

Forum: Commission of Crime Prevention and Criminal Justice (CCPCJ)

Issue: Measures to address the use of torture in interrogation methods

Student Officer: Nicholas Baker and Dara Deutsch

Position: Chairs of Commission of Crime Prevention and Criminal Justice

Introduction

All around the world, regardless of the type of government enforced, beliefs, or cultural practices, the world has united and agreed to one basic human right that cannot be violated. According to the Universal Declaration of Human Rights, article 5, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". Torture has been condemned by the international community, as it is a brutal, dehumanizing, and unjust practice. As stated by the OHCHR, "Torture is one of the most horrendous violations of a person's human rights. It is an attack on the very essence of a person's dignity." Nevertheless, it is still used as an extreme measure in some territories around the world for interrogation purposes. Torture in interrogation violates multiple human rights laws. It has become a mission of the United Nations to try to minimize or completely eradicate the practice of torture in as many countries as possible.

Definition of Key Terms

Torture

When somebody in an official capacity inflicts severe mental or physical pain or suffering on somebody else for a specific purpose.

Interrogation

Formally questioning a person to obtain a confession and to come to the objective truth.

Waterboarding

Interrogation technique in which water is poured over a cloth covering the face giving the victim a drowning sensation that could lead to unconsciousness or death.

Rectal Feeding

Often referred to as 'nutrient enema', which is often used to control a prisoner's behavior when a hunger strike is initiated. In other words, it is a way of force-feeding a person.

Central Intelligence Agency (CIA): Independent government agency in the executive branch charged with carrying out intelligence and counterintelligence operations in support of American national security.

Beating: a punishment or assault in which the victim is hit repeatedly.

General Overview

Torture has been a method of interrogation throughout history with the goal of extracting confessions or the truth from a person or suspect. The first archeological evidence of torture dates back to Neolithic Europe, roughly 7,000 years ago. Torture is a common practice in many parts of the world, generally in Asia, the Middle East and parts of Africa. There is a large variation of torture methods, from physical methods like beatings and electric shocks to psychological forms of torture such as sleep deprivation. Many governments are

known for using torture as a method of interrogation, whereas others either hide it or resort to other methods. Torture as a form of interrogation is very popular, and the argument of whether it is ethical or not is highly debated.

Ancient Practices

Torture dates back all the way to the third century BC. The practice of crucifixion which was practiced by the Assyrians and Babylonians. Crucifixion involves being tied and nailed to a wooden cross or beam. In ancient times, torture was often used as a form of interrogation, however it was also used to humiliate and dehumanize victims in their final moments.

Psychological impacts of torture

Other than physical effect, torture can have long-lasting psychological effects that traumatize victims. In the case of torture, some long-lasting psychological effects are post-traumatic stress disorder, anxiety, depression, and others.

Physical effects of torture

Other than physiological effects, torture has many long-lasting physical effects that can be detrimental to the human body. The physical effects of torture can vary depending on the type of torture undergone and the intensity, however some physical effects include headaches, auditory problems, visual problems, trembling muscles and many others.

Major Parties Involved and Their Views

United States of America (USA)

As one of the most powerful countries in the world, with such strong and big military and intelligence, the United States has approved “enhanced interrogation techniques”, even more after the events of 9/11. The Department of Justice approved the use of these techniques and have said they do not constitute as torture. Nevertheless, some of these techniques include waterboarding and other types of “mock execution by asphyxiation constitute as torture”. The USA has publically admitted to using torture as interrogation methods for the Central Intelligence Agency’s post 9/11 program, which has raised concern in UN offices.

United Kingdom (UK)

While torture was illegalized in the UK in 1640, the country has been linked with several incidents involving the CIA where the use of torture was enforced. In these ‘secret’ CIA facilities, the use of rectal feeding, waterboarding, sleep deprivation, and stress positions have been confirmed. There has been pressure on the UK government to inquire these instances, yet there has been little progress made into these investigations.

Eritrea

Eritrea's stance on torture as an interrogation method has been a controversial issue the country has faced. Detention centers in the East African country have had prisoners subjected to daily beatings, hand and feet bindings, extreme sun exposure, starvation, among other things. Prisoners have also reported being taken to prisons without formal charges, access to lawyers, and extremely unsanitary conditions.

South Sudan

With a civil war on its hands, South Sudan is notoriously known for its cruel treatment in detention centers of South Sudanese rebels. A usual day for these prisoners include deadly beatings, asphyxiation, bindings, etc. All these methods are used in interrogations, where, if the prisoners did not give the answers guards wanted, they would be tortured.

Turkey

After the UN's torture task force visited Turkish prisons, they noted the use of systemic torture in the facilities, where cruel treatment of prisoners was approved and tolerated "at the highest political level". While the Turkish government officially disapproves of the practice, it is enforced in most detention centers. Furthermore, after the UN investigation was initiated, some Turkish officials were charged with concealing evidence of torture. Among these officials was Sema Pikinsüt, the head of the Parliamentary Human Rights Commission of Turkey.

Timeline of Events

Date	Description of event
700 BC	Torture was used in Ancient Rome and Ancient Greece as a way to confirm allegations of crimes such as heresy, witchcraft, among others
1948	After World War II, the United Nation prohibits torture in the Universal Declaration of Human Rights
Sep. 11, 2001	

Al-Qaeda attacks the Pentagon and destroyed the World Trade Center in New York City, USA

2002

The USA initiates the Central Intelligence Agency (CIA)'s Terrorist Prevention Program, known for their "enhanced interrogation techniques"

2015-2017

Otto Warmbier Case: American man who was arrested in North Korea and brutally tortured. Returned to the United States succumbing to his injuries.

April 2022

Human Rights Watch Calls for Pakistan to make torture illegal after various reports of police officers using torture to interrogate accused criminals

July 2022

Ukraine Calls For Investigation After Video Purportedly Shows Russian Troops Torturing and Killing Prisoner Of War

UN involvement, Relevant Resolutions, Treaties and Events

The United Nations Human Rights Council, along with the Commission on Crime Prevention and Criminal Justice, recognizes torture as a violation of the human rights and has adopted policies to fight against its use.

The 9th of December 1975, the General Assembly adopted the "Torture Declaration", for protection of all persons from being subjected to torture and other cruel, inhuman, or degrading treatment or punishment. That same date, a second declaration was adopted regarding the issue of torture. The General Assembly requested the Commission of Human Rights to study the question of

torture and to map the necessary steps to ensure the effective observance of the “Torture Declaration”. Furthermore, the 8th of December 1977, the General Assembly requested the Commission of Human Rights to draft the first convention against torture and other cruel, inhuman, or degrading treatment or punishment, putting into practice the principles of the “Torture Declaration”. The convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment was adopted by the General Assembly the 10th of December 1984, and it was put into force after being ratified by 20 States.

Possible Solutions

One of the primary solutions that can be used to prevent torture as a form of interrogation is resorting to different interrogation techniques like different physiological techniques such as direct confrontation, deflection, dominance etc. These techniques are proven to be effective forms of interrogation, however they do not cause the victim physical or psychological harm. Another possible solution to prevent torture as a form of interrogation is the establishment of laws and increased monitoring on interrogation programs. This encourages governments to resort to more ethical forms of interrogation. To minimize or prevent the use of torture of non-government groups such as gangs and terrorist organizations, government can increase the severity of crimes to discourage the use of torture.

Sustainable Development Goal (SDG)

By finding measures to address the use of torture as interrogation methods, the international community would be fulfilling at least two very important SDG's. One of them being goal number three: good health and wellbeing. This SDG

constitutes the wellness of all individuals of the world, regardless of their past, line of work or alleged crimes.

If the international community is able to address this issue effectively, they would be getting one step closer to achieving this goal, as torture would not affect the wellbeing and the health of individuals. It is commonly known that torture can be both physically and mentally. Some methods commonly used, like stress position and forced standing, or threats of harm to person or family are likely to leave a long-term negative effect on the wellbeing of a person.

Another SDG that would significantly be closer to solve if this issue is addressed is number 16: Peace, justice and institutions. Torture as interrogation methods are not only caused by a lack of peace and disturbance of it, but due to its illegality it can be seen as a clear injustice to a nation and furthermore to the person being tortured. The aspect of institutions can also be seen as government institutions are most likely those that enforce these techniques and implement them in their interrogations, specially in extreme situations with specific missions.

Bibliography

"Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - Main Page." United Nations, United Nations, <https://legal.un.org/avl/ha/catcidtp/catcidtp.html>.

Berenson, Tessa. "Torture Report: A Timeline of the Interrogation Program." *Time*, Time, 9 Dec. 2014, <https://time.com/3625181/senate-torture-report-timeline/>.

The Rule of Taliban - Amnesty.org.
<https://www.amnesty.org/es/wp-content/uploads/2022/08/ASA115914202>

2ENGLISH.pdf.

"Torture in Eritrea: 'Every Night You Hear Shouts and Cries of People Being Beaten'." Amnesty International, 17 Aug. 2021,
<https://www.amnesty.org/en/latest/news/2013/06/torture-eritrea-every-night-you-hear-shouts-and-cries-people-being-beaten/>.

"South Sudan: Arbitrary Detention, Torture." Human Rights Watch, 28 Oct. 2020,
<https://www.hrw.org/news/2015/05/18/south-sudan-arbitrary-detention-torture>.

Appendix

- I. Elaborate report on torture and abuse in South Sudanese detention facilities
<https://www.hrw.org/news/2015/05/18/south-sudan-arbitrary-detention-torture>.
- II. UN article addressing inhumane treatment of convicts and torture
<https://legal.un.org/avl/ha/catcidtp/catcidtp.html>.
- III. Report on The Taliban's use of torture as methods of interrogation, prisoner and authority abuse
<https://www.amnesty.org/es/wp-content/uploads/2022/08/ASA1159142022ENGLISH.pdf>.
- IV. Elaborate report on torture and abuse in Eritrean detention facilities
<https://www.amnesty.org/en/latest/news/2013/06/torture-eritrea-every-night-you-hear-shouts-and-cries-people-being-beaten/>

[ght-you-hear-shouts-and-cries-people-being-beaten/](#).