Abstract

“Silent power, audible impunity” examines conflict-related sexual violence (CRSV) against male detainees, in Abu Ghraib and in Camp Breadbasket, following the 2003 invasion of Iraq by the US–UK coalition. The article explores three contributing factors to the abuse: the impunity of the Western perpetrators, the justification of the abuse through “War on Terror” narratives, and the gender norms within the military. It argues that it is imperative to ensure accountability for crimes against humanity, to cultivate a minimally harmful political discourse, and to address the impact of gendered discussions surrounding CRSV.

Keywords: war crimes, Iraq, identity, gender, constructivism, military

Throughout history, conflict-related sexual violence (CRSV) has been utilized as a tactic of war, typically as a display of power and control (Milillo, 2006) extending beyond traditional military strategies. This article analyzes the use of CRSV against primarily Iraqi detainees by the military personnel of the United States and the United Kingdom military personnel at Abu Ghraib prison and Camp Breadbasket between 2003 and 2008, through the application of the constructivist approach. This approach contradicts traditional theories such as realism and places more significance on the agency of individuals (Theys, 2018). It argues that because the social world is constructed by us (Onuf, 1989), powerful actors are therefore responsible for shaping the landscape of international relations through their interactions with each other (Theys, 2018), emphasizing the importance of social norms, identity and ideas in determining global events.

Through discourse analysis, an approach entrenched in constructivist ideology (Khan & MacEachen, 2021), this article will explore three components which contributed to the perpetration and subsequent lack of accountability for the atrocities committed at Abu Ghraib and Camp Breadbasket. First, it will consider the impunity enjoyed by the US and the UK through the construction of their identity as “superpowers”, rendering other nations reluctant to condemn their actions. Second, it will analyze how securitization within the War on Terror...
discourse was used to justify the brutalities, and finally how the construction of gender norms within the military may have impacted the use of sexual violence as a punishment by the soldiers. It will conclude by offering recommendations based on these angles of analysis toward the improvement of future responses. Utilizing a constructivist lens, it aims to expose the significance of identity and power in responses to crimes committed by influential authorities. It also aims to highlight how the framing of the War on Terror influenced social narratives of Abu Ghraib and Camp Breadbasket, justifying actions which otherwise would be inexcusable, as well as confronting the obstacles present in the traditionally gendered discourse of CRSV. The analysis of such aspects is crucial to understanding the situation of CRSV at Abu Ghraib prison and Camp Breadbasket, encouraging further discussion of the socially constructed identities and norms of major states and agencies, and the significance this poses.

**Western superiority and impunity**

CRSV has been portrayed as an inevitable by-product of conflict (Brownmiller, 1975; Thomas & Ralph, 1994), often resulting in a lack of accountability for the perpetrators due to the multiple actors involved, many of whom are highly influential, legitimate identities of authority (UNRIC, 2023). The identity of the United States as a “superpower” of the world has produced an environment where other countries are reluctant to condemn, resulting in reduced responsibility for their actions at Abu Ghraib. While attitudes toward the US have fluctuated depending on context, the overarching dynamic is their identity is too powerful to challenge (Wallace, 2002; Sawant, 2021). The prowess they display in military, political and economic fields, alongside the historical role of the US in shaping international order, has cemented their position as a powerful force in international affairs (Daalder, 2002). An alliance with the US is one of significant value, offering a sense of prosperity and reassurance for nations during periods of instability (National Institute for Defense Studies, 2009). Such benefit is also felt by the US, with the opportunity to receive international support for its foreign policy, ensuring the US maintains its hegemonic system of global control (ibid.). Similar sentiments apply to the UK, which has been ranked as the second most influential global superpower following the US (Allison, 2018). This recognition is based upon various criteria, wherein the UK demonstrated considerable strength, including military capacity, economic influence, political leverage, scientific and technological advancement, and cultural prestige (Rogers, 2017).

In alignment with the premise of constructivism, this identity, alongside the global norms it perpetuates, has had a significant impact on the security landscape (Gordenker, 1980), particularly concerning the impunity experienced by the US and UK after the revelations of Abu Ghraib and Camp Breadbasket (Amnesty International, 2023). Traditional theories in international relations would pay little attention to these prison scandals, arguing they have minimal bearing on international measures of security, advocating states prioritize self-interest and it would be irrational for them to undertake any action portraying weakness, no matter the ethical consequences (Antunes & Camisao, 2018). Constructivism argues it is instead important to shift attention to the ways in which states understand and perceive the world, and to acknowledge the social construction of their national interests as this is what influences their actions in the production of conflict (Hurd, 2008; Lim, 2021).

The subsequent lack of liability for the torture at Abu Ghraib is demonstrated by the social status of the few individuals who experienced punishment, with the government administration citing the abuse was the fault of “a small group of morally corrupt” individuals (Jones, 2004: 2). Only 11 military personnel were convicted of various crimes in this context, including conspiracy, maltreatment of detainees, and neglect of duty (Hilal, 2017). Higher-ranking generals and politicians remained largely unaffected, despite investigations into the abuse suggesting responsibility fell higher up the chain of command (Centre for Public Integrity, 2008). Similarly, despite acknowledgment that the UK armed forces
committed several acts of abuse against Iraqi civilians in detention between 2003–2008, no criminal prosecutions have arisen from the investigations, resulting in the closure of the primary investigation detailed in the “International Criminal Court Situation in UK/Iraq Final Report” (ICC Report, 2020). It was found that, during this time, UK military personnel were responsible for the torture of at least 1,071 Iraqi detainees, the killing of 319 and the perpetration of sexual violence against 21 males in their custody. Though the initial investigation conducted by the UK was deemed insufficient, the nation retained responsibility for subsequent investigations into allegations of its’ own abuse (ibid.). Reports by journalists from BBC Panorama and the Sunday Times newspaper detailing accounts of deliberate falsification of evidence and premature conclusion of investigations by UK armed forces in their preliminary examination were closed by the UK government in 2017 (Spurrier et al., 2019). Such a failure in the first instance has been credited to further allegations of abuse since the original investigation took place, yet despite this, the UK maintained its central role and control over the inquiry.

While various methods of torture, unlawful killing, sexual assault, and other outrages against the personal dignity of detainees were uncovered in later investigations, which included the accounts of non-criminal proceedings, there were no prosecutions against individual members of the UK armed forces, much less governmental accountability (ICC Report, 2020). The Service Prosecuting Authority (SPA) declined to prosecute largely due to a lack of evidence which, due to the historical nature of the events and the initial mishandling of information, is a miscarriage of justice directly influenced by the inadequate investigation by the UK. In the event of an impartial investigation from the outset, evidence would have been available that is unfortunately no longer viable. Instead, many consolation payments were made to victims of the abuse with the settlement of civil cases for hundreds of victims, with the perpetrators at every level enjoying almost complete impunity. Mistreatment of detainees is the responsibility of those highest in the chain of command (ECCHR & PIL, 2014), and yet they remained unmarred by the accusations. While the report uncovered no evidence of a formal plan of abuse, institutional and military command failings at several levels were found to be rampant in the organization (ICC Report, 2020). According to the report, many of the interrogation techniques which had been outlawed in UK domestic law in 1972 re-entered practice in the case of torturing Iraqi detainees at Camp Breadbasket, due to a lack of clear guidance and erosion of institutional memory. The Ministry of Defence (MOD) had an overly generalized set of documents to standardize interrogation of prisoners of war by the beginning of the Iraq war, with varying degrees of permissibility reliant on the individuals teaching the techniques. Despite such legislative shortcomings endured by the UK armed forces, this does not provide a sufficient reason for the level of abuse faced by the Iraqi detainees at their hands.

Moreover, enhanced interrogation techniques used by the US military personnel were unofficially approved through the discourse disseminated through the ranks; while revelations of the abuse were met with global outrage, they aligned with the negative construction of Iraqi people by the White House (Hersh, 2005; US Department of Defense, 2004). Masking the connection between policymakers and the torture at Abu Ghraib was a key priority for the US government to distance itself from criticism (Danner, 2004; Ratner, 2005). Likewise, the use of monetary compensation for the Iraqi civilians abused by the UK. military promoted a false sense of accountability and genuine investigation to the public, without ever achieving true justice for the victims or appropriate sanctions for the perpetrators. Due to their identity as a “superpower” projecting their status and importance on a global level, both the US and the UK were able to separate themselves as a nation away from the tarnished reputations of Abu Ghraib and Camp Breadbasket. The utilization of financial compensation and the shifting of blame toward less powerful actors ensured the minimization of perceived UK and US involvement in the controversy, a movement aligned with
constructivist belief that the court of public opinion protects the reputation of the state and upholds their legitimate authority, a crucial factor in preserving national identity (Tucker & Hendrickson, 2004).

In the same way, the construction of US identity as a “superpower” grew from the cultural norms and beliefs of “American Exceptionalism” (Tocqueville, 1835–1840), influencing the ways in which the nation interacts on an international stage. Following the constructivist framework, the importance of social perception in shaping international relations is significant (Williams & McDonald, 2023), hence attitudes toward the US are vital in the exposure of their impunity regarding the abuses at Abu Ghraib. The US involvement in the Second World War pivoted the ideas of exceptionalism into positive identities, projecting the nation’s military strength and economic capability to the international community, fostering their perception as a superior nation (Mack, 2017). In the context of Abu Ghraib, it is vital to account for the historical influences which instigated the moral and physical superiority portrayed by the US, as these factors ultimately established its immunity to condemnation.

Constructivism presents America’s subscription to an identity of exceptionalism and can be used as a framework to analyze the lack of responsibility they enjoyed after their crimes of CRSV at Abu Ghraib were revealed, acknowledging the significance of ideas, identity and norms in shaping the social actions which protected their reputation as a superpower of the world.

The securitization of Muslims

Discourse and rhetoric, within constructivist analysis, are valuable components of the social processes which influence the production of identity and norms (Holzscheiter, 2014), the narratives of which can be used to shape public opinion and provoke political movements (Khan & MacEachen, 2021). The process of securitization involves a certain political logic which defines security, putting emphasis on the discourse surrounding threats and how such a designation is accepted by an audience and lobbied into legislation (Buzan, Waever, & Wilde, 1998). This approach aligns with the theory of constructivism, viewing security as a process rather than an unattainable condition (MacDonald, 2023). The governments of the US and the UK, through securitization, portrayed Muslims as dangerous after the 9/11 terrorist attacks, inviting an atmosphere of fear and constructing a believable threat against Western values. This transcended conventional politics into security politics, with the restriction of debate and the implementation of emergency measures and legislation (ibid.). Embedded in the political discourse was the rhetoric that all Muslims could be dangerous terrorists (Watson Institute for International and Public Affairs, 2023), with their cultural belief systems “infiltrating American justice processes” (Anti-Defamation League, 2016). In several speeches by President G. W. Bush, use of the word “war” was a deliberate technique to evoke a heightened sense of urgency among the US public, justifying the need for exceptional wartime privileges (O’Connell, 2006). The narrative of danger constructed by a legitimate authority figure, follows the securitization process employed when establishing a new threat (Waever, 1995). Furthermore, in his State of Union Address (2002), Bush refers to the nations of Iran, Iraq, and North Korea as “The Axis of Evil” (Bush, 2002: 36), aiming to plant the seed of suspicion, and to reiterate the severity of the threat posed by other countries. Being President of the US, Bush held significantly recognizable power among his citizens, thus was able to convince them to accept several unique precautions in the name of preserving American security. In the same way, the conflict in Iraq was framed as a crucial front in the War on Terror by the UK government, with the rhetoric and actions of Blair in alignment with the broader goals of the Bush administration. In September 2002, a dossier presented by Blair’s government claimed Iraq was in possession of Weapons of Mass Destruction (WMDs), which could be deployed in just 45 minutes (HC Deb, 2002), as a justification for military action. In a speech to the
House of Commons on 18 March 2003 (HC Deb, 2003), Blair argued that Hussein’s regime posed a direct threat to the UK and its allies, emphasizing the necessity of decisive action against Iraq. The rhetoric initiated by Bush and reinforced by Blair portrayed Iraq as a dangerous entity, emphasizing the potential threat it posed to Western values, as well as Western lives. Such framing of the War on Terror as a crucial campaign for the protection of the citizens of the UK and the US paved the way for additional legislation demanded by the public, ultimately at the expense of many Muslims living in these countries.

Subsequently, legislation was introduced to restrict the rights and movements of Muslims, while infringing upon their privacy (Fazaga et al., 2021). Announced in the US in 2002, the “Special Registration” program required male visitors from specified nations to register their presence at an immigration office (Jachimowicz & McKay, 2003). The countries included in the requirement were all of the Muslim majority, deemed to be a risk to national security (Cainkar, 2002). Over 80,000 men and boys were extensively questioned and fingerprinted (Bayoumi, 2015), and, despite promising to expand the program to encompass all foreign visitors, it was disbanded in 2003 with no terrorism charges resulting from the procedures (ibid.). Such an outcome suggests it disproportionately targeted Muslim communities by assuming all citizens of the specified countries are suspected to be engaging in terrorism (Jachimowicz & McKay, 2003). The underlying narrative of distrust this system encouraged contributed to the securitization of Muslims, which allowed the US government to justify their actions at Abu Ghraib prison as a necessary response to the 9/11 attacks, within a politically fueled post-9/11 sentiment of fear.

During this period, the UK government regularly updated its national terrorism threat level, alternating between severe and critical (the two highest levels) five times in less than a year since its formation (MI5, n.d.), intensifying security measures and expanding counterterrorism operations both domestically and internationally. Shortly after the 9/11 attacks, the Anti-Terrorism, Crime and Security Act (2001) was swiftly pushed through parliament, providing authorities with the ability to indefinitely detain terrorist suspects without a trial, a measure also applied to foreign nationals. Similarly, the introduction of the Prevention of Terrorism Act (2005) focused on controlling and restricting the movement and actions of individuals suspected of involvement in terrorism. Both pieces of legislation have been widely criticized for their impact on civil liberties, creating suspicions of the Muslim population and reinforcing tensions in the whole community (Human Rights Watch, 2004, 2005). Ultimately, this legislation provided the justification for the actions taken by the UK government against detainees at Camp Breadbasket, citing it as a response to the perceived threat to civilians posed by Iraq.

Additionally, the securitization of Iraq and its association with terror was further used to justify the abuse of Abu Ghraib through the selective interpretation of the conditions set out in the Geneva Convention. Written between 2001–2002, leaked memos revealed the Bush administration arguing the convention did not apply to the individuals detained in Abu Ghraib, thus allowing for torture of inmates unrestrained by legislation (Danner, 2004). The securitization of Muslims justified such abuse, weakening legal safeguards and fostering a culture of impunity by portraying certain detainees as security threats rather than those covered by the Geneva Convention. In his 2005 speech, Bush discredits the stories exposed through Amnesty International by the prisoners (Bush, 2005), painting them as liars who “hate America” (Hamm, 2007: 268), weakening their connection to the rest of the world. Securitization theory can be used to analyze the US government’s construction of fear among their population to garner support for their intense response to the War on Terror. The political elite consciously constructed anti-Muslim rhetoric to shape public perception to suit their agenda (Kumar, 2012), using wartime language by an authority figure to inspire a sense of emergency against Muslims. The process of securitization, integrated with the ideas surrounding national identity and norms of behavior seen in constructivist analysis,
facilitated the implementation of anti-terrorism legislation, with many US presidential statements attempting to appeal to a sense of "national identity as a rhetorical foundation" (Ching, 2020: 1). The US government’s process of securitization of Arabs and Muslims as terrorists made it far easier for them to be tortured, humiliated, and killed (Hamm, 2007), not only accepted by the public, but also by the officers who carried out the abuse.

Gender norms and sexual violence

The constructivist premise of gender norms and identities within the military has been a controversial dynamic since its inception (Sandhoff & Wechsler Segal, 2015), with the replication of gendered hierarchies mirrored in the abuse at Abu Ghraib. The predominantly masculine arena (Harp & Struckman, 2010) promotes images of powerful, violent men (Williams, 2022), hence, several studies have highlighted the importance of discussing militarized sexual violence in the context of gender identity, alongside the prevalence of toxic masculinity within the institutions of war (Connell, 1995; Goldstein, 2001; Higate & Hopton, 2005). In Abu Ghraib prison, sexualized violence against largely male detainees, perpetrated by female soldiers was extensive (Banwell, 2020), with reports of victims being forced to simulate sexual acts (Holland, 2009), and pose in degrading positions wearing women’s underwear (Taguba, 2004). Utilizing a constructivist lens alongside feminist insights can help us to understand the construction of masculine and feminine identities in the military, providing an angle for exploration of the violence encountered by male detainees.

It has been projected they experienced a process of “feminization”, in that the abuse they endured is something typically only experienced by women (MacKinnon, 2006). Their positioning in hyper-sexualized, subordinate posing represented them in a traditionally feminine styling (Nusair, 2008), displaying the power and dominance of the soldiers, concepts closely linked to masculinity (Baselga, 2023). Following this logic, male detainees become victims when they have been treated like women, as women are victimized by the nature of their existence in patriarchal societies (Zurbriggen, 2008). Such arguments address the gender dynamic at Abu Ghraib by exploring how the male victims of the torture are so because they have been regarded as women, with one victim even stating “they wanted us to feel as though we were women ... it is the worst insult to feel like a woman” (Baselga, 2023: 14). The presentation of gender identity and its’ discrepancies in military settings is enough to constitute the label of torture of male inmates at Abu Ghraib. The construction of gender hierarchies was replicated in the abuse, influencing the behaviors of the military personnel, encouraging them to humiliate detainees through a gendered lens.

On account of this viewpoint, many feminist theories have been critiqued for their tendency to view the sexual violence against male inmates at Abu Ghraib as subordinate to that of women, who are regarded as the real victims of a patriarchal society, even when female soldiers are the perpetrators of the abuse (Ahmed, 2011). CRSV has a gendered narrative, which can prove challenging to address in the frame of reverse gender roles, allowing for the exoneration of the perpetrators and a lack of justice for victims purely based on the construction of their gender and the social discourse this shapes. It is portrayed as a crime committed against women and children by male soldiers and, while this viewpoint is typical of most situations of CRSV (Ellsberg et al., 2020), it can be detrimental to employ this perspective with victims who are not female, or whose attackers were, as it minimizes the perceived severity of the crime committed. The released photos undermine the assumptions of both dominance feminism, suggesting women who adopt traditionally masculine behaviors struggle to fully comprehend their own subordination, and cultural feminism, which posits the presence of women in the military increases its humanitarian endeavors (Ahmed, 2011). In this vein, some feminist engagement can fail to be reflexive, and victimizes the female perpetrators for their “forced” assimilation into a male system of sadism and violence.
Feminist theorist Ehrenreich admits the analytical misgivings of feminist theory, stating she felt naïve in believing women to not be capable of such cruelty (Ehrenreich, 2004). However, she then goes on to excuse their actions, stating a new wave of feminism must focus on how to teach women to say no to situations of male authority, infiltrating and subverting their inhumane practices. While acknowledging the guilt of women in this abuse, she highlights they are only guilty because they felt forced to act like men (Ahmed, 2011). By emphasizing the victimhood of women, even when implicated as perpetrators of torture, this feminist discourse inadvertently reinforces the erasure of the experiences of Muslim men as victims in the War on Terror. This contributes to their construction as the enemy, despite being subjected to torture themselves. In this way, the social construction in the military culture of Abu Ghraib contributed to the harm experienced by the detainees. The gendered discourse of violence by the military, such as CRSV, is inherently problematic, allowing some feminist discourse to justify the actions of the perpetrators, while attempting to analyze the significance of the gender identity of those involved.

The utilization of constructivist frameworks within this analysis has explored the construction of CRSV as a justifiable tactic of war when committed by select entities. The importance of such components was highlighted through the dissection of three key areas: the impact of superior notions of identity, the negative landscape created through securitization, and the implications of gender norms in the administration of torture. The UK and the US enjoyed impunity for their crimes due to the subscription to their identity as a superpower, allowing accountability for their actions to remain an elusive concept (Amnesty International, 2023). In the hope those who commit war crimes are appropriately sanctioned in the future, discouraging further execution of such acts, it is important to disrupt the hegemonic, global hold of these nations, lest their immunity regarding horrendous crimes against humanity “reign supreme” (ibid.: 4). The promotion of other nations could foster prosperous alliances between outlying countries, who will no longer feel forced into alliances with the US and the UK for their own security, dismantling the power they exert internationally and encouraging condemnation for their actions. Similarly, constructivism can be used to explore the impact of the securitization on the War on Terror, and how the discrediting framing of Muslims in the US prepared the landscape for the abuses they endured at Abu Ghraib (Kumar, 2012). The language employed promoted the need for excessive responses and legislation regarding foreign visitors to the US, designed to frighten the public and construct the war as reasonable and protective, when in reality it was discriminatory and detrimental to international security (Jackson, 2005). A similar situation was seen in the UK, with the frequent updating of terror threat levels to their highest degree and restrictive acts designed to control the movements of “suspect” individuals.

When combined with feminist theories, the constructivist notion of the importance of identity in shaping world affairs can be used to analyze the implications of gender identity within the military. The gender norms and constructs were seen not only in the physical manifestation of the torture of inmates (Nussair, 2008), but also in the justifications and by feminist scholars in the aftermath of such abuse. The presence of such damaging gender norms needs to be re-oriented to ensure such stereotypes do not serve to model a framework for torture, or to silence those who were tortured.

References


Silent power, audible impunity

Hollie Dales


HC Deb 24 September 2002 vol 390 c1

HC Deb 18 March 2003 vol 419 c758WH


