

Forum: Special Conference on Ethics (SPECON)

Issue: Measures to prevent the application of enhanced interrogation techniques

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INTRODUCTION

Enhanced Interrogation refers to interrogation practices which include mental, as well as physical pain to detainees, aiming at “breaking them down” to get more information out of them. In other words, enhanced interrogation “is a euphemism coined by proponents of coercive interrogation that allow for the abusive treatment of detainees”, according to the “Center for Victims of Torture”.¹

These abusive methods include painful stress positions, sexual humiliation, exposure to extreme temperatures, beating, deprivation of food and drink, deprivation of sleep, subjection to noise, solitary confinement, and; until 2003; prisoners were exposed to waterboarding.

The reasons why somebody may be exposed to enhanced interrogation are many. The most significant one, that may be able to justify enhanced interrogation techniques being applied, is whenever an urgent situation arises, which might threaten international or national security. One such occasion could be in case of a terrorist attack. In that case, enhanced interrogation techniques would most likely take place to prevent any negative effects this attack would cause society.

Undeniably, enhanced interrogation techniques are unethical, and generally, not morally justified, since they fail to see an individual’s intrinsic dignity and value. Such techniques are extremely hazardous to one’s mental and physical health, and they violate the fundamental human rights that apply to every individual. Lastly, the psychological damage is caused to the people that suffer from such techniques, and often, they result in the death of people to whom they have been applied.

Enhanced interrogation techniques first rose after the 9/11 attack in the US (United States) after a severe terrorist attack on the twin towers. These techniques were first used by the CIA (Central Intelligence Agency), a department of the US (United States) government which collects information regarding other states, frequently secretly.

¹ “Torture “without Scars.”” *The Center for Victims of Torture*, The Center for Victims of Torture, 30 Aug. 2012, www.cvt.org/content/torture-without-scars. Accessed 27 May 2023.

DEFINITION OF KEY-TERMS

Utilitarianism

The system of thought states that the best action or decision in a particular situation is the one that brings the most advantages to the most people.² In this particular context, it could be argued that utilitarianism takes place to prevent the negative effects that an attack could have on the national security level; and therefore the majority of a country's population.

Fundamental Human Right

Fundamental human rights are a set of rights that every individual is subjected to, regardless of their nationality, sex, skin colour religion, language, ethnicity or any other status of a person. Such rights include the right to life and liberty, freedom from slavery or torture, the right to work and education, freedom of opinion and expression and many more. In the case of Enhanced Interrogation Techniques being imposed, the right to freedom from slavery and torture is violated.

Fabricated information

Fabricated information refers to facts about a situation which is invented or produced to deceive someone.³ Fabricated information was a result of enhanced interrogation techniques since many people that were interrogated tended to provide false information to their interrogators to end their suffering, as well as to deceive their interrogators; who were CIA agents.

Terrorism

(Threats of) violent actions for political purposes.⁴ Examples of terrorist groups are Al-Shabaab, Al-Qaeda, Afghan Taliban, Abu Sayyaf Group (ASG) and many more.

Islamist extremist

Extremism refers to an ideology which is far from the context or mainstream attitudes of a society.⁵ Islam on the other hand is the religion of the Muslims. When these two terms

² Cambridge Dictionary. "Utilitarianism." @CambridgeWords, Cambridge Dictionary, 16 March 2022, dictionary.cambridge.org/dictionary/english/utilitarianism?q=Utilitarianism.

³ Cambridge Dictionary. "Fabricate." @CambridgeWords, Cambridge Dictionary, 24 May 2023, dictionary.cambridge.org/dictionary/english/fabricate?q=fabricated. Accessed 31 May 2023.

⁴ Cambridge Dictionary. "TERRORISM | Meaning in the Cambridge English Dictionary." *Cambridge.org*, Cambridge Dictionary, 2019, dictionary.cambridge.org/dictionary/english/terrorism.

⁵ www.verfassungsschutz.de/EN/topics/islamist-extremism-and-islamist-terrorism/islamist-extremism-and-islamist-terrorism_node.html. ernment support their religious and political goals by fearing the terrorist group.

combine, they result in a person who believes in Islam, although excessively promotes this religion; even utilizing violence.

Waterboarding

A form of torture (= extreme physical and mental pain to make someone give information) in which a person is helped to face upwards while water is poured on their face in large quantities.⁶ This makes the person feel as if he/she is drowning or dying since they are unable to breathe.

Victim of Torture

Someone who has suffered from painful techniques or practices is considered a victim of torture. Every individual who has been exposed or subjected to enhanced interrogation techniques is considered to be a victim of torture.

BACKGROUND INFORMATION

The 9/11 attack: how enhanced interrogation techniques started

On the 11th of September 2001, the Al-Qaeda terrorist group attacked the Twin Towers in the US (United States), and this event was catastrophic for the US government. Two aeroplanes hit the World Trade Center, resulting in the death of 3.000 individuals. Unfortunately, due to the fires that were caused, many firemen and police officers also lost their lives, approximately 400 additional souls.

The twin towers ultimately collapsed because of the damage that was caused and the fires that took place. In addition to these two planes, a third one managed to hit the Pentagon in Arlington, Virginia; and a fourth one crashed in a field in Pennsylvania. The reasoning behind this attack, by the leader of Al-Qaeda, Osama bin Laden, was related to religious and political matters. Islamist extremists see Islam as a guiding ideology for the organization of a society; as well as politics. Al-Qaeda aimed to weaken the US state as a means of implying their culture. Because the US government was a powerful one; which was not lacking in military or political matters; the 9/11 attack raised many concerns and questions about security, diplomacy, religious matters and privacy.

This severe attack was a huge threat to national and international security, so one of the US (United States) departments; the CIA (Central Intelligence Agency); firstly implied enhanced interrogation techniques, aiming at avoiding any similar events. Many members of the Al-Qaeda

⁶ ---. "Waterboarding." @CambridgeWords, Cambridge Dictionary, 24 May 2023, dictionary.cambridge.org/dictionary/english/waterboarding. Accessed 27 May 2023.

terrorist group were subjected to enhanced interrogation techniques, including the operational planner of the 9/11 attacks, named Khalid Sheikh Mohammed.

Osama Bin Laden is one of the key faces in the 9/11 attack, being the leader of Al-Qaeda; as mentioned above. In the CIA's defence, enhanced interrogation led to the killing of Bin Laden; on the information that was gathered by the agency.⁷

The underlying principles of enhanced interrogation techniques

Enhanced interrogation techniques are founded on the principle of obtaining critical intelligence from individuals suspected of possessing valuable information. Proponents argue that in high-stakes situations such as counterterrorism or national security threats, traditional interrogation methods may not yield timely or reliable results. The primary underlying principle is the belief that subjecting detainees to intensified physical and psychological pressure, such as stress positions, sleep deprivation, and simulated drowning, could break their resistance and compel them to divulge essential information.

However, critics vehemently oppose the application of enhanced interrogation, asserting that it violates fundamental human rights and ethical standards. The use of coercive methods, they argue, leads to potential false confessions and unreliable intelligence, as individuals may say anything to end their suffering. Moreover, enhanced interrogation runs afoul of established international laws and treaties, such as the United Nations Convention Against Torture, which strictly prohibits torture and cruel, inhuman, or degrading treatment.

The debate surrounding enhanced interrogation hinges on a delicate balance between national security imperatives and respect for human rights. Critics contend that adhering to legal and ethical interrogation practices, such as rapport-building and professional training, not only upholds human dignity but also promotes the gathering of accurate and reliable intelligence. In contrast, proponents stress the urgency of extracting time-sensitive information, viewing enhanced interrogation as a necessary evil in safeguarding the greater good. Ultimately, the principles underlying enhanced interrogation continue to fuel a contentious global discourse on security, morality, and human rights.

The effects of enhanced interrogation techniques

⁷ "NPR Choice Page." *Npr.org*, 2019, www.npr.org/sections/thetwo-way/2014/12/09/369646177/torture-report-did-harsh-interrogations-help-catch-osama-bin-laden.

Enhanced interrogation techniques are not only inhumane but also ineffective. According to the “Senate Intelligence Committee Study on CIA Detention and Interrogation Program”⁸ enhanced interrogation often resulted in fabricated information. The individuals that were often being interrogated provided false information to the CIA, who was their interrogator, to end their suffering. Conversely, enhanced interrogation may result in people admitting to having committed a crime without actually having done so intending to end their torture.

Additionally, enhanced interrogation techniques facilitate cooperation, although it is essential for the observation of non-fabricated information, as well as for the well-being of the person who is being interrogated. Instead, they are more likely to increase the resistance of the said individual to the subject. Furthermore, enhanced interrogation techniques are not at all favourable to the aim of facilitating information coming from the memory of an individual. This, of course, leads to information which is not detailed, or elaborated upon as much as it would be through means of negotiation or any other, more humane means of interrogation.

Finally, enhanced interrogation makes lie detection difficult, meaning that it would be very hard to tell whether the detainee is lying or not. The analysis of someone’s speech, regarding the details he/she will provide on a situation, is an easy way of telling truthful information and fabricating information apart. Although detainees are not capable of being detailed and extensive, they are at the same time subjected to harsh treatment, while the information that will be received from them is more likely to be inaccurate.

The reports of the Central Intelligence Agency (CIA) to policymakers

It is crucial to mention the negative effects resulted by enhanced interrogation techniques have on one’s health and well-being. Undeniably, the physical effects of enhanced interrogation are completely inhumane and degrading, so the individuals that are subjected to them suffer physically. Victims are exposed to torture and humiliating techniques; which are eventually the ones that harm them the most.

⁸ SENATE " ! 113th Congress 2d Session S. Report 113-288 REPORT of the SENATE SELECT COMMITTEE on

INTELLIGENCE COMMITTEE STUDY of the CENTRAL INTELLIGENCE AGENCY’S DETENTION and

INTERROGATION PROGRAM Together with FOREWORD by CHAIRMAN FEINSTEIN and ADDITIONAL and

MINORITY VIEWS. 2014.

Concerning the psychological issues that are taking place whenever someone is exposed to enhanced interrogation, they can cause more than just trauma to detainees. The way detainees are handled is truly violating their fundamental human rights.

According to the Senate Intelligence Committee Report on Torture, the interrogation of detainees was far more brutal than what was reported by the Agency to policymakers and others. More specifically, the conditions of solitary confinement were worse than what was reported, meaning that all detainees were kept in complete darkness, naked, and isolated in cells with extremely loud noises and sounds. This, undeniably, was one of the main causes of death of most detainees of the CIA. At the same time people, who underwent such interrogation techniques were victims of different psychological disorders, such as depression, mania and schizophrenia.⁹

Both sides of enhanced interrogation techniques

On the one hand, Supporters argue that enhanced interrogation techniques are necessary in exceptional cases to extract critical information that can save lives and prevent potential terrorist attacks or other imminent threats. They contend that conventional interrogation methods may not be effective with hardened and high-value detainees who possess crucial information. Enhanced techniques, such as waterboarding or stress positions, are believed to break the resistance of such individuals and compel them to divulge time-sensitive intelligence.

On the other hand, Opponents of enhanced interrogation techniques assert that they are not only unethical but also ineffective in gathering reliable intelligence. They argue that coercive methods can lead to false confessions, as individuals may say anything about ending their suffering. Such practices also violate international human rights law, including the prohibition of torture under the United Nations Convention Against Torture (UNCAT). Moreover, these techniques damage a country's moral standing, and public trust, and may incite retaliation by adversaries. Critics advocate for the use of rapport-based methods that emphasize building trust and empathy, which have proven to yield more accurate and actionable intelligence without resorting to cruel and degrading treatment.

All in all, the debate surrounding enhanced interrogation techniques revolves around national security imperatives and respecting fundamental human rights. While proponents argue for their necessity in exceptional cases, opponents stress the importance of upholding ethical standards, the law, and the long-term effectiveness of non-coercive methods.

⁹ SENATE " ! 113th Congress 2d Session S. Report 113-288 REPORT of the SENATE SELECT COMMITTEE on INTELLIGENCE COMMITTEE STUDY of the CENTRAL INTELLIGENCE AGENCY'S DETENTION and INTERROGATION PROGRAM Together with FOREWORD by CHAIRMAN FEINSTEIN and ADDITIONAL and MINORITY VIEWS. 2014.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

Afghanistan

Afghanistan has most certainly played a crucial role in the creation of terrorist organizations. The Afghan Taliban is one such terrorist group that has shown to currently have authority over the state itself; so understandably, Afghanistan gave Islamist Extremists the lead multiple years ago. According to the 9/11 Commission Report¹⁰, the decade of conflict in Afghanistan; which took place from 1979 to 1989, was what truly allowed Islamist Extremists to develop and evolve accordingly; leading to the making of multiple terrorist organizations including Al-Qaeda and the rise of Bin Laden. The 9/11 attacks resulted in the Afghanistan War which consisted of three phases. One of them included the provision of sanctuary to Al-Qaeda by the Afghan Taliban.

Amnesty International

According to its official website, Amnesty International is a global movement of over 10 million people that aims to reduce, and eventually stop injustice¹¹. In the context of enhanced interrogation techniques, and torture in general, Amnesty International has helped significantly in the making of the UN Convention against Torture, in which 165 members were present. Finally, as stated by the Non-governmental Organization, "Torture can never be justified. It is barbaric and inhumane and replaces the rule of law with terror. No one is safe when governments allow its use."¹²

Finland

Finland is one of the few states around the world that has not received Amnesty International allegations regarding its use of torture, or the implementation of inhumane punishments and enhanced interrogation techniques. Along with Benin, New Zealand, Singapore, Qatar, Gabon, Uruguay and Costa Rica, Finland has shown to follow the UN Convention against Torture, which was made with the significant help of Amnesty International. According to OHCHR (Office of the High Commissioner for Human Rights), Finland adopted action plans against extremism and torture in April 2016.¹³

¹⁰ *List of Illustrations and Tables Ix Member List Xi Staff List Xiii–Xiv Preface Xv.*

¹¹ Amnesty International. "Who We Are." *Amnesty.org*, Amnesty International, 2014, www.amnesty.org/en/who-we-are/.

¹² Amnesty International. "Torture." *Amnesty.org*, Amnesty International, 2019, www.amnesty.org/en/what-we-do/torture/.

¹³ "Committee against Torture Considers Report of Finland." *OHCHR*, www.ohchr.org/en/2016/11/committee-against-torture-considers-report-finland

Iran

Iran, also known as the Islamic Republic of Iran, has supported multiple terrorist groups including Al-Qaeda; which was the terrorist group responsible for the 9/11 attack in the USA. The Iranian government has proved to not be aware of the 9/11 attacks; and has even denounced the operational planners, leader, and other members of the terrorist group publicly according to the 9/11 Commission Report¹⁴.

USA (United States of America)

The United States have most certainly played a pivotal role in the increasing use of enhanced interrogation techniques, being the country that created them in the first place. The Central Intelligence Agency was the one to adopt this program of harsh, inhumane and degrading techniques for detainees after the 9/11 attack. As mentioned in the Background information section of this guide, the reports that the CIA gave to policymakers and others were not following the procedures that were taking place.

OHCHR (Office of the UN High Commissioner for Human Rights)

OHCHR is “the lead United Nations entity mandated to promote human rights”¹⁵. It assists governments to fulfil their human rights obligations, as well as raises awareness of the human rights violations that take place in the world. In the context of torture, freedom from slavery and torture is one that OHCHR clearly values and protects.

TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENT
December 10 th 1948	The Universal Declaration of Human Rights (UDHR) is adopted.
1976	The creation of the US Senate Intelligence Committee takes place

¹⁴ *List of Illustrations and Tables Ix Member List Xi Staff List Xiii–Xiv Preface Xv.*

¹⁵ “OHCHR | What We Do: An Overview.” OHCHR, www.ohchr.org/en/about-us/what-we-do.

December 10 th 1984	The Convention against torture is adopted, which clarifies the prohibition of torture under any circumstance
September 11 th 2001	Also known as the 9/11 attack, the Al-Qaeda terrorist group attacked the World Trade Center; crashing it with two airplanes
November 8 th 2007	This is reportedly the last time the Central Intelligence Agency used enhanced interrogation techniques on a detainee
December 8 th 2014	The Senate Intelligence Committee Report on CIA's detention and Interrogation program is published, and provides a summary of it

RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

US SENATE INTELLIGENCE COMMITTEE REPORT ON TORTURE: COMMITTEE STUDY ON CIA'S DETENTION AND INTERROGATION PROGRAM.

This committee was created in 1976 and it was made to be responsible for making continuous studies on the intelligence activities of the US (United States) government. Moreover, it was created to confirm that such activities made by the US government are by the Constitution and laws of the state. This committee published a report on the Central Intelligence Agency's detention and interrogation program on the 8th of December 2014. The report includes findings and conclusions that were made, related to enhanced interrogation techniques and an executive summary of them. Generally, this report is of great importance and is extremely helpful to gain information and combat enhanced interrogation with convincing arguments written in it.

UN CONVENTION AGAINST TORTURE:

Undeniably, torture removes an individual's dignity and intrinsic worth. This is the reason why in 1984, the Convention against Torture was adopted, aiming at preventing torture and inhumane punishments. The UN Convention against Torture prohibits degrading techniques from being applied, so the absolute prohibition of torture has become a part of international law.

As stated by Amnesty International, there are 4 elements of torture; also according to the convention. Firstly, it must cause suffering and pain to the person to whom it has been applied. Secondly, such acts must be intentional and committed for a specific purpose. Finally, there has to be the involvement of a state official.

According to the convention, every state has some specific obligation concerning this issue. Most importantly, the government itself should never torture, and instead, prevent it. Furthermore, every country should punish torturers, but in a way in which brutal techniques are not applied to them. Articles 2 and 3 state that countries should additionally provide reparation to the victims of torture, as well as not sending any individual to a state where they will potentially, suffer. Finally, no state shall admit evidence obtained by torture in legal proceedings¹⁶; which is the exact opposite technique that enhanced interrogation proposes.

GENERAL ASSEMBLY (GA) RESOLUTION 3452 (XXX): DECLARATION ON THE PROTECTION OF ALL PERSONS FROM BEING SUBJECTED TO TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT¹⁷

Being similar to the UN Convention against torture, the resolution 3452 was; and still is a significant document. It was adopted on the 9th of December 1975; and it was discussed in the General Assembly, one of the most important organs of the UN. The articles of the said resolution clarify what torture truly is, the absolute prohibition of it by every state and finally according to Article 8; every victim of torture has the right to complain to the States government. The declaration on the protection of all persons from being subjected to torture and other cruel, inhuman or degrading treatment or punishment consists of 12 Articles in total.

¹⁶ "What Is the Role of the UN Convention against Torture? | REDRESS." *Www.youtube.com*, www.youtube.com/watch?v=AoKgJ7gabdY.

¹⁷ "Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment." *OHCHR*, www.ohchr.org/en/instruments-mechanisms/instruments/declaration-protection-all-persons-being-subjected-torture-and.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Although there have not been any significant attempts to solve this issue, many states have shown to try tackling this issue. For instance, 166 member states have signed the “UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” and 156 have ratified the said convention. Fewer countries have ratified an additional, optional protocol which would allow monitors to visit detention sites in the country. Generally, due to the fact that a huge percentage of the states mentioned above have violated the convention they signed, there have not been considered any important or effective measures in which enhanced interrogation could be combated.

POSSIBLE SOLUTIONS

The development of torture prevention strategies

An action plan against torture is highly recommended for all member states, in order to fit their particular context. Torture prevention strategies are extremely useful since they are capable of identifying short and long-term solutions, strengthening the administration of justice, and responding effectively to a particular incident. In addition to adopting such an action plan, it is recommended that all member states sign and ratify the UN convention against torture. Such a proposal is very helpful concerning the well-being of every citizen of the state; although based on previous attempts to solve this issue through such means, torture prevention strategies have been shown to be violated or ignored multiple times.

The reparation of victims of enhanced interrogation techniques

According to OHCHR (Office of the UN High Commissioner for Human Rights), and Amnesty International, all victims of torture, and enhanced interrogation should be provided with reparation for the psychological, physical and mental harm that was caused to them because of the harsh treatment they were subjected to. As stated by the UN Convention against Torture; all member states are responsible for the sensible treatment of such victims; which includes the provision of psychological help to the individual that was harassed. To achieve that, the cooperation of each state with an organization responsible for the reparation of a victim is highly encouraged and suggested. Reparation to victims of enhanced interrogation is essential for every person that has suffered physically, and mentally; even though such reparations would be quite difficult for a state to provide to every single victim.

Training of law enforcement

The training of law enforcement is also a significant move that should be made by each government in order to minimize and eventually combat torture and enhanced interrogation.

More specifically, police officers, military officers, and guards of refugee and asylum-seeker centres should all be trained properly in order to make sure that no individual, under any circumstance, is having their fundamental human rights violated. In every context, whether that is a prison, the above-mentioned centres, or being held by police custody, there should be no absolute sign of enhanced interrogation, violence, and torture of an individual. Training of law enforcement is very significant for the avoidance of torture being implied since there have been multiple incidents of human rights violations made by police officers and others that have authority over the state's population. Although, a negative aspect of this solution is that training in law enforcement will be difficult to apply to every individual who is part of law enforcement; and that the government still cannot ensure that law enforcement will act in accordance with what was taught to them.

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