

HISAR SCHOOL

JUNIOR MODEL UNITED NATIONS 2019

“Protecting Freedom in the Global Age ”

GA 5 – POLITICAL COMMITTEE

*The Question of Extracting Information via the Use of
Torture and Other Means Contrary to the UN
Declaration of Human Rights*



**RESEARCH
REPORT**

Recommended by:



Forum: Political Committee

Issue: The Question of Extracting Information via the Use of Torture and Other Means Contrary to the UN Universal Declaration of Human Rights

Student Officer: Eren Berke Sağlam

Introduction

In the era of globalization, countries want to achieve dominance over one another and to achieve this dominance, countries, since their first establishment, have invested in their police and intelligence services to be aware of the situations that might pose a threat to the country. One of the parts of gaining intelligence is the interrogation process of a member of these parties. As some suspects tend to be secretive; to be successful with interrogations, most of the government-based intelligence agencies all over the world have been using practices such as torture that are contrary to the human rights to extract information according to international organizations such as Amnesty International.

In contrast to the accusations, most of the countries refuse their involvement in torture and cruel ways of extracting information. However, organizations looking out for the safety of people and suspects such as Amnesty International argue that in over 141 countries, torture is still a common practice to obtain information(Amnesty International).

Due to the contradiction between statements made by countries and organizations, this issue has become an emerging problem in both national and international scale. The question of torture and other means contrary to human rights has the potential to cause many political problems between countries and distrust between the citizens and police forces. In addition to these problems, torture can cause severe injuries and psychological problems for the victims. That is why it should be solved with the effort made by international organizations such as the United Nations.

Definition of Key Terms

Torture: Torture, in this case, means “any act by which severe pain or suffering, whether physical or mental, is intentionally used on a person for such purposes as obtaining from him or third person information or a confession” (Association for Prevention of Torture).

RESEARCH REPORT

Intelligence Agency: Intelligence agencies are a government department involved in the gathering of military or political information, especially in the interests of national security.

Extracting Information: Extracting information means gaining information from a source. In this case, the source is victims of human right violators.

General Overview

The question of torture and other methods contrary to the human rights to extract information has been an ongoing issue for decades. Many nations and organizations have been accused of using such methods.

The main reason why many nations choose torture over other methods is the fear it provides for the suspects. With the feeling of fright, the suspects tend to share classified information regarding their plans and organization. Without the feeling of pain and fear; however, many officials, including active US President Donald J. Trump, believe that the suspect might share untrustworthy information. In an election interview, President Trump has stated that the laws should be extended to a state at least waterboarding is legal, which is a brutal interrogation technique (CBSN). With these techniques, many believe that torture is an influential solution to the threatening activities such as terrorist organizations, against the well-being of a country or organization.

On the contrary; however, many of the recent researches show that torture is not as effective as one claim it to be so. These researches claim that any information given under suppression of the questioner is untrustworthy. Torture is also a waste of resources as torture might require tools and systems to be used. In addition to these factors, torture has adverse impacts also on the suspects both physiologically and psychologically. Torture can cause incurable physical and psychological damages. In light of these facts, hurting someone while also limiting the freedom violates the UN Declaration of Human Rights.

In addition to traditional techniques, many parties have been using modern techniques, named as “enhanced interrogation techniques” by the USA during 9/11 crisis, such as sleep deprivation, waterboarding, slapping and subjection to cold. For many NGOs, these techniques are also considered as a type of torture and create the same effects on the suspects.

For many experts, techniques such as building a rapport with the suspect and role-playing the good-bad cop model are much more effective than torturing as it approaches the suspect with more sympathy and thus creates a suitable environment for him.

Given all this information, the question is still an ongoing issue for many states and organizations.

Major Parties Involved and Their Views

RESEARCH REPORT

United States of America

Being one of the state parties to the United Nations Convention Against Torture, the United States has been claiming that torture is not a used practice by police and intelligence forces since the convention. However, after 9/11 attacks, former President George W. Bush issued an executive order which enabled the practice of “enhanced interrogation techniques” for the questioning of Al-Qaeda militants and other terrorist groups. Although the name does not specify any techniques, many NGOs claim that the USA has been practicing torture to extract information which even leads to some terminal injuries of suspects. In addition, active president Donald Trump has raised a voice about the question, arguing that torture works and he supports it. Given this contradiction, the USA’s stand on the topic becomes important for the possible implementations that could solve this issue.

Amnesty International

Amnesty International is one of the international NGOs that fight against the practices against human rights. It has over 7 million members all over the world and as the use of torture is against human rights, Amnesty International hosts campaigns against it.

India

India, being the second most crowded country in the world, has not ratified the United Nations Convention Against Torture. Use of torture for police officers to extract information and many cases of serious injuries are reported due to violence by police forces.

Office of the High Commissioner for Human Rights (OHCHR)

OHCHR is one of the UN bodies that inspect the countries in terms of the citizens’ safety and human rights. Thus, OHCHR is closely related to the question of torture and fights against the cruel practices of extracting information in the Member States.

Timeline of Events

1939-1945	<i>The use of torture to extract information has started to become questioned due to the vast usage of inhuman practices taking place during World War II.</i>
December 1948	<i>United Nations Universal Declaration of Human Rights was adopted.</i>
December 1984	<i>United Nations Convention Against Torture (UNCAT) was brought to the General Assembly where it was ruled in favor.</i>

RESEARCH REPORT

September 2001	<i>9/11 attack took place in the US which led the US government to knowingly practice torture again to obtain information about the attack and Al-Qaeda by naming it “enhanced interrogation techniques”.</i>
2001-2014	<i>Torture practices were commonly used by the countries participating in the Afghanistan War.</i>

Treaties and Events

United Nations Universal Declaration of Human Rights

United Nations Universal Declaration of Human Rights is a document which is signed and ratified by many of the Member States, ensuring the fact that basic human rights are not violated by any country. As torturing is a violation of human rights, this topic is closely related to this declaration and countries should abide by the articles of this document while interrogating and trying to solve this issue.

United Nations Convention Against Torture

United Nations Convention Against Torture is an international treaty that aims to prevent torture and other measures against human rights. This convention currently 166 state parties including the permanent five members of the Security Council.

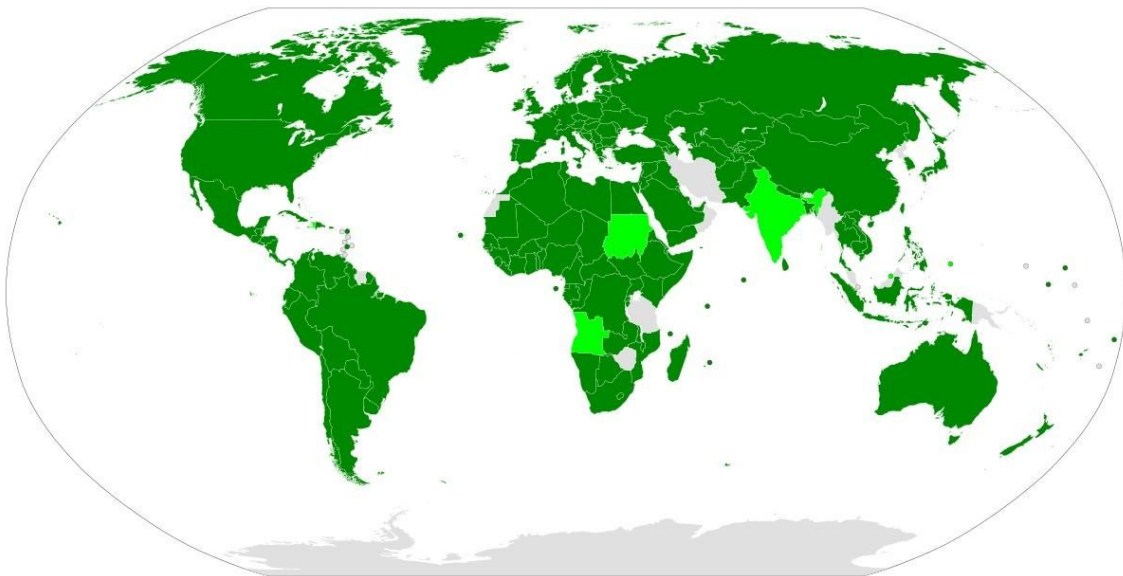


Figure 1: Countries that have signed United Nations Convention Against Torture

Evaluation of Previous Attempts to Resolve the Issue

RESEARCH REPORT

The major attempt to solve this question was the UN Convention Against Torture which had 166 state parties supporting it. Although it was successfully executed at first, later on, the convention lost its effect on countries due to vague explanations and restraints. For example, the definition for torture in this convention does not include “pain or suffering arising only from, inherent in or incidental to lawful sanctions” which addresses the torturing public faces due to sanctions. Moreover, loopholes are present as used by George W. Bush administration with the case of “enhanced interrogation techniques” (Brown).

Organizations such as Amnesty International have established and offered many campaigns and agreements to the countries; however, as its power is limited in terms of interference with the inner policies of the states, countries who saw torture as an effective tool refrained from meeting the demands of these organizations.

Possible Solutions

To solve this problem, making sure that countries are respecting human rights and other techniques of interrogation are used effectively is essential. Monitoring the interrogation process and sharing it with non-governmental and international organizations to prove the lack of torture might be effective to stop the practice of torture.

Moreover, other interrogation techniques such as building a rapport can be promoted among police and intelligence forces so that these techniques are used rather than torture.

Lastly, as previously discussed in the report, many Member States have signed and ratified the United Nations Convention Against Torture; however, they have not met the required expectations in terms of reduction and cessation of torture and other means contrary to the human rights within their interrogations. A committee or body under United Nations can be established which will be in contact with the countries who are still notorious for their use of torture although their signature on the convention, to convince them to abide by the terms they have agreed upon before.

Bibliography.

“Torture.” *Torture | Amnesty International*, www.amnesty.org/en/what-we-do/torture/.

“A Legal Definition of Torture.” *APT*, www.apr.ch/en/what-is-torture/.

CBSN. *You Tube*, YouTube, 5 Mar. 2016, www.youtube.com/watch?v=z3FXMJ46pVA.

Brown, Diana. “If Torture Doesn't Work, Why Do Governments Use It?” *How Stuff Works - Science*, HowStuffWorks, 27 June 2018, science.howstuffworks.com/torture-doesnt-work-why-still-use.htm.

RESEARCH REPORT

Burke, Jason. "Does Torture Work – and Is It Worth the Cost?" *The Guardian*, Guardian News and Media, 26 Jan. 2017,
www.theguardian.com/law/2017/jan/26/does-torture-work-and-is-it-worth-the-cost-donald-trump.