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## **Dissertation Summary**

During the war on terror, the United States of America used various methods to achieve its goals, including torture. Inflicting mental or physical suffering through the use of torture has both supporters and opponents. At the level of international law, and above all under the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention), adopted by 160 countries, torture is prohibited.

In late 2002, there were reports that the US secret services and the military might have used torture or similar practices against people suspected of membership or cooperation with the al-Qaida terrorist organization.

The conducted research confirmed the thesis that from the point of view of international law, as well as domestic law, the use of torture and other cruel, inhuman or degrading treatment or punishment is prohibited.

The prohibition of torture at the level of customary international law is considered a mandatory norm (*ius cogens*), which is confirmed by the prohibition formulated in Art. 7 of the International Covenant on Civil and Political Rights of 19 December 1966, prohibiting subjecting to torture or to cruel, inhuman or degrading treatment or punishment. This prohibition is seen as an imperative norm of general international law.

According to the legal regulations of the United States, concluded international agreements become the highest law of the country and are binding on the courts of each state. Under federal law, the prohibition of torture also implicitly follows of the US Constitution. In addition, the US government has confirmed that any torture under the Convention is prohibited by federal and state law, and that the perpetrator of it is subject to criminal liability.

The issue of torture and its use is relevant as Poland was one of the countries where suspects of terrorism were detained at the request of the United States and, as a subject of international public law, actively participated and participates in the "war on terror". The choice was also dictated by the need to analyze the global legal order and its regulations in the context of torture.

According to the subject of the work, its material scope covers the use of torture by the United States of America after September 11, 2001 in the light of humanitarian law and criminal law in that country. However, due to the spatial scope of the country's activities as part of the "fight against terrorism", the analysis of legal acts covers both the United States, as well as Europe and the Middle East. This work consists of the introduction, four chapters and final conclusions.

The first chapter, The Genesis of Torture, presents an outline of the history of torture in the course of human history, its types, and introduces the concept of torture. Also specified

what the sensory deprivation techniques and attempts to find answers mean, how did they influence obtaining information during interrogations.

Chapter Two, The Legal Basis of Torture, is an attempt to assess in legal terms the conflict caused by the attack on the World Trade Center on September 11, 2001. It is also an attempt to find an answer to the question of the criteria used by the American authorities to select persons for detention. Further on, the focus was on the legal status of persons captured by a party to the conflict and their rights as defined by the International Humanitarian Law of Armed Conflicts. The last chapter concerns the possibility of torture by state authorities as well as solving the moral and legal dilemma of what values and interests may be threatened and what threat to these values and interests should justify the application of specific solutions.

Chapter Three, The Use of Torture by the United States after September 11, 2001, presents the places of detention in Afghanistan and Iraq, the conditions of detention, and the legal status of these places. Moreover, the differences in the concepts of surrender, extradition and extraordinary rendition of persons suspected of terrorism, as well as the phenomenon of "ghost detainee" and "black sites" were discussed. The basic legal extraordinary editions and ongoing investigations were also analyzed in this regard. This chapter also describes places of detention other than Guantánamo and Abu Ghraib, in the territories of Afghanistan and Iraq.

Chapter four, Judicial Protection of Detainees, examines the actions of the administration and its leading presidents, Bush, Obama and Trump, in pursuing a detention policy for terrorist suspects and how it changes over time. Investigations conducted by humanitarian organizations were discussed and what their effects were, including who were responsible for the detention policy and what abuses were committed. The procedures for detention and its application before military commissions, Tribunals Verifying the Status of Detainees and Administrative Verification Boards were analyzed. At the end, the first court decisions in cases of detainees in Guantanamo Bay are presented, as well as an overview of selected court proceedings and judgments of American courts in cases of detainees.

The conclusions of the analysis of the detention and torture policy from the point of view of law and auxiliary sciences were presented in the final conclusions.

The methodology presented above and the adopted assumptions allowed for the formulation of the following research hypotheses in this doctoral dissertation:

- 1) Torture as an investigative method should be acceptable in the global legal order.
- 2) The existing international and national legal regulations do not allow the use of torture.
- 3) Existing international and national legal regulations do not allow for issuance in extraordinary mode.

Due to the issues discussed in the work, the following research methods were used: legal-dogmatic, historical-legal, legal-comparative and axiological.

The dissertation, thanks to the extensive source material and justification in the literature on the subject, ends with the conclusion containing a summary of the research carried out. It presents the actions of state officials who, using the position of a hegemon, committed prohibited acts and justifying it by higher social values than others.