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# The Moral Issue Of Torture And War Crimes

## Introduction

What is torture? It is punishment inflicted through means of severe methods meant to cause severe pain in exchange for valuable information or a sadistic action taken by others to exert power. What are war crimes? It is an act carried out during war that breaks all rules of war placed as an international standard. Out of these two concepts one would say they are a necessary evil permissible when the stakes are high enough according to U.S government and every other governing party around the world.

One has to further divulge into the matter of what exactly does it mean to be tortured, and what are the consequences there after. Torture in simple terms is a violation of the human body, soul and mind. Why I say this is because an individual that has been tortured can never lead a normal life again, psychologically there'd be unstable and physically their scars would never heal most importantly as human being they could never recover from the evil that was shown to them by another fellow human being. Torture is inhumane because the methods used to extract information if it is a case of a terrorism or just a show of power. People can go as far as slicing you into pieces, killing your loved ones in your presence, being raped, beaten till no recognition, being burnt alive, etc. Imagine being in a position whereby all these terrible things are being done to you, even worse if you're an innocent individual who got caught at the wrong place at the wrong time.

Throughout history we have witnessed war crimes that have come to light and others not, where individuals have felt the need to go against their ethical code of battle and result in abuse of power for their own personal gain or satisfaction. But what does it actually mean to commit a war crime and where does it stem from? The first recorded instance of a war crime was reported at the end of World War I it is also known as the 'Lieber code'. It is a serious breach of the law whereby subjects of the enemy are forced into co-operative for the victorious government, where they have to share state secrets at the cost of their lives. This involves rape, maiming, murder, genocide and the death penalty, this is what all personnel from the invaded countries forced into becoming allies face when they are caught up in war crimes. At large they are crimes committed against humanity and there is no escape. As an individual you are deal with war marshals, highly skilled individuals who can kill without having given a second thought. How do you hold up your own? Should you find yourself in those circumstances. War crime in itself is also a form of torture, analysing the methods in which war crimes are concluded they are no different from the tactics used in torturing people.

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It's safe to say these two topics are not far apart from each other, they both consist of an exercise that violates and humiliates the individual that is detained against their will. Many would say that only through violence can one get their desired effect but should that be at the expense of our others. Those who are tortured or part and parcel of war crimes are striped from the title of being called a human because only a non-human would commit such injustices. Also what does it say about those who inflict such aggression and abuse upon others? There are numerous areas to still be explored upon torture and war crimes. The question still remains whether this form of act should be acceptable in society or banned from being practiced no matter the circumstance or situation.

All in all torture and war crime is the mistreatment of human-beings operating at a high level of cruelty. War crimes are illegal and unconstitutional, any person caught torturing, performing genocide, trading state secrets are no different from those that terrorise innocents and should be treated as criminals. War crimes fall into three categories; crimes against peace, crimes against humanity and traditional war crimes. A crime against peace constitutes one waging a war against the world's governments, violating international peace treaties. For example during World War II, a number of leading Nazi officials were prosecuted by Allies at the Nuremberg Trials for the crimes against peace. During this time the Nazis had invaded and occupied a series of sovereign states which included; France, Czechoslovakia, Poland and Austria. These invasions were made as an effort to accumulate wealth, power and territory, those officials at the time that planned and initiated those crimes were guilty of crimes against peace. Hermann Goring, chief of the Luftwaffe was one of the Nazi officials who were convicted of crimes against peace at the Nuremberg trails. A crime against humanity constitutes deportation, enslavement, persecution, and the extermination of people based on their race, religion and ethnic origin. This kind of war crimes category was single handily created by the Nazis because of the atrocities they created against man. Concentration camps were made around Europe where people were gased and tortured, millions of Jews were slaughtered. The Nazis were responsible for implementing this totalitarian system of terror that many now use and follow when they commit crimes against humanity. Ernst Kaltenbrunner was found guilty at the Nuremberg trials as head of operations. He was convicted and put to death. Traditional war crimes constitute acts that violate the accepted customs, practices, and laws of warfare that have been followed by civilized nations. These are the rules that every military group should follow, there are also set restrictions on the type of weaponry that can be used during combat. Should these rules not be followed soldiers, officers and those in high command are subject to being held responsible for violating the rules.

With such knowledge in mind it's hard to over look the thought process of those who committed these atrocities and those that actually survive the terrible ordeal of torture and suffering. Not only does the victim suffer but the people around the victims take strain also. Torture victims at large become disconnected with society and may end up taking their lives, the same truth can

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be spoken for those that are the perpetrators. Officials that were part of war crimes or torture ventures suffer psychological back downs much like their victims. One can only be inhumane for a short while but eventually your conscience catches up with you.

What becomes of interest is the fact that war crimes are regarded a criminal activity whereas torture is acceptable to society, a necessary evil officials would say. Whereas methods used in war crimes are no different from the torture tactics used to extract information from allies or perpetrators. The question thereafter is where should the line be drawn? Should it even be drawn? Why the need for torture, surely there can be other ways of extracting information from an individual, how about the promise of inflicting harm or building fear? Surely one would receive the same results, than having to inflict actual pain on someone. If that could be the solution, then that would mean that the issue at hand would be a power play between the two, either one has to fall at the mercy of the other. That being said one would go to great lengths to show their power, even to the point of de-humanising another all in the hope of showcasing who is superior than the other at the current stand point.

How does one being a torture victim? How does one find themselves in a compromising position, a locked door, dungeon, steel table etc.? First an individual would have to prove that they are of value, worthy for questioning that can only be done through surveillance. Another law is broken, the right to privacy, everything and anything that concerns you will be under the watchful eye of someone. If you are of value, the next step would be you being forcefully taken without consent. A second law is broken because you are now a hostage and kidnap victim. From this point you are at the mercy of your capturer. Of course this is permissible because after the attacks on the United States government on September 11, 2001 an authorisation for “enhanced interrogation techniques” on terrorism in US custody was put in place. Despite them saying that this does not constitute torture, the question now becomes if one is reluctant in sharing information with you because there not obliged to say anything, how do you extract information from them? According to the U.S government the enhanced interrogation attacks they speak of and are permissible include stress positions, hooding during questioning, deprivation of light and auditory stimuli, and use of detainees’ individual phobias such as fear of dogs. Many still argue that these are not torture systems while others disagree.

Taking a look at the enhanced interrogation in depth:

## **Waterboarding**

In the State Department’s 2003-2007 Human Rights Reports on Sri Lanka classified “near-drowning” experiences are among methods of torture and also the reports on Tunisia from 1996 to 2004 where the submersion of the head in water is also classified as torture.

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## **Stress Positions, Forced Standing and Forced Nudity**

The State Department's 2006 Human Rights Report on Jordan deemed that subjecting detainees to forced standing in painful positions for prolonged periods of time is torture. In its 2000, 2001 and 2002 reports on Iran the suspension of standing for long periods in contorted positions is described as torture and in the 2002 report on Sri Lanka, suspension by the wrists or feet in contorted positions and remaining in unnatural positions for long extended periods of time is also described as methods of torture.

## **Threats of Harm to Person, Family**

In the 2006 report on Turkey, threats made to the detainees or family members is classified as torture. In the 2006 filing on Jordan, threats made for extreme violence, sexual and physical abuse of family members is deemed as torture. In the 2002 report on Iraq, threats made to rape or otherwise harm family members and relatives in any way is considered torture.

## **Sleep Deprivation, Use of Loud Music**

In the 2005 and 2006 reports on Indonesia, Iran, Jordan, Libya, Saudi Arabia and Turkey, sleep deprivation is considered a form of torture. In the 2002 State Department report on Pakistan, any form of denial on sleep is described as a common torture practices. The 2002 report on Turkey lists that loud music is a form of torture.

## **Prolonged Solitary Confinement, Confinement in Small Space**

In the 2005 and 2006 reports on Jordan, extended solitary confinement is classified as torture. In the 2002 filing on Iraq it was described that extended solitary confinement in dark and extremely small tight spaces is also torture. In the 2005 report on North Korea, claimed that being forced to kneel or sit immobilized for long periods of time, being hung by one's wrists, being forced to stand up and sit down to the point of collapsing is classified as a method of torture. Lastly in the 2002 report on China, prolonged periods of solitary confinement and incommunicado detention is listed as torture.

Given the above information the U.S government still stands their ground in saying that their methods of extracting information are not forms of torture. Whether this is true it's up to the public and society to decide.

However despite the controversy that exists. The U.S government sees no other way in dealing with potential terrorist attacks. To some extent cruelty may be warranted because the lives of

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many will suffer, the fate of the world lies on their shoulders. It is up to the government that every human residing within the country is safe. If an individual has information that can save lives, then one life can be traded to save multitudes after all why should the world cave and be at the mercy of a few vile individuals that just want to cause mayhem and destruction. If we were to have mercy on them and let them be free, a great price would have been to paid. Why should others be free to do bad to worsen the condition of others but other's cannot do bad in an attempt to be a hero? The actions of a villain are always acceptable because well their villains but if one were to use the same tactics and methods villains use to uproot evil, it's always shunned upon.

## Conclusion

You may believe what you want to believe but based on the evidence found and gathered, torture is a necessary evil only in permissible situations where the lives of many are at stake but unwarranted when it is for selfish gains or just pure evil as we've seen in war crimes. Torture is a morality issue and it will always be one, but there are certain situations and circumstances that call for the removal of morality just that one time for the better good. Good comes with evil, these two concepts are interwoven and cannot exist without the other.

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