OUTSOURCING RESPONSIBILITY FOR TORTURE

Ending impunity for PMSCs and their employees in the U.S.

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Abstract

The scenario where a Private Military Security Contractor (PMSC), who is hired by the U.S. government, tortures abroad forms the outset of this thesis. This scenario happened before, in Abu Ghraib (Iraq) and resulted in a general absence of any litigation of the perpetrators before either U.S. or Iraqi courts. How can the impunity PMSCs and their employees enjoy in the U.S. be deceased? This human rights-focused research on the basis of sketched scenario is therefore structured around the unacceptable impunity for torture. It investigates which international human rights legislation is applicable and how it should pose obligations upon PMSCs with specific attention to the value and enforceability of the prevention of torture. This thesis focuses on who is responsible and to what extent, in particular how redress can be obtained by the tortured victim before U.S. courts. In fighting this impunity, U.S. jurisprudence concerning the torture cases that took place in Iraq will thoroughly be analysed. This finally results in propositions of a double dualistic regulatory framework for PMSCs in preventing the crime of torture.
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