The United States and their Commitment to Human Rights

In what way does the United States contradict their commitment to human rights in relation to their own interests?

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Abstract

The United States has been clear about their commitment to advancing human rights all over the world. They try to protect and promote democracy, through military intervention and military assistance. However, the United States contradicts their commitment and advancement to human rights at other moments in time. The US tries to look after their own interests and at the same time tries to honor their commitment towards human rights laws. This parallels a realist point of view and a liberalist point of view in the international system. One example of the violations of human right laws, where the US contradicted their commitment to human rights was in the Abu Ghraib Prison in Iraq. Their own interests prevailed and therefore detainees were tortured and human rights were violated. The US government was never prosecuted for their handling in this situation.

List of Keywords

Introduction

This thesis came about when I studied in Iowa City for one semester. I volunteered at Habitat for Humanity, which is a humanitarian aid society. It has its focus on building houses for minorities and refugees. I volunteered at a recycle store to help raise money for building a $140.000 home for a selected family. I experienced first-hand how gratifying it was to be able to do something small for someone who is in need. After working as a volunteer and talking to these people who we were building houses for, I realized how hard it can be for refugees to come all the way to another country and start their life all over again. Altogether, it was a touching experience. It made me aware of the significant commitment of the United States to international human rights, because Habitat for Humanity was founded in the US and is now in nearly 70 countries, and helped over 9.8 million people (“Who We Are”). As I became aware of US help I became interested in the development of human rights internationally. So, I decided to take a closer look to the US’ role in the world in this respect.

At the institutional governmental level the US takes human rights very seriously. The Department of State: Bureau of Democracy, Human Rights and Labor states the following: “Promoting freedom and democracy and protecting human rights around the world are central to US foreign policy” (Choi, S.-W., and P. James 900). According to this statement, the United States is very invested in helping advance human rights. The United States has spent nearly $49 billion in aid according to the nonpartisan Congressional Research Service, which is roughly 1.3 percent of the federal budget (“How Does the U.S. Spend Its Foreign Aid?”).

However, this commitment to human rights and development is in contrast with US violations to human rights in other moments, such as the invasion in Iraq. I found it very interesting to read how the United States became involved with the Iraqi War. The US wanted to retaliate after 9/11 and President George W. Bush got intel that Iraq possessed weapons of mass destruction. The United States got permission from the international community to look for these weapons of mass destruction and oust Saddam Hussein, but what the U.S. also did was occupy and invade Iraq. While they did not get clearance to do that from the international community. The US handled out of a security interest, and thereby they did not think of their commitment to human rights.

As mentioned before, the United States intervened militarily in Iraq and a study by Sandholtz that was conducted found out that the United States is not afraid of using military
interventions in other countries as well, even though the interventions will not sustain human rights. “The analysis of data from over 150 countries covering thirty years indicates that US military assistance is associated with worse compliance with human rights” (Sandholtz 1071). This is an indication that the United States uses military force to benefit their own interest rather than thinking of other things like advancing human rights. This statement is based solely on military assistance and not the US’ motives to be in these countries and what they are hoping to achieve there. Choi and James’ article agrees with Sandholtz’, by saying that “even the most optimistic human rights advocate, of course, may not expect the United States to favor such concerns [human rights] over its strategic interests” (qtd. in Choi, S.-W., and P. James 901). A suggestion on why the US intervenes in other countries is to protect the US from terrorists, and the promotion of democracy around the world (Choi, S.-W., and P. James 900-901). So, their commitment to human rights might play a role in their consideration to intervene abroad besides other factors.

Since 9/11 the tensions between what the United States stands for and what they are willing to do to protect themselves are more intense and explicit. One of the most egregious examples where this tension became clear, were the photos that were accidentally released of the Abu Ghraib Prison. Human rights were grossly violated in this prison that was under US’ supervision. Be that as it may, the US government was not notified or did not give permission to the guards to torture these prisoners. Nonetheless, guards and interrogators were not afraid of violating human rights to advance their search of information, terrorists or to prevent an attack. The guards who claimed responsibility for the torture said that they did what was necessary to protect the United States and the American people, instead of protecting ‘innocent’ people’s rights.

In conclusion, there are a lot of questions concerning what is most important for the United States. On the one hand the United States is an advocate for the advancement of human rights all around the world. Yet, we see that they are also not afraid to contradict this commitment by intervening military in other countries and one of the most extreme examples of this contradiction is Abu Ghraib. Thus, the following question can be formulated: why does the United States contradict their commitment to human rights and prioritize their own interests?

To answer this question, it is crucial to provide a theoretical framework. There are multiple paradigms to help me answering this question and I have chosen to look at realism and liberalism because the tensions between the different kinds of interests, parallels the tensions between these two theoretical frameworks. It will be interesting to look at these two because of the different
things they find important. So, what do these theories contain? According to Joseph S. Nye Jr. and David A. Welch’s book *Understanding Global Conflict & Cooperation: Intro to Theory & History*, realism is “an analytical approach to international relations in which the primary actors are states and the central problems are war and the use of force” (Nye, Joseph S. Jr., and David A. Welch 5). On the other hand we have liberalism, and is described as “an analytical approach to international relations in which states function as part of a global society that sets the context for their interactions” (Nye, Joseph S. Jr., and David A. Welch 3-4). These two theories will help me set a framework for my thesis.

I will divide this thesis in three chapters. In the first chapter, I will look at the question what motivates the United States to interfere and/or assist in other countries. In addition to that, I will explore the human rights practices after the invasion by the US in Iraq. The United States has intervened in other countries before, examples are Bosnia, Kosovo, and Libya. It was presumed that the US intervened out of a need to protect the citizens from these countries, but in fact they had ulterior motives. “Military interventions in places such as Bosnia, Kosovo, Libya, and Somalia received partial justification on humanitarian grounds […] Even the most optimistic human rights advocate, of course, may not expect the United States to favor such concerns over its strategic interests” (qtd. in Choi, S.-W., and P. James 901). So, this chapter will analyze United States practices and military interventions in relation to the advancing of human rights. As for the theory in the first chapter I will look at the actors’ primary goals, because that can tell me something about why the US decides to intervene.

One can write whole books about international human rights laws, and in the second chapter I will discuss some of these laws. I will focus on just a few documents namely: the ICC (Independent Criminal Court), the International Covenant on Civil Rights and Political Rights, and the Geneva Convention. I will analyze and look at the United States’ perspective of human rights laws and how they apply these laws to their own actions abroad. One of the key axioms that will be essential for this chapter is the dominant processes of interaction and the actor’s dominant instrument, because this is helps to understand their motives behind either applying the international laws or not applying them. Additionally, the questions that will be discussed are: how does the US government deal with these laws? Is it possible to deduct from their actions that they take human rights laws into account? And how does the world look at the United States concerning human rights laws?
In the last chapter, I will discuss what happened in the Abu Ghraib Prison. Furthermore, I will examine what the implications were of these practices. Did the United States government know what was going on and how severe these practices were? Did the United States authorize torture and if they did, did they do it to protect themselves, or the world? Was the use of ‘enhance interrogation technique’ a silence okay for the guards to use torture on the detainees? I will examine the Survival, Evasion, Resistance and Escape Program (SERE), which was used by interrogators to torture the prisoners. Furthermore, I will look at where liberalism and realism place human rights in relation to international relations. I will also look at the United States response after the photographs were released and how they handled the backlash. Lastly, I will conclude my thesis with the question if the United States learned anything from the events in the Abu Ghraib prison and if their own interests are top priority.
Chapter 1: The United States in Foreign Countries

In this first chapter I will investigate the tension between US commitments to human rights and their own interests through US intervention. Therefore, I will look at different motives for the United States to intervene and assist in foreign countries. The three motives I will investigate are the promotion of democracy in foreign countries, fighting terrorism for US’ security and advancing human rights. Furthermore, I will focus on Iraq because the three arguments for US intervention are all present in Iraq. I will focus on the conflict between human rights practices and the US’ own interests even more because my case study later in this thesis will talk about the Abu Ghraib prison. Additionally, I will work with the necessary theoretical basis to talk about and put in perspective the human rights side of conflicts and the United States’ interests. I am going to use the realist and liberalists perspectives to analyze the three motives that I mentioned earlier. So, I will explain the theories first, and after that I will delve into the considerations the United States makes to intervene and/or assists in foreign countries.

1.1 Actors’ Primary Goals

According to realists the actors’ primary goals are that “all states seek power or security” (Nye, Joseph S. Jr., and David A. Welch 69). According to this statement, the United States would only interfere in foreign countries based upon the need to protect themselves. But how does one determine if that is the only reason for a country to intervene? Security is a very complex notion. It consists of different facets. For instance, a state could choose to pay the price of war and the destruction that comes with it, or a state can choose security to prevent it from happening. A state could also capitulate and later regain their independence or have a different political system in place. So, in that case security is less overruling, because if security would be a states only concern they would not contemplate even giving up their autonomy. A country can also choose to improve the security by submerging political units to form larger units to benefit political, social, and ideological goals (Jervis 981). This means that although security is very important for the actor, there are more considerations that can top security. Furthermore, in relation to the tension between human rights and the security issue it is hard to say that security is their main priority.

So what kind of theories do realists favor when it comes to states seeking power and/or security? The hegemonic stability theory is one of their key theories and states that “a strong
dominant power is the best guarantee of stability” (Nye, Joseph S. Jr., and David A. Welch 90). So if the United States does intervene in other countries on the basis of what realists say that would mean they will do everything in their power to make sure they are the leaders of the world and that nothing can change that. Subsequent, there is also a hegemonic transition theory that says that “when the strongest power begins to slip, as it inevitably will, or as a new aspirant for hegemony arises, war is particularly likely” (Nye, Joseph S. Jr., and David A. Welch 90). The United States has fought wars, for instance the Korea War and the Vietnam War, since World War II and is currently still involved in wars, e.g. Syria and Iraq. Hence, the United States tries to hold on to power with the help of their interventions abroad. According to realists this has to do with their own position in the world and the vision they have in international affairs.

In contrast to what realists say liberalists do not like war or conflict. They believe that “person-to-person contacts reduce conflict by promoting understanding” (Nye, Joseph S. Jr., and David A. Welch 72). Moreover, institutions are very important for liberalists, and the key dominant body of theory is neoliberal institutionalism, which is completely different from realism. Liberalists view institutions as peacekeepers and will honor and abide the laws that are established. In the next paragraph I will look at three possible motives and the corresponding theories for the United States to intervene in other countries. The liberal interest in human rights comes from the believe that through person contact with one another “leads to a lower likelihood of conflict” (Nye, Joseph S. Jr., and David A. Welch 72). This suggests that with respecting human rights, liberals can prevent the chance of war, which is vital to liberalists.

1.2 United States’ Interventions

World War II and the presidency of Franklin Roosevelt marked an important transition. The years before Roosevelt there was a tendency by US presidents to approach world affairs from an isolationist point of view. After World War II, the US became one of the two super powers and got into a conflict with the Soviet Union. The developments of the Cold War meant isolationism was no longer an option, and intervention became more attractive. While intervention occurred on multiple levels, economic and military for example, the one most in conflict with human rights is intervention.

The United States’ practicing policy was isolationism after the First World War and they wanted to stay away from conflict in other countries and focus on economic recovery after the
Great Depression back home. Isolationism means that a country will focus on their own problems instead of interfering with countries abroad, and keeping the affairs of other countries at a distance. With this strategy, a country can keep themselves from dangerous situations abroad and from being dragged into foreign conflicts. President Franklin Roosevelt paid little attention to Europe or other continents, but after his reelection in 1936, Roosevelt began to understand that Hitler was gaining momentum and power. Roosevelt became afraid of what Hitler could do to Europe and afterwards to the United States. That is approximately when Roosevelt started interfering in the Second World War with leasing war supplies to Great Britain. The American public was not very happy about this. Thus, President Roosevelt had some boundaries in how far he could help, but after Japan’s attack on Pearl Harbor, America’s isolationist policy ended (Nye, Joseph S. Jr., and David A. Welch 137). With the end of the isolationist period the tension between human rights interest and military intervention rose.

Upon the ending of the isolationism policy, there is a tendency for the US to intervene more in other countries. For example, the United States intervened in Bosnia, Kosovo, Libya and Somalia. In part, this was justified on humanitarian grounds. Choi and James wrote an article giving possible explanations to why the US intervened many times in other countries. They stated the following: “Frequent use of the military by the United States in the contemporary period – 46 times from 1981 to 2005 – urges academics and policy makers to explore several crucial questions regarding the conduct of foreign policy. For example, what causes US military intervention around the globe? Are there consistent reasons for why the president intervenes in other countries? Do such deployments correspond to (a) perceived national security interests in overseas terrorist activity, as would be anticipated from a realist point of view, (b) concerns about human rights, in line with a liberal perspective, or (c) promotion of democracy (Choi, S.-W., and P. James 900). It could be that the US is trying to tie together these three possibilities. What if they want to advance human rights, promote democratic values and fight terrorism all at the same time?

There is a wide spectrum of issues the US has to deal with. The US sees “human rights, democracy promotion, and terrorism […] as issues in US foreign and security policy (Choi, S.-W., and P. James 904). Besides the security issues that are raised by realists, liberalists are more focused on the human rights issues. Therefore, “the three represent a continuum. Intervention out of concern for human rights violations clearly reflects a liberal vision of the world. At the other extreme, actions to counteract terrorism abroad are more in line with a realist vision of the national
interest, as manifested in the War on Terror” tell more about war on terror and human rights. (Choi, S.-W., and P. James 904). Evidently, there are more sides to a conflict but it is interesting to talk about if the US uses a more liberal approach or a realist approach when it comes to dealing with the issues abroad in relation to human rights and US interests. There is a soft line between these three presumed reasons of intervention. This means that the US can help citizens of other countries while in the meantime promote democracy in these countries, and maybe even fight terrorism, which would benefit their own security interests. Liberals believe that these issues can be solved through “state economies, the possibility of peace and cooperation, as well as the concepts of political freedoms, rights and the like” (Jumarang).

Choi and James’ conclusion is that “the greater consciousness concerning promotion of democracy and combating terrorism, human rights abuses emerge as the consistent trait among states that experience US military intervention […] The empirical evidence of this study […] led us to believe that the United States has a sustained interest in promoting human rights abroad rather than exclusively pursuing its security interests” (Choi, S.-W., and P. James 913). This outcome does not align with realist thinking, so that suggests that the US is approaching foreign issues more out of a liberalist way of thinking. This implies that the US is driven to advance human rights in other countries rather than promoting democracy or fight terrorism for security reasons. Consequently, there is a strong tension between realism and liberalism, which parallels the tensions between the US’ choice to intervene military and that they think about the consequence that that might have on human rights.

1.2.1 Human Rights Scales

One important scale that I want to discuss are the human rights scales, because this will be important to know if we look at the intervention in Iraq. There are two main models researchers use, one is the Cingranelli and Richards Physical Integrity Rights Index (CIRI). This “is an index that adds separate indicators of the extent to which governments engage in torture, extrajudicial killing, political imprisonment, and disappearances; the index ranges from zero (frequent abuses of each of the four rights) to eight (abuses do not occur)” (Sandholtz 1079). The base of the model is the broad range of human rights which are recognized in the Universal Declaration of Human Rights. Furthermore, it is the world’s largest human rights database. The CIRI coders use different sources, such as the US State Department Country Reports on Human Rights Practices (Country
Reports), and Amnesty International’s Annual Report. However, “accurate numbers of violations are rare, and all counts contain an inherent amount of measurement error” (Cingranelli, David L., and David L. Richards 406). The other model is the Political Terror Scale (PTS), which is “based on the same sources (annual US State Department and Amnesty International reports), but it aggregates them differently. The five PTS levels capture the degree to which all of the physical integrity rights, taken together, occur in a country’s population. The PTS index ranges from one (secure rule of law, abuses are rare or extremely rare) to five (terror has expanded to the whole population)” (Sandholtz 1079). I will use the CIRI scale in this thesis to see in how far human rights are being violated and if the numbers increase or decline, especially focusing on human rights in Iraq before and after the United States interfered. This might tell us something about the objectives the US achieves by the intervention in foreign countries.

1.3 Military Assistance

So far, I have only talked about US military intervention in other countries. But does the US also come into conflict regarding their commitment to human rights in relation to military assistance in foreign countries? Subsequently, does the United States assist other countries military to promote democracy, fight terrorism or advance human rights? The United States has laws in place that consider human rights in relation to military aid. “Since the 1970s, US law has required that the allocation of economic and military assistance (foreign aid) take into account the human rights performance of potential recipients” (Sandholtz 1072). In these new laws that were made by the United States government, one of the most important ones is the International Security Assistance and Arms Export Control Act of 1976. “Under the law, countries that consistently engaged in gross human rights violations were ineligible for US security aid” (Sandholtz 1072). Therefore, it is assumed that US policies regarding military aid is purely altruistic. Be that as it may, if looked at US policy since the 9/11 attacks, there is a clear link between military aid and US security interests (Sandholtz 1073). One of the hypotheses that Sandholtz comes up with in his article is that “The United States is unlikely to cut off military assistance to influence human rights in recipient countries. The logic is that because military aid is driven by US security interests, halting military assistance would harm US security. Perceived security interests will prevail over human rights concerns” (Sandholtz 1076). It means that there is a conflict between the aid the US gives in return for the advancement of human rights. Steven C. Poe did research on human rights
and the allocation of US military assistance, he supports Sandholtz hypothesis stating: “that human rights considerations had less of an effect in the Western hemisphere than in the rest of the world [….] the US’s traditional sphere of influence is consistent with policy statements that human rights practices should be weighed ‘against economic and security concerns’ in the foreign assistance deliberations (Poe 210).

The US did cut off, in some cases, military assistance for human rights reasons. A couple of examples are “poor countries in Latin America (Bolivia, Guatemala, Guyana, and Nicaragua) that received economic aid from the United States in 1982 did not receive military assistance because of negative human rights reports. […] Azerbaijan was banned from US military aid starting in 1992, in part for human rights reasons” (Sandholtz 1085). With that being said, the United States did give Azerbaijan military aid again after Azerbaijan helped them to fight the War on Terror. After this the CIRI score started to decline in Azerbaijan in 2003 and 2005 (Cingranelli, David L., and David L. Richards) The conclusion that can be drawn from these statistics would be that the United States has not tried to use military assistance as leverage over human rights. Therefore, the United States assists countries, not according to two out of the three proposed ideas; to promote democracy, or advance human rights. Thus, fighting terrorism and making sure the US is safe trumps the other two motives to give foreign countries military aid. Their own interests prevail.

The reason why the US does not want to cut off military assistance is because “on the recipient side, governments that rely on repression – that is, those that engage in ongoing human rights abuses – could be quite willing to trade off a reduction in US military assistance for retaining their grip on power” (Sandholtz 1071). The argument that interests play a vital part is important: “implementation [of laws] will depend on political decisions, involving competing national interests” (Cohen 246). Again, if looked at the numbers of the actual cutoffs the US has done in the past, the US is not doing very well. “The number of cutoffs that were in fact motivated by human rights concerns was surely smaller because cutoffs can occur for other reasons. Because aid cutoffs are so rare, they probably cannot be an effective tool to pressure countries to improve human rights” (Sandholtz 1086). There is a contradiction between providing military aid and the US military intervention, because as described earlier the US deals with the intervention more out of a liberal perspective while if military aid is discussed the US handles more from a realist perspective. It means it is complicated to talk about US handling in the international system because there is no consistent use of one of the two theoretical frameworks by the US government.
1.3 The United States in Iraq

Iraq can be used as a perfect illustration of the complexity of the issues the US is dealing with. One could argue that all three motives (fighting terrorism, promoting democracy, and advancing human rights) are present in Iraq. Officially Iraq claims to be a democratic republic according to its Constitution of 1968, and has an estimated population of approximately 38 million people. Saddam Hussein was not the elected president of Iraq where he ruled from 1979 until 2003. He was elected through a referendum, but reports indicated that voters were afraid of retribution if they would vote against him. So, with 100 percent of the vote, Saddam Hussein became president (Bureau of Democracy 7). Under Saddam Hussein many human rights were violated. The Bureau of Democracy, Human Rights, and Labor of the U.S. Department of State released a country report on Human Rights Practices of Iraq in 2002. In this report, they stated the following: “The regime historically made little attempts to acknowledge, investigate, or punish officials or members of the military or security forces accused of human rights abuses; however, in February [2002] it admitted that state police were commonly accused of human rights violations. Members of the military and security forces committed widespread, serious, and systematic human rights abuses” (Bureau of Democracy 7). But what exactly did Hussein’s regime do to violate human rights? According to the report, “The regime continued summarily to execute alleged political opponents and leaders of the Shi’a religious community. Reports suggested that persons were executed merely because of their association with an opposition group. The regime continued to be responsible for disappearances and to kill and torture persons suspected of or related to persons suspected of oppositionist politics, economic crimes, military desertion, and a variety of other activities. Security forces routinely tortured, beat, raped, and otherwise abused detainees. […] The regime reportedly conducted “prison cleansing” campaigns to kill inmates in order to relieve overcrowding in prisons” (Bureau of Democracy 8). It is clear from the findings in the report that human rights were grossly violated and that president Saddam Hussein sustained these practices. The tension between the US and their interests and the violation of human rights are apparent.

One other motive for the US to intervene in Iraq is because their search for terrorists and fight against terrorism post 9/11. Iraq is the birthplace of terrorist groups like the Taliban and al Qaeda. In 1993, al Qaeda placed a bomb in the World Trade Center in New York City. Al Qaeda succeeded in causing the worst terrorist attack in the history of the United States by attacking the World Trade
Center on September 11, 2001. President George W. Bush said that Iraq possessed weapons of mass destruction and wanted to invade Iraq to secure the world. According to Nye and Welch the Iraq War “was very much a war of choice” (Nye, Joseph S. Jr., and David A. Welch 60). This would suggest that realists were right in thinking that America’s objective was to secure themselves from terrorism and not promote democracy and/or advance human rights. Dunne’s article says the following: “what we have seen since 9/11 has been the blending of the particular concerns of the United States, first to control Saddam Hussein and his Iraq within a larger Persian Gulf strategy, both to protect oil supplies and advance more general American interests in the region as a whole, with the added complication of thereby exacerbating the chronic Israel-Palestine conflict; and second, for the United States to go on the offensive in its declared ‘war on terrorism’, with Osama Bin Laden and al-Qaeda as the first and most dangerous enemies” (Dunne 275). He mentions again that the protection of the US is highly important in starting the Iraq War, but he also mentions that there is this soft line between the reasons for the US to actually intervene in foreign countries.

Iraq has all three aspects of intervention as discussed earlier in this chapter. They wanted to promote democratic values by ousting Saddam Hussein, they wanted to fight terrorism for their own security, and they wanted to advance human rights. The United States started Operation Iraqi Freedom in 2003 which entailed “the use of air power and special forces to topple the Taliban regime and destroy al Qaeda’s infrastructure in Afghanistan” (Nye, Joseph S. Jr., and David A. Welch 323). It suggests that the only reasons for intervention is to overthrow the Taliban regime. The other incentives to promote democracy and advance human rights are not even mentioned in Operation Iraqi Freedom.

But what are the actual numbers concerning the human rights situation in Iraq? CIRI has the following statistics of the human rights situation of 2000 and 2005, three years before the Iraq War and two years after (“Data and Documentation”):

<table>
<thead>
<tr>
<th>Year</th>
<th>PHYINT</th>
<th>DISAP</th>
<th>KILL</th>
<th>POLPRIS</th>
<th>TORT</th>
<th>ASSN</th>
<th>SPEECH</th>
<th>WORKER</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>0</td>
<td>0</td>
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<td>0</td>
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<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

PHYINT = Physical Integrity Rights Index  POLPRIS = Political Imprisonment
DISAP = Disappearance  TORT = Torture
KILL = Extrajudicial Killing  ASSN = Freedom of Assembly and Association
As can be seen with the US’ invasion the degree in human rights violations were reduced. Five out of eight violations have gone up, which is equal to improved circumstances for the Iraqi people. It also indicates that maybe because of US’ interference, they were capable of helping people.

In the end, the US ousted and executed President Saddam Hussein, they fought terrorism by invading Iraq, and human rights practices did improve, as stated in the aforementioned report. One of the questions raised at the beginning of this chapter was if the United States approaches international affairs from a liberal point of view or a realist point of view? The tension between their commitment to human rights and their own interests parallels the two frameworks and that can be seen throughout the US’ decision making. In some cases, the security issues prevailed while in others it was clear the US acted out of a concern for the human rights situation in other countries. In the next chapter I am going to talk about the legal side of international affairs by focusing on a few specific documents.
Chapter 2: Human Rights Laws

In this second chapter I will be talking about the United States in relation to international human rights laws. I will discuss three legal documents and explain if and how the United States violates human rights law. This is important to know before I start writing my chapter about the Abu Ghraib prison, because then one gets an idea if and why the United States government was not held accountable for what happened there. I will be analyzing the dominant processes of interaction and the actor’s dominant instrument from a realist point of view and a liberalist point of view to set a framework for this chapter. Furthermore, the legal documents I will use are the International Criminal Court, the International Covenant of Civil Rights and Political Rights, and the Geneva Conventions. I chose these three because the United States did not ratify the Rome Statute treaty which is a part of the ICC, the same goes for parts of The International Covenant of Civil Rights and Political Right and the Geneva Conventions. So, it is interesting to discuss why the US did not sign parts of the treaties and what the consequences are by not signing.

2.1 The Dominant Processes of Interaction and the Actor’s Dominant Instrument

The dominant processes of interaction in realism is competition. States are constantly competing with one another to be better and to hold on to the power they wield and to try to sustain the current world order. Liberalism, also thinks that competition is a dominant process. Another key component for liberalists is cooperation (Nye, Joseph S. Jr., and David A. Welch 69). Besides the dominant processes, we have the actor’s dominant instruments. In realism we see that the dominant instrument they use is military power. In liberalism they use military power, trade, investment, negotiation and persuasion (Nye, Joseph S. Jr., and David A. Welch 69). Having these two frameworks in mind in connection with international human rights laws, realists tend to be more inclined to do what is best for them and make up their one rules and twist the laws in such a way it benefits them. While liberalists will be more likely to take international human rights laws more serious and view the documents as something worth abiding to, because they view the institutions as a vital part of the international community. This is supported by Bellamy; “Realists, Marxists and others argue that international law cannot constrain powerful states and that legal argument is merely justificatory rhetoric. In other words, international law can be used to justify almost anything. On the other side of the debate, constructivists and others insist that states will
tend to refrain from acting in ways that cannot be justified in legal terms. The key test for both sides is the extent to which international law shapes contemporary American foreign policy” (Bellamy 221).

2.2 The United States and International Law

There are lots of different legal documents surrounding international human rights laws. But do these human rights laws really work and does the United States obey the laws set in place? Since 1945 the United States “has been one of the leading states in developing the rule of law in international politics. It was pivotal to the creation of a range of international bodies and legal regimes and consistently expects other states to abide by the law. On the other hand, the US has a long track record in having ‘difficulty’ in following the law itself” (Bellamy 221). Hence, it is interesting to know what the possible reasons are that the US is helping shape the international community with writing international law, but sometimes violates the law themselves. An argument that is put forward on why the United States sometimes feel like they stand above the law in Bellamy’s review is that; the US feels like they “should have exceptional rights to match its unique responsibilities” (Bellamy 222). He argues that because of US’s exceptionalism they have a right to sometimes approach international laws as if the laws are less important than what the US finds important, meaning their interests. The argument of the presence regarding international human rights law of US’ exceptionalism is supported by Forsythe’s article, in which he states: “US exceptionalism is alive and well at the start of the twenty-first century […] US exceptionalism as a cultural phenomenon is broadly and especially evident in US approaches to internationally recognized human rights (Forsythe 975-976). Another argument put forward by Forsythe about this is that “the US generally opposes the creation of international law and organization that might seriously restrain the independent or unilateral exercise of US power. Washington desires to have both the international rule of law and extensive national independence in international relations” (Forsythe 981). Two arguments are mentions here that helps us understand where the US comes from and where they place themselves in the international system.

Subsequently, realists agree with the arguments that are put forward, supported by the balance of power theory, which “changes the distribution of power among leading states which helps explain war and instability” (Nye, Joseph S. Jr., and David A. Welch 91). In the past, the world has seen a lot of shifting powers between nations. Take for example, the rise of the Soviet
Union, Germany, China and the United States. All these actors have sought a certain amount of balance, but they all wanted to be the most powerful state in the world. Another objective for states are that “states balance power not to preserve peace, but to preserve their independence” (Nye, Joseph S. Jr., and David A. Welch 89). This suggests that in the end, states are willing to do a lot to make sure they are safe and secure, and most of all independent. Liberals think that institutions matter. Because they “reduce the acuteness of the security dilemma” (Nye, Joseph S. Jr., and David A. Welch 72). Moreover, liberals see institutions as creating “islands of peace” (Nye, Joseph S. Jr., and David A. Welch 73). They value what the institutions do and their main priority lies in seeking justice for all, second to security. There is a clear juxtaposition between the two, on the one hand are the realists who think that power and independence can be attained without the international institutions that uphold the law, and on the other hand we have the liberals who believe that institutions are vital to achieve peace and justice. The US is all for helping writing international law and creating the international community, but because of US exceptionalism and a need for independence and power, the US seems to ignore international human rights laws.

Other countries view this contradiction between writing the laws but not always abiding to them as an indifference and it creates tension within the international community. This is supported by Forsythe; “it is well known that either the US does not accept human rights treaties that do not fit with US culture – e.g., the International Covenant on Economic, Social, or Cultural Rights, or attaches reservations by whatever name to those treaties it does accept to ensure that no domestic changes will be made, and no litigation endured, under those treaties. From 1945 until today [2002], the US has never been keen on accepting international standards on human rights that lead to meaningful restrictions on its own policies” (Forsythe 976-977).

This does not mean that United States just defies these laws and does not come with legal excuses for their handling in these situations. One example is Iraq. The US got a go to search for weapons of mass destruction in Iraq but not for starting a war and invading Iraq. Therefore, “the US has been identified as law-breaker […] in the Iraq war), the US has vociferously defended its position in legal terms” (Bellamy 222). Does this mean that because the United States did not endorse these treaties that they did not break any international human rights laws in the Abu Ghraib prison? I will analyze three documents of which the US did not ratify treaties.
2.2.1 The ICC (International Criminal Court)

The International Criminal Court is founded on a treaty called the Rome Statute. This statute gives the court jurisdiction over four main crimes (“International Criminal Court”). “First, the crime of genocide is characterized by the specific intent to destroy in whole or in part a national, ethnic, racial or religious group by killing its members or by other means […] Second, the ICC can prosecute crimes against humanity, which are serious violations committed as part of a large-scale attack against any civilian population. The 15 forms of crimes against humanity listed in the Rome Statute include offences such as murder, rape, imprisonment, enforced disappearances, enslavement […] sexual slavery, torture, apartheid and deportation. […] Third, war crimes which are grave breaches of the Geneva conventions in the context of armed conflict and include, the use of child soldiers; the killing or torture of persons such as civilians or prisoners of war; intentionally directing attacks against hospitals, historic monuments, or buildings dedicated to religion, education, art, science, or charitable purposes. […] Finally, the fourth crime falling within the ICC’s jurisdiction is the crime of aggression. It is the use of armed force by a State against the sovereignty, integrity or independence of another State” (“International Criminal Court”). The United States has not ratified the Rome Statute, which means they do violate the abovementioned crimes but cannot be prosecuted. The US is complicit to 3 out of 4 crimes i.e. crimes against humanity, war crimes and crime of aggression.

This “non-ratification by the US damages its position in international relations, creating conflict with allies and causing disassociation from notions of human rights and international law (Forsythe 989). As stated before, the US does not want to have to defend themselves and “the failure of the US to join with other nations in taking on international human rights legal obligations has undercut its international leadership on key issues, limiting its influence, its stature, and its credibility in promoting respect for human rights around the world” (“United States Ratification … Human Rights Treaties”). Thus, by opposing the ratification of the Rome Statute, the US remained in control over their decisions and would not give away any power, but they are essentially placing themselves above the law.
2.2.2 The International Covenant of Civil Rights and Political Rights

The next document is The Civil Rights and Political Rights Covenant, which “includes and elaborates upon most of the parallel rights enumerated in the Universal Declaration [Universal Declaration of Human Rights, adopted in 1948 by the General Assembly of the United Nations]. […] The covenant establishes a Human Rights Committee of eighteen elected experts who study reports of the individual state’s efforts to guarantee the rights included in the covenants” (Keith 96-97). The United States has ratified the Civil Rights and Political Rights Covenant in 1976, but they have not ratified some of the additional optional protocols that were made. This means that “three quarters of the world’s nation-states have legally recognized a comprehensive set of human rights and have pledged to take appropriate action to protect or provide these rights” (Keith 97). This includes the United States. The US did ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1987 (OHCHR Dashboard). But contradictory the US did not sign the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2006 (OHCHR Dashboard). It seems as if the United States only signs a document if they are sure they will not have to defend themselves. Because, as these two documents show – the Rome Statute and the International Covenant of Civil Rights and Political Rights – the United States is negating international law, but they cannot be prosecuted for it.

2.2.3 The Geneva Conventions

The last document I will discuss are the Geneva Conventions and is comprised of four treaties, and three additional protocols, which establish the standards of international law for humanitarian treatment in war. The first treaty is the Geneva Convention on Wounded and Sick in Armed Forces in the field, 1949, the second treaty is on Wounded, Sick and Shipwrecked of Armed Forces at Sea, 1949, the third one is on Prisoners of War, 1949 and the last treaty on Civilians, 1949 (“Geneva Conventions of 1949 and Additional Protocols, and Their Commentaries”). The third treaty “prohibits murder, mutilation, cruel treatment, torture, and outrages upon personal dignity, including humiliating and degrading treatment of persons not taking active part in hostilities. It also requires that those detained may not be criminally sentenced or executed” (John B. Bellinger III, and Vijay M. Padmanabhan 206). The United States ratified all the treaties of the Geneva Conventions. But the United States did not sign two of the three additional protocols. They
did not sign the first and the second additional protocols, but they did sign the third additional protocol. Article 75 is a component of the additional protocol of the first treaty and “provides protection from torture, outrages upon personal dignity, and collective punishments, as well as various procedural protections that must be provided before imposing criminal punishment. […] Together, common Article 3, […] and Article 75 provide important treatment protections in conflicts between states and nonstate actors. We believe that the United States should have provided all detainees in the conflict with Al Qaeda and the Taliban the protections of common Article 3 and Article 75 from the outset of the conflict. Had the United States applied those established international rules, it might have prevented cases of detainee mistreatment and blunted the charge that it had placed detainees into a ‘legal black hole’” (John B. Bellinger III, and Vijay M. Padmanabhan 207-208).

By not ratifying parts of the Geneva Conventions the US circumvented possible punishment for the crimes they committed against humans in Iraq and especially the detainees in the Abu Ghraib prison. The US has chosen to not ratify all these parts of the international documents the international community has written. By not doing so they protect themselves in a certain way. However, it comes across as indifferent by the international community. This weakens their position in the world, but the US ultimately determines their own course in the way the handle unprecedented situations, like the one in Iraq. Therefore, I will explore what happened in the Abu Ghraib prison in the next chapter and how the United States acted and quietly gave the okay to the people who were in charge in Iraq, by not following the international human rights laws. Abu Ghraib was a culmination of the tension between the US and their interests and the advancement of human rights.
Chapter 3: Abu Ghraib Prison, Iraq

In this last chapter I will be investigating what happened in the Abu Ghraib Prison in Iraq, based on the photographs that were released and the statements the government released. I chose the Abu Ghraib Prison because as mentioned before Iraq and the prison are an accumulation of where the US interests and their ideas of democracy and human rights are most at odds with each other. The most intriguing part of this chapter is the fact that torture was not an official US policy before 9/11, but after the attacks the US started to change their mandates regarding torture techniques. However, after the details of what happened at the Abu Ghraib prison were released, and the world was in shock, the US said they did not condone these practices, and no one higher up in Washington D.C. got prosecuted. So, were these guards acting out of their own, or did this behavior emerge from these US policies that were installed after 9/11? We have talked about the different interests we have seen between military intervention abroad and the advancement of human rights. In this chapter, I will be looking in how far different interests influence US’ decisions to condone torture, and if the tension between realism and liberalism is apparent if the use of torture is being discussed. I will first explore the liberalist and realists point of views towards human rights. After that, I will explain what happened in Abu Ghraib and about the torture techniques the guards used based on the Survival, Evasion, Resistance and Escape program. How do people come to such actions, and how do people know how to use torture methods? I will conclude this chapter by writing about the US’ response to Abu Ghraib and the aftermath of what happened there.

3.1 Theories regarding Human Rights

Governments and states are more focused on human rights practices in the international system since the Cold War. In light of realism, human rights are secondary to a state’s own interests in the international system and their need to hold on to power, it is justified to see human rights as less essential. “Unless the promotion of human rights is in the national interest why would it be rational for states to pursue such goals?” (Dunne and Hanson 63). Realism does not talk much about their interest to protect human rights. “As the great realists of the early part of the twentieth century argued […] exhortations to obey the universal moral law are simply techniques to hide the pursuit of narrow selfish interests” (Dunne and Hanson 63). This is in line with what the US did
in Iraq, they were pursuing their interest to fight terrorism and make a democracy of Iraq and therefore, “national interests will always trump calls for inserting human rights into foreign policy formulation (Dunne and Hanson 64). On the other side we have liberalism, which is the antipode of realism in the way they approach the importance of human rights in the international system, Liberalism is “a Western tradition of thinking in which the individual has rights that public authorities must respect” (Dunne and Hanson 63). It is quintessential to take into account the freedom and protection of humans. Liberals see the forging of international human rights laws as evidence that more democracies follow a liberal approach towards their foreign policy. “Liberals view human rights as having an increasingly important role in IR and point to the spread of liberal democracy as well as the establishment of a global human rights regime as evidence of this” (Dunne and Hanson 64). There is a contrast between a theory that finds human rights secondary to their own interests and a theory that is convinced human rights should be top priority.

But what about torture? “Realism depicts international politics as a rough business, and in the absence of a central authority that can enforce moral or legal constraints, realists expect most states will be willing to cross these lines on occasion” (Walt). Evidently, liberalism will never support this argument and the disparity between the two could not be bigger. The United States has been approaching foreign policy from both a liberal point of view and a realist point of view. As explained early this tension was evident between the two paradigms when it comes to military intervention and military assistance. So, when the United States government decided to invade and occupy Iraq there was on the hand the idea of using everything what was necessary to fight the War on Terror and fight terrorism, according to realism. On the other hand, there is this believe that human rights are vital for a liberal democracy to function properly, and the US wanted to make Iraq into a democratic state. The tension between these two shaped US’ handling of the situation in Iraq. When it came to torture, they used more of a realist’ stance to think of their own national security and go to extremes. But the ousting of Saddam Hussein was handled more out of a liberalist perspective. The tension between the two frameworks remain.

3.2 US Policy Regarding Torture

Torture is explained as “the systematic and deliberate infliction of severe pain or suffering on a person over whom the actor has physical control, in order to induce a behavioral response from that person” (Kenny 136). Torture is condemned by the US government, and they have some
According to U.S. code number 2340A “whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life” (“18 U.S. Code § 2340A – Torture.”).

However, after 9/11 under President George W. Bush torture became official accepted as US foreign policy. The US government allowed the use of torture on terrorism suspects in US custody. While the US themselves called it ‘enhanced interrogation technique’, they refused to accept it would fall under the term torture. It is a program used by the CIA, DIA, and other components of the US Armed forces at the so-called black sites all over the world for systematic use of torture, including at Guantanamo Bay and Abu Ghraib. Methods they use are waterboarding, beating, sleep deprivation and more (Siems). The justification of these methods according to President George W. Bush are that “the CIA had saved lives by using ‘enhanced interrogation techniques’ to acquire information from suspects but insisted: ‘This government does not torture people’” (“CIA Tactics: What Is ‘enhanced Interrogations’?”).

Human Rights Watch viewed this otherwise. “International bodies and US courts have repeatedly found that “waterboarding” and other forms of mock execution by asphyxiation constitute torture and are war crimes […] [and] violate the protections afforded all persons in custody – whether combatants or civilians – under the laws of armed conflict and international human rights law, and can amount to torture or ‘cruel, inhuman or degrading treatment.’ Accordingly, the United Nations Committee against Torture and the UN Special Rapporteur on Torture have clearly stated that these techniques are torture” (“USA and Torture: A History of Hypocrisy.”).

As stated in the second chapter the US did ratify parts of the Geneva Conventions, and the United States was thus obliged to follow the laws defined by the Conventions. However, Bush announced that “prisoners suspected of being Al Qaida or Taliban members are ‘enemy combatants’ and unprotected by the Third Geneva Convention […] Torture was thus authorized. The 2006 Military Commissions Act (aka the “torture authorization act”) later created the Geneva-superseded category of “unlawful enemy combatant” to deny them any chance for judicial fairness” (Lendman). The US justified their actions and the use of torture by issuing these statements but “on February 7, 2002, the White House issued an Order […] that [outlined] ‘none
of the provisions of Geneva apply to our conflict with al-Qaida (or Taliban detainees) in Afghanistan or elsewhere throughout the world…’ It meant they’d be afforded no protection under international law and could be treated any way authorities wished, including use of torture” (Lendman). The paradox here is that the US did enable guards to use torture methods, but the US never gave their verbal permission in the Abu Ghraib prison to use torture, the guards were still prosecuted and the US government was not, but did the use of these ‘enhanced interrogation techniques’ incite the events that happened in Abu Ghraib.

3.3 Abu Ghraib and Torture

One of the most horrendous examples of torture under the US’ watch was the torture and execution practices in the Abu Ghraib prison. The Abu Ghraib Prison was named after the town in which the prison was, the town of Abu Ghraib. “The prison was used to hold approximately 50,000 men and women in poor conditions, and torture and execution were frequent” (Hersh). “The prison was located on 280 acres of land 32 kilometers west of Baghdad” (“Iraq Prison Abuse Scandal Fast Facts.”). After the collapse of Saddam Hussein’s government, the prison was stripped completely and redivided for the US to be able to use the prison. It was the largest of several detention centers in Iraq used by the U.S. military. “In March 2004, during the time that the U.S. military was using the Abu Ghraib prison as a detention facility, it housed approximately 7,490 prisoners” (“Detainee Operations Inspection.”). “Three categories of prisoners were imprisoned at Abu Ghraib by the U.S. military. These were ‘common criminals,’ individuals suspected of being leaders of the insurgency, and individuals suspected of committing crimes against the occupational force led by the U.S. Although most prisoners lived in tents in the yard, the abuses took place inside cell blocks 1a and 1b” (“Iraq Prison Abuse Scandal Fast Facts.”).

When looked at the individuals who commit these crimes, it is useful to look at the psychology behind the use of abuse in these types of situations. According to research on torture “individual-level psychological studies have found little evidence that torturers are in any way sadistic, criminally inclined, or mentally ill. Most were normal, psychologically healthy individuals before being recruited and trained to be torturers” (Einolf 111). A perfect example of this is the Stanford Prison Experiment, in which student guards were not mentally ill but through peer pressure and the normality of abuse, the guards in the experiment went to more extreme ways to make the prison a living hell for the prisoners. They drew upon their knowledge of physical
punishments used in example fraternity hazing. Although this seems as if people are willing to torture others just because they can “most researchers agree that authority and obedience to orders play a role in the commission of violence, but there is some disagreement on whether direct orders are necessary to induce people to commit violent acts” (Einolf 112). This argument is supported by Jan de Vos’ article stating: “ordinary people can engage in incredibly destructive behavior if so ordered by legitimate authority […] ‘we know that good people can do terrible things under the right circumstances’” (De Vos 288-289). Another experiment that substantiates this claim is a study in the early 1960s (De Vos 289), in “which was said to test the effects of punishment on learning, test subjects turned out to be willing to press a button to deliver an electric shock to another person simply because he or she was instructed to do so by someone posing as a researcher” (De Vos 289). The combination between the psychology and the policy that were in place reinforced one another and made the situation very likely to support the use of torture in the prison. A suggestion could be that these studies, the Stanford Prison experiment and the test in the 1960s, suggest that the guards in the Abu Ghraib prison needed an authoritative figure to give them the permission they needed to act violently towards the detainees in the prison. After 9/11, President Bush gave the necessary approval to use torture methods on the prisoners. President George W. Bush approached torture from a realist point of view, the end justifies the means, i.e. the fight against terrorism justified torturing presumed terrorists.

Moreover, it not only the psychology behind these acts of abuse towards other people, but one very important consideration is that the guards in the case of Abu Ghraib responded to the policies Bush enforced and the military acted out. According to researchers in the Einolf article they argue that the “overlapping and confused nature of authority at the prison, and the lack of clarity in rules regulating the treatment of prisoners, explains why torture occurred” (Einolf 113). Despite the fact that the United States was in control of the prison, the US government did not give clear instructions or interfered in the daily routine of the prison. Nonetheless, “the military interrogators encouraged them [the guards] to do so by asking them to ‘set the conditions’ for successful interrogation. When the guards used torture methods, interrogators praised them, commenting that the prisoners were much more complaint during interrogation sessions after the late-night sessions of prisoner abuse” (Einolf 114). This argument is supported by Kenny’s article about the Meaning of Torture, he is stating that: “Torture is thus something that a public authority
does or condones” (Kenny 137). This relates to both experiments; the guards were positively reinforced and they were fighting for a common cause i.e. fighting terrorism.

It is a combination of multiple factors, the United States gave silent permission through their change op policies after 9/11, and this creates tension between a realist approach and liberalist approach. In light of their interests the US condoned torture, but they did not give explicit permission to use torture methods. It is a constant alignment throughout the research that on the one hand the US is very invested to advance human rights but cannot desert their own interests.

3.3.1 Torture Techniques

How did the guards in the Abu Ghraib prison know how to torture people? As mentioned before in the Stanford Prison Experiment, the students drew upon knowledge they had. The methods of torture used in the Abu Ghraib prison were deducted from a program taught in the US; the Survival, Evasion, Resistance, and Escape Program, in short SERE. The SERE Program “provides U.S. military personnel, U.S. Department of Defense civilians, and private military contractors with training in evading capture, survival skills, and the military code of conduct” (“Survival, Evasion, Resistance and Escape”). The SERE program and school was designed for the Navy Corps, Marine, Army and Air Force. According to the Air Force’s website the SERE program was developed for the following reasons: “Every member of an aircrew must be able to survive on their own in any environment under any condition should their aircraft go down. As members of Air Force Special Operations, […] specialists teach Airmen everything they need to know how to do just that. From building shelters and procuring water to land navigation and evasion techniques, these highly trained experts impart the skills needed for Airman to survive on their own and evade the enemy until they can be rescued and brought home” (“Survival, Evasion, Resistance and Escape (SERE).”). So, this program is developed for officers who get deployed and get into enemy hands to make sure that they will not release any information and thus know what kind of methods the capturers might use to obtain information. The SERE Program “submits officers to physical and psychological abuse in order to prepare them to resist torture if captured. […] The Abu Ghraib torturers learned methods from visitors from Guantanamo, and probably also from CIA interrogators” (Einolf 115). Furthermore, “it was the SERE Program that sent instructors and staff psychologists to Guantanamo […] and provided the technical expertise on tactics like water-boarding” (Morris). The guards knew what to do and adapted the technique learned in the
United States to torture and humiliate the prisoners in the Abu Ghraib prison. It is interesting to think of the fact that US military personnel know how it feels to go through this intensive training and know how it feels to be held captive in a training setting. These techniques are provided by the US government and used in an illegal way in the prisons. There is a tension between the claim that the US does not support torture, but they do give the tools to torture others.

3.4. Photographs of the Torture Practices in the Abu Ghraib Prison

On April 28th, 2004, the producers of CBS’s 60 minutes II showed horrific photographs of the abuses in the Abu Ghraib prison. They showed naked Iraqi prisoners in some humiliating poses. I will describe some of the content of the photographs. One photograph shows an officer who has a cigarette in her mouth and is pointing to a prisoner’s genitals. The prisoner is wearing a sandbag over his head while he is masturbating. Another picture shows three naked and hooded prisoners who have their hands crossed over their genitals. Yet another picture is showing a pile of prisoners who are naked and two guards are standing and grinning behind the pile of people. The last shocking picture is the one in which a prisoner is standing on a box with a sandbag over his head and he has been told that he will be electrocuted if he fell off the box. People were shocked and wanted to know what happened. The Bush Administration wanted to come to the bottom of this and started an elaborate investigation into all the different facets of the abuses in the prison.

3.5 US Government’s Response and the Aftermath

The US government found out that a prisoner died during an interrogation in November 2003. Upon this incident, the US set up an inquiry into this matter. Maj. Gen. Antonia Taguba investigated the misconducts and released a detailed report on April 30, 2004 (“Iraq Prison Abuse Scandal Fast Facts.”). There was one special Brigade responsible for the continued torture of the Abu Ghraib prisoners. “The 800th Military Police Brigade from Uniondale, New York, was responsible for running the prison. The brigade was commanded by Brigadier General Janis Karpinski, who was in charge of all of the U.S. run prisons in Iraq. She did not have previous experience in running a prison. The individuals who committed abuses at the prison were members of the 372nd Military Police Company, which was a constituent of the 320th Military Police Battalion, which was overseen by Karpinski’s Brigade headquarters” (Hersh).
On May 7, 2004, then Secretary of Defense Donald Rumsfeld gave a statement to the Senate and House Armed Services Committees. “These events occurred on my watch…as Secretary of Defense, I am accountable for them and I take full responsibility…there are other photos – many other photos – that depict incidents of physical violence towards prisoners, acts that can only be described as blatantly sadistic, cruel and inhuman” (“Iraq Prison Abuse Scandal Fast Facts.”). Later, President Bush gave his support to Rumsfeld. They installed an independent commission that came up with the following charges on August 24 and 25, 2004, “what took place at the prison was due largely to “sadism” on the part of officers working the night shift, but that responsibility for the mistreatment of prisoners went higher up the chain of command, back to Washington. […] the Abu Ghraib scandal finds 44 instances of abuse, some of which amounted to torture” (“Iraq Prison Abuse Scandal Fast Facts.”).

The staff of the 372nd Military Police Company were all charged with different assaults and they all did some time in prison. For example, Pfc. Lynndie England “was sentenced to three years in prison and given a dishonorable discharge” (“Iraq Prison Abuse Scandal Fast Facts.”). Brig. Gen. Janis Karpinski, who was commander and in charge of all the Iraqi detention facilities was “demoted from brigadier general to colonel […] and is cited for two of four allegations against her” (“Iraq Prison Abuse Scandal Fast Facts.”). She never did time in prison and so the higher up one goes in the investigation, the less far one gets in sentencing the people who were responsible of the Abu Ghraib Prison. The CIA, and the Bush Administration, should do an internal investigation to the people who might have known or were in contact with or worked with/in the Abu Ghraib prison. This way one might get some justice after all. The United States government stayed clear of prosecution but their image was damaged and people’s perception of how the US treats people in other countries changed. The ongoing tension between US’ interests and the advancement of human rights will continue. The issue between realism and liberalism stays vital for this discussion. The way in which the US handles torture and their place in the international system will also be a continued factor of discussion. The interests’ realists find important and the interests liberals find important parallels the issues the US has in their foreign policy. The US wanted to look after their security interests and with that, they have the greatest difficulty to pursue their commitments to human rights.
Conclusion

The period after World War I the United States changed their foreign policy approach. Before World War I they used isolationism to keep away from foreign conflicts and focused on rebuilding the US economically after the Great Depression. When Hitler came to power in Europe and the Second World War started the US was afraid of the possible consequences that would have for their security. They chose to approach foreign issues no longer from an isolationist point of view. After this the US fought wars like the Korea War and the Vietnam War. According to the research I have used in this thesis the US has intervened multiple times in the last three decades. They used intervention as a means to help the people in the countries but also to make sure the US would stay safe. One of the examples I have examined was the intervention and occupation of Iraq. Based on Choi and James’ article and Sandholtz’, the three-predominant reasons for intervention in other countries are the promoting of democracy, advancement of human rights and fighting terrorism. This is where the clash of interests occurs. Which one is supposedly the one the US is mostly interested in? This is where theorists come in, because the tensions between the different kinds of interests, parallels the tensions between the liberal and realist theoretical frameworks. Realists say that states will most of the time have a need for power, which creates stability in the world. They will do everything in their power to make sure they are secure and the world order stays in place. The key issue they are fighting for is security. So, they will always choose security over human rights. This is the opposite of liberalism, where freedom and the need to be able to negotiate with other actors is leading. International institutions are vital for the way in which the international community is shaped and functions. It is more important for liberals that everyone is safe instead of their own need for security and/or power.

The approach the United States uses in terms of military intervention is driven out of a liberalist point of view. The research results from Iraq indicated that the human rights numbers increased after the United States intervened and occupied Iraq. Moreover, if looked at the other motives of fighting terrorism and promoting democracy, the advancement of human rights scores best. This implicates that when it comes to military intervention, there is a tendency to think the US only thinks of their own freedom and power but in fact they are usually acting out of the interest for human rights.
In contrast to this, the research also showed that the United States when it comes to the legal side of affairs the US tends to ignore international human rights laws. The US helped writing international human rights laws and as stated before is at a governmental level committed to helping humans all over the world, but they contradict their pledge to how they treat these legal documents. Two reasons that are mentioned for this are US exceptionalism and the fact that it would restrain the US from exercising unilateral power. The US has signed treaties but they also refused to sign other parts of treaties. For instance, the ICC, The International Covenant of Civil Rights and Political Rights and the Geneva Conventions. This is a stark contrast with the outcome of the research results to US military intervention. The international community views these non-ratifications as weak and it influences their position in the international community negatively.

The US comes into the most conflict if we look at what happened in the Abu Ghraib prison during the Iraq War. The United States had control over this prison and put people who were suspected of different acts there and tortured detainees. The United States government did not give their verbal permission to torture these people. However, through statements that the Bush Administration released in combination with the psychology behind torture, the US did give the guards their silent permission. Only after a detainee died, the US started an investigation to what was going on in the Abu Ghraib prison. Only guards were prosecuted but no one higher up the chain was ever at fault. At the highest level of the government no one took responsibility for the actions of the guards. The US government tried to justify their decision making through stating the guards were only using official US policy of ‘enhanced interrogation techniques’ and that did not constitute torture. Human rights were grossly violated in the Abu Ghraib prison, and the US could not be prosecuted for it.

Future research can be done on the use of torture on an even bigger scale by the United States, and specifically the torture that happens on CIA black sites. This is torture on a much bigger scale and it would be interesting to investigate what the US government knows about these sites and who gives the CIA agents the permission to use torture techniques. This then can be related to why the US has these black sites and why they are torturing these people. Is it purely for getting information and making sure the US and the world is safe?

Overall the United States tries to help humans all over the world to positively influence human lives. Unfortunately, this is not always the case. Sometimes the US’ need for security
prevails and consequently negatively influence their commitment to the advancement of human rights. The US is also in conflict with the international community by not signing some of the international human rights treaties that are in place. In this fashion, the US can in some way choose what is more important for them at that specific time. The US shifts between a realist approach and a liberal approach towards foreign policy. Thus, the constant contradiction between the shifting commitments towards the advancement on human rights remain. In the eyes of the law the US cannot be sued but in the eyes of humanity they are being trialed.
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