

Torture 101

Those who advocate torturing jihadists are simply feeding the fire of extremism. Moreover, any information obtained under torture is almost certainly valueless. And nothing will change the use of terror tactics unless captured jihadists are deprived of their main goal: martyrdom.

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Much has been written and said about "harsh interrogation methods" used, during the Bush administration, upon suspected and actual jihadists. With a stroke, however, President Obama has recently overturned every legal argument from the previous administration on this contentious issue.

It's contentious, of course, because most would argue that harsh interrogation methods are a euphemism for torture. Because of these dangerous times, so the thinking goes, sometimes extreme interrogation measures must be considered.

Jihadists, we know, are dangerous; but they're not like urban extremists from the KKK or like the Timothy McVeighs of the world. Nor are they like the Ted Bundys. To my knowledge, none of those types have ever been systematically tortured by U.S. authorities – although the possibility remains.

But, jihadists definitely have been tortured, if you can believe what you read in newspapers. Some of them, according to reports, have died as a result of injury sustained during torture.

Now, we all know that torture is awful. Torture is painful. Torture comes in many forms and gradations. And torture is perpetrated every day, in every society on this planet: systematically, consistently and covertly. And even overtly. I need hardly mention the public abuses of yesteryear – The Inquisition, for example – but daily torture still occurs all the way from little boys who pull legs off frogs to governments that practice genocide upon their own people.

So, why the furore over torturing jihadists who use terror tactics indiscriminately in order to further their political or religious agendas? Why *isn't* it okay to use torture to extract information in extraordinary situations?

The reasons against torture have been thoroughly examined and debated for years and, generally, many agree that torture should not be used because it contravenes The Geneva Convention; and victims of torture will admit to anything, eventually. So, there can be no reliance placed upon information given. Moreover, another argument suggests that the use of torture by one side in a conflict will result in reciprocal action.

Despite those good reasons, there are some who continue to debate when torture might be sanctioned, notably [Alan Dershowitz](#) whose article on the topic – one of many – I read a few years back. His argument, and others similar, turns on one crucial point: the so-called ticking time bomb scenario. Essentially, if there is knowledge of a

planned bomb attack, torture can, and perhaps should, be used to extract information from a suspect. Most often, this argument is used in relation to the current crop of jihadists – viz. al-Qaeda and its spin-offs – that now threaten many countries.

Prevention is, after all, better than cure. Hence, it is thought that, by extracting information under torture, it's possible to prevent another attack as horrendous as – or worse than – 9/11.

Note that, in the ticking bomb case, it doesn't matter if the ticking bomb doesn't exist; what matters for authorities is getting information about (what they are told is) place and time so that the attack can be stopped. As already noted, however, persons under torture will admit to anything to relieve pain and suffering. Hence, whether the threat is real or not is of no consequence to the jihadist being tortured because s/he is achieving two things: first, precious time is passing, thus reducing the window for action if the threat is genuine and, second, if the person dies during interrogation, one more jihadist is a martyr. Hence, for jihadists, that's Mission Accomplished anyway, regardless of what happens later.

Unhappily, if the threat *is* real, the authorities are no further ahead. So, who is really winning in such a scenario?

To be sure, there *are* many threats made against the United States and other countries by the likes of al-Qaeda. Indeed, many think the probability of another devastating attack is high. In a recent [Washington Post editorial](#), Dick Cheney was again pontificating about the success the Bush administration's efforts to prevent attack, although he can offer no concrete proof of foiled attempts. While an attack is possible, of course, one must consider the probability, especially of a 'ticking time bomb'; and although nobody can provide a definitive answer about probability, I've provided [some thoughts here](#).

Despite these shortcomings about probability of attack and the ineffectiveness of torture, there are still voices that call for the use of torture should the scenario ever come to pass. Even Mr Panetta, the nominee for the CIA directorship, recognizes the door to extreme measures must be left unlocked although he rejects the torture practices of the Bush Administration. Recently on the News Hour, however, he admitted to Senators that he would seek presidential approval to go beyond usual practices if deemed *necessary*.

Now, I reckon that most jihadists are well aware of the dilemma facing security and intelligence services. They probably even welcome it. They must also know that, when push comes to shove, some form of extreme measures will still be used upon them if they are captured and questioned. Yet, still they come. Why?

To answer that, I think it's about time the whole situation is viewed from a different perspective – specifically, that of the jihadist.

In any suicide attack, the jihadist wants two things: first, s/he wants to die in jihad and, second, s/he wants to kill as many infidels as possible, in the process. That prioritization of aspiration should be abundantly clear because the jihadist dies first, unaware of the loss of life and extent of damage caused. Hence, to die in jihad first is

the prime motivation; if the attack is successful, so much the better, from the jihadist point of view.

No doubt many will recall that Khalid Sheik Mohammed (KSM) and others at Gitmo recently demanded the death penalty for their crimes, a demand that's been part of their mantra since capture. Although having publicly admitted their guilt vis-à-vis the 9/11 attack, whether they achieve their demand remains to be seen.

My opinion is that it *must* be denied, absolutely: **Do not give the jihadist the one thing that s/he wants the most.**

Instead, authorities should make it crystal clear that avowed jihadists, when exposed as conspirators before an attack or arrested as perpetrators after, will be treated as the worst kind of criminals, and not as 'enemy combatants', 'non-state actors' or other definition that causes legal conundrums, interminable delays and a propaganda bonanza for all jihadist and extremist organizations.

As criminals, the full weight of the law can then be applied. Hence, fanatical jihadists should be subject to the following minimum and *mandatory* sentences, upon conviction:

1. Incarceration for life, in solitary, with no parole, ever;
2. No Koran, or any other religious scripture;
3. No visitors/media reps, ever;
4. Twenty-four hour surveillance via CCTV.

Such a policy, I think, should be adopted by all countries fighting jihadists.

Excessive? Draconian? Inhuman? My response is two-fold: first, anybody on death row in USA or China – still the major proponents of capital punishment – is already being tortured in a far worse manner. And second, fanatical jihadists who seek death are beyond redemption, socially and psychologically, and analogous to the most dangerous type of sociopath; hence, they must be completely removed from society until their natural deaths occur.

Therefore, should a ticking time bomb situation occur – which I strongly doubt will *ever* happen – a captured jihadist should be made fully aware of what s/he faces regardless of the truth of a threat or its result, if genuine. By depriving the jihadist of the most important aspect of any attack – self-martyrdom – the most fundamental rationale for its implementation is rendered null and void. Effectively, s/he is an abject failure.

Will such a policy stimulate greater efforts by jihadists to avoid capture? Probably. Some jihadists, however, may contemplate their future more seriously and change their ways; others will die sooner and in haste. Will some die-hard suicide bombers still succeed? Without doubt; you can't prevent *every* attack. But torture doesn't apply to *successful* suicide bombers, anyway: they're dead.

In contrast, those who actively and honestly co-operate to prevent devastation and who renounce jihad should be treated appropriately, and not according to the above four points.

Continuing current policies at places like Gitmo, however, is inconclusive, confusing and demoralizing. Moreover, authorities in USA, UK and elsewhere are unlikely to achieve the upper hand and will be on edge 24/7/365 for the foreseeable future.

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