



Political Language, Policy Formulation and the Practice of Torture in the War on Terrorism: Implications for Human Rights

Overview

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The purpose of this paper is to examine the ways in which the political language of senior public officials regarding the terrorist threat facing America is implicated in the formulation of the torture policy, and the actual torture and abuse of prisoners. The central argument is simple: the discourse of the war on terrorism set the logic and possibilities of policy formulation in the first instance, and helped to create the wider legitimacy and social consensus that is required to enact policy. Importantly, there is a growing consensus that the current discourse and practice of torture and abuse by American service personnel is proving damaging to the wider international human rights framework and to human rights standards in other countries. The paper is divided into three main sections. In the first section, I summarize what is known about the extent of torture and prisoner abuse, as well as the nature of official complicity in those abuses. The second section provides an overview of several individual, social-psychological, and historical factors that are vital to understanding the occurrence of torture and prisoner abuse in this and other contexts. The third and most important section explores the role of public political discourse as a key explanatory factor in the deliberate construction of the torture policy, as well as its role in creating military and public acceptance for such treatment. In the conclusion, I discuss the implications of torture on the wider human rights context, as well as some of the broader ontological and normative implications of the paper's central findings.

Documents

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295 KB

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
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Human rights law also places a responsibility on States to provide effective remedies in the event of violations.³ distinction as to race, sex, language, or religion. A key question is the territorial reach of a State's international human rights obligations. The nature of the general legal obligation of States parties in this respect is addressed in article 2 of the International Covenant on Civil and Political Rights. As confirmed by the Human Rights Committee in its general comment N° 31 (2004), this obligation on States to ensure Covenant rights to all persons within their territory and subject to their jurisdiction means that a State party must ensure such rights to anyone within its power or effectiv

1. INTERNATIONAL Human rights and terrorism are broad phenomena, not just legal problems, HUMAN RIGHTS LAW and the legal perspective is surely not The main articulation of international the only one relevant to an analysis of human rights law is found in various their role in contemporary international human rights treaties and other relations. But law can contribute to international instruments.

1 The core viable solutions, and an awareness of documents are the 1948 Universal the legal perspective is just as important Declaration of Human Rights (UDHR) for policy makers as other perspectives a Policy on Terrorism: Think Globally and Dont Interfere Locally, International Herald Tribune. Oct 2001. 10. J Itchett. p>In the current context of the War on Terror laid out by the US government, the current debate on the regularization of torture is considered a priority in order to safeguard democracy and the rule of law. This is how US rulers and intellectuals close to them have been acting. This article highlights that precisely, the regularization of torture would undermine the legitimacy of the rule of law. ... Are there exceptional situations that warrant the practice of torture? Are we in fact seeing a redefinition of not merely an entrenched covenant of international human rights but a more fundamental redefinition of what it takes to be recognised as a human being? Read more. The "War on Terror" Focused Human Rights Issues. The Al Qaeda attacks of September 11, the subsequent declaration of a "global war on terror," and the rapid development of more stringent counter-terrorism efforts have pitched the issue of human rights and terrorism into high relief. According to Human Rights Watch, the list of countries who found it to their benefit to use terrorism prevention to "intensify their own crackdown on political opponents, separatists and religious groups," or to "advance unnecessarily restrictive or punitive policies against refugees, asylum-seekers, and other foreigners" immediately following the 9/11 attacks includes: Australia, Belarus, China, Egypt, Eritrea, India, Israel, Jordan, Kyrgyzstan, Liberia