

Torturing In The US Government

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The term torture implies the act through which severe pain is subjected to a person with the aim of forcing them to confess. (McCoy). Moreover, torture can be used to intimidate and coerce people into obtaining discrete information from them. Torture is illegal in the United States and hence punishable within the U.S. territory. According to the U.S. Supreme Court, torture is forbidden by the law under the 8th Amendment. Abusive interrogation tactics such as torture should be solidly banned in the United States as they are cruel and inhuman and degrade human dignity.

All acts of torture, inhuman, cruel, and degrading treatment should be banned by the United States government as it is against human dignity. These acts should be condemned as they degrade the dignity of life. Drivers of radicalization should be at the forefront of suppressing these repressive acts, which include incarceration, unrestrictive police authorities, and any form of torture. This is because, through torture, the victims are subjected to immense pain and even death which in turn degrades the value of human life. Moreover, subjecting people to torture violates the morally inviolable intrinsic worth of a person, causing them to lose their respect and self-dignity. In this essence, torturing should be abolished in the United States and internationally.

No state should tolerate or allow torture or any other physical and psychological abuse. Exceptional situations such as war, political instability, internal insecurity, public emergencies, and state of war should never be used in justifying torture and other acts of inhuman treatment within its jurisdiction. In this regard, regulatory laws should be put in place to control all interrogatory procedures and protect prisoners from ill-treatment during the interrogation processes. These regulatory mechanisms are aimed at defending the prisoners who are deemed as defenseless.

In addition to being illegal and immoral, torture does not provide any strategic advantage. Moreover, Abusing and subjecting people to torture violates the morally inviolable intrinsic worth of a person, causing them to lose their respect and self-dignity. Torturing people humiliates and devastates them. In this essence, torturing should be abolished in the United States and internationally. According to Barrack Obama; the former president of the United States, torture was morally wrong and should be abolished at all cost. Obama made efforts to discredit torture as a method and measure of national security preservation. In his assertion, torture made the country less safe and morally degraded the terrorist victims. During his reign, he ordered the conduction of interrogations in a humane way and hence prohibited torture and abuse of prisoners. For instance, he ordered the utilization of the army field manual which regulated the interrogation practices.

Neurological science has also shown that abuse and torture are ineffective ways of interrogating criminals. In relevance to Shane O'Mara, a neuroscience professor, both physical and psychological torture only comprises the mind, cognitive function, and mood, which are significant in extracting the right information. According to bell, more scientific studies in conjunction with various neurochemistry

aspects have suggested that the chances of obtaining truthful information through the use of torture tactics are very low. This rationale is based on the fact that repeatedly induced stress, pain, disorientation, fear, lack of control, and anxiety impair cognitive function and the ability to remember past information. Based on these facts, it is evident that torturing terrorists is more likely to do the opposite of the intended coercive interrogation and, hence, should never be applied.

According to the United States regulations, all acts of torture are inhumane, illegal, and punishable by the law. The Eighth Amendment to the United States Constitution bans excessive bail, fines, abusive punishments, and cruel treatment of all people convicted of crimes. Additionally, the United States field manual dictates that persons in custody or under conviction should not be subjected to torture and any form of degrading treatment as they are protected by U.S. law. Techniques such as beatings, shock, burns, and sexual abuse are prohibited by U.S. and international law.

The American Convention on Human Rights also forbids torture and views torture as a violation of human rights. According to (ACHR), all human beings have a right to humane treatment, and therefore, torture violates this right (Robertson and John). Article 15 of the (ACHR) proposes against all forms of actions against another person on any specified ground. Additionally, the convention incriminates all acts and attempts of torture as offenses based on criminal law, and such actions are punished through severe penalties in relevance to their severity. In other words, the U.S. government has incorporated laws that regulate and guarantee compensation to all torture victims.

Torturing acts possess adverse effects on the victim. In this essence, several treaties have been enacted to counteract the torturing practice. These treaties include the Geneva Convention, the Universal Declaration of Human Treaties, and the International Covenant on Civil Rights. These treaties ban all acts of assault such as deprivation of sleep, exposure to cold or hot surfaces, being forced to stand for long as well as being threatened. These are excruciating to the victim, and all necessary measures should be undertaken in suppressing them.

However, utilitarian thinkers believe that torture can be permitted and justified on certain grounds. For instance, according to them, torture can justify being on the verge of saving lives. According to Luban, a supporter of torture argues that, if torture is the only means of generating information necessary for stopping a ticking bomb, then it should be applied to save the lives at stake (p 250). Additionally, most researchers have set forth the idea that torturing helps in safeguarding the national security as it leads to gaining of vital information regarding matters of national security and then acting on them. However, other humane mechanisms such as acting friendly can still be applicable to save the situation rather than using torturing (Vanderhallen and Geert 67). In my opinion, Torturing should not be justified on any grounds.

In conclusion, human rights, intelligence professionals and researchers have proved on the ineffectiveness of torturing people in order to gain actionable intelligence. Applying emotion, the physical and psychological pressure only forces the victim to give false confessions just to end the painful experience. Therefore, in this regard, torture should be prohibited and illegalized on the basis

of the law. This is because torture reduces the values of life, morality, human dignity and as well violates the rights of the victim. Other effective interrogation techniques which respect human dignity should be adopted based on the fact that torture is not effective and only inflicts undesirable pain to the victim and yet no useful information is obtained. Moreover, torturing prisoners is illegal and punishable by the law.

Work Cited

Bell, Jeannine. "Behind this mortal bone: The (in) effectiveness of torture." *Ind. LJ* 83 (2008): 339.

Luban, David. "Liberalism, torture, and the ticking bomb." *Intervention, Terrorism, and Torture*. Springer, Dordrecht, 2007. 249-262.

McCoy, Alfred W. *Torture and impunity: The US doctrine of coercive interrogation*. University of Wisconsin Press, 2012.

O'Mara, Shane. *Why torture doesn't work: The neuroscience of interrogation*. Harvard University Press, 2015.

Paust, Jordan L., et al. *International criminal law*. Durham NC: Carolina Academic Press, 2000.

Robertson, Arthur H., and John G. Merrills. *Human rights in the world*. Manchester University Press, 1989.

Vanderhallen, Miet, and Geert Vervaeke. "Between investigator and suspect: The role of the working alliance in investigative interviewing." *Investigative interviewing*. Springer, New York, NY, 2014. 63-90.

Barak, Gregg, Paul Leighton, and Jeanne Flavin. *Class, race, gender, and crime: The social realities of justice in America*. Rowman & Littlefield Publishers, 2010.