacting the Geneva Conventions resulting from the devastation of the Second World War, little did the world know that the word 'torture,' with regards to armed conflicts, would still not have been settled, with the resurfacing of its use and practice in combating "crime." Looking at the United States' invasion in Afghanistan and Iraq in 2001 and 2003 respectively, the discourse around torture has attracted debates on whether there is and was any international laws regulating the conduct of war. Of course, there has been the Geneva Convention and The Convention against Torture, but they are clearly non-binding when it comes to the U.S. War on Terrorism, seeing that they have been suspended. Hence, the use of torture seems to be now contestable in both legal and moral terms.

Following the September 11 attacks, Presidents Bush decided to withhold the protection that had been given to al-Qaeda and Taliban fighters in Afghanistan. The decision was based on the argument that the war against terrorism was a 'new' kind of war that required strict limitations on the tenets of the Geneva Convention on the questioning of enemy prisoners (Giroux, 2004). From Afghanistan to Iraq, the case of detainees at Abu Ghraib is profound. Defenders of the Bush Administration have argued that torture works, it saves lives, and the safety of society depends on it (Horton, 2008). Meyer (2004) noted that the most common argument for torture is that a captured terrorist must be tortured, assuming that they would have the information that could save the lives of thousands of people.

Abu Ghraib is a prison west of Baghdad, the capital city of Iraq, that was known as the Baghdad Correctional Facility. When the U.S. invaded Iraq, this detention centre then began to be used by U.S. troops as a military prison and renamed as the Baghdad Central Confinement Facility. However, in 2004, photos of prisoner abuse of Iraqi detainees undergoing humiliating and stressful interrogation leaked out into the public. The photos were taken by soldiers themselves at the prison and showed naked Iraqi prisoners being forced into numerous inhuman positions, while the U.S. guards were simply watching. Soon, the photos appeared in news outlets around the world. Global opinions have been vast, but critical of the President's remarks that "with the removal of Saddam, there are no longer torture chambers or mass grave or rape rooms in Iraq" (Giroux, 2004: 2). Reed (2008) asserts that the prison in the minds of Americans now exist as a place of horrific images, constructed as what happens when "good people" are confronted with the backwardness of terrorism and Islamic society.

Stunningly, in his own words, President Bush even admitted that; "...under the dictator, prisons like Abu Ghraib were symbols of death and torture. That same prison became a symbol of disgraceful conduct by a few American troops who dishonoured our country and disregarded our values..." (Reed, 2008: 2). Nevertheless, the least frightening way to look at this is that it was simply the actions of a group of individuals who, after being put in the acclaimed "right place at the right time", lost touch with what was right and wrong and acted in a manner that is deplorable. Again, the most frightening way to look at it is that these were orders that came down all the way from the top levels of United States Government. The task consequently turns to gathering information and constructing explanations for why this happened. Accordingly, the questions then become: Does fighting a "new kind of war" justify torture? What explanations could be provided for pursuing such a policy?

Given that, among the reasons for invading Iraq, one was "the auspice of a civilizing mission in which democracy and

# **Torture at Abu Ghraib: A Technique in Fighting A New Kind of War**

Written by Fatmata Samura

human rights would be bestowed upon the Iraqi people” (Reed, 2008: 2), what those photos depict is completely ironic. Regardless of what happened, the stories the photos and documents capture pose questions about this so-called democratic society and leave us in the dilemma of differentiating a “civilized” society from an “uncivilized” one. However, there is also a need to get the story right and tell it as it is. Although acts of torture during warfare is not a new discourse, as they have been used and examined in most intra-state civil wars especially in Africa, the research presented in this paper aims to survey some of the ways in which the treatment of the detainees by U.S. troops at the Abu Ghraib could be explained. I shall examine some of the factors that prompted, or motivated, these soldiers who underwent military training to act like they did, arguing that these influential factors were the underlying root causes for the abuse of detainees at Abu Ghraib. The paper will then act as an entry point into, and at the same time highlight, where to aim our criticisms.

## **The Use of Language on the War on Terrorism Discourse**

One key element of the US-Iraqi detainee nexus is the use of language. Certainly, language has the power to change or construct a new mind, drive certain attitudes, and serve as one of the most tangible promoters of the abuse faced by the Iraqi prisoners. The abuse of detainees in U.S. custody cannot simply be attributed to the actions of “a few bad apples” acting on their own. In the President’s speech to Congress after the 9/11 attacks, he stated that “...enemies of freedom committed an act of war against our country” (American Rhetoric, 2001:1), and, as a matter of fact, anger and fear dominated these soldiers whose primary responsibility was to protect the American populace. So, when they captured Iraqis, they saw them as enemies who wanted war and, consequently, treated as such during interrogation.

Moreover, the war on terrorism was/is deemed as a “new kind of war”. In other words, this is so new that new tactics need to be introduced into fighting it. Jackson (2007:357) opines that:

This language is deliberately employed to stress the unique circumstances of the war against terrorism; in such an unprecedented situation, it can easily be argued that the “old” rules no longer apply. Thus, the photos released from Abu Ghraib depict the change in interrogation techniques in exchange of intelligence, and we are witnessing “new” kind of interrogation techniques.

Indeed, the old rules seem to longer apply. Instead, soldiers have been made to believe that the war on terrorism is a new brand, and they are neither expected to compare this type of war to any previous war fought in American history, nor are they to see it as less frightening because of the belief that terrorists are bent on killing all Americans (American Rhetoric, 2001). As the case, ‘new’ types of interrogation techniques emerged to get intelligence from suspects, as the photos reveal. Noteworthy is the fact that, like all human beings, these soldiers in one way or the other might have been victims of or affected by the 9/11 attacks. Accordingly, with various constellations coupled with the opportunity as guards over terrorist suspects, they may have used torture to its fullest as a form of revenge, or perhaps even as a means to an end.

Additionally, the above-mentioned description of the war helped in the social construction of a descriptive analysis of terrorists, and terrorism itself. For instance, terrorism was deemed as a threat to civilization, peace, and the way of life, and it knows no boundaries (see for example, Jackson, 2007), as it can occur at any place and at anytime. Well, this is to say that any city in the U.S. can be a target at any time, and not only Washington and New York. From terrorism, terrorists were/are labeled as or represented in such a way that the term ‘suspect community’ was introduced to help perpetuate the construction of Us vs Others. Apparently, if terrorism is a threat, terrorists then are uncivilized, hate freedom and peace, and are dangerous killers.

Secretary of Defense Donald Rumsfeld added the term ‘horrible’ to the list warning that “...those prisoners are horrible people” (Meyer, 2004: 1), after the President had earlier clearly described how terrorists, the “thousands of dangerous killers, schooled in the methods of murder, often supported by outlaw regimes, are now spread throughout the world like ticking time bombs, set to go off without warning” (American Rhetoric 2001: 2). The bottom line is that this statement serves to legitimate action, without objections, purely seeking to antagonize terrorists, swaying thoughts towards that direction and making the American society (both civilian and military) believe that terrorists are

# **Torture at Abu Ghraib: A Technique in Fighting A New Kind of War**

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the greatest threats ever. With accusations of Weapons of Mass Destruction (WMD), soldiers are likely to be irritated and outraged and, thus, vented these bitter emotions upon detainees.

However, one might be tempted to say that irrespective of social constructions and emotions, these soldiers ought to have considered the rules of the game. Neither home sick, constant fear and stress, nor lack of supervision can be rendered as a valuable excuse. If we explore, we might also ask: who created the environment for this to go on? Or better still, what policies supported the actions of torture by U.S. troops at Abu Ghraib? This leads into the next section that investigates some U.S. policies that enabled or created the conditions for torture at Abu Ghraib to have become possible.

## **Aggressive Techniques: Part of the Solution or Part of the Problem?**

In her interview with FRONTLINE, Army Reservist Janis Karpinski clearly noted that "...these soldiers didn't wake up that morning and say hey lets go screw with some prisoners tonight"; adding that "...Lynndie England surely did not show up in Iraq with a dog collar and a dog leash" (FRONTLINE, 2005). So, what then were the push factors? After provoking anger and fear, the Bush administration designed policies that were befitting for this type of war. The old rules governing warfare, or at least what those rules were assumed to have been, were quickly replaced by those that authorized the use of torture during interrogation. Despite denial from government officials, various studies point to the new policies of the Bush government as key in the Abu Ghraib torture discourse. Certainly, senior officials in the US government redefined and shaped the law, especially the Geneva Conventions, and presented a moral argument on the use of torture against detainees.

For instance, on January 2002 in a draft memo to the President, Alberto Gonzales noted that:

"the Geneva Conventions are quaint, if not obsolete, and that certain forms of traditionally unauthorized methods of inflicting physical and psychological pain might be justified under the aegis of fighting the war on terror" (Giroux, 2004: 3).

As advised, those old dirty methods of war and treatment for Prisoners of War were dug up and reflected upon the detainees. The President himself withdrew the application of the third Geneva Convention (Prisoner of War status) and the Common Article 3 on al-Qaeda and Taliban detainees in US custody (Levin and McCain, 2008). As an order from the President, who will despise that? The J. Bybee memo of August 2002 reaffirms that "in a post 9/11 world, any attempt to apply the criminal laws against torture under the Geneva Convention undermined presidential power, and should be considered unconstitutional" (see Giroux, 2004: 3). Most of the blame, however, falls on the Secretary of Defense Donald Rumsfeld who has been widely accused of approving a physical coercion programme, known as Special Access Programme (SAP), to produce and carry out actionable intelligence (Mayer, 2004).

Thus, these counter-productive policies introduced were subject to interpretation, and there were various interpretations from soldiers; different torture techniques were exhibited, as pointed out in the three investigative reports of the Abu Ghraib tortures (the Taguba Report, Schlesinger Report, and the Church Report). Each shed light on the disarray in interrogation techniques. The Schlesinger Report explicably suggested that; "an atmosphere was created in which the existence of confusing and inconsistent interrogation technique policies contributed to the belief that additional interrogation techniques were condoned" (FRONTLINE, 2005). What happened next? Soldiers improvised techniques to add to the insufficient ones provided. The can also alternatively be seen as a form of individual agency when called or recruited to execute their duty as the government demanded.

Meanwhile, according to the Levin and McCain Report (2008:3):

Interrogation techniques used by the Special Mission Unit Task Force eventually made their way into Standard Operating Procedures (SOPs) issued for all U.S. forces in Iraq. In the summer of 2003, Captain Wood, who by that time was the Interrogation Officer in Charge at Abu Ghraib, obtained a copy of the Special Mission Unit interrogation policy and submitted it, virtually unchanged, to her chain of command as proposed policy. Captain Wood submitted her proposed policy around the same time that a message was being conveyed that interrogators should be more

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aggressive with detainees.

Well, who conveyed the message that interrogators must torture detainees? Of course, none of the actual, policy creating U.S. officials were, or would be, seen torturing. Instead, authority to do so had been delegated down the chain of command. What happened next was that these young soldiers were left unsupervised because no one wanted to be held accountable. For instance, Sabrina Harman's lawyers have argued that "there was a breakdown of leadership, and she and others became scapegoats for the failures of a system that reached the highest levels of the military bureaucracy and the Bush administration" (ABC, 2005). The prison then became the real war zone, as prisoners died from beatings and other inhuman treatment so as to fulfill the order that had been given to deal with them. It is no wonder that some posed over dead prisoners or even gave the thumbs up sign over a dead prisoner, whilst others watched as detainees were being dragged like a dog.

Most importantly, we can ask: what do the images say, or what messages do they convey? It is not only the torture environment that was created, but also underlying messages that were conveyed. Hence, the fact is that taking photographs while torturing prisoners are purposeful and are explicitly meant to be captured, disseminated, or, can it be said, performative? In a way, their intention, by design, was to send a message of content back home, to the U.S. government, that we are actually doing what you asked us to do, so we are having fun doing it. Therefore, Reed (2008:4) argues that:

The Abu Ghraib photographs were always meant to be seen. At the time of their discovery they existed on a file sharing network of military personnel and they were also believed to be sent back home to family and friends like "postcards" from the war. The messages implied in the photographs sent home was clear enough in the sexualized torture and demasculinization that only made sense through the white gaze and essentialized differences between the Other/Terrorist/Arab and U.S. guard.

There was also a dehumanising element to the torture, which inexplicitly has the purpose of attacking the Arab culture. Some aspects of Abu Ghraib – for example the decision to strip detainees, ask them to masturbate, have sex with them, and have a consistency to it was culturally specific. It was aimed at reiterating the prejudiced idea of Muslims/Arabs being conservative when it come to sex, sexuality, and even exposing their bodies (uncivilized or closed), as compared to the Westernized male and female in the U.S. Curiously, these soldiers never pondered over the fact that they could be in trouble if the photos come out; instead, they were carefully following the scripts given to them. Otherwise, if they knew this could lead them in prison, demotion and dismissal in the Army, what would have been the point in recording and taking photographs of what they were doing? If at all, it would have been done in secrecy. Therefore, it seems to be very convincing that the Abu Ghraib tortures occurred as a direct result of the U.S. government's policies that had been introduced, and it was not merely just because of a few guards on night shift.

## **Torture: An American Culture?**

Arguably, torture of Iraqi detainees does not have to be viewed as an exceptional case. In other words, they are not new, considering the social background of these soldiers. There is now a tendency to shift focus away from individuals and assess the society that has produced them. This essay argues that the actions of these soldiers are exemplary of the society they represent – that of racism, dominance and conquest. What laid the foundation to investigate on this factor is the fact that it is not easy or fast to introduce torture during interrogations, had it not already been a practice by the US. The point is clear: it is like saying, 'we are going to show you guys that we have and know how to get what we want,' enabling the reintroduction of dirty techniques. Because it was not a new idea to most Americans, due to social and historical constructs, these torture policies faced little or new criticism until scores of American troops were killed, people later realized the huge amount of resources invested in the war, and then, also, the emergence of the abuse photos. In a bid to dive into candid explanations, scholars have compared messages from Abu Ghraib to similar stories at the home and on the international level.

Davenport and Armstrong (2005:2) note that: "the events at Abu Ghraib were not aberrant; rather, they were representative of what had long been a policy of the U.S government, especially with regards to individuals of other nationalities/ethnicities as well as those engaged with challenging them politically". Maybe Giroux (2004) is more

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explicit when he points out that:

Not only does Taguba's report reveal scenes of abuse more systemic than aberrant, but also tragically familiar to communities of colour on the domestic front long subjected to profiling, harassment, intimidation, and brutality by law and order professionals. Not only are they grotesque in themselves, they reinforce the pre-existing impression of Americans as racist, cruel and frivolous (p2).

In 1995, a widely publicized video, similar to that of Abu Ghraib, broke out in the U.S. The video from Brazoria, Texas depicts guards forcing prisoners to strip and crawl, using dogs to terrify them (Reed, 2008). Franklin et al (2006:3), however, gave a deep incite, arguing that what occurred in Iraq was a replica of something typical of American prison culture – one that has made torture routine and acceptable. He noted that:

“In the typical American prison designed and run to maximize degradation, brutalization, and punishment, overt torture is the norm. Beatings, electric shock, prolonged exposure to heat and even immersion in scalding water, sodomy with riot batons, nightsticks, flashlights, and broom handles, shackled prisoners forced to lie in their own excrement for hours or even days, months of solitary confinement, rape and murder by guards or prisoners instructed by guards—all are everyday occurrences in the American prison system”.

Next, not excluding the whipping and degradation of slaves during the slave trade era, one might also ask why, then, are these photos shocking, knowing fully well that it can be seen as a characteristic of American culture? Well, the photos are not exceptional, as long as they just remind us of lynching and racial aggression of the U.S. The gay sex acts in the photographs committed against 'hyper homophobic' Muslim men is also then just similar to the Don't Ask, Don't Tell policy and consequently not exceptional considering the overall homophobia of the military (Reed, 2008). Even taking photographs during torture cannot be deemed as exceptional. This is because African-Americans were also photographed whilst being tortured during racial aggression, as white torturers had been exhibiting pleasure and pride in what they were doing, when the images later spread all over the country through newspapers, personal files and postcards (Reed, 2004). Generally, every nation has its own bad history, and many people thought the U.S. had gone past their own by now, given the fact that those acts prove ironical to the very ethical and political pretense for the invasion of Iraq, until these doubts on torture techniques re-emerged.

Janis Karpinski pointed out how the initial motive of photographing detainees was to tell fellow detainees that, 'look, if you don't talk, you will receive more harmful treatment than your mates have received' (FRONTLINE, 2005). In other words, it was meant for the prisoners to see the images and defect – setting the basis for a kind of prisoner's dilemma. However, even if we try to assume that this was the case, then the initial intention later transformed into something else. Originally, this essay was to include a comparison of the events at Abu Ghraib to that of the Stanford Prison Experiment, but after further research and analysis, there showed to be a vast difference. This is because, even though the torture tactics employed in both instances are more or less the same, participants of the latter did not use tactics that attack religious and cultural identities of prisoners.

On the international level, Abu Ghraib detainees have not been the first to witness such form of torture from the American prison-industrial complex. Hence, they make up a part of the victims of the U.S foreign policy of an exaggerated and fabricated understanding of direct threat with dominance and hegemonic acquisition in mind. "...the image of the faceless, hooded detainee, arms stretched and wired, conjured up images of the slaughter of innocent people at My Lai during the Vietnam war" (Giroux, 2004: 2). Reed (2008) mentions that the faces of hooded detainees signify that we cannot see their faces and they are not expected to look back. Yet, Attorneys for Sabrina Harman do not regard this as humiliation. They argued that charges related to the photographs of hooded detainees should be dismissed because the victims could not see that they were being photographed, and therefore they could not have been humiliated (ABC, 2005). She and her lawyers refused to admit that hooded detainees were abused partly because they might have learnt of physical coercion only as abuse. They fail to realize that the consistent sound of the camera's flash on a naked hooded-Muslim is alone a psychological torture because the individual is left thinking of the viewers, at the same time not overlooking the impact on their religious or cultural beliefs and norms. Moreover, it is not the taking of the photograph per se that causes the shame, but rather the potential for it to be seen and circulated.

# **Torture at Abu Ghraib: A Technique in Fighting A New Kind of War**

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It is hard to measure the increasing acceptance of brutality and violence in American life. However, the reality is that it is evident everywhere. When the abuse photos broke out in 2004, Fox Television Network, for example, denounced criticisms of the images and dismissed them as not being patriotic (Giroux, 2004). Is that how we define patriotism? This is a direct consequence of a popular culture. Starting with video games of killing for boys, to Television shows, films and documentaries, America has become a country in which the practice of violence are seen as good, entertainment and fun. Most Hollywood movies, more often than not, portray torture as a working tool during interrogation, the terrorist as defeated by being killed, and, increasingly see, that terrorist seeming to resonate with identifications that have been defined or characterized as Muslim. Coupled with historical contexts, both old and new generations have come to believe that torture does work. In time to come, we shall soon see video games of "Interrogating Terrorists".

## **Final Considerations**

For many years, in the Islamic world and many other parts of the world, the image of the United States will either be that of an American dragging a naked Iraqi across the floor on a leash, faceless of hooded detainees, the dog pile, or that of a detainee standing on top of a box with arms tied to the wall. It is needless to ask whether an apology from President Bush will do. The question is whether such acts of torture have even stopped in the first place? Had it not been for the investigative journalism of Seymour Hersh and others in 2004, would these photos even have been made public a year after the invasion?

The question which begs an answer is: How can Iraqis be liberated from oppression in the hands of the then dictator by other severe acts of degradation and humiliation that are all in the name of freedom, civilization, democracy and human rights? Maybe, "at the very least the images serve as a concrete point of reference for many to the ways in which a history of racist violence has been re-imagined and re-appropriated for a new war and enemy" (Reed, 2008: 5). What are mostly ignored in the analysis are the conditions that produce them. It appears that the conditions for Americans, too, have been produced, and continue to be produced, when they are told and made to feel that those over whom they have absolute power deserve to be humiliated. They commit such acts when they are led to believe that the people they are torturing belong to an inferior race or religion. As aforementioned, the meaning of these photos is not just that these acts were performed, but that their perpetrators apparently had no sense that there was anything wrong in what the pictures show. Maybe the right thing for the Bush administration to say was that: we gave the orders, but we never knew these soldiers could have gone this far. Again, how could they have said that when they do not want to be held accountable? Certainly, he did not and could not because his politics were at stake.

Daner (2004) argues that the prime goal of insurgents had been to defeat Americans politically by ambushing American convoys, thus provoking the overworked and outnumbered American troops, who were under constant fear, to arrest and mistreat Iraqis randomly in places like Abu Ghraib, compelling, in the process, the populace to feel hatred towards them. On the one hand, if this is anything to go by, then it could be seen as a successful mission because those images bring a different perspective as to why the invasion is criticized, thereby reinforcing the arguments of self-interest. On the other hand, those actions also brought the use of torture in U.S detention centres into the Terrorism discourse. This, however, can instigate revenge and could make American society vulnerable to more terrorist attacks. The acclaimed death of Osama Bin Laden does not mean that the U.S is totally free from terrorist attacks. After all, victims of torture have got friends and relatives who have seen such humiliating photos and might well consider a revenge if given the opportunity, irrespective of the consequences.

On the whole, calling the event a crime localizes it and makes it more manageable, creating a reason to compare the crime to any robbery or theft offense. Nonetheless, casting Abu Ghraib as a war crime could help us make a moral and legal argument out of what happened. Torture does not seem to work during interrogations in this war on terror, and, arguably, it may never do so. It is sadly true that those pictures will not disappear, especially now in the digital age. Yet, the U.S must not silence the criticisms that come with them. The American image, especially in the Islamic world, is bad, but we can start to rewrite the story by, first and foremost, rehumanising terrorists. The creation of the border between "Us" and "Them" is a psychological issue, and it occurs in our everyday life, as some people do exclude others on the basis of individual differences. However, what matters most is how we deal with these differences. Our differences can be countered if we listen to the other, try to change our stereotypes, and support the

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actions for a rehumanization. This can serve as a first step in the right direction in countering the War on Terrorism.

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