

**OASIS INTERNATIONAL SCHOOL MODEL UNITED NATIONS**

General Assembly

President: Hussein Fakharany

Vice-president: Malak Mounir

Guiding package

Topic (2): The question of the use of torture for military interrogation.

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1. **Abstract:**

The world has witnessed torture in several ways since the human specie has set foot on earth. Since then, torture has been used for diverse and various purposes as a sort of punishment, sadism or the use of painful ways for the obtention of information or insight concerning a specific -most of the time political- topic, also known as ‘’Enhanced Interrogation’’. Torture is defined in the United Nations’ Convention against torture and the Oxford Dictionary of law as: “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.”[[1]](#footnote-0) In other words, enhanced interrogation is when the physical and/or mental pain is used to gather information, not in a humanitarian way of Q&A but rather in a crucial intensified way. Basically, the person in question goes through a process of different phases of pain that escalates proportionally to how stubborn the “suspect” is. On the other hand, a doctor is always available in that process to ensure that the techniques used to get the information needed do not result in the loss of the interrogated person’s life or permanent physical internal damage.

1. **Introduction:**

Following to the UN’s foundation, the Universal Declaration of the Human Rights has been adopted by the United Nations in 1948; after analyzing the experience, journey and consequences of the two World Wars that have affected each country of the world. The Human rights Charter is consisted on Four Freedoms mentioned by Franklin D. Roosevelt —freedom of speech, freedom of religion, **freedom from fear**, and freedom from want[[2]](#footnote-1). Consequently, several human rights treaties were based on the Human rights Charter, including the Convention against Torture. The Convention against Torture is an International treaty that aims to abolish all sorts of torture, and other Cruel, Inhuman or Degrading Treatment or Punishment. Sudan, Angola and India are the only countries that signed the convention but rather did not ratify. The enhanced interrogation techniques have been first used and introduced to our world right after the 11th of September, 2001[[3]](#footnote-2). The date might seem familiar as it is the date of one of the biggest terrorist attacks in human history by the Islamic group al-Qaeda that occurred in the United States of America. When al-Shoroeiya and Khalid al-Sharif (two suspects/detainee of the Islamic Group responsible of the attack) got caught off guard, the CIA used several sorts of enhanced interrogation, and the dilemma started since then.

1. **Definition of key terms:**

***1-Torture:***  “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.”

***2-Interrogation:*** The process of asking questions for the purpose of obtaining answers concerning a specific subject of matter.

***3-Detainee:*** A detainee is a person held in custody/ detained mostly for political reasons or purposes.

***4-Waterboarding:*** An interrogation technique that makes the detainee experience the feeling of drowning by pulling water continuously for specific periods of time all over his nose and mouth.

***5-Cramped Confinement:*** Another enhanced interrogation technique that consists on holding the detainee in a small box - with a size barely enough to curl up- for about 18 hours without providing them with anything.

***6-Immunity from prosecution:*** A term used in international law that consists on granting the accused an immunity from being prosecuted.

1. **Background informations:**

The term enhanced interrogation was firstly used by the Former US president George W. Bush. Bush once claimed that the CIA had saved many lives by using enhanced interrogation techniques to obtain knowledge from suspected terrorists. He added as well that “the government does not torture people” and this is just considered as a form of questioning. Few years later, Former US President Barack Obama actually condemned the CIA interrogation program. In fact, he depicted it as a “dark and painful chapter” in the US history. The second day after his presidential inauguration he effectively signed an executive order banning the usage of this kind of techniques. It is also known that in his presidential campaign, Obama promised he would shut down Guantanamo Bay (One of the largest detention camps in the world and owned by the US governments in Cuba). As a matter of breach of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the Declaration of Human Rights, enhanced interrogation techniques include “sleep deprivation, slapping, subjection to cold and simulated drowning, known as waterboarding”[[4]](#footnote-3). It is notoriously difficult for the prisoners to resist these extreme forms of torture. Panic and struggle is usually their reaction towards what they are encountering, and it may end up by serious body damages. Waterboarding is known for being frequently used as an enhanced interrogation technique (see definition of key terms). Indeed this may result in broken bones, mental and psychological damages.

Including a variety of cruel and inhumane practises, prisoners encounter torture daily. Types of torture may differ as well as its severity based on the crime the prisoner is convicted for. Moreover, 80% of the world’s countries use torture against their people in prisons and detention camps. This confirms the fact that despite the existence of democracy in several countries, it is not fully granted. For instance, New Zealand is known for its equal distribution of rights among its citizens and ranked fourth in the EIU democracy index in 2017[[5]](#footnote-4). However every year more than 3,000 prisoners are forced to suffer sleep deprivation. In spite of the fact that those people actually broke the law and have been convicted of a crime, it is clearly unfair for the detainees to face these kinds of treatments as no human deserves this.

1. **Major countries and organizations involved:**

**The United States of America:** have been involved in this torture and enhanced interrogation for many years. Indeed this term was firstly used by the former US president George Bush in his speech against the 9/11 attack. The UN and many human rights groups called for the prosecution of the US and its government. The US are guilty for waterboarding, walling, stress positions and the use other kinds of torture in detention camps. In fact, the vastest detention camp in the world is owned by the US government since 1898 in Cuba. On the 17th of September 2001, Former President Bush signs a secret memo allowing the CIA to use methods of enhanced interrogation on its detainees such as waterboarding. Followingly, in September 2006 President Bush publicly acknowledges the existence of the enhanced interrogation programme.

**New Zealand:** is a country known for its equal distribution of rights among its citizens and even ranked fourth in the EIU democracy index in 2017[[6]](#footnote-5). In spite of the fact that the country proudly grants democratic rights to its citizens, prisoners are not treated equally. In fact every year more than 3,000 prisoners are forced to suffer sleep deprivation as well as other forms of prison torturing.

**Major Organizations involved:**

# ***Torture Abolition and Survivors Support Coalition (TASSC):*** is an international non-profit organization founded in 1998. “Our mission is to end the practice of torture wherever it occurs and support survivors as they empower themselves, their families and communities wherever they are.”[[7]](#footnote-6) The TASSC, provides three different services. The first consists of a supporting group where victims of torture get to meet and encourage one another to go through the journey together. Secondly, they organize events to raise awareness and show the survivors that they are not alone. Last but not least, they give the supporters a chance to donate to the survivors.

***Association for the Prevention of Torture (APT):*** is an association that works with a different technique and founded in 1977. Instead of supporting the survivors and donating, they work on the prevention of the problem itself. They cooperate with the UN, fellow organizations, and governments so they can resolve the complication from its roots. They look for the causes themselves and try to prevent them. For example,on the 26th of June 2017 the Association collaborated with UN experts to call for investments in safeguards to prevent torture.

***Freedom from torture:*** is an organization based in the United Kingdom and founded in 1985, that collects donations. It does not give them to the survivors but rather uses them for medical institutions that cure psychological damages; that have been caused by what they’ve encountered.

**VI. UN involvement:**

The definition of torture in the UN Convention Against Torture is clearly stated as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person”. Thus considering it as a crime against humanity, the UN urged many times the shutdown of the United States’ Guantanamo Bay and any kind of detention centers in the world. It was clearly stated by UN human rights experts that “The United States must clean up its own house – impunity only generates more abuses as States do not feel compelled to stop engaging in illegal practices.” Consequently, the UN have called for the prosecution of the US for breaching international law and the Convention Against torture (CAT). In November 2014, the Human Rights Watch and the UN Committee Against Torture raised many issues regarding this topic at the examination of the United States. However no direct actions were took on behalf of the United Nations to stop or even limit the use of means of enhanced interrogation.

**VII. Possible solutions:**

1. Encourages the complete shutdown of any detention camps in which torture against prisoners is used such as Guantanamo Bay in Cuba.
2. Endorse and ratify precise and direct international laws against the usage of enhanced interrogation.
3. Encourages the convening of annual meetings between major countries and organizations involved to discuss any sort of updates regarding this issue/ cases that look suspicious as well as to make sure that no country is breaching the endorsed laws.
4. Establish monitorings and watches on prisons to guarantee prisoner’s rights and the access to prisoners. Therefore no secret prisons are allowed to exist.

**VIII. Guiding questions:**

1-Has any sort of torture for interrogation occurred in my country?

2-Is the use of torture for interrogation legal in my country?

3-Are there specific methods/techniques of interrogation that are legal?

4-Under which circumstances are the techniques of interrogation identified as torture?

5-What are the consequences enforced on governments in case of the use of torture?

6-On which side/block does my country stand?

7-Are there exceptional cases when governments can use torture with specific limits?

8-Are presidents allowed to authorize the use of enhanced interrogation?

**IX. Useful Links:**

* BRITISH BROADCASTING COMPANY, available on: <http://www.bbc.com/news/world-us-canada-11723189>, consulted 04/08/2017
* UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISIONER, available on: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>, consulted 04/08/2017
* HUMAN RIGHTS WATCH, available on: <https://www.hrw.org/sites/default/files/reports/us0711webwcover_1.pdf#page=60>, consulted 04/08/2017
* CONRAD, Courtenay, available on: <http://faculty.ucmerced.edu/cconrad2/Academic/ITT_Data_Collection.html>, consulted 03/08/2017
* HUMAN RIGHTS FIRST, availabe on: <http://www.humanrightsfirst.org/sites/default/files/Enhanced-Interrogation-Fact-Sheet.pdf>, consulted 06/08/2017
* ACKERMAN, Spencer, available: <https://www.theguardian.com/us-news/2014/dec/09/cia-torture-report-released>, consulted 05/08/2017

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* ANONYM. Available on: <https://infographics.economist.com/2017/DemocracyIndex/>, consulted 7/08/2017
* ANONYMES. Availble on: <http://www.humanrightsfirst.org/sites/default/files/Enhanced-Interrogation-Fact-Sheet.pdf>, consulted 6/08/2017
* ELLIS-PETERSON, Hannah. Available on <https://www.theguardian.com/stage/2017/aug/07/horror-remains-in-alternative-vision-of-guantanamo-bay-edinburgh-fringe>, consulted 8/08/2017
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* SCHULBERG, Jessica . Available on: <https://newrepublic.com/article/119928/us-violates-un-convention-against-torture-signed-20-years-ago>, consulted 6/08/2017
* ZADMIN. Available on: <https://www.unwatch.org/the-un-committee-against-torture-reviews-the-us/>, consulted 7/08/2017

1. UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISIONER***,*** Convention Against Torture, article 1, available on: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx> , consulted 1/ 8/2017 [↑](#footnote-ref-0)
2. HISTORY, available on <http://www.history.com/this-day-in-history/franklin-d-roosevelt-speaks-of-four-freedoms>, consulted 01/08/2017 [↑](#footnote-ref-1)
3. PARLAPIANO, Alicia, available on <https://www.nytimes.com/interactive/2014/12/09/world/timeline-of-cias-secret-interrogation-program.html>, consulted 01/08/2017 [↑](#footnote-ref-2)
4. ANONYMES. Available on: http://www.bbc.com/news/world-us-canada-11723189, consulted 5/08/2017 [↑](#footnote-ref-3)
5. ANONYM, Available on: <https://infographics.economist.com/2017/DemocracyIndex/>, consulted 7/08/2017 [↑](#footnote-ref-4)
6. ANONYM. Available on: <https://infographics.economist.com/2017/DemocracyIndex/>, consulted 7/08/2017 [↑](#footnote-ref-5)
7. Available on: <https://www.tassc.org/> , consulted 06/08/2017 [↑](#footnote-ref-6)