

Julia Najjar

Project report

MACS390, “Media, war and peace”

Autumn session, 2010

Media and Cultural Studies, University of Wollongong

The project report assignment had two parts. For details of the assignment see http://www.bmartin.cc/classes/MACS390_10outline.pdf

1. An information pack for an organisation

Julia Najjar prepared an information pack designed for an organisation — the International Crisis Group — in the form of a booklet, supplemented by photo panel. The booklet starts on the next page. The photo panel is a separate file.

Note that these materials are neither the product nor the responsibility of the International Crisis Group.

2. A fictional dialogue about doing the project

Julia Najjar’s dialogue is a separate file.

This document is located at http://www.bmartin.cc/classes/MACS390_10tops/.

46. Dershowitz, p.3

47. Ibid.

Page Quotes:

1. Rory Kennedy (2002) Film: *Ghosts of Abu Ghraib*

Front Page Image:

Taken from www.antiwar.com

The Photographs:

Taken from www.antiwar.com

Torture



Through the looking
glass of Abu Ghraib

Prologue

The photographs on the CBS News program *Sixty Minutes II*, on Wednesday, April 28, 2004, were riveting “a hooded figure in a ragged black poncho balanced uneasy on a box, an off-kilter Halloween Christ with bare feet and palms plaintively open, electric wires running from the hands like the strings of marionette; an American girl with a cigarette dangling from the corner of her mouth in one photo and an impish grin in another as she points derisively at the genitals of a naked, hooded Iraqi man and signals thumbs up; smiling soldiers behind naked men posed in a tangled human pyramid; hooded, stripped prisoners simulating fellatio and sodomy; an unmuzzled dog snarling at a cowering, naked prisoner”.¹

This is what the world saw...

32. BBC/UK, “UK Troops in Iraqi Torture probe”, May 1, 2004.

33. Ibid.

34. Henry Shue 2006, “Torture”, reprinted with elisions in Sanford Levinson, ed., *Torture: A Collection*, rev. edn, Oxford: Oxford University Press, pg 47.

35. Ibid

36. Ibid

37. Elaine Scarry 1985, ‘*The Body in pain: The Making and Unmaking of the World*’, New York: Oxford University Press, p28

38. Scarry, *The Body in Pain*, p45.

39. ibid

40. Iocopino

41. Iocopino

42. John Yoo, http://artvoice.com/issues/v5n43/news/normalizing_torture#ixzz0oQBTZCuq, date accessed 20/5/2010

43. Ibid

44. Alan Dershowitz, “Want to Torture? Get a Warrant”, *San Francisco Chronicle*, January 22, 2002.

45 Dershowitz, pg 5

18. Ibid
19. Whitney, C. Introduction, in Strasser. S. (ed) *The Abu Ghraib Investigations*, p. V11-XXII.
20. Danner, *Torture and Truth*, p 6
21. Whitney, *The Abu Ghraib Investigations*, p.XII
22. Whitney, *The Abu Ghraib Investigations*, p. XII.
23. Wikipedia, *Abu Ghraib Prison*, 2007, http://en.wikipedia.org/wiki/Abu_Ghraib_prison, date accessed 19/5/2010
24. Rajiva, L 2005, 'The Language of Empire: Abu Ghraib and the American Media', New York: Monthly Review Press pp69 –109
25. Ibid
26. CBS Statement Extract,
27. CBS, "Abuse of Iraqi POWs by GIs Probed" April 29, 2004
28. CNN, "Shock, outrage over prison photos,": May 1, 2004
29. Paul Majendie, "Iraqi Prison Photos Mar US Image," Reuters, April 30, 2004
30. Amnesty International, "Iraq: Torture not isolated," amnesty-org, April 30.2004
31. Majendie, "Iraqi Prison Photos Mar US Image"

The purpose of this book is to examine the portrayal of Torture as a theory. This will be linked to the case study of the Abu Ghraib Scandal.

Contents Page

Prologue	Page 2
What is Torture?	Page 6
Anti-Torture Stance.....	Page 7
Pro Torture Stance.....	Page 9
What is Abu Ghraib?	Page 11
Breakdown of Abu Ghraib	Page 13
Torture Techniques at Abu Ghraib	Page 15
Media's response to Abu Ghraib	Page 18
Reactions to Abu Ghraib	Page 20
Theories of Torture	Page 22
Conclusion	Page 26
The Photographs	Page 27
References	Page 36

LAW/03/03/cnna.Dershowitz/ which is the transcript of a television debate between Dershowitz and Roth.

9. Yoo's pro-torture argument also taken from Jackson, *Normalizing Torture*, p 3-7.

10. Assuaresses., P 2002, 'The Battle of the Casbah: Terrorism and Counter– Terrorism in Algeria', New York: Enigma Books, p 23-45.

11. Ibid

12. Birds eye view of Abu Ghraib, www.googlenews.com.au

13. Outdoor Prison Cells at Abu Ghraib, date accessed 19/5/2010, www.prisonphotography.files.wordpress.com

14. Satellite image of Abu Ghraib, date accessed 19/5/2010, www.globetrotting.com

16. Asser. M. *Abu Ghraib: Dark stain on Iraq's past*, 2004, <http://news.bbc.co.uk/2/hi/americas/3747005.stm>, accessed on 14/5/2010.

17. Danner, M 2004, 'Torture and Truth: America, Abu Ghraib, and the War on Terror', New York Review of Books: New York, p217-224.

References

1. Convention against Torture and other Cruel, Inhuman or degrading Treatment or Punishment, United Nations, 10 December 1984
2. Bagaric, M 2007, *'Torture When the Unthinkable is Morally Permissible'*, State University of New York Press, Albany.
3. Inter-American Convention to Prevent and Punish Torture
4. Iacopino. V. Keller. A. & Oksenberg. D. Why Torture must not be sanctioned by the United States, *Western Journal of Medicine*, 176(3), 2002, p 148.
5. Association for the Prevention of Torture, www.apr.ch, date accessed 19/5/2010
6. European committee for the Prevention of Torture, www.coe.int, date accessed 19/5/2010
7. Ibid
8. Dershowitz's pro-torture argument found in Jackson, *Normalizing Torture*, p 3-7, and also in <http://edition.cnn.com/2003/>

Abdullah Mohammed Abdulrazzaq was tortured with electricity for three days in Ad-hamiya palace. He was tied naked to a chair and deprived of food and water until he collapsed.

Rory Kennedy (2002) Film: Ghosts of Abu Ghraib

What is Torture?

Under the United Nations Torture Convention of 1984, defines torture as the ‘intentional infliction of pain, by a public official, to obtain information’². The Inter-American Convention to Prevent and Punish Torture defines torture more broadly. It includes the ‘use of methods upon a person intended to obliterate the personality of the victim or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish’³.

Torture is a crime and a serious human rights violation. Torture is illegal under the international law and the majority of countries at are domestic law level.

Torture, throughout history, has often been used a method of effecting political re-education and coercion.

Organisations, such as Amnesty International monitors abuses of human rights and report a widespread use of torture condoned by states in many regions of the world. Effective investigation and documents of alleged tortures is decisive in proving that torture in the 21st Century still does exist.



Anti-Torture Stance

Torture is a breach of human rights nor should it ever be condoned. It provides false information and confessions as it “does not make any one person or society safer”.

Through the Geneva Convention, the world deemed torture unjustifiable under any circumstances. Torture is not in the best interest of both the individual and society⁴

The Istanbul Protocol, an official UN document, is the first set of international guidelines for documentation of torture and its consequences.⁵ It became a United Nations official document in 1999.

Under the provisions of OPCAT that entered into force on 22 June 2006 independent international and national bodies will regularly visit places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.⁶

Each state that ratified the OPCAT, according to Article 17, is responsible for creating or maintaining at least one independent national preventative mechanism for torture prevention at the domestic level.

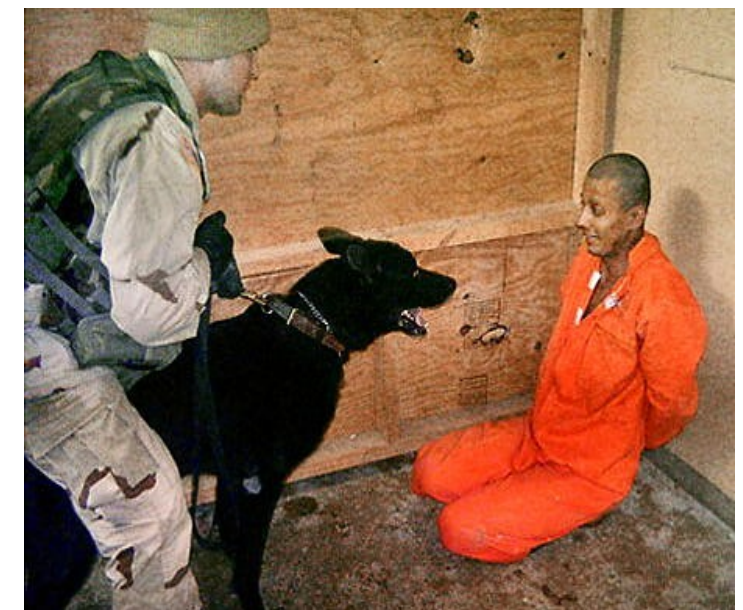


The European Committee for the Prevention of Torture, citing Article 1 of the European Convention for the Prevention of Torture, stipulates the following:

"visits, [countries to] examine the treatment of persons deprived of their liberty with a view to strengthening, if necessary, the protection of such persons from torture and from inhuman or degrading treatment or punishment".⁷

In times of armed conflict between a signatory of the Geneva conventions and another party, delegates of the International Committee of the Red Cross (ICRC) monitor the compliance of signatories to the Geneva Conventions, which includes monitoring the use of torture.

Human rights organizations, such as Amnesty International, the World Organization Against Torture, and Association for the Prevention of Torture work actively to stop the use of torture throughout the world and publish reports on any activities they consider to be torture.



Pro-Torture Stance

Torture warrants should be issued in an attempt to regulate and monitor the use of torture. It is believe that torture can often be a matter of life and death for individuals and civilians. Historically, it has proven to be an effective way of obtaining information.⁸

Pertaining to the legality of torture, the President in times of war is allowed to authorise anything that he deems necessary in the protection of national security. Congress has recently passed a bill that gives the President the power to define what torture is and what it is not. The US is thereby not breaking any domestic laws in the pursuit of intelligence.⁹

General Paul Assuaresses author of *The Battle of the Casbah* defends the right to use torture against Al-Qaeda. He argued for the “necessity of torture but did not reckon on its political cost to what was, in the end, a political war”.¹⁰ The general justified torture, as so many do, on the “ticking bomb”¹¹ theory, as a means to protect lived immediately at risk.





*Saif Mahmoud Shakir was beaten so badly
that his kidneys were damaged and urinated
blood.*

Rory Kennedy (2002) Film: Ghosts of Abu Ghraib





What is Abu Ghraib?



Birds eye view of Abu Ghraib¹²



Outside prison cells at Abu Ghraib¹³



Satelitte Photograph of Abu Ghraib via Google Earth¹⁴

The Prison is situated in Abu Ghraib, a city 32km west of Bagdad. It was previously under Saddam Hussein's control and was known as a torture camp. It was regarded as having some of the worst examples of torture in the modern world.¹⁵

The Prison is situated in Abu Ghraib, a city 32km west of Bagdad. It was previously under Saddam Hussein's control and was known as a torture camp. It was regarded as having some of the worst examples of torture in the modern world.¹⁶

On the 22nd April 2003, the US Military took over the Abu Ghraib prison and named it 'Camp Redemption'. According to Danner (2004) he states the camp was responsible for foreign prisoners, long sentences, short sentences, capital crimes and 'special' crimes.¹⁷

The Abu Ghraib incident occurred in 2003/2004. Images and interviews were leaded to the media of certain abuses that had happened within the prison.



Breakdown of Abu Ghraib

November 2003, Specialist Joseph Darby was given a CD that supposedly explained a shooting that occurred, but it actually contained hundreds of photos showing the abuse of prisoners.¹⁸

In January 2004, Darby handed the CD to the Army's Criminal Investigation Command. From this, an immediate investigation was launched. Iraqi prisoners who claimed to be tortured were interviewed. These interviews were leaked to The Washington Post by an unknown source.¹⁹

The photos were then leaked to the media that depicted horrific acts of torture—they were given to the CBS program 60 Minutes in mid-April 2004²⁰. Broadcasting was delayed until April 28th at the request of General Myers, chairman of the Joint Chiefs.²¹

A major investigation then occurred, headed by high-level investigator Taguba. It was found that the entire brigade was inadequately trained for the mission. The Taguba Report found that there was a “general lack of knowledge, implementation, and emphasis of basic legal, regulatory, doctrinal and command requirements.” it also found that these were acts of illegal and intentional abuse and suggested prosecution²².



By May 2004, the US Government attempted to reduce the number of detainees at Abu Ghraib and ultimately demolish the prison. A US military judge stopped this, citing that the prison was a crime scene. By August 2006 the prison was empty of all prisoners.²³

Eleven US Soldiers were convicted. The highest ranking officer implicated in the abuse at Abu Ghraib, Ivan I Frederick Jnr, admitted to placing the wires in hooded hands, forcing a naked detainee to masturbate while he being photographed, jumping and stomping on a pile of detainees and punching a detainee so hard in the chest that he required medical attention.²⁴

Frederick also testified to seeing a man being threatened with execution and male prisoners being stripped and having women's underwear placed on their heads. These activities were directed by military and civilian interrogators. It is widely believed that the civilian interrogators were agents of the OIA.²⁵

*The
Photographs:

That shocked the
World . . .*

Conclusion

In conclusion, torture is an institutionalised practice in today's world. There are rules against torture, yet practices continues as we have seen with Abu Ghraib.

Abu Ghraib changed the way societies around the world view War .

Torture Techniques at Abu Ghraib

According to the Red Cross, the “methods of physical and psychological coercion”¹⁴:

- Hooding, used to prevent people from seeing and to disorient them, and also to prevent them from breathing freely. One or sometimes two bags, sometimes with an elastic blindfold over the eyes which, when slipped down further impeded proper breathing.
- Handcuffing with flexi-cuffs, which were sometimes made so tight and use for such extended periods that they caused skin lesions and long term after effects on the hands (nerve damage)
- Beatings with hard objects (including pistols and rifles), slapping, punching, kicking with knees or feet on various parts of the body (legs, sides, lower back, groin)
- Being attacked repeatedly over several days...with handcuffs to the bars of their cell door in humiliating (i.e. naked or in underwear) and/or uncomfortable position causing physical pain
- Being forced to remain for prolonged periods in stress positions such as squatting or standing with or without arms lifts.

- Being paraded naked outside cells in front of other persons deprived of their livery, and guards, sometimes hooded or with women's underwear over their head
- Exposure while hooded to loud noise or music, prolonged exposure while hooded to the sun over several hours

The authors of the Red Cross report note that when they visited the "isolation section" of Abu Ghraib in mid-October 2003, they "directly witnessed and documented a variety of methods used to secure the cooperation" of prisoners, among them "the practice of keeping [prisoners] completely naked in totally empty concrete cells and in total darkness..."

with no fixed battlefield or uniformed enemy, was a new kind of war".⁴³

Alan Dershowitz argument on torture:

Dershowitz essay "Want to Torture? Get a Warrant"⁴⁴ advocate the issuance of warrants permitting the torture of terrorism suspects if there were an "absolute need to obtain immediate information in order to save lives coupled with probable cause that the suspect had such information and is unwilling to reveal it"⁴⁵.

However, even though Dershowitz says personally he is against the use of torture, in his essay he argues otherwise. He argues that "authorities should be permitted to use non-lethal torture in a "ticking bomb" scenario, regardless of international prohibitions"⁴⁶.

Moreover, he argues: "If torture is going to be administered as a last resort in the ticking-bomb case, to save enormous numbers of lives, [then] it ought to be done openly, with accountability, with approval by the president of the United States or by a Supreme Court justice."⁴⁷ Overall, it was confusing to gain an actual perspective of Dershowitz argument, however, he appears to be neutral.

Vincent Iacopino on torture:

Vincent Iacopino is the co-writer of “*The Medical Documentation of Torture*”.⁴⁰ He believes that torture is not in the best interest of the individual or society.

This book came from a medical perspective which was quite interesting. The main purpose of this book was to support doctors like Iacopino. It includes documentation of torture, Human Rights documentation and the Medical Foundation for the Care of Victims of Torture.

It is quite clear that Iacopino is against torture— as he takes an anti-torture stance.

He feels that torture should be condoned—it “does not make any one person or society safer”⁴¹ as it gives false information and confessions. He thinks that the world has deemed torture unjustifiable under any circumstances and thinks it undermines our worth and humanity.

John Yoo’s argument on torture:

John Yoo is quite controversial among many especially in terms of torture. Yoo takes a pro-torture stance. He believes the President has the right to decide whether to use torture or not, especially in War. “In a series of opinions,”⁴² said the *Washington Post*, “Yoo argued that the Constitution grants the president virtually unhindered discretion in wartime. He said the fight against terrorism,

Sami Abbas was forced to do kneebends until he collapsed. Black marks still ring his wrists from the pinch of plastic handcuffs. Rest was made impossible by loudspeakers blaring, over and over, the Beastie Boys’ rap anthem, “No Sleep Till Brooklyn”

Rory Kennedy (2002) Film: Ghosts of Abu Ghraib

Media's Response to Abu Ghraib

An abstract from the CBS:

“Two weeks ago, we received an appeal from the Defense Department, and eventually from the chairman of the military Joint Chiefs of Staff, General Richard Myers, to delay this broadcast given the danger and tension on the ground in Iraq. We decided to honor that request while pressing for the Defense Department to add its perspective to the incidents at Abu Ghraib Prison. This week, with the photos beginning to circulate elsewhere and with other journalists about to publish their versions of the story, the Defense Department agreed to cooperate in our report” ²⁶

The first lot of images, were broadcasted on CBS-TV's *60 Minutes II* on April 28 2004, showed a dead, battered body – not burned, but packed in ice to escape detection – and the naked, hooded bodies of prisoners tortured by grinning, gesticulating US soldiers.²⁷

It became apparent that amateur digital snapshots taken by soldiers changed everything in the image of wars. The images showed American MP's “softening up” Iraqi detainees.

Henry Shue on torture:

His influential essay “Torture” ³⁷ published in 1978. The basis of his book is on the striking claim:

“Whatever one might have to say about torture, there appear to be moral reasons for not saying it”

He later goes on to say that “one must never open Pandora's box”³⁸. Nonetheless, it is apparent in regards to the Torture in Abu Ghraib, the Pandora box has been opened. Shue argues that governments are now using some torture— especially for their survival. He strongly argues that observers condemn torture on moral and legal grounds. In his essay, he comes from a very political standpoint:

“Governments rarely justify its practice or even admit to engaging in it, both because most governments officials would prefer to avoid public condemnation and because international law, in the form of a widely ratified multilateral convention, requires that states treat torture as a criminal offense subject to extradition”³⁹

For Shue, there are rules for torture—rules that people involved with torture make, follow, ignore and change—at least some observers might regard as morally dubious because it cloaks an unmitigated evil in legitimating language of rules.

Theories of Torture

Elaine Scarry on torture:

“The Structure of Torture”, is the first chapter of *The Body in Pain* by Elaine Scarry. Scarry argues that infliction of pain is the “primary physical act: that makes torture what it is; this is its immediate, never to be forgotten function. Her claim that torture also requires “a primary verbal act, the interrogation”³⁴ is plainly wrong. Scarry’s summary of characterisation of structure of torture does not require anyone, victim or torturer to speak.

“Torture is in its largest outlines the invariable and simultaneous occurrence of three phenomena which, if isolated into separate and sequential steps, would occur in the following order. First, pain is inflicted on a person in ever-intensified ways. Second, the pain, continually amplified within the persons body, is also amplified in the sense that is objectified, made visible to those outside the person’s body. Third, the objectified pain is denied as pain and read as power, a translation made possible by the obsessive mediation of agency”³⁵

For Scarry, torture is an “ideal” illustration of how social construction works precisely because pain exposes the limit of language.³⁶

These images gained worldwide attention. These images were in newspapers and magazines, television and on the internet. These images are still popular and cited.

It became apparent that amateur digital snapshots taken by soldiers changed everything in the image of wars. The images showed American MP’s “softening up” Iraqi detainees.

These images gained worldwide attention. These significant images were on newspapers and magazines, television, news broadcasts and the internet.

* * *

Did you know?

CBS had the story for two weeks. However, at the Pentagon’s request. CBS decided to run the story when they were notified that a report of the army’s secret internal investigations by Major General Taguba had been leaked to Seymour Hers, the Pulitzer-Prize winning journalist.

Reactions:

Abdel-Bari Atwan, editor of the Arab newspaper Al Quds El Arabi claimed that Liberators were worse than dictators:

“they have not just lost the hearts and minds of Iraqis but all the Third World and the Arab Countries”²⁸

The left-wing L’Unita in Italy pronounced that what had taken place was “classic” and “irrefutable” torture; “forced public sodomy” was “one of the gravest offences”; torture was “not an isolated incident” but routine.²⁹

Amnesty International—calling for an independent inquiry said: “There is a real crisis of leadership in Iraq with double standards and double speak on human rights”³⁰

U.S. Newsday, Mohammed Bazzi described enraged reactions of Iraqis.³¹

The Daily Mirror in Britain announced that it had pictures of British Soldiers involved in abuse, the government announced that it would launch its own investigations into the charges.³²

President Bush stated, “Their treatment does not reflect the nature of the American people. That’s not the way we do things in America”.³³

The most painful thing for the inmates there, were the cries of the people being tortured. One day, they brought sheets to cover the cell...

Rory Kennedy (2002) Film: Ghosts of Abu Ghraib