

Teaching about Torture: A Few Key Facts

Directions:

With a partner, put a T (true) or F (false) before each statement. If you are unsure or can't agree with each other, put a ? (unsure).

- ___ 1. About 100 countries in the world practice torture.
- ___ 2. Torture has never been legal in the United States.
- ___ 3. U.S. first became involved in torture immediately after 9/11.
- ___ 4. Isolation units, supermax prisons, sensory deprivation and use of torture devices such as stun guns and restraint chairs have become increasingly common in U.S. prisons.
- ___ 5. Most experts agree that the information gained through torture is unreliable.
- ___ 6. Recent research supports the Justice Department's 2002 memo contending that only acts that cause pain "equivalent in intensity to pain accompanying serious physical injury, such as organ failure impairment of bodily function, or even death," should be considered torture.
- ___ 7. The FBI, from 1942 to 2002 controlled counter-intelligence operations using "empathetic interrogation" building rapport instead of torturing.
- ___ 8. There are currently about 200,000 survivors of torture in the U.S.
- ___ 9. The School of Americas, renamed the Western Hemisphere Institute for Security Cooperation, has trained over 60,000 Latin American soldiers.
- ___ 10. Since both the U.S. Constitution and international treaties prohibit torture, American intelligence officials who torture are at risk of prosecution.
- ___ 11. The International Red Cross has confirmed that once-covert CIA procedures have become standard doctrine in U.S. detention centers worldwide and are an "intentional system of cruel, unusual and degrading treatment and a form of torture."
- ___ 12. Pentagon reports indicate that almost 50% of prisoners at Abu Ghraib, many of whom were abused and tortured, were not guilty of anything.
- ___ 13. The International Criminal Court inaugurated in 2002 prosecutes war crimes and other acts against humanity when no individual government will bring charges against the perpetrators.
- ___ 14. In June 2006 the Supreme Court in Hamden v. Rumsfeld ruled that U.S. procedure for holding and trying Guantanamo prisoners violated federal laws and the Geneva Conventions.

___ 15. More than one-third of U.S. soldiers in Iraq surveyed by the Army said they believe torture should be allowed.

___ 16. Research shows that TV shows such as "24" that idealize the effectiveness of torture are understood to be fantasy and have little impact on attitudes toward torture.

___ 17. U. S. medical personnel have been complicit in torture and the dehumanization of prisoners.

Teaching about Torture: A Few Key Facts Answer Key

1. **FALSE.** 132 countries, close to two-thirds, practice torture.
William Schulz, *What Torture Has Taught Me*. UU World, Winter 2006.
2. **TRUE.** In fact many immigrants came to the U.S. to escape torture and oppressive regimes. However, the CIA operates almost exclusively outside our borders and has escaped the moral and legal confines of the constitution in utilizing torture.
Jennifer K. Harbury, *Truth, Torture, and the American Way*, p.108.
3. **FALSE.** Alfred W. McCoy documents how CIA torture methods have developed inside the U.S. intelligence community over the past half century including extensive funding for university research on psychological interrogation methods.
A Question of Torture: CIA Interrogation, from the Cold War to the War on Terror, 2006.
4. **TRUE.** See documentation in *The Prison Inside the Prison: Control Units, Supermax Prisons, and Devices of Torture*, R. Kamel and B. Kerness, American Friends Service Committee, 2003.
See also, H. Bruce Franklin, *The American Prison and the Normalization of Torture in Torture, American Style, American Historians Against War*, 2006.
5. **TRUE.** McCoy, p. 118 ff. Also, John McCain, "...mistreatment of prisoners is not productive...You don't get information that's usable from people under torture, because they tell you what you want to hear." Quoted in *The Torture Debate in America*, p. 253.
6. **FALSE.** Recent research - reported in the Archives of General Psychiatry by Metin Bosoglu at the Institute of Psychiatry, Kings College, London, found that humiliating treatment, verbal abuse, isolation, threats against family etc. produce the same long-term mental trauma as physical torture.
7. **TRUE.** In fact there has been frequent conflict between the CIA's use of extralegal methods and the FBI's insistence on methods using effective non-coercive questioning. McCoy, p.118; 196.
8. **FALSE.** Over 400,000 torture survivors from around the world currently live in the U.S. Karen Hansom, Advocates for Survivors of Torture and Trauma.
9. **TRUE.** The film "*Hidden in Plain Sight*" documents the abuses by soldiers trained by at the school as well as the annual protest against the school by about 20,000 thousand U.S. citizens annually. See also Jack Nelson-Pallmeyer, *School of the Assassins: Guns, Greed, and Globalization*, 2001.
10. **FALSE.** A number of U.S. documents have exonerated potential torturers. See for example, self-defense argument of Assistant Attorney General Jay S. Bybee: "If a government defendant were to harm an enemy combatant during an interrogation...he would be doing so in order to prevent further attacks on the United States by the al Qaeda terrorist network. *The Terrorist Debate in America*, p. 357.

11. **TRUE.** In fact the Red Cross visits found that between 2002 and 2004 the psychological techniques had grown "more refined and repressive" involving 'humiliating acts, solitary confinement, temperature extremes and use of forced positions." McCoy, p 156-7.
12. **FALSE.** (Trick question!) The pentagon estimated that up to 90% were not guilty.
13. **TRUE.** However, the United States has refused to join the court, fearing prosecutions of its soldiers and political officials including 350,000 U.S. troops in 130 countries. *Great Decisions* 2007 edition, Foreign Policy Association, p.67.
14. **TRUE.** But the 2006 Military Commissions Act virtually authorizes the tribunals the Court had outlawed several months earlier. There is pressure on both the courts and on congress to invalidate the act. *Great Decisions* p. 73.
15. **TRUE.** In addition two-thirds of Marines and half the Army troops surveyed said they would not report a team member for mistreating a civilian. Less than half believed that non-combatants should be treated with dignity and respect. About 10 percents reported that they had mistreated civilians in Iraq. Thomas E. Ricks and Ann Scott Tyson, *The Washington Post*, May 5, 2007.
16. **FALSE.** According to Jane Mayer, *New Yorker*, February 19, 2007, West Point Dean Dan Patrick Finnigan (accompanied by former interrogator and current anti-torture activist Tony Lagouranis) told the show's producers that "24" undermines the West Point curriculum that teaches torture is illegal and furthermore, doesn't work.
17. **TRUE.** In spite of codes of ethics by the American Medical Association and other professional groups, U.S. medical personnel collaborate with torturers by monitoring and treating persons during interrogations, concealing evidence of abuse, and keeping silent as their imprisoned patients are abused. Steven H. Miles, *Oath Betrayed: Torture, Medical Complicity, and the War on Terror*, reported in *Tikkun*, May/June, 2007, p.40ff.

Teaching about Torture: A Few Key Dates

1215:

- Magna Charta – the great "charter of English liberties" guarantees *habeas corpus*: the right to challenge one's imprisonment.

1907:

- Fourth Hague Convention prohibits torture of captured combatants.

1947:

- CIA established; supports research on alternative/psychological means of interrogation.

1948:

- Birth of modern human rights movement with adoption of United Nations Universal Declaration of Human Rights:
"No one shall be subjected to torture or cruel, inhuman or degrading punishment."

1949:

- Geneva Conventions, article 3, prohibits:
 - violence to life and person
 - taking of hostages
 - outrages upon personal dignity, humiliating and degrading treatment

1944 - 1954:

- U.S. complicit in torture in Guatemala/Nicaragua.

1950:

- Nuremberg Trials establish principle that "individuals have international duties which transcend the national obligations of obedience imposed by the individual state."
Article 8: "The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him."

1960's:

- CIAs *KUBARK Counter-intelligence Interrogation Manual* is written for use by US agents against communists subversion. CIA trains police officers in Asia; US Army's PROJECT X provides Interrogation training around world.

1976:

- President Ford signs order banning assassinations.

1980's:

- CIA complicit in torture by Commandos in El Salvador.

1984:

- UN Convention Against Torture; ratified by Congress in 1994; is currently ratified by 130 countries. Defines torture as any infliction of severe mental or physical pain for the purposes of punishment or of obtaining information or a confession.

1996:

- U.S. Statute 18 USC2340 – "War Crimes Act" – makes torture a felony.

1999:

- General Pinochet, Chilean dictator, charged with torture is denied immunity. This establishes the concept of "universal jurisdiction."

2000:

- President Bush describes an "Axis of Evil" in his Inaugural Address.

2001:

- Following protests, School of America is closed and opens 6 weeks later as Western Hemisphere Institute for Security Cooperation.

2002:

- President Bush declares that when it comes to Al Qaeda the Geneva Conventions are applicable only at his discretion. The Defense Department claims, "Any effort by Congress to regulate the interrogation of unlawful combatants would violate the Constitution which vests sole authority to the Commander-in-Chief."
- FBI - which is averse to torture - is stripped of its lead role in counter-intelligence and control over Al-Qaeda suspects is given to CIA.

2003:

- Commander for Iraq, General Ricardo, issues order for psychological torture combining sensory deprivation, self-inflicted pain, and cultural humiliation.

2004:

- Supreme Court in Hamdi v. Rumsfeld states that "enemy combatants" captured in hostilities can be held for duration of war (in Afghanistan).
- Supreme Court rules in Rasul v. Bush that Guantanamo detainees are on American territory and deserve access to U.S. courts.
- Red Cross after repeated visits to U.S. prisons concludes the system "cannot be considered other than an intentional system of cruel, unusual and degrading treatment and a form of torture."
- ABC News poll finds 35% of Americans believe torture is acceptable in some circumstances.

2006:

- UN Human Rights Commission releases report branding U.S. treatment of Guantanamo detainees "torture." UN Secretary-General Kofi Annan calls for U.S. to close Guantanamo.
- Military Commissions Act – The Bush Administration and Senate agree on legislation that sanctions secret CIA prisons and permits interrogation methods that violate the Geneva Conventions.
- Defense Authorization Act – Allows the President to declare a "Public Emergency" and station troops anywhere in the U.S. without consent of the governor or local authorities.

2007:

- Senator Arlen Specter introduces Habeas Corpus Restoration Act.

QUOTATIONS: The Torture Debate in America

1. "In this past year, 2004-2005, we have learned much. We have learned that, starting in 2002, the abuse of prisoners from Iraq, Afghanistan and elsewhere took place at more than one American military prison; that ghost prisoners and ghost detention centers exist under American supervision; that the practice of rendition, sending prisoners to countries that torture, is practiced by the United States government; that the Bush administration supported a policy that narrowly defined torture and then declare abusive behavior permissible in the case of suspected terrorists, enemy combatants, and other detainees of the war on terror"

"*The Rule of Law Finds Its Golem: Judicial Torture Then and Now*" in The Torture Debate in America, Greenberg, p.1.

2. "Torture is indeed contrary to every relevant international law, including the laws of war. Yet...torture is widespread and growing."

"*Torture*," Henry Shue, in Torture: A Collection, p. 47.

3. "The war against terrorism is a new kind of war, a new paradigm [that] renders obsolete Geneva's strict limitations on questioning of the enemy prisoners and renders quaint some of its provisions."

Alberto Gonzalez, quoted in "*Torture, American Style*," Publication #3 Historians Against the War. p. 16.

4. "...this country seems to be undergoing an historic shift – from the highly secretive tortures by the Central Intelligence Agency during the Cold War to the open, even defiant use of coercive interrogation as a formal weapon in the arsenal of American power, acceptable both to the U.S. courts and the American people."

A Question of Torture, McCoy, p.6.

5. "Alas, what is so striking, now, about these left-wing groups is their amorality..

Human Rights Watch and the Center for Constitutional Rights have become misnomers for groups preoccupied with the sensibilities of jihadist terrorists hell-bent on killing innocent Americans yet completely unmoved about the horrific torture of American servicemen and kidnapped Israeli soldiers.... How safe we must all feel knowing they are watching out for the human right of terrorists and making sure Islamists are provided more constitutional protection than they are willing to grant our President, the Commander in Chief.

"It's Not Torture and It Is Necessary," Rabbi Aryeh Spero, Discoverthenetworks.org:

A Guide to the Political Left, January 16, 2007.

6. "...ethics is about what we ought to do in our position as the most powerful country in human history. Strategic deception plans, global assassinations done by the military –all will define who we are and what we want to become as a nation. Unintended consequences are huge."

Retired Special Forces colonel, in Chain of Command, Hersh, p. 261.

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7. "'They did it the wrong way,' a Pentagon adviser on the war on terror told me, 'and took a heavy-handed approach based on coercion, instead of persuasion – which actually has a much better track record. It's about rage and the need to strike back. It's evil, but it's also stupid. It's not torture but acts of kindness that lead to concession. The persuasive approach takes longer but gets far better results.' "

Chain of Command. Hersh, p.14.

8. "Only the most doctrinaire civil libertarians (not that there aren't plenty of them) deny that if the stakes are high enough, torture is permissible. No one who doubts that should be in a position of responsibility."

Judge Richard Posner, in Torture: A Collection, p. 27.

9. "The photos from Abu Ghraib show how "CIA torture methods have metastasized like an undetected cancer inside the U.S. intelligence community over the past half century." McCoy, p.5.

10. "I submit that we are at an historical moment, and important turning point, not just in this torture debate but in this country's relations with the international community."

The Politics of Torture, McCoy, 5.

11. "What is the basis for human rights? There are only three options. Rights are established by divinity, by natural law, or by pragmatic consensus. I wish we could get everybody to agree on one of the first two. But the philosophical and religious clashes that have raged unceasingly and often violently since the birth of civilization prove that we cannot. So we are left with public opinion – global public opinion... Human rights are whatever the international community – through its various declarations, covenants, treaties, and conventions – say they are."

"*What Torture Has Taught Me.*" William F. Schulz, U.U.World, Winter, 2006.

12. "A sort of 'don't ask, don't tell' policy has emerged... With no limitations, standards, principles, or accountability, the use of such techniques will continue to expand... The total 'ban' now in effect has been a license for hypocrisy and pervasive torture with deniability."

Alan Dershowitz, Torture: A Collection, p. 265. (Arguing for torture "warrants")

13. "American programs of extraordinary rendition and harsh treatments for prisoners have not, when considered strategically, been weapons against terrorism. Every time a new repressive measure is approved by Congress or the president, Osama bin Laden must cheer. Ultimately these are tactics that

encourage terrorism and help lose the war. Ignoring human rights helps recruit terrorists, justifies terrorism, and defeat the best thing we having going for us – the fact we stand for something better: for freedom, tolerance, and laws that protect us all.

Stephen Grey, Ghost Plane, p. 268.

What About a TICKING BOMB????

1. "The 'ticking bomb' argument for torture, however, is itself a red herring. First, torture rarely leads to accurate information. Second, torture generates enormous resentment among victims and their communities – resentment that may prompt the planting of far more bombs and hence the killing of far more people than might be saved in the first place. And third, as we have seen at Abu Ghraib and Guantanamo, once a government sanctions torture, the slope into what even the heartiest advocates of torture would find morally reprehensible is a fast and slippery one. Once torture is sanctioned, there are no clear limits to its application..."

"What Torture Has Taught Me," William F. Schulz, UU World, Winter, 2006, p.31.

2. "...the disinformation to be given during the first period of torture would doubtless have been planned and agreed upon far in advance of any activities...." "...it would be known within an hour or less that the operative was missing. With the first missed check-in, the explosive would be moved, all apartments or places of operation abandoned, all files destroyed or relocated, and all participants rushed out of the city."

Truth, Torture, and the American Way. Jennifer Harbury. p. 165.

3. "In the real world, the probability that one terrorist would be captured, in possession of key information about a nuclear bomb in Times Square, is so slender that the scenario seems an improbable foundation for law, diplomacy, and national security."

This fanciful scenario assumes an impossible, cluster of variables:

- a) The FBI or CIA captures a terrorist.
- b) The capture takes place at the precise moment between plot's launch and bomb's burst.
- c) Interrogators have sufficiently detailed knowledge of the plot to know they must interrogate this very person and do it now, right now.
- d) These same officers who have sufficient intelligence to know all about this specific terrorist and his ticking bomb are, for some unexplained reason, missing just a few critical details that only torture can divulge.

A Question of Torture: CIA Interrogation, from the Cold War to the War on Terror. Alfred W. McCoy, p. 192.

4. "Any polity that endorses torture has incorporated into its own DNA a totalitarian mutation. If the point of the U.S. Constitution is the preservation of liberty, the formal incorporation into U.S. law of the state's right to torture...would effectively end the American experiment of a political society based on inalienable human freedom protected not by the good graces of the executive, but by the rule of law."

"The Abolition of Torture," Andrew Sullivan in Torture: A Collection, p.320.

DECODING WORDS AND MEANINGS

Listed below are terms important in constructing the "War on Terror."

Define the term and consider the significance of its use.

1. War on Terror _____
2. Illegal enemy combatant _____
3. Alternative interrogation methods _____
4. Extraordinary rendition _____
5. Ghost prisoners _____
6. Shock and awe _____
7. Bad apples _____
8. Ticking bomb _____
9. Sovereign immunity _____
10. Black sites _____
11. Axis of evil _____
12. Torture warrant _____
13. Water boarding _____