

ENDOWED PROFESSOR
OF CRIME PREVENTION
AND RISK MANAGEMENT

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of Law

THE 'MALLEUS MALEFICARUM' OF MODERN SOCIETY

THE CAUSES AND PREVALENCE
OF TORTURE IN THE
21ST CENTURY



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TÜBINGEN, MAY 4, 2026



The Ticking Bomb Scenario

A captured terrorist knows the location of a bomb set to kill thousands. You have 30–60 minutes.

What are your actions?



TERRORIST

Has the information



POLICE

Interrogate, gather
information, decide



EMERGENCY RESPONSE

Act on information,
save lives



Goal: Prevent the explosion. Save as many lives as possible.



THE “TICKING BOMB” SCENARIO – A PEDAGOGICAL DILEMMA



The slippery-slope argument:
once torture is licensed for terrorism,
legal actors will lobby to extend it to sexual
predators, then serious crimes, then ordinary offences.



Each concession is a step
toward a system without
meaningful limits –
**the state destroys
itself from within.**

1. TERRORISM



Exception made
to prevent catastrophe

2. SEXUAL PREDATORS



Extended to
“monsters”

3. SERIOUS CRIMES



Extended to
“the dangerous”

4. ORDINARY OFFENCES



Extended to
“everyone else”

5. SYSTEM WITHOUT LIMITS



Rule of law eroded.
The state destroys itself
from within.



The scenario is deliberately extreme;
real-world conditions (uncertainty of guilt,
unreliability of coerced confessions)
are systematically ignored in the framing.



UNCERTAINTY
OF GUILT



UNRELIABILITY OF
COERCED CONFESSIONS



Conclusion:
the only defensible answer is an absolute prohibition –
there is **no safe ‘exception’.**



Protect human dignity.
Protect the rule of law.
Protect society.

THE MALLEUS MALEFICARUM

“The Hammer of Witches”

- A treatise about **witchcraft**
 - Written by **Heinrich Kramer** (born in 1430, Schlettstadt), German Catholic clergyman
 - First published in the German city of **Speyer** in **1486**
-
- Heinrich Kramer presented his text as an **official position of the Catholic Church**
 - The book was **condemned** by top theologians of the Inquisition at the **Faculty of Cologne**
 - for recommending **illegal procedures**
 - for **inconsistencies** with existing Catholic demonological doctrines
-
- However, Kramer received praise for his work by **Pope Innocent VIII** in the papal bull *Summis desiderantes affectibus*



KEY TENSION

Institutional rejection vs. political legitimization

→ Early example of normalizing coercive practices through authority

THE MALLEUS MALEFICARUM AS A HISTORICAL MIRROR



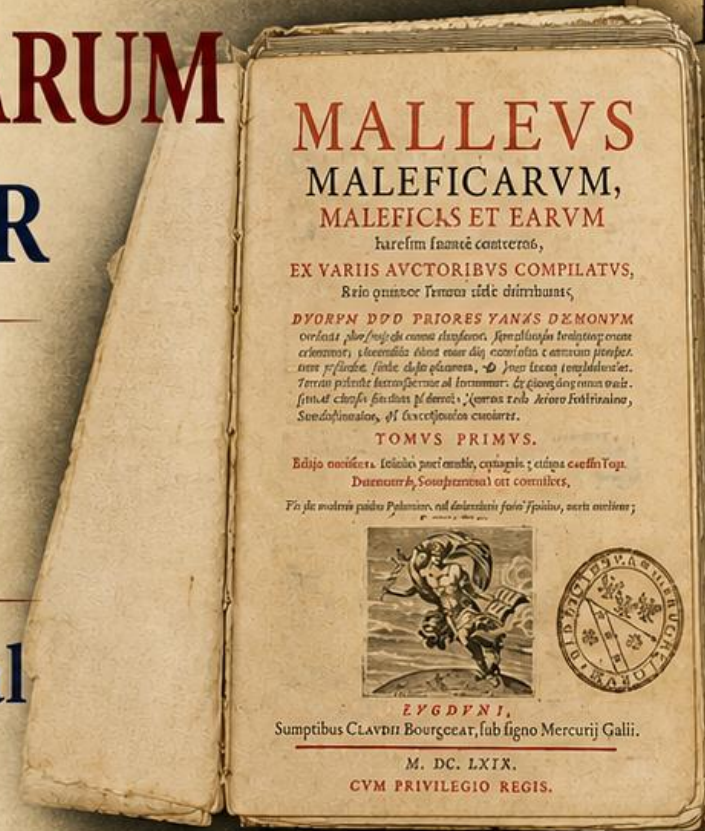
Heinrich Kramer
Malleus Maleficarum (1486)



Systematic legal and theological
justification for coercive
interrogation – an early
'enhanced-interrogation manual'



CORE QUESTION:
WHAT CHANGES IN FIVE CENTURIES,
AND WHAT DOES NOT?



THE MALLEUS MALEFICARUM AS A HISTORICAL MIRROR



Heinrich Kramer wrote *Malleus Maleficarum* (1486) following his spectacular courtroom failure in Innsbruck, 1485, where a bishop overturned his verdicts and expelled him from the city



The treatise provided systematic legal and theological justification for coercive interrogation – an early ‘**enhanced-interrogation manual**’



28 editions across Germany, France, and Italy within 150 years – institutional adoption followed scholarly legitimization



CORE QUESTION:
WHAT CHANGES IN FIVE CENTURIES,
AND WHAT DOES NOT?

“Where authority fears truth,
it invents compliance.”
— FIVE CENTURIES APART,
THE PATTERN ENDURES.



MALLEVS
MALEFICA-
RVM, MALEFI-
cas, & earum hærefim, vt

phramea potentissima
conterens,

MALLEVS
MALEFICARVM,
MALEFICAS ET EARVM

hærefim framea conterens,

EX VARIIS AVCTORIBVS COMPILATVS,
& in quatuor Tomos iustè distributus,

DVORVM DVO PRIORES VANAS DEMONYM
vexatias, præfignificat vocans deceptores, suprefignificat Strigimacrorate
ceremoniosos, hincendos etiam eos riuu congefusos, exatiam digneque
teme pofitæ felle difpofitionem, & pofitæ rone pofitæ
Termin præfignificat ad Demones. & Strigimacrorate male-
ficio de Clavifit fignificat pelfeide: Quoriam vtrò Artem Doctrinalem,
Benedictionalem, & Exorcifmalem conlocat.

TOMVS PRIMVS.

Editio nouiffima, infinitis penè oendis, expurgata, & cuique accessit Fuga
Dæmonum & Complementum artis exorcifice.

Fit fuit maioribus quibus Pythæus, et dæmonia furis fpiritus, mortis moritur;



EUGDVI,

Sumptibus CLAVDII BOVRGEAT, sub signo Mercurij Galli.

M. DC. LXX.

CVM PRIVILEGIO REGIS.

PREVALENCE AND PERSISTENCE IN THE 21ST CENTURY HUMAN RESOURCE EXPLOITATION TRAINING MANUAL

prisoners interrogation
procedures and techniques

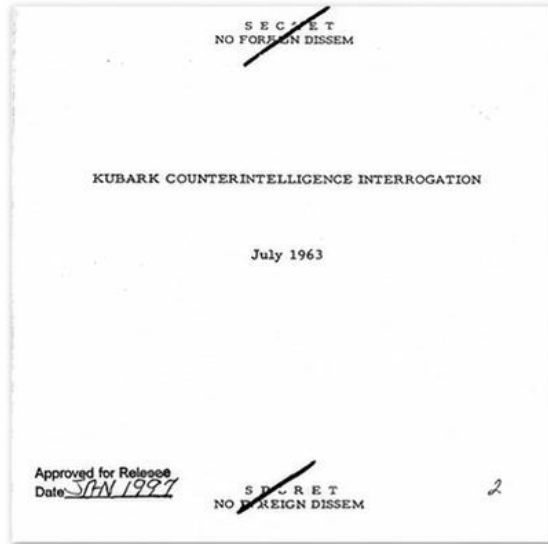


DECLASSIFIED

1983

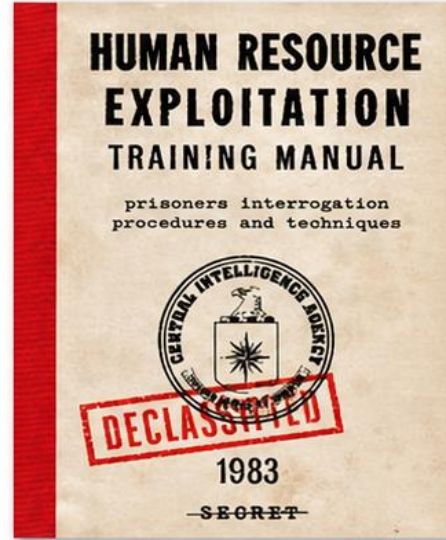
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PREVALENCE AND PERSISTENCE IN THE 21ST CENTURY



CIA INTERROGATION MANUAL (1963)

The Kubark Manual provided detailed guidance on coercive interrogation techniques.



CIA TRAINING MANUAL (1983)

The Human Resource Exploitation Training Manual institutionalized coercive interrogation practices.



GUANTÁNAMO BAY (2002–PRESENT)

Indefinite detention, coercive interrogation, and abuse persist at Guantánamo Bay over two decades later.



THE TAKEAWAY

Coercive interrogation is not a relic of the past — it adapts, endures, and remains a tool of power in the 21ST century.



INTRODUCTION TO THE PHENOMENON

- Torture remains an undeniably repugnant yet extraordinarily **widespread phenomenon**
- The **21st century** has made the problem of inhuman treatment even more pressing, even in **democratic nations**
- Despite the **1984 UN Convention Against Torture**, it is practiced by a wide range of **state and criminal actors**

TORTURE IN DEMOCRATIC STATES

The Rationalized Monopoly of Unlawful Violence

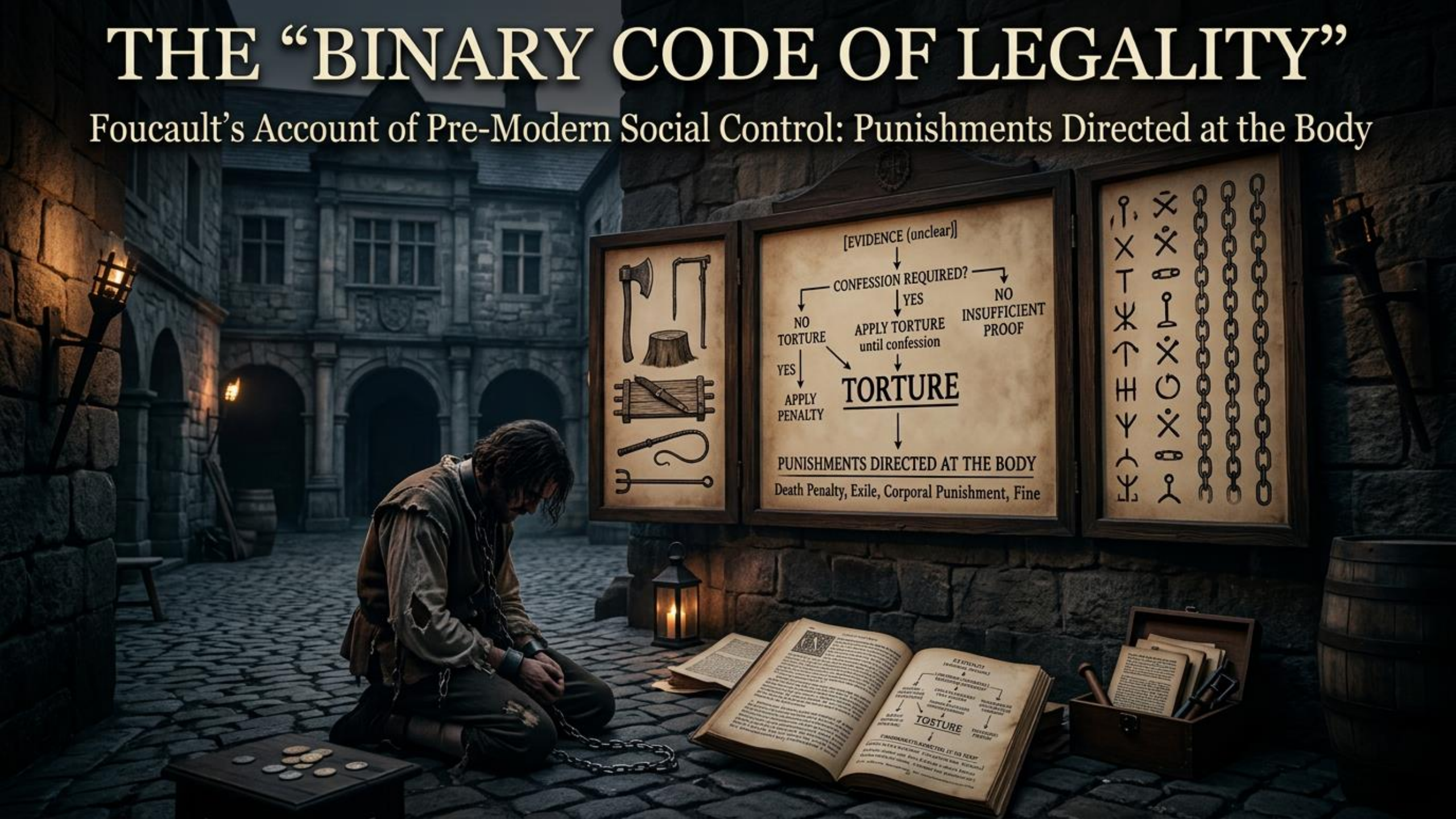


TORTURE IN DEMOCRATIC STATES

- Democracy does not inherently exclude the **arbitrary use of torture** against **specific categories** of persons
- Violence is often **“packaged”** as a tool in the **“fight against terrorism”** or **“protection from future attacks”**
- Police often **monopolise unlawful violence** for the **“maintenance of order”** and intimidation of **marginalized groups**

THE “BINARY CODE OF LEGALITY”

Foucault's Account of Pre-Modern Social Control: Punishments Directed at the Body



THE “BINARY CODE OF LEGALITY”

- Refers to **Foucault's classification** of social control where punishments were **directed at the body**
- Included the **death penalty, exile, corporal punishment, or fine**
- From the **mid-13th to mid-18th century**, **torture** lay at the foundation of **continental criminal procedure**

Rituals of Judicial Torture



Moral and Legal Ritual

A CUSTOMARY & LEGALLY
SANCTIONED RITUAL.

The Presumption of Guilt and Confession

SUSPECTS PRESUMED GUILTY;
CONFESSION IS THE GOAL.

Documentation

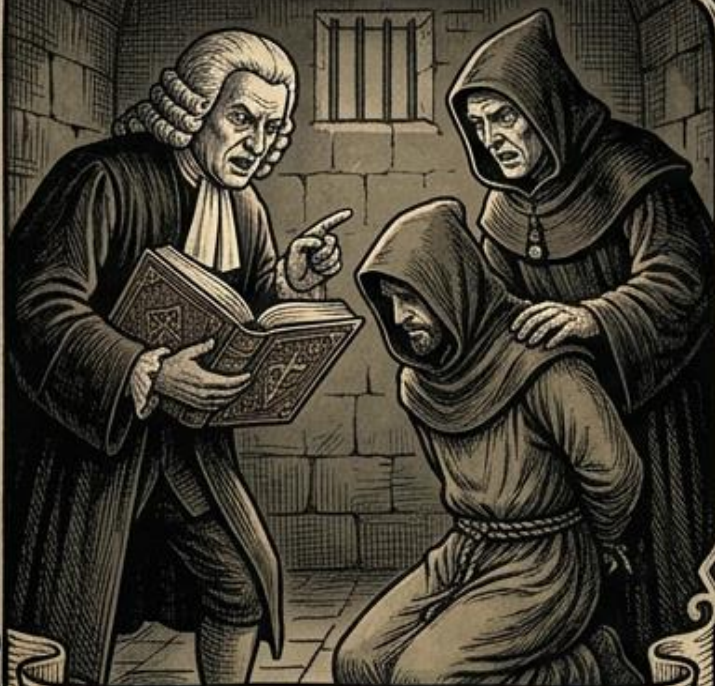
PROCEDURES RECORDED
IN FORMAL PROTOCOL.

RITUALS OF JUDICIAL TORTURE

- Torture was a **legal, morally accepted, and customary ritual**
- Suspects were often **considered guilty from the outset**; the judge's role was to **obtain a confession**
- Procedures were **recorded by a notary in a formal protocol**

The Psychological 'Interests of Justice'

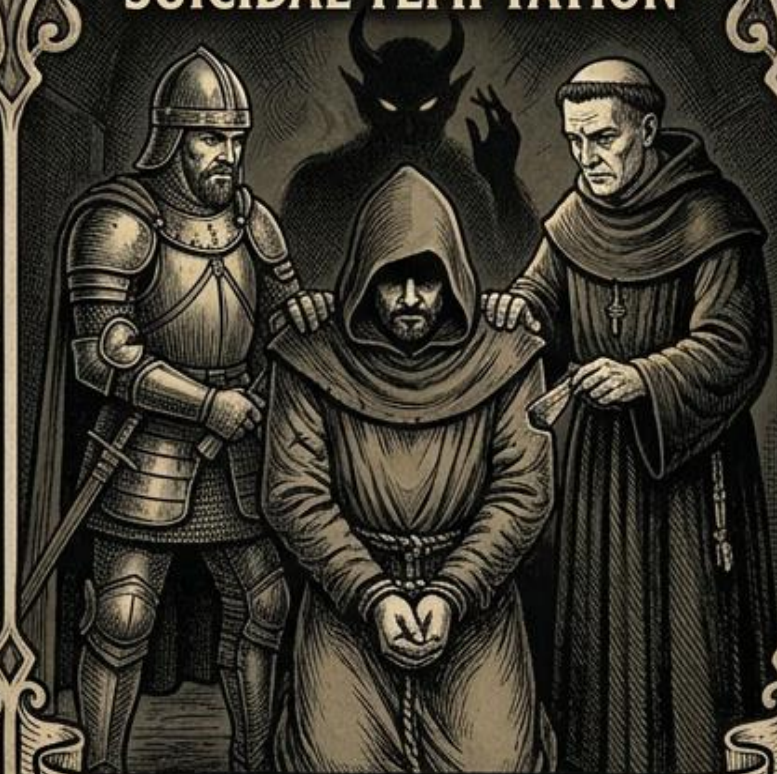
PERSUASION BEFORE PROCEDURES



JUDGES WERE ADVISED TO PERSUADE THE ACCUSED TO SPEAK THE TRUTH BEFORE BEGINNING.

A pre-inquisition dialogue to save the soul.

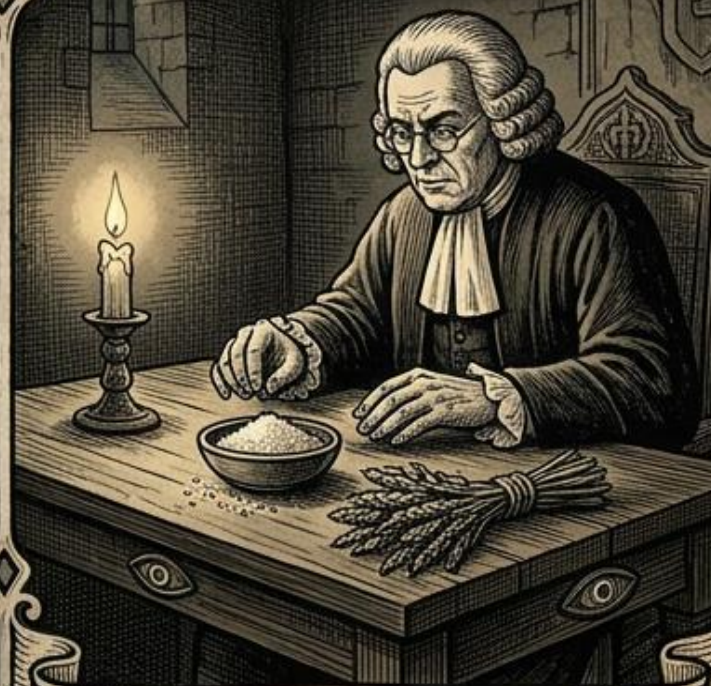
PREVENTING SUICIDAL TEMPTATION



GUARDIANSHIP WAS REQUIRED TO PREVENT THE 'DEVIL' FROM TEMPTING THE PRISONER TO COMMIT SUICIDE.

Physical constraint as spiritual protection.

APOTROPAIC PROTECTIONS



USE OF CONSECRATED HERBS AND SALT WAS RECOMMENDED TO PROTECT JUDGES FROM 'EVIL EYE' SPELLS.

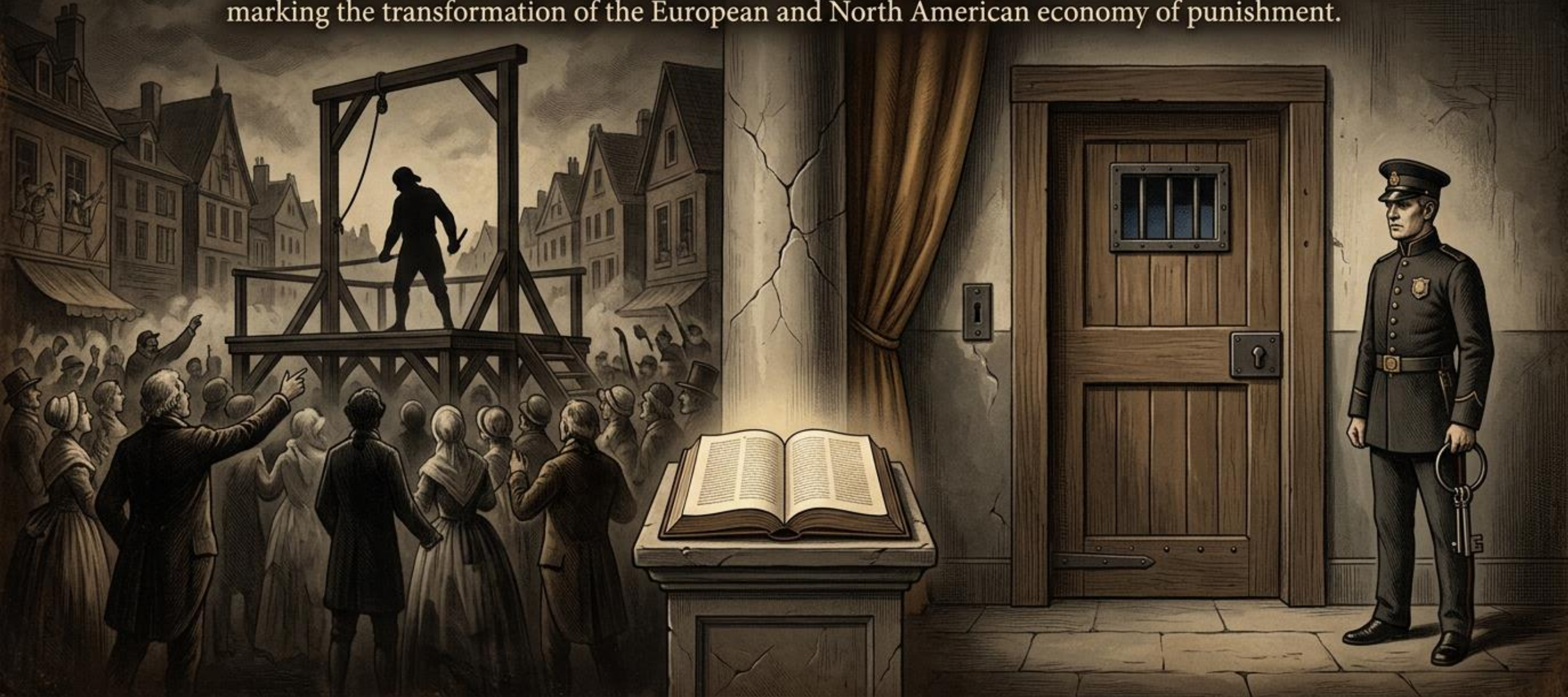
Magical shields for the tribunal.

THE PSYCHOLOGICAL “INTERESTS OF JUSTICE”

- Judges were advised to **persuade** the accused **to speak the truth** before beginning
- Guardianship was required to prevent the **“devil”** from tempting the prisoner **to commit suicide**
- Use of **consecrated herbs and salt** was recommended to protect judges from **“evil eye”** spells

THE DECLINE OF THE 'GRIM FESTIVAL'

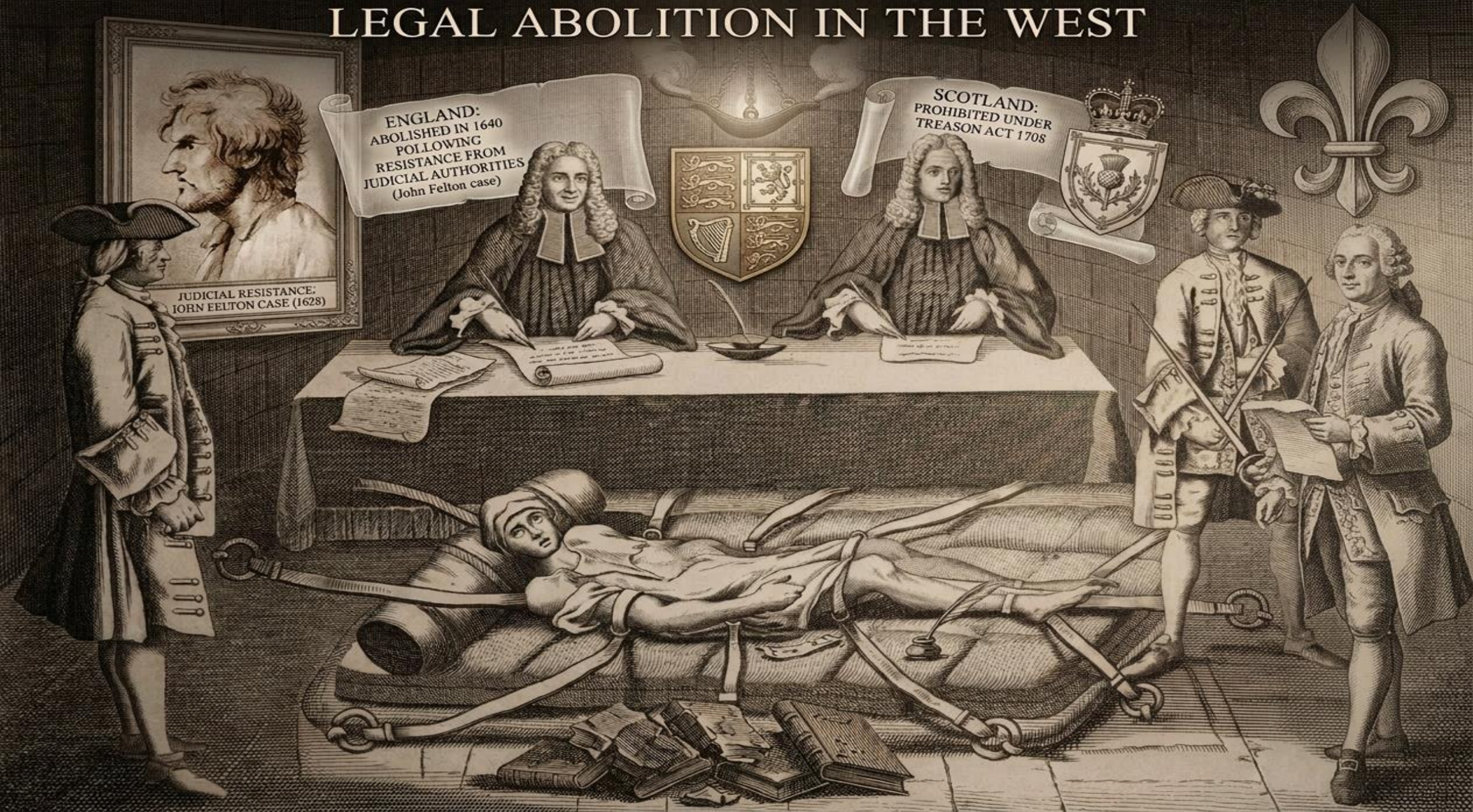
By the late 18th century, public punitive practices as theatrical spectacles began to die out. Punishment became “restrained” and the outward use of torture for evidence disappeared, marking the transformation of the European and North American economy of punishment.



THE DECLINE OF THE “GRIM FESTIVAL”

- By the **late 18th century**, public punitive practices as **theatrical spectacles** began to **die out**
- Punishment became **“restrained”** and the **outward use of torture for evidence disappeared**
- This marked the transformation of the **European and North American economy of punishment**

LEGAL ABOLITION IN THE WEST



LEGAL ABOLITION IN THE WEST

- **England:** Abolished in **1640** following resistance from **judicial authorities** (**John Felton** case)
- **Scotland:** Prohibited under the **Treason Act 1708**
- **France:** The **1757** execution of **Damiens** was one of the **last major public displays of quartering**



France: The 1757 execution of Damiens was one of the last major public displays of quartering.

HISTORICAL JUDICIAL SYSTEMS & REFORMS: POLAND & UKRAINE

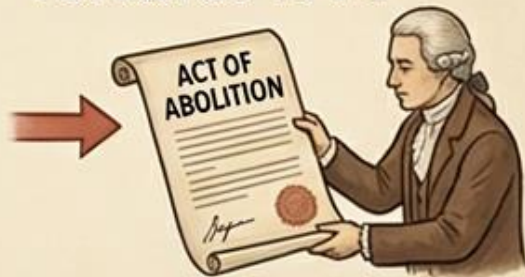
POLAND



1779



Abolition of Torture: 1779



- The Enlightenment spurred the reformed trial official court ended torture scene judged in 1779.

UKRAINE

mid-17th Century

Emergence of Cossack Judicial Customs:
Development of community-based courts and Hetmanate law.



late 18th Century

Integration into Imperial Legal Systems:
Adoption of foreign legal codes and procedures after absorption into surrounding empires.



Kyiv: Center for Evolving Urban Law and Magdeburg Rights (Magistrate Courts).

- Ukraine's legal history reflects a complex tapestry, with early Cossack customary law giving way to integration with other legal traditions.

TORTURE IN UKRAINE AND POLAND

- **Poland:** Enlightenment ideas led to **the abolition of torture** and witchcraft punishment in **1779**
- **Ukraine:** Torture appeared **relatively late (mid-17th century)** compared to Western Europe
- Executioners were **rare**; even Kyiv had no permanent executioner until **the late 18th century**



PERSPECTIVES ON DISAPPEARANCE: PRAGMATIC

- Focuses on **legal and political changes**, specifically the formation of a **professional judiciary**
- Changes in the **law of evidence** allowed convictions based on **indirect evidence** rather than just confessions
- Reformers argued **torture was ineffective** as the **innocent confessed** while **hardened criminals resisted**

A detailed historical courtroom scene. In the foreground, a wooden sign on an easel reads 'PERSPECTIVES ON PRAGMATIC' followed by three bullet points. In the background, a judge in a black robe and white wig sits on an ornate chair. Two lawyers in similar robes stand at a long wooden table; one is writing with a quill while the other gestures. A witness in a dark suit sits at the table, with a top hat and a brown leather boot placed before him. To the right, a man in a brown coat sits in a witness box. The back of the room is filled with a jury of men and women in period clothing. The room features dark wood paneling and three arched windows.

PERSPECTIVES ON PRAGMATIC

- | Focuses on legal and political changes, specifically the formation of a professional judiciary.
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PERSPECTIVES ON DISAPPEARANCE: DISCIPLINARY

- Based on **Foucault, Rusche, and Kirchheimer**
- Explains that “**disciplining**” and “**surveillance**” were more economically advantageous for capitalism than **bodily destruction**
- The “**man who is punished**” became “***homo economicus***”

DID TORTURE ACTUALLY DISAPPEAR?



THE MYTH OF 'MEDIEVAL BRUTALITY'

The traditional perception that the Middle Ages were a period of extreme brutality is a myth. In reality, the Middle Ages were a period of relative stability and order, with a strong sense of community and shared values.

'serves to
distance
modern
society from its
own political
reality'



SECTION 4 MFI: E REALITY



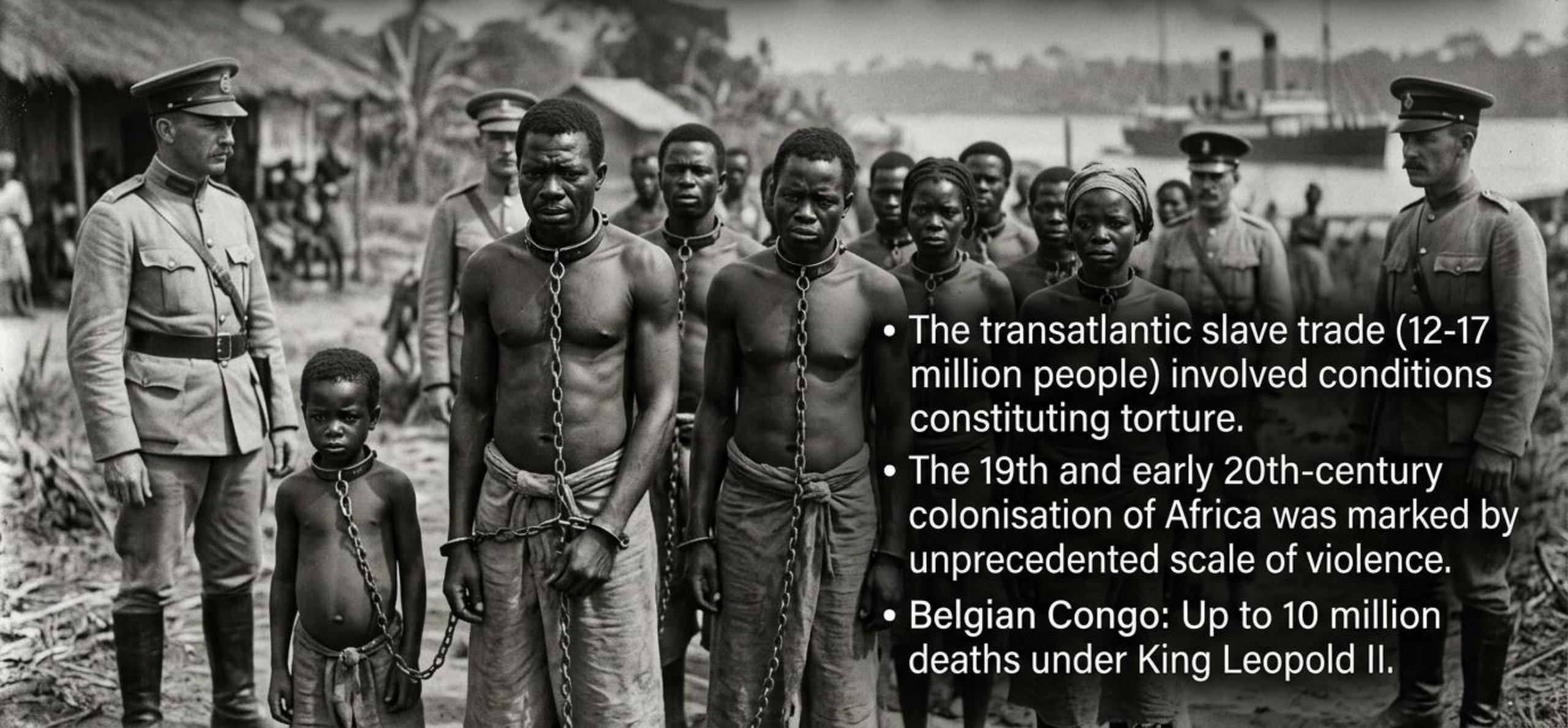
'Disappearance'
and 'restoration'
are conditional
categories

Torture remains
a symptom
of political
instability and
serious social
problems today

DID TORTURE ACTUALLY DISAPPEAR?

- **“Disappearance” and “restoration”** are **conditional** categories
- The **myth** of **“medieval brutality”** serves to **distance** modern society from its own political reality
- Torture remains a **symptom** of **political instability** and serious **social problems** today

VIOLENCE IN THE AGE OF ENLIGHTENMENT



- The transatlantic slave trade (12-17 million people) involved conditions constituting torture.
- The 19th and early 20th-century colonisation of Africa was marked by unprecedented scale of violence.
- Belgian Congo: Up to 10 million deaths under King Leopold II.

VIOLENCE IN THE AGE OF ENLIGHTENMENT

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THE CONTRADICTIONS OF THE AGE OF ENLIGHTENMENT: VIOLENCE AND EXPLOITATION



While intellectual movements championed reason, liberty, and individual rights (roughly 17th-18th centuries), this period also witnessed the **expansion of unprecedented forms of violence**, particularly in **colonialism and the transatlantic slave trade**.



Enlightenment

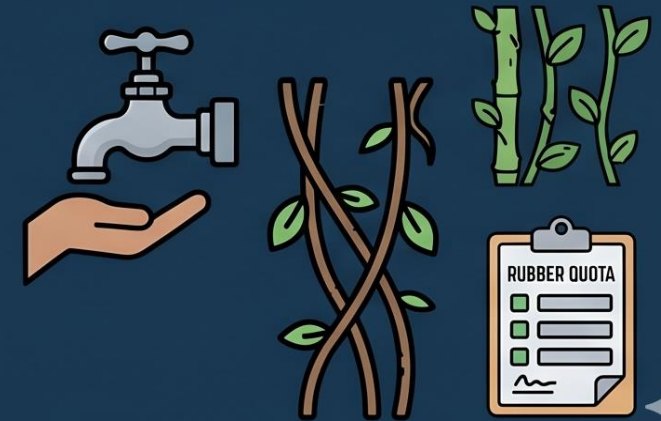
1. THE TRANSATLANTIC SLAVE TRADE AS SYSTEMIC TORTURE

- Forced transport of 12-17 million Africans
- Conditions constituting torture used to break captive will
- **The Middle Passage:** Brutal conditions, overcrowding, disease
- **The Shipboard Regime:** Public floggings, mutilation as punishment
- **Forced Feeding:** Devices like speculum oris used to prevent starvation suicides
- **Sexual Violence** against women used for control



2. COLONIALISM IN AFRICA: VIOLENCE AND DEMOCIDE

- Colonisation marked by extreme violence and forced labor
- Framed as bringing "civilization," but led to mass mortality
- **The Belgian Congo: A Case of Democide**
 - Under King Leopold II (Congo Free State)
 - Systemic mutilation (cutting off hands) for missed rubber quotas
 - Widespread atrocities, villages destroyed, population collapse
 - Estimated death toll: Millions (estimates range 1-10 million)





CONFESSION
IS THE PATH
TO REDEMPTION

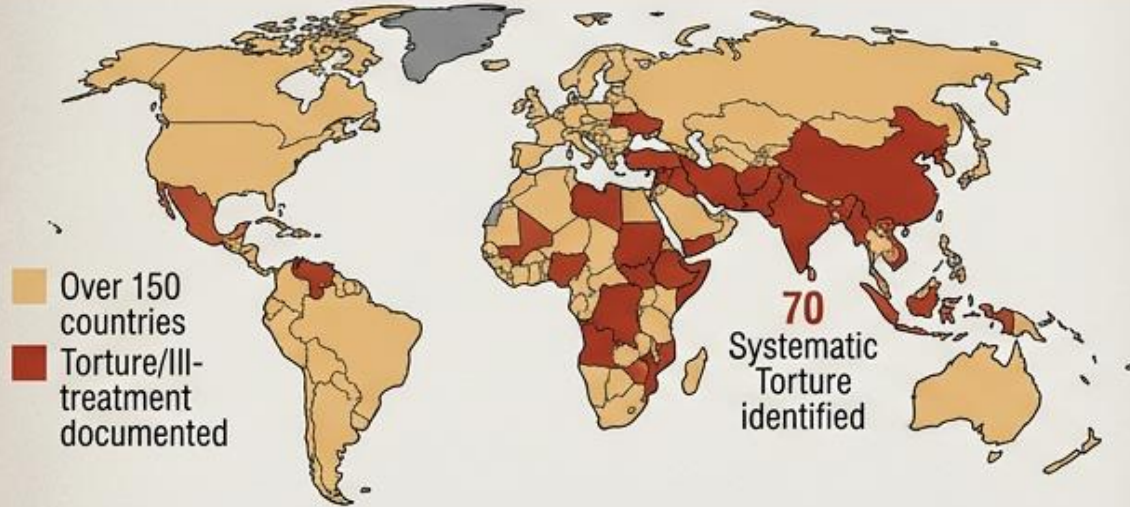


THE MODERN “INQUISITION” MYTH

- **Totalitarian regimes (Nazism, Communism)** appropriated the image of the Inquisition to fight “**ideological crimes**”
- The “**spirit of the Inquisition**” justifies **torture** for the sake of “**global good**”
- **Confession** remains critical for **ideological control** in totalized societies

GLOBAL PREVALENCE OF TORTURE & ILL-TREATMENT (Data Summary 1997-2006)

BASED ON REPORTS FROM AMNESTY INTERNATIONAL AND THE UN SPECIAL RAPPORTEUR.



AMNESTY INTERNATIONAL (1997-2000):

Torture documented in 150+ countries;
Systematic in 70.



AMNESTY INTERNATIONAL REPORTS (2003):

Ill-treatment documented in 132 countries.



Includes documented instances in countries such as the USA, France, and Germany.

UN SPECIAL RAPPORTEUR ON TORTURE (2006):

Torture practiced in over 90% of all countries globally.



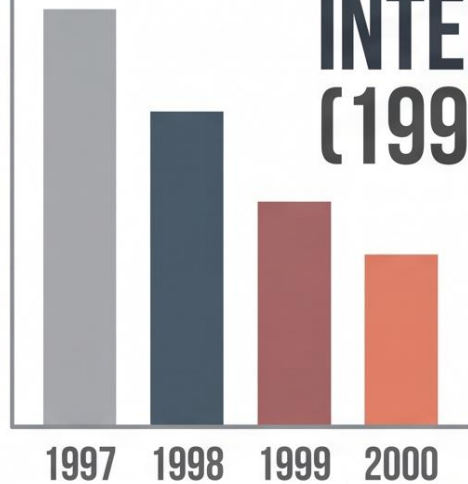
*Note: This graphic visualizes historical data reported by the cited organizations for the periods indicated. The current global situation may differ.

PREVALENCE IN THE MODERN WORLD

- **Amnesty International (1997–2000):**
Torture in **150+ countries;**
systematic in **70**
- **2003 reports:** Ill-treatment in **132 countries,**
including the US, France, and Germany.
- **UN Special Rapporteur (2006):**
Torture practiced in over **90% of all countries**

PREVALENCE IN THE MODERN WORLD

AMNESTY INTERNATIONAL (1997-2000)



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2003 REPORTS



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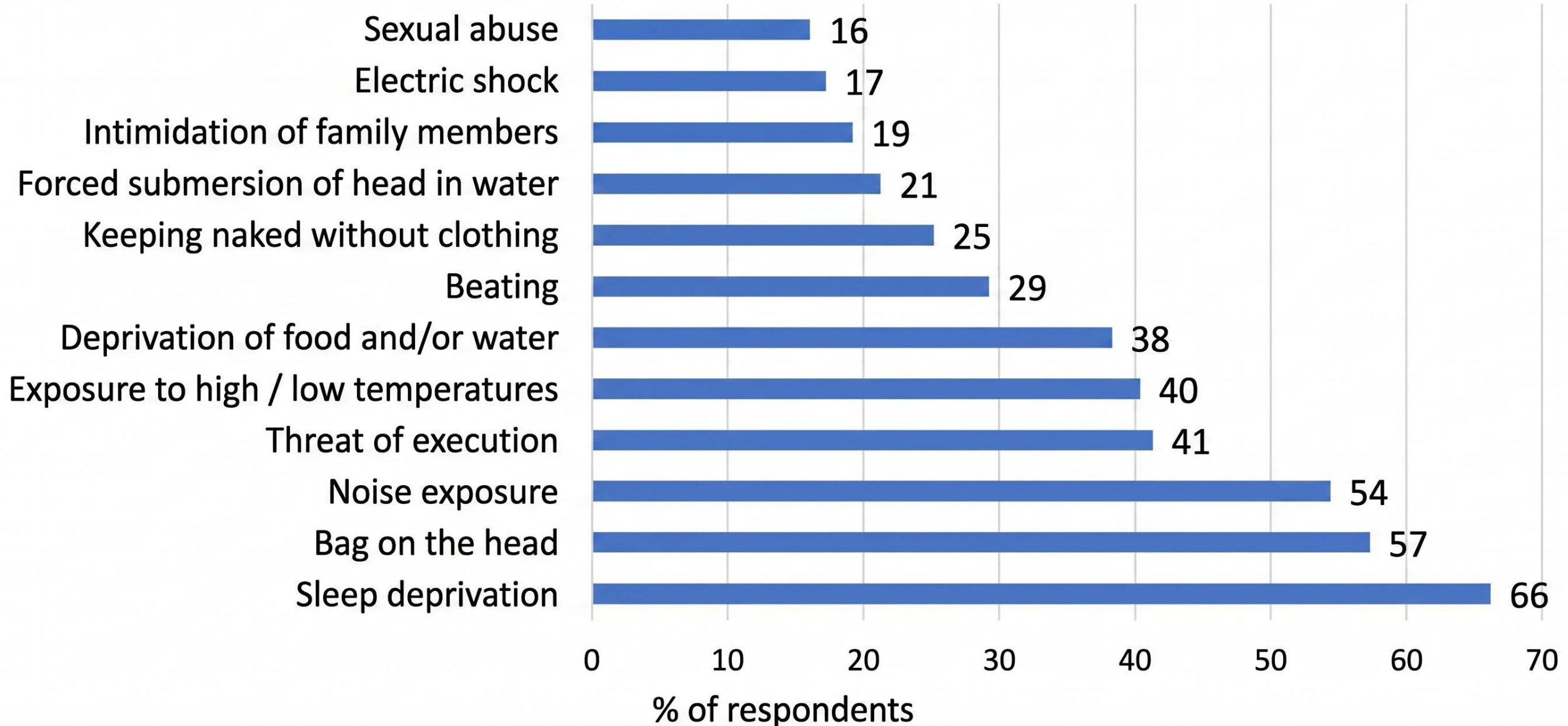
- including the US, FRANCE, and GERMANY.

UN SPECIAL RAPPORTEUR (2006)

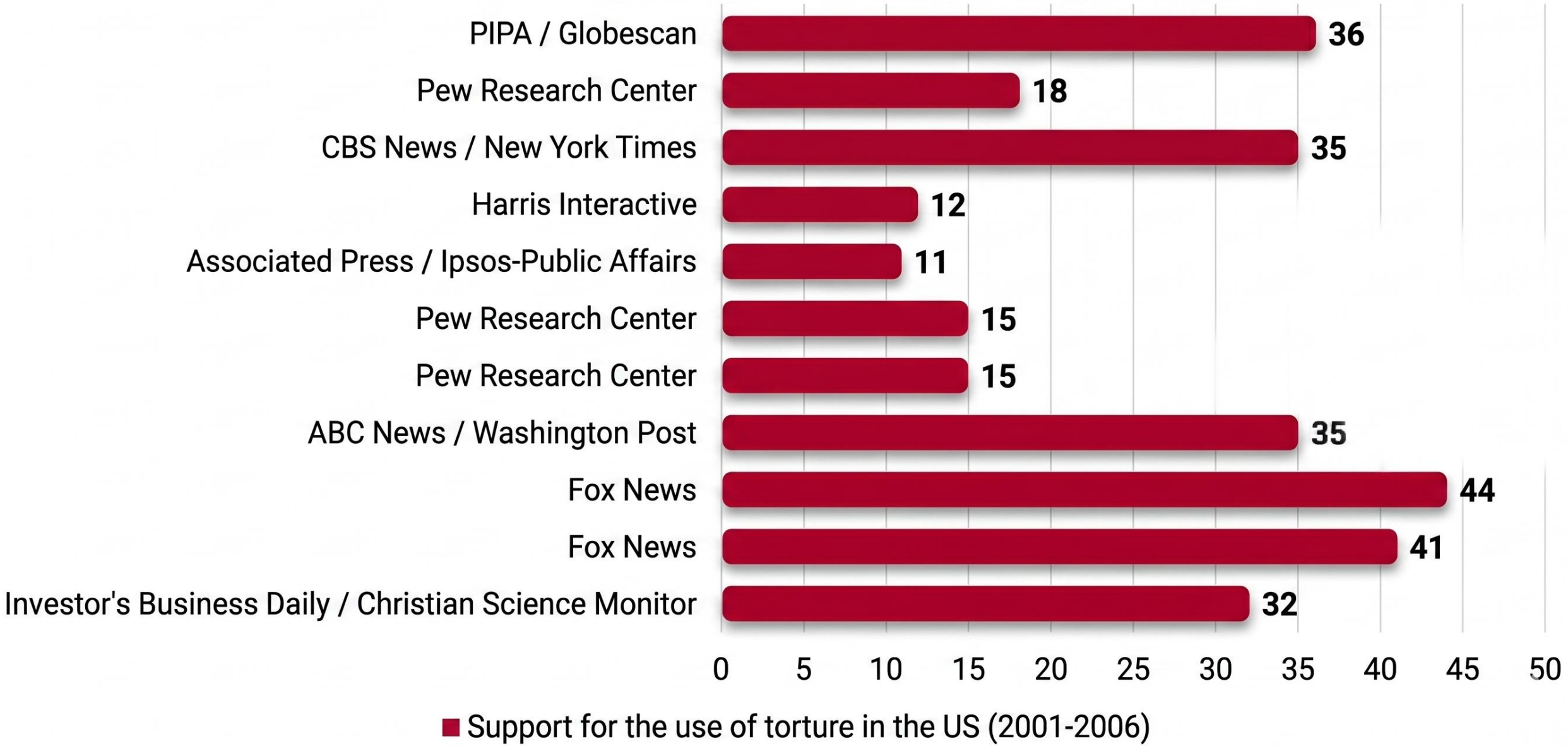
- Torture practiced in over **90% of all countries**

Which forms of treatment can be used against terrorists

(ABC News Polling Unit, 2004)

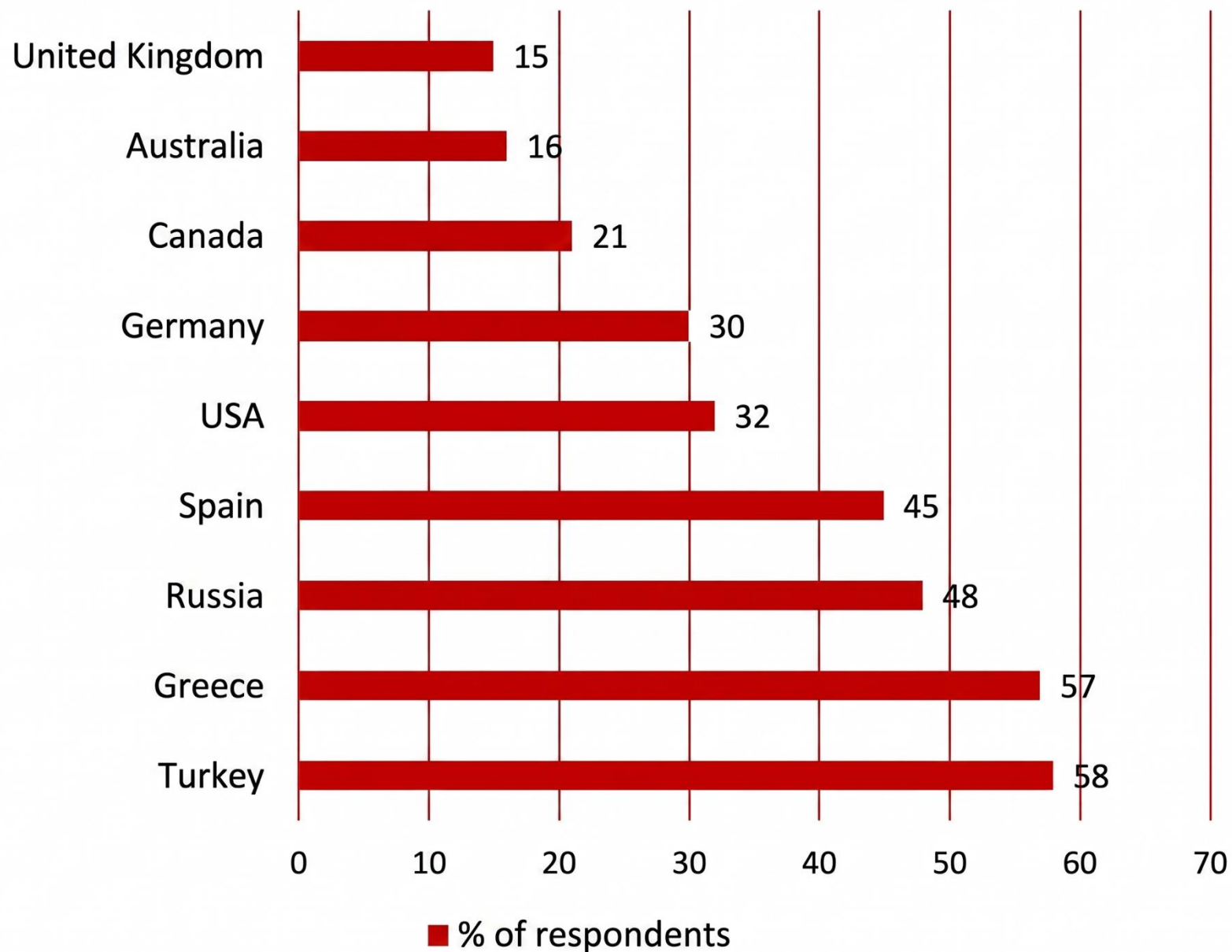


SUPPORT FOR TORTURE BASED ON SOCIOLOGICAL POLLS



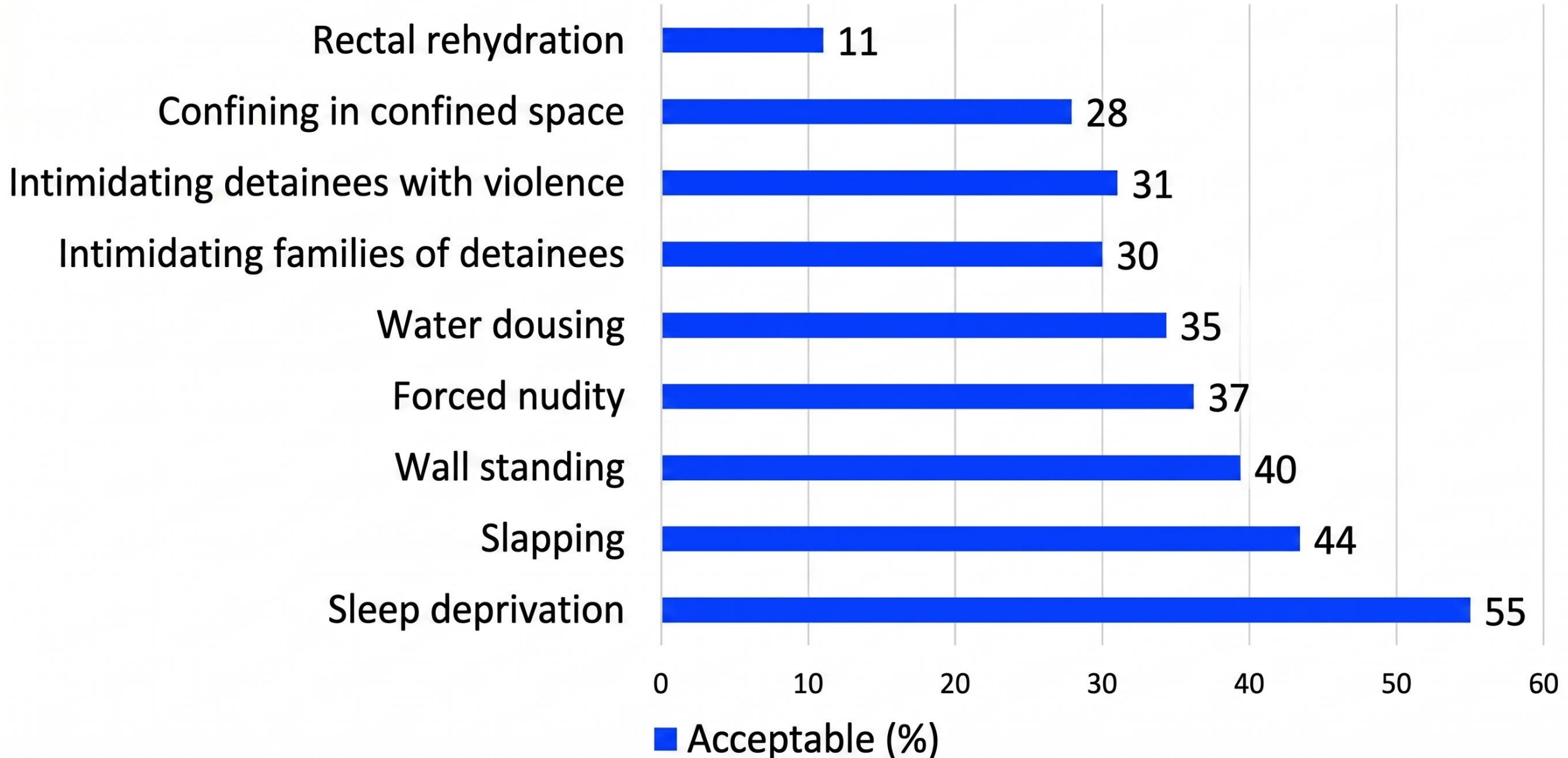
Danger of Being Subjected to Torture in Detention

(Amnesty International, 2014)



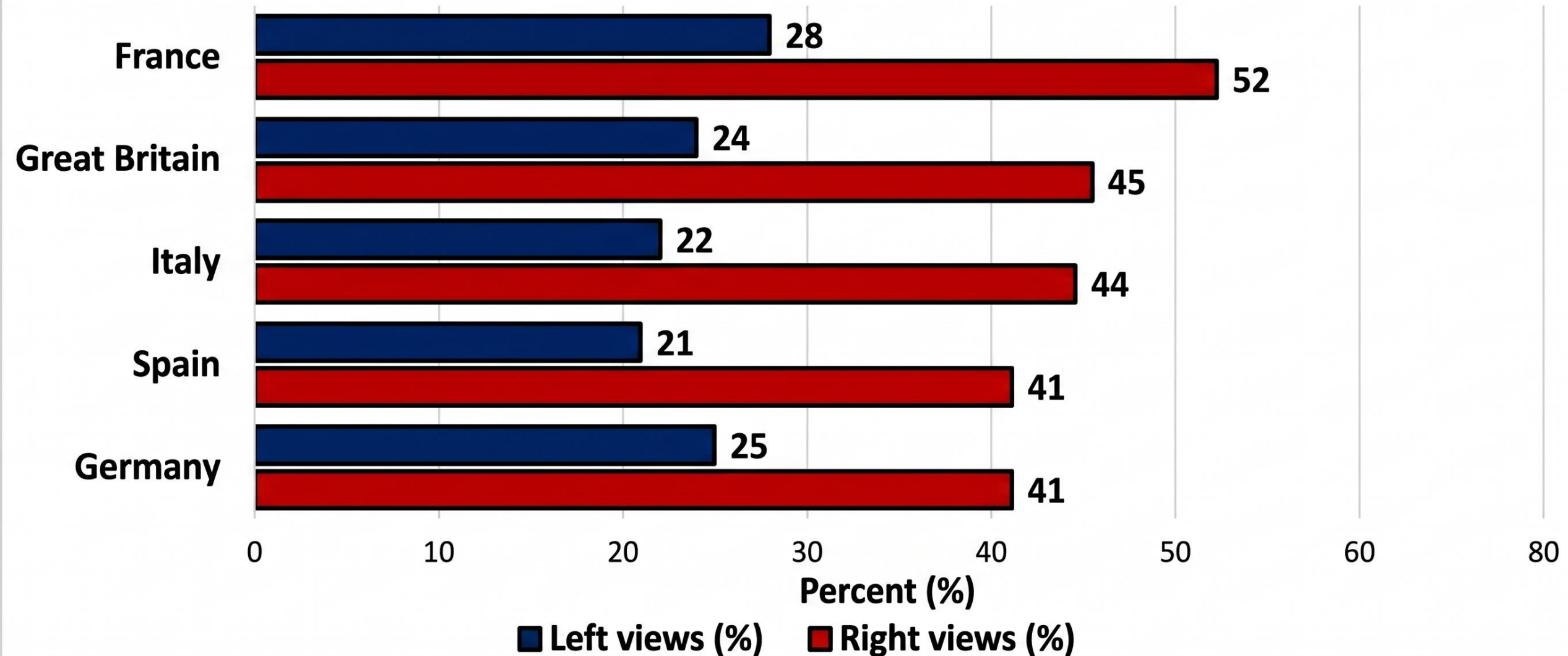
CIA 'Enhanced Interrogation' Methodologies

(Huffington Post / YouGov, 2014)



CAN TERRORISTS BE TORTURED TO OBTAIN INFORMATION ABOUT FUTURE ATTACKS ON THEIR COUNTRY

(Pew Research Center, 2015)



THE INVISIBILITY OF TORTURE DOES NOT MEAN IT IS ABSENT; IT HAS
BECOME A SPHERE OF 'SPECIAL MANAGEMENT'.

**SPECIAL MANAGEMENT SPHERE
— PROTOCOLS IN EFFECT**



THE CONCEPT OF “MANAGING TORTURE”

- The **invisibility** of torture does not mean it is absent; it has become a sphere of **“special management”**
- Legitimation occurs through **euphemisms** like **“enhanced interrogation techniques”**
- Viewed by some as an **“excess”** of lower-level executors or a **“by-product”** of social control

~~SECRET~~
NO FOREIGN DISSEM

KUBARK COUNTERINTELLIGENCE INTERROGATION

July 1963

Approved for Release
Date JAN 1997

~~SECRET~~
NO FOREIGN DISSEM

2

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KUBARK COUNTERINTELLIGENCE INTERROGATION

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THE KUBARK MANUAL (1963)

- The CIA's original interrogation manual focusing on coercive techniques
- Stressed psychological pressure, sensory deprivation, and solitary confinement
- Became the basis for training programs lasting decades across multiple continents

THE KUBARK MANUAL (1963)

1 THE CIA'S INTERROGATION GUIDE FOR RESISTANT SOURCES



ORIGIN & DEVELOPMENT — COERCION

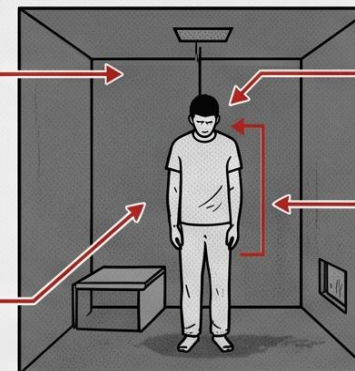
- * CODIFICATION OF 1950s MKULTRA & FIELD EXPERIMENTS
- * FOCUSED ON BREAKING THE WILL OF 'RESISTANT SOURCES'



2 STRESSED PSYCHOLOGICAL PRESSURE & SENSORY DEPRIVATION

A. SENSORY DEPRIVATION

- * ISOLATION, NO STIMULI
- * SOUNDPROOF ROOMS
- * UNCHANGING LIGHT



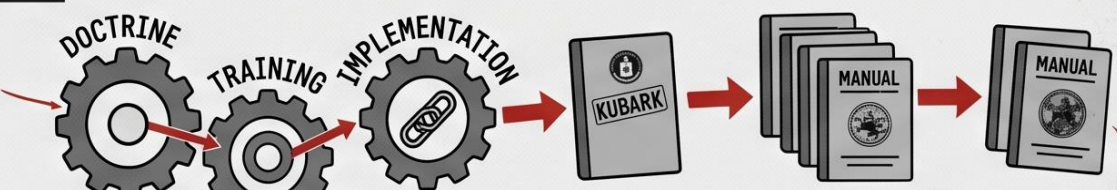
B. PSYCHOLOGICAL PRESSURE

- * THREATS & FEAR
- * DISORIENTATION & DEBILITY
- * PROLONGED STANDING & STRESS POSITIONS

3 BASIS FOR DECADES OF TRAINING PROGRAMS



4 A LEGACY OF COERCIVE METHODS



GLOBAL REACH

- * TRANSMITTED TO OVER 11 NATIONS
- * USED IN US ARMY SCHOOL OF THE AMERICAS (SOA)



BECAME FOUNDATION FOR COERCIVE INTERROGATION TACTICS ACROSS MULTIPLE CONTINENTS

DECLASSIFIED

AUGUST: OPERATION DEMETRIUS



**INTERMENT
INTRODUCED -**
Mass arrests
without trial,
sparking
widespread
violence.

KEY EVENTS:

- FALLS ROAD CURFEW
- BALLYMURPHY MASSACRE
(11 Civilians Killed)
- BALLYMURPHY MASSACRE
(11 Civilians Killed)

BELFAST 1971

THE TROUBLES: A YEAR OF CONFLICT & INTERNMENT

AUGUST: OPERATION DEMETRIUS



**INTERMENT
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IRA OFFENSIVE & LOYALIST REACTION



**IRA BOMBINGS
TARGET BUSINESSES
& INFRASTRUCTURE**



**SECTARIAN
ATTACKS
ESCALATE**

JAN - DEC 1971

- SOLDIER & POLICE CASUALTIES
- CIVIL RIGHTS MARCHES
- ARSON ATTACKS ON HOMES
on FOX BELFAST

THE COST IN HUMAN LIVES



**HUNDREDS KILLED,
THOUSANDS INJURED**



**COMMUNITIES DIVIDED
BY BARRIERS & FEAR**

A DIVIDED CITY. A PROLONGED CONFLICT.

IRA OFFENSIVE & LOYALIST REACTION



**IRA BOMBINGS
TARGET BUSINESSES
& INFRASTRUCTURE**



**SECTARIAN
ATTACKS
ESCALATE**

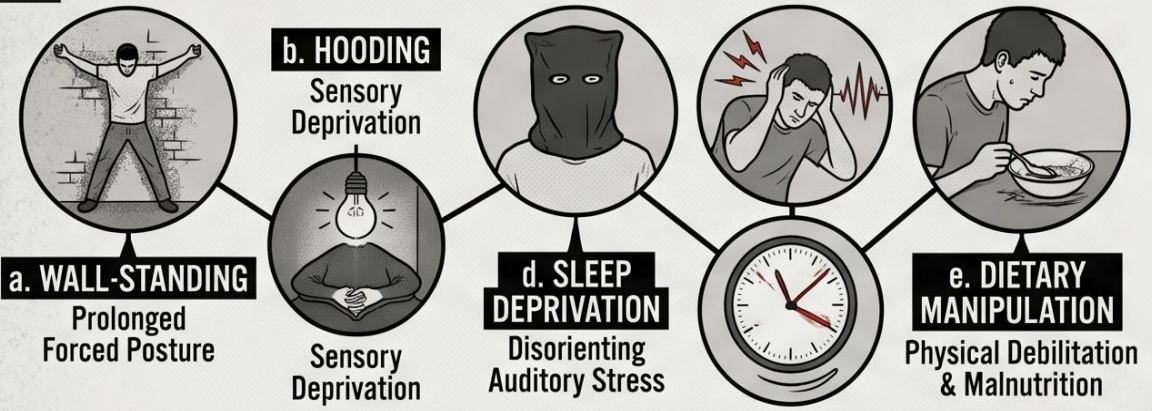


THE “FIVE TECHNIQUES” IN BELFAST (1971)

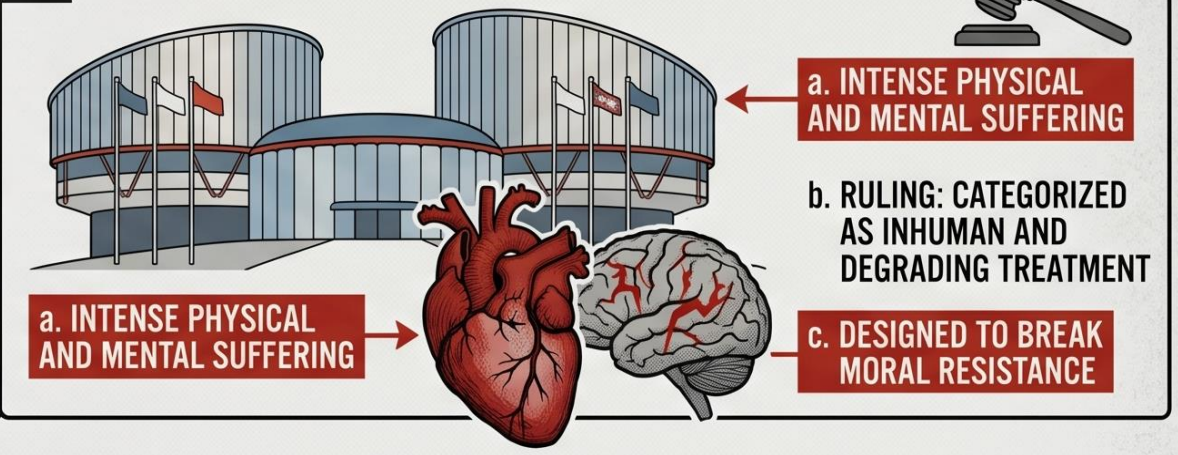
- Wall-standing, hooding, noise exposure, sleep deprivation, and dietary manipulation.
- The ECtHR ruled these caused intense physical and mental suffering (Ireland v. the UK)
- Categorised as “inhuman treatment” designed to break moral resistance

THE 'FIVE TECHNIQUES' IN BELFAST (1971)

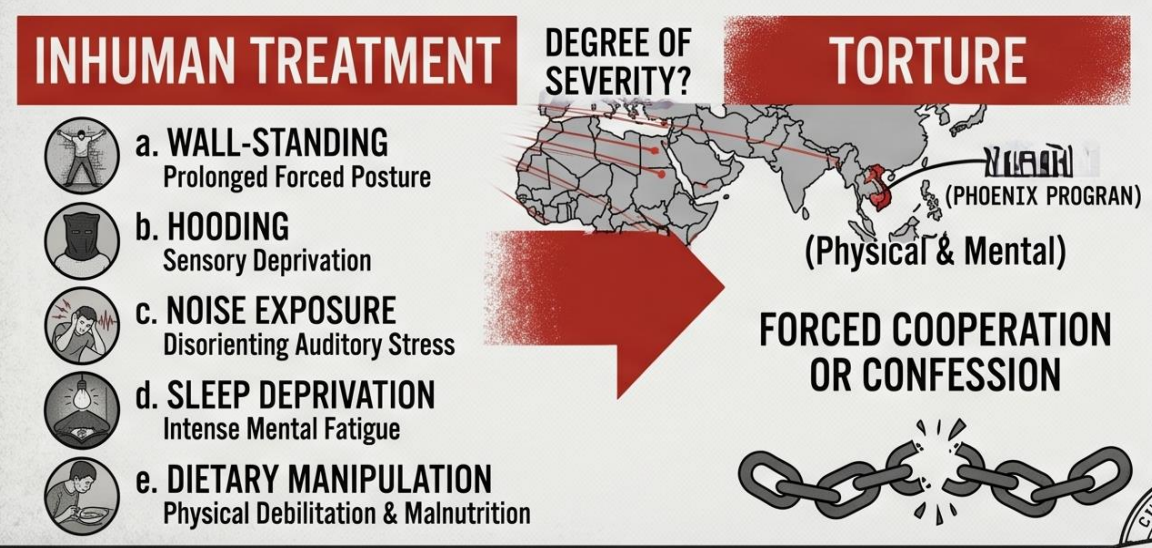
1 THE 'FIVE TECHNIQUES': COERCIVE INTERROGATION METHODS



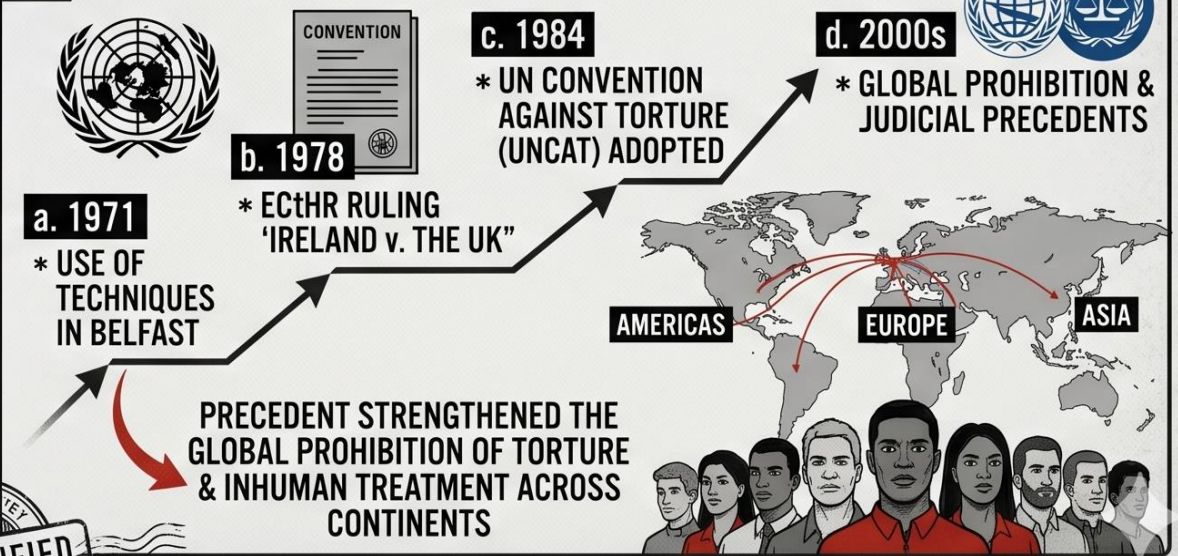
2 'IRELAND v. THE UK' ECTHR RULING (1978)



3 A SHIFT IN GLOBAL NORMS: DEFINING TORTURE vs. INHUMAN TREATMENT



4 THE ENDURING IMPACT ON HUMAN RIGHTS LAW



prisoners interrogation
procedures and techniques

DECLASSIFIED

1983

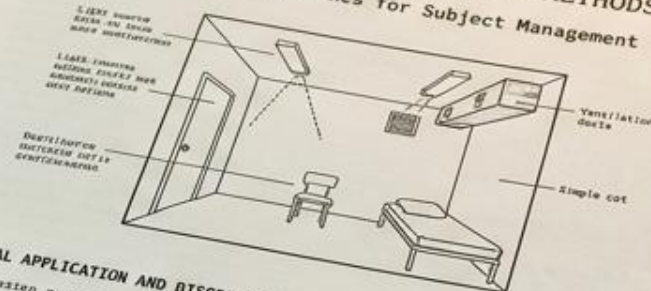
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TRAINING MANUAL

REFINED SENSORY DISORIENTATION AND ENVIRONMENTAL CONTROL METHODS

Practical Guidelines for Subject Management

FORWARD
N. L. DODD
1977-1978



PRACTICAL APPLICATION AND DISCRETION

[illegible]

14

REVISIONIST
LAYER - STRICT
PENIBITION IN
THEORY (car page 11).
PRACTICAL USE
TANENT HERE.
Note discrepancies.

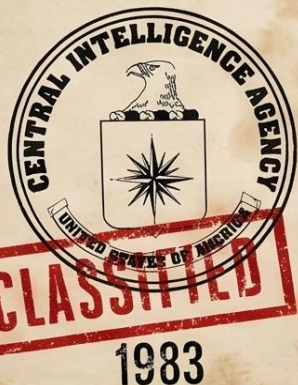
THE 1983 TRAINING MANUAL

- Refined **sensory disorientation** and **physical pain** methods
- Contained specific instructions for controlling **heat, light, and cell conditions**
- Included a “**revisionist**” layer where torture was **prohibited in theory** but **taught in practice**

THE 1983 TRAINING MANUAL

HUMAN RESOURCE EXPLOITATION TRAINING MANUAL

prisoners interrogation
procedures and techniques



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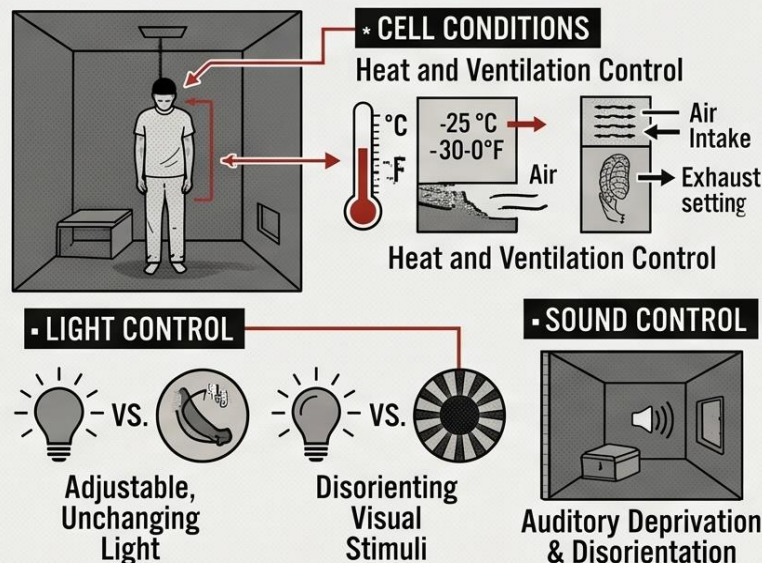
prisoners interrogation
procedures and techniques

2 METHODS & ENVIRONMENTS

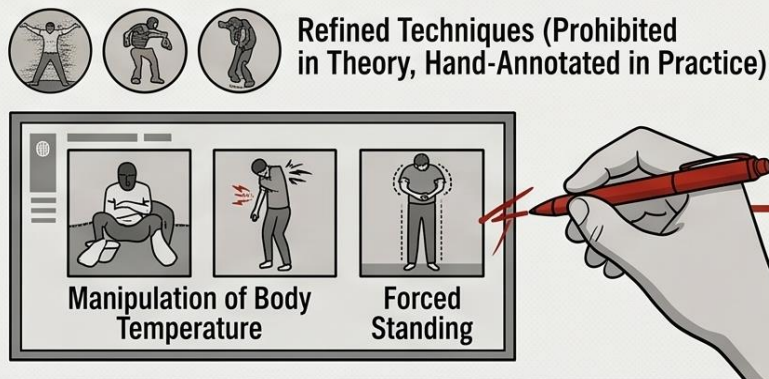
- * Specific instructions for controlling heat, light, and cell conditions
- * Refined sensory disorientation



A. SENSORY DISORIENTATION & ISOLATION



B. PHYSICAL PAIN METHODS



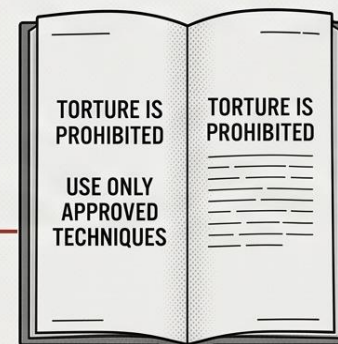
3 LEGACY & THE "REVISIONIST" LAYER

- * Included a "revisionist" layer where torture was prohibited in theory but taught in practice

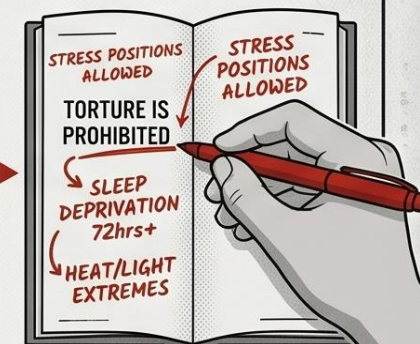
A. THE OVERSIGHT GAP



B. "THE THEORY": PROHIBITION



C. "THE PRACTICE": HAND-ANNOTATED MANUALS



D. GLOBAL APPLICATION



BASIS FOR TRAINING PROGRAMS

- * Adopted in multiple regions (Honduras, Latin America)

E. THE ENDURING IMPACT



A FOUNDATION FOR COERCIVE TECHNIQUES FOR DECADES

THE MAURITANIAN

HELD WITHOUT CHARGE, 2002-2016

CASE SCHEMA: GÄFGEN v. GERMANY (App. no. 22978/05)

1. THE CRIME (2002)



Applicant (law student) killed 11yo boy, hid body, demanded ransom from parents thinking child is alive.

2. INVESTIGATION & THREAT



Police, acting under assumption child was alive, threatened the suspect with "considerable suffering" to find whereabouts.

2. INVESTIGATION & THREAT



Police, assuming child alive, threatened suspect with "considerable suffering" to find whereabouts.



Statements obtained under threat **EXCLUDED** as evidence.

DERIVATIVE EVIDENCE ADMITTED (child's corpse, etc.)

Gravity of Offence



vs.
Severity of Rights Violation

Police methods prohibited, but derivative evidence admissible.
Officers prosecuted & convicted.

3. ECTHR FINDINGS (GRAND CHAMBER)

ARTICLE 3 - PROHIBITION OF ILL-TREATMENT

VIOLATION FOUND

Threat of intolerable pain contrary to Art 3.

REDRESS & VICTIM STATUS

Adequate redress via officer conviction (but applicant retains victim status, 11-6 votes).

ARTICLE 6 - RIGHT TO FAIR TRIAL



NO VIOLATION

No "direct link" to conviction. Court relied on second confession at trial + untainted evidence.

4. SIGNIFICANCE OF THE CASE

- **ABSOLUTE PROHIBITION** of torture (no "ticking bomb" exception)
- Firm rejection of justifications for threats
- **COMPLEX RULING** on exclusionary rule and "fruit of the poisonous tree"
- Criticism of admitting derivative evidence (dissenting opinions)



EUROPEAN CONVENTION ON HUMAN RIGHTS
ARTICLE 3:
ABSOLUTE PROHIBITION
NO EXCEPTIONS

TORTURE,
INHUMAN TREATMENT,
DEGRADED TREATMENT
- ABSOLUTE PROHIBITION
ECtHR identifies ALL EITs
as Torture/Inhuman

NATIONAL
SECURITY

LEGAL/MORAL
STANDARDS

TICKING BOMB
SCENARIO
ANALYSIS

STN AMENDMENT:
CRUEL & UNUSUAL

EUROPE

USA

ONGOING LEGAL &
ETHICAL DISCUSSION:
EFFICACY VS. LEGALITY

USE OF "ENHANCED
INTERROGATION
TECHNIQUES"
(EITs)

EUROPEAN VS. AMERICAN PERSPECTIVES

- **Europe:** Absolute prohibition under Article 3 of the Convention; **no exceptions** for terrorism
- **US:** Ongoing national debate regarding the **moral and legal “necessity”** of torture
- The ECtHR identifies **all EITs** exclusively as **torture** or **inhuman treatment**

EUROPEAN PERSPECTIVE

EUROPE: ABSOLUTE PROHIBITION



- **ABSOLUTE PROHIBITION** under Article 3 of the European Convention on Human Rights (ECHR)



**TORTURE
INHUMAN TREATMENT
DEGRADED TREATMENT**



ECtHR identifies ALL Enhanced Interrogation Techniques (EITs) exclusively as Torture or Inhuman Treatment.

AMERICAN PERSPECTIVE

UNITED STATES: ONGOING NATIONAL DEBATE



- Debate regarding Moral & Legal **"NECESSITY"** of Interrogation



ONGOING LEGAL & ETHICAL DISCUSSION

- Focus on Efficacy vs. Legality
- Use of "Enhanced Interrogation Techniques" (historically debated/prohibited/re-evaluated)

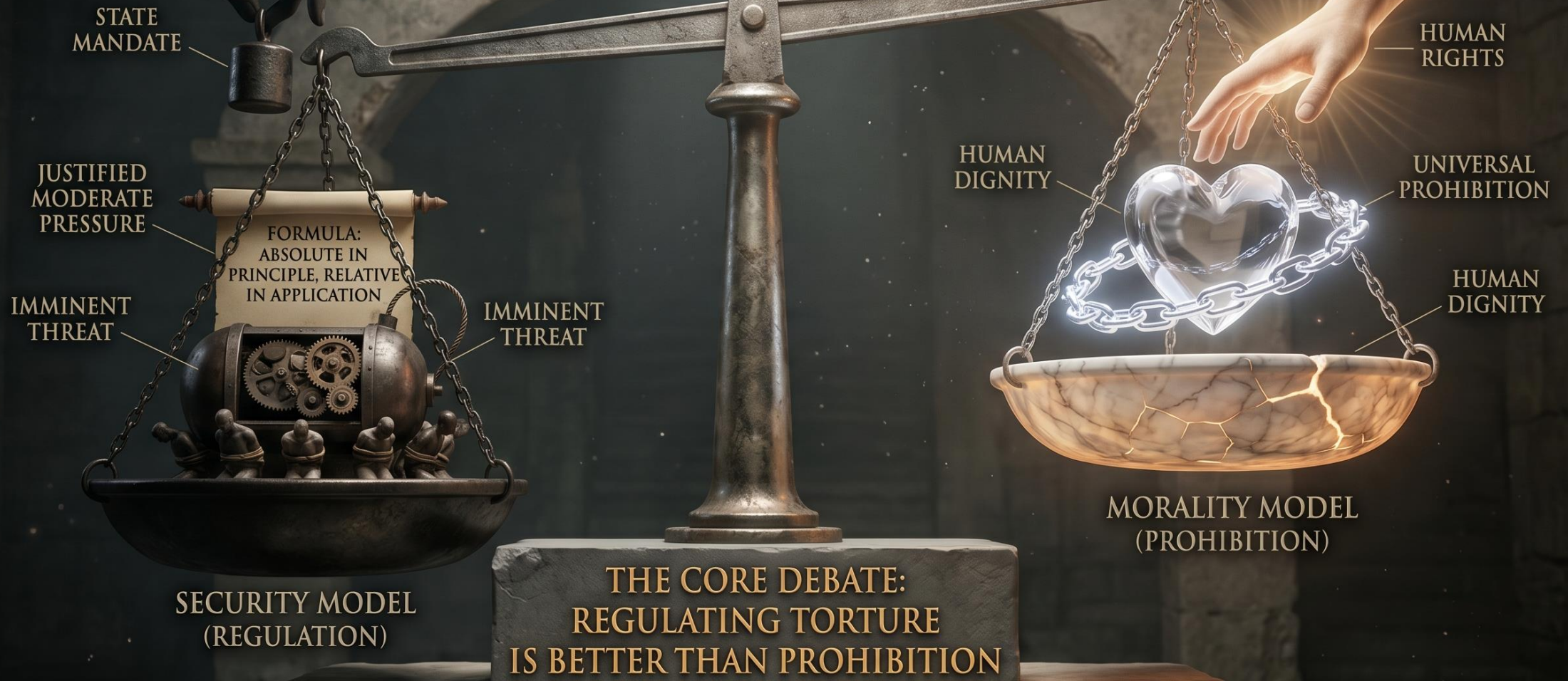
Perspective often involves weighing Security vs. Adherence to U.S. & International Law



MODELS OF PRECONDITIONS: SECURITY VS. MORALITY

- **The Security Model: The “ticking bomb” argument used to justify “moderate pressure.”**
- **Proponents argue regulating torture is better than prohibition**
- **Formula: “Absolute in principle but relative in application”**

MODELS OF PRECONDITIONS: SECURITY VS. MORALITY



THE "TICKING BOMB" PRECONDITION





CONCLUSION: THE SOCIAL SUPPORT FOR TORTURE

- The phenomenon **cannot exist** without citizens **surrendering freedom** for illusory “**security**”
- Torture is most often applied to “**outsiders**” (slaves, foreigners, “**vagabonds**”)
- True prevention requires **dismantling the social and economic conditions** that reproduce institutionalised violence



FREEDOM

CONCLUSION:
THE SOCIAL SUPPORT FOR TORTURE.
THE PHENOMENON CANNOT EXIST
WITHOUT CITIZENS SURRENDERING
FREEDOM FOR ILLUSORY "SECURITY".

ILLUSORY
SECURITY

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TORTURE IS MOST
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