

FRONTLINE TEACHER'S GUIDE: "THE TORTURE QUESTION" **"Getting Away with Torture?"**

ABOUT THE FILM:

FRONTLINE's documentary "The Torture Question" traces the history of how decisions made in Washington in the immediate aftermath of September 11 led to an interrogation policy that, in turn, laid the groundwork for prisoner abuse in Afghanistan, Guantanamo Bay, Cuba, and Iraq. Abu Ghraib has always been a terrifying place to Iraqis -- Saddam Hussein used it as his primary torture chamber -- but in 2004, when graphic photographs of U.S. soldiers abusing Iraqi prisoners surfaced, Abu Ghraib took on deeper meaning. The political firestorm ignited by the Abu Ghraib photos and the shocking revelations that followed resulted in 12 Department of Defense investigations. One of them, a commission of ex-defense secretaries, found that there were lapses in oversight in the Pentagon, but that the practices had not been condoned. The FRONTLINE documentary "The Torture Question" looks at the legal framework developed by Bush Administration lawyers that provided the impetus for unprecedented rules for interrogating detainees in the search for "actionable intelligence." FRONTLINE follows the implementation of these rules from the battlefields of Afghanistan, to the detention facilities at Guantanamo Bay, to the horrific scenes photographed at Abu Ghraib prison in Iraq in the fall of 2003. "The details of what happened in those cellblocks between the U.S. soldiers and Iraqi detainees are well known," says producer/director Michael Kirk, "but how and why it happened is what took us into the heart of Abu Ghraib."

USING THE FILM AND TEACHER GUIDE IN THE CLASSROOM:

Teachers can either assign the film for viewing as homework or show the film in class. Suggested **discussion questions** are provided. The lessons and activities in this guide can be used in the classroom regardless of whether or not students view the film. The **featured lesson** in this guide is constructed in modules; teachers can use it in its entirety or select individual activities to accommodate instructional time and student abilities.

A NOTE TO TEACHERS:

Discussing this topic of physical and mental abuse can be challenging for both teachers and students. The pictures of abuse are unquestionably repulsive. The war in Iraq itself has become controversial, and debate on its merits, progress and operations can be difficult. However, it is important that clear and rational discussion of personal and governmental responsibility occur. The lesson in this guide focuses on crucial issues of government policy as it was implemented in highly emotionally-charged times of war and defense of the nation. To prepare your class for the program and classroom activities, you might want to help students understand the importance of discussing controversial issues in class and remember to respect others as they might present divergent or opposing viewpoints. You may wish to have students create a set of rules of conduct for engaging in controversial discussions.

For classes in Social Studies, U.S. Government, U.S. History, and Current Events; Grades 9-12.

DISCUSSION QUESTIONS:

Students review the **Geneva Conventions**, and discuss their initial impressions and positions on the subject of torture and its place in acquiring important information to defend the country.

**FEATURED LESSON PLAN:
"Getting Away With Torture?"**

Students will:

- Understand the basic facts surrounding abuse of Iraqi prisoners at Abu Ghraib
- Review the policy memos written to establish procedures for interrogation of prisoners of war and unlawful combatants, and assess their influence on military personnel's interrogation practices
- Analyze the limits of interrogation techniques in accordance with the Geneva Conventions

ADDITIONAL LESSON IDEAS

What Would You Do?

Students look at a hypothetical scenario where a major U.S. city has suffered an attack by a suspected terrorist organization. Students set policy on questioning a suspect who is reluctant to talk.

Unlawful Combatants or Prisoners of War?

Students explore the meaning of these terms as they relate to international treaties and U.S. policy.

Responding to World Opinion

Students review world reaction to the Abu Ghraib prison abuse scandal and explain, from their perspective, what happened and why.

ADDITIONAL RESOURCES

An annotated list of relevant Web sites, articles and books.

Purchasing the Film

"The Torture Question" can be purchased from Shop PBS for Teachers [<http://teacher.shop.pbs.org/home/index.jsp>].

Also, teachers and students can watch the film streamed in its entirety on FRONTLINE's Web site [<http://www.pbs.org/wgbh/pages/frontline/torture>]

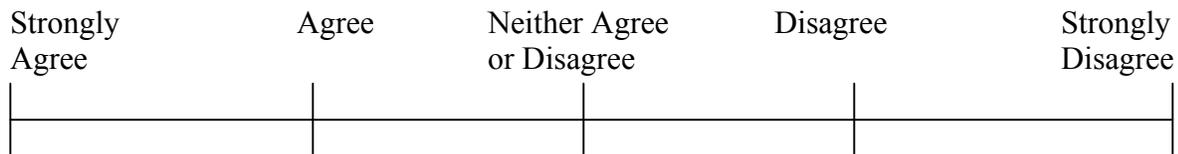
Credits

This teacher's guide was developed by Simone Bloom Nathan of Media Education Consultants. It was written by Greg Timmons, curriculum writer and educational consultant. Advisers were Deborah J. Gerner, Professor of Political Science, University of Kansas, Ellen Greenblatt of University High School, San Francisco and Michelle McVicker of the Rutherford County Schools, Tennessee.

DISCUSSION ACTIVITY/QUESTIONS

Procedure:

1. Explain to students that the Geneva Conventions established guidelines about treatment of prisoners of war and what constitutes torture. Distribute the handout "Excerpts from the Geneva Conventions" for students to review.
2. Draw a Likert scale across the board or overhead that looks like this:



3. Distribute the handout "What is Torture?" to all students and have them review the interrogation techniques.
4. Number off students into small groups and have them discuss their views of each technique and where they personally would position themselves on the scale. Students do not have to reach a consensus within their group on where they would position themselves.
5. Ask the student groups to state their position and reasoning for each of the techniques and write their number on the scale. If some group members are not in complete agreement, have them explain the reasons behind their different views.
6. Ask students about why it is difficult to define torture. Have students name two uncertainties they had in trying to determine their position and two thoughts they took away from participating in this activity.

STUDENT HANDOUT:

Excerpts from the Geneva Convention relative to the Treatment of Prisoners of War

Article 3

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) Taking of hostages;
- (c) Outrages upon personal dignity, in particular, humiliating and degrading treatment;
- (d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

Article 4

A. Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:

1. Members of the armed forces of a Party to the conflict as well as members of militias or volunteer corps forming part of such armed forces.
2. Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfill the following conditions:
 - (a) That of being commanded by a person responsible for his subordinates;
 - (b) That of having a fixed distinctive sign recognizable at a distance;
 - (c) That of carrying arms openly;
 - (d) That of conducting their operations in accordance with the laws and customs of war.
3. Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power.

Article 12

Prisoners of war are in the hands of the enemy Power, but not of the individuals or military units who have captured them. Irrespective of the individual responsibilities that may exist, the Detaining Power is responsible for the treatment given them.

Article 17

Every prisoner of war, when questioned on the subject, is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information. If he willfully infringes this rule, he may render himself liable to a restriction of the privileges accorded to his rank or status....

...No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind.

Article 87

Collective punishment for individual acts, corporal punishments, imprisonment in premises without daylight and, in general, any form of torture or cruelty, are forbidden.

Source: [URL: <http://www.unhchr.ch/html/menu3/b/91.htm>]

**STUDENT HANDOUT:
What is Torture?**

Read the following statements regarding potential interrogation techniques that have been paraphrased from news stories, military personnel and/or public opinion on what should be allowable to obtain "actionable intelligence," i.e. important information. Then be prepared to defend your position about whether you agree or disagree that the techniques are permissible.

- Physical force that causes severe pain is permissible when obtaining information to prevent an inevitable attack that could kill many people.
- Suicide bombers and terrorists are not protected by the international laws against torture.
- Countries whose military personnel commit acts of torture are not responsible as long as they do not expressly order the military personnel to commit the act.
- Embarrassment or ridicule is not a form of torture.
- Posing a prisoner of war in uncomfortable positions (standing on one leg, arms extended outward, or doubled in a fetal position) for extended time periods is permissible in the process of interrogation.
- If a prisoner of war is from a country or organization that does not recognize the laws and customs of war, they are not protected against torture or abuse.
- Altering a prisoner of war's sleep pattern from night to day, placing them in isolation, changing their diet from hot meals to MREs (meals ready to eat), or altering meal times is a form of torture.
- To obtain important information from a prisoner of war, it is permissible to use tactics that instill fear or the threat of harm.
- Physical force such as slapping, pushing, or poking that doesn't cause severe pain or serious injury is permissible in the quest to obtain information from a prisoner of war.

LESSON PLAN

"Getting Away with Torture?"

Lesson Objectives:

Students will

- Understand the basic facts surrounding the abuse of Iraqi prisoners at Abu Ghraib
- Review the policy memos written to establish procedures for interrogation of prisoners of war and unlawful combatants and assess their influence on military personnel's interrogation practices
- Analyze the limits of interrogation techniques in accordance with the Geneva Conventions and international law.

Materials Needed:

Internet access

A copy of the FRONTLINE documentary "The Torture Question"

Student handouts

Time Needed:

PART I

- 35-45 minutes to review the interrogation techniques and complete the activity
- 30-35 minutes to review the facts of the Abu Ghraib prison abuse incident and the controversy surrounding it (This can be done as a homework assignment)
- 90 minutes to watch the documentary "The Torture Question" (This can be done as a homework assignment.) The program can be viewed via video stream from the FRONTLINE Web site [<http://www.pbs.org/wgbh/pages/frontline/torture>]

PART II

- 35-45 minutes to research "Tracing the History of the Interrogation Policy" chart in class (or as homework)

PART III

- 45-50 minutes to review and report on the "Chart Review" questions
- 45-50 minutes to conduct the "Fishbowl" activity

Procedure:

PART I

1. Before viewing the film, have students review the facts of the Abu Ghraib prison abuse incident using the following Web sites. Have students take notes on the questions from the student handout "The Facts and Issues of the Abu Ghraib Prison Scandal."
 - Timeline of events [URL:
<http://www.scvhistory.com/scvhistory/signal/iraq/abughraib-timeline.htm>]
 - Background on the prison facility's history [URL:
<http://www.answers.com/topic/abu-ghraib-prison?method=6>]
 - *The New Yorker* article by Seymour Hersh "Torture at Abu Ghraib" [URL:
http://www.newyorker.com/fact/content/?040510fa_fact]
2. Show the documentary, "The Torture Question", to the class.

PART II

3. Divide students into six groups and distribute the handout "Tracing the History of Interrogation Policy" to all students.
4. Review the instructions with students and assign each group *one* of the Chart Review questions listed after the chart on their handout. Note that *all* students are to research *all* the memos in the handout, and each group will answer *one* of the questions. In addition, *all* groups will answer question 7. If necessary, students can fill out the chart and answer the question as a homework assignment.
5. Have students go to the Web site "What is Torture?" at [URL: <http://slate.msn.com/features/whatistorture/introduction.html>] to do their research on the memos listed in the chart and help them answer their assigned question.
6. After completing their research, give students some time to review their question in their group before they present their findings to the class.
7. Conduct the "Fishbowl" activity below.

PART III

"Fishbowl" Activity

1. Explain to students the class will conduct a "fishbowl" activity (also called "inside-outside" discussion session). (Now might be a good time to review your rules for class discussions.) Using the groups from the discussion activity above, begin with the "1's" sitting in the middle of the class facing each other and the rest of the class sitting in a circle around them.
2. The teacher or a student can moderate the discussion using the suggested questions on the student handout (also found below) or ones of your own. Only the students in the inner group are allowed to respond to the questions you ask. If a student from the outer circle wants to join the discussion, he or she moves to the middle of the circle, taps only a participant who has already spoken to move to the outer circle, and takes that student's place. After ample time is spent on the first question, call up the second group to the center and follow the same procedure with a second question. Switch discussion questions enough times to allow for all students to participate.

"Fishbowl" Activity: Discussion Questions

1. Do you feel that responsibility for the actions at Abu Ghraib lies solely with a rogue group of convicted military personnel or that people of higher rank (both military and civilian) should also be held responsible for the abuses? If so, who else should be held responsible? Why or why not?
2. On September 11, 2001 the United States was attacked in New York and Washington, D.C. by a group known as Al Qaeda. This group had no direct ties to another country and in the view of the Justice Department and President Bush, did not fall under Geneva Convention protections. Considering this, should the U.S. military, in order to obtain crucially needed information, be allowed to treat people associated with such groups and responsible for terror actions differently than Geneva Conventions rules require? Why or why not?
3. Did the policies for interrogation of detainees at Guantanamo, established prior to the invasion of Iraq, lead to the prisoner abuse at Abu Ghraib? Why or why not?
4. How do you gauge the reliability of information obtained by methods of torture?
5. If foreign countries believe the United States committed acts of torture on Abu Ghraib prisoners, what do you think their reaction might be? Would this reaction be justified? Why or why not?

6. What should United States policy be for interrogating prisoners of war and detainees? Should this policy be different for members of groups like Al Qaeda and the Taliban at Guantanamo than for the insurgency prisoners in Iraq at Abu Ghraib? Explain your answer.
7. Do you feel further investigations are needed to determine the answers to many of these questions? Why or why not?

Methods of Assessment:

- Completion of note-taking assignments
- Participation in discussion
- Write an executive summary of the torture incidents at Abu Ghraib and other facilities focusing on the development of U.S. interrogation policy, its implementation at Guantanamo and Abu Ghraib, and recommendations you would make to prevent further occurrences of abuse

**STUDENT HANDOUT:
Tracing the History of Interrogation Policy**

PART I:

Directions:

1. Go to [URL: <http://slate.msn.com/features/whatistorture/introduction.html>] and click on "The Legal Memos" at the top of the screen. Find the memos in the scroll box on the left.
2. Research each memo on the list by taking notes in the appropriate places on the chart below. Also leave room for your own comments or remarks.
3. Answer the Chart Review question you were assigned and discuss your findings with members of your group. Be sure to download the original memo from the Web site to find information to answer the question. Then present your findings to the class.
4. Follow the teacher's directions for participating in the "fishbowl" activity.

Memo	Key Issues	Key Legal Advice Given	Your remarks
<u>Memorandum for William J. Haynes II, General Council, Department of Defense</u> By John Yoo January 9, 2002			
<u>Memorandum for the President, Subject: Decision to Re Application of the Geneva Convention on Prisoners of War to the Conflict with Al Qaeda and the Taliban</u> By Alberto Gonzales January 25, 2002			
<u>Draft Decision Memorandum for the President on the Applicability of the Geneva Convention to the Conflict in Afghanistan</u> By Colin Powell January 26, 2002			
<u>The President, The White House, Washington, DC</u> By John Ashcroft February 1, 2002			

"The Torture Question" FRONTLINE Teacher Guide, September, 2005

Memo	Key Issues	Key Legal Advice Given	Your remarks
<p><u>Humane Treatment of Al Qaeda and Taliban Detainees</u> By George W. Bush February 7, 2002</p>			
<p><u>Memorandum for Alberto R. Gonzales, Counsel to the President, RE: Standards of Conduct for Interrogation under 18 U.S.C. 2340-2340A</u> By Jay Bybee August 1, 2002</p>			
<p><u>Memorandum for Commander USSouthcom, Subject: Counter-Resistance Techniques</u> By Donald Rumsfeld January 15, 2003</p>			
<p><u>Working Group Report on detainee Interrogations in the Global War on Terrorism: Assessment of Legal, Historical, Policy, and Operation Considerations</u> By DOD Legal Taskforce March 6, 2003</p>			
<p><u>Memorandum for the Commander, USSouthern Command, Subject: Counter-Resistance Techniques in the War on Terrorism</u> By Donald Rumsfeld April 16, 2003</p>			

PART II: Chart Review Questions:

In your group, review the memo linked on the Web site to answer your assigned question below and be prepared to share your findings with the class.

1. Review the "Articles of the Geneva Convention" handout. Comment on the reasoning of John Yoo's memo stating the Geneva Conventions don't apply to Al Qaeda. Do you agree or disagree with his conclusions and why? (Access John Yoo's memo.)
2. What was the concern of Secretary of State Colin Powell's memo for the President on the "Applicability of the Geneva Convention to the Conflict in Afghanistan"? Do you agree with his conclusions or feel, as did Alberto Gonzales, that the war on terror is a "new kind of war"? Explain your answer.
3. What conclusions did President Bush make in his memo "Humane Treatment of Al Qaeda and Taliban Detainees" about the different treatment for these detainees in and out of Afghanistan? In what ways do parts of this memo reflect the opinion of Colin Powell's earlier memo? Do you feel these parts are in line with the Presidents' overall conclusions? Why or why not?
4. Describe the definition of torture in Jay Bybee's memo "Standards of Conduct for Interrogation under 18 U.S.C. 2340-2340A." In your view, how do these compare with the Geneva Convention Article 3? Combined with the earlier memos from Yoo, Gonzales, and Ashcroft, what message does this send to military personnel regarding their treatment of prisoners of war and detainees?
5. Review the "Working Group Report on Detainee Interrogations" memo and explain the main purpose of this document. The report defines torture according to the 1994 UN Convention against Torture. Describe the different ways the Group Report attempts to absolve the U.S. handling of Guantanamo detainees from potential accusations of torture.
6. Donald Rumsfeld's April 16, 2002 memo entitled "Counter-Resistance Techniques in the War on Terrorism" provides detail on 24 interrogation techniques permitted at Guantanamo Bay. Review the 24 techniques in the memo and compare these with articles 3, 17, and 87 of the Geneva Conventions. Assess whether you believe any of these interrogation methods constitute torture.

PART III: "Fishbowl" Activity Discussion Questions

1. Do you feel that responsibility for the actions at Abu Ghraib lies solely with a rogue group of convicted military personnel or that people of higher rank (both military and civilian) should also be held responsible for the abuses? If so, who else should be held responsible? Why or why not?
2. On September 11, 2001 the United States was attacked in New York and Washington, D.C. by a group known as Al Qaeda. This group had no direct ties to another country and in the view of the Justice Department and President Bush, did not fall under Geneva Convention protections. Considering this, should the U.S. military, in order obtain crucially needed information, be allowed to treat people associated with such groups and responsible for terror actions differently than Geneva Convention rules require? Why or why not?
3. Did the policies for interrogation of detainees at Guantanamo, established prior to the invasion of Iraq, lead to the prisoner abuse at Abu Ghraib? Why or why not?
4. How do you gauge the reliability of information obtained by methods of torture?

5. If foreign countries believe the United States committed acts of torture on Abu Ghraib prisoners, what do you think their reaction might be? Would this reaction be justified? Why or why not?
6. What should United States policy be for interrogating prisoners of war and detainees? Should this policy be different for members of groups like Al Qaeda and the Taliban at Guantanamo than for the insurgency prisoners in Iraq at Abu Ghraib? Explain your answer.
7. **Question for All Groups:** Do you feel further investigations are needed to determine the answers to many of these questions? Why or why not?

ADDITIONAL LESSON IDEAS

What Would You Do?

Students look at a hypothetical scenario where a major U.S. city has suffered an attack by a suspected terrorist organization.

- *The Scenario:* A phone call was made to the local FBI office identifying the group responsible and providing details only someone close to the attack would know. The caller also told authorities that another attack by the group was inevitable within 24 hours unless the U.S. consented to pulling all troops out of the Middle East.
- *Description of the Suspect:* A suspect has been arrested who was traced to the phone booth identified as the site of the warning phone call. Authorities are very sure this suspect has the information they need.

Working in small committees, students will recommend guidelines for the questioning of this suspect, who so far has provided little information and is reluctant to talk. Students should describe the techniques and the justification (legal and strategic) for their recommendations.

Unlawful Combatants or Prisoners of War?

One of the major lynchpins of the war on terror has been the meaning and use of the terms "unlawful combatants" or "enemy combatants." The establishment of this category of prisoner, defined and supported in the Administration's legal memos, has allowed the President to treat detainees in the war on terror differently than traditional prisoners of war. However, this determination has also caused confusion among members of the military, Congress, the public, and the international community, as questions are raised about the treatment of these prisoners and U.S. international treaty obligations. Students can investigate some of the fundamental questions surrounding this controversy by examining the following:

- the President's war powers in the U.S. Constitution (Article II, Sec 2)
- the Supremacy Clause of the U.S. Constitution as it pertains to treaties (Article VI, Cl 2)
- the Joint Resolution Authorizing The Use Of Force Against Terrorists [URL: http://www.pbs.org/newshour/bb/military/terroristattack/joint-resolution_9-14.html]
- the John Ashcroft memo summarizing the Administration's view of the status of detainees as prisoners of war [URL: <http://news.findlaw.com/wp/docs/torture/jash20102ltr.html>]

Students can construct a presentation, report, debate or editorial examining the following question: Does the Constitution authorize the president as commander-in-chief to override international treaties, such as the Geneva Conventions, that the U.S. has signed?

Responding to World Opinion

Students can review world reaction to the Abu Ghraib prison abuse scandal at *World Press Review* [URL: <http://www.worldpress.org/Mideast/1861.cfm>]. They can write a letter in response to the editor of the publication or the country's ambassador. The letter should acknowledge the article and its commentary and then provide an explanation from the student's perspective of what happened and why.

ADDITIONAL RESOURCES

A Note about Internet Resources

Students need to be aware that Web sites sometimes present only one view of an issue. Encourage them to think about Web sites even as they are reading. Guiding questions as they review Web sites are: What did you learn from this site? What didn't you learn from this site? Who sponsors this site? What bias might the sponsor have? How current is the site?

WEB SITES

"The Torture Question"

[<http://www.pbs.org/wgbh/pages/frontline/torture>]

The companion Web site to the FRONTLINE documentary provides extended interviews with direct participants in the story, analysis of significant issues, frequently asked questions, readings and links.

U.S. Department of Defense Detainee Investigations

[http://www.defenselink.mil/news/detainee_investigations.html]

Frequently updated database of special reports, briefing transcripts, news releases, and news articles on the detainee investigations produced by the U.S. Department of Defense.

Global Security report on Abu Ghraib

[<http://www.globalsecurity.org/intell/world/iraq/abu-ghurayb-prison.htm>]

A comprehensive review of the Abu Ghraib prison facility and the story of prisoner abuse, this site has satellite images, a chronology of events, and summaries of the investigations.

BOOKS AND ARTICLES

Abu Ghraib: the Hidden Story

[http://www.markdanner.com/nyreview/100704_abu.htm]

This article by Mark Danner for the *New York Times Book Review* examines two Defense Department investigations: the Schlesinger Report and the Major General George Fay Report.

Night Draws Near

By Anthony Shadid

The Pulitzer Prize-winning author tells the story of the run-up to the war, the invasion, and its uncertain aftermath through Iraqi eyes.

Chain of Command: The Road from 9/11 to Abu Ghraib

By Seymour Hersh

This book, developed from Hersh's investigation at Abu Ghraib and research for articles in *The New Yorker* magazine, contains specific details and analysis of events since the September 11 attacks and on the conduct of the war in Iraq.

Double Standards on Abu Ghraib

[http://www.aei.org/publications/pubID.20472,filter.all/pub_detail.asp]

This article written for the American Enterprise Institute by Newt Gingrich makes the case that efforts by liberals or Arab media to generalize the acts of a few as typical of the efforts of the U.S. to bring democracy and freedom to the Middle East should be condemned.

The Road to Abu Ghraib

[<http://www.washingtonmonthly.com/features/2004/0411.carter.html>]

This comprehensive article, written by Phillip Carter for the *Washington Monthly*, provides a review of the events that led to the prisoner abuse at detention facilities. It covers the chronology of events as the scandal went public and examines the legal precedent established by the Defense Department memos and the unintended consequences of decisions that were made.