

Detainee Abuse at Abu Ghraib Prison: Sadism or Scapegoating? The Institutional and Discursive Support for Torture in the War on Terror

Rachel Joyce *

ABSTRACT

This article analyses the reports of various military and intelligence institutions in the United States in response to the Abu Ghraib torture scandal which destroyed the reputation of the armed forces in the Iraqi theatre of war in 2004. The photographs delegitimised the mission and provoked strong reaction from the occupied Iraqis. The reports attributed culpability for the abuses perpetrated on the imprisoned Iraqis to 'sadistic' and criminal soldiers and deflected responsibility from senior members of the military and the decay within the institution itself, brought on by the discourse of terror and the introduction of techniques amounting to torture. This article, taking Abu Ghraib and the avoidance of responsibility for atrocity as an example, seeks to comment on the presumed limitations imposed on the applicability of international law during the 'War on Terror', the brutality of the military as an institution and the resulting alterations in the mind-set of individuals by inherent dehumanisation of the enemy in conflict.

KEYWORDS

Abu Ghraib, Torture, Dehumanisation, Terrorism.

INTRODUCTION

This article is a study of the situational factors impacting on the perpetration of detainee abuse at Abu Ghraib prison, based on a critical review of the Reports produced by United States Armed Forces Investigators, the Office of the Inspector General and the Department of Defence in response to the scandal. The primary aim of this paper is to assess the viability of the reasons given for the abuse, the allocation of responsibility, and the manner in which the identified factors are dealt with in the Reports. The paper concludes that

* PhD Candidate, King's College London and Legal Consultant and Researcher at the Every Casualty programme of Oxford Research Group.

the reports did not seek to fully engage with the cause of the abuse, but sought to simply close the case on a few “bad apples”. Viewing the incidents with an appreciation of the psycho-social effects of combat, and the situational indices framing the world-view of the soldiers in Abu Ghraib, an entirely different, institutional responsibility is identified.

The photographs from Abu Ghraib are some of the most powerful and unsettling of our time. The leaked photographs illustrated the twisted reality of detention centres in Iraq and the inhumanity that had crept into everyday operations and interactions with the Iraqi “other.” With these photographs, the average person began to question the legitimacy of the war in Iraq, the purposes for the invasion and the ethics of the war waged in the name of countering global terrorism - the War on Terror. Our disengagement from the horrors of the war was broken down by these images and we were forced to witness an uncomfortable truth. As the extent and scale of warfare waged by the United States and Britain shows no sign of decline, the military mindset attached to this constant state of war needs to be carefully assessed. The photographs opened up to the world the decay in morality and humanity wreaked by prolonged engagements in warfare and the astonishing ability of soldiers to dehumanise their captors and enemies. Violence is not reserved for or limited to detainees and recognised opponents in warfare. Interpersonal violence is also manifested in attacks against civilians: rape, torture and killings are committed in reported and unreported incidences in all theatres of war, as the dehumanisation of the enemy is extrapolated to the entire population. The murder and rape of 14-year-old Abeer Qassim Hamzah Rashid al-Janabi and the murder of her family in Afghanistan in 2005 is a well-documented and revealing example of such an atrocity. (Frederick, 2005) The different forms this violence takes demonstrate that Abu Ghraib is merely the most famous example of a wider phenomenon of institutional brutality in warfare. The occurrence of these repetitive tragedies perpetrated by army personnel highlights the failures in international human rights and humanitarian law training and the inability of the institutions of the armed forces to instruct soldiers to act with basic ethical propriety and to ensure adherence to that training. The question is: have we learned anything from the Reports commissioned on Abu Ghraib? Or have they simply subverted a deeper understanding of the effects of warfare? Is this violence an unavoidable aspect of, or a permitted or desired result of, warfare in the name of counter-terrorism?

The discourse of terror surrounding the invasion of Iraq was illustrative in its reality-making power. It ought to serve as an example of the capacity of terrorism discourse to blend the media's sensationalist stories, old mythical stereotypes and new figures of "evil" and a burning sense of moral wrath. (Zulaika & Douglas, 1996: preface) The use of torture by the Bush Administration demonstrates the logical outcome of the discourse that framed the events in Abu Ghraib. Words have a transformative power and in Abu Ghraib the US-media informed narrative of terror had opposed the American and Iraqi cultures in a hierarchy of values that could only result in the "other" being placed at the bottom of the pile. (Zulaika & Douglas, 1996: 13) Literally, in techniques of torture documented by soldiers on camera.¹

By summarising the origins, purposes and findings of the appraised Investigations, this paper will illustrate the conditions in the prison, the crimes committed, and the institutional encouragement of these crimes. The dispositional approach adopted in the Investigations, which places the blame on individual "sadistic" soldiers without thoroughly investigating the viability of this contention, are examined using criminological theories. This word is used as a discursive tool to isolate the behaviour of the perpetrating soldiers, to set their actions outside of the international legal framework relating to conflict and to deflect culpability from the higher echelons of authority in the military. This paper questions the evidentiary basis of the existence of inherent dispositions towards sadism and the benefits reaped by the military institutions by choosing this particular word - avoiding accountability for crimes committed and shirking the implementation of meaningful change within the system.

An investigation of the situational factors impacting on the personnel in Abu Ghraib is necessary for full understanding of the dynamics in the prison. The justificatory language of the "War on Terror", and the atmosphere which consequentially arose, warrants our attention as a crucial element of these crimes. Allegations against Military Intelligence (MI) and Other Government Agencies (OGAs) regarding the issuance of orders to Military Police (MPs) to "soften up" detainees have gained strength with disclosures by the US

1. One photograph shows a pile of naked prisoners stacked up on each other in the halls of the prison, while soldiers pose for the camera.

government.² Obedience to authority is analysed in relation to this point, taking the facilitating role of socialisation and military training into account in ensuring this obedience. A comparison has been drawn between the events at AG and the Stanford Prison Experiment (SPE). An assessment of the relevance of the SPE is helpful in gaining an understanding of the psychological processes incurred by the experience of living in AG.

The process of dehumanisation seems central to the horrors that ensued at AG. The imposition of an irrepressible mind-set on soldiers, through discourse and practice, set the process of dehumanisation in motion. In terms of responsibility, one can look to the demonising rhetoric and ethically unsound operational practices emanating from the highest authorities of the US military and government. Operations were tainted by the acceptance of dehumanisation, leading directly to the torture and degradation of detainees, and the misinterpretation, ignorance or utter circumvention of the humanitarian law of warfare. In conclusion, this paper proposes that the Reports failed to descry the underlying dehumanisation in the rhetoric and strategies of the WoT. The dispositional approach adopted arose from an inability or refusal to attribute the responsibility for abuse more widely across policy, failures in military training and ethics, and the horrendous realities of war.

1. The Re-Birth of Torture

The prohibition of torture is an absolute *jus cogens* norm, recognised by all constitutions, laws and treaties of the International Community and from which no derogation is allowed. (National Lawyers Guild and International Association of Democratic Lawyers,) Torture is usually perpetrated as the “systematic infliction of physical torment on detained individuals by state officials...for confessions, information or intimidation.” (Rejali, 2009: 35). The 1985 United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) has 78 signatory states and 153 parties to the Convention. (United Nations Treaty Collection, 2013) The UN Convention defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession.” Article 2 demands of states parties that they “take effective legislative,

2. Wikileaks contains a wealth of files related to techniques of torture, as well as military policy on interrogation at the time.

administrative, judicial or other measures to prevent acts of torture. The prohibition against torture shall be absolute and shall be upheld also in a state of war and in other exceptional circumstances.” This human rights convention exists alongside the humanitarian law principles of the 1950 Geneva Conventions and their Additional Protocols, prohibiting degradation and humiliation of war prisoners. (Geneva Conventions & APs, 1949, 1977) The Rome Statute of 2002 also recognises torture as a crime against humanity when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack (Rome Statute, Article 7) and states that perpetrators may be persecuted for war crimes. (Ibid., Article 8) The CAT's provisions are considered to be customary international law, applicable internationally without exception (including warfare), and state parties to the CAT must integrate its provisions into domestic law. Rule 90 of the International Committee of the Red Cross study on Customary International Law states that: “Torture, cruel or inhuman treatment and outrages upon personal dignity, in particular humiliating and degrading treatment, are prohibited.” (Henckaerts, 2005)

Torture is typically discussed within the context of war crimes and crimes against humanity, which has traditionally fallen outside the remit of criminological discussion, despite involving the most abhorrent and reprehensible crimes on a massive scale and graphically demonstrating human potential to commit atrocity. (Maier-Katkin, Mears & Bernard, 2009: 227) Criminology recognises the interaction of individual psychology, human interaction and sociology in an attempt to understand and perhaps counteract the causation of harm and suffering. Nowhere is this more vital than in the study and prevention of crimes against humanity such as torture. This article argues that a criminological approach to the persecution of acts defined as torture under international law represents a method of examining the allure of torture, its sociological impact and the criminal manipulation of definitional weaknesses in international law under the George W. Bush administration that led to torture in Abu Ghraib.

It is now acknowledged as fact that interrogation methods amounting to torture were utilised by MI and OGAs in the Bush Administration's WoT. The so-called “Torture Memos,” prepared by the Justice Department and approved by the White House Legal Counsel, consist of policy advice

regarding the avoidance of prosecution in introducing interrogation tactics tantamount to torture. (Greenberg, Dratel & Lewis, 2005) Former Vice-President Dick Cheney has since defended the tactics as 'legal, essential, justified, successful and the right thing to do' in tackling the terrorist threat and securing information necessary for national security. (*Al Jazeera*, May 21 2009) President Barrack Obama, however, proposed that we "reconcile our core values, our belief that we do not torture, with our national security interests," and prohibited the techniques in question. In the cold light of the aftermath of 11 September 2001, the American public called for protection and retribution. The United States government reacted by removing the protections of the Geneva Conventions from suspects in the WoT, thereby attempting to aid interrogations by allowing excessively harsh coercive techniques under a more "flexible" interpretation of torture. The government dispensed with the protection of human rights, and adherence to established international law on torture, in favour of questionable intelligence attained through torturous interrogations. Michael L. Gross describes a "constant interaction" between military necessity and humanitarianism in modern warfare and notes that much of the current debate about torture hinges on whether it works. (Gross, 2009:124) The fact that torture remains "shrouded in secrecy" (Ibid.) and the resulting absence of reliable data on the costs and benefits of using torture means that the analogy of the "ticking time bomb" – where torture is seen as necessary in order to prevent an ineluctable atrocity – maintains a certain status of credibility and gives life to the necessity debate. A "neat cost-benefit equation is difficult." (Gross, 2009: 134) The "labelling exercise" (Zulaika & Douglas, 16) of terrorism, in the height of the WoT paradigm, tipped the equation towards the acceptability of using torture on suspected terrorists. Terrorism is a "moral and discursive construct" (Ibid.: 64) within which the suspect is not granted the civil liberties afforded to all others. General David Petraeus, the former Commander in of US forces in Iraq, has stated: "Some may argue that we would be more efficient if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Besides the fact that such actions are illegal, history shows us that they are also frequently neither useful nor necessary." (Petraeus, quoted in Gross, 2009: 132) The efficiency argument is countered by human rights advocates

on principle. The late Lord Bingham stated in 2009 that “where all means are permitted, the good becomes indistinguishable from the evil it intended to destroy.”³ The fight against terrorism came to involve unimaginable atrocities.

It is edifying to note the remarkable adherence of the US government to Stanley Cohen's description of the process of denial. (Cohen, 2001) The practice was denied outright at first. Laws were manipulated and torture was recast as another phenomenon - the legally supported techniques of “harsh interrogation” or “moderate physical pressure.” Admissions finally came to light, but coupled with justificatory rhetoric of necessity and effectiveness. The difficult aspect to grasp is the fact that the public was aware of these practices. Torture was reconstructed and presented to an audience hungry for protection and pre-emptive action. Civil society has since re-emerged in vigorous condemnation of the tactics,⁴ but the opinion persists in some groups that willingness to torture is a sign of political commitment. (Danner, 2009) Treatment tantamount to torture and degradation in AG was documented by the perpetrators themselves, symbolic of the perception of the practice as exemplary behaviour for the soldiers. It is ludicrous to consider these acts as separate from the context within which they occurred, as the Bush Administration immediately posited. The abuses represent a mere thread in the tapestry of human rights violations woven by the Bush Administration in the WoT. Yet, the Reports analysed in this paper do not allocate blame to policy or leadership, beyond suggesting reprimand for failing to supervise “bad apples” in their troops.

2. Overview of the Reports

This section summarises the investigations launched into operations at AG, both prior to and in response to the release of evidence of torture and atrocity. Tracing the appointment of investigators and the usage of the reports produced reveals the manner in which concerns about the operation in AG came to light, the lack of attention afforded to the flagged concerns and the failure to designate resources to rectifying the issues. The outraged public reaction to the photographs triggered a commissioning of reports by the institutions involved, with varying degrees of insight and sincerity. This.

3. Lord T, Bingham in Convention on Modern Liberty: Judges and Politicians Plenary Session (London, 2009), <http://www.modernliberty.net/programme/morning-sessions/judges-and-politicians>.

4. See campaign - American Civil Liberties Union, “No One is Above the Law,” [https://secure.aclu.org/site/Advocacy?cmd=display&page=User Action&id=1578](https://secure.aclu.org/site/Advocacy?cmd=display&page=User+Action&id=1578).

article argues that the discourse surrounding the War on Terror both enabled the atrocities and impeded the investigators from honestly assessing the causes of the abuse at AG

During a visit to AG in 2003, Major General G. Miller, Commander of the Joint Task Force (JTF) in Guantanamo Bay Detention Centre, conducted a review directed at intelligence integration, synchronisation and fusion in operations in AG. **The Miller Report** was produced on the 9th of September, 2003. MG D.J. Ryder carried out a “Report on Detention and Corrections” (the **Ryder Report**) at AG prison on the 6th of November, 2003. Ryder's Report has been described as “at best a failure and at worst a cover up” (Hersh, 2004), as the abuse later documented was ongoing at the time. These routine reviews were carried out within the ordinary operations of military organisation in Iraq, before allegations were levelled against the soldiers posted there. On the 19th of January 2004, MG Antonio M. Taguba was appointed to conduct an inquiry into the facts and circumstances surrounding the allegations of abusive treatment of detainees. (The **Taguba Report**) MG Taguba described the abuses by members of the MPB as “sadistic, blatant and wanton...systematic and illegal” and proposed an investigation into the 325th MI Brigade and the operations within the Joint Interrogation and Debriefing Centre (JIDC) which had been established at AG. Taguba emphasised the toxic environment at AG, where the soldiers' morale was at rock-bottom due to bleak living conditions, a sense of constant danger and entrenched bitterness. It was a powerful and condemning report.

As the leader of the **Fay/Jones Report**, MG George R. Fay was appointed by LTG Sanchez to investigate whether members of the 205th MIB actively directed, encouraged or condoned abuse by MPs and whether they adhered to their own relevant interrogation practices, laws, rules and regulations. LTG Anthony R. Jones assumed the role of additional investigating officer, tasked to determine the involvement of organisations or individuals superior to MI, including conditions outside AG which impacted directly on the operations of the prison.

The **Mikolashek Report** was published in response to a directive issued by the Acting Secretary of the Army. The Report sought to make recommendations for improvements in detention and interrogation

operations, particularly in relation to internment, Enemy Prisoners of War (EPWs) and interrogation practices. The **Schlesinger Report Panel** was charged by the then-Secretary of Defence, Donald Rumsfeld, with providing professional independent opinions on the causation of abuses at AG and recommending changes to avoid future incidents. The Panel determined that the abuses were brutal acts of purposeless, deviant sadism by individual members of MI and the MPB, resulting from a failure in military discipline and leadership. (Schlesinger Report, 2004: 3)

The **Church Report** was also produced on the request of Rumsfeld. The investigation was intended to examine the development of interrogation policy, the extent of the actual employment of interrogation techniques in practice, and their role in detainee abuse. The Report absolved Department of Defence (DoD) policy issuances of any responsibility, highlighting the clear directions to treat detainees “humanely” therein. Church found poor discipline in the “chaotic and abusive” atmosphere at AG to be to blame. The report attempts to deflect all responsibility from policy, going as far as the blame the “excesses” on the deplorable tactics of the enemies in the WoT, who according to the Church Report provoked the soldiers into abusive behaviour.

The **Office of the Inspector General's Review of the FBI** examined the involvement and knowledge of detainee abuse of their agents in AG. The report applauded the professional tactics of the majority of agents in avoiding and refusing to participate in situations where approved interrogation techniques were exceeded by interrogation partners from the CIA or the military. Those who saw and questioned the illegal tactics stated that they were assured of their legality and the authorisation of these techniques within policy. Many stated that policing the actions of other agencies was not within their responsibilities.

3. Themes and Problems

All of the Investigations arrive at the same conclusion regarding the basic reason for the abuse at AG. Sadistic, uncontrolled individuals on the lower rungs of the system took advantage of an opportunity to engage in cruel and dehumanising behaviour against helpless detainees under their control. This approach presupposes an underlying sadistic tendency in the individuals, predating their deployment to AG. The “bad apples” acted on their own initiative and enjoyed their games. The obvious and immediate solution for

the Bush Administration to mitigate public damage was to promise punishment of these individuals. (Milbank, 2004) The dispositional conception of events was easily swallowed, abetted by grinning images of soldiers posing with naked and humiliated detainees. However, this approach amounts to a dismissal of other avenues of explanation that demand exploration within this context, namely the role of the institutional environment of the armed forces, particularly in this disastrously disorganised prison. It is important to delve further into the meaning and basis of labelling the acts of the MPs as “purposeless sadism”. (Schlesinger Report, 2004: 3)

The Reports were launched and commissioned as self-investigations by the military and governmental reviews in support of the military. The ability of the authors to avoid approaching their task with bias is questionable in theory and evidently near-impossible in practice, the Taguba Report being the exception. The challenges faced by the military in the unstable theatre of operations in Operation Iraqi Freedom were accentuated by the authors of the Reports. The leaders who allowed the poisonous atmosphere to take hold in AG and failed to halt the abuse are portrayed as victims of circumstance themselves, as they scrambled for resources and prioritised their efforts in the changed environment of the counter-insurgency. Policy is never faulted, merely the inappropriate implementation of that policy, due to confusion in theatre. The initial push for interrogation techniques beyond those documented in Field Manual 34-52, the interrogation guidelines operational in Iraq, came from a Commander in Guantanamo Bay (JTF-170), Major General Michael E. Dunlavey, in October 2002. (Church Report, 2004, Exec Sum: 4) His assertion that enhanced resistance techniques were needed “in order to obtain actionable intelligence from detainees who were trained to oppose U.S. interrogation methods” led to a process of consideration of further interrogation policies, submitted to the Department of Defense General Counsel, considered by a specially-commissioned Working Group and ending with the Secretary of Defense. The resulting policy (issued on April 16, 2003) included “only” 24 of the 35 techniques recommended for consideration by the Working Group, and excluded the techniques considered “most aggressive”. (Ibid.: 5) The swift addition of these techniques was considered shrewd in the aftermath of

9/11 and in the context of perceived urgency in gaining actionable intelligence from suspects who were resistant to the traditional interrogation techniques. President Bush was advised by his Legal Counsel that Al-Qaeda terrorist suspects and the Taliban need not benefit from the protections afforded to EPWs under the Geneva Conventions, as they did not abide by the terms of the Conventions themselves. (Schlesinger Report, 2004: 34)

The Church Report confirms that techniques “migrated” from Guantanamo to other theatres of war without rigorous legal attention, including under the advice of General Miller, who issued the Miller Report on AG in 2003. In the confusing circulation of different policies developed in Iraq following the Miller Report, “several ambiguities” persisted, which could obscure commanders' oversight of techniques being employed, although they would not permit abuse. (Ibid.: 8) The applicability of the Geneva Conventions to the detainees under their control ought to have always been clear to the operatives in Iraq but it is established in the Reports that this may not have been the case. (Schlesinger, 2004; Fay/Jones, 2004) However, even the “migrated” techniques authorised for EPWs were designed to be “humane,” leading the investigators to conclude that abuses and excesses were blatant and deliberate violations of policy and law. The Fay/Jones Report notes that no specific guidance was available regarding “humane” treatment of EPWs. Intelligence agencies in Guantanamo Bay and Afghanistan had developed practices that pushed the boundaries of this term. When these practices migrated to Iraq, the applicability of the Conventions did not constitute a deterrent to their use.

It appears that the investigators conducted thorough and effective inquiries in fulfilment of their tasked agendas, tainted by loyalty to the military and nationalistic beliefs in the righteousness of the WoT. The power of situational factors to which the MPs were exposed were not fully appreciated, nor the subsequent negation of their ability to judge the moral rectitude and legality of their actions. Although policy may have emphasised the necessity of humane treatment, this message was lost as MPs sought to obey perceived or direct orders to “soften up” detainees. Beginning with methods viewed as authorised and condoned, the MPs brought the techniques to their logical conclusion in the context of their isolated world of pressure, boredom and sexual tension. Abuse served an array of purposes: humiliation of the

detainees provided entertainment, bolstered the perception of the MPs that detainees were inhuman and uncivilised and also served to induce submission and cooperation. The WoT rhetoric, the belief that harsh techniques were vital and approved, the desensitisation of the personnel to violence and, crucially, the dehumanisation of the Iraqi prisoners, combined in the perfect circumstances for atrocity.

The Schlesinger Report appears promising up to a point in its attention to the psychological processes extant in institutional circumstances deemed relevant to the perpetrators. However, despite outlining the environmental and situational contributions to abuse, the Panel denies accountability at higher levels. The ethical framework within which the moral conflict experienced by soldiers in AG is presented is fundamentally problematic. The Panel unquestioningly champion the proposition that the newly introduced harsh methods of interrogation and inhumane treatment served to save lives in the WoT. It suggests that in the perpetration of abuses, whilst some sadistic individuals took advantage of the environment to indulge fantasies, others merely accepted the duty to protect their fellow soldiers and homeland by torturing to gain intelligence. The report asserts that the rule of law came to represent a hindrance to intelligence collection, as harsh interrogations were “absolutely necessary” in the “new threat environment.” A basic conflict between eliciting information and obeying proscriptions against inhumane and degrading treatment is proposed. The Schlesinger Panel herein in fact showcases the pernicious attitude that led to both types of torture at AG.

The distinction between the two forms of torture opens a set of questions when assessing the outcomes of the Reports: Where does responsibility for torture lie where the legal definitions and the disseminated policy are made complicit to this extent? Who is responsible for the implementation of policy based on legal advice granted to the Bush Administration by its Counsel that jettisoned the protections of the Geneva Conventions from an entire category of person?⁵ Once those protections were dissolved, and the policy guidance on interrogation techniques was expanded, where does responsibility lie for excesses? Who should be held accountable under international law for the atrocities committed? Many commentators have

5. Members of Al-Qaeda or the Taliban who are detained by the US were considered as “illegal enemy combatants” rather than “enemy prisoners of war” and were not afforded the protection of the Geneva Conventions. This is detailed in the “Re-birth of Torture” section above.

responsibility lie for excesses? Who should be held accountable under international law for the atrocities committed? Many commentators have argued that George W. Bush and the senior members of his administration ought to be held legal responsible for torture that was performed as part of the expanded policy on interrogations. The law on command responsibility ought to be considered here. The first codification of the doctrine in international law was in Additional Protocol I to the Geneva Conventions, 1977. Article 86(2) of AP1 states that:

“...the fact that a breach of the Conventions or of this Protocol was committed by a subordinate does not absolve his superiors from ...responsibility ... if they knew, or had information which should have enabled them to conclude in the circumstances at the time, that he was committing or about to commit such a breach and if they did not take all feasible measures within their power to prevent or repress the breach.”

The US War Crimes Act of 1996 included the provisions of the Geneva Conventions under domestic law, applicable to members of the armed forces and civilian perpetrators. The “Medina Principle” of command responsibility is also recognised in US law, based on the trial and prosecution of Ernest Medina, Commander of the unit that committed the My Lai atrocities in Vietnam in 1968. These measures point to a potential avenue by which to seek accountability in the higher echelons of the Bush Administration. However, the Military Commissions Act (MCA or the “enemy combatants” bill) was introduced in 2006, thought by many to be an amnesty provision for those involved in the legalised torture under the same Bush Administration. As argued by the Centre for Constitutional Rights (CCR, 2006): “The law severely limits accountability for torture and abusive interrogations for those detained in U.S. custody...around the world.” With regard to “enemy combatants”, it limits the application of Common Article 3 of the Geneva Conventions, which prohibits violence to detainees and “outrages upon personal dignity, in particular humiliating and degrading treatment”, to “grave breaches”. Only these “grave breaches” (subject to interpretation by the President) can be prosecuted under the War Crimes Act following the introduction of this measure. CCR notes that “(t)he President's prior interpretations prompt great concern about unchecked executive interpretations of Geneva Convention violations. As the MCA does not allow those held in U.S. custody to sue over the conditions of their detention, torture prohibitions...will be unenforceable without habeas rights.” (Ibid.)

The US is not a signatory of the Rome Statute, and thereby its citizens cannot be tried in the ICC. In May 2002 the Bush administration chose to “unsign” the statute, which President Clinton had hurriedly signed three weeks before leaving office, and unequivocally stated that “the United States has no legal obligations arising from its signature on December 31, 2000.” (Bolton, 2004) President Bush introduced the American Service-members Protection Act (ASPA) on August 2, 2002. This Act can be read as “a virtual pledge of non-cooperation with the court in any shape or form” and “its real purpose is to establish non-jurisdiction over any U.S. foreign policy action.” (Krasnor, 2004) Any proceedings against a non-signatory within the ICC would have to be referred by the UN Security Council – unlikely as the US is a permanent member with veto powers. A state party may also refer the case to the ICC if the national of the non-signatory state commits the crime on its territory. Alternatively, if the US were to approve jurisdiction of the ICC over the national in question, the ICC could pursue a prosecution. (Akanke, 2003) These avenues are equally unlikely to be explored, leaving the Administration legally unscathed.

The individual soldiers are protected from the ICC's remit also but were prosecuted under the War Crimes Act once returned to American soil. Their crimes fell within the second category described above – torture and inhuman treatment not committed during actual interrogations and perceived as gratuitous as opposed to necessary for intelligence purposes. The false dichotomy drawn between the two types of torture was facilitated by the focus on the “sadism” of the individuals. In fact, torture in this form was encouraged, directly and by acquiescence, by their superiors and by intelligence agencies operating in the prison. The soldiers considered their actions to be actively approved and the treatment of detainees was an overarching, connected process of “softening up” for interrogations.

4. Life on Tier 1A

All of the Reports focusing on AG identify the harsh living conditions and working environment. Life within the “hellhole” prison was extremely difficult. (Karpinski, 2005) The military personnel stationed there slept in tiny cells, ate meagre rations of bad food, never left the grounds, and worked constantly. Morale was very low and the staff were stretched to their limits. The 800th MPB had expected to be sent home prior to deployment to AG.

Instead, they were sent to a prison in a highly dangerous region subject to daily sniper and mortar fire, to guard volatile prisoners without adequate support. (Taguba, 2004; Fay/Jones, 2004; Schlesinger, 2004; ICRC, 2004) The sewage system was broken, causing a pungent smell, the heat was unbearable, and the soldiers were too tired from working long shifts to exercise or socialise. (Zimbardo, 2007) They felt vulnerable, “double-crossed,” uncared for and neglected. (Karpinski, 2005; ICRC, 2004) This perception fed their sense of de-individuation and personal unaccountability.

As the structure of life disintegrated due to deficient leadership, discipline unravelled and the weariness and disillusionment within the soldiers came to the fore. One could suggest that they attempted to remedy this feeling in three ways. Firstly, they sought comfort through identification and bonding with their immediate in-group of fellow MPs. Lax supervision and leadership allowed friendships to overtake appropriate command relationships. (Taguba, 2004) Where large personalities turned to criminal behaviour, they therefore “learned” from their surroundings, through differential association. (Sutherland, 1947)

Secondly, they sought to ease the boredom and circular passage of time that added to the noxious atmosphere. The routine was mind-numbing and unchanging and the prisoners were considered indistinguishable from each other. The link between boredom and crime is well documented in criminology. (Gottfredson and Hirschi, 1990; Matza, 1990) Games and competitions based on ill-treatment in AG were brought to their rational conclusion in abusive and degrading behaviour, with the availability of secrecy. The soldiers had the opportunity to play their horrific games, the social support to lend continuity to their actions, and found justification in the aims of the War on Terror. Thirdly, the priority in AG was to obtain “actionable intelligence.” Rock (2007) notes that deviant subcultures develop as a reflection or accentuation of themes in society. The pressure created by superiors, combined with the dehumanisation of detainees and the permissive atmosphere, led to a subculture within the prison which ran parallel to the themes of the War on Terror. The perception abounded that harsh and excessive means were necessary in the “new paradigm” and depraved techniques were championed as acceptable by MI, OGAs and

tacitly by the silence of leaders. (Fay/Jones, 2004) Excesses illustrated in the photographs may have arisen from a desire to impress superiors and represent a commitment to the mission. (Osiel, 2004; Green & Ward, 2004)

It is glaringly obvious in hindsight that the situation was the ideal setting for abuse. (Fiske, Harris and Cuddy, 2004) The guards were stressed, uncomfortable, poorly trained and unsupervised, provoked by prisoners, angered by mortar fire and the loss of friends, and did not feel appreciated or protected. The only people less fortunate and inferior to them in the prison were the detainees. They were encouraged to “break” them and did so with alacrity. Their willingness was likely generated in part by a desire to please superiors and recover some social status.

5. Sadism and Inherent Criminality

The Reports are unanimous in concluding that the sadism and independent misconduct of the perpetrators were the primary reasons for abuse in AG. However, theories of sadism and inherent criminality are neither explained nor questioned. By considering the criminological assumptions within the Reports, we can examine the allocation of responsibility for atrocity.

Baumeister and Campell (1999) describe sadism as the direct achievement of pleasure from harming others. They posit that other explanations of crime and violence are unnecessary where sadism is found to exist. However, a clinical diagnosis of sadism as a psychological disorder is considered uncertain and near-useless as significant differences between sadists and non-sadists are difficult to identify. (Marshall, Kennedy & Yates, 2002) Some psychological experts look for specific traits in individuals, whereas others suppose that sadistic tendencies lie within us all. (Berner, Bengner & Hill, 2003) The characteristics of Sadistic Personality Disorder include the use of cruelty and humiliation in relationships of control, sourcing amusement and pleasure from the suffering of others, manipulation through fear, and a fascination with violence and torture. (APA, 1987; WHO, 1992) Sadism might be a mere question of degrees. Desire and curiosity, the primitive urges granted by biology and evolution, can only be minimally separated in terms of the scale of normalcy to perversion to monstrosity. (Moore, 2009) Academics recognise that external conditions can impact on a sadist's capacity and desire to transgress boundaries of acceptable behaviour

towards others. Therefore, a dimensional view of sadism is proposed. (Berner, Bengner & Hill, 2003; Karminer & Stein, 2001)

Sadism as a concept touches upon psychological and biological theories of crime. The idea that the trait is inherent to the biology of an individual is reminiscent of the work of Lombroso (1897) and Goring (1913), where a person was considered biologically predetermined towards deviance. The increasing acceptance of criminal attributes as banal and situation-dependent in criminology led to the development of other explanatory theories. The work of Eysenck (1964) pioneered the notion of criminality as an interaction between biological and social factors. Underlying psychological factors have increasingly come to be viewed as responsive to socialisation. Rational choice theory and control theory are examples in which academics recognise that criminal propensities might lie within us all. (Clarke & Felson, 1993; Rock, 2007) Sadism as an element of criminality could be ever-present but controlled within civilised society, capable of being circumstantially activated. (Alford, 1997) The core question is whether sadistic urges exist within us all or only in some perverse individuals.

In the aftermath of the Holocaust, theories emerged in an attempt to explain the involvement of seemingly ordinary men and women in unthinkable atrocities. One theory is the “sleeper” proposed by Steiner (1980). He suggests that there is an intrinsic evil within us, activated when external elements of control - society or authority - permit us to indulge in violence against others. Goldhagen's (1996) interpretation of the social scientific experiments carried out by Stanley Milgram lends supports to this proposition. The experiments aimed to test the power of authority over individuals and assess the extent to which people will obey authoritative demands. Against their moral judgment, and with apparent feelings of distress and revulsion, the majority of participants administered increasingly painful shocks to innocent victims, merely because they were told it was necessary for the experiment.⁶ Goldhagen (1996) argues that Milgram's experiments did not merely illustrate the power of authority to exact obedient behaviour. He interprets the experiment as a demonstration of how society controls and channels the aggression and sadism of its members. He proposes that the participants in the study relished the permission to break free of

6. The persons receiving shocks were actors in a staged experiment.

societal control and cause pain to others. They acted out of sadism, curiosity and the joy of commanding extreme power over others.

Alford's (1997) interviews with prisoners and free individuals on this topic further sustain Goldhagen's hypothesis. Alford describes his imprisoned interviewees as less bound to the institutions of society than the others, and more willing to admit to the "boundary-shattering" allure of violence. Although Alford did not perceive a disparity in evil or sadism between the two groups in his research, they held entirely different views of the Milgram experiment. The free interviewees accepted that the participants collapsed under the pressure to obey authority. The attitude of the prisoners however provides us with a drastically different perspective:

*"People love to watch violence and they love to do violence. They just don't want to admit it. So here this dude tells them to do it, and they must love it man, a f**king fantasy come true..."* ("Mr Acorn", Alford 1997: 733)

Ideology, dehumanisation and routinisation are important factors to consider in considering sadism in society. The ordinariness and banality of perpetrators of unfathomable evil outside of their roles in atrocity is well-documented and debated. Men such as Adolf Eichmann in the Holocaust and Alfredo Astiz in Argentina's Dirty War did not display sadistic or malicious tendencies, nor a lack of guilt or empathy, prior to or outside their professional capacity. (Arendt, 1963; Osiel, 2004; Karminer & Stein, 2001) The majority of men and women in history tasked with carrying out the horrific tasks of their respective regimes were "ordinary." (Browning, 1992; Goldhagen, 1996; Mamdani, 2002; Huggins et al, 2002) The abolition of guilt, empathy and normal societal controls on violence resulted in average individuals indulging in sadistic cruelty.

An individual may be drawn to a particular situation by underlying sadistic urges, or such inclinations might make him or her more comfortable with committing atrocities. The phenomenon is bi-directional, as social context can activate dormant characteristics. Karminer and Stein (2001) propose that the important element of a diagnosis of SDP should be the actual experience of pleasure derived from the sadistic act, which renders motivation irrelevant. Some evil acts are unquestionably performed by reluctant individuals who feel obliged to obey the directions of authority. (Milgram, 1974; Browning, 1992; Zimbardo, 2007) However, the proposition remains

that evil holds an intrinsic appeal which some are better able to resist than others. (Baumeister & Campell, 1999; Carnahan & MacFarland, 2007; Bandura, 1999) Torture and mistreatment of others in socially acceptable situations can be reinforced by hatred, frustration and possible sadistic predispositions, and rationalised by reference to ideology or “legitimising myths.” (Kernberg, 2003; Kalyvas, 2006; Esses & Hodson, 2006)

The evidence of sadism presented to us in the case of the MPs in AG is the content of the graphic photographs. Smiling soldiers posed with naked and humiliated detainees, “games” involved stacking naked detainees on top of each other, and soldiers were captured directing forced masturbation and sexual poses between male detainees. These were not the faces and actions of soldiers in the “War on Terror”, the dedicated patriots in the fight against a formidable, interrogation-resistant enemy. These were sadists who somehow managed to infiltrate the ranks of the noble forces. The soldiers were isolated from the issue of enhanced interrogation techniques by the label of “sadist.” However, the absence of a documented history of sadism or maliciousness in the personal or prior professional lives of the MPs suggests that these tendencies arose within the walls of AG. One could argue that these propensities were institutionally created. The convicted soldiers argued obedience to authority in their respective trials, and emerging evidence, such as the book released by Brigadier Karpinski as well as the Schlesinger Report, affirms their defence as feasible to some extent. (Karpinski, 2005) Their joyful demeanours must be explained regardless. The photographed smiles and displays of creative cruelty, particularly in sexually-themed torture, are the evidential linchpin in the assumption that they are indeed “bad apples.” Again, however, we must question whether they, as perverse individuals, acted in a manner that no average person would in the same circumstances.

An etiology of the daily working lives of the MPs suggests that their circumstances led to the dehumanisation of the detainees to the extent that individual diagnoses of sadism or assumptions of inherent evil were rendered irrelevant and inapplicable.

6. The Discourse of the “War on Terror”

Following the attacks of September 11th, 2001, the Bush Administration launched its “War on Terror” in an atmosphere of immense fear, infused

with hatred of the perpetrators. A framework of “good versus evil” emerged and the Bush Administration portrayed the battle as a necessary response to guarantee our security and the peace of the world. (Bush, 2002) The stereotype of dangerous, irrational and evil Muslim men extended to the entire Islamic population, especially those living in the Middle-East. This was reflected in a spate of racially-motivated attacks against individuals perceived as Muslim in the weeks following 9/11, indicating a rise in Islamophobia directly linked to the attacks. (Kaplan, 2006)

The language of good versus evil infiltrated the psyche of every conscript in the US military. Large emphasis was placed on the new character of the War on Terror and different tactics were depicted as essential. Dick Cheney, the U.S. Vice-President at the time, viewed the strategies, policies and institutions existing prior to the historic watershed of 9/11 as inappropriate to deal with the novel threat. (Cheney, 2001) The emphasis in this new paradigm was on prevention, using bold tactics to pre-empt possible attacks. (Cheney, 2001; Cole & Lobel, 2007) Human intelligence came to the fore as the pinnacle of the strategy. The introduction of stronger elements of coercion to interrogations crept into policy as operatives in the field reportedly encountered difficulties in “breaking” suspects. (Church Report, 2004; Cole & Lobel, 2007) Bedrock legal requirements ensuring the humane treatment of suspects came to be viewed as hindrance to intelligence-collection. (Greenberg & Dratel, 2005; Roth, 2004; Danner, 2005) Michael Ignatieff (2004) claimed that the cost of an outright prohibition on torture is less effective interrogations. The threat of another catastrophic attack was drawn upon to mobilise support and justify the introduction of practices that otherwise have been immediately recognisable as a dangerous slide into a moral abyss. (Marks and Clapham, 2005; MacMaster, 2004; Gearty, 2005)

Right under our noses and with popular approval, torture became a viable option. Stanley Cohen (2005) likens the process to Orwellian warnings of “grand narratives of patriotism, liberty, freedom and democracy,” which would render us unable to reject the use of torture. The language used by the Bush Administration was tremendously important in securing public approval. Torture was hidden in plain sight as bureaucratic euphemisms for horrendous techniques were accepted unquestioningly. (Wolf, 2009; Sullivan, 2009) Terms such as “stress and duress,” “enhanced interrogation” and “moderate physical pressure” are useful when one “wants to name things

without drawing up mental pictures of them” and fit comfortably within the lexicon of denial. (Cohen, 1992, 2005; Orwell, 1949)

Protections against torture were “defined away” by the Bush Administration's legal team and practitioners in the field stretched the boundaries of humane treatment as far as legally possible. (Schlesinger, 2004; Baldwin, 2009; Greenberg & Dratel, 2005) The notion that enhanced methods of interrogation were indispensable achieved factual status within the military and, allegedly, OGAs. (Evans, 2009) Hooks and Mosher (2005) posit that US Forces and agencies are fundamentally callous and indifferent to human rights considerations, with primary focus resting on efficiency. Fear and dehumanisation of the enemy and mistaken faith in the efficiency of torture generated a willingness to rekindle the debate. The government failed to comprehend that torture “yields poor information, sweeps up many innocents, degrades organisational capabilities and destroys interrogators.” (Rejali, 2007) The statements made by leaders regarding the admissibility of torture, in the context of the war against “subhuman terrorists”, took on an important meaning for those tasked with guarding suspects. (Pokempner, 2004)

7. Obedience to Authority

The MPs convicted of detainee abuse in AG accepted no personal responsibility for their actions, claiming that they acted on the direct orders of their superiors. These accounts are self-serving but also entirely tenable, considering the aims of the JIDC and the recommendations of General Miller for MI and MPs to work together. The Reports agreed that coordination and cooperation between the two streams did in fact occur. The extent and nature of the orders may never be clear, as the only available witness evidence is contradictory and biased. The soldiers' perception of their tasks, and their conception of the legality and acceptability of those directions are crucial. The policy in place was that which was formed in theatre. The reports affirm that MPs did in fact take direct orders from MI personnel, considering the practice to be approved. (Taguba, 2004; Fay/Jones, 2004; Schlesinger, 2004; Church, 2005; OIG, 2008) The photographed “excesses” were largely a result of this cooperation.

Obedience to authority is central to efficient military functioning and individual dissent is discouraged. (Katz, 1990) Hierarchy is paramount and all orders should be followed without question unless considered “manifestly

illegal” by the directed party. (Doris & Murphy, 2007; Rome Statute, 1998) There is an abundance of witness evidence that the abuses in AG occurred due to obedience. Despite knowledge of the Geneva Conventions, and aided by a weak or incorrect understanding of whether or not they applied, soldiers engaged in horrendous breaches of the human rights of detainees. Stress positions, environmental and nutritional manipulation, nudity and sexual humiliation, sleep deprivation, and general physical torment were commonplace. The torture was carried out and documented brazenly and without fear of reprisal. Seymour Hersh (2004), in his breaking story, was the first to note that the MPs were told that such mistreatment was appropriate and “not to worry” about it. This was the defence of the prosecuted soldiers. The abuse was insinuated, encouraged and applauded by leadership and members of MI and OGAs. Therefore, the perpetrators rationalised their behaviour as necessary and approved within the context. (Post and Panis, 2005; Maier-Katkin, Mears & Bernard, 2009) Tacit approval was inferred by the failure of leadership to halt routinely aggressive and degrading techniques, and actual authorisation was implied in orders such as “treat them like dogs,” “loosen this guy up for us” and “make sure he has a bad night.” (Karpinski, 2006; Davis, J., 2004, 2006)

Once perpetrators discard their concerns and take the first step towards cruelty, routine and emerging norms erase all internal conflict, allowing for the actualisation of unthinkable horrors. Perpetrators are numbed by repetitious acts of violence and the insular world within which they operate maintains conviction and support. (Browning, 1992; Huggins et al., 2002; Zimbardo, 2007; Staub, 1989; Green & Ward, 2004) The soldiers on Tier 1A were surrounded by brutality and hostile “animals” every day and became desensitised to suffering. The moral enormity of the degrading treatment was eroded by daily routine. Doris and Murphy (2007) contend that a presumption should arise that the guards in AG were unable to correctly perceive and interpret their surroundings. The conditions affected their deliberations and decision-making skills, causing “moral drift” and rendering them incapable of making ethically appropriate decisions.

All “excesses” in this regard, where torture was systematically implemented – such as hooding, sleep deprivation and the manipulation of the detainees' environment – ought to be traced to the policy-makers and legal advisors of the Bush Administration.

8. Military Training and Ethics

While confronting the issue of orders to MPs and the possible mitigation of their culpability, we must consider the socialisation process undergone before arriving at AG. The institutions and societies within which they were raised, where they were educated to respond favourably to orders from superiors, moulded the moral sensibilities of the perpetrators. From an early age, we are taught that it is a valued trait to concede to authority and conform to the socially acceptable behaviour of others. Typical masculine traits discourage the development of empathy and any characteristics that could be considered “weak.” (Zurbriggen, 2008; Huggins et al., 2002) Success as a man in modern society means actively pursuing goals with determination and ruthlessness, suggesting the acceptability of coercion, forcefulness, and domination of others that can transform into aggression. (Ramirez, 1999) There is also an expectation of men to be rational and in control, especially in a professional context, which promotes a specific concern with hierarchy. (Huq, 2007) The military as an institution is typically masculine. The nature of military training and everyday life has not been altered by the influx of women into the ranks. (Huq, 2007) Women in the army tend to adhere to masculine traits, distance themselves from traditional femininity and mimic the behaviour of male soldiers. (Sasson-Levy & Rapoport, 2003) A study carried out by Johnson and Kaplan identified the presence of particular character traits in young men enlisting in the army. (Johnson and Kaplan, 1991) They were more willing than the average person to accept punishment from an authority figure and also more ready to dehumanise “others.” One might assume also that conscripts are obedient, “strong” and ideologically-driven, nationalistic or patriotic.

Military training shapes conscripts to perform effectively as soldiers, with an emphasis on functionality in action rather than empathy and moral reasoning. The virtues deemed desirable are those related to effectiveness in combat, such as obedience, pride, strength, and loyalty to country and comrades. Ethics programmes in the military should instil conscripts with the correct virtues to carry out their duties within a well-founded moral framework. For some thinkers, military ethical education ought to focus on general “character development,” whereas others consider this to be too idealistic and suggest aiming to instil soldiers with a sense of professional identity, underpinned by determined morals. (Kohlberg, 1981; Kasher, 2008; Carrick, 2008)

Military training camps are constantly evolving complex methods of suppressing revulsion against violence. (Haddock, 2006) An effective soldier must be capable of killing in battle in order to survive and defeat the enemy, and therefore must be socialised in preparation. In the twentieth century, the field of behavioural psychology has revolutionised this process. (Grossman, 1995) Techniques are designed to overcome moral restraints that offer a natural resistance to violence against others. Soldiers displaying empathy or concern for the enemy are often ridiculed or perceived as disloyal. (Mejia, 2007) The denial of human characteristics in the enemy, thereby removing them from one's "moral universe" is tremendously helpful in creating efficient soldiers, (Fein, 1990) and therefore dehumanisation has a major role to play and is actively supported by training. (Zurbriggen, 2008)

The approach taken in military training may explain the readiness of soldiers to obey orders that would otherwise appear "manifestly illegal" to an ordinary person. Zurbriggen (2008) asserts that training techniques erode the reflective moral agency of soldiers, replacing ethical decision-making skills with blind obedience to authority. The ideology propagated within the military, that of national security and the "new" challenges faced post-9/11, further buttressed the notion of a "special permission" to commit atrocities in pursuit of noble ends. (Zurbriggen, 2008; Crelinsten, 2005; Huggins et al., 2002)

9. The Phenomenon of Dehumanisation

Although we may never know the exact occurrences in AG, it seems certain that dehumanisation was central to the causation of abuse. Dehumanisation is the denial of human characteristics in the enemy, a process that rejects them from one's "moral universe" and enables the perpetration of atrocities against them. In a simplistic representation, we can consider that once the subject of abuses has been dehumanised, the perpetrator does not see the resonance of human rights protections, or consider the acts to be crimes against humanity. The subject – the "enemy other" of the War on Terror – is not considered worthy of the basic rights afforded by membership of humanity. Whether directed by superiors or acting out sadistic tendencies, the horrendous mistreatment was possible because the MPs saw the prisoners merely as objects. The surrounding circumstances within which they were completely encased prevented the allocation of human attributes

to the detainees. General social prejudices against out-groups can add to the effectiveness of dehumanisation and lead to horrendous consequences. (Huggins et al., 2002) Xenophobia, the fear of strangers, encapsulates distrust and negative stereotyping, particularly when another group is different in terms of language, appearance, dress and traditions that we do not understand. Identification with the in-group that surrounds us, and the projection of our fears and suspicions onto unfamiliar and threatening out-groups, is a typical experience of daily life. (Kernberg, 2003) The term 'xenoracism' has been coined to describe the negative twist that xenophobia has taken, wherein fear of strangers has combined with intolerance and exclusion. (Sivanandan, 2006) In the context of the WoT, Islamaphobia has taken root. A reasonably identifiable scapegoat group have been victims of this reality since 9/11.

As Sam Keen (1986) has documented in his work on "Faces of the Enemy," demonising propaganda is a well-founded mechanism in both justifying the inhumanity of war and motivating soldiers to enlist. Images of the enemy as threatening, barbaric and evil can serve as the most powerful motivational tool imaginable for a soldier. (Zimbardo, 2007) Throughout the history of warfare, negative stereotypes of the enemy have been created, harnessed and propagated by governments to construct generalised hate against another society. Following 9/11, the distinctive image of turbaned terrorists became immediately entrenched in Western society. Racist ideology in times of war erodes moral prohibitions against harming the "enemy," which is extremely useful in warfare and creates the loyal, committed and effectively violent soldiers the army needs. (Keen, 1986; Doris & Murphy, 2007)

Within the walls of AG, the general antipathy and malevolent attitude towards the stereotyped population of Iraq was combined with the sheer number and similar appearances of the detainees, the sea of orange uniforms, and communication difficulties to produce complete dehumanisation. (ICRC, 2004) Fear of dangerous detainees, the revolting conditions in which they were housed, forced nakedness and alleged directions from superiors to treat detainees "like dogs" added to the toxic environment of degradation and inhumanity. (Schlesinger Report, 2004; Karpinski, 2005) The prison personnel were circumstantially and directly encouraged to view the detainees of Abu Ghraib as sub-human. (Reicher &

Haslam, 2004) Zimbardo (2007) has described the process of dehumanisation as central to enabling atrocities against others. Compassion and empathy disappear once an individual or group is deemed less than human. Dehumanised parties are not protected by social norms of behaviour, which disbar violence and aggressive treatment, and social restraints do not apply.

The forced nakedness of the detainees as a causal factor in dehumanisation and abuse is paramount. The Schlesinger Report notes the psychological effect it must have had on both detainees and military personnel. Nudity was utilised as a technique to maximise feelings of vulnerability and incite cooperation and provoked a destruction of dignity particular to Islamic culture. This is an example of a “migrated” technique, which was not authorised within Iraq, where the Geneva Conventions applied. The nudity of the detainees strengthened the stereotyped images of incivility and deindividuated each prisoner, robbed them of personal dignity and reduced them to cowering “jellyfish,” a conclusive effect of torture. (Weschler, 1990) It added to the sexualised atmosphere and certainly played a role in the development of sexually-themed torture. Our primal repulsion at the pornographic images captured by the photographers at Abu Ghraib is indicative of the appalling and fundamentally dehumanising nature of sexual torture. Such pornography is symbolically objectifying and a deep insult to personal autonomy. (Montagu & Matson, 1963; Zurbriggen, 2008)

Where circumstances exist for dehumanisation to flourish unfettered, cruelty can transpire as a release of pressure and anger, for amusement, to enhance group cohesion, to relieve boredom, or simply to demonstrate power. The important point with regard to dehumanisation is that it is an enabler of atrocity. It causes, permits and justifies ill-treatment of others.⁷

7. The power of dehumanisation is illustrated by the writings on the treatment of the Jewish population and other “undesirables” in Nazi concentration camps. Dicks, (1972) in his study of guards in concentration camps, noted that they were incapable of feeling disgust, revulsion or fear towards the detainees. (1972) The powerlessness of the prisoners reinforced their inferior status and the most creatively cruel guards continually lowered the standard of treatment.

Conclusion

The release of the so-called “Torture Memos” written by the Legal Department of the Bush Administration are concrete evidence of the dismissal of humanitarian values in the War on Terror in favour of illegal interrogation techniques based on speed and efficiency. (NY Times, 2009) The pressure on the military to achieve “actionable intelligence” was emitted from the highest echelons and reached the very bottom of the dirty barrel – the MPs at AG. The prosecuted MPs have claimed that the refusal of the government to admit to the policy in place denied them their right to a fair trial. (White, 2009) The Memos, at the very least, demonstrate the attitude towards detainees that permeated the entire military. The harsh techniques were authorised only in Guantanamo Bay and Afghanistan, where the protections of the Geneva Conventions had been removed from detainees. The “innocent” migration of these techniques into policy and practice in Iraq, through leadership and the requests of MI, is noted in the Reports. (Church, 2005; Taguba, 2004; Schlesinger, 2004; Mikaloshok, 2004; Fay/Jones, 2004) The Reports recognise the use of illegal techniques, describe the atmosphere that was created, condemn the leadership for failing to control it and yet point to the criminal sadism of the MPs as the primary reason for abuse.

The abuse at Abu Ghraib was a direct result of policy decisions. The toxic environment in the prison was fed by the readiness of George Bush and his cabinet to jettison fundamental principles of international human rights law and humanitarian law. The Reports all stop short of this conclusion, limiting the responsibility to the low-ranking soldiers who proudly documented their activities. The incidents are denounced as the exception. The Church Report claimed that the “chaotic and abusive” atmosphere in AG was an aberration, a statement contradicted by the findings of the ICRC (2004) and Amnesty International. (2005) The “flurry of self-investigations” ordered in the wake of the scandal attempted to obscure the lack of a genuinely independent one. (Roth, 2004: 191) In line with the verdicts of the criminal trials and internal disciplinary procedures, the Reports show that the military are “not interested in pursuing real accountability.” (Sifton, 2007)

Policy is described as insufficient and vague, yet “wholly unconnected” to the abuse. (Church, 2005) The belief that harsh methods were authorised was widespread, yet the actions of MPs represented a lack of discipline. (Taguba, 2004) Pressure to achieve intelligence was immense and not properly managed at unit level, (Church, 2005) yet the Schlesinger Panel portray it as

misconceived “eagerness” to attain intelligence. These problems pepper the Reports as deemed appropriate to support the overall conclusion. The Fay/Jones Investigations identify the crucial distinction between the violent and sexual abuse carried out by “bad apples” and excesses in harsh treatment during interrogation, which are vindicated by reference to policy confusion. Therein lies the reason for the prosecution of the MPs and the absolution of their superiors. Although committed in pursuit of the same ends and unofficially encouraged and condoned, the photographed atrocities could not, for the sake of the superiors, be seen as a direct result of military policy.

Interpretations of orders by the MPs, or their unquestioning obedience, were considered by the reports to be a reflection of personal sadism or criminal dispositions. This paper argues that the soldiers were capable of torturing and humiliating the detainees because of their military training, desensitisation to violence and the dehumanised image of the enemy to which they had become accustomed. To recognise this would be a condemnation of the impact of War on Terror discourse on the military and society as a whole, not a judgment on AG alone. The Mikolashek Report found that there was no system failure. It concluded that the abuses would not have occurred if the individuals had adhered to basic military standards of discipline, training, and values. Maier-Katkin, Mears and Bernard (2009) believe that perpetrators of mass atrocity should be understood as “fully socialised individuals who have absorbed immediate behavioural definitions and social expectations” and act in accordance with the roles allocated to them. The values in Abu Ghraib, and arguably the theatre of operation in the War on Terror and the US Military as a whole, were perverted to the extent that discipline and training led directly to abuse. Leadership failure at Abu Ghraib represented a mere extension of the disregard for human rights experienced operation-wide. The Bush Administration's experiments with the introduction of torture into the legal sphere in the War on Terror represents a dark phase in history and exposes the vulnerability of suspects and the law in place to protect them. This shameful chapter ought to serve as a warning that a reassertion of humanitarian values in the discursive field of counter-terrorism is necessary.

BIBLIOGRAPHY

“Abu Ghurayb Abuse Chronology”. 2009. Global Security - www.globalsecurity.org/intell/world/iraq/abu-ghurayb-chronology.htm

“A Class Divided” 1985. PBS Frontline Documentary - www.pbs.org/wgbh/pages/frontline/shows/divided/etc/view.html

Alford, C. F. 1997. “Review: Hitler's Willing Executioners: What Does 'Willing' Mean?” *Theory and Society*, 26(5), October

Akande, D. 2003. “The Jurisdiction of the International Criminal Court over Nationals of Non-Parties: Legal Basis and Limits”, *Journal of International Criminal Justice*, (1), pp.618-650’

‘American Civil Liberties Union. 2009. “ACLU Obtains Detailed Official Record of CIA Torture Program” & “Attorney General Holder to Appoint Prosecutor to Investigate Torture,” August 24th www.aclu.org’

American Psychiatric Association (APA). 1994. in Baumeister, R. F. and Campbell W. K. 1999 “The Intrinsic Appeal of Evil: Sadism, Sensational Thrills and Threatened Egotism,” *Personality and Social Psychology Review* 3 (3) pp.210 – 221.

Amnesty International – www.amnesty.org

‘---. 2000.’ “USA: A Call to Action by the UN Committee Against Torture,” July AMR 51/56/00

‘---. 2005.’ “Cruel. Inhuman. Degrades Us All. Questions and Answers.”

‘---. 2006.’ “Beyond Abu Ghraib: Detention and Torture in Iraq”

“A Question of Torture”. 2005. PBS Frontline Documentary, October 18th

Arendt, H. 1963/2006. *Eichmann in Jerusalem: A Report on the Banality of Evil*, New York: Penguin Books;

‘---. 1995.’ *Reflections on Violence*, New York: Harcourt Brace

Association for the Prevention of Torture – www.ap.t.ch

Ausseresses, General P. 2006. *The Battle of the Casbah*, New York; Enigma Books

- Badkhen, A. 2006. "Atrocities are a Fact of All Wars, Even Ours" *San Francisco Chronicle*, August, 13th
- Baldwin, T. 2009. "Torture Memos Acted as a 'Golden Shield' to Help American Interrogators Try to Stay Within the Law" *The Times*, April 18th
- Bauman, Z. 1989. *Modernity and the Holocaust*, Cambridge: Polity
- Baumeister, R. F. 1997. in Baumeister, R. F. and Campbell W. K. 1999. "The Intrinsic Appeal of Evil: Sadism, Sensational Thrills and Threatened Egotism," *Personality and Psychology Review* 3, pp.210–221
- Baumeister, R. F. and Campbell W. K. 1999. "The Intrinsic Appeal of Evil: Sadism, Sensational Thrills and Threatened Egotism," *Personality and Psychology Review* 3, pp.210 - 221
- Beccaria, C. 1764. in Bellamy, R. (ed.) 1995. *On Crimes and Punishments and Other Writings*, Cambridge: University Press
- Beigbeder, Y. and Nijhoff, M. 2006. *Judging War Crimes and Torture: French Justice and International Criminal Tribunals and Commissions (1940-2005)* Boston: Leiden
- Berner, W., Benger, P. and Hill, A. 2003. "Sexual Sadism" *International Journal of Offender Therapy and Comparison* 47, pp.383 - 395
- Bingham, Lord T. (2009) *Politicians and Judiciary Plenary at the Convention of Modern Liberty*, Institute of Education, February 28th
- Bloche, M. G. and Marks, J. H., (2005) "Doing unto Others as They Did to Us" *The New York Times*, November 4th
- Bolton, John R., Under Secretary of State for Arms Control and International Security, Letter to UN Secretary General Kofi Annan, May 6, 2002 in Krasnor, E. 2004. "American Disengagement with the International Criminal Court: Undermining International Justice and U.S. Foreign Policy Goals" *The Online Journal of Peace and Conflict Resolution*, 6(1) Fall pp.179-191
- Bordin, J. 2002. in Wolfendale, J. 2007. *Torture and the Military Profession*, New York: Palgrave MacMillan
- Bowden, Mark 2004. "The Lessons of Abu Ghraib" *Atlantic Monthly*, July/August pp.33 -36

- Box, S. 1971. in Rock, P. 2007. "Sociological Theories of Crime" in Maguire, M., Morgan, R. and Reiner, R. 2007. *The Oxford Handbook of Criminology*, Oxford: Oxford University Press
- Brass, M. 2001. "Torture to Prevent Terrorism? Interview With a French Master Torturer" *Soldier of Fortune Magazine*, www.military.com
- Brison, S. J. 2004. "Torture, or 'Good Old American Pornography'" *Chronicle of Higher Education*, 50 (39)
- Browning, C. 1998. *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland*, New York: Harper Perennial
- Buchanan, A. 2004. *Justice, Legitimacy and Self-Determination*, Oxford: Oxford University Press
- Bush, G. W. 2002. "The President's State of the Union Address" January 29th <http://georgewbush-whitehouse.archives.gov/news/releases/2000/01/print/20020129-11.html>
- Carnahan, T. and McFarland, S. 2007. "Revisiting the Stanford Prison Experiment: Could Participant Self-Selection Have Led to the Cruelty?" *Personality and Social Psychology Bulletin* 33(5) pp.603-615
- Centre for Constitutional Rights, "CCR Files First New Challenges to Military Commissions Act", 6 October 2006
- Cheney, D. – 2001. on NBC News "Meet the Press" With Tim Russert, <http://www.mtholyoke.edu/acad/intrel/bush/cheneymeetthepress.htm>
2009. in "Cheney Defends US "Torture" Policy, www.Aljazeera.net, May 22nd
- Church, Vice Admiral A. T. (2005) "Department of Defense review of detention operations and interrogation techniques: Executive Summary," <http://www.globalsecurity.org/intell/world/iraq/abu-ghurayb-prison-investigation.htm>
- CNN News 2001. "Attacks Draw Mixed Response in Mideast" www.CNN.com September 12th
- Cohen, S. – 2005. "Post-moral Torture: From Guantanamo to Abu Ghraib" *Index on Censorship* Vol.34 (1) pp.24-30
- ‘---. 2001. *States of Denial*, Cambridge: Polity

1992. "Human Rights and Crimes of the State: The Culture of Denial" *Australian and New Zealand Journal of Criminology*, 27 pp.97–115

Cole, D. and Lobel, J. 2007. "Why We're Losing the War on Terror" *The Nation*, September 24th

Conroy, J. 2001. *Unspeakable Acts, Ordinary People*, Berkeley: University of California Press

Cortright, D. 2006. "Reminiscences of Resistance" *Peace Review*, 18 (2) pp.207–214

Crelinsten, R. 2005. "How to Make a Torturer" *Index on Censorship*, 34 (1) pp.72–77

Cruz, A. 2006. in *The Fifth Estate* 2006. "A Few Bad Apples" Documentary CBS News November 16th

Danchev, A. 2008. Review: "Bad Apples, Dead Souls: Understanding Abu Ghraib" *International Affairs*, 84 (6) pp.1271-1280

Danner, M. 2009. "Torture: Holding America to Account" & "The Red Cross Torture Report: What it Means" *The Guardian*, April 18th

Danelius, H. 1998. "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" United Nations Audiovisual Library of International Law

Darby, J. 2006. in Hylton, W. S. 2006. "Prisoner of Conscience" GQ Magazine, September Issue
www.men.style.com/gq/features/landing?id=content_4785/

Davis, J. in *The Fifth Estate*. 2006. "A Few Bad Apples" Documentary CBS News November 16th ; & quoted in Taguba, MG A. M. 2004. "AR 15-6 Investigation of the 800th Military Police Brigade"

Davis, K. in *The Fifth Estate*. 2006. "A Few Bad Apples" Documentary CBS News November 16th

Derbyshire, D. 2002. "When They Played Guards and Prisoners in the US, It Got Nasty. In Britain, They Became Friends," *The Daily Telegraph*, May 3rd

Dershowitz, A. – 1989. "Is it Necessary to Apply Physical Pressure to Terrorists...and to Lie About it?" *Israel Law Review*, 23 pp.192–200

2004. "Torture Should be Legalised and Regulated" in Roth, K. and Worden, M. (2004) *Torture: Does it Make us Safer? Is it Ever OK?* New York: The New Press

2004. "Tortured Reasoning" in Levinson, S. (ed) 2004. *Torture: A Collection*, Oxford: Oxford University Press

Dicks, H.V. 1972. *Licensed Mass Murder: A Socio-Psychological Study of Some SS Killers*, London : Heinemann

Durkheim, E. 1897. in Rock, P. 2007. "Sociological Theories of Crime" in Maguire, M., Morgan, R. and Reiner, R. 2007. *The Oxford Handbook of Criminology*, Oxford: Oxford University Press

England, L. 2009. Interview by Lucy Ash, BBC World Service http://www.bbc.co.uk/worldservice/outlook/2009/02/090205_lyndie_england.shtml?s

Evans, M. 2009. "British Intelligence Prosecution Fears over US Torture Memos" *The Times*, April 18th

Fay, Major General George R., 2004. "AR 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade & Jones", Lieutenant General Anthony R., 2004. "AR 15-6 Investigation of the Abu Ghraib Prison and 205th Military Intelligence Brigade" <http://www.globalsecurity.org/intell/world/iraq/abu-ghurayb-prison-investigation.htm>

Fein, H. 1990. "Genocide: A Sociological Perspective" *Current Sociology*, 38 (1-111)

Fekete, L. 2004. "Anti-Terrorism and Human Rights" *European Race Bulletin*, 47, London: Institute of Race Relations

Fellner, J. 2004. "Torture in US Prisons" in Roth, K. and Worden, M. (2004) *Torture: Does it Make us Safer? Is it Ever OK?* New York, The New Press

Felson, M. 2002. *Crime and Everyday Life*, 3rd ed., Thousand Oaks: Sage Publications

The Fifth Estate 2006. "A Few Bad Apples" Documentary CBS News November 16th www.cba.ca/fifth/badapples/resource.html

Forrest, D. 1996. *A Glimpse of Hell*, London: Amnesty International

Freud, S. in Kernberg, O. F. 2003. "Sanctioned Social Violence: A Psychoanalytic View, Part 2" *International Journal of Psychoanalysis*, 84 pp.953 - 968

www.genevaconventions.org

Gearty, C. 2005. "With a Little Help from our Friends" *Index on Censorship*, 34(1) pp.46 – 53

Gibson, T. 2007. "Terrorism, Torture and Ethics" Associate of King's College Recordings, Autumn, Lecture 8

Goldhagen, D. J. 1997. *Hitler's Willing Executioners: Ordinary Persons and the Holocaust*, London: Abacus

Golding, W. 1954. *Lord of the Flies*, New York: Capricorn Books

Gonzales, R. J. 2007. "Patai and Abu Ghraib" *Anthropology Today*, 23(5) pp.23

Goring, C. 1913. in Rock, P. 2007. "Sociological Theories of Crime" in Maguire, M., Morgan, R. and Reiner, R. 2007. *The Oxford Handbook of Criminology*, Oxford: Oxford University Press

Gottfredson, M. R. and Hirschi, T. 1990. *A General Theory of Crime*, California: Stanford University Press

Gourevitch, P. 2009. "Interrogating Torture" *The New Yorker*, May 9th

Gray, G. and Zielinski, A. 2006. "Psychology and U.S. Psychologists in Torture and the War in the Middle East" *Torture* 16 pp.128 – 133
<http://www.irct.org/Default.aspx?ID=1038>

Green, P. and Ward, T. 2004. *State Crime*, London: Pluto Press

Greenberg, K. and Dratel, J.L. 2005. *The Torture Papers: The Road to Abu Ghraib*, New York: Cambridge University Press

Gross, Michael L. 2009. *Moral Dilemmas of Modern Warfare*, Cambridge University Press

Grossman, D. 1995. *On Killing*, Boston: Little, Brown and Company

The Guantanamo Testimonials Project, Centre for the Study of Human Rights in the Americas – www.humanrights.ucdavis.edu

Haddock, V. 2006. "The Science of Creating Killers" *San Francisco Chronicle*, August 13th

Haim, G. 1996. "Political Evil: Legalised and Concealed Sadism" in Gordon, N. and Marton, R. 1996. *Torture: Human Rights, Medical Ethics and the Case of Israel*, London: Zed Books

Hamre, J. J. 2004. Statement to Select Committee on Intelligence, July 20th – www.intelligence.senate.gov/conclusions.pdf

Haney, C., Banks, C. and Zimbardo, P. 1973. "Interpersonal Dynamics in a Simulated Prison" *International Journal of Criminology and Penology*, 1 pp.69–97

Herbert, B. 2004. "Gooks to 'Hajjis'" *The New York Times*, May 21st

Hersh, S. 2004 –

(a) "Torture at Abu Ghraib" *The New Yorker*, May 10th

(b) "Chain of Command" *The New Yorker*, May 17th

(c) "The Gray Zone" *The New Yorker*, May 24th

Hinton, A. 2002. *Annihilating Difference: The Anthropology of Genocide* California: UCLA

Hirsch, M. 2005. "Truth about Torture" www.Newsweek.com November 7th
Hirschi, T. 1969. *Causes of Delinquency*, Berkeley: University of California Press

Hochschild, A. 2004. "What's in a Word? Torture" *The New York Times*, May 23rd
Hodson, G. and Costello, K. 2007. "Interpersonal Disgust, Ideological Orientation and Dehumanisation as Predictors of Intergroup Attitudes" *Psychological Science* 18 (8) pp.691 - 698

Hoffman, B. 2006. "The End of the Empire and the Origins of Contemporary Terrorism" *Inside Terrorism* 2nd Edition, New York: Columbia University Press

Hollins, C. R. 2007. "Criminological Psychology" in Maguire, M., Morgan, R. and Reiner, R. 2007. *The Oxford Handbook of Criminology*, Oxford: Oxford University Press

Hooks, G. and Mosher, C. 2005. "Outrages Against Personal Dignity: Rationalising Abuse and Torture in the War on Terror" *Social Forces*, 83 (4) pp.1627–1645

Huggins, M. K., Haritos-Fatouros, M. and Zimbardo, P. 2002. *Violence Workers: Police Torturers and Murderers Reconstruct Brazilian Atrocities*, Berkeley: University of California Press

Human Rights Watch – www.hrw.org

2004. “Leadership Failure: Firsthand Accounts of Torture of Iraqi Detainees by US Army's 82nd Airborne Division, September 24th

2004. “The Road to Abu Ghraib”, June

2009. Website Update, January 22nd

Huq, A. 2007. “Bitter Fruit: Constitution Gender Equality Comes to the Military” in McKelvey, T. (ed.) *One of the Guys: Women as Aggressors and Torturers*, Emeryville, CA: Seal

Ignatieff, M. 2004. “Moral Prohibition at a Price” in Roth, K. and Worden, M. 2004. *Torture: Does it Make us Safer? Is it Ever OK?* New York, The New Press

International Committee of the Red Cross. 2004. “Report of the ICRC on the Treatment by Coalition Forces of Prisoners of War and Other Protected Persons by the Geneva Conventions in Iraq During Arrest, Internment and Interrogation” <http://www.cryptome.org/icrc-report.htm>

Jenkins, J. 2008. “The Torturer's Tale” *The First Post*, November 6th

Kalyvas, S. N. 2006. *The Logic of Violence in Civil War*, Cambridge: CUP

Kaplan, J. 2006. “Islamophobia in America?: September 11th Islamophobic Hate Crime” *Terrorism and Political Violence*, 18(1) pp.1-33

Karminar, D. and Stein, D. J. 2001. “Sadistic Personality Disorder in Perpetrators of Human Rights Abuses: A South African Case Study,” *Journal of Personality Disorders*, 15(6) pp.475 – 486

Karpinski, J. (with Steven Strasser) 2005. *One Woman's Army: The Commanding General of Abu Ghraib Tells Her Story*, New York: Miramax Press

Karstedt, S. 2006. “Democracy, Values and Violence: Paradoxes, Tensions and Comparative Advantages of Liberal Inclusion” *Annals of the American Academy of Political and Social Sciences*, 605 (50)

Katz, J. 1990. *The Seductions of Crime*, New York: Basic Books

Kaufman–Osborn, T. 2007. in Zurbriggen, E. L. 2008. “Sexualised Torture and Abuse at Abu Ghraib Prison: Feminist Psychological Analyses” *Feminism Psychology*, pp.301 – 320

Keen, S. 1986. *Faces of the Enemy: Reflections on the Hostile Imagination*, New York: Harper & Row
 Kekes, J. 2007. *The Roots of Evil*, New York: Cornell University Press

Kelman, H. C. and Hamilton, V. L. 1989. *Crimes of Obedience: Toward a Social Psychology of Authority and Responsibility*, New Haven, CT: Yale University Press

Kelman, H. C. 1973. "Violence Without Moral Restraint: Reflections on the Dehumanisation of Victims and Victimisers" *Journal of Social Issues*, 29 pp.25-61

Kernberg, O. F. 2003. "Sanctioned Social Violence: A Psychoanalytic View, Part 2" *The International Journal of Psychoanalysis*, 84 pp.953 - 968

Www.killology.com

Krasnor, E. 2004. "American Disengagement with the International Criminal Court: Undermining International Justice and U.S. Foreign Policy Goals" *The Online Journal of Peace and Conflict Resolution*, 6 (1) Fall pp.179-191

KUBARK Counter-Intelligence Interrogation, Langley, VA: Central Intelligence Agency – www2.gwu.edu/~nsarchiv/NSAEB/NSAEB122/

Lambert, E. G., Hogan, N. L. and Cluse-Taylor, T. 2007. "This Job is Killing Me: The Impact of Job Characteristics on Correctional Staff Job Stress" *Applied Psychology in Criminal Justice*, 3(2) pp.117 – 142

Levi, P. 1995. *Survival in Auschwitz: The Nazi Assault on Humanity*, New Jersey: Touchstone

Levinson, S. (ed) 2004. *Torture: A Collection*, Oxford: Oxford University Press

Leyens, J. P., Rodriguez, A. P., Rodriguez, R. T., Gaunt, R., Paladino, M. P., Vaes, J., et al. 2001. "Psychological Essentialism and the Differential Attribution of Uniquely Human Emotions to Ingroups and Outgroups" *European Journal of Social Psychology*, 31 pp.395–411

Lifton, R. J. 1986. *The Nazi Doctors: Medical Killing and the Psychology of Genocide*, London: MacMillan

Limbaugh, R., 2004 "It's Not about Us, This is War!" The Rush Limbaugh Show, May 4th – www.sourcewatch.org/index.php?title=Rush_Limbaugh

- MacMaster, N. 2004 "Torture: From Algiers to Abu Ghraib" *Race and Class*, 46 (2) pp.1 - 21
- Maiese, M. 2003. "Dehumanisation" www.beyondintractability.org, July
- Maier-Katkin, D., Mears, D. P. & Bernard, T.J. 2009 "Towards a Criminology of Crimes Against Humanity" *Theoretical Criminology*, 13 (2) pp.227 - 255
- Maran, R. 1989. *Torture: The Role of Ideology in the French-Algerian War*, New York: Praegar
- Marks, S and Clapham, A. 2005. *International Human Rights Lexicon*, Oxford: Oxford University Press
- Marshall, W. L., Kennedy, P. & Yates, P. 2002. in Berner, W., Bengner, P. and Hill, A. 2003. "Sexual Sadism" *International Journal of Offender Therapy and Comparison*, 47 pp.383 - 395
- Maslach, C. 1999. in Zimbardo, P. 2007. *The Lucifer Effect*, London: Rider Press pp.171
- Matza, D. 1964. *Delinquency and Drift*, London: Wiley
- McCain, J. – 2004. "Respecting the Geneva Conventions" in Roth, K., Worden, M. 2004. *Torture: Does it Make us Safer? Is it Ever OK?* New York, The New Press; &
2005. "The Truth About Torture" Newsweek, November 21st - www.humanrightsfirst.org/us_law/etn/pdf/mccain100305.pdf; www.mccain.senate.gov/index.cfm?fuseaction=newscentre.viewpressrelease&content_id=1611>&content_id=1611
- McCoy, A. W. .2006. *A Question of Torture: CIA Interrogation from the Cold War to the War on Terror*, New York: Owl Books/Henry Holt & Co.
- McNamara, L. 2007. Notes on an Ethnographic Scandal" *Anthropology News*, 48(7) pp.4-5
- Mejia, C. 2007. "My Road Out of Iraq" *Colorlines* 39, July/August
- Merton, 1964. in Rock, P. 2007. "Sociological Theories of Crime" in Maguire, M., Morgan, R. and Reiner, R. 2007. *The Oxford Handbook of Criminology*, Oxford: Oxford University Press
- Milgram, S. 1974. *Obedience to Authority*, New York: Harper and Row

- Milbank, D. 2004. "US Tries to Control Furor Posed by Photos, Bush Vows Punishment for Abuse of Prisoners" *The Washington Post*, May 1st
- Miller, A. G. 1999. "Harming Other People: Perspectives on Evil and Violence" *Personality and Social Psychology Review*, 3 pp.176–178
- Mikolashek, Lieutenant General Paul T. 2004. "Department of the Army Inspector General Inspection Report on Detainee Operations," 21st July - <http://www.globalsecurity.org/intell/world/iraq/abu-ghurayb-prison-investigation.htm>
- Miller, MG G. D. 2004. 'Assessment of DoD Counter-Terrorism Interrogation and Detention Operations in Iraq,' September 9th in Taguba, MG A. M. 2004. "AR 15-6 Investigation of the 800th Military Police Brigade"
- Montagu, A. and Matson, F. 1983. *The Dehumanization of Man*, New York: The McGraw-Hill Book Company
- Moore, A. 2009. "The Invention of Sadism? The Limits of Neologisms in the History of Sexuality," *Sexualities*, 12 (486)
- Myer, C. 2004. "Ethics Under Fire at Abu Ghraib" *Anthropology News*, September
- National Lawyer's Guild (NLG) (2009) "White Paper on the Law of Torture and Holding Accountable those who are Complicit in Approving Torture of Persons in US Custody" International Association of Democratic Lawyers - http://www.nlg.org/docs/NLGWhitePaper_Yoo.pdf
- Nelson, H. 2004. in Taguba, MG A. M. 2004. "AR 15-6 Investigation of the 800th Military Police Brigade"
- Neumann, P.R. and Smith, M.L.R. 2005. "Strategic Terrorism: The Framework and its Fallacies" *The Journal of Strategic Studies*, 28(4) pp.571-595
- The New York Times 2009. "Complete Coverage: A Guide to the Memos on Torture," www.nytimes.com/ref/international/24MEMO-GUIDE.html
- Office of the Inspector General 2008. "Review of the FBI's Involvement in and Observation of Detainee Interrogations in Guantanamo Bay, Afghanistan and Iraq" http://hosted.ap.org/specials/interactives/wdc/documents/oig_detainees052008.pdf

Obama, B., 2009. in Reid, T., 2009. "Pressure Grows to Impeach Judge Jay Bybee over 'Torture Memos'" *The Times*, April 29th

Orwell, G. 1949. *1984*, Middlesex: Penguin Books

Osiel, M. – 2001. *Mass Atrocity, Ordinary Evil and Hannah Arendt* Yale: Yale University;

---1997. *Mass Atrocity, Collective Memory and the Law*, New Brunswick: Transaction

Patai, R. 1973. *The Arab Mind*, New York: Scribner

Pershing, J. L. 2006. "Men and Women's Experience with Hazing in a Male-Dominate Military Institution" *Men and Masculinities*, 8(4) pp.470-492

Philp, C. 2009. "The Torture Memos: Obama's Truth and Reconciliation" *The Times*, April 17th

Plakias, T. 2006. in Zimbardo, P. 2007. *The Lucifer Effect*, London: Rider Press

Pokempner, D. 2004. "Command Responsibility for Torture" in Roth, K. and Worden, M. 2004. *Torture: Does it Make us Safer? Is it Ever OK?* New York, The New Press

www.prisonexp.org

Ramirez, R. L. 1990. in Huggins, M. K., Haritos-Fatouros, M. and Zimbardo, P. 2002. *Violence Workers: Police Torturers and Murderers Reconstruct Brazilian Atrocities*, Berkeley: University of California Press

Reicher, S. and Haslam, A. – 2004. "Why Not Everyone is a Torturer"

www.news.bbc.co.uk/1/hi/magazine/3700209.stm;

---2006. "Rethinking the Psychology of Tyranny: the BBC Prison Experiment" *British Journal of Social Psychology*, 45(1) pp.1-40

Reid, T. 2009. "CIA Report into Bush Administration's Treatment of Suspects Released" *The Times*, August 23rd

Rejali, D. 2004. "Torture's Dark Allure" www.salon.com June 18th;

---2007. *Torture and Democracy*, New Jersey: Princeton University Press

Robinson, P., de Lee, N. and Carrick, D. 2008. *Ethics Education in the Military*, Hampshire: Ashgate Publishing Company

Robson, C. 2002. *Real World Research: A Resource for Social Scientists and Practitioners* (2nd edition), London: Blackwell

Rock, P. 2007. "Sociological Theories of Crime" in Maguire, M., Morgan, R. and Reiner, R. 2007. *The Oxford Handbook of Criminology*, Oxford: Oxford University Press

Rose, D. 2008. "Tortured Reasoning" *Vanity Fair*, December 16th

Ross, L. 1977. "The Intuitive Psychologist and His Shortcomings: Distortions in the Attribution Process" *Advances in Experimental Social Psychology*, (10) New York: Academic Press

Roth, K. 2004. "Justifying Torture" in Roth, K. and Worden, M. 2004. *Torture: Does it Make us Safer? Is it Ever OK?* New York, The New Press

Roth, K. and Worden, M. 2004. *Torture: Does it Make us Safer? Is it Ever OK?* New York, The New Press

Ryder, MG D. J. 2003. 'Report on Detention and Corrections in Iraq,' November 6th in Taguba, MG A. M. 2004. "AR 15-6 Investigation of the 800th Military Police Brigade'

www.Samkeen.com

Sasson-Levy, O. and Rapoport, T. 2003. "Body, Gender and Knowledge in Protest Movements" *Gender and Society*, 17(3) pp.379 – 403

Savage, C. 2006. "Bush Challenges Hundreds of Laws" *The Boston Globe*, April 30th

Scarry, E. – 1985. *The Body in Pain: The Making and Unmaking of the World*, Oxford: Oxford University Press;

1998 "The Difficulty of Imagining Other Persons," in Weiner, E. 1998. *The Handbook of Interethnic Coexistence*, New York: Continuum

Schneider, K. 2001. "The Enemy Within" *New York Times Magazine*, January 7th

Schlesinger, The Honorable James R. 2004 "Final Report of the Independent Panel to Review Department of Defence Operations", with the Honorable Harold Brown, the Honorable Tillie K. Fowler, and General Charles A. Horner - <http://www.globalsecurity.org/intell/world/iraq/abughurayb-prison-investigation.htm>

- Scully, D. 1990. *Understanding Sexual Violence*, Boston: Unwin Hyman
- Seligman, M. E. P. 1975. *Helplessness: On Depression, Development and Death*, San Francisco: Freeman
- Sifton, J. 2007. of Human Rights Watch, in White, J. 2007. "Abu Ghraib Officer Cleared of Detainee Abuse" *The Washington Post*, August 29th
- Sivanandan, A. 2006. "Race, Terror and Civil Society" *Race & Class*, 47 (1) pp.2–5
- Smith, R. W. 1999. in Chorbajian, L. and Shirinian, G. 1999. *Studies in Comparative Genocide*, London: Macmillan
- Www.soa.org
- Solomon, R. and Corbit, J. D. 1974. in Baumeister, R. F. and Campbell W. K. 1999. "The Intrinsic Appeal of Evil: Sadism, Sensational Thrills and Threatened Egotism," *Personality and Psychology Review*, 3 pp.210 - 221
- Sontag, S. 2004. "Regarding the Torture of Others" *New York Times Magazine*, May 23rd
- Spivey, C. B. and Prentice-Dunn, S. 1990. "Assessing the Directionality of Deindividuated Behaviour: Effects of Deindividuation, Modeling, and Private Self-Consciousness on Aggressive and Pro-Social Responses" *Basic and Applied Psychology*, 4 pp.387 - 403
- Staub, E. 1989. *The Roots of Evil: The Origins of Genocide and Other Group Violence*, Cambridge: Cambridge University Press
- Steiner, J. 1980. in Green, P. and Ward, T. 2004. *State Crime*, London: Pluto Press
- Sullivan, A. 2009. "One Tortured Lie: That's All It Took For War" *The Times*, April 26th
- Www.supportmpscapegoats.com
- Sutherland, E. 1947. in Rock, P. 2007. "Sociological Theories of Crime" in Maguire, M., Morgan, R. and Reiner, R. 2007. *The Oxford Handbook of Criminology*, Oxford: Oxford University Press
- Sykes, G. and Matza D., 1957 "Techniques of Neutralisation: a Theory of Delinquency" *American Sociology Review*, 22 pp.664–670
- Taguba, Major General Antonio M. 2004. "AR 15-6 Investigation of the 800th Military Police Brigade," May 2nd <http://www.globalsecurity.org/intell/world/iraq/abu-ghurayb-prison-investigation.htm>

- Townsend, K. 2005. "We Have Ways of Making you Talk" BBC News, April 5th United Nations Convention Against Torture and Other Cruel, Inhumane and Degrading Treatment and Punishment, 1975 - <http://www.hrweb.org/legal/cat.html>
- Weschler, L. 1990. *A Miracle, A Universe: Settling Accounts With Torturers*, New York: Penguin Books
- White, J. – 2007. "Abu Ghraib Officer Cleared of Detainee Abuse" *The Washington Post*, August 29th
2009. "Abu Ghraib Guards Say Memos Show They Were Scapegoats" *The Washington Post*, May 1st
- White, J and Smith, J. 2005. "Abuse Review Exonerates Policy" *The Washington Post*, March 10th
- Wolf, N. 2009. "We Are All Torturers in America" *The Guardian*, April 28th
- Wolfendale, J. 2007. *Torture and the Military Profession*, New York: Palgrave MacMillan
- World Health Organisation. 1992. World Health Organisation's ICD-10 Classification of Mental and Behavioural Disorders, www.who.int
- Yoo, J. – (2004) "The US Military Need Not Obey the Geneva Conventions When Dealing With Suspected Terrorists" in Roth, K., Worden, M. 2004. *Torture: Does it Make us Safer? Is it Ever OK?* New York, The New Press;
2006. in Interview in *The Fifth Estate*. 2006. "A Few Bad Apples" Documentary CBS News November 16th
- Zimbardo, P. – 2003. "Phantom Menace: Is Washington Terrorising Us More than al-Qaeda?" *Psychology Today* pp.34– 36;
- 2007. *The Lucifer Effect*, London: Rider Press
- Zuckerman, M. 1979. *Sensation Seeking*, London: Wiley
- Zurbriggen, E. L. 2008. "Sexualised Torture and Abuse at Abu Ghraib Prison: Feminist Psychological Analyses" *Feminism Psychology* pp.301 – 320

In the aftermath of Abu Ghraib and the revelations that followed, there was just a chorus of "it wasn't torture" or "we didn't know" from nearly every official inside the executive branch who had known. Chapter Two: The End Is(n't) in Sight. Many initially believed that the Abu Ghraib revelations would bring a quick policy about-face. Henceforth, the Geneva Conventions, suspended by Bush for detainees in the war on terror, were to be restored. Torture was once again to be considered illegal. The president even released several previously unseen Bush-era memos on torture that were more detailed when it came to enumerating abusive practices than those already on the record. US soldiers at Abu Ghraib were shown to have part in acts of sexual depravity, other deliberate humiliations and illegal interrogations. In all, 17 soldiers and officers were suspended from duty in the wake of the scandal, and 11 were charged with maltreatment and other offences, court-martialled, sentenced to military prison, and dishonourably discharged. Two soldiers who appeared in the photos, Lynndie England and Charles Graner, were sentenced to three and 10 years respectively. In the main, senior ranks were untouched: the highest-ranking soldier to be charged, Lt Col Steven Jordan, was ac The images of torture at Abu Ghraib shocked the world when they emerged nearly 15 years ago. Bound and naked men piled on top of each other in a pyramid. Hooded prisoners connected to electrical cables. A barking dog held inches away from a face fixed in terror. Just as memorable as the horror of the victims were the smiling American soldiers present in many of the images. A ruling last month by a federal judge means that CACI will face trial for the first time for its alleged role in the Abu Ghraib torture scandal. The case alleges torture, war crimes and inhumane treatment under international law. A hooded and wired Iraqi prisoner is seen at the Abu Ghraib prison near Baghdad (AP).