

General approach of international law to torture

Abstract

The prohibition of torture exists at national and international level. The author focuses only on the general approach of international law to torture. He analyzes the individual elements of the definitions of torture contained in international documents. At the same time, he does not forget to mention the cruel, inhuman or degrading treatment or punishment that is inextricably linked to torture. He also highlights the importance of the threat of torture, which may under certain conditions separately constitute torture. He provides an overview of the current international regulation of the prohibition of torture enshrined not only in international human rights treaties, but also in the field of international humanitarian law and international criminal law. He also emphasizes the reflection of international regulation in the practice of individual protection mechanisms ensuring effective control over compliance with the prohibition of torture, specifically universal, European, Inter-American, African and other functioning mechanisms. Also, he places torture in the context of crimes under international law. He refers to the practice of the International Criminal Court and ad hoc criminal tribunals, which have even granted status of jus cogens to the prohibition of torture.

In the part of the work devoted to torturers and their methods, the author takes into account from the criminological point of view the position of the perpetrator of torture within the Greek school of torture. He also presents world-famous methods or techniques of torture, including "clean torture" methods, which leave little or no traces of physical pain on the victim. Subsequently, attention is drawn to the topicality of torture with reference to the relatively recent behaviour of democracies in relation to violations of the prohibition of torture, in particular the United States and Israel.

The purpose of the author's work is mainly to map the current international regulation of the prohibition of torture with reference to the case law and decisions of international bodies, including their introduction. Other meanings include rebutting the presumption of the torturer's personality that any of us may become, and warning of the topicality of the prohibition of torture on the basis of two case studies.

Key words

Torture; cruel, inhuman or degrading treatment or punishment; crimes under international law