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Security Council

Investigating the Use of Interrogational Torture

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Introduction

The infliction of pain, physical or psychological, as a method of interrogation has existed for a very long time. In modern international affairs, the use of torture as a method of acquiring information is severely frowned upon in the public eye, whether done by individuals, groups or governments. Specifically, torture committed by nations poses dangerous ethical, legal and geopolitical implications, especially if to a foreign citizen. If a government tortures terrorists, what's stopping it from doing the same to political dissidents or prisoners?

Others argue torture, while unethical, improves national security, such as deterring violence and unsanctioned international activity like espionage. However, the effectiveness of torture itself is also debated by psychologists, calling into question whether it does any good at all.

Key Terms

Interrogational Torture: The deliberate infliction of physical or psychological pain on individuals in custody, with the primary intent of obtaining information.

Enhanced Interrogation Techniques (EITs): A euphemistic term often used to describe controversial and coercive methods employed during interrogations, which may include techniques criticized as torture.

Human Rights: Fundamental rights and freedoms inherent to all individuals, often protected by international law, which interrogational torture may violate.

Post-Traumatic Stress Disorder (PTSD): A psychological condition that may result from exposure to traumatic events, including experiences related to interrogational torture.

Intelligence Gathering: The process of collecting information, often used to justify the use of interrogational torture as a means to obtain crucial intelligence.

Customary International Law: International obligations that are considered established practices and must be followed by all countries, whether they agree to them or not.

General Overview

The use of interrogational torture can create significant tensions between countries and in their respective regions. When neighbouring countries or international organisations, such as Amnesty International, witness or perceive human rights abuses, the perpetrating country's reputation can be damaged due to not following agreed-upon international law. This erosion of credibility can strain alliances, affect diplomatic partnerships, and diminish a nation's influence on the global stage. Moreover, if a country's citizens experience widespread torture by their government, they may flee the country as refugees to seek asylum in other (neighbouring) countries. The acceptance or rejection of these individuals can be major points of contention between nations, furthering the geopolitical tensions and diplomatic disputes.

The issue of interrogational torture also poses legal issues on an international scale. Nations utilising torture themselves or allowing third parties to do so violate the UNCAT, prohibiting torture and requiring state parties to prevent and punish the use of torture. Moreover, the banning of torture is considered Customary International Law, meaning all states, including those who disagree with this, are required to ban torture. It can also be very difficult to hold governments accountable for their actions, as taking direct political action against a country can cause diplomatic tensions. An example of this is the 2002-2007 "War on Terror", where the CIA utilised Enhanced Interrogation Techniques like waterboarding and sleep deprivation, which violated the Third Geneva Convention. Still, no one has been prosecuted for employing those EIT's in the George Bush administration, despite third parties like Human Rights Watch calling for those responsible to be held accountable. A potential explanation of this is that countries are hesitant to go against the United States in the Security Council due to its veto power, as well as its overall influence on the global stage, as relationships between the US and the opposing countries could sour, eroding positive diplomatic relations. It is also difficult to find the specific individuals responsible, as the ICC can only prosecute individuals, not government bodies.

Another issue posed by interrogational torture are ethical issues. An organisation's use or endorsement of torture infringes upon the basic human right of freedom from cruel and degrading treatments. Due to this, the organisation's overall ethical principles may be

called into question, which is especially relevant when the organisation is a government body. If a country fails to abide by international ethical principles in one scenario, it may do so again in the future, undermining international security and the rule of law. Furthermore, ethical frameworks typically require that actions, when done for the sake of national security, are proportional and justifiable. Interrogational torture raises questions about whether the severe physical and psychological harm to individuals is justified by obtaining information potentially vital to a country's national security.

Even the very effectiveness of torture is called into question. Beyond the moral violations of torture, many experts on interrogation consider torture to be an ineffective and counterproductive way of acquiring information. Torture often causes individuals to give up false or misleading information because of the psychological stress, or direct damage to the areas of the brain that recall information (Shane O'Mara Why Torture Doesn't Work: The Neuroscience of Interrogation). Many torture survivors report revealing false information, as their main goal was to give a believable confession to the torturer to end the suffering. However, investigating the effectiveness of torture is very difficult for a number of reasons. Firstly, governments that have used torture do not disclose their methods, making it harder to investigate torture for researchers who do not have access to classified information. Secondly, ethical research requires the informed consent of individuals, making it impossible for an approved study to investigate nonconsensual torture. Because of the lack of accurate information and realistic methodology, it can be argued that the ineffectiveness of torture is not fully proven.

Major Parties/Countries Involved

United Nations Special Rapporteur on Torture: An expert appointed by the United Nations to examine questions on the subject of torture. The position is currently held by Alice Jill Edwards.

International Criminal Court (ICC): The international legal court that prosecutes individuals who have committed genocide, war crimes and crimes against humanity.

Human Rights Watch (HRW): An international NGO (non-governmental organisation) researching and defending the human rights of people in 100 countries.

World Organisation Against Torture (OCMT): An international large group of NGO's that fight against the use of torture and violation of human rights. OCMT directly supports the United Nations through reporting and advocating against torture.

Previous Attempts to Solve this Issue

United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT): an international human rights convention that aims to prevent torture and other acts of cruel, inhuman, or degrading treatment of individuals.

Geneva Conventions: A set of international treaties establishing the humanitarian rules of war, providing protections for prisoners of war and detainees against torture and ill-treatment.

Rome Statute of the International Criminal Court: The statute providing the International Criminal Court (ICC) with prosecution of individuals committing genocide, war crimes and crimes against humanity.

Optional Protocol to the Convention Against Torture (OPCAT): An addition to the UNCAT stating that a country must have regular visits by international bodies to places where people are denied liberty, such as prisons, in order to ensure torture and other cruel methods are not taking place.

Possible Solutions:

Referral to the ICC: The Security Council could refer known perpetrators of torture and inhumane treatment to the ICC to stand trial, and/or require governments to give up individuals who have committed such acts so they can be put on trial. This solution would be reinforced by the prohibition of torture by the Geneva Conventions, UNCAT and Customary International Law.

Monitoring/supervisory missions: The Security Council can also send UN-affiliated or third parties to monitor interrogation techniques used by countries to ensure compliance with international law. This would create more transparency between countries and

reduce political tensions between countries. The techniques employed by countries could also be made public so that their effectiveness can be researched.

Penalties for violation: The Security Council can pass a resolution explicitly condemning torture and specify the penalties, such as sanctions, for violating this resolution. This would discourage member states to go against the treaty and utilising torture, as there are explicit punishments for doing so.

Endorse supporting organisations: Organisations fighting against the use of torture, such as HRW or the OCMT, can be directly supported by the United Nations by granting these organisations legal jurisdiction, benefits and/or financial support. Member states can also directly pledge support for these organisations within their borders through governmental systems, such as legally backing them.

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