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General Assembly 3 - Social, Humanitarian and Cultural (SOCHUM)

Research Report

Topic 2: Alternatives to torture for interrogation and intelligence gathering purposes



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Introduction

The topic that will be discussed in the Third Committee of the General Assembly is alternatives to torture for interrogation and intelligence gathering purposes.

According to, Article 1 of the United Nations Convention against Torture and Other Cruel¹, inhuman or Degrading Treatment or Punishment, torture is *“any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions”*.

Through the course of many years, the discussion of using torture for interrogation and/or intelligence gathering purposes has been a controversial debate as some believe it is unethical and some do believe it is justifiable in some circumstances such as, but not limited to interrogation and intelligence gathering purposes. Many have also questioned the effectiveness of using torture for interrogation and intelligence gathering purposes which has sparked other discussions such as, but not limited to, the use of alternative methods to torture.

Key Terms

Torture is *“any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions”*.

Interrogation is the process of asking *“questions of (a person), sometimes to seek answers or information that the person questioned considers personal or secret”*.

Intelligence refers to the government or others seeking *“information about an enemy or a potential enemy, the evaluated conclusions drawn from such information and an organization or agency such as*

¹ APT (2018), Visited: 3/1/2018. Available at: <https://www.apr.ch/en/what-is-torture/>

but not limited to military intelligence and naval intelligence, engaged in gathering such information and the interchange of information”.

Main Body

Torture as a method of interrogation has been used over the course of history and is still being used today. According to Amnesty International, torture during interrogation is being used in 141 countries today, some openly and some secretly². The use of torture has sparked many different discussions, such as but not limited to, defining what exactly is and is not legal torture, the effectiveness of using torture as a method of interrogation, ethical concerns and what are alternative methods for interrogation, that are ethical.

Current methods and devices used during torture interrogations and intelligence gatherings are divided into four types of torture. There is psychological torture, physical torture, medical torture and pharmacological torture. Psychological torture is *“a type of torture that relies primarily on psychological effects, and only secondarily on any physical harm inflicted”*. Psychological torture includes but is not limited to, the use of extreme stressors, mock execution, shunning, solitary confinement and music torture. Physical torture includes but is not limited to, physical violence and beatings, bone breaking, cold cell torture, rape and body mutilation. Medical torture is *“using torture to judge what victims can endure, to apply treatments that enhance torture, or act as tortures in their own right”*. Pharmacological torture is *“the use of drugs to produce psychological pain, physical pain or discomfort. This form of torture has been documented to be both physically and psychologically painful”*. Devices that may or may not be used in torture includes but is not limited to the boot, cold air/cold water/ice water showers/ice baths, iron chair and breaking wheel. However, it is important to remember that not all countries use these forms of torture.

Torture to some is viewed to be wrong. Reasons why torture is wrong are mainly due to pure principle and the negative consequences torture has on the victim. According to BBC, principle reasons include but are not limited to dehumanizing, destroys the autonomy of the victim and it violates their human rights. Other reasons, include but are not limited to torture is seen to be an ineffective interrogation tool, damaging the humanity of torturers, damages the image of an institution and it can create or strengthen enemies³.

Alternative methods to torture in interrogation and intelligence gathering have been discussed however no evidence or data collected describes how and what techniques may be used as alternative methods to torture for these purposes.

² Aljazeera America (2014), Visited: 3/1/2018. Available at: <http://america.aljazeera.com/articles/2014/5/12/torture-report-amnesty.html>

³ BBC (2014), Visited: 9/1/2018. Available at: http://www.bbc.co.uk/ethics/torture/ethics/wrong_1.shtml

Relevant Countries and Relevant Organisations:

Even after the UN's attempt at eradicating torture three quarters of the world's countries still practice some form of torture today. This resolution is relevant to almost all countries as it concerns human rights that apply to all people, and even those countries without torture can help provide rehabilitation centers for victims of torture.

Nigeria- Amnesty International's research shows that police and military personnel regularly use torture as an interrogation method and to punish or deplete prisoners. Information extracted by torture is often used as evidence in court and the authorities do little to prevent it.

Mexico- Despite Mexico's many attempts at preventing torture through legislation, they have been largely ignored and unable to reduce the cases of torture. Legislation against using information extracted by torture in court is often ignored. Despite evidence the government often argues that they have reduced the use of torture.

Philippines- Although the Philippines is a party to international anti-torture laws, torture still persists in the Philippines. Most of those tortured are unable to receive justice, and perpetrators are rarely condemned.

Western Sahara- Though the human rights situation has improved drastically over the past years, allegations of torture have still surfaced. There are still many cases of torture as an interrogation method, used by the police and military⁴.

The NGOs Amnesty International has been very active in combating the use of torture. Amnesty works towards protecting human rights in all over the world. Amnesty also collects data on nations with human rights violations and compiles an annual report, including cases of torture. This raises awareness to torture and exposes governments that torture to the international environment and helps other organisations and nations take action. Amnesty also helps provide justice for torture victims. Amnesty also pushes the international environment to create legislation that prohibits torture⁵.

The International Rehabilitation Council for Torture Victims (IRCT) is an NGO that provides rehabilitation centers for victims of torture. IRCT has over 160 torture rehabilitation centers in more than 70 countries. IRCT participates in the global fight against torture in all three sectors: prevention, accountability, and reparation, through their values of solidarity, equality, and democracy. They focus

⁴ Amnesty International (2014), Visited: 15/1/2018. Available at: <https://www.amnestyusa.org/files/act400042014en.pdf>

⁵ Amnesty International (2018). Visited: 5/1/2018. Available at: <https://www.amnesty.org/en/get-involved/stop-torture/>

of rehabilitating torture victims through “holistic health-based approaches”. Their mission is to promote the right for every torture victim to receive rehabilitation⁶.

The NGO Freedom from Torture also provides support of torture victims, through counseling, group therapy, and ongoing support. They provide activity groups for victims such as gardening, music, and creative writing and cooking. And arrange for protection and promotion of victims’ rights to hold torturers accountable⁷.

Relevant UN Resolutions

The UN has worked a lot to prevent the use of torture since 1948 and has passed countless resolutions on the topic. Starting with the Human right declaration passed in 1948, stating that: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” And the UN still continues to pass resolution today.

The torture declaration “on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” was also passed in the General assembly in 1975 (resolution 3452).

Available: <http://www.un-documents.net/a30r3452.htm>

A/RES/39/46

The General assembly adopted The UN convention against torture (and Other Cruel, Inhuman or Degrading Treatment or Punishment) in 10 December 1984, on the 93 meeting on *The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.

The convention entered into force in the summer of 1987.

Available: <http://www.un.org/documents/ga/res/39/a39r046.htm>

A/RES/65/205

Resolution adopted by General Assembly without a vote on 21 December 2010, on *Torture and other cruel, inhuman or degrading treatment or punishment*.

Available: <https://www.apt.ch/content/files/region/unlegal/Torture/UNGA%20A-RES-65-205%20-%20ENG.pdf>

⁶ IRCIT (2017) Visited: 3/1/2018. Available at: <http://irct.org/who-we-are/about-the-irct>

⁷ Freedom from torture (2018). Visited: 4/1/2018. Available at: https://www.freedomfromtorture.org/about_freedom_from_torture

Previous Attempts to Solve the Issue:

The UN has provided countless resolutions condemning torture but this has not been successful in ending torture. Only 8 countries in the UN have not ratified the UN convention on torture, but still more than 141 countries still use torture as a method of interrogation today⁸. Many NGOs have also attempted to raise awareness of the torture, and help support victims. Trying to bring justice to victims of torture. Research has also been done on the effectiveness of torture as an interrogation method and has proved it less successful than previously thought. Despite these previous efforts torture has still continued.

Possible Solutions:

Some research shows that more successful interrogations are done by law and psychology majors and rely more on persuasion than coercion. Some believe that the use of persuasion can be used as an interrogation method and will lead to more results than torture. Research shows psychologically seducing individuals to give information as a much more successful method in extracting information. Torture does not necessarily produce the truth from individuals.

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⁸ UN treaty Collection (1/2018). Visited: 12/1/18. Available at:

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