

ETHICS AND THE FIGHT ON TERRORISM

Guantanamo Bay – Ethics and the Fight on Terrorism

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Class 58

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7 December 2007

Abstract

America's ethics are being questioned as the Global War on Terror brings a whole new approach to how the U.S. fights an elusive adversary. The U.S. faces a moral challenge in its conduct of the war and legal conflicts at home. The values that define America to the world are being called into question by allegations of detainee abuse in military prisons around the globe. The scandal at Abu Ghraib set the stage for civil rights organizations demanding transparency in the conduct of interrogations and the treatment of detainees.

ETHICS AND THE FIGHT ON TERRORISM

The ethics of the United States and all that it represents are suddenly being questioned by allegations of unwarranted detention and subsequent abuse of prisoners in the fight against terrorism. Reports of torture and detention without charges have shed new light on a system thought by many to be the model in treatment of prisoners of war and respect for human dignity.

Not since the detention of Japanese-Americans during World War II has America faced a dilemma of such magnitude. As the fight against terrorism continues, new challenges arise. The enemy encountered today in the mountains of Afghanistan or the streets of Iraq is a new and elusive foe. This faceless enemy lurks in the shadows, has no government, no country, and fights by rules not found in any conventional warfare manual.

The current administration, as well as its military leadership, has determined this new threat must be met with new and unusual techniques that transcend the realm of conventional battle. These techniques include bending of the Geneva Convention rules and how they apply to an adversary that does not fall, or fights, under its umbrella.

This new foe does not fight for a president or a country. He does not fight for political power or wealth. He fights for beliefs deep rooted in an ideology based on religion; where America values life, this adversary values death.

Faced with these new challenges, changes had to be imposed on how detainees were handled and interrogated. This led to the passing of the detainee bill on 28 September, 2006. This new bill allowed for a new system of interrogating and prosecuting terrorism suspects whom are not seen as combatants under the Geneva Convention.

The new bill passed by the House and approved by Congress was seen as a victory in the battle against terrorism. The bill paves the way for military trials of key al-Qaeda members and

provides restrictions on the ability of a suspect to challenge his detention, examine all evidence against him, and bar testimony allegedly acquired through coercion of witnesses.

The Global War on Terror being fought on two fronts as well as world-wide, has led to the detention of thousands of suspected terrorists. The flows of prisoners quickly surpassed our Armed Forces ability to process and try in an expeditious manner the innocent from the guilty. Many were held in local detention facilities while others were transferred to more permanent places such as Abu Ghraib in Baghdad and Camp Delta in Guantanamo Bay, Cuba.

The Abu Ghraib scandal of 2004 provided the first blow to our Armed Forces and a black eye to America. The images portrayed were seared into the world's consciousness which led to wide debate on the United States policy on torture and mistreatment of detainees. The doings of a handful of undisciplined Soldiers hurt everything for which all other warriors fought for.

It did not take long for civil rights organizations to probe the activities ongoing at one of the largest detainees' facilities, Camp Delta. The U.S. strategy was to maintain secrecy of its prisoners for their own protection. This did not please human rights groups or many in Capitol Hill who argued detention without representation was un-American, unconstitutional, and contrary to American interests.

Allegations of torture and prisoner maltreatment began to surface as prisoners were released after two or three years in prison. These allegations gained credibility with a leaked government memorandum that authorized the use of "enhanced interrogating techniques" specifically on Taliban and al-Qaeda members. Techniques some accused then Secretary of Defense, Donald Rumsfeld, to have been aware of.

America was caught in a quagmire. In order to gain valuable information that could save Soldier's lives, it needed to do so by unorthodox means. On the flip side, there was extreme

pressure from interest groups and government officials to disclose the ongoing activities in regards to treatment and interrogation of detainees.

The American Civil Liberties Union through the Freedom of Information Act was able to acquire FBI documents from at least 26 agency employees who claim they witnessed aggressive prisoner mistreatment and harsh interrogation techniques used by other government agencies or outside contractors.

The allegations of abuse ranged from inhumane treatment in interrogation rooms where prisoners were chained hand and foot to the floor with no chair, food, or water. Some were subjected to extreme hot or cold temperatures. Prisoners were humiliated by being draped with an Israeli flag while interrogated. Another technique, allegedly approved by Secretary Rumsfeld, was the placing of a detainee in a darkened cell to be interrogated for 24 hours straight.

The human rights groups had acquired the ammunition needed to put pressure on the U.S. to either free or try the detainees. This placed great burden on an Administration faced with ethical dilemmas of immense magnitude. On one hand, it was known some released prisoners had gone back to being terrorists. But on the other hand, protecting America's image of credibility is of utmost importance as well.

Conclusion

As the war continues, the U.S. has had to succumb to pressure from within in its handling of detainees. As more transparency is placed on prison activities, the more emphasis is placed on the ethical treatment of detainees. As our Armed Forces struggle to find a balance between mission and media, the only ones that have benefited from this ethical dilemma have been the elusive, faceless foes in orange jumpsuits.