

HOW INTERNATIONAL HUMAN RIGHTS LAW HAS ENHANCED THE PROTECTION OF FREEDOM FROM TORTURE AT THE INTERNATIONAL LEVEL

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ABSTRACT

Throughout this article we have made references to crimes of torture, inhuman and degrading treatment of the human kind in the world. The constant situation of the practices of torture, conversely, requires a comprehensive and methodical assessment. Actions that constitute torture were regrettably, been in practice in all societies as far back as the narrative of the humanity's past. The development of human rights law in the international stage is one of the most important steps forward that happened since the end of the 20th century. The two World wars have depicted terrible paradigms of torture that took place during the hostilities as well as against helpless civilians. Since the end of the Second World War, there have been melancholy cases of horrible acts of torture around the world. Sadly, it is an offence that is currently employed on a daily basis in several nations of the world. Torture is an offence against human dignity, and is considered as a crime against humanity by the Statute of the International Criminal Court in Article 7(1) (f). Significant efforts have been achieved in order to eliminate its acts since the establishment of the United Nations in 1945. The international instruments criminalizing torture are very broad that would be practically not possible to make an all-encompassing list in this article. Along with other regional human rights instruments, all acts of torture are proscribed by the Universal Declaration of Human Rights (UDHR) 1948, and by the International Covenant on Civil and Political Rights (ICCPR) 1966. In spite of these developments, in practice, human rights law continues to be inhibited and limited. As such, for the purpose of this study, this article is divided into the following parts; the first part analyzed the concept of torture which centers on the definition of the term torture, and went further to examine the limits on the definition under international law. The second part discussed the argument for and against the use of torture under international law. Also addressed in this part

is the legal obligation of State parties under the Convention against Torture and under customary international law, as well as the mechanism for enforcing States obligation(s) under the Convention against Torture. The third part of the article examined the achievement(s) and set back(s) of international human rights law in the protection of freedom from torture at the international level. The article relied on secondary sources – including *opinio juris*, UN Conventions and international treaties. In conclusion, this article argued that considering the substantial number of ratifications to the instruments concerned with the proscription of torture, especially, since neither the regional instruments nor the UN CAT permit any derogation(s) from those provisions that deal with the proscription of torture - provide convincing evidence that the rule is binding in international law. The article also noted that the proscription on torture is a norm of *jus cogens*, a norm from which no derogation is allowed. Similarly, it has noted that lack of effective enforcement mechanism of these instruments impinges upon all areas of international law, even though its force is felt most evidently and fully in international human rights law.

Keywords: International Human Rights Law, Convention against Torture, International Covenant on Civil and Political Rights and *Jus Cogens*.

INTRODUCTION

Torture can be defined as a crime inflicted on human dignity or person either physically or mentally which is rightly considered as an offence against humanity.ⁱ The establishment of the United Nations Charter in 1945 has made a tremendous and conscious effort to extirpate the deeds or acts of torture.ⁱⁱ Prior to the codification of the United Nations Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment 1984 (Convention Against Torture), and after the second world war, the use of torture as a tool for attaining political objective and national interest by states becomes more common amongst States in pursuing and protecting their respective national interests.ⁱⁱⁱ This was depicted by the French paratroopers in 1957 when they resort to the use of torture in an effort to gain victory during the battle of Algiers.^{iv} The prevalence of the use of torture during this period was without regard to any global condemnation or sanction, and presently, its unpronounced use in modern times by most states government is perhaps due to the perceived ideological differences of states as

it affects the subject in obtaining information from suspects accused of crimes usually related to terrorism and/or national security. State officials go as far as it takes in torturing suspects so as to extract targeted information.

The United States of America after the September 11 attack resorted to the use of torture against terrorist suspects as a tool in obtaining information it considers valuable to its national security.^v Majid Khan, a Guantanamo Bay detainee, was on the instruction of US officials “rectally inserted with pureed cocktail of hummus, pasta with sauce, nuts and raisin.”^{vi} Gul, (another detainee) who was delivered to the CIA in July 2004 and suspected of having intelligence on an attack scheduled to take place on US soil ahead of US presidential election, was on the instruction of top US officials subjected to all torture techniques except water boarding.^{vii} Gul, after being tortured hallucinated viewing his family in mirror and was recorded asking to die or be killed.^{viii} Khalid Sheikh Mohammad held in a detention centre in Europe was according to the US senate report, subjected to water boarding for at least 183 times.^{ix} Despite the routine use of torture before its proscription by United Nations General Assembly in various treaties, declarations or conventions, many if not all consider it to be in absolute opposition to respect for man and despise it as it runs against the very foundation and purpose of mankind.^x Torture is viewed as not only a crime against the victim, but an atrocity against the very existence of mankind.^{xi} The world of torture has been objectified to exist only where a man survives by ruining the other person who stands before him.^{xii}

Consequent upon the universal disapproval of torture, the United Nations General Assembly in 1975 deemed it necessary to bring the menace to an end and as such, passed a declaration condemning torture as an offence to human dignity.^{xiii} The Rome Statute in proscribing torture classified it as a crime against humanity.^{xiv} With the current international instruments regulating torture, such as the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment 1984. And other regional treaties or conventions such as the European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment approved by the Council of Europe in (1987) and the Inter-American Convention to Prevent and Punish Torture ratified by the O.A.S. in (1985). It could be stated without doubt that amongst the greatest achievements international human rights law has brought to the modern society is the codification of the Convention against Torture as a multi-lateral treaty designed to regulate international cases against torture.^{xv} This prohibition against torture has in

turn metamorphosed into norms of *jus cogens*, a customary international law principle, which does not permit or recognize reservation or derogation. This is as depicted in the official proscription of torture by judges throughout the world, by every government under any situation or emergency.^{xvi}

However, even with the numerous international regulations proscribing torture, some states still indulged in its use. This is as seen in events after the September 11 attack.^{xvii} Nevertheless, international human right law has striven to see that the protection against torture is maintained to the highest level under international arena. It is in the light of the forgone that this article sought to examine how international human right law has enhanced the protection of freedom from torture at the international level. In attaining this purpose, the article is divided into the following phases: The first phase briefly analyzed the concept of torture which centers on the definition of the term torture, and went further to examine the limits on the definition under international law alongside the various methods employed to present a comprehensive meaning of the term torture. The second phase discussed the argument for and against the use of torture under international law; this part went further to examine the moral justification prohibiting torture and its permissiveness in exceptional circumstances. Also, addressed in this phase is the legal obligation of State parties under the Convention against Torture and under customary international law, and the mechanism for enforcing states obligation under the Convention against Torture, as well as customary international law. The third phase of the article examined the achievements and set backs of international human right law in the protection of freedom from torture at the international level.

THE CONCEPT OF TORTURE

The term torture has been labelled as a cruel assault against the helpless with the objective of dismissing the identity, personality and soul of a human being.^{xviii} The coming into force of the Convention against Torture offered a comprehensive although debatably, an equivocal definition of the term torture.^{xix} Notwithstanding, the professed restraining limits on the definition of torture, as presented by the Convention, it has nonetheless, proven to encompass extensively the customary idea of torture and as such, epitomizes the notion of torture under customary international law.

The Convention against Torture is defined the term as follows:

“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, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”^{xx}

This meaning as offered by the convention has raised varied commentaries from commentators. This is manifestly due to the essentials that required before the crime of torture may be said to have been committed. The required essentials for the offence of torture as provided above includes: intention, severe pain and suffering, for reasons stated in the article, by a person on behalf of a state.^{xxi} These essentials have been measured to present varieties of ambiguities and arguments as it affects the scope of the term torture. Paola Gaeta while commenting on the definition of torture said one of the controversial aspect as it affects the requirement of the crime of torture is that it must be carried out by a state official or on/by the authority of the state.^{xxii}

However, in identifying this problem as it relates to the requirements for the crime of torture, many international institutions in interpreting the meaning of the term, and probably knowing the issues the restrictive definition may present, espouse a wide approach in defining the term.^{xxiii} The United Nations Committee of Human Rights, while interpreting Article 7 of the International Covenant on Civil and Political Rights (ICCPR) 1966 proscribing torture, reflected on the requirement of “involvement of state official” to be irrelevant. According to the committee, it is the responsibility of state parties to protect their citizens against the act of torture whether perpetrated by state officials or individuals in their private or official capacity.^{xxiv} This position was also reinforced by the European Court of Human Rights while interpreting the provision of Article 3 of the European Convention. The Court recognized the fact that in the crime of torture, severe pain and suffering can also be levied by private

individuals, irrespective of the involvement or express/implied consent of state officials.^{xxv} Subsequently, it could be capitulated from the above that the prohibition against torture enforces upon state parties, the responsibility to make provisions for sufficient protection of persons against torture from private individuals and in the occasion it ensues, competent authorities must be put in place to investigate and prosecute the perpetrators. This is perhaps indisputably why the prerequisite of state official in the crime of torture is given a wide interpretation.

Furthermore, the definition of the term torture has also been criticized on the ground that international law does not recognize intentional starvation as constituting torture but at most may be considered as in-human or degrading treatment or punishment.^{xxvi} It has been argued that recognizing prolonged deprivation of food as torture would create room for potential victims to escape unadvisable death sentence.^{xxvii} It is further opined that extended food deprivation of prisoners should be classified as torture under international law. This argument is based on the discovery that consistent lack of nutrient in a diet leads to malnutrition which eventually leads to weakness in the body immune system, resulting in pain and confusion.^{xxviii} However, the Convention against Torture as the only international instrument which defines torture with customary international law trail, denounces “ill-treatment and torture,” but has along with other international and regional instruments tumble to define “ill-treatment.” This window had left the inclusion of intentional starvation out of the line of torture and subjected to mercies of international adjudicatory body for its interpretation as ill-treatment or torture.

Argument for and against Torture

The irony in the universal prohibition of torture under international law and its subsequent ensuing into norms of *jus cogens* and customary international law is the fact that theories are being hypothesized qualifying its use in well-defined situations. The advocates of torture viewed that interrogators could extract favorable evidence by inflicting pains on a suspect after cautioning and under medical supervision.^{xxix} That except in extreme circumstances, catastrophes, atrocities and calamities should be avoided at the cost of violating the prohibition of torture.^{xxx} This could be comprehended where excessive number of lives to be saved is involved. According to the proponent of the use of torture, in extreme circumstances instead of being a case of a prohibited use of torture for the benefit of the society, it becomes a

recommended or even a mandatory situation in which the use of torture is needed to save lives.^{xxxvi} This is as depicted in the aftermath of September 11, 2001 which made the United State of America to adopt the use of torture in obtaining information from suspects in its war against terrorism.^{xxxvii} According to John Brennan^{xxxviii} in defending the use of torture under the Bush administration, the use of torture after September 11 produced intelligence that helped to destroy planned attacks, arrest terrorist and saves a lot of lives.^{xxxix} This position has been criticized on the bases that it is difficult to define what may constitute “extreme circumstances” or “the greater need of the society,” and as such will inevitably result in the abuse of the use of torture by states officials. According to Dianne Feistein,^{xl} the use of torture by the US in its fight against terrorism will eventually lead some around the world to “try to use it to justify evil actions or incite more violence.”^{xli}

However, the opponents of torture amongst which include Amnesty International and other human rights organizations condemned the use of torture in whatever circumstances regardless of its benefits.^{xlii} This position is supported by the fact that the Convention against Torture, and other human rights instruments prohibiting torture provided for no exceptional situation whether in a state of war or any emergency that the use of torture may be permissible or vindicated.^{xliii} Advocates in justifying the prohibition of torture hold that the harm of torture is far greater than its benefit, and there are rare or no circumstances where the benefit of torture could be put to use without being abused.^{xliiii} This is evident in the US December, 2014 senate report on the CIA torture of suspected terrorist. According to the Senate report, the torture of Al-Qaeda suspects was extremely “brutal than acknowledged” and did not yield a “useful intelligence.”^{xliiii} The Senate intelligence committee was of the view that the CIA misled the White House and Congress with fabricated claims about the effectiveness of the torture program.^{xliiii} President Barack Obama in condemning the torture program said it is “contrary to our values.”^{xliiii}

It could be deduced from the above theories for and against torture that while it is legally and morally established that the use of torture presents more harm than its good, it is noteworthy that certain exceptional circumstances justifies the use of torture even on moral perspectives. But such exceptional cases are 99% exposed to high risk of abuse.

THE OBLIGATIONS OF STATES PARTIES UNDER THE CONVENTION AGAINST TORTURE, AND CUSTOMARY INTERNATIONAL LAW

Government's participation in torture under the Convention against Torture comes from either direct or indirect action.^{xliii} An act, even though not executed by the direction of state government will under international law be considered as torture. This is because, States are obliged to avert and afford required abilities and encouraging environment for the protection of freedom from torture in their respective States. In endorsing this cause, the Convention against Torture proscribes state parties from extraditing individuals to states where there is high possibility for such persons to be subjected to torture.^{xliv}

In other to uphold a higher standard in the prohibition against torture, state parties to the convention are obliged to exclude torture under their various domestic laws and fortify this common relationship by assuming universal jurisdiction over persons suspected to have committed the offence of torture.^{xlv} In an effort to figure a consistent mechanism under domestic laws, the Convention against Torture orders states parties to educate security agencies and personnel about torture, provide convenient measure for receiving of complaints and independent investigation in order to provide justice to its fullest to victims of torture.^{xlvi}

The international court of justice in recognizing the universal nature of the crime of torture in *Belgium v. Senegal*^{xlvii} emphasized that states are obligated to prosecute for acts of torture even when it is not committed in the state or against its national. This obligation without doubt stems from the fact that the criminalization of torture under international law has attained the status of *jus cogens*, a customary international law with universal jurisdiction upon all states to investigate and prosecute upon noticing the perpetrator of torture within their respective jurisdictions.^{xlviii}

Therefore, with the prohibition of torture under customary international law, the obligation to ensure adequate protection from torture by states does not only lies on state parties to the Convention against Torture or any other international human rights instrument prohibiting or regulating torture. States under the rules of customary international law and *jus cogens* are

obliged to make legislations criminalizing torture in their municipal laws as well as creating suitable environment for the prosecution and protection of individuals from torture.

Mechanism for Enforcing States Obligation under the Convention against Torture and Customary International Law

In ensuring that the protection of freedom from torture at the international level is maintained to the highest level, the Convention against Torture has under Article 17, created a Committee against Torture to ensure that state parties comply with their obligations under such Convention.^{xlix} There are about four mechanisms supervising the enforcement of states obligation in the Convention. These includes: firstly, the reporting procedure; secondly, the inter-State complaints procedure; thirdly; the individual complaints procedure; and fourthly the initiation of enquiry and the reporting of acts of systematic torture.¹ This is as depicted by the Convention against Torture in establishing the United Nations Committee against Torture. Note that; it is only the reporting procedure that is mandatory upon States that ratify the Convention, while the rest are not mandatory but optional rather; it is also worthy to note that the inquiry procedure cannot be proffered to be mandatory because it gives room for States parties the possibility of ‘opting-out’ as provided under Article 28.^{li} The Convention against Torture in ensuring compliance by state parties as it affects their obligations under the convention make provision and established the United Nations Committee against Torture to monitor the compliance of state parties on their duties under the Convention. Under the reporting procedure, Article 19(1) stipulates that all state parties to the Convention are obliged to submit a one year report after the coming into force of the Convention to the Committee through the office of the UN Secretary-General. Then subsequent periodic reports are delivered to the committee once after four years or anytime at the request of the committee.^{lii} This report is based on how the right to freedom from torture and other obligations under the convention are complied with under the domestic/municipal settings of each state concern. These include measures put in place by the state to ensure maximum protection of individuals from torture. Through this procedure, the committee makes required recommendation for measures to be taken in issues noted in their respective jurisdiction.^{liii} This procedure helps to ascertain the level of a state’s commitment in upholding its obligation under the Convention and international law at large. Consequently attract credit or on the other hand condemnation and in certain cases possible sanctions from international community.^{liv}

ACHIEVEMENTS AND SET BACKS OF INTERNATIONAL HUMAN RIGHTS LAW ON THE PROTECTION OF FREEDOM FROM TORTURE AT THE INTERNATIONAL LEVEL

With the current status in the protection of freedom from torture under international human right law, it is without saying that despite the challenges encountered in ensuring the prohibition of torture by states at the international level, international human rights law has enhanced the protection of individuals from torture. This could be seen in the various human rights treaties and convention regulating the prohibition of torture. For example, Article 5 Universal Declarations on Human Rights, Article 7 of (ICCPR) and Art.3 of ECHR, the United Nations Convention against Torture, 1984, particularly, has played a significant role and helped international human rights law in enhancing the protection of freedom from torture. Under the Convention against Torture, states are obligated to criminalized torture under their respective domestic laws and provide necessary facilities and favorable environment for the protection of freedom from torture within their municipalities. State parties to the Convention against Torture have in most cases try to meet their obligations. This could be seen in the periodic reports sent by state parties to the Convention to the United Nations Committee against Torture. It is noteworthy that states that do not meet their obligations under this convention attract international condemnation and if necessary gradual isolation from international community. This is evidenced in the effort taken by the Obama administration in bringing the US torture program initiated after September 11 to halt. Second, through the proscription of torture by various international human right instruments, and with states meeting their obligations under the various treaties/conventions in which they are parties, particularly the Convention against Torture, the prohibition of torture had attained a universal condemnation and thus become a customary international law as *Jus cogens*. Consequently states which are not parties to any international instrument prohibiting torture are bound by the international law prohibiting torture.

International human rights law have enhanced the protection of freedom from torture through various international human rights organizations, which include but not limited to, Amnesty International, Human Rights Watch, and Lawyers Committee for Human Rights, and Office of the High Commissioner for Human Rights. These organizations, particularly Amnesty International plays an important role as a watch dog and whistleblower for any possible, likely

or actual breach of the freedom from torture. These organizations facilitate international condemnation and possible prosecution of the abuse of freedom from torture by any state. With the current development of international human right law in protecting the freedom from torture, states are rated on the level at which the protection of fundamental rights especially the freedom from torture are protected.

However, despite the indelible success of international human rights law in the protection of right to freedom from torture at the international level, the followings have come to present some setbacks in the struggle for the protection of such rights under international law. Elizabeth Wilson in identifying one of the setbacks in international human rights laws prohibiting torture said “international law on torture is not sound” due to the fact that the term “torture,” “cruel, inhuman”, or “degrading treatment” or “punishment” “are essentially empty.”^{lv} This is because they have no comprehensive international definition and have not been satisfactorily interpreted by judicial opinions or *opinion juris*.^{lvi} This imprecise nature and ambiguity surrounding the meaning of the term “torture”, “ill-treatment” and other related terms has indeed created ways for state to manipulate the terms in their effort to infringe on the right to freedom from torture.

CONCLUSION

While the term “torture,” “ill-treatment” and other related terms have appeared not to have been comprehensively defined under the various international human right instruments prohibiting torture, and thus constitute major setback to international human right law in the struggle for the protection of freedom from torture, international human rights law has made solemn impact in promoting the protection of freedom from torture. International human rights organizations have created channels and independent mechanisms for enhancing the promotion of freedom from torture. It is without doubt that efforts of international human rights law facilitated the status of the prohibition of torture into *jus cogens* and customary international law, a principle where no reservation or derogation is permissible. Despite international condemnation of torture, theories have also been postulated for the use of torture in certain special circumstances where greater good will result from its use, however, there is no legal justification for the use of torture under any international human right treaties/convention

regulating torture. In addition, it is worthy of note that while the moral justification of torture may sound convincing, there is an extremely high possibility of it been abused by states and/or their officials.^{lvii}

With regards to the mechanism for enforcement, certain groundbreaking method is provided by Article 20, which gives power to CAT to probe any State where it finds out base on cogent information that such a State is indulged in the act of committing torture against its citizens.^{lviii} Unfortunately, the provision of Article 20 is subject to opting-out from the measure or procedure. Consequent upon that, CAT has been powerless to utilize its full strength and substantial advantage of the provision which is recommended for the future.^{lix} Special attention and commendation must be attributed to the emergence of the European Convention for the Prevention of Torture as a mechanism or legal means of halting the degrading activities of torture at the regional, European level.^{lx} Regrettably, regions such as Middle East, Africa and Asia that are distinctly vulnerable to state-institutionalized torture are yet unable to ratify a particular law or convention that will bind the region against the activities of torture.^{lxi}

ENDNOTES

ⁱ Rehman, J. *International Human Rights Law* (2nd Ed Longman, 2010) at page 809

ⁱⁱ *Ibid*

ⁱⁱⁱ Friedman, D. 'Torture and Modernity' (2013) 5 EHRLR at page 492

^{iv} Alon, H. and Assaf, S 'What is Really wrong with Torture' (2008) 6(2) JICJ at page 241

^v This information is as revealed by CIA reports on Guantanamo Bay in an effort to close the said detention Centre by the Obama administration. This is perhaps due to an effort in reaching its international obligation in the prohibition against torture.

^{vi} Ackerman, S. 'The Guardian, CIA torture report', available at: <http://www.theguardian.com/us-news/2014/dec/09/cia-report-torture-program-disarray> (Accessed on 27 June 2022)

^{vii} *Ibid*

^{viii} *Ibid*

^{ix} BBC NEWS, CIA report: who were the detainees? Available at: <http://www.bbc.co.uk/news/world-us-canada-30402111> (Accessed on 27 June 2022)

^x *Supra*, note 4 at page 242

^{xi} *Ibid*

^{xii} *Ibid*

^{xiii} UN Resolution 3452 (XXX) 9 December, 1975

^{xiv} Article 7 of the Rome Statute 1998

^{xv} *Supra*, note 3

^{xvi} Julianne, H. 'Defining Torture: Bridging the Gap between Rhetoric and Reality' (2009) 49(3) *Santa Clara L.R* at page 895

^{xvii} Mark, B. J. 'Rule Utilitarian and Deontologist Perspectives on Comparisons of Torture and Killing' (2010) 2(2) *WUJR* at page 304

^{xviii} *Supra*, note 16

^{xix} *Supra*, note 13

- xx Article 1 of the Convention against Torture, 1984
- xxi *Supra*, note 16 at page 898
- xxii Paola, G. ‘When is the Involvement of State Officials a Requirement for the Crime of Torture’ (2008) 6(2) JICJ at page 184
- xxiii *Ibid* at page 185
- xxiv *Supra*, note 1 at page 814
- xxv *HLR v. France* APP No 24573/94, Case No. 11/1996/630/813, ECHR 1997-III
- xxvi Schechter, R. B ‘Intentional Starvation as Torture: Exploring the Grey Area between ill-Treatment and Torture’ (2003) 18(5) AUILR at page 1235
- xxvii *Ibid* at page 1236
- xxviii *Ibid* at page 1238
- xxix *Supra*, note 4 at page 243
- xxx *Ibid.*, at page 245
- xxxi *Ibid* at page 247
- xxxii *Supra*, note 17 at page 304
- xxxiii John Brennan is the US CIA director in the Obama administration (as at the 3/1/2015). His comment was prompted as a result of the release of the Senate report on the CIA’s use of torture in its fight against terrorism during the Bush administration.
- xxxiv Al- Araby Al-Jadeed, US acknowledges brutal torture in CIA report, available at: <http://www.alaraby.co.uk/english/news/a144e320-50cb-47e1-919c-7dda1c0a44a3>, (Accessed on 30/06/2022)
- xxxv *Ibid*, Dianne Feinstein is the Chairman Committee on Intelligence as at 4/1/2015 in the Obama administration.
- xxxvi *Ibid*
- xxxvii *Supra*, note 4 at page 244
- xxxviii *Supra*, note 1 at page 816
- xxxix *Supra*, note 33
- xl *Supra*, note 33
- xli *Ibid*
- xlii *Ibid*
- xliii *Supra*, note 1 at page 814
- xliv Article 3 of the Convention against Torture, 1984
- xliv Article 4, 6-8 of the Convention against Torture, 1984
- xlvi Article 12-14 of the Convention against Torture, 1984
- xlvi July 20, 2012 (ICJ) unreported
- xlvi Nielsen, C. ‘Prosecution or bust: the obligation to prosecute under the Convention against Torture’ (2013) 72(2) CLJ at page 2
- xlvi *Supra*, note 1 at page 830
- l *Supra*, note, 1 at page 831
- li *Ibid.*, see also Article 20 of CAT
- lii *Ibid*
- liii However, the implementation of these recommendations by states depends largely on how committed they are in meeting their obligations under the convention.
- liv *Supra*, note 4 above
- lv Wilson, E. A. ‘Beyond the Rack: Post Enlightenment Torture’ (2013) 39(1) NEJCCC at page 41
- lvi *Ibid*
- lvii This is as shown by the December 2014 US senate report on CIA torture of suspected terrorists.
- lviii *Supra*, note 1 at page 853
- lix *Ibid*
- lx *Supra*, note 1 at page 854
- lxi *Ibid*