

**Forum:** Human Rights Council

**Issue:** Minimising police brutality and the practise of enhanced interrogation in all member states

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## Introduction

Article 5 of Universal Declaration of Human Rights states that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Despite multiple conventions on the issue of enhanced interrogation (torture) being ratified, the issue still persists.

The Ferguson unrest caused by the death of Michael Brown (who was shot by a police officer) remind us of the related issue of police brutality. Also bearing in mind the incidents of torture at the Abu Ghraib and instances of enhanced interrogation at Guantanamo Bay, we are confronted with questions. What is the cause of this, what are the effects of such brutality, and where do we go from here?

## Definition of Key Terms

### **Torture**

An act where severe physical or psychological pain or suffering is inflicted upon a person under the control of the accused torturer.

### **Police Brutality**

The use of any force that exceeds a reasonable and necessary amount to accomplish lawful police purpose

### **Enhanced Interrogation Technique**

A euphemism used by the U.S. government to describe harsh interrogation techniques used to extract information at secret “black sites” around the world. These include

torture and inhumane treatment such as, but are not limited to: waterboarding, walling, confinement in a box, sleep deprivation, forced nudity and restricted diets.

### **Walling**

An enhanced interrogation technique that involves tying a collar or towel around the detainee's neck and slamming them against the wall.

### **Waterboarding**

A torture tactic that creates a sensation of drowning or asphyxiation. The detainee is immobilised on his back, while water is poured over a cloth covering their face.

## **Key Issues**

### **After-effects on torture survivors**

Research findings have shown that torture is directly linked to Post-Traumatic Stress Disorder (PTSD) and many other disabilities. Torture survivors are also commonly diagnosed with depression, anxiety and other psychiatric illnesses. Survivors also report experiencing cognitive and neurovegetative symptoms. These problems are usually lifelong and do not subside on its own.

### **Death**

Loss of life, including that of the innocent and unarmed, can often be the result of police brutality. Each year, over 1000 Americans lose their life to fatal encounters with the police.

Gul Rahman, a CIA detainee who was subjected to the enhanced interrogations, died on the 20 November 2002.

### **Socialisation of Perpetrators**

Stanley Milgram, a psychologist at Yale University, demonstrated in his famous Milgram experiment the increased willingness of people to inflict pain upon others when there is an authority figure that condones it.

This is in line with findings that show that the more rigid the hierarchical structure is the less ethics factor into decision making. A report commissioned by the Royal Canadian Mounted Police discusses how highly rigid hierarchical structures tend to lead to increased police brutality due.

The incidents at the Abu Ghraib can be explained with it being the effects of military socialisation. The de-individualisation of the soldier and the dehumanisation of the victims lead to a reduction in the inhibitions of the perpetrators of enhanced interrogation and thus the atrocities that ensued.

## Major Parties Involved

### Committee Against Torture (CAT)

The Committee oversees the implementation of the United Nations Convention against Torture. Nations that have ratified the Convention must submit reports to the CAT on how they have implemented the Convention.

### Council of Europe

The European Court of Human Rights, a body of the Council of Europe, enforces the European Convention on Human Rights and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Article 3 of the European Convention on Human Rights provides for the prohibition of torture or “inhuman or degrading treatment or punishment.”

### Central Intelligence Agency (CIA)

The CIA, under authority of former US President George W. Bush, used controversial interrogation techniques to gain information about Qaeda operatives concerning the 9/11 incident. These actions, known as ‘enhanced interrogation techniques’, were harsh and considered torture.

### Amnesty International

Amnesty International is a non-government organisation (NGO) focused on human rights issues. The abolition of torture is one of the six key areas they focus on. The NGO was awarded the 1977 Nobel Peace Prize for their efforts to campaign against torture.

## Timeline of Relevant Resolutions, Treaties and Events

<b>Date</b>	<b>Description of Event</b>
10 December, 1948	Ratification of the Universal Declaration of Human Rights
3 September, 1953	Ratification of the European Convention on Human Rights
10 December, 1984	Adoption of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

16 December, 1966	Adoption of the International Covenant on Civil and Political Rights (ICCPR)
26 November, 1987	Adoption of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
25 September, 1999	Finalisation of the Istanbul Protocol, or the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
March-August, 2002	Records showed CIA officers using the waterboarding technique at least 83 times against Abu Zubaydah, initially thought to be a Qaeda official, was the first detainee in CIA custody.
June, 2006	The Supreme Court ruled that the Common Article 3 of the Geneva Conventions applies to all American detainees.
September, 2006	Former US President Bush reveals the existence of the enhanced interrogation program.

## Previous Attempts to Solve the Issue

Since the 1940s with the ratification of the Universal Declaration of Human Rights, numerous conventions that prohibit the practice of torture or subjecting people to cruel, inhuman or degrading treatment or punishment have been adopted.

Common Article 3 relating to non-international armed conflict of the Geneva Conventions, detainees in armed conflicts are not to be subjected to cruel treatment or torture.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment or the Committee for the Prevention of Torture (CPT) for short is a European anti-torture committee dedicated to preventing and ending torture in Europe. Members of the Committee have unlimited access to places of detention in nations that have ratified the 1987 European Convention for the Prevention of Torture. This model has been adopted by the UN in the Optional Protocol to the Convention against Torture.

## Possible Solution

A potential solution lies in recording all interrogation proceedings and police activity to discourage heinous actions committed on their part. Furthermore, policies should be aimed at increasing the accountability of individual perpetrators of torture or brutalities to further discourage such actions while still targeting the systemic causes.

Delegates should be mindful of the fact that the definition of *torture* varies in different international and regional laws, documents, and conventions and is vague in many cases. While working on resolutions, delegates may find it useful to work from a standardised definition of torture which can form the basis for a possible solution to the varied definitions of torture.

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