

Psy2000 - perspectives on torture and the war on terrorism

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Perspectives on torture and war on terrorism had taken a dramatic turnaround after 9/11. America had become a leading and an aggressive that had launched a serial offensive against the acts of terror and terrorists. The sovereignty of states had come second to overcoming and targeting terrorists, leading not only to the violation of human rights but also to the infringement of nations' sovereign rights. US had reformed its law to incorporate new tough measures of control and surveillance in its Patriot Act 2001 (USPA, 2001). It was needed and was designed to anticipate, pre-empt, detect and deter threats to the homeland and its people from terrorist attacks. But in the recent times, torture methods used on war prisoners, including the suspected terrorists have evolved into most pertinent issues of contemporary times.

Yoo, an official of USDOJ and who provided legal guidance to the President Bush had absolved the administration from using any illegal interrogation methods that violated postulates of either Rome convention on torture or that of US law. He was ambiguous in his definition of torture and defined it in terms of 'severe physical or mental pain or suffering.... victim was within the defendant's custody or physical control.' Yoo had used hybrid war-law model which was open to wide interpretations. Guantanamo was prime example gross torture that violated torture convention and ICC (Mayer, 2008). Indeed, the war on terrorism cannot be treated at par with traditional war and therefore war techniques of interrogation become unethical. Cavaleri's (2005) assertion that terror and terrorism requires new laws and greater ethical considerations in armed forces are therefore hugely relevant.

Yoo's definition of torture would be rejected by Luban as well as by Obama.

When applied on enemy 'combatants', the war allows targeting those who might harm but in war against terrorism, civilians inadvertently are involved because distinction between a terrorist and civilian becomes difficult (Boss, 2011). Consequently, upholding community value and individual rights of people are inherent part of law and intrinsic element of intellectual integrity that must be exhibited by people who are supposed to safeguard them for citizens at large (Price, 2008). The hybrid model was designed to give political leverage and therefore undermined the basic constituents of law and human dignity.

Moreover, President Obama has banned harsh interrogation techniques and torture per se across the board and closed the prison of Guantanamo bay (Boss, 2011). He has emphasized accountability of action and supremacy of rule of law over any other model of law, including war-laws. Safeguarding the interests of citizens is most important duty of government but doing so within the wider precincts of ethics and rule of law ensures that government continues to have the trust of its people. At the same time, it also enjoys global respect and high credible image. Indeed, Guantanamo has shown that harsh torture methods have neither yielded any concrete results or have established their validity in curbing further terrorist acts of violence.

Furthermore, rule of law is time tested that encourages justice for all and gives everyone right to defend themselves. By banning torture, Obama has offset new hope for people, especially terrorists and given them choice to choose good from the evil by respecting them as individuals and not merely as perpetrators of violence. As such, if a prisoner is a suspected terrorist, he must be interrogated within law and given counselling so that he/she could

realize the enormity of one's action and help curb catastrophic outcome.

(words: 578)

Reference

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