

# OMNI NEWSLETTER # 4 ON TORTURE, WAR

CRIMES, October 21, 2011 (#1 October 5, 2007; #2 May 9, 2011; #3 June 26, 2011)( For OMNI's newsletters go to: <http://www.omnicenter.org/newsletter-archive/>).  
Compiled by Dick Bennett, Building a Culture of Peace

## JUNE 26 IS UN INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE

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### "Calls Mount to Investigate Bush-Era Officials for Torture "

Naseema Noor, Inter Press Service

"Senior officials under the former George W. Bush administration knowingly authorised the torture of terrorism suspects held under United States custody, a Human Rights Watch (HRW) report released here Tuesday revealed. Titled 'Getting Away with Torture,' the 107-page report presents a plethora of evidence that HRW says warrants criminal investigations against former Vice President Dick Cheney, former Secretary of Defense Donald Rumsfeld, former Central Intelligence Agency (CIA) Director George Tenet and Bush himself, among others."

READ MORE <http://readersupportednews.org/off-site-news-section/122-122/6587-calls-mount-to-investigate-bush-era-officials-for-torture>

[Dick: US leaders hold other national leaders accountable for human rights violations, but follow a different standard for the US. This double standard is inseparable from the imperialism that arises from the concept of US "exceptionalism." See John LaForge, "Prosecute Bush for Torture? 'Damn Right.,'" *Nukewatch Quarterly* (Winter 2010-11). ]

*George Hunsinger, ed. Torture Is a Moral Issue: Christians, Jews, Muslims and People of Conscience Speak Out. Erdmans, 2008.*

Twenty-one scholars, activists, military officers, and religious leaders have come together here to underscore that torture is a moral issue, beyond all partisan politics, but also to help religious communities mobilize against it, so that all loopholes permitting torture by any U.S. agencies, whether military or intelligence, might be eliminated.

*Torture Is a Moral Issue* begins with background material, including accounts from a torture survivor and a former U.S. interrogator in Iraq. Parts two, three, and four encompass the Christian, Jewish, and Muslim responses respectively. Part five offers solutions to this horrific problem and considers what would need to be achieved for specifically U.S. torture to be brought to an end.

**The United States and Torture: Interrogation, Incarceration, and Abuse by Marjorie Cohn , NYU P, 2011.**

Waterboarding. Sleep deprivation. Sensory manipulation. Stress positions. Over

the last several years, these and other methods of torture have become garden variety words for practically anyone who reads about current events in a newspaper or blog. We know exactly what they are, how to administer them, and, disturbingly, that they were secretly authorized by the Bush Administration in its efforts to extract information from people detained in its war on terror. What we lack, however, is a larger lens through which to view America's policy of torture — one that dissects America's long relationship with interrogation and torture, which roots back to the 1950s and has been applied, mostly in secret, to “enemies,” ever since. How did America come to embrace this practice so fully, and how was it justified from a moral, legal, and psychological perspective?

**The United States and Torture** opens with a compelling preface by Sister Dianna Ortiz, who describes the unimaginable treatment she endured in Guatemala in 1987 at the hands of the the Guatemalan government, which was supported by the United States. Then a psychologist, a historian, a political scientist, a philosopher, a sociologist, two journalists, and eight lawyers offer one of the most comprehensive examinations of torture to date, beginning with the CIA during the Cold War era and ending with today's debate over accountability for torture.

Ultimately, this gripping, interdisciplinary work details the complicity of the United States government in the torture and cruel treatment of prisoners both at home and abroad and discusses what can be done to hold those who set the torture policy accountable.

**Contributors:** Marjorie Cohn, Richard Falk, Marc D. Falkoff, Terry Lynn Karl, John W. Lango, Jane Mayer, Alfred W. McCoy, Jeanne Mirer, Sister Dianna Ortiz, Jordan J. Paust, Bill Quigley, Michael Ratner, Thomas Ehrlich Reifer, Philippe Sands, Stephen Soldz, and Lance Tapley.

Library Journal

In light of recent headlines regarding the torture of detainees in U.S. custody, Cohn's (law, Thomas Jefferson Sch. of Law) important book is certainly relevant. This gripping collection of essays explores how the United States has used torture both domestically and abroad since the 1950s. A diverse roster of contributors examine torture from all angles—the historical to the philosophical, the...

[read more http://search.barnesandnoble.com/United-States-and-Torture/Marjorie-Cohn/e/9780814717325](http://search.barnesandnoble.com/United-States-and-Torture/Marjorie-Cohn/e/9780814717325)

--**Danner**, Mark. *Torture and the Forever War*. MIT, 2011. Examines how US became a country that tortures and what might set us on a new course.

# War in Afghanistan!

Posted by Bob Sheak at [10:08 AM](#)

Labels: [Afghanistan](#), [Iraw](#), [occupation](#), [torture](#)

## Monday, May 2, 2011

### Continuities of Torture in US wars

All wars are savage, barbaric, immoral, as well as often illegal with respect to international law. They are also often in recent times asymmetric, in the sense that one side has enormous supplies of modern weapons and resources, while the other side is bereft of tanks, cannons, fighter aircraft, navies, predatory drones, advanced electronic communications, and the other deadly accoutrements that accompany such warfare. Certainly all this is true in the US/Allied wars on and occupations of Afghanistan and Iraq.

Richard Falk refers to such warfare as “one-sided” in one of the articles in a recently published collection titled *The United States and Tortures: Interrogation, Incarceration, and Abuse*, edited by Marjorie Cohn. Here is some relevant text from Falk’s article.

“The United States and some of its allies, rely on and seek to sustain and enhance a posture of military dominance enabling the pursuit of political goals throughout the world. And this dominance basically relies upon American technological superiority in warfare that enables it to inflict limitless devastation on a foreign country anywhere on earth without fearing retaliation at home. It is an accepted idea in national defense planning in all countries to develop the most effective weaponry that is technologically and financially feasible. The disposition is reinforced by strategic thinking about how to inflict maximal damage in battlefield situations and as an instrument of coercive diplomacy. The US government, without any serious domestic challenge, has carried this image of national security to absurd limits, currently with an annual military budget about equal to that of the entire rest of the world” (p. 122).

US and its allies have devastated or compounded the devastation of the infrastructures, economies, medical and educational systems of Afghanistan and Iraq, killed tens or hundreds of thousands of civilians, created the conditions that facilitated such carnage, and wounded many others, physically and/or psychologically. These foreign interventionists have created refugee populations, produced homeless families, intensified and expanded already impoverished populations, and imprisoned tens of thousands of people arbitrarily, with an absence of due process and often with no or scant credible evidence of guilt.

In the process, the waste of American lives and resources in particular has been mind-boggling and -nauseating. The steep expenditures on the wars have helped to drive the US more deeply into debt, to leave other pressing national needs under-supported or ignored, and to create a heart rending situation in which the medical needs of hundreds of thousands of wounded or psychologically impaired veterans, not mentioning their families and communities, will often remain in need of health care for many years.

**Torture** – the continuities

I focus in this essay on just one aspect of the US-dominated wars in Iraq and Afghanistan. My

principal argument is that the US has been itself the perpetrator of torture in both the Afghanistan and Iraq wars. These are well documented claims and accepted by informed people throughout the world.

The issue here is that torture does not go away when US or allied troops turn over prisons and prisoners to Iraqi or Afghan military authorities. It continues, though the US distances itself from the consequences. The culpability is now indirect rather than direct, but there is still culpability.

For some years now, the US military has been in the process of turning over US-controlled prisons and/or the prisoners to their Afghan and Iraqi military and police forces, trained and armed by the US. This process is not new. It is a process that was employed by the US in the Philippines at the turn of the century, as documented by Alfred W. McCoy in his book *Policing America's Empire: The United States, the Philippines and the Rise of the Surveillance State* and in many instances since then.

### **The example of Iraq – three sources**

Tens of thousands of Iraqi men spent years in American prisons in Iraq. The prisons or detention centers and prisoners have been transferred to Iraqi officials, who are known for the brutal treatment of prisoners. The last detention center was handed over to the Iraq's justice minister in July of 2010. From torture to torture.

</P>#1 - Leila Fadel reports on this event and provides background information in an article for the Washington Post Foreign Service, "Some worry about abuse as US hands over final detention center to Iraq, published on July 16, 2010. Here are excerpts from the article.

"That moment closed a controversial chapter of the U.S.-led occupation, after seven years in which tens of thousands of Iraqis have passed through American detention centers. Often they were never charged with a crime. At Abu Ghraib, some were infamously abused and humiliated.

"Now human rights groups and Iraqis worry that detainees will be subjected to abuse in Iraq's crowded prison system. Torture was rampant during the reign of Saddam Hussein, deposed in the U.S.-led invasion. In the past two years, hundreds of torture cases in Iraqi facilities were confirmed by the country's Human Rights Ministry. This year, a secret prison was uncovered where inmates had been beaten and sodomized.

"Unfortunately, Iraq is prone to detention and torture abuses, whether it's the former regime, the occupying powers or now the Iraqi government,' said Samer Muscati, an Iraq expert at Human Rights Watch. 'Under international law, you're not supposed to transfer detainees if they will get tortured. But how long can the Americans hold on to them? There is no ideal solution, but the Americans have a responsibility.'"

#2 Amy Goodman interviewed Malcolm Smart, the Director of Amnesty International's Middle East and North African Programs, on Democracy Now, September 20, 2010.

AMY GOODMAN: Amnesty International has released a new report that finds more than 30,000 prisoners are being held in Iraq without charge, including 10,000 prisoners who were recently transferred from US custody. Amnesty's report is called "New Order, Same Abuses:

Unlawful Detentions and Torture in Iraq." [...]

MALCOLM SMART: Well, I think part of the problem is really a problem of impunity. This has been going on for all too long, and there's a culture of abuse that has taken root. It was certainly there during the days of Saddam Hussein, but what we wanted to see from 2003 was a turning of the page, and that hasn't happened. So we see secret prisons, people being tortured and ill-treated, being forced to make confessions. And the courts, although routinely detainees claim that they were made to sign false confessions, the courts are really not investigating those and coming to grips with them. And the perpetrators are not being held to account. They're not being identified. On a number of occasions, the government has reacted by saying it will appoint inquiries after secret prisons have been disclosed and their locations have been found and prisoners in them have been found to be in a very severely ill-treated position. But the outcomes of those investigations have not been made known. [...]

MALCOLM SMART: Likewise with deaths in custody. We have in our report details of several cases where deaths are alleged to have occurred as a result of torture or ill treatment. Now, the standard practice of any authority in that situation, required by national law and required by international law, is to carry out an independent investigation. What were the causes, what was the circumstances, of the death? Now, this hasn't happened. And again, we're calling attention to the need for the government to show the political will to take measures against the torturers.

AMY GOODMAN: Malcolm, there were 10,000 prisoners, in your Amnesty report, transferred from US custody in Iraq to Iraqi custody—US basically transferring prisoners to a system that tortures them, unclear what happened to them in US custody.

MALCOLM SMART: [...] Since the beginning of 2009, under what's called the Status of Forces Agreement, the two governments agreed to transfer custody of the prisons and prisoners to the Iraqi forces. Now, many of those detainees held by the US forces had been held without charge or trial for years without any means to challenge their detention. We've not made the claim that all those people are innocent of crimes....And here, we saw this Status of Forces Agreement at the end of 2008 making the way for the transfer, with no human rights safeguards written into that, although, quite clearly, US forces know that the record of Iraqi forces is a very grim one.

AMY GOODMAN: And the US is pouring millions, if not billions, into Iraq. The US forces are still there. They could do something.

MALCOLM SMART: Well, you know, I'm being told that the US forces now see it as an Iraqi issue, and the last of the prisoners, except for 200 who remain in US custody, have been handed over. In some cases, as we describe in our report, actually, the US recommended some of the people they had detained be released. But, in fact, the Iraqi authorities have continued to detain them.

</P>**#3** - David Leigh and Maggie O'Kan, "Iraq war logs: US turned over captives to Iraqi torture squads, Guardian, Oct. 24, 2010 – <http://www.guardian.co.uk/world/2010/oct/24/iraq-war-logs-us-iraqi-torture>. Here are excerpts that capture another aspect of the torture reality in Iraq. [...]

“Fresh evidence that US soldiers handed over detainees to a notorious Iraqi torture squad has

emerged in army logs published by WikiLeaks.

“The 400,000 field reports published by the whistle blowing website at the weekend contain an official account of deliberate threats by a military interrogator to turn his captive over to the Iraqi ‘Wolf Brigade’.

“The interrogator told the prisoner in explicit terms that: ‘He would be subject to all the pain and agony that the Wolf battalion is known to exact upon its detainees.’  
[....]

“Within the huge leaked archive is contained a batch of secret field reports from the town of Samarra. They corroborate previous allegations that the US military turned over many prisoners to the Wolf Brigade, the feared 2nd battalion of the interior ministry's special commandos.  
[....]

“The field reports chime with allegations made by New York Times writer Peter Maass, who was in Samarra at the time. He told Guardian Films : ‘US soldiers, US advisers, were standing aside and doing nothing,’ while members of the Wolf Brigade beat and tortured prisoners. The interior ministry commandos took over the public library in Samarra, and turned it into a detention centre, he said.

“An interview conducted by Maass in 2005 at the improvised prison, accompanied by the Wolf Brigade's US military adviser, Col James Steele, had been interrupted by the terrified screams of a prisoner outside, he said. Steele was reportedly previously employed as an adviser to help crush an insurgency in El Salvador.

“The Wolf Brigade was created and supported by the US in an attempt to re-employ elements of Saddam Hussein's Republican Guard, this time to terrorise insurgents. Members typically wore red berets, sunglasses and balaclavas, and drove out on raids in convoys of Toyota Landcruisers. They were accused by Iraqis of beating prisoners, torturing them with electric drills and sometimes executing suspects. The then interior minister in charge of them was alleged to have been a former member of the Shia Badr militia.” [....]

## **The example of Afghanistan**

Gareth Porter provides background information on the situation of the transfer of prisoners from US and NATO forces to Afghanistan military/police forces and the perpetuation of torture. Porter's article, “The Torture Mill,” appeared in Counter Punch on April 27, 2011.

“Starting in late 2005, U.S. and NATO forces in Afghanistan began turning detainees over to the Afghan National Directorate of Security (NDS), despite its well-known reputation for torture.

“Interviews with former U.S. and NATO diplomats and other evidence now available show that United States and other NATO governments become complicit in NDS torture of detainees for two distinctly different reasons. [....]

“The transfers to the NDS were a direct violation of the United Nations Convention against Torture, which forbids the transfer of any person by a State Party to "another State where there are substantial grounds for believing that he would be in danger of being subjected to

torture." [...]

“...the detainees were turned over the NDS, which had long had a reputation for torturing suspected enemies of the state, starting when it was the secret police and intelligence agency during the Soviet occupation. That reputation had continued under the government of President Hamid Karzai. [...]

“By the time U.S. and Canadian military commanders began large-unit sweeps in areas where the Taliban had been operating in 2004-2005, the George W. Bush administration had already decided to consider all Afghans in detention as "unlawful combatants".

“But most of the Afghans picked up in those sweeps were not Taliban fighters. After U.S. and NATO forces began turning over detainees to the NDS, the intelligence agency's chief Amrullah Saleh told NATO officials that the agency had to release two-thirds of the detainees who had been transferred to it, according to the NATO diplomat. [...]

“In an interview with the Ottawa Citizen published May 16, 2007, Canadian Brig. Gen. Jim Ferron, then the intelligence chief for NATO's International Security Assistance Force (ISAF) command in Afghanistan, referred to the intelligence motive for both detention and transferring detainees to NDF. [...]

" much of the information provided by detainees was "not truthful and is aimed at deceiving military forces". Ferron explained that detainees went through "basic questioning" by NATO interrogators about "why they joined the insurgency" and the information was then turned over to NDS. [...]

“Ferron said senior NDS officials had assured him that "detainees are treated humanely." But only three weeks earlier, the Toronto Globe and Mail had published a series of investigative articles based on interviews with detainees turned over by the Canadians who had been tortured by NDS. [...]

“The British and Dutch also joined with U.S. officials in trying to get the Afghan government to shift responsibility for detainees from NDS to the Afghan Ministry of Defence, the NATO diplomat recalled.

“But there were two problems: under Afghan law, there was no provision for long-term legal internment, and a 1987 Afghan law gave NDS the responsibility for handling security cases through its own "security courts".

“The U.S. and its two European NATO allies wanted President Hamid Karzai to remove those legal obstacles to long-term detention by the Defence Ministry. "The idea was that Karzai would declare a state of emergency, so the government could hold people for the length of the conflict," the diplomat said. [...]

“But Karzai refused to declare a state of emergency, according to the NATO diplomat, because he didn't want to make concessions to the Afghan parliament to get it. Meanwhile, Defence Minister Abdul Rahim Wardak "wanted nothing to do with detainee policy", said the NATO diplomat. [...]

“During 2009, ISAF transferred a total of 350 detainees to NDS, according to official data provided to IPS by a knowledgeable U.S. source. An even more detainees were transferred to

NDS by U.S. troops operating separately from the NATO command, according to the source.”

## **Implications**

State authorities and a compliant media can create an atmosphere of lawlessness and inhumanity by demonizing “enemies of America” and creating a climate of fear in the American population. But also the US government can break the law when the population is kept ignorant of relevant information because “national security” is said to be at stake.

We may think that the scandals that brought to light the terrible treatment of prisoners at Guantanamo Bay and Abu Ghraib are now behind us or in the process of being fixed. Then we learn they go on, sometimes under the authority of those who US forces have trained and for whom they have set examples. Through it all, though, the brutish and callous treatment toward the “enemy” is perpetuated by the darker, but essential, aspects of war.

Posted by Bob Sheak at [10:08 AM](#)

Labels: [Afghanistan](#), [Iraq](#), [occupation](#), [torture](#)

### **“The UN Torture Report Stirring Pressure for Congressional Response”**

Ten years after promising that human rights would be protected in Afghanistan, the UN High Commissioner for Human Rights has verified “systemic torture” by Afghan security forces trained and funded by the United States.

The UN report, described in a lead New York Times story on October 10, is triggering calls once again for enforcement of the so-called Leahy Law, passed in the 1990s, which prohibits any US funding, weapons or training to security force units in other countries committing gross human rights violations. A loophole in the Leahy Law, however, allows Secretary of State Hillary Clinton to waive the ban by issuing a finding that the Afghan government is taking remedial measures, including bringing responsible members of the torture units “to justice,” and that “all necessary corrective steps have been taken.”

Continue reading...

Sign the petition against torture in Afghanistan...

(See: Tom Hayden, Peace Exchange Bulletin, October 21, 2011)

### **Prevent Afghan Torture: Enforce the Leahy Law**

A recent United Nations report suggests that the United States and NATO allies are outsourcing torture and human rights violations in Afghanistan. The report concludes that there is a continuing pattern and practice of “systematic” torture in spite of repeated efforts at reform. (UN Assistance Mission in Afghanistan, October 2011)

Current US policy violates the Leahy Amendment to the Foreign

Appropriations Act and Defense Appropriations Act (Sec. 563, P.L. 106-429 and Sec. 8092, P.L. 106-259, 2001).

**To Secretary of State Hillary Clinton and Senator Patrick Leahy:**  
**We, the undersigned, call on you to immediately invoke the Leahy Amendment to end funding or training for units of the Afghanistan National Security Directorate, armed forces, and police engaged in torture or gross violations of human rights until all necessary corrective steps have been taken, including steps to bring those responsible to justice.**

**Sign the petition against torture in Afghanistan...**

**From Tom Hayden, The Peace Exchange Bulletin, Oct. 21, 2011**

## “UN Finds 'Systematic' Torture in Afghanistan”

Alissa J. Rubin, *The New York Times* October 10, 2011 RSN

Alissa J. Rubin reports: "Detainees are hung by their hands and beaten with cables, and in some cases their genitals are twisted until the prisoners lose consciousness at sites run by the Afghan intelligence service and the Afghan National Police, according to a United Nations report released here on Monday."

READ MORE <http://readersupportednews.org/news-section2/309-13/7826-un-finds-systematic-torture-in-afghanistan>

## FORMER CONTRACTOR SUING DONALD RUMSFELD

Keith Olbermann | Donald Vance on Torture

Video Interview: Keith Olbermann talks with Donald Vance, a Navy veteran and former contractor in Iraq, who's suing Donald Rumsfeld. Vance says he was tortured by the U.S. military for 97 days at Camp Cropper in Baghdad. He is suing on grounds that he was tortured and his rights of habeas corpus were violated.

READ | DISCUSS | SHARE <http://www.nationofchange.org/donald-vance-torture-and-his-suit-against-1312822036>

## Holding Rumsfeld Accountable

*The New York Times*, Editorial , August 14, 2011

Intro: "In a courageous decision last week, a federal appellate court ruled that two Americans who say they were tortured by American military forces in Iraq in 2006 can sue former Secretary of Defense Donald Rumsfeld and others for violating their constitutional rights."

READ MORE <http://readersupportednews.org/opinion2/277-75/7029-holding-rumsfeld-accountable>

## MEDICAL EVIDENCE OF TORTURE

Physicians for Human Rights. *Broken Laws, Broken Lives: Medical*

## *Evidence of Torture by the US*

### **Broken Laws, Broken Lives: Medical Evidence of Torture by the US**

- [Report](#)
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### **Read the Report**

*After years of disclosures by government investigations, media accounts, and reports from human rights organizations, there is no longer any doubt as to whether the current administration has committed war crimes. The only question is whether those who ordered the use of torture will be held to account.*

—Maj. General Antonio M. Taguba (USA-Ret.), [preface to Broken Laws, Broken Lives](#)

In PHR's new report, *Broken Laws, Broken Lives*, we have for the first time medical evidence to confirm first-hand accounts of men who endured torture by US personnel in Iraq, Afghanistan, and Guantánamo Bay. These men were never charged with any crime.

**Download either the Executive Summary or the full text of the free report *Broken Laws, Broken Lives: Medical Evidence of Torture by US Personnel and Its Impact*.**

[Broken Laws, Broken Lives - Executive Summary](#) (862.1 KiB)

[Broken Laws, Broken Lives - Full Report](#) (1.9 MiB)

US ARMY TORTURE: "TAXI TO THE DARK SIDE" FILM  
Dir. Alex Gibney, 2007. 106 mins. 2007 Academy Award Winner, Best Documentary Feature. Investigates the torture and killing of an innocent Afghan taxi driver and a general probe into the reckless abuses by the US military in its "Global War on Terror" from Bagram Air Force Base in Afghanistan, Abu Ghraib in Iraq, and Guantanamo Bay. This one man's life and death demonstrates how severely US civil rights have eroded.

CIA TORTURE: "FIVE FINGERS" FILM, 2 REVIEWS

1. **'Five Fingers' Is Sheer Torture - CBS News**

[www.cbsnews.com/stories/2006/05/02/tribeca/main1575597.shtml](http://www.cbsnews.com/stories/2006/05/02/tribeca/main1575597.shtml) - [Cached](#)  
May 2, 2006 – (CBS) Showbuzz's Judy Faber reviews the feature film "Five

**Fingers,"** which is screening at the Tribeca **Film** Festival. ...

2. **Five Fingers** review (2006) Phillippe, Fishburne -  
Qwipster's Movie ...

[www.qwipster.net/fivefingers.htm](http://www.qwipster.net/fivefingers.htm) - **Cached**

As you can tell from the plot summary above, **Five Fingers** isn't a pleasant movie .  
**Films** about torture rarely are. However, at the same time, the **film** isn't ...

Keith Olbermann, "Petraeus Is Wrong (and Stupid) on Torture"

Countdown With Keith Olbermann/Current TV

Keith Olbermann begins: "Now as promised, a Special Comment on what General Petraeus has said in defense of torture. He has, in short, declared himself unfit to serve as head of Central Intelligence. You don't even have to get to the morality question to understand that torture serves no purpose but to satiate sadism or revenge fantasies. As an interrogation tool it is useless for the simple and unanswerable reason that people will tell you anything - true or not - to get you to stop. A civilian who does not understand this is merely foolish, uninformed, or stupid. A military man - or a government official - who does not understand this, is a positive menace to the endurance of the nation."

READ MORE <http://readersupportednews.org/off-site-opinion-section/123-123/6392-petraeus-is-wrong-and-stupid-on-torture>

Torture: CIA Has a Lot to Answer For

*Los Angeles Times* | Editorial July 6, 2011

The Los Angeles Times: "A prosecutor assigned to investigate the CIA's use of torture has decided not to recommend further investigation of as many as 100 CIA interrogations of detainees over the last decade. That judgment ensures that there will not be a full accounting of how, when and by whom 'enhanced interrogation techniques' were employed to extract information. That is a loss to the nation."

READ MORE <http://www.readersupportednews.org/opinion2/287-124/6518-torture-cia-has-a-lot-to-answer-for>

Warfare as Torture

Ideologies of War Newsletter to jbenet

oanderson@ideologiesofwar.com WARFARE AS TORTURE

Review Essay by Richard A. Koenigsberg

SACRED VIOLENCE: Torture, Terror and Sovereignty by Paul Kohn  
(University of Michigan Press, 2011)

In *Sacred Violence*, the distinguished political and legal theorist Paul W. Kahn investigates the reasons for the resort to violence characteristic of nation states. In a startling argument, he contends that law will never offer an adequate account of political violence. Instead, we must turn to political theology, which reveals that torture and terror are, essentially, forms of sacrifice. Kahn forces us to acknowledge what we don't want to see: that we remain deeply committed to a violent politics beyond law. Paul W. Kahn is Robert W. Winner Professor of Law and the Humanities at Yale Law School and Director of the Orville H. Schell, Jr. Center for International Human Rights. This is one of the most significant books our time on warfare, terror and torture—we urge you to obtain your personal copy of this essential book.

Read at no charge:

Chapter 2 from *SACRED VIOLENCE*.

I've been researching and writing for many years on the **First World War**: an astonishing episode of mass destruction that constituted the starting point and foundation for the politics of the Twentieth Century. This war—lasting from August 1914 to November 1918—produced an estimated 9 million dead with over 37 million casualties.

Historians are able to outline in meticulous detail the events that led to this war, but are unable to comprehend why it occurred. For four years, men were asked to get out of trenches and to run toward the opposing line—where they were mowed down (in “No Man’s Land”) by machine-gun fire and artillery shells. Why did this carnage persist? Modris Eksteins observes that belligerents on the Western Front “hammered at each other in battles that cost millions of men their lives but that moved the front line at most a mile or so in either direction.” In short, after four years and hundreds of battles, nothing had been accomplished from a military or political standpoint, apart from the fact that now millions of young men were dead or maimed.

Writing about this war, Jean Elshtain notes that we “still have trouble accounting for modern state worship,” the mounds of combatants and noncombatants alike “sacrificed to the conflicts of nation-states.”

Ronald Aronson reflects:

In contemplating history as the slaughter-bench at which the happiness of peoples, the wisdom of States, and the virtue of the individual have been sacrificed, a question necessarily arises: To what principle, to what purpose, have these monstrous sacrifices been made?

In *Sacred Violence*, Paul Kahn provides a theory that allows us to account for the devastation produced by the First World War—and other wars.

In *Nations Have the Right to Kill*, I pose the question of how best to conceptualize the killing and dying that occurred in the First World War. If French generals asked their

soldiers to get out of trenches and run into German machine-gun fire, should we say that France or Germany was responsible for their deaths? When German generals asked their soldiers to get out of their trenches—to be mowed down by French machine gun fire—should we say that Germany or France caused the death of German soldiers?

To comment on Koenigsberg's review essay, please [click here](#).

Kahn steps back from the sound and fury. Viewing the battlefield from "a certain distance," he notes that it often is not clear who the object of sacrifice is. Is it the conscript on "our side" or the "enemy" soldier? Each suffers the "same threat and burden of physical destruction." Abraham Lincoln at Gettysburg (November 1863) spoke of the battlefield as "consecrated ground." The mangled bodies of both Union and Confederate troops testified to the reality of the truth that Lincoln held to be "self-evident."

Kahn hypothesizes that warfare—the field of battle—functions as a testament or testimonial to the idea of "sovereign power." The battlefield is strewn with the "disemboweled and beheaded, with severed limbs and broken bodies." All have died a horrible death in the "**display of sovereign power.**"

A battlefield is the space within which the "sacrificial character of modern politics shows itself." It is an arena of "reciprocal self-sacrifice" in which "enemies offer each other the occasion for displaying sovereign power." So the question becomes: What is the nature and meaning of this "sovereign" in whose name such havoc may be wrought? We turn to Kahn's explication of the relationship between **torture, public executions and warfare**. Embedded in the practice of the sacred, Kahn says, the battlefield exists in the "same imaginative framework of the **scaffold**"—a space for bringing forth the "creative-destructive power of the sovereign." What is the relationship between the battlefield and the scaffold?

Tomas Santos describes the scaffold as the place where the power of the King was brought about through "vengeance being wrought over the criminal." Foucault observes that the public execution should be understood "not only as a judicial but also as a political ritual." The execution was carried out, Santos says, to show "both the power of the King and the truth of the crime."

**Torture** was meant for all to see: a grand spectacle to show the power of the King over not just the criminal, but over all those under the King's rule. Criminals were considered enemies of the State. Torture functioned to defeat the King's enemies. By making torture a public spectacle, the King or sovereign make it clear that "he and he alone rules the land."

Might warfare—the battlefield—function similarly as a place where bodies are destroyed in order to demonstrate the power of the sovereign? Kahn suggests that the destruction of bodies in modern warfare "moves toward a generalized practice of torture." Just as the scaffold provides a demonstration of the power of the King, so

does the battlefield bear witness to the "awesome power of the sovereign to occupy and destroy the finite body."

We have not so much abandoned the practice of torture, but have "shifted the locus of an act of violent sacrifice." Battle, like torture, results in the "degradation and humiliation of the human body." Degradation and humiliation (and death) function to demonstrate the power of the sovereign. The battlefield, Kahn says, is the "modern, democratic equivalent of the spectacle of the scaffold." The battlefield is another place in which bodies are mangled and destroyed as human beings submit to—sacrifice for—the sovereign. Warfare thus may be understood as a massive, collective form of torture. To comment on Koenigsberg's review essay, please [click here](#).

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### "Anti-Torture Strike in California Prisons"

Marjorie Cohn, Consortium News, July 19, 2011

Intro: "Many Americans were shocked by how the Bush administration treated 'war on terror' detainees and others were startled when the Obama administration abused suspected WikiLeaks leaker Bradley Manning in a military brig. But the larger scandal may be how common such prison cruelty is in the United States, as Marjorie Cohn explains."

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