

COMMITTEE: Social, Cultural and Humanitarian Committee (GA3)

ISSUE: Eradicating the Use of Torture as a Means of Interrogation

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POSITION: Co-Chair

Personal Introduction

Dear delegates,

My name is Andriana Gregoriou, I am a student at the German School of Thessaloniki, and it is my honor to serve as Co-Chair in this year's CSMUN. I am excited to cooperate with you during our time together and hope this Study Guide successfully facilitates your research. However, you are reminded that your research should by no means be confined to just this. The more you work on the topic, the easier it will be for you to participate during the session and, subsequently, the more fruitful will our debate be. During the conference, I will be the expert chair on the topic of the eradication of torture as a means of interrogation. This issue has been highly controversial for years; hence, your creative and unprecedented ideas are of great significance. are always welcome to contact me for any inquiries or clarifications on the topic.

Yours truly,

Andriana Gregoriou

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Topic Introduction

Information is one of the most useful tools in modern society, especially in combatting war and terrorism. But does this effort to achieve peace justify enhanced interrogation techniques, such as torture, to violently extract information? The use of torture as a means of interrogation is attributed to the relentless effort to gain insight in secret information, aiming to protect the public from latter terrorist attacks. The inhumane treatment detainees receive allegedly extracts information from loyal suspects of crime.

Despite claims on its success, enhanced interrogation is not only largely ineffective, but also internationally illegal, being against fundamental values and ideals. Torture brings about access to unreliable information, as detainees will say anything to end the painful process, while also having impaired memory due to the pressure. These are only some of the reasons why torture as a means of interrogation is considered counterproductive and is condemned.

Although this issue is largely overlooked and neglected, since it makes up infinitely sensitive governmental information, it is a crucial problem in urgent need of being solved. In their attempt to ensure global peace, authorities exploit their power, fighting fire with fire. Peoples' fundamental rights can, however, by no means be violated so inhumanely, which is why justice should be sought after.



Definition of key terms

Enhanced Interrogation Techniques

The practice of using techniques normally considered torture that are claimed not to be torture according to a carefully parsed interpretation of legal language.¹

Abuse

The cruel, violent, or unfair treatment of someone and the rude and offensive words said to another person.²

Rendition

Rendering or rendition involves sending a person from one country to another for imprisonment and interrogation, probably by methods such as torture, that would be illegal in the country doing the rendering.³

Interrogation

A formal and systematic questioning.⁴ This technique is used in police investigations, aiming to acquire information from detainees or suspects through direct dialogue.

¹ "Enhanced-Interrogation Dictionary Definition | Enhanced-Interrogation Defined". Yourdictionary.Com, 2020, <https://www.yourdictionary.com/enhanced-interrogation>. Accessed 1 July 2020.

² "ABUSE | Meaning In The Cambridge English Dictionary". Dictionary.Cambridge.Org, 2020, <https://dictionary.cambridge.org/dictionary/english/abuse>. Accessed 1 July 2020.

³ "BBC - Ethics - Torture: Rendition". Bbc.Co.Uk, 2020, <http://www.bbc.co.uk/ethics/torture/current/rendition.shtml>. Accessed 1 July 2020.

⁴ "Definition Of INTERROGATION". Merriam-Webster.Com, 2020, <https://www.merriam-webster.com/dictionary/interrogation>. Accessed 1 July 2020.



Black Sites

The attacks of Sept. 11, 2001, prompted the CIA to search for outside facilities in which to detain and interrogate high-level al-Qaeda suspects. These secret prisons, known as “black sites,” were used by the CIA to interrogate suspects, often using waterboarding to obtain intelligence.⁵

Background Information

Part A: Methods and Outcomes

Methods

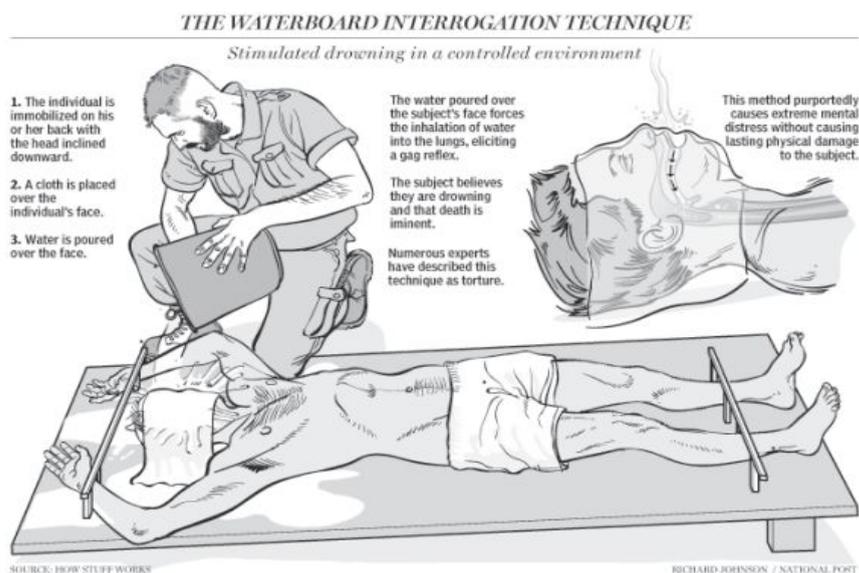
Enhanced interrogation techniques are distinguished by multiple methods, of which waterboarding is the most frequently used, especially in the USA, where it is also recognized by president Donald Trump as a successful process⁶. Waterboarding is the simulation of drowning by pouring large amounts of water on a laying detainee. Another method used extensively during the 9/11 investigation is stress positions, in which detainees are positioned so as to feel unbearably uncomfortable. What is more, detainees experience inhumane amounts of pain during the use of walling, in which they are continuously punched against a wall.

⁵ Vitkovskaya, J., 2017. What Are ‘Black Sites’? 6 Key Things To Know About The CIA’S Secret Prisons Overseas.. [online] Washington Post. Available at: <https://www.washingtonpost.com/news/checkpoint/wp/2017/01/25/what-are-black-sites-6-key-things-to-know-about-the-cias-secret-prisons-overseas/> [Accessed 1 July 2020].

⁶ "Trump Insists Waterboarding Works". *BBC News*, 2020, <https://www.bbc.com/news/world-us-canada-38753000>. Accessed 10 July 2020.



A further method is mock executions, which can include nudity and sleep deprivation. When the latter is used, detainees are hanged from the wall in such a way that they are prohibited from resting or falling asleep for long hours.



Sketch explaining the method of waterboarding⁷

Abusive interrogation, however, is not only limited to physical, as it can also be psychological. Suspected terrorists receive death threats referring to their families, which they are additionally deprived from contacting as a part of their detaining.

Impact on Detainees

Although accusations on the detainees' post-torture trauma have been denied by government officials and former CIA contractors, abused suspects have argued the opposite.

⁷ Hitchens, Christopher. The Waterboard Interrogation Technique. 2011, <http://nationalpost.com/opinion/christopher-hitchens-theres-no-doubt-in-my-mind-waterboarding-is-torture>. Accessed 14 July 2020.

Former detainees Suleiman Salim and Mohamed Ben Soud told the New York Times that both the psychological and physical consequences of their harassment are still experienced⁸. Namely, they mentioned the frequent occurrence of anxiety attacks and vivid nightmares portraying their torture. Furthermore, they expressed their constant feelings of fear and worry and Salim added his preference for isolation and distancing from other people as a result of his brutal interrogation.

As far as physical implications are concerned, they mentioned ongoing pain caused by the stress positions they were put through.

Part B: CIA Involvement

9/11 Investigation

The 9/11 terrorist attacks in the US resulted in about 3.000 casualties and have formed the anti-terrorism system to a great extent. The CIA's Detention Program was part of the according investigation and took place from 2002-2007 after the events of 2001. Being one of the most crucial investigations both for the FBI and the CIA, the latter was reportedly paid \$80 million dollars to conduct enhanced interrogation during the investigative process⁹. The investigation was by no means confined to USA soil, as information on the Guantanamo Bay Detention Center shows. The already existing facilities were exploited by the US during the presidency of George Bush as part of the 9/11 investigation. Guantanamo Bay was

⁸ "C.I.A. Torture: Interrogating The Interrogators | The New York Times". *Youtube*, 2017, <https://www.youtube.com/watch?v=jWAnI2Vn5UE>. Accessed 10 July 2020.

⁹ Pfeiffer, Sacha. "CIA Used Prisoner As 'Training Prop' For Torture, Psychologist Testifies". *Npr.Org*, 2020, <https://www.npr.org/2020/01/23/799130233/psychologist-who-helped-create-interrogation-methods-says-cia-may-have-gone-too?t=1593503739263>.



used as an excuse to avoid responsibility on torture, since it was not carried out within the US borders.

Torturous interrogation methods have been argued by the authorities to be successful in saving numerous lives and preventing similar attacks, despite its abusive nature and its strong condemnation both by the Intelligence Committee's Chairwoman Dianne Feinstein and former US president Barack Obama.

What is furthermore concerning about the brutal techniques of the CIA is the reported lack of adequate training and morality, as evidence shows.

The CIA's Historical Background with Torture

Information provided by former defense lawyer for prisoners Jason Wright vividly portrays the brutality of the CIA's detention program¹⁰. Speaking from experience, Wright admits that suspected terrorists were detained alone and were not entitled to any family contact, while also receiving biased and unfair judicial treatment. Namely, they were tried in a foreign land with a foreign system and faced accusations based on secret evidence. Furthermore, they were reportedly deprived of their right to privacy and an unbiased lawyer, while being lied to about the confidentiality of their conversations.

In the short documentary, Wright also confirms the use of mock executions, death threats and the extensive use of torture methods, especially waterboarding. Finally,

¹⁰ "The Case Against Torture | Op-Docs | The New York Times". *Youtube*, 2014, <https://www.youtube.com/watch?v=56J0wOTI5c>. Accessed 10 July 2020.



he confesses that further and more detailed information is infinitely confidential and protected by the government, leaving him with no choice but to remain silent.

The CIA's brutality is also confirmed by leaked evidence on the suicide of a detainee and the case of a dead prisoner found in his cell at Guantanamo Bay. A 2013 report by the Office of the Director of National Intelligence shows that a concerning amount of former detainees were so poorly handled that they have returned to terrorist activity after their release.¹¹

Part C: Dispute and Controversy

Gray Zones

Although it is frequently argued that intensified interrogation aims for the protection of citizens and the achievement of peace, and that interrogators are properly trained, the opposite has been observed. There is firstly little to no reassurance that interrogators are indeed adequately trained to detect lies, even in such stressful situations and that they will by no means be driven by passion or emotion, leading to the escalation of torture. The degrading of detainees in the process, especially during mock executions, is also undoubtable since human integrity is largely violated.

¹¹ Library, CNN. "Guantanamo Bay Naval Station Fast Facts". CNN, 2020, <https://edition.cnn.com/2013/09/09/world/guantanamo-bay-naval-station-fast-facts/index.html>. Accessed 10 July 2020.



Ineffectiveness

It is indisputable that the condemnation of such methods is crucial to the protection of fundamental human rights. However, it must also be noted that, as proven by science, they are of no use to the authorities either. On the contrary, torture is considered to be rather counterproductive, as the detainee's sense of commitment and loyalty is increased, therefore limiting the interrogator's ability.

It has been further proven that information extracted from violent interrogation methods is unreliable and faulty, if there is any at all. Even CIA interrogators have confessed that the most successful method is a peaceful discussion, in which already acquired evidence is presented.

Legal Framework

Enhanced interrogation is not only banned by international law condemning torture, but is also specifically forbidden according to the McCain-Feinstein amendment, which was passed after the false interpretation of existing laws to clarify the condemnation; namely the Human Rights Convention. What is more, in a 2013 speech former US president Barack Obama called for the shutdown of Guantanamo Bay, considering its use unjustifiable¹².

Governments find loopholes in legal frameworks so as to justify their actions. In the USA this attempt is characterized by the denial of the terms "abuse" and "torture" when referring to enhanced interrogation in order to defend its alleged legality. Also, as the vivid example of Guantanamo Bay portrays, governments prefer "black sites"

¹² Library, CNN. "Guantanamo Bay Naval Station Fast Facts". CNN, 2020, <https://edition.cnn.com/2013/09/09/world/guantanamo-bay-naval-station-fast-facts/index.html>. Accessed 10 July 2020.



when carrying out brutal investigations in order to avoid condemnation from national law.

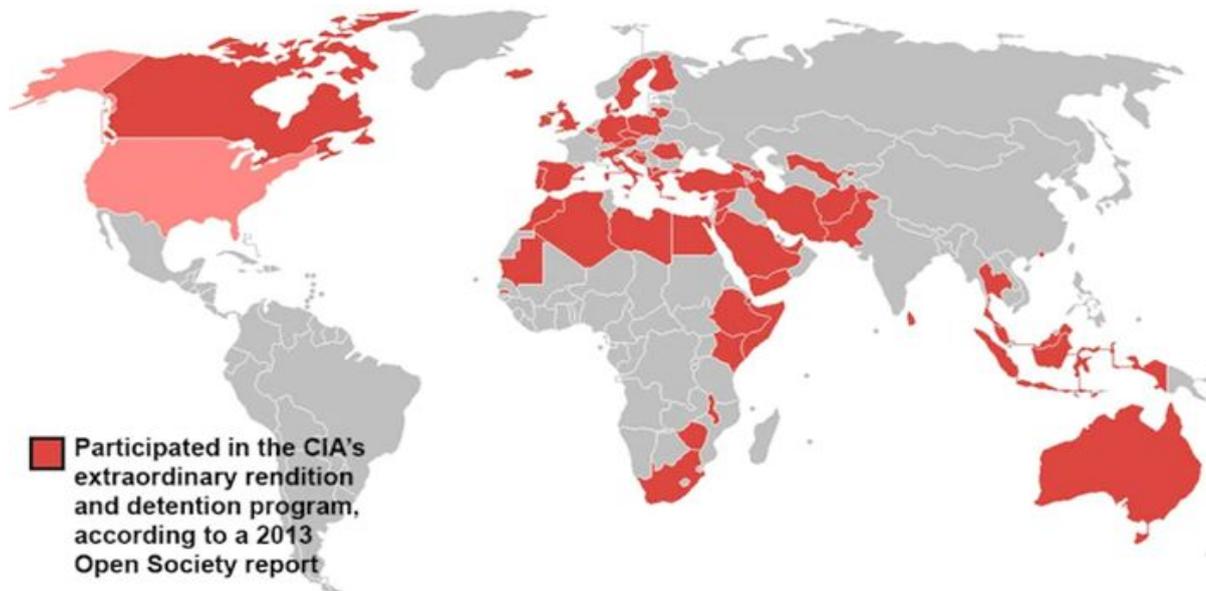


Chart by Max Fisher showing the countries cooperating with the CIA in the 9/11 investigation¹³

Part D: Governmental Interference and Stance

The Defensive Stance of Former Contractors

Thirteen years after the end of the 9/11 investigation former CIA contractors still support their beliefs and consider their torturous actions justifiable. Former interrogators and members of the CIA team seem to have little to no information

¹³ Noack, Rick. "Most Countries Are Against Torture — But Most Have Also Been Accused Of It". *Washingtonpost.Com*, 2014, <https://www.washingtonpost.com/news/worldviews/wp/2014/12/12/most-countries-are-against-torture-but-most-have-also-been-accused-of-it/>. Accessed 10 July 2020.

about their work and its long-term consequences, while also being surprisingly defensive of their contribution to the CIA's investigation.

This lack of sympathy and reliable information leads to an evident difference between the words of former detainees and those of former interrogators, as shown by The New York Times.¹⁴



Dr. Bruce Jessen and Dr. James Mitchell, psychologists who supported enhanced interrogation in the CIA¹⁵

Government Pressure and “Weakness”

Since enhanced interrogation techniques are widely considered means of combatting terrorism, there is the underlying concern that its elimination will lead to an increase in crime rates. Peaceful investigations instead of fighting fire with fire are often considered a “weakness”, on the strength of which abusive interrogation is still partially supported.

What is more, even former CIA interrogators and psychologists have confessed the pressure they experienced by the government. They were allegedly pushed and

¹⁴ "C.I.A. Torture: Interrogating The Interrogators | The New York Times". *Youtube*, 2017, <https://www.youtube.com/watch?v=jWAnI2Vn5UE> . Accessed 10 July 2020.

¹⁵ Dr. Bruce Jessen, Left, And Dr. James Mitchell, Psychologists Who Contracted With The C.I.A.. 2017, <https://www.nytimes.com/2017/08/17/us/cia-torture-lawsuit-settlement.html>. Accessed 14 July 2020.

urged to a crucial extent by government officials with the argument that they had to attribute justice and maintain peace; thus, they were left with limited options.

Major countries and organizations involved

USA

The United States have a long reputation of torturous interrogation and are undoubtedly the protagonist of the issue, with the CIA being the first to introduce enhanced interrogation techniques. Despite its extensive issue, this method is largely controversial in the US, since officials are still arguing on whether it is justifiable or not.

Sri Lanka

Although Sri Lankan police officials have denied all allegations on the mistreatment of detainees, evidence sheds light onto the case, showing that not only are detainees brutally tortured, but they are also often framed for crimes so as to speed up the investigation.¹⁶ It seems that investigators receive little to no proper training and often resort to torturous methods to finish their work faster.

Afghanistan

Afghanistan has been proven to have worked with the CIA during the 9/11 investigation, since there was an infamous black site within the country. Reports on

¹⁶ "Torture: A Common Part Of Sri Lankan Police Interrogations - UCA News". *Ucanews.Com*, 2020, <https://www.ucanews.com/news/torture-a-common-part-of-sri-lankan-police-interrogations/70057>. Accessed 12 July 2020.



this black site show deaths of prisoners in their cells along with the captivity of the two surviving detainees, who filed lawsuits against CIA contractors: Mohamed Ben Soud and Suleiman Abdullah Salim.

Philippines

Police officers in the Philippines have been accused by multiple entities, including Amnesty International, of playing a torture game (“wheel of torture”) in which detainees are used as props. The accusations brought about 10 officers losing their job, but concerns are still intense.

Nigeria

The Special Anti-Robbery Squad (SARS) in Nigeria has faced multiple allegations on the use of torture as a means of interrogation, as evidence reveals over 82 cases of such abusive treatment between 2017-2020. The incidents have outraged the Nigerian population, but the government has failed to successfully tackle the problem.

Iran

The use of torture interrogation in Iran was at its peak during the 1979 revolution, when opponents of king Shah were tortured. The security service SAVAK, which has cooperated with the CIA in the past, tortured detainees in its House of Detention. A recent museum exhibition in its facilities portrays the inhumane treatment of prisoners.





A reconstruction of prisoners in a shared cell at the prison¹⁷

Iraq

Even after the control of Iraq by ISIS, the Iraqi government still uses enhanced interrogation techniques, instead of carrying out proper, peaceful investigations.

Israel

Israel's involvement in the issue is the result of statements by the CIA that their techniques were inspired by Israeli interrogation techniques. It is true that the country has struggled with combating crime peacefully, as there is the belief that abuse is almost unavoidable.¹⁸

¹⁷ Barcroft Media. A Reconstruction Of Prisoners In A Shared Cell At The Prison. 2017, <https://www.thesun.co.uk/news/5062464/iran-torture-prison-museum/>. Accessed 14 July 2020.

¹⁸ Keating, Joshua. "What America Learned About Torture From Israel And Britain". Slate Magazine, 2014, <https://slate.com/news-and-politics/2014/12/what-america-learned-about-torture-from-israel-and-britain.html>. Accessed 12 July 2020.

Amnesty International

For many years Amnesty International has aimed to combat and eliminate torturous interrogation methods with awareness campaigns, information and events. Their effort is of invaluable significance, as their work is easily comprehensible and appealing.

Human Rights Watch

Since enhanced interrogation is a clear violation of fundamental human rights, Human Rights Watch has stated its condemnation, aiming to defend and protect the rights we are all entitled to.

Timeline of events

<u>Date</u>	<u>Event</u>
September 2001	The 9/11 terrorist attacks by Islamic group al-Qaeda take place in the United States, resulting in numerous casualties and long-term consequences.
December 2002	An optional protocol against torture in detention centers is adopted by the UN for international use.
August 2002	The justice Department's Office of Legal Counsel declares that the CIA's interrogation methods are no violation of anti-torture conventions.
November 2002	CIA detainee Gul Rahman dies while in CIA custody.



April 2011	About 800 official USA documents revealing confidential information on the captivity of prisoners at Guantanamo Bay are leaked.
February 2012	Former CIA officer John Kiriakou is arrested for leaking information on the use of torturous interrogation methods such as waterboarding.
May 2013	In a speech, President Obama condemns enhanced interrogation methods and the exploitation of the Guantanamo Bay detention center.
July 2014	Poland is accused by the European Court of Human Rights of violating fundamental human rights of two al-Qaeda suspects, after offering its territory to CIA for their torture.
May 2018	Lithuania and Romania also face severe allegations on their cooperation with the CIA.

Previous attempts to solve the issue

American Psychological Association

The American Psychological Association (APA) has argued that contrary to popular belief and efforts to support enhanced interrogation, such methods are considered torture despite their “aim”. AP has also attempted to confront current US President Donald Trump on the issue, once again by naming his favored methods “torture”



US Defense Department Criminal Investigation Task Force

Former leaders of the US Defense Department Criminal Investigation Task Force have revealed that the military and the police were warned already from the outset of their involvement in Guantanamo Bay. Although they acknowledge the difficulty of finding balance between peaceful interrogations and successful investigations, they consider torturous means of interrogation not only degrading for the detainees but also threatening the country's reputation.

Amnesty International

Amnesty International has played an invaluable role in many aspects of tackling the issue of torture as a means of interrogation. The entity has not only contributed to educating the public and raising awareness, but has also cooperated with the United Nations on the Convention Against Torture and has also exposed about 100 companies involved in selling torture instruments.

Relevant UN Resolutions, Events, Treaties and Legislation

[The McCain-Feinstein Anti-Torture NDAA Amendment](#)

The McCain-Feinstein amendment was made to the FY 2016 NDAA, which is the national defense act for 2016. The anti-torture amendment refers to abusive interrogation, since law on torture is often misinterpreted or neglected. Its aim is to clarify the abusive and inhumane nature of enhanced interrogation methods and highlight that it is unjustifiable.



Detainee Treatment Act (DTA) of 2005

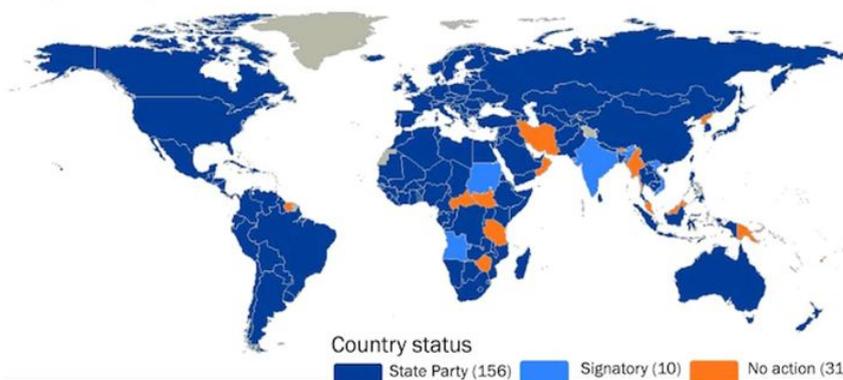
The articles of the Detainee Treatment Act aims to set some standards for detainees. More specifically, it is stated that interrogators receive special training and their work is reviewed and given feedback, while also expressing hope to eliminate the inhumane treatment of prisoners.

Executive Order 13491

President Obama’s Executive Order 13491 aims to ensure lawful and peaceful interrogation. Therefore, it allows the use of only 19 interrogation methods . This effort to combat the problem does not contribute to its utter elimination, but it is an important step towards it.

UN Convention Against Torture

In 1984 the United Nations adopted the Convention Against Torture, which clearly defined the term “abuse” so as not to misinterpret enhanced



interrogation techniques and excel them from “traditional torture”.

Figure from the Washington Post showing the reaction of countries to the Convention Against Torture
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¹⁹ Noack, Rick. "Most Countries Are Against Torture — But Most Have Also Been Accused Of It". Washington Post, 2014, <https://www.washingtonpost.com/news/worldviews/wp/2014/12/12/most-countries-are-against-torture-but-most-have-also-been-accused-of-it/>. Accessed 7 Aug 2020.



POSSIBLE SOLUTIONS

Although the issue of the use of torture as a means of interrogation seems rather far from our lifestyle, it is a crucial violation of fundamental human rights and happens not only in the US but also around the globe. What could possibly be done to minimize its use?

Prevention

Education and Awareness

Informing and sensitizing the public will provide them with another viewpoint from which they are likely to contribute to tackling the issue. Former contractors of torturous interrogations should be educated as well, as it seems they are to an unfortunately large extent unaware of the consequences and the significance of their actions.

The above mentioned information includes historical background on the problem to highlight its evolution through the years, the ineffectiveness of these methods, the consequences of these methods and also an explanation of the essence of enhanced interrogation, which is the inhumane and abusive violation of detainees' fundamental rights.



Protection of Fundamental Rights

Threats and Family

Threats are one of the most extensively used torturous interrogation methods. Being utterly illegal and immoral, especially when carried out by the authorities, threatening the detainee's family should be banned to protect their psychological state. At the same time, they should not be deprived of the right to have some sort of contact with their relatives.

Special Treatment and Safeguards

It is of utmost importance that detainees are treated fairly and appropriately to their state. Namely, the adoption of special safeguards for vulnerable prisoners because of age, mental or physical health, is essential for the execution of a fair interrogation.

Supervision

Presence of Lawyers

The presence of lawyers during the interrogation would both ensure that extracted information is not misinterpreted or changed in any way; thus, there is reassurance that the detainees' treatment is fair. Furthermore, lawyers would silently observe and evaluate the methods of interrogation used so as to review them and give feedback and by no means allow the escalation of an interrogation to a torturous



process. It is for that reason that lawyers can not be biased in any way to ensure fair treatment and realistic reviews.

Interference of Doctors

These professionals ought to be unbiased and examine not only the suitability of detainee treatment but also keep track of their health to avoid any unfortunate incidents, such as detainees found dead after being tortured.

Fair Trial

Judicial Intervention

It is all too often observed that detainees receive faulty treatment, if they receive any at all, as far trial is concerned. Being humans like all others, suspects are entitled to the right for a lawyer to defend them, a chance to explain themselves and a fair, unbiased trial with a system they are familiar with.

Evidence

Another factor to a fair trial is the evidence used. Evidence from illegal interrogations should be exempted from official information presented in court, since it is not only often faulty but is also the product of abuse and inhumane treatment.

Translation and Interpretation

In order to effectively defend themselves or provide useful information to the interrogators, prisoners should at all times successfully comprehend the process



and be understood by others. Language and lack of communication should by no means be an obstacle in peacefully and effectively carrying out an investigation.

Information

On the topic of the right to defend themselves, it should be highlighted that detainees are entitled to full information on their rights and the charges against them.

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