

Legal Analysis on Act of Torture based on International Law and its Incorporation into Pakistani law

Maseehullah ¹, Sania Islam ² & Humaira Meer ³

¹LLM, International Islamic University, Pakistan Email: advmaseehullah@yahoo.com

²LLM Scholar, Abdul Wali Khan University, Pakistan Email: advsaniaislam@gmail.com

³Lecturer, Department of Law, University of Swabi, Pakistan Email: humairameermeer@gmail.com

ARTICLE INFO

Article History:

Received:	January	15, 2022
Revised:	February	28, 2022
Accepted:	March	25, 2022
Available Online:	April	30, 2022

Keywords:

Article 01,04 And 16, Convention Against Torture, International Law, Pakistani Law

JEL Classification Codes:

O15, O47, R13

ABSTRACT

When the United nation was formed in 1945, its purpose was to bring peace and stability to the world; it also signed many treaties relating to protecting and advocating human rights. It first introduced the first Bill of Human Rights, the Universal Declaration of Human Rights. That contained thirty basic fundamental Human Rights provisions. The United Nations also passed a resolution relating to torture which aimed to prevent all forms of torture and other inhumane and degrading acts that is until now ratified by almost all the nations of the world and also had implemented such treaty provisions in their domestic law by properly legislating the law that criminalizes the acts that constitute torture. In this paper, the research will try to elaborate on a few provisions of the Convention Against Torture, their interpretation by international bodies and law, and its incorporation in one of the ratifying Islamic Republic Pakistan. The qualitative research methodology has been applied to the following article.



© 2022 The Authors, Published by (TJLSS). This is an Open Access Article under the Creative Common Attribution Non-Commercial 4.0

Corresponding Author: advmaseehullah@yahoo.com

INTRODUCTION

To obtain a better social life for every person in the world and preserve peace and stability, it is necessary to recognize every person's worth and dignity and observe human rights with vigor. There are a lot of treaty bodies and treaties relating to Human rights that provide the right to be free from torture. To define the word torture is not even clearly defined by any treaty relating to torture until now. *The International Covenant on Civil and Political Rights (ICCPR)* of 1966 was the first treaty on human rights provisions to specifically forbids torture and other cruel, inhuman, or degrading treatment. The two articles that contain the prohibitions are articles 7 and 10, and these provisions aim to safeguard the human being's dignity from both aspects physically and mentally. The 1984 Convention against Torture and Other Cruel,

Inhuman, or Degrading Treatment and Punishment (Lippman, 1994) is an effort by the world's nations to establish a system for preventing torture. In developing the proposed system, the drafters were required to devise a strategy for tackling the problems of non-interference and the proclamation of competence requirement, which had previously constrained and even debilitated other international human rights agreements. The legal mechanism highlighted in the Draft Convention is, in several ways, a positive reaction to these problems. Torture is an essential assault on the human person, and it has been practiced systematically and occasionally in numerous nations over the decades.

Since 1948, when the *Universal Declaration of Human Rights (UDHR)* was ratified, there has been a broad advocate for torture prohibition (Rights, 1948). The clause prohibiting torture is included in several human rights norms and *International humanitarian law* agreements and is also considered a notion of international law in general. The concept of torture prohibition is accorded a special status in public international law that of *jus cogens*, is a "*peremptory norm*" of international law that is conclusive on all states regardless of whether they have confirmed a specific treaty.

RESEARCH METHODOLOGY

The qualitative research approach has been deployed, focusing mainly on publications related to torture, books, and articles written by distinguished writers, Islamic scholars, and lawyers. These research approaches were used since the study is based on the agreements and numerous publications, articles, journals, reviews, and published articles. Internet sites and international books derived from web pages are the key data acquisition sources.

The Concept of Torture under the Convention Against Torture (CAT)

One of the major human rights issues in today's world is torture, the ultimate offense against humanity. Torture infringes on international political and legal obligations and jeopardizes unity and cooperation among nations, which are essential for maintaining world peace and stability. Although numerous international legal instruments contain a provision prohibiting torture, none has presented a comprehensive and positive description of the phrase torture. In this regard, UNCAT, 1984 codifies customary international law pertaining to the prohibition of torture. The first article of the convention tried to describe torture and lays out the enforcement system, which can be divided into two broad categories. The first category consists of State initiatives; the second describes the authority of the organization of the state's party as a whole and outlines a method for enforcing this convention. (Ingelse, 2001).

According to the article 01 of the conversation

"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" (OHCHR, 1984).

The Interpretation of Article 01 of UNCAT 1984

The interpretations of torture in three major human rights mechanisms ("*The UN Declaration against Torture, The Convention against Torture (UNCAT), and the Inter-American Convention to Prevent and Punish Torture*") are not comprehensive. Indeed, no human rights treaty contains a complete and exhaustive definition of torture. In actuality, they have only prohibited torture and cruel treatment. Justification for revisiting the issue is the emergence of new concepts in international criminal law mechanisms and of latest judicial precedent from international penal tribunals, particularly the *International Criminal Tribunal for the Former Yugoslavia (ICTY)*, which functions under statutory provisions that do not define the offence (Rodley, 2002).

The definition provided in article 01 of UNCAT 1984 is neither fully exhaustive nor acceptable in international law. The comments passed in relating to article 01 by the ICTY was that the court held that such definition could not be stated as binding in every context because such definition is not as that provided in international customary law. According to the expression of article 01 of UNCAT, the pain and suffering must be severe in both interpretations. The Rome Statute makes no mention of any notion of the intensity values of pain and suffering with regard to another shape of ill-treatment (Nowak, 2019). In the completed draft text of crimes embraced by the preliminary commission for the International Criminal Court (ICC), there is no comparable reference to any element of intent, and it is acknowledged that no primary objective needs to be proven for this crime, nor is there any recognition of the perpetrator's status as a public official.

In addition, a novel concept of custody and control is presented. The crucial issue or doubt that occurs here is whether or not torture is defined in public international law. Certainly, varying conceptions apply and are given to the prohibition of torture under human rights law, which includes the establishment of responsibility of states, and to the crime of torture under international criminal law, which includes the formation of individual criminal culpability. Notwithstanding, it is unlikely that a simple and elegant interpretation of this type will present itself. Before examining each of the key elements in greater detail, examine the key components of article 01 of UNCAT's definition of torture as an illustration. In Public international law, the acceptance and description of torture are still questionable (Rodley, 2002).

Nevertheless, the majority of international organizations clarify four elements of the description that constitute torture. These four elements of the description are the essence of the act, the perpetrator's intent, and the intent and participation of public officials. These four elements contribute to the concept of torture as a whole, distinguishing it from other forms of mistreatment.

In the *Greek Case*, the European Commission determined that the violations occur on a continuum, with each being a more egregious form of the next. The defining feature of torture

is not inherently the essence and intensity of the act, but rather it is objective. Consequently, all torture must be inhumane and degrading treatment, and all degrading treatment must also be inhumane. In the broad sense, torture is a severe type of inhuman treatment because it has an intent, including acquiring information and confessions or the exacerbation of punishment. The notion of inhuman treatment incorporates, at the very least, the intentional infliction of severe physical or mental hardship that is unjustifiable under the circumstances. A person's treatment and punishment are considered degrading if they embarrass him in front of others or compel him to act against his/her will or moral compass (Becket, 1970).

In the leading decision, *Ireland Vs. the UK*, the court conducted "*deprivation of food and water*," which defines that action by omission can constitute a breach of the European Convention on Human Rights (ECHR) (*Ireland Vs. the UK*, 1978).

In one of the leading Delalic cases, the trial chamber held that; "*Torture is distinguished from other offenses of willfully causing great or serious injury or suffering based on the purposive element.*" (Swaak-Goldman, 1999).

In *Elmi vs. Australia*, the penal observed that; the lack of a central govt the *federal Republic of Somalia*, the rival factions operating in the state have established a quasi-government organization and exercise definite prerogatives equivalent to those ordinarily exercised by the legal government can be considered public officials and others functioning in an official public ability (*Sadiq Shek Elmi v. Australia*, 1998).

The Interpretation of Article 04 of UNCAT 1984

Duty to enact and enforce legislation

The IHRL norms establish the restrictions of a state's authority on individuals and enforce a definite commitment to the state. The States voluntary basis ratifies and signs pacts that acknowledge and protect the rights of all persons and present themselves to the oversight of judicial and quasi-judicial organs that acknowledge the individual's complaints. The UNCAT expressly requires party states to legislate and implement torturing-criminalization law on their territory (Kisahi, A., & Nordin, R, 2021). The same duty applies to states under the ICCPR. The UNCAT Article 04 states;

"1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature." (OHCHR, 1984).

The preceding article requires member states to integrate the crime of torture into the national legislation and embrace an explanation of torture that encompasses all of the elements outlined in the convention's Art. 01. Where such legislation has been enacted, the Committee will examine its interoperability with the purview and description of such law as outlined in

UNCAT article 01. The convention does not specify the minimum penalty that is proportionate to the gravity of the violent act of torture.

There is no time constraint on the responsibility to implement criminal law for all acts of torture, so no statute of constraints should pertain to the violent act of torture. In addition, article 2 (2) of the ICCPR includes a wider definition, both in aspects of the broader range of measurement and the wider range of treatment, than article 4 of UNCAT.

In the case of *Urra Guridi vs. Spain*, the penal determined that the encroachment based on punishments on three Civil Guards who had been convicted of act of torture was irreconcilable with the obligation to enforce an adequate penalty and thus formed a breach of Article 4. (2) of UNCAT (*Urra Guridi v Spain*, 2005).

The Interpretation of Article 16 of UNCAT 1984

Article 16 of the UNCAT distinguishes between acts of cruel torture, inhumane punishment and degrading treatment. Nevertheless, the latter is undefined. They appear to cover all acts of violence committed by public officials and individuals behaving in an official capacity. This article involves state parties prohibiting all other cruel or degrading acts against humans that do not amount to torture on their territory. Here, the convention neither defines nor offers any description of an act. According to the Committee against Torture, the line between these cruel acts and torture is frequently unclear. Nevertheless, according to the United Nations rapporteur on torture, in practice, when one examines the spirit of articles 1 and 16 and interprets both clauses, one can conclude that the final criterion for separating torture from other cruel and degrading behaviors is the conduct of the offender and the helplessness of the victims, not the intensity of the pain or suffering inflicted (Luci, 2017). It was also determined that while torture is always prohibited, the circumstances under which many other types of treatment are administered will decide whether they meet the criteria as cruel, degrading or inhuman under the CAT agreement.

Assume that force is used legitimately and for a lawful reason and that neither excessive nor unneeded force is utilized to attain the goal. This will likely not represent cruel, inhuman, and degrading treatment in such a circumstance. This proportionality standard is not applicable, nevertheless, in detention and equivalent direct control cases. Any mental and physical intimidation and pressure results in, at the very least cruel, inhuman, or humiliating treatment. States that engage in or allow human trafficking and slavery, like sexual exploitation, violate art16 of the CAT, which forbids cruel, inhuman, or degrading treatment. In CAT, whether a State Party's incapacity to respond adequately to individual torturers constituted "*acquiescence*" was reviewed.

In the case of *Dzemajl et al. vs. Yugoslavia*, In this instance, the police were present but did nothing to prevent the ruination of a Roma settlement. Art 16 of the CAT, which prohibits specifically cruel, degrading or inhuman treatment, was interpreted by the Panel as consent. In its conclusion, the Committee reaffirmed that, in the perspective of many other states, it had previously voiced concern over reports of police and law enforcement personnel failing to offer effective protection against attacks motivated by racism. The ruling affirms that a State's refusal

to prohibit torture or cruel, degrading or inhuman treatment to punish private individuals accountable for such actions might constitute acquiescence, resulting in liability under the UNCAT (Hajrizi Dzemajl et al. v. Yugoslavia, 2002).

Duty to investigate

State member parties are required to examine allegations of an act of torture and cruel, degrading or inhuman treatment both under the CAT and ICCPR provisions. This commitment to investigate is supplemented by Art 13, which grants individuals the right to file complaints with the appropriate authorities. The government shall safeguard the witnesses and complainants from retaliation. Art 12 and Art 13 also pertain to cruel, inhuman, and degrading acts. In addition, the Panel has not offered explicit rules for the maximum time that can occur between the emergence of allegations of mistreatment and the commencement and completion of an investigation.

In the case of *Blanco Abad vs. Spain*, the Penal held that "*promptness is essential both to ensure that the victim cannot continue to be subjected to such acts and also because, in general, unless the methods employed have permanent or serious effects, the physical traces of torture, and especially of cruel, inhuman or degrading treatment, soon disappear*" (Blanco Abad v. Spain, 1998).

The state's duty to ensure an immediate and impartial investigation is not contingent on filing a formal complaint. Instead, it is adequate if the victim alleges torture or if there are other fairgrounds to suspect that act of torture and mistreatment may have happened, regardless of the source of the suspicion.

Incorporation in Pakistani Law

Torture is criminalized by one of nine core Human Rights treaties that set out the universal standard and legally binding framework. UN adopted CAT Convention. Every state is obliged to criminalize the Act of Torture at the domestic level; after the ratified this convention, Pakistan signed the UN Convention on Torture on April 17, 2008, and ratified it in 2010. The HRCP called upon Parliament to take reasonable steps relating to its obligation. Pakistani Parliament created an independent body through a separate act known as NCHR in 2012. This body was empowered to investigate these Human rights violations that violate the fundamental rights of Human beings. At the same time, it is also mandated to promote those fundamental rights values and conduct a research base study and give its opinion to Govt regarding these values. However, sadly due to political instability, the situation of Govt of Pakistan is understandable and thus failed to provide a specific mechanism for the gross breach of Human rights norms, in the end, has resulted (Gondal, 2017).

A signatory treaty does not instantly become part of Pakistan's judicial framework because the country employs a "dualist system" for treaty implementation. Thus, in order for the clauses of a legal treaty to take effect, national legislation in Pakistan is required.

Establishment of the Human Right Commission in Pakistan

When Pakistan ratified CAT and took a stance in the international forum on protecting its civilians, it passed an Act that formed a body. At the same time, they were empowered to promote and safeguard the citizen's rights. The act was passed in 2012 with many power to the commission, such as protecting and promoting Human Rights. The commission were also granted the power to make laws and procedures. This body does not need any approval in its activities in the investigation. However, this Act of Parliament does not enable the commission to restore complaints; it also limits the commission on mandate where security forces of the state are indulged or accused of Human Rights Abuse.

Pakistan Compline with UNCAT

Pakistan, though it had ratified the UNCAT but had done nothing satisfactory, these vast number of human rights violations. However, Pakistan claims in its reports to UNHRC that it is a torture-free zone. However, there is a huge gap between its report and ground relating because the reports of NGOs are showing that Pakistan is violating the provision of CAT; it pointed more that there is no law in Pakistan that provides fair trial to the citizen in Torture cases. The report submitted in 2016 by these NGOs clearly stated that Pakistan, while passing on torture, had adopted several laws that violate the established norms of justice. The military courts, which were established in 2015, had weakened the fair trial right. These reports also stated that Pakistan lacks justice for Torture (Ahmad, 2018).

Article 01 of UNCAT

The Human Rights Commission of Pakistan (HRCP) has observed that Pakistan's legal systems are non-compliant and that torture is not properly stated. Referring to Art 14 of the Pakistani Constitution, the National Commission for Human Rights proposed the expansion of the prohibiting clause to include all forms of torture. In addition, the commission proposed amendments to the pertinent sections of the Penal Code and the Police Order 2002. The extradition Act and the Foreigner's Order are not clearly specified, and there is no mention of the torture provision.

According to the police order, 2002 Article 156 (d) stated that;

"A sub-section incorporated in Police Order, 2002 regarding torture by the police. Article 156(d) of Police order states: Whoever, being a police officer inflicts torture or violence to any person in his custody; shall, for every such offence, on conviction, be punished with imprisonment for a term, which may extend to five years and with fine."

As per the Pakistan Criminal Procedure Code (CrPC) of Article 167;

Section 167 of the CrPC authorized the magistrate to retain an accused individual in police custody for 15 days for other investigative purposes. Anti Terrorism act Pakistan Section 21 (E) authorizes anti-terrorism courts to hold a detainee for a maximum of 15 days while an inquiry into possession is conducted. However, the court may keep the suspect for up to 30 days if the investigating police officer indicates that new evidence may be available.

This shows the status of Torture in Pakistan. A bill on "*Torture, Custodial Death and Custodial Rape (Prevention and Punishment) Act, 2014*" was presented by Maiza Hameed in National Assembly. Whereas, Senate passed Torture and Custodial Death (Punishment) Act, 2014 (TCD) and defined torture as:

"torture means any act or omission which causes pain, whether physical or mental, to any person; and being in every case, an act that is done by or at the instigation of, or with the consent or acquiescence of, a public servant or any person acting on his behalf-

i. for such purposes as—

(a) Obtaining from that person or some other person information or a confession; or

(b) Punishing that person for any act or omission for which that person or some other person is responsible or is suspected of being responsible;

Or

(c) Intimidating or coercing that person or some other person; or

ii. for any reason based on discrimination of any kind;

iii. for the purposes of this Act, Torture shall include any act, omission or commission in respect of a woman or child where such act—

(a) harms or injures or endangers the health, safety, life, limb or wellbeing, whether mental or physical, of a woman or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse; or

(b) harasses, harms, injures or endangers a woman;

(c) has the effect of threatening the woman or any person related to her by any conduct mentioned in sub-paragraphs (ii) or (iii) of paragraph (7);

Or

(d) Otherwise injures or causes harm, whether physical or mental, to a woman."

Thus, this act defines punishments against torture and custodial death are as follows:

Section 12 states punishment of torture

"(1) Whoever commits the offence of torture shall be punished with rigorous Imprisonment which may extend to seven years or with fine of rupees fifty lacs but shall not be less than rupees ten lac, or with both.

(2) Whoever attempts, aids, abets or conspires to commit an offence under sub-section

(1) shall be punished with imprisonment which may extend to three years or with fine of rupees ten lac but shall not be less than rupees one lac or with both.

(3) The amount of fine if realized shall be paid to the victim or aggrieved person.

(4) The fine mentioned in sub-section (1) shall be paid within one week of the order pronouncement and in case of non-compliance, the court may, recover the same as arrears of land revenue."

Section 13 states the punishment of custodial death:

"(1) Whoever commits the offence of custodial death shall be punished with imprisonment for life or with fine of rupees fifty lac or with both.

(2) Whoever attempts, aids, abet or conspires to commit an offence under sub-section (1) shall be punished with imprisonment which may extend to ten years or with fine of Rupees ten lac, or with both.

(3) The fine mentioned in sub-section (1) shall be paid within one week of its pronouncement and in case of non-compliance, the court may, if there appears reasonable grounds for believing that the accused has committed such an offence, order the freezing of his property, or part thereof whether in his possession or possession of any relative, associate or person on his behalf.

(4) The amount of fine if realized shall be paid to the victim or his legal heirs.

(5) The fine mentioned in sub-section (4) shall be paid within one week of its pronouncement and in case of non-compliance, the court may, recover the same as arrears of land revenue."

In *Muhammad Amin v. State*, no criterion for the criminal prosecution of police officers who have perpetrated acts of torture is established. The reported decision only addresses the denial of bail for the accused police officers. It does not indicate that they were ever convicted for their participation in acts of torture. Therefore, proving that the police officers were prosecuted for torture (*Muhammad Amin v State*, 2016).

Article 04 of UNCAT

In addition, the convention mandates that State parties prosecute the commission and attempted commission of torture, connivance in torture, other forms of intervention in torture, instigation and incitement to torture, and acts by public officials who acquiesce and assent to torture. Pakistan has managed to fail to provide victims of detention torture with justice and redress. The prevailing clauses of the Pakistan Penal Code (PPC) did fail to provide victims of custodial torture with justice and remedy. The constitution does not describe or criminalize torture, even though Art. 14 (2) of the Constitution of Pakistan strictly forbids the use of torture to extract evidence (Choudhury, 1956). The absence of such legislation grants impunity to the offenders, who are predominantly police officers or military personnel.

Article 14 (2) Constitution of Pakistan 1973;

The Constitution of Pakistan, 1973 defined "torture" under Article 14(2), which states, "No person shall be subjected to torture for the purpose of extracting evidence." Thus, the

constitution safeguards every individual's right to inquire and extract evidence from police and law enforcement agencies.

Art. 14 of the constitution assures the dignity of the civilian and states unequivocally that no Pakistani citizen shall be subjected to torture. Here, the Supreme Court was confronted with a situation in which participants of the law enforcement agency, who were entrusted with the responsibility to protect the citizen, committed acts of inhuman torture against their ward. The inadequacy of words is insufficient to express our outrage at this uproar. We view the fact that these officers seek our assistance to escape what we deem to be insufficient sanction for their behavior as a positive sign.

Article 16 of UNCAT

As stated previously, The legislation of Pakistan does not ban various forms of cruel, inhuman, and humiliating treatment. Nonetheless, the draft of the torture bill In Sections 3 through 7 of the bill's draft, the NCHR criminalizes acts of torture, detention-related death, and rape. Nevertheless, it does not incorporate CIDT in its entirety. Articles 16 and 12 of the Convention require member-state parties to examine reports of torture and CIDT quickly and dispassionately. Act of Torture and CIDT are interconnected, interwoven, and connected, and the line between them is frequently unclear. Additionally, both torture and CIDT are strictly prohibited.

RECOMMENDATIONS

The NCHR should be given a free hand according to its mandate professed to them by the Paris principle; accordingly, the exception to its mandate in case armed forces commit crime should also be included. Pakistan should develop specific legislation and mechanisms regarding its duty toward international conventions. It should also review the panel law and make some amendments regarding those provisions that confer fair trial right upon its citizen. The existing laws are complex, and their complexities could be removed by properly amending or legislating separate rules and regulations regarding torture. The law enforcement agencies should be well trained and aware of their duties so that they cannot act arbitrarily. The lockup system presently is total. New jail lockups should be constructed, especially women and juveniles should have separate lockups because most human rights violations occur during existing lockups due to the incapacity of prisoners and all prisoners, whether that be women or children.

CONCLUSION

To sum up, achieving better social life for every individual in the world and maintaining peace and stability depends upon recognizing the inherent dignity and worth of each human being and a resolute observance of human rights. There are a lot of treaty bodies and treaties relating to Human rights that provide the right to be free from torture. The interpretation of Art. 01, 04, 16 of UNCAT in international law is vast, effective, and applicable in real life. However, incorporation in Pakistani law in Pakistan had ratified the UNCAT but had done nothing satisfactory, these vast number of human rights violations. However, More effective laws are

needed for a more prosperous country. In Pakistan, the General Penal Code (PPC) of 1860 governs the punishment of various offenses. A modern and up-to-date special implementation against torture in connection with the Convention Against Torture is urgently needed. In this regard, the involvement of rich and dynamic media, civil society, and a legal system has also been critical. The role of the judiciary's independence and the supremacy of the constitution ensures that laws are applied equally. Furthermore, the role of free and vibrant media, as the fourth element of the modern state, is critical in informing the public about their rights and obligations.

REFERENCES:

- Ahmad, A. (2018). Rethinking Capital Punishment For Mentally Ill: A Comparative Study In The Context Of Pakistan, India, And International Human Rights Law. http://www.etd.ceu.edu/2019/ahmad_aqeel.pdf
- Becket, J. (1970). The Greek Case before the European Human Rights Commission. *Human Rights*, 91-117.
- Blanco Abad v. Spain, Communication No. 59/1996, UN Doc. CAT/C/20/D/59/1996 (1998). <http://hrlibrary.umn.edu/cat/decisions/59-1996.html>
- Choudhury, G. W. (1956). The constitution of Pakistan. *Pacific Affairs*, 29(3), 243-252. <https://www.jstor.org/stable/2753474>
- Gondal, A. R. (2017). Torture an Undefined Word in Pakistan. Available at SSRN 3003508. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3003508
- Hajrizi *Dzemajl et al. v. Yugoslavia*, CAT/C/29/D/161/2000, UN Committee Against Torture (CAT), December 2 2002, available at: <https://www.refworld.org/cases,CAT,3f264e774.html> [accessed May 7 2022]
- Ingelse, C. (2001). The Committee Against Torture. In *The UN Committee against Torture* (pp. 89-123). Brill Nijhoff.
- Ireland Vs The United Kingdom (The European Court of Human Rights February 18, 1978). Retrieved May 7, 2022, from [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-57506%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-57506%22]}).
- Kisahi, A., & Nordin, R. (2021). A Move Towards UNCAT Accession by Malaysia: Challenges and Prospects. *Jurnal Undang-undang dan Masyarakat*, 28, 104.
- Lippman, M. (1994). The Development and Drafting of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. *BC Int'l & Comp. L. Rev.*, 17, 275.
- Luci, M. (2017). *Torture, psychoanalysis and human rights*. Routledge.
- Muhammad Amin v. State (2016 SCMR 116) [https://www.capitaldefencemanualpk.com/case/muhammad-amin-v-state-2016-scmr-116/#:~:text=State%20\(2016%20SCMR%20116\),-Home%20C2%BB%20Cases%20C2%BB%20Muhammad&text=A%20partial%20compromise%20between%20the,a%20case%20of%20Ta'zir.&text=The%20accused%20was%20convicted%20under%20P.P.C.](https://www.capitaldefencemanualpk.com/case/muhammad-amin-v-state-2016-scmr-116/#:~:text=State%20(2016%20SCMR%20116),-Home%20C2%BB%20Cases%20C2%BB%20Muhammad&text=A%20partial%20compromise%20between%20the,a%20case%20of%20Ta'zir.&text=The%20accused%20was%20convicted%20under%20P.P.C.)
- Nowak, M., Birk, M., & Monina, G. (Eds.). (2019). *The United Nations convention against torture and its optional protocol: A commentary*. Oxford University Press.
- OHCHR. (1984). *Convention against torture and other cruel, inhuman or degrading treatment or punishment*. OHCHR. Retrieved May 7, 2022, from <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading#:~:text=Article%204-,1.,2.>
- Rights, C. (1948). Universal declaration of human rights. *General Assembly Resolution 217A*

III) of.

<https://www.dtp.unsw.edu.au/sites/default/files/u4/Appendix%201%20The%20International%20Bill%20of%20Human%20Rights%20ENGLISH%20ONLY.pdf>

Rodley, N. S. (2002). The definition (s) of torture in international law. *Current Legal Problems*, 55(1), 467-493. <https://www.corteidh.or.cr/tablas/32054.pdf>

Sadiq *Shek Elmi v. Australia*, CAT/C/22/D/120/1998, UN Committee Against Torture (CAT), May 25 1999, available at:

<https://www.refworld.org/cases,CAT,3f588eda0.html> [accessed May 7 2022]

Swaak-Goldman, O. (1999). Prosecutor v. Delalic. No. IT-96-21-T. *American Journal of International Law*, 514-519. <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/abs/prosecutor-v-delalic/7307E5C941B2BC65C8B25DC902567F23>

Urra Guridi v. Spain, Comm. 212/2002, UN Doc. A/60/44, at 147 (CAT 2005)

http://www.worldcourts.com/cat/eng/decisions/2005.05.17_Kepa_Urra_Guridi_v_Spain.htm