

Provisions of the Geneva Convention

The Geneva Convention relative to the Protection of Civilian Persons in Time of War, and to the Treatment of Prisoners of War, which Convention was adopted by the world's nations in 1949, specifically includes the following provisions in Article 3:

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply, as a minimum, the following provisions:

1: Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de

combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(b) Taking of hostages;

(c) Outrages upon personal dignity, in particular humiliating and degrading treatment;

(d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

allowed sufficient time every day outside in the sunlight, and that they are allowed to move and exercise in the outside yard;

- to define and apply regulations and sanctions compatible with International Humanitarian Law, and to ensure that persons deprived of their liberty are fully informed upon arrival about such regulations and sanctions;

- to thoroughly investigate violations of International Humanitarian Law in order to determine responsibilities and prosecute those found responsible for violations of International Humanitarian Law.

- to ensure that battle group units arresting individuals and staff in charge of internment facilities receive adequate training enabling them to operate in a proper manner and fulfill their responsibilities as arresting authority without resorting to ill-treatment or making excessive use of force. . . .

3. Treatment During Interrogation

24: Arrests were usually followed by temporary internment at battle group level or at initial interrogation facilities managed by military intelligence personnel, but accessible to other intelligence personnel (especially in the case of security detainees). The ill-treatment by the CF personnel during interrogation was not systematic, except with regard to persons arrested in connection with suspected security offences or deemed to have an "intelligence" value. In these cases, persons deprived of their liberty supervised by the military intelligence were subjected to a variety of ill-treatment, ranging from insults and humiliation to both physical

and psychological coercion that in some cases might amount to torture, in order to force them to cooperate with their interrogators. In certain cases, such as in Abu Ghraib military intelligence section, methods of physical and psychological coercion used by the interrogators appeared to be part of the standard operating procedures by military intelligence personnel to obtain confessions and extract information. Several military intelligence officers confirmed to the ICRC that it was part of the military intelligence process to hold a person deprived of his liberty naked, in a completely dark and empty cell for a prolonged period, to use inhumane and degrading treatment, including physical and psychological coercion, against persons deprived of their liberty, to secure their cooperation.

3.1 Methods of Treatment

25: The methods of ill-treatment most frequently alleged during interrogation included:

- Hooding, used to prevent people from seeing and to disorient them, and also to prevent them from breathing freely. One or sometimes two bags, sometimes with an elastic blindfold over the eyes which, when slipped down, further impeded proper breathing. Hooding was sometimes used in conjunction with beatings, thus increasing anxiety as to when blows would come. The practice of hooding also allowed the interrogators to remain anonymous and thus to act with impunity. Hooding could last for periods from a few hours to up to 2 to 4 consecutive days, during which hoods were lifted only for drinking, eating or going to the toilets;

- Handcuffing with flexi-cuffs, which were sometimes made so tight and used for such extended periods that they