

Torture in Democracies:
The Case of the US, the UK, and Israel

by,

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Abstract

The political identity of many, if not all democracies often overshadows the importance of the individual, thus leading to abuses in Human Rights, particularly through torture. The false enlightenment of democracies is problematic because the democracies contradict the basis of their political ideology, the individual. Yet they try to protect their image by “legitimizing” their cause as necessary for the protection of the nation. The individual therefore is found to be less important than the nation.

An investigation of the torture epidemic was examined in the United States, The United Kingdom and Israel. These three particular countries were juxtaposed to show that both stable and unstable democracies torture. Take for example the United Kingdom, which is looked at as the cornerstone of democracy, or the United States, which champions their allowance of liberties for their people, and fights to instill those rights in other countries. Then look at the unstable, or more extreme militant examples of democracy, like Israel. Regardless of their day-to-day operation, each is a democracy, and each tortures.

In examining the U.S, the U.K, and Israel, the numerous treaties they signed condemning and abhorring torture were first stated to show the humanist values democracies hold. Directly following the conventions condemning torture is the legislation each country created, or implied during wartime to create a pseudo-legal atmosphere that granted unlimited powers to interrogators.

Following the actual legislation that allowed for torture, the specific torture techniques used in each country are compared. The comparison not only shows striking similarities between the techniques used within each country’s border but also that the government created policy. The comparison additionally shows the techniques were similar from country to country. This brings the shocking revelation that democracies institutionalize torture across the world, that is, democracies worldwide aim to break the individual both physically and psychologically.

After establishing the institutionalization of torture, a section is dedicated to possible ways to curb torture in the future. The main way is bringing torture into a public arena, which would essentially shame the torturer out of existence.

Although, in an ideal world all torture chambers can be located and brought to existence, in reality that is not the case. However, with the pseudo legal legislation shown, and the normalized practices continually uncovered in literature, it’s not unrealistic to believe the torture, and hypocrisy of democracies can be limited.

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Introduction

The United Kingdom, Israel and the United States imagine themselves as Western countries. Furthermore, all three are all part of the United Nations. The connotation that follows is that these countries completely respect the rules of the modern nation, that is to say, the three countries respect the individual, but more importantly humanity. Certainly none of them would disobey article five of the UN Declaration of Human Rights of 1948 that states, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” However, in reality that is not the case. Not only do these seemingly different democracies torture in remarkably similar fashion, but each create legislation that leads to inhuman treatment.

Beyond the reasoning given above, that Israel, the United Kingdom and the United States torture in similar ways, there is a comprehensive goal in using these three particular democracies.

The British experience is instructive because it is often mentioned in [the Israeli] context, and also because the United Kingdom is frequently considered the “mother of democracies.” Most importantly, the British case was the sole relevant legal support that the Landau Commission brought for its determination that “human conduct is the same throughout the world” – the claim of Ireland against Great Britain in the European Commission and European Human rights court (B’tselem, *Legislation 60*).

Britain is therefore regarded as a stable country, and a cornerstone for democracy. Contrarily, Israel as explained by B’tselem, an Israeli non-governmental organization that focuses on Human Rights is regarded by Western world as a more extreme version, especially in terms of torture. Consequentially, by comparing the two cases, the scope of torture in what people like to consider a civilized world is more easily imagined, both extremes are covered, and transitively, everything in between can be revealed. Therefore, the problematic issue of torture is somewhat universalized.

The problematic issue of torture, what it is, why it exists, how it's administered (both physically and legally) is universalized to the point that by using the occurrences of torture in the United Kingdom and Israel, the policies of torture in the United States can easily be predicted. Why is the United States important while studying torture? The United States is necessary in this comparison because it is the self-proclaimed champion of human rights, and is often portrayed as such by the mainstream American media. The US is always fighting for a "just" cause, to instill democracy. However, there is an issue that lies beneath its "clean" fight to instill Western ideals. In this ideological war, does the United States stick to its theories of individualism and democracy? Or, is the melting pot, and the country where people aspire to live for the chance of wealth and freedom also hypocritical? That is to say, is the United States administering torture like other democratic nations?

I. Definition of Torture and Its Destructive Capacity

Although the definition of torture varies, the common parts of the definition include both a psychological and physical aspect to it. Take for example the definition given by Encyclopedia Britannica: torture is “the infliction of severe physical or mental pain or suffering for a purpose, such as extracting information, coercing a confession, or inflicting punishment. It is normally committed by a public official or other person exercising comparable power and authority” (Britannica 1). Although the second sentence of that definition will be of later use, the first focus is to establish that torture cannot be constrained to merely physical brutality because the mental or psychological actions must also be examined.

Even with torture defined, and knowing there can be a mental, or physical aspect to it, the actual results of torture need to be explained in order to understand why international bodies have legislation to ban it. Pain is a product, and sometimes the goal of torture. To put things into perspective pain is the only emotion that destroys individuals. Elaine Scarry argues:

It is the intense pain that destroys a person’s self and world, a destruction experienced spatially as either the contraction of the universe down to the immediate vicinity of the body or as the body swelling to fill the entire universe. Intense pain is also language-destroying: as the content of one’s world disintegrates, so the content of one’s language disintegrates; as the self disintegrates, so that which would express and project the self is robbed of its source and its subject (Scarry 35).

The individual’s prior knowledge of existence is therefore obliterated, and the victim becomes unable to even express his pain. As the victim’s entire discourses societal understanding, and knowledge of an outside world is exterminated, inexpressible pain is all that is left; he is dehumanized. The torture tools that are used against him no longer hold their societal value,

rather they are instruments of pain. Therefore, the result of torture is complete separation of the signifier and signified in society, and the destruction of the human, using pain as a means to obtain that end.

II. The Symbolic Allegiance to the Abolition of Torture

The pain-induced dehumanization is exactly what no democratic country ever wants to admit, or be associated with (on the surface.) For that reason Israel, the United Kingdom and the United States are all signees of some treaties that interdict torture. Each of the treaties is similar to the United States Bill of Rights that guarantees civil liberties, notably the UN Declaration of Rights from 1948, the 1949 Geneva Convention, the 1950 European Convention on Human Rights, the 1966 International Covenant of Civil and Political Rights, and the 1984 UN convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Obviously the three above mentioned countries have not signed all of the treaties due to regional restrictions, but each have signed at least one.

Before looking at the actual treaties signed, the United States, the United Kingdom, and Israel's democratic nature and origins of anti-torture legislation can first of all be understood by their membership in the United Nations. The United Nations is an international assembly that writes most of the international conventions on human rights and against torture. The United Kingdom of Great Britain and Northern Ireland joined in October 24, 1945, the United States of America the same day, and Israel only four years later in 1949. In addition to UN membership, all three countries passed, and ratified the UN's most specific bill denouncing torture, the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment of 1984. The United Kingdom of Great Britain and Northern Ireland signed on March 15, 1985, and ratified soon thereafter on December 8, 1988. Likewise Israel and the United States also signed and ratified the Convention, but with a slightly larger delay between the signing and ratification of the Convention. Israel signed it on October 22nd, 1986, yet did not ratify the Convention until October 3, 1991, and the United States signed on April 18, 1988 and

spent another 6 years before the ratification on October 24, 1994. The actual content of the conventions and what is actually prohibited as far as torture is concerned is as important as the signatures.

As far as content is concerned, most of the earlier mentioned treaties explicitly prohibit torture in plain and simple print. For example, the above mentioned article 5 of the UN Declaration of Rights from 1948, and article 3 of the European Conventions on Human Rights from 1950 both have the exact same diction. Each states, “no one shall be subjected to torture or to inhuman or degrading treatment or punishment.” Likewise, the International Covenant of Civil and Political rights adopted by the UN in 1966 also has the same diction with one further sentence adding, “In particular, no one shall be subjected without his free consent to medical or scientific experimentation” (Civil and Political Rights, Art. 7). Therefore, the legislation is there to bar torture in various documents, in plain and simple text: a person should never be dehumanized against his or her will.

The Geneva Conventions of 1949 go beyond normal, peacetime laws and into laws concerning torture during times of conflict. Under the Geneva conventions, torture is prohibited during a war between two states. To cover as many circumstances as possible, the ban on torture is mentioned under article 3(1a) in part 1 of the General Provisions, but also under the captivity part of the provision labeled “Section 1, Beginning of Captivity, Article 17.” Additionally, in “Chapter Three: Penal and Disciplinary Sanctions, 1 General Provisions, Article 87 and 130.” Regardless of the separation between two different sections, both sections explain the legal measures to not only protect the rights of citizens, but also to bring to justice the people who disobey the laws. Therefore, the Geneva Conventions show that not only in peace times, but also

during times of conflict between states, torture is prohibited, and that there are judicial arms of enforcement for those who disobey the conventions. ⁷

As if the war time laws were not enough to further specify the laws barring the abhorrent action of torturing, the UN convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment of 1984 asserts the protection against torture for all people, not just prisoners of war, but anybody, regardless of the political situation. Article 2 explicitly states that “no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.” Moreover, that states cannot torture in their territories, and that even orders from executives or “superior officers” may not be invoked as a justification for torture. The guidelines are therefore clear, torture, in any and every form is illegal, at all times, and each state is responsible for non-compliance.

The UN convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment of 1984 also goes in depth, expanding the specifics of torture. This treaty first uses the above-mentioned definition of torture by the Encyclopedia Britannica. However, the UN convention goes one step further than the rest of the treaties because it creates a safe-haven for all citizens of the world, regardless of the political situation. The opening diction could not make it more clear: it states that the United Nations recognizes that the “equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world” (UN Convention Against Torture 1). This citation and convention therefore clearly imply that there are no exceptions that allow torture in the world, because according to the Western controlled United Nations each member of the human race holds inalienable rights. The Convention against Torture is therefore centered on all aspects of torture, but the conventions as

an ensemble, build upon each other to guarantee rights to all humans, not only in the Western world, but the entire world. Additionally, because of the similar diction in the conventions they provide many physical signatures that together with the conventions can be used in court against the democratic countries that falter in their promise to protect the inalienable rights of every human.

III. How and Why Political Identity Catalyzes Torture

The Monopoly on Violence

With all of the above explained Conventions denouncing torture and glorifying the rights of all humanity, it seems impossible that Israel, the United Kingdom and the United States torture. However the unfortunate truth shows there is much counter-legislation created to “allow” states to torture. The reason legislation is created can be explained by the government’s “need” for additional force in combating terrorism and other unrest that threatens the status quo of a country. That is to say civil unrest pressures the state into taking action in order to regain control over the monopoly on violence of the imagined state. As Ronald Crelinsten explains in *the Politics of Pain*, the social, and political conditions start with a threat to the monopoly on violence. Consequentially, the state creates “the need to process large numbers of suspects; the dehumanization of an out-group (national, religious, or ethnic); [and] a high level of authorization to violate moral principles” (Crelinsten 9). Therefore, in combating a threat the state wishes to process as many possible threats, as quickly as possible, under a “whatever means necessary philosophy.” Governments can therefore covertly push these dissenting groups outside of their society and strip them of their rights, but the real question is how does the government create a pseudo legal atmosphere to achieve that.

Ambiguously Worded Legislation during Formal Combat

The state controls the situation both in the case of Israel, and the United Kingdom. It does so by creating or changing legislation to accommodate extreme circumstances. This change in legislation should not cause issues by itself since wartime often needs more governmental power and more legislative power to restore peace. However, the ambiguous nature of the legislation

created is problematic because this ambiguity leaves the legislation open for interpretation by the personnel carrying out the new laws. The legislation often allows for “moderate physical pressure,” as the Israeli legislator has put, a term that is loosely defined and can subsequently cause a rift in understanding. Therefore, the interpretation of what is moderate can lead to “the slide down the slippery slope” (Israeli High Court 2). That is to say, without any physical definition of “moderate physical pressure,” torture can take place because the decision of how far to go in an interrogation is left to the interrogator himself. Likewise, the interrogator is an essential part of the state’s machine that will use any means necessary to get its wanted answer (Foucault 135). That slippery slope is what the second part of the Encyclopedia Britannica’s definition of torture refers to: “[torture] is normally committed by a public official or other person exercising comparable power and authority.”

In addition to the legislation created by democracies, there is also legislation in international conventions that acknowledges the necessity of extra security during circumstances that constitute a security threat to the country. “Article 4(1) of the International Covenant permits derogations from the obligations of the Convention ‘in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed’, a terminology wide enough to include war” (Cohen, *Human Rights* 2). Therefore, to some point there is legal lenience in times of conflict. However, the following paragraph of the same article still guarantees basic rights of humanity. The most important right of all is obviously the right to life, but equally pertaining to conflict situations is the right to freedom from torture or cruel, inhuman or degrading treatment or punishment, as well as the right to be recognized everywhere as a person before the law (Cohen, *Human Rights* 2). Therefore, in theory, democracies should always privilege the citizen over the state. For example, even in cases of interrogation where a

person is suspected of a crime against a certain nation, he should never be dehumanized.

Unfortunately, abuse still happens during times where there are security threats because nations put their own aspirations before those of the individual, as is obvious in both cases of Israel, the United Kingdom, and the United States.

The United Kingdom's "Special Powers" and Endless Amendments

Take for example the case of Northern Ireland. Amidst a civil uprising, the loyalists and republicans warred over civil rights. "Up to March 1975, on the figures cited before the Commission by the respondent Government, over 1,100 people had been killed, over 11,500 injured and more than £140,000,000 worth of property destroyed during the recent troubles in Northern Ireland" (*Ireland vs. U.K* 5). Therefore, the "respondent" or government of Northern Ireland is citing the damage by the instate warring. Consequentially, these territories, originally under the rule of the United Kingdom, were since freed, but during that period put back under direct rule. However, rather than aiding the state of Northern Ireland, the United Kingdom's government rather created a military state to re-introduce their monopoly on violence. The government did so by creating certain "Special Powers":

From 9 August 1971 until 7 November 1972, when certain of the Special Powers Regulations were replaced, the authorities in Northern Ireland in fact exercised four such extrajudicial powers: (i) arrest for interrogation purposes during 48 hours (under Regulation 10); (ii) arrest and remand in custody (under Regulation 11 (1)); (iii) detention of an arrested person (under Regulation 11 (2)); and (iv) internment (under Regulation 12 (1)) (*Ireland vs. U.K* 9).

These expansions of the law show a clear-cut process that gives extra powers to the law. Looking at this, it must first be understood that in many cases, the authorities in Northern Ireland administering these methods are the authorities already there, the Protestants. The Protestant majority already poses a humanitarian problem for the minority, the Catholics, from looking at

history and conflict between the two religious ideologies. Moreover, the specifics of these regulations pose further problems.

Looking at the amendments to the law in Northern Ireland, it is fairly obvious that the authorities felt the “ordinary criminal courts could no longer be relied on as the sole process of law for restoring peace and order” (*Ireland vs. U.K* 9). However, this does not give enough insight to the problematic way in which the amendments are written, it merely implies precedence for new laws to be created. The Special Powers Act for example, “empowered the Minister of Home Affairs for Northern Ireland, until 30 March 1972, or, thereafter and until 8 August 1973, the Secretary of State for Northern Ireland to take all such steps and issue all such orders as might be necessary for preserving peace and maintaining order” (*Ireland vs. U.K*, 18). Once again, although to a point special powers may be necessary, the specifics again are more extreme than necessary. Moreover the words “all steps and all issues necessary,” should pose an immediate problem since they are not specified; the unknown remains one of the substantive problems.

Contrary to the unwritten and hidden amendments to The Special Powers Act there are certainly some specific guidelines. For example, any individual could be arrested without warrant and detained for the purpose of interrogation; “the arrest could be authorised by any officer of the RUC [Royal Ulster Constabulary]; the officer had to be of the opinion that the arrest should be realised for the preservation of the peace and maintenance of order; the detention could not exceed forty-eight hours. Additionally, the individual could not apply for bail” (*Ireland vs. U.K*.19). The Northern Ireland police force or RUC therefore had much expanded their power. Although most of this may not seem astonishing during a violent civil

outbreak, the continuous additional amendments to these guidelines pose more of an issue. It must be stated that although “1,711 prisoners were released within 48 hours, an additional 1,226 had their detention prolonged under other regulations” (*Ireland vs. U.K. 19*). Therefore, although not definite in its wording, the original legislation does pose an initial framework, but that is all. The amount of extensions is seemingly endless for the interrogators thanks to additional amendments.

Israel's Ambiguous Legislation, The GSS, and the Judicial System

Similarly, there are also serious flaws in the wording and administering of legislation in Israel. Its case is on a much larger scale. Regardless, in Israel, the focus of the torture is on Palestinians, who, the state believes, pose a terroristic threat to the Israeli nation-state's very existence. The problem starts with the General Security Services (G.S.S.), and continues through into the Israeli courts. “With the co-operation of the I.D.F. [Israel's Defense Forces], the regular police or the Border Guard, the G.S.S apprehends and interrogates people who are believed to be involved in activities endangering the security of the state” (Cohen, *Interrogation* 16). The creation of this interrogational security group is not problematic in itself. It is rather the extensions they are given under the law (much like the United Kingdom) through different parts of the military order whose intractability opened up a clear possibility for dehumanization and torture.

Under the Military Order, several problematic issues with the legislation arise since the legislation starts off logically, as in the case with Ireland and the United Kingdom, but gets complicated as additions are made. Take for instance article 78, which outlines the different stages of detention of Palestinians in the Occupied Territories. Originally a person could be held

for 18 days without appearing in front of the court. However, at the end of that time period a judge can extend the detention, as suggested by the “Shin Bet” (G.S.S.) (Cohen, *Interrogation* 16). Additionally, not only is there another part of the order that allows the court to keep this detention secret for eight days if there is a court order, but there is an additional amendment (53) of the same order that allows a prison commander to suspend the right to a lawyer for interests of “interrogation” (Cohen, *Interrogation* 17). Therefore, a prisoner can be held against his will, in secrecy, for up to eight days, during which time period the same interrogators can administer whatever processes they want, without anyone in the outside world knowing. The prisoner does not even have access to a lawyer if the interrogator wishes to strip him of that right. Plus, the amount of time a person can be held seems endless by the continuous possibility of extensions.

Of course Israel has a clear cut law to persecute its public servants for abusing their power or force, however even these have subsequent articles attached which seem to free the interrogator and give him a free hand at violence. *Section 227 of the Israeli Penal Code*, sentences public servants to three years for using force or violence to extort a confession. Additionally, any threats used to obtain a confession are also considered illegal. However, *Article 34(11) of the Penal Code*, creates an essentially vague “get out of jail free card.”

A person shall not bear criminal liability for an act which was immediately necessary in order to save the life, freedom, person or property, be it his own or that of another, from a concrete danger or severe harm stemming from the conditions existing at the time of the act, and having no other way but to commit it (*Legitimizing Torture* 6).

Therefore, to reiterate the question of what is “immediately necessary,” is put directly into the interrogator’s hands. The possibility of him being culpable seems very slim since he is immediately in front of the detainee and can decide over the extent of the threat himself.

Furthermore, since the interrogations are done in private, if there is a “trial within a trial,” (a military trial) the G.S.S officer can easily lie to the court without the possibility of the truth being known. There is no oversight of his actions because of the lack of signs of abuse. “The special status of the G.S.S can, therefore, lend itself to abuse in the interrogation processes that are difficult to control. No law was behind the establishment of the G.S.S in the first place, [it’s rather under the authority of other agencies]” (Cohen, *Interrogation* 18). Therefore, thanks to the establishment of the G.S.S, the situations they are put in because of the “special circumstances,” described in certain legislation, it is nearly impossible to track their actions.

Where this case gets far more extreme than the Ireland case is the actual wording used in describing the “by all means necessary” approach of gaining information. Israel is far more open about its excuses for torture than other countries.

The means of pressure should principally take the form of non-violent psychological pressure through a vigorous and extensive interrogation, with the use of stratagems, including acts of deception. However, when these do not attain their purpose, the exertion of a moderate measure of physical pressure cannot be avoided [Para 4.7] (Cohen *Interrogation*, 25).

Therefore, the words “physical pressure” are in combination with already allowed psychological pressures and create a situation where torture, as defined earlier, can easily take place. However, Israel does try to at least make the excuse that the psychological pressure is “non violent.” Nonetheless, ambiguous wording, and the possibility for endless amendments render suspicious the governmental legislation in the United Kingdom and Israel.

The United States’ Obscurity

Using the examples of Israel and the United Kingdom it seems fairly obvious that the United States must also create legislation, or if not explicit legislation, a pseudo legal atmosphere

to allow torture of detainees during a security threat. The United States certainly does, and has for decades, however the focus here is the current “security threat” the United States has been “fighting” for the last decade; “the war on terror,” against antidemocratic terrorists such as Al Qaeda. An unnamed sergeant from the United States 82nd Airborne hypothesizes that there is an issue with United States’ policy for training soldiers in the war in Iraq during an interview with Human Rights Watch, the International Non-government Organization.

If I as an officer think we’re not even following the Geneva Conventions, there’s something wrong. If officers witness all these things happening, and don’t take action, there’s something wrong. If another West Pointer tells me he thinks, ‘Well, hitting somebody might be okay,’ there’s something wrong (Leadership Failure 1).

If even a sergeant with power over troops in the military is left in a gray area as far as rules, there is a clear issue, coming from somewhere above him. Why? The sergeant is conditioned to carry the morals of the state, and conditioned to be a representation of his government, yet even he was able to separate himself from the situation and criticize the United States military. This leads to the situation that is slightly different from the other nations. There seems to be noncompliance and a large gray area for the troops that are involved that even their own troops are aware of.

In fact, without even directly pertaining to torture, it is clear there is a larger issue with the training soldiers were given during this “war on terror,” declared by our country. An officer C declares, “[they] were never briefed on the Geneva Conventions. These guys are not soldiers. If we were to follow the Geneva Conventions we couldn’t shoot at anyone because they all look like civilians” (Leadership Failure 15). There is therefore already an enormous problem with the operation of the United States army. The above citation, pertaining to Iraq, shows that these soldiers were given the right away to dehumanize, to shoot any civilian they perceived as a threat.

The truth of the matter is the Commander in Chief and his cabinet created the situation in the Middle East, a situation where they never even briefed their upper ranking officers on the Geneva Conventions, thus the ignoring of Human rights. To reiterate, the commanders themselves were often never told about the Geneva Conventions, once again, Officer C states that “[he] witnessed violations of the Geneva Conventions that [he] knew were violations of the Geneva Conventions when they happened but [he] was under the impression that that was the U.S. policy at the time” (Leadership Failure 16). Furthermore when he visited the Judge Advocate General (JAG) they claimed, “Well the Geneva Conventions are a gray area” (Leadership Failure 18). He later claimed that when he viewed the pictures from Abu Ghraib, he was surprised by all of the fuss the media was making because to him, an arm of the military, that was policy (Leadership Failure 21). Therefore, it is clear already that the pictures the officer is referring to are those of torture victims at Abu Ghraib. Moreover, it is clear that the United States, like the United Kingdom, and Israel ignored their numerous treaties, but that the United States trained all of its soldiers, that is to say, its entire army to ignore the Conventions that define their political image as opposed to solely interrogators. How exactly did the state do this though?

IV. Domestic Roots of the Problem

First of all, torture starts on a small scale within the United States, as it does in other countries but is rarely mentioned. Even though an out-group that is tortured, and in international affairs/conflicts this out-group does not consist of citizens, it must be understood that the allowance of these abuses start domestically with those considered outside of society in prisons.

As Angela Davis argues:

It might be helpful to consider the connections between everyday prison violence and torture. Of course, we know that some of the military personnel involved in the Abu Ghraib scandal had previously served as prison guards in domestic prisons. This points to a deeper connection between the situation at Abu Ghraib and domestic imprisonment practices (Davis 62).

This assertion seems to imply that the government also applies the “by any means necessary” philosophy domestically. That is to say to those “citizens” who are considered below others as far as civil liberties are concerned, because they have broken their country’s law. That mentality that creates a hierarchy of citizenship and humanity therefore creates employees and careers that become accustomed and machined to poor treatment and torture of individuals. More often than not the abuses are without the slightest reprimand. However, there is the other side of the issue that is much more pertinent to the Iraqi situation. Relating to the United Kingdom and Israeli situation there must be a top down explanation as well.

V. Top Down Explanation: The United States

Hypocritical Leaders Symbolizing their Country's Values by Denying Torture's Existence

Looking from the top down, neither the United States, Britain or even present day Israel will admit to torture being ordained by executive powers. In fact, in a quote taken from a 2004 meeting of the president George Bush with Prime Minister Medgyessy of Hungary at the White House, Bush explains that he should uphold his, and his country's image. "We do not condone torture. I have never ordered torture. I will never order torture. The values of this country are such that torture is not a part of our soul and our being" (Jameel 1). As the former president of the United States, Bush therefore appeals to exactly what he should -- the human being. However, George Bush, unlike most leaders, actually publicized his views as to what his administration ordained as far as torture is concerned. By doing so, the United States actually seemed more informal than both Israel and the United Kingdom who had strict legislation detailing their every allowed action up until moderate pressure.

Inconsistent Language Reveals the Unofficial "Executive Orders" in the United States

Interrogational Techniques, Extraordinary Renditions, and The Central Intelligence Agency

One of the first pieces of "legislation" allowing torture was on November 12, 2002 by Rumsfeld, who was the Secretary of Defense under George W. Bush until 2006. A-111,112,114,115,117: Army Regulation 15: Final report of Lt. Gen. Randall Schmidt and Brig. Gen. John Furlow, explains the situation Rumsfeld condoned.

Rumsfeld verbally authorized a "special interrogation plan" that permitted interrogators to confine al-Qahtani in an "isolation facility" for up to thirty days, subject him to "20 hour interrogations for every 24-hour cycle," and intimidate him with military working dogs during those interrogations (Jameel 8).

This legislation therefore condoned specific types of torture that would exhaust both the mental and physical aspects of the person interrogated. Contrary to the United Kingdom and Israel, the

United States was therefore bringing its top officials into the physical torture situation and detailing them on their every choice. Then, as earlier noted, dictating them down to the lower end interrogators without explaining to them the legal implications of numerous treaties they were ignoring, or blatantly denouncing.

Additionally, in concerning Rumsfeld's "legislation," there are clear consistencies with the choices of other democracies in regarding the leniency of power given to interrogators. Army documents show,

Rumsfeld and General Geoffrey Miller oversaw the implementation of the newly authorized interrogation methods and closely supervised the interrogation of prisoners thought to be especially valuable. And they make clear that Rumsfeld and Miller declined to limit interrogators' authority in a way that might have at least mitigated the consequence of their radical departure from pre-existing practice (Jameel 10).

Therefore, the powers of the interrogators were essentially unlimited. As seen earlier in both the situations with the United Kingdom and with Israel, the "slippery slope" exists. In other words, "moderate physical pressure" as Israel calls it is allowed, or as the United States claimed, the officials "declined to limit interrogators' authority." Regardless of the differences in wording, both phrases had the same effect implicitly and allowed for torture to take place.

The situation that could have been considered informal "legislation," was then turned into real legislation amidst much FBI scrutiny in concerning the legality of the interrogational methods. "On April 16, 2003, Rumsfeld approved twenty-four of the thirty-five recommended techniques, including environmental manipulation, sleep adjustment, extended isolation, and false flag- the last of these a technique meant to convince a prisoner that his interrogators were from a country known for its use of torture" (Jameel 15). Therefore, Rumsfeld explicitly ordained torture. He allowed for the psychological alteration of the victims through acts of deception. However, what is important here is that where other democracies created legislation

to allow the interrogators to use their own judgment, the United States government made its own judgment, which was to be enforced by the interrogators. The government therefore legally demanded that torture be administered. That is not to say that other countries do not instruct interrogators to use specific methods (as will be seen with both the United Kingdom and Israel in the explanation of their interrogation methods,) only that in the case with the United States the allowance of these methods can be directly linked to the executive decisions of high ranking officials.

Furthermore, the direct link between the executive powers allowing torture was rendered obvious by a 2006 statement by former vice president, Dick Cheney in which he condoned waterboarding. Cheney, then vice president, claimed that " 'it is a mean, nasty, dangerous dirty business out there, and we have to operate in that arena.' In an October 2006 interview, Cheney endorsed the use of 'water boarding,' a practice that involves subjecting prisoners to near drowning. Cheney termed the practice a 'no brainer'" (Jameel 31). Therefore, one of the explicit methods is once again linked to the fact that these higher-level officials both condone and help create the atmosphere for torture to happen. Cheney even refers to it as business thus implying that everything is preplanned and institutionalized.

Moreover, former president George W. Bush also condoned waterboarding, which is the most unbelievable association with torture. Whereas most leaders of a democratic country would condemn torture, at least publically, as George Bush tried to, they would also make sure not to admit to it. They would do so by censoring their own words in interviews. However, torturing is exactly what George Bush implicitly admitted to in regards to the interrogation of the suspected terrorist, prisoner Khalid Sheik Mohammed. From " 'previous admissions from the Pentagon,' we know that he was waterboarded. We also know that the interrogators presented their policies to

the president. And in the president's own words he said 'And I said are these tools deemed to be legal. Mr. Bush realizes the tools [the interrogator] has chosen'" (Olbermann 1). Therefore, in regards to the United States, it is very clear that policy comes from the top. This leads to the belief that other democracies operate in the same fashion, but that the proof is nearly impossible to find because the government meticulously covers its tracks in order to preserve its image.

Besides the affair with waterboarding, the former president Bush's inconsistencies also helped to uncover another United States policy that allows for torture -- "extraordinary renditions." Typically, a rendition consists of a country using its political power to bring a fleeing criminal back in order for him or her to be given a proper trial. The precedent for renditions was created by the 1886 Supreme Court decision *Ker v. Illinois*. In that time period the United States was in no way a superpower. It nonetheless always posed an issue as far as human rights since "federal courts held that they had no interest in the *means* by which a suspect was arrested and brought back into U.S. jurisdiction" (Grey 134). However, today unlike the United Kingdom and Israel, two countries that have little influence in terms of international relations and political power or force, the United State's massive power allows it to create an even more extreme "legal" situation that catalyzes torture: "extraordinary renditions." The terms explain the complex, hidden, exportation of political prisoners to other countries where there are no interrogation rules.

Of course there is also legislation legally barring extraordinary renditions, but the United States, like Israel and the United Kingdom, ignores the law in order to allow for its political goals to be obtained. Article 3 of the law prohibiting the rendition is very simple, and is a part of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It states "no State party shall expel, return, or extradite a person to another state

where there are substantial grounds for believing that he would be in danger of being subjected to torture” (Grey 218). Therefore, in addition to the fact that any cruel torture is illegal, even putting any criminal in a state of risk is itself illegal.

However, since proof of whether or not a country is a risk nation is hard to prove, the United States can easily use the country anyway. Plus, torture already happens underground, therefore, with agents deployed in special interrogation units, in secret locations outside the US, it is hard for any evidence to be obtained. All George Bush therefore had to do was say the United States did not torture, and he did, at least originally. In January 2005, he told the *The New York Times* torture is never acceptable, nor do we hand over people to countries that do torture (Grey 214). This was obviously disproven. Four months later there is a slight change in his tone as he admits the practice of extraordinary renditions, but not the torture. In April 2005 the suspicion on the real policy is uncovered. Bush said,

The United States government has an obligation to protect the American people. It's in our country's interest to find those who would do harm to us and get them out of harm's way. And we will do so within the law, and we'll do so in honoring our commitment not to torture people. And we expect the countries where we send somebody to not torture as well (Grey 214).

The diction changed, no longer was there exactitude, and facts behind the assertion that there is no torture being allowed. Rather a leniency is more evident through the use of the word *expect*. Expect by definition means you think there is a likelihood that torture will not occur. This change in diction implies that Bush was indeed sending prisoners to other countries in order to be tortured even before the truth was discovered.

The policy of “extraordinary renditions” granted powers to the CIA similar to those of the G.S.S in Israel. That is to say, the CIA was given the ability to apprehend enemies of the state

and push them underground, where its agents were given a hands-off approach to interrogations. This could obviously lead to the abuse of powers.

President Bush put a new rendition program into operation within days of the 9/11 attacks. A memorandum of notifications was signed on September 17 and authorized the CIA to conduct renditions without any advance approval from either the White House or Departments of Justice or State (Grey 149).

Therefore, without any oversight whatsoever (an oversight which our society and democracy itself is generally based on to grant civil liberties to all), the CIA had a free hand to abuse.

However, it must also be stated, that although the magnitude and frequency to “interrogate” or torture was limitless, Rumsfeld was responsible for the actual techniques within the CIA as well. As one CIA official directly involved in renditions said “Everything we did, down to the tiniest detail, every rendition and every technique of interrogation used against prisoners in our hands, was scrutinized and approved by headquarters” (Grey 151). Therefore, it is too obvious that the CIA, was given too much power in the United State’s security dilemma or “the war on terror” but that the power was dictated down from the top.

Moreover, proof that the CIA was granted the power to torture was not only its role in the extraordinary renditions, but other types of interrogations in Iraq as well. In the words of a Military Police (MP) the CIA would just come and take the detainees away. “They would be like, ‘how many detainees do you have?’ and he knew he has seventeen but the OGA would be like, ‘No, you have sixteen,’ so he’d be like ‘Alright. I have sixteen.’ And who knows where that detainee went” (Leadership Failure 24). Therefore, the scope of the torture that the government allowed goes far beyond one or two prisoners, or renditions -- it was and still is widespread.

VI. Documentation of Techniques Shows Congruency and Destruction

Torture and Secrecy

Even though torture is widespread, not all of the actions from interrogations can be known because torture takes place in an isolated, secretive location. For example, in the case of Northern Ireland the alleged torture or mistreatment took place in five different venues: “the unidentified interrogation centre; Palace Barracks, Holywood; Girdwood Park Barracks; Ballykinler Regional Holding Center; and various other miscellaneous places” (*Ireland vs. U.K* 23). Likewise, as Cohen alludes to, “G.S.S. interrogation takes place in separate wings or blocks located in detention -centers/prisons which in the Territories are controlled by the I.D.F. or Prison Service and in Israel (in Petah Tikva or the Russian Compound in Jerusalem, for example) by the police” (Cohen, *Interrogation* 17). Therefore, it is basically a standard operating procedure that torture takes place in an unknown place, or if not unknown, covertly in a place which can be left without any traces of interrogation.

Although it may be true that most torture is untraceable, the striking similarities in administering torture are fairly well known thanks to different court documents and interviews given by both interrogators and prisoners. For example, besides the sheer magnitude of the administration, and frequency with which the actions actually took place, the physical actions in Northern Ireland and Israel (and its territories) are remarkably similar. The actions, (which only exist because of the state’s determination to protect against terrorism in a by-whatever-means-necessary approach) overlap in many specific cases. The congruent actions are wall standing, hooding, subjection to noise, sleep deprivation, deprivation of food and drink, and direct violence.

Policy Discovered Through Institutionalized Methods

Stress, Deprivation, Exploitation, Brutality and Terrorization

Wall standing, as defined in the court case *Ireland vs. the U.K* is a position where the detainee is standing spread eagle against the wall, “with their fingers put high above the head against wall, the legs spread apart and the feet back, causing them to stand on their toes with the weight of the body mainly on the fingers” (B’tselem *Legislation*, 60). It is therefore a position that puts significant stress on the entire body over a long period of time, a period, during which, the detainee cannot move. Although slightly different, and much more extreme, “the closet” can be regarded as the closest Israeli equivalent. In this position, a person, although not forced to hold in one position, is stuck standing up for hours on end in a closet. Although the closet aims are more psychological, by it’s very structure of only one meter by one meter, it forces the impossibility to sit or lie down that leaves the detainees with no choice but to stand much like the wall standing position (Cohen *Interrogation*, 59). Therefore, the prolonged standing position can definitely be torturous, in both the United Kingdom and Israel, but what about the United States.

The closet also has an American equivalent. Although, there is no proof that the United States practices this dehumanizing technique on our soil, or even in our territories, it is one that the United States administers through the outsourcing of torture thus making the country equally culpable. Take for example a German businessman who the United States suspected was a terrorist. He was extradited to Syria, a country known for terrorism and put in a cramped position. “His cell, number 13, is shorter than his body length. From now, for nearly two and half years, he will be living in this cramped position. The only time he is taken from his cell, say fellow inmates, is to be tortured” (Grey 5). The victim will therefore be physically altered over

an elongated period of time, which will consequentially have both psychological causes because of discomfort and obvious physical problems in the future. In other words in between literally being tortured, he is being tortured continuously.

Hooding is another technique that aids in the constant continuity of torturous situations for prisoners. Hooding is used by both the United Kingdom and Israel. In the case of the United Kingdom and Israel, hooding was used to isolate prisoners and prevent them from being in contact with their surroundings and other prisoners in between interrogations, but more importantly for disorientation. Take for example a prisoner labeled T5 in the case against the United Kingdom. “T 5 alleged that he was kicked, punched and hooded by the army at St. Genevieve’s School, Belfast, on 13 August 1972. He was too young to be detained but, after arrest and questioning, he was taken, allegedly for identification purposes, to various army posts” (*Ireland vs. U.K.* 31). This suspected terrorist was essentially disoriented and kept out of touch with his whereabouts by the application of his hood. However, this is not nearly as bad as the Israeli amplification of the action, where the hood is a dirty sack “tied round the neck (loosened when the suspect is about to suffocate)” (Cohen, *Interrogation* 28). Moreover, the sack is sometimes left on in instances combined with “the closet,” or the “refrigerator,” (a version of the closet, but colder.) The implications behind this are that both countries used the hood to disorientate the victim, but in the Israeli case, the hooding is much more extreme since the detainee is always deprived of vision and the sack is dirty.

Although in both of the above cases the United Kingdom and Israel used hooding to isolate the victim, and devoid him of any sense of orientation, the United States, as will become obvious with other torture techniques, has a more comprehensive use of hooding. Not only is the hood used for sensory deprivation and to confuse the victim, as to his whereabouts or

surroundings, but for respiration blockage. Take for example the prisoner al-Jamadi, who like most other people interrogated by the United States was a suspected terrorist.

According to an autopsy report, al-Jamadi's death was a "homicide" caused by "blunt force injuries complicated by compromised respiration." The report also states that "individuals present at the prison during [al-Jamadi's] interrogation indicate that a hood made of synthetic material was placed over the head and neck of the detainee," which further compromised his respiration. A high-level military investigation later found that "CIA detention and interrogation practices led to a loss of accountability, abuse, reduced interagency cooperation, and an unhealthy mystique that further poisoned the atmosphere at Abu Ghraib (Jameel 34).

The United States therefore didn't stop with the blockage of vision to leave the victim disoriented and isolated. The US also decided to use the hood as a means of constriction against the victim. Without being able to breathe or see, it is far too obvious that hooding was torture. Even without this extreme example, the United States regularly (as a standard operating procedure) used hooding, in Guantanamo it was for an elongated period of time (Jameel 2). Also, with the 82nd airborne, it is not known how long they were held onto for, but rather that when they "got [those] guys [they] had them sandbagged and zip tied, meaning [they] had a sandbag on their heads and zip ties [plastic cuffs] on their hands" (Leadership Failure 9). Therefore, as in the United Kingdom, hooding by the United States was used to simply deprive the victim of his vision to weaken him mentally but additionally as a means of physical coercion.

The third similarity between the United Kingdom and Israel is the further isolation of detainees through noise. "Paragraph 96 of the Judgment and the Commission's report (p. 397) describes the noise as 'a loud and hissing noise,' which was played while they stayed in their waiting room" (Ireland vs. U.K. 74). Although a loud, continuous noise for an elongated period of time can drive anyone crazy because it is the only sound a person can hear and dominates their senses, the Israeli case was slightly more extreme. For example, regard the case of Muhammad

‘Abd al-‘Aziz Hamdan, who claimed one of the methods of his interrogation, was “sounding of loud music” (*Legitimization* 17). The use of noise and music is similar in that both the United Kingdom and Israel used it to cause the victim a psychological breakdown. Although music does not seem likely to cause psychological trauma since it’s societal use is for meditative qualities or enjoyment, that definition can be broken. Through constant repetition, songs can actually be exploited by the torturer and be used to worsen the psychological state of the prisoner.

Although it is unknown what songs were played in the case of Ireland and Israel, a similar comparison of music’s destructing qualities can be drawn in the United States. In the case of Abu Ghraib prison one particular song by Metallica shows that the volume as well lyrics can also play a significant part in the psychological breakdown of a prisoner (Smith 1). Take for example the song “Enter Sandman.” In this song there are the lines “something’s wrong, shut the light/heavy thoughts tonight/ and they aren’t of snow white/ dreams of war/ dreams of liars/ dreams of dragon fire/ and of things that will bite” (Metallica). On repeat, to a person in solitude, these lyrics can actually drive them crazy as they juxtapose light and dark, and focus on a nightmare-like states to coerce the victim into a terrified state of mind. To call these methods anything but torture does not make sense.

Additionally, deprivation of food was another way in which the interrogators in both Ireland and Israel tried to physically and mentally break down the detainees. In Ireland it’s simply stated that diets were shortened to bread and water (*Ireland vs U.K.* 24). Once again, although similar, “detainees interrogated by the GSS often complained that the food was extremely poor quality, and that they were forced to eat with their hands in a filthy cell containing a toilet, and were only given a few minutes to eat” (B’TSelem, *Legislation* 62). Therefore, as usual the Israeli case asserts moderate pressure that is more extreme than the case

in the U.K. Regardless, at the same time, the duration of this “diet” is unknown in both cases, which proves that although more extreme in one case, both could in theory destroy the physical build, as well as the well being of a person. That said, both are easily considered inhuman and--depending on the victim, and circumstances--torture.

One last similarity to the lack of food is the above-mentioned lack of water. In Northern Ireland, although the duration is not positive, it is generally assumed that guards were “restricting them to a diet of one round of bread and one pint of water at six-hourly intervals” (*Ireland vs. U.K.* 60). Over a long period of time, the muscles will deteriorate and be depleted causing a person to actually die from dehydration, yet this *necessity* for living was nonetheless limited. An anecdote from an Israeli prisoner even better conveys the brutal, inhuman situation. He claims, “they tied us to the iron railings where they used to tie horses. No food at all; water I drank only once during the weekend at al-Fara’ah. On Sunday, they took me back down to the tents, and I was completely disoriented” (Cohen, *Interrogation* 58). As if literally being treated worse than an animal is not bad enough, when actually asking for water the situation became worse:

When I asked for water, they came, took me out of the closet, and took me again to the interrogation room. When I said, “I asked for water.” They said, “You asked, so there is an understanding between us. Talk, please again.” And when I again say that I have nothing to say, the beatings begin, the strangling, the blows to the head, on the ears, on the sexual organs, and I don’t remember when and at what stage I lost consciousness” (Cohen, *Interrogation* 61).

This testimony shows the overall difference between the Israeli and British example. It is definitely true that both Britain and Israel abused human rights. However, Britain did not use any direct matters, at least as far as the courts are concerned. Israel did on the other hand, and before 1995 did not even care to disallow these tortuous actions that actually caused prisoners to lose consciousness if nothing else.

Likewise, the United States policies regarding the limitation of food to prisoners showed striking similarities to Israel more so than to the United Kingdom. In an interview with Human Rights Watch, the same soldier who described the sandbags on the heads of people described the food and water limitation as a method combined with others to physically weaken the detainee. What they practiced as policy was “you know, how far could you make this guy go before he passes out or just collapses on you. From stress positions to keeping them up fucking two days straight, whatever. Deprive them of food water, whatever” (Leadership Failure 9). The prisoners were therefore dehumanized just as they were in the Israeli case, and even the British case. The staples of life were stripped from them, and they were left battered and falling apart. A specific example is even shown by a supervising FBI agent who worked at Guantanamo, who said that what he saw was policy. “On a couple of occasions, I entered interview rooms to find a detainee chained hand and foot in a fetal position to the floor, with no chair, food, or water. Most times they had urinated and defecated on themselves, and had been left there for 18-24 hours or more” (Jameel 16). It is therefore obvious that although there was policy for this type of treatment in all of the three countries, in Israel and the United States, the deprivation of essentials for life were most atrociously applied, and most hypocritical because of the sheer frequency of the treatment. Therefore, the application of food deprivation and other no-touch methods such as stress positions were used to manipulate the consciousness and physique of prisoners, but there were also physical means that were used to keep the person conscious, but just barely alive.

Barely alive is exactly what Israel, and the United States wanted though, to break these people through their everyday prison conditions before directly torturing them during interrogation. Always using the 82nd airborne as example, “no sleep, water, and just crackers.

That's it. The point of doing all this was to get them ready for interrogation. [The intelligence officer] said he wanted the PUCs [Persons Under Control] so fatigued, so smoked, so demoralized that they wanted to cooperate" (Leadership Failure 12). The stripping away of humanity was all preparation for interrogation. That is to say, even before prisoners were more than likely to be tortured during their interrogation, they were tortured in preparation for the rest of the "interrogation process."

Some of actual physical means that Israel used (or even uses) during the preparation for and/or during interrogation process are violent methods such as shaking, painful shackling, slapping, and beatings (*Legislation*, 61). Two particular examples stand out amongst the rest. The first is shaking, a method which caused the death of a Palestinian detainee in 1995, and was widely used on over 8,000 detainees. Shaking consists of literally shaking a detainee to further disorient him, and cause physical fatigue (*Legitimizing* 5). The second, equally compromising position is the "banana" tie. This method consists of tying a person's hands to the legs of a chair with no back, having his body arch across the chair, and having his hands tied to the opposite legs of the chair. The person is left in a very vulnerable position as far as physical brutality is concerned. While in this position one Palestinian prisoner explains just how susceptible to pain he really was. "One sat on my chest, one hit me and jumped on me, and one hit me in the testicles" (Cohen, *Interrogation* 65). Therefore, the case in Israel is obviously more extreme, and has to do with direct physical brutality. However, it is possible that these cases also existed in Northern Ireland without any knowledge about them.

Similar to Israel, the United State's policy also contains allowance of physical brutality, which prevailed in nearly all of the prisons outside the US, and not just by interrogators, but entire squadrons. An example of an entire squadron abusing soldiers is again depicted by a

sergeant of the 82nd airborne, at FOB Mercury, a detention center in Iraq.

On their day off people would show up all the time. Everyone in camp knew if you wanted to work out your frustration you show up at the PUC tent. In a way it was sport. The cooks were all U.S. soldiers. One day [a cook] shows up and tells a PUC to grab a pole. He told him to bend over and broke the guy's leg with a mini Louisville Slugger, a metal bat. He was the fucking cook. He shouldn't be in with no PUCs (Leadership Failure 1).

The practice of torturing prisoners to break down their mental strength therefore got out of control in the United States situation. No longer was it even the professionals who were trying to break down the victims physically, but rather entire troops including cooks. The “person under control” or PUC was essentially stripped of humanity, and individualism and became a symbol of what the United States was fighting without any evidence of whether or not the person was actually culpable.

Perhaps the lack of oversight came from the wide-open denouncement of the Geneva Conventions ordained by the executive branch, or perhaps from the fact that soldiers were not properly briefed on the Conventions concerning torture. Regardless, as soon as the United States started allowing physical pressure as policy, it grew, and the reason behind interrogations was often lost in the application of violence. To show the further extremity of the United States the travesty at Guantanamo bay can be used.

Documents from Guantanamo describe prisoners shackled in excruciating “stress positions,” held in freezing-cold cells, forcibly stripped, hooded, terrorized with military dogs, and deprived of human contact for months. Documents from Afghanistan and Iraq describe prisoners beaten, kicked, electrocuted, and burned. An autopsy report from Iraq describes a prisoner who was found shackled to the top of a door frame with a gag in his mouth; the report concludes that interrogators beat and asphyxiated the prisoner to death (Jameel 2).

All too similar to Israel, there were the stress positions to break down the body of the detainee, isolation to attack the mentality of the person, as well as direct and blatant beatings, even to the point of death. The combination of the physical and mental means is almost baffling because of

the extremity of the situation and combinations of the methods. More often than not, after going through an interrogation or situation that intense, the prisoner will sign any confession to get back to a normal prison life (Grey 6).

Even more stunning was the United States' reliance on brutally attacking the psyche of the prisoners. As a country that defiantly extols itself about its human rights, you'd expect fewer examples of further abuses outside of the physical torture dictated down as policy. Perhaps something cleaner, or at least clearly defined as in the United Kingdom. That is not to say that the United Kingdom is any less culpable for its torturing, as torture is torture, but it is still surprising. Take for example part of the above citation, after stripping the detainees, they were "terrorized with military dogs." On all levels that is blatantly wrong, but what that attack does is breakdown the stereotypical, societal, and biological idea of manhood, as the man is left vulnerable to the dog and quite literally in danger of losing or damaging his sexual organ.

The military dogs were not the only way that soldiers in Iraq seriously tortured people in their camps. An army commander in December 2003, Army Major General Antonio M. Taguba ordered members of the 372nd Military Police Company to commit "sadistic, blatant, and wanton" criminal and intentional acts. Obviously there were many physical acts similar to those described above, but the focus here is the actions that can destroy the mental strength of a person, and his own dignity and self respect. These actions are:

Forcibly arranging detainees in various sexually explicit positions for photographing; forcing detainees to remove their clothing and keeping them naked for several days at a time; forcing naked male detainees to wear women's underwear; Forcing groups of male detainees to masturbate themselves while being photographed and videotaped; Arranging naked male detainees in a pile and then jumping on them; Positioning a naked detainee on an MRE (meals ready to eat) box, with a sandbag on his head, and attaching wires to his fingers, toes, and penis to simulate electric torture; Placing a dog leash or strap around a naked detainee's neck and having a female soldier pose for a picture; A male MP guard having sex with a female detainee... Breaking chemical lights and pouring the

phosphoric liquid on detainees... Sodomizing a detainee with a chemical light and perhaps a broomstick (Grey 157).

“Sadistic, blatant and wanton” is in no sense hyperbolic, in fact in this instance it can almost be considered an under exaggeration. The soldiers present in that situation were actually ordered to demean others, their sexuality, their beliefs, and again instill fear in them. The United States in this instance is presenting quite possibly the most extreme example of the abuse of human rights through torture. Granted, it is possible these same situations happened in Israel, or the United Kingdom, since the United States is nonetheless a democracy in which it is far easier to obtain information. However, more likely than not, the dehumanizing actions were morphed by the lack of proper written guidelines. That is not to say there were not guides to explain how the soldiers should act, because there were guides for soldiers that outlined several techniques, but there was also too much power given to the masses in the military without proper instruction on what exactly is too far. Consequentially it must be assumed that these democratic countries faced some sort of consequence for their undemocratic actions.

VII. Consequences for the United Kingdom and Israel

The United Kingdom in International Court

The brutal, inhuman actions above led to consequential court cases against, or international pressure on both the United Kingdom, and Israel. Although the case against the United Kingdom was less substantive than the case against Israel, it was also a little bit unclear partially for that same reason, but also because of the “less intense” brutality. First, only a total of 16 cases were actually brought up in the court case in Geneva against the United Kingdom, contrary to Israel where thousands of Palestinian are tortured each year. That said, the U.K. tried to argue that its case of torture had no reason for being in court. A precedent had already been made for a similar case in the past, and the United Kingdom openly admitted to the allegations in court. It apologized for its actions and claimed they would never administer the (earlier referred to) “five methods” again in the future. However, the United Kingdom did not realize that because of similarities of the practices in different locations throughout Northern Ireland, that the alleged torture was indeed a practice, or that it had been institutionalized. Therefore, the United Kingdom essentially paid the price of shame for allowing the oral teaching of the technique to members of the RUC by the English Intelligence Centre at a seminar held in April 1971 (*Ireland vs. the U.K.* 24). Moreover, the teaching of the interrogational technique implies that everything was institutionalized, not only in the United Kingdom, but in all countries that took part in torturing because of the striking similarities.

On a completely different topic, the Northern Ireland vs. the U.K case also poses an ideological issue that is not explicitly argued in the majority opinion, having to do with a distinction between inhuman treatment and torture. The majority ruled that although there is a clear violation of Article 3 of the European Convention on Human Rights, it is necessary to

separate the two terms, “inhuman” and “torture.” The court found that because there was no hard evidence of physical mistreatment in one case, it would be impossible to consider the case a clear-cut case of torture (*Ireland vs. U.K. 41*). Unfortunately there is no evidence because torture is typically a professional practice that is meant to undo the person physically and mentally without leaving any traces. Hence, it is completely necessary to take the situation into consideration, as the scope of torture is going to differ in practically every situation. Moreover, torture shows no physical signs on a person in the torture chamber. Looking at a dissenting opinion, the judge uses a perfect example of this by comparing the effects of beating, force, and the five methods between a young athlete and an old man (*Ireland vs. U.K, 61*). There will be obvious differences depending on the build of the person and the consequential physical tolerance of pain. Moreover, there will also be obvious differences in the mental strength of a person too. Therefore, what actually constitutes torture is completely relative, but in terms of a democracy, and the ruling, it is not actually necessary to separate the two. Perhaps the reason the words inhuman and torture are next to each other is to imply that both should be equally admonished and are equally embarrassing to a state that considers itself democratic.

Domestic and International Pressure on Israel

The embarrassment should also be felt by Israel. Obviously it is easy to say Israel is “more culpable” because of the larger scope of torture, but in judging countries, the scope should not matter as far as democracy is concerned. Any country that dispels the individual with any type of practice is equally guilty because of its lack of respect for its democratic foundations. However, Israel is certainly exceptional in its blatant disregard -- unlike the United Kingdom which shamefully admitted to a crime against humanity, Israel’s own courts tried to permit torture. The government which adopted U.N.E.S.C.O. (The United Nations Educational, Scientific and

Cultural Organization) in 1957, a group which monitors treatment of prisoners; the same government which is a member in the United Nations and was present at both the 1975 vote for the Declaration on Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Punishment, and at the 1979 vote on the Code of Conduct for Law enforcement as well as a signee of The 1986 Convention Against Torture -- this government should be particularly looked down upon (Cohen, *Interrogation* 15). Certainly Britain was also present at those meetings, but Britain's very own courts were not hypocritical. Not only did the Israeli court allow perjury of G.S.S interrogators in the courtroom, but the court itself allowed torture. Thanks to the Landau report, headed by a former Supreme Court President Moshe Landau, the ideology that ordained torture was revealed. In the report he not only shows that the court feels "the exertion of a moderate degree of physical pressure cannot be avoided," but that the ideology leads to the eventual torture of some 85% of the detainees each year (B'tselem). The judicial arm that is supposed to uphold rights before anything else turned out to be supporting the country's tyrannical behavior.

Thanks to the Landau report and other foreign pressure from the United Nations and other NGOs throughout the 1990s, the use of "physical pressure" was abolished in 1999 (Ha'aaretz). For example, both B'tselem and the United Nations sent letters to the Israeli government. The United Nations explicitly points out that "the [United Nations] takes the view that the decision reportedly taken by the Supreme Court of Israel is contrary to the conclusions of the committee" (Ha'aaretz). Therefore, under pressure from "committees" like the United Nations, the justices unanimously declared, "under the existing legal situation, neither the government nor the Shin Bet has the power to interrogate by using cruel, inhuman or humiliating measures" (Ha'aaretz 2). Although true that "pressure" has been suppressed on paper, the reality of the situation is quite

different. Alike any other democracy, Israel will undoubtedly continue these actions, only underground where it can further dilute any possibility of the public finding out about them. It is even possible that Britain could torture again in the future if the threat of terrorism comes up again.

VIII. Consequences for the United States

Weakened International Relations

The court cases against the United Kingdom and Israel certainly seem to indicate that the United States has paid for its policy of torture in the past and during the “war on terror.” Thus meaning that the United States received a reprimand, or at least large damage to its image as a democracy that allegedly values Human Rights. Although the United States is yet to face anything concrete (or in court,) its image as a democracy has been greatly damaged and it has suffered many ideological setbacks due to its policy on torture. First and foremost, the already unpopular war in Iraq took a new turn, and people throughout Europe and other countries lost further respect, as the abuse by the hegemonic United States was made public. Therefore, as far as public relations went, allies became increasingly less enthused to help the United States in its “war on terror” (Sontag 2). If not for ideological reasons, countries started to turn its back because it did not want to be associated with an administration that was publically known for torturing.

An Attack by the Critical Media

Legacy, Shame, Education, Indictment

Another consequence was the critical media that are not controlled by partisan powers opening up further investigation into the matter, examining what the revelation of torture showed about the administration and about American society, in an attempt to educate the public and expand the knowledge and activist base. Some of the most concrete attacks on the United States actually come from the American media, dating back to 2004, when the Abu Ghraib photos of tortured prisoners were leaked out. The photos from Abu Ghraib portray a more gruesome image that can influence the memory much more than words. Susan Sontag, in her 2004 article in the

New York Times titled “Regarding the Torture of Others,” details exactly the effect of the photos, arguing that Western memory museum is almost exclusively made up of photos. Moreover, the defining memory of the United States’ war in Iraq “will be photographs of torture of Iraq prisoners by Americans in the most infamous of Saddam Hussein’s prisons, Abu Ghraib” (Sontag 1). Sontag implicitly alludes to the irony, and the largely shameless action the United States committed, to show that its image will be hurt, likely for eternity. Liberals will forever remember the United States’ actions in the war as being in the same paradigm as the fascist dictator it wanted to topple.

However, Sontag does not stop with the physical photos themselves but, rather, uses the events surrounding them as many other media personnel did, to start an investigation into the reality of the situation, that the United States shamelessly tried to apologize for, torturing like the United Kingdom, and that the United States probably also institutionalized torture. She berated George Bush and his administration for trying to use the word “sorry” and to focus regret on the situation as well as their refusal to use the term “torture” with the victims, rather just “humiliation,” and “abuse.” By exploiting Bush’s word choice, Sontag shows that he tries to demean the torture that was committed, and therefore demean dehumanization. She not only shows obvious flaws of the administration by its non-adherence to International Law, but also allows the public in America to further understand the atrocities committed by their administration, atrocities that the noncritical public would have otherwise remained oblivious to in their ideal world.

Activist and author Angela Davis also looked at the Abu Ghraib photos to call for teaching the non-critical, apathetic, and naïve public about torture as a domestic issue. Take for example her book *Abolition Democracy: Beyond Empire, Prisons, and Torture*. Davis first puts

pressure on the public by critiquing the reaction to the photos from Abu Ghraib. She argues, “what is perhaps even more horrible [than the photos] is that we project so much onto the ostensible power of the image that what it represents, what it depicts, loses its force” (Davis 50). Davis’s response shows that without the pictures being leaked, the public would have been ignorant about the torture, a reaction that is similar to Sontag’s. However, Davis says that even after the torture was uncovered the public was so baffled by the content of the photos that they consequentially forgot to look at the implications behind them. Davis is therefore implicitly calling for the skepticism of the people to increase and to understand what the administration is actually doing. That skepticism would once again change the public opinion in a way, and therefore cause pressure to change, and call for an administration makeover rather than a court ruling to diminish the use of torture.

As if Davis’s implicit critique of the United States administration wasn’t strong enough, she further expands the situation surrounding the photos to a call for domestic change. By doing so she is rendering the public again more aware of the empirical issues in the United States, so that if the courts don’t make a difference, the people will.

The everyday tortures experienced by the inhabitants of domestic prisons in the U.S. have enabled the justification of the treatment meted out to prisoners in Abu Ghraib and Guantanamo. As I said earlier, it was hardly accidental that a U.S. prison guard like Charles Graner was recruited to work in Abu Ghraib. He was already familiar with the many ways prison objectifies and dehumanizes its inhabitants (Davis 69).

Therefore, in referring to the pictures, and instances of sexual abuse uncovered in the United States prisons, Davis is informing the public that not only is the United States torturing, but that these guards were learning it somewhere before they went across seas to suppress an out group, but started in the United States.

The most striking attack on the United States and its practice of torture is not actually on

the American society like that of Sontag and Davis, but by bringing concrete justice to the administration from a top down perspective which as explained earlier concretely created the policy that allowed torture to take place. Keith Olbermann put together a compilation that could essentially indict former president George W. Bush for his administration of torture. Using simple words, direct quotes, and videos, his video aired on Dateline NBC and was most accessible to the largest part of the population, those who watch television. Olbermann starts off with a shocking assertion to grab the attention of the viewers. He claims, “We have tortured people. You and I” (Olbermann 1). By stating this so bluntly and curtly, Olbermann is emphasizing the fact that his viewers are American citizens and therefore a part of an American society that tortured, and that those citizens are therefore culpable. After doing so, piece-by-piece in plain and simple citations that came right from facts given by the government, Olbermann shows why and how the people and courts can indict the administration that openly tortured so many individuals.

Whereas Davis critiqued large domestic problems, Olbermann focuses directly on George W. Bush. He uses court room diction to show the guilt of Bush through Bush’s own words, “the key, is that this statement, if it had been under oath, would be.... a confession to a war crime. Mr. Bush is proactive, ‘I asked what tools are available’” (Olbermann 1). This is of course referring to the earlier mention of Khalid Sheikh Mohammed who died in US custody, and George Bush admitting they used “tools” such as waterboarding, which the pentagon had revealed earlier. Waterboarding is a technique that is clearly defined as torture as it physically and mentally alters a victim (a technique that was used by another democracy, France, against Algerians, during the Algerian war of independence). Olbermann goes as far as saying he is “guilty as sin,” in the moving clip. With such proof, and amplified vocabulary, Olbermann if

anything can appeal to the logic and emotion of the masses, and motivate them to file grievances against the administration.

Essentially, just moving the masses was not his goal. Olbermann, tried to actually call out to the President Barack Obama, by proving George W. Bush is guilty. Unfortunately, as was the case in both the United Kingdom and in Israel, even in the United States it appears as if the upper administration is invincible. President Obama, fearing he would lose support if, as he called it, he pursued “a partisan witch hunt,” decided to focus on “moving forward,” and stated that moving forward is “the right thing” (Olbermann 2). Therefore, for once there is the actual, physical evidence to indict the president of a country for crimes against humanity, and his successor is not taking the opportunity to do so.

Some of the soldiers in the United States as in Israel and the United Kingdom, have been brought to court, but those courts are often military courts. The assumption that follows is that a price is actually paid for the murders that torture caused, but that the price was not equal to the crime that was committed because the court was not public, but controlled by superiors in the military. “Those found to be culpable for the abuse of prisoners received only nominal punishments. The chief warrant officer who killed Iraqi General Mowhoush by suffocating him inside a sleeping bag was reprimanded and fined \$6000.” (Jameel 40) The chief, who literally tortured a man to death, was given a punishment far less than the court would have given a crack dealer. The killing was not an accidental gunshot in the line of fire, but wanton abuse of a soldier who used brute force to dehumanize himself, and his victim. The mere dismissal of the president as far as torture allegations, and the miniscule punishment of these soldiers, leads to the question: Will these countries continue to torture? What way is there to stop them?

IX. The Present and Future: Israel, the U.K. and the U.S.

It is fairly obvious that torture is continuing, and will continue, as there is simply too much emphasis put on the state as opposed to the idea of human rights. That goes without saying for all three of the discussed democracies: Israel, the United Kingdom, and, of course, the United States. First and foremost, look at Israel, which as of February 2009, and more likely than not for many years into the future will always be in conflict with the Palestinians. With the understanding that there is always a security dilemma in Israel's point of view, it is therefore assumed that it will openly continue to torture, regardless of what litigation, or non-governmental groups have cried out against the practice.

Of course without any action being taken against Israel, there will be more decrees by international communities. During the war on Gaza in 2009, just a few short years after Israel had claimed it stopped torturing, the same allegations were once again arising. A report indicates the Palestinian detainees were not given humane living conditions.

Among other things, that many detainees – minors as well as adults – were held for many hours – sometimes for days - in pits dug in the ground, exposed to bitter cold and harsh weather, handcuffed and blindfolded. These pits lacked basic sanitary facilities which would have allowed the detainees appropriate toilet facilities, while food and shelter, when provided, were limited, and the detainees went hungry (Stoptorture 1).

Therefore, when not being interrogated, the situation for prisoners does not seem to be much better than it had been from the 1980s onward. When not being interrogated the prisoners were subjected to subhuman conditions, and deprived of their senses in being blindfolded, and could not properly eat, or use the bathroom.

Additionally, just as the pre-interrogation settings of imprisonment do not seem any less abysmal than before, the interrogations themselves do not seem to have changed. Although not specified, “incidents involving extreme violence and humiliation by soldiers and interrogators”

appear recurrently in regard to the current situation in Gaza (Stoptorture 1). Israel, the democracy that is most open about torture and apparently least concerned about its image since it has openly admitted to torture in the past, seems to be just as menacing. What does that say about the United Kingdom and the United States, two countries that try to uphold the ideal version of democracy, and earnestly try to claim they are not torturing and will not torture in the future?

The United Kingdom currently correlates with the United States as far as torture is concerned. Although a country that tries to uphold an image as a stable democracy, it still practices torture just as widespread as it did in the past. If not directly and independently without the help of other countries, definitely indirectly through its alliance with the United States in the “war on terror.” Former British ambassador to Uzbekistan, Craig Murray, witnessed the circumstances regarding the “extraordinary renditions” there. Murray sent an important telegram to Jack Straw, former British foreign secretary, saying: “we receive intelligence obtained under torture from the Uzbek intelligence services, via the US. We should stop. It is bad information anyway. Tortured dupes are forced to sign up to confessions showing what the Uzbek government wants the US and UK to believe, that they and we are fighting the same war against terror” (Grey 71). Murray therefore understood the fallacies concerning the “ticking time bomb” scenario and was directly a part of the United Kingdom’s alliance with the United States. Moreover, Murray, unlike many employees involved in foreign relations with countries where extraordinary renditions take place, realized that legally the confessions were worthless since they were obtained through torture.

Murray also obtained physical evidence that rendered the United Kingdom guilty through its association with the United States. Murray’s evidence was something concrete -- photos, which as Scarry argues are the best memory triggers, and often the clearest evidence surrounding

an event (that is assuming they are not manipulated or tampered with, but in understanding the situation of how Murray obtained the photos, the culpability and genuine nature of the photos is blatant and obvious). Murray obtained the photographs of a dissident, Muzafar Avazov, through his mother, who actually brought them to the embassy and was consequentially rewarded with a prison sentence:

Murray sent the photographs back to London for analysis. A report from the University of Glasgow pathology department, headed by Dr. Peter Vanezis, declared that his death had followed severe torture. “The pattern of the scalding shows a well demarcated line on the lower chest/abdomen, which could well indicate the forceful application of hot water whilst the person is within some kind of bath or similar vessel (Grey 177).

Therefore, as examined by a doctor, the physical evidence that was given to Murray from the mother of the victim is another clear sign that the United Kingdom still tortures albeit through the United States.

In looking at the evidence that shows the United Kingdom and Israel still torture, there is also the common understanding the United States will torture as long as the “war on terror,” or any extremist group that openly opposes democracy, continues to exist. Moreover, there is the obvious situation that incriminated the United Kingdom and additionally the United States. That entire system of the CIA “extraordinary renditions” was a system that advocated torture. As Murray describes, “the CIA, it was clear to him, was not only taking evidence from torture; it was actively *procuring* that torture. Many of the prisoners had been delivered to the Uzbeks. They were handed over to face torture” (Grey 187). The entire situation is rather complex as the CIA rerouted planes throughout different countries for renditions, but it is fairly obvious what they were doing thanks to Murray. Additionally, the CIA’s torturous actions in Iraq, as earlier mentioned, make it further culpable. It is true that in the United States of America, there is a

regime change, and that the president claims torture will not happen, but the war in Iraq is always continuing and even the president is doubtful about his promise.

Concerning the war in Iraq, like the conflict in Israel, just look at what a former soldier from the 82nd Airborne division says in an interview with Human Rights Watch. “After Abu Ghraib things toned down. We still did it but we were careful. It is still going on now the same way, I am sure. Maybe not as blatant but it is how we do things” (Leadership Failure 13). The confession by the soldier shows that the US still tortures today, since the war is still going on. However, many Americans are blind to it. The mainstream media may now persecute Bush and Cheney, or at least try to show that the burden of responsibility exists for everyone, but it changes nothing as far as the abolition of torture is concerned. Policy needs to be changed in order for actual torture to become extinct.

In addition, there is even proof in the Obama administration that the United States will continue to torture. There is much rhetoric that suggests torture will not continue, for example, “looking towards the future instead of the past, and for that reason they’re not persecuting former president George W. Bush” (Olbermann 1). Additionally, Obama has decided to shut down the prison camp at Guantanamo Bay and “bring to an end a Central Agency program that kept terrorism suspects in secret custody for months or years, a practice that has brought fierce criticism from foreign governments and human rights activists. They will also prohibit the C.I.A from using coercive methods” (Mazetti 1). However, shutting down the prison at Guantanamo seems to be more symbolic than anything else. By shutting it, the pressure from the one dimensional, non-analytical public will subside. Unfortunately, there is no proof that the United States will stop elsewhere, and the only reason the new legislation is made is because the public knew about the torture thanks to the media.

In fact, concerning Obama's new legislation to curb torture and extraordinary renditions, the United States is even more suspicious in terms of torturing. Leon Panetta, "said last week [February 5, 2009] that he approved of renditions for foreign prosecution or brief CIA detention, but not for extended confinement. Like his Bush administration predecessors, he also said he would require a foreign government not to torture a prisoner" (Egelko 1). Therefore the United States government will always use ambiguous legislation and ambiguous speech. Certainly the government has prohibited the interrogational methods used by the CIA, along with extended imprisonment, but it also allowed for torture to be outsourced as in the past. Just like in Uzbekistan with Britain, the CIA will be present, and will hold suspects for a short period of time, which is more than enough to torture and dehumanize a person. The possible hypocrisy through poorly worded legislation is astonishing.

As far as torture in the United States is concerned, if not outsourced, it will be moved to a different sector to take the pressure off of the CIA. Yes, the CIA is being restructured under much scrutiny because of past torture allegations, but at the same time a former CIA official was recently chosen for the counter-terrorism intelligence sector. Obama named John Brennan, who was once scrutinized for possibly torturing and is now "holding the title of the assistant to the president, a sign that he will directly report to Obama," with his new administration that will either be taken up by the "National Security Council or remain a separate entity in the White House" (Henry 1). The position being linked either with National Security or as a separate entity in no way seems like it will guarantee the abolition of torture. As a part of National Security, although always reporting to Obama, and the fact that Obama will always be aware of the actions Brennan takes, his sector will doubtlessly be a part of security dilemmas and interrogations concerning The United States' safety. Therefore, as long as Obama remains more charismatic

and secretive about the reality of the interrogations there is no worry for his administration to fall under scrutiny like the Bush administration. Likewise, if the department remains a separate entity, it will essentially be given the freedom to do what it wants in its investigations without any oversight. Without oversight in the Bush administration, torture became widespread and the entire army started to abuse prisoners. Under Obama, society is yet to see what will happen, but the future does not look promising, just as in the fellow democratic nations of the United Kingdom, and Israel.

X. Possible Prohibition

Theoretical Ways to End Torture

Judging by the fact that, despite international law, countries have not stopped torturing, and will not stop torturing thanks to the privileging of its national identity over the individual, what are the plausible ways to further help curb torture in the future? First, the United States can take a step in the right direction by ending the “war on terror.” By ending the war, opinions of the United States as an oppressive hegemony may in theory change, but why? By ending the “war,” the United States will serve as an example of a reinvigorated country, at least symbolically. Rather than looking at the ending of the war as a defeat vis-à-vis Islam and extremists, it needs to be understood that other nations see that the United States antagonizing other countries, and is actually creating more terrorism through its torturous policies and hegemonic attack on other cultures. The proof is Sayyid Qutb, a terrorist who spoke out at his 1982 trial about the torture he went through. After listing the particular actions he proclaimed: “So where is democracy? Where is freedom? Where is human rights? Where is justice? We will never forget! We will never forget” (Grey 261). Sayid is basically proclaiming that Jihadists, and other Muslim extremists will hold contempt in their souls for the already spited American people. When they return to their countries, or die fighting against America, they become martyrs thus causing an even larger anti-American following. Contrary to the United States citizens who live oblivious to the torture and other negative aspects of our country, other countries focus their hate towards America because of our injustice towards them and hypocritical policy. Therefore, as long as the “war on terrorism” will exist, terrorism will continue to grow, people will continue to be paranoid, and the cyclical, aggressive relationship between East and West will continue.

The oblivious nature of our citizens, and those in other democracies, highlights the need for education in order to further advance and mobilize the movement against torture. “For torture is only the tip of an iceberg which is rooted in much more normal aspects of human existence: prejudice, arrogance, lack of checks and balances, lack of knowledge, and so forth” (Kooijmans 17). Too many countries are too egocentric, in that their educational system is built on their fundamental differences between their own citizens and those outside their country. Take for example Israel in regards to other cultures, specifically Palestinians and other neighboring countries, the United Kingdom in regards to Northern Ireland, and the United States in regard to the rest of the outside world. Without having a proper conscience of their image and relations on a macro scale, the situations for torture on a macro level will always exist. Likewise, it is obvious that internal problems on a micro level will exist within a country since too many educational systems ignore the reality of domestic political situations. Rather, many teachers focus on idealistic views of their society until the collegiate levels. By reforming student’s collective conscience from a young age, a revolution, and true democratic type of life can be born. However, this is all mere theory, more than offering actual ways to physically stop torture.

Concrete Ways to End Torture

There are also ways to physically curb torture that can alter situations much more than from a large-scale ideological way like that of ending the “war on terror,” or the re-education of the young students in our country, because they are more immediate goals. If countries can make an effort to operate inside its prisons and interrogational centers publicly, democratic liberal countries may very well cease to torture because of the shame involved. “Torture is one of the easiest human rights violations to commit, since it is the most private of human rights violations. Torture almost always takes place in isolation: in the detention cell, in the interrogation room, in

the torture chamber” (Kooijmans 14). Therefore by bringing torture to the surface the entire institution of torture would be exposed. The torturer could, in theory, cease to exist, since he would be “unmasked” for his own dehumanizing actions. Entire societal structures of prisons would be focused more on order than on fear and violence. Of course the applicability of this idea is highly impossible, and without every interrogation carefully regarded torture will continue to exist. Additionally, when countries have political power such as the United States, without the Congressional oversight to pass legislation and stop extraordinary renditions, nothing will stop the state from going to poorer countries where it would continue to practice torture. Regardless, using government officials, or cameras, could make a large difference.

The media may actually stop torture (*Heinz 90*). The media might do so simply by documenting cases of torture. “Many liberal democratic governments that have employed torture have attempted to do so in secret. And sometimes they have been concerned to redefine the legal category of pain-producing treatment in an attempt to avoid the label torture” (Asad 6). Therefore, assuming that Congress will do its part with oversight and try to catch all the loopholes and diction that allows for “moderate pressure,” the media can do their part to continually investigate torture and make it more explicit to the public. Although torture seemingly cannot be abolished, it can definitely be further limited as groups bring to the public the intricate policies that governments create just to dehumanize. An example is Stephen Grey’s *Ghost Plane*, about “extraordinary renditions,” which is often alluded to. Thanks to his literature, INGOs, NGOs, and the public can simply file their grievances to put pressure on governments to stop their dehumanizing actions. Moreover, the more the media investigates, the more often (if technology is ever put into torture chambers) locations of torture chambers will be indentified.

Look at the example of the fairly successful INGO Amnesty International, and its *Report*

on Torture. In the Second Edition, published in 1975, they literally document all of their evidence against countries that practice torture. Moreover, they started the “Campaign for the Abolition of Torture that was initiated in December 1972” (Report on Torture 8), and collected “more than a million signatures from all over the world in support of an anti-torture resolution in the United Nations” (Report on Torture 8). The group even went on to hold “the Conference for Abolition of Torture” in 1973. In the years that followed, and the years that will follow, they established the mainstream monitoring of torture, and created an easy access for citizens who want to help out in exposing torture. With citizens having easy access to information, more pressure is lobbied against governments on a micro level. The government therefore worries about its image on a macro level in terms of its international reputation and will either stop torturing, or try harder to subdue evidence of torture by its country.

Thanks to the critical media, more explicit evidence is brought against specific members of the military, both from the top and bottom, which leads to the next possibility, using the judicial system to actually bring justice to torturers in addition to shame. Officials are too often persecuted within a military court, or given a small fine as in Israel. The United Kingdom, the United States, and Israel have never persecuted a high official accused of torture crimes. The symbolism for a country’s population would be as important as putting the individual in jail for the injustices he or she has committed, such as George Bush. From the top of an administration “higher-level superiors may in fact not have issued specific orders to engage in torture, but they are the ones who formulate the policies, create the atmosphere, and establish the framework within which officials at intermediate levels of the hierarchy translate general policy directives into specific acts of torture” (Kelman 22). Therefore, more often than not, presidents cannot be directly linked to torture, but they are indeed accessories if not perpetrators because they create

the atmosphere for the crime, and dictate the policy down to the officials below them. Or, as is the case of George Bush, the media proved to be helpful and show just what their power is, as Keith Olbermann compiled enough evidence to show Bush's actual culpability. The judicial system in a democracy is said to hold every person to the same laws and standards, therefore, if that is true, higher ranking officials should start to be prosecuted, and that would change the operation of a democracy, from the top down.

Speaking of laws being applicable to an entire population, the lower ranking military officials should also be held accountable for their actions. "Subordinates deny responsibility by reference to superior orders, claiming that they are just cogs in the machine who are not in a position to set policy and are simply doing what they are told to do" (Kelman 22). Whereas it is true the lower officials, or the "cogs" in the machine, are brainwashed into their situation, they are nonetheless physically guilty of purposely destroying a human being. It is imperative, again, that the courts in democracies that practice the democratic philosophy of "rule of law," stick to their laws in the strictest sense in this situation, holding all accountable for their actions. There should be no exceptions, especially since at all levels, whether in conflict, or peace time, torture is prohibited. Moreover, to further abolish torture, it is necessary that the media cover the trials of subordinates with the same extravagance as they would an executive officer. The critical media must communicate all of the details of the trial to the brainwashed population that does not see more than the first dimension. The media must explain exactly what crimes the interrogator committed, not just that he broke the law, but the way he physically tore apart human beings and exploited their pain to the point that their society around them melted away and was confined within the very torture chamber. Not only does the idea of a democracy cease to exist for the victims, but they are also reduced to being something lower than humanity.

Conclusion

Regardless of the existence of democracies, torture is and will continue to be widespread, especially during times of emergency, unless international pressure or direct intervention is exercised. Why will torture continue to exist? As seen in the United States, the United Kingdom, and Israel, each and every country defends its nationalism before it does the cohesive human race. Therefore countries will create legislation that is ambiguously worded to allow torture in these “desperate times.” Even though numerous conventions, notably the Geneva Convention, and the Convention against Torture, strip any legality from torture, it will continue.

In fact, the possibility of torture being stopped is unlikely because as the world becomes increasingly integrated, cultures will be forced to interact more, and more rifts and worries about protection of sovereign nations will take precedent over the respect of individuals, and the “other’s culture.” “If anything, the incidence of torture appears to be on the rise. An Amnesty International document issued in 1991 reported the use of torture in 96 states- including, no doubt, many states that have ratified the UN Convention and whose own national legal codes may even include provisions against torture” (Kelman 20). Therefore, as asserted, torture stretches far beyond Israel, the United Kingdom and the United States, and the three states merely serve to show the similarities of Western countries, and their policies of torture when there are “security issues” involved. With the understanding that at least 96 states practice torture (as was the case in the mid-nineties), there is doubtlessly a pattern of torture in nearly every democratic administration around the world.

Moreover, the epidemic of torture will continue to be similar in democracies because of its institutionalization. For example, in regard to the United States, the United Kingdom, and Israel, torture will continue, and in remarkably similar fashion since handbooks and training have

essentially professionalized it. Consequentially, from those handbooks, skewed, monstrous offspring of the policy will also exist as it did in Iraq, but the foundations and process for torture will remain similar. Countries will continue to push groups outside society and take away their rights, the same rights that democracies supposedly guarantee, because the democratic political ideology is the most “enlightened” form of government, because it “champions” civil rights. Take for instance the recent problem with the United States in Abu Ghraib prison -- prisoners were hooded, forced to stay in certain physical positions and were dehumanized, thus showing the congruence between all types of democracies. The symbol of democracy itself, the United States, which often goes to war forcing this ideal of individualism upon others, is itself guilty of dehumanizing and destroying the individual.

Works Consulted

- Amnesty International. Report on Torture. 2nd ed. London: Duckworth, 1975.
- Asad, Talal. On Torture, or Cruel, Inhuman, and Degrading treatment. Vol. 63. 4th ed. New York: Social Research, 2000. 1081-109.
- B'TSelem The Israeli Information Center for Human Rights in the Occupied Territories. Dec. 2008. B'Tselem. 14 Dec. 2008 <http://www.btselem.org/english/torture/Background.asp>
- Case of Ireland v. The United Kingdom . *Application no. 5310/71. Strasbourg. 1978.*
- Cohen, Esther Rosalind. Human Rights in the Israeli-occupied territories. Jerusalem: B'tselem, 1985.
- Cohen, Stanley. The interrogation of Palestinians during the Intifada : ill-treatment, 'ModeratePhysical Pressure' or Torture. Jerusalem: B'tselem, 1991.
- Council of Europe. The European Convention on Human Rights. 4 November 1950. 8 March 2009. <http://www.hri.org/docs/ECHR50.html>
- Crelinsten, Ronald. The Politics of Pain, Introduction: The Politics of Pain. Westview Press, 1995.
- Davis, Angela Y. Abolition Democracy: Beyond Empire, Prisons, and Torture. New York: Seven Stories Press, 2005.
- Egelko, Bob. "Under Obama, same stance on rendition suit." San Francisco Chronicle. 10 Feb. 2009. 8 Mar. 2009 <http://www.sfgate.com/cgi-bin/article.cgi?f=c/a/2009/02/09/MNGS15QB5B.DTL>
- Henry, Ed, and Kevin Bohn. "Obama names CIA, national intelligence directors." CNNPolitics.com. 9 Jan. 2009. 8 Mar. 2009 <http://www.cnn.com/2009/POLITICS/01/09/transition.wrap/index.html>
- Foucault, Michel. Discipline & Punish. New York City: Vintage Books, 1978. Politics of Pain
- Grey, Stephen. Ghost Plane. St. Martin's Press, 2006.
- Heinz, Wolfgang S. The Politics of Pain, Chapter 5: The Military Torture and Human Rights. Westview Press, 1995.
- Human Rights Watch. "Firsthand Accounts of Torture of Iraqi Detainees by the U.S. Army's 82nd Airborne Division." Leadership failure. Vol. 17. 2005.

International Committee of the Red Cross (ICRC). Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention), 12 August 1949. United Nations. 8 March. 2009
<http://www.unhcr.org/refworld/docid/3ae6b36c8.html>

"Israel held many Gaza prisoners in harsh and humiliating conditions and threatened their lives and their health." Public Committee against Torture in Israel. 28 Jan. 2009. Amnesty International . 8 Mar. 2009
<http://www.stoptorture.org.il/en/node/1384>

Jaffer, Jameel, and Amrit Singh. Administration of Torture. Columbia University Press, 2007.

Kelman, Herbert C. The Politics of Pain, Chapter 5: The Social Context of Torture. Westview Press, 1995.

Kooijmans, Pieter H. The Politics of Pain, Chapter 2: Torturers and their Masters. Westview Press, 1995.

Legislation allowing the use of physical force and mental coercion in interrogations by the General Security Service. . Jerusalem: B'Tselem, 2000.

Legitimizing Torture: The Israeli High Court of Justice Ruling in the Belbeisi, Hamdan and Mubarak Cases, An Annotated Sourcebook. B'Tselem, 1997

Mazzetti, Mark, and William Glaberson. "Obama Issues Directive to Shut Down Guantánamo." The New York Times. 21 Jan. 2009. 8 Mar. 2009
http://www.nytimes.com/2009/01/22/us/politics/22gitmo.html?_r=1

Metallica. Enter Sandman. Metallica. Elektra Records, 1991

Olbermann, Keith. Olbermann: Bush guilty of torture. President-elect Obama should not be afraid to prosecute. MSNBC. 19 Jan. 2009. MSNBC. 8 Mar. 2009
<http://www.msnbc.msn.com/id/28739674/>

Qatamish, Ribhi . "Torture of Palestinian Political Prisoners in Israeli Prisons." ADDAMEER Prisoner's Support and Human Rights Association. Oct. 2003. 14 Dec. 2008
<http://www.addameer.org/detention/torture.html>

Sontag, Susan. "Regarding the Torture of Others." New York Times.

Smith, Clive S. "Welcome to 'the disco'." The Guardian. 19 June 2008. 16 Dec. 2008
<http://www.guardian.co.uk/world/2008/jun/19/usa.guantanamo>

The [Israeli] High Court Decision in September 1999, banning some "practices" of the Israeli Security Services; a press-file from Ha'aaretz. 1999

"Torture." Encyclopedia Britannica Online. 2008. 16 Sep. 2008

<http://www.britannica.com/EBchecked/topic/600270/torture>

United Nations. International Covenant on Civil and Political Rights. 23 March 1976. 8 March 2009.

<http://www1.umn.edu/humanrts/instree/b3ccpr.htm>

United Nations. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. 26 June 1987. 8 March 2009.

<http://www2.ohchr.org/english/law/cat.htm>

United Nations. Universal Declaration of Human Rights. 10 Dec. 1948. United Nations. 15 Feb. 2009

<http://www.hri.org/docs/UDHR48.html>