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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 decreased? 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.

Table of content

ACKNOWLEDGEMENTS	3
ABSTRACT	4
ACCRONYMS	5
TABLE OF CONTENT	6
INTRODUCTION	10
CHAPTER 1 - NON- STATE ACTORS IN INTERNATIONAL CONTEXT	14
1.1 ORIENTATION THROUGH CONCEPT EXPLAINING	14
1.1.1 NON-STATE ACTORS	14
1.1.2 CATEGORISATION	16
a. Mercenaries	16
b. Private Military Company	17
c. Private Security Company	18
d. Importance of defining activities	18
1.1.3 THE CONCEPT OF TORTURE	20
a. Relevant regional sources - general	21
b. Specific documents - international	22
c. U.S. national level	23
1.2 THE RISE OF PMSCs	25
1.2.1 EMERGENCE OF PMSCs	25
1.2.2 THE U.S. IN THE PRIVATISED-WAR MARKET	26
1.2.3 GLOBAL PHENOMENON	26
1.3 IDENTIFICATION OF EXISTING REGULATORY FRAMEWORKS FOR PMSC	28
1.3.1 INTERGOVERNMENTAL OPEN-ENDED WORKING GROUP ON PMSCs	28
1.3.2 INTERNATIONAL SOFT-LAW: THE MONTREUX DOCUMENT	29

1.3.3	INSTRUMENTS OF SELF-REGULATION	30
a.	Codes of Conduct initiated by corporations	30
b.	International Code of Conduct for Private Military Service Providers	31
1.4	CONCLUSION	32

CHAPTER 2 – APPLICABLE LEGAL MEANS **34**

2.1	INTERNATIONAL LEGISLATION	34
2.1.1	GENERAL LEGAL INSTRUMENTS	34
a.	International sources - general	34
b.	Regional sources – general	35
c.	Direct and horizontal human rights obligations for PMSCs?	36
2.1.2	SPECIFIC LEGAL INSTRUMENTS	38
a.	CmAT case law on the basis of CAT	38
b.	Qualification of the prohibition of torture as ius cogens	40
2.2	NATIONAL LEGISLATION	42
2.2.1	EIGHTH AMENDMENT U.S. CONSTITUTION	42
2.2.2	MILITARY JUSTICE SYSTEM	43
a.	Military Extraterritorial Jurisdiction Act	43
b.	Uniform Code of Military Justice	43
2.2.3	CIVIL CLAIMS	45
a.	Under the Alien Tort Claims Act	45
b.	Under the Torture Victim Protection Act	47
2.2.4	DOMESTIC CRIMINAL LAW	48
2.3	CONCLUSION	49

CHAPTER 3 - GAPS IN THE U.S. RESPONSIBILITY PICTURE: IMPUNITY OF PMSC AND THEIR CONTRACTORS FOR TORTURE **51**

3.1	IDENTIFYING THE GAPS IN PMSCS THEIR RESPONSIBILITY	51
3.2	EXTRATERRITORIALITY AS UNDERSTOOD BY THE U.S.	53
3.2.1	EXTRATERRITORIAL APPLICATION OF RELEVANT HR CONVENTIONS	53

a. The ICCPR	53
b. The CAT	54
3.2.2 EXTRATERRITORIAL JURISDICTION ON THE NATIONAL U.S. LEVEL	56
a. CAT jurisdiction translated by TCIA on national level	56
b. Creation of universal civil jurisdiction by ATCA	57
3.3 STATE RESPONSIBILITY FOR CONDUCT OF PMSCS AND CONTRACTORS	59
3.4 OUTSOURCING RESPONSIBILITY FOR TORTURE: IMPUNITY IN THE U.S.	61
3.4.1 ATTEMPTS TO SECURE IMPUNITY IN THE U.S.	61
a. Immunity from civil claims before domestic U.S. courts	61
b. Immunity from liability in host states' courts	63
c. Responsibility of the state when granting immunities	64
3.5 CORPORATE (SOCIAL) RESPONSIBILITY	64
3.5.1 CORPORATE RESPONSIBILITY	65
3.5.2 CORPORATE SOCIAL RESPONSIBILITY	66
3.6 CONCLUSION	67

CHAPTER 4 - REDRESS IN THE U.S. FOR THE TORTURED VICTIM: HOW CAN U.S.

JURISPRUDENCE HELP TO BRING PMSCS BEFORE COURT? **69**

4.1 RELEVANT RAMIFICATIONS OF KIOBEL	69
4.2 AL SHIMARI V. CACI: JURISPRUDENTIAL HISTORY	71
4.3 TAKING CHANCES TO SURVIVE KIOBEL	72
4.3.1 PLAINTIFFS' OPPOSITION BEFORE THE DISTRICT COURT	73
a. Presumption against extraterritorial application of the ATCA	73
b. The Kiobel 'Touch and concern'- doctrine	73
4.3.2 MEMORANDUM OPINION OF THE DISTRICT COURT	74
4.3.3 APPELLANT BRIEF BEFORE THE U.S. COURT OF APPEAL	75
a. First pillar: Dismissal of ATCA claims	75
b. Second pillar: Al Shimari Common Law claims	76
4.4 CONCLUSION	77
4.5 SCOPE OF JUDGEMENT IN INTERNATIONAL CONTEXT	78

<u>CHAPTER 5 – PROPOSITIONS TO REGULATE CONDUCT OF PMSC ABROAD REGARDING THE CRIME OF TORTURE: LEX FERENDA?</u>	80
5.1 EXISTING INSTRUMENTS: MONTREUX & ICoC	80
5.1.1 GENERAL COMPARISON OF SCOPE AND CONCEPTS	81
5.1.2 RELEVANT PROVISIONS	82
a. Specific provisions relating to torture	82
b. Compliance, accountability and remedies	83
5.1.3 EVALUATION OF EXISTING INSTRUMENTS: SHORTCOMINGS?	84
5.2 IMPROVEMENTS TO THE ENFORCEMENT OF THE PROHIBITION OF TORTURE APPLICABLE TO CONTRACTORS	86
5.2.1 INTERNATIONAL LEVEL	86
a. Soft law	86
b. UN Draft Convention	87
5.2.2 NATIONAL LEVEL	88
a. Using contracting and licensing in preventing torture	89
b. In the case of the United States	90
5.3 CONCLUSION	91
<u>GENERAL CONCLUSIONS</u>	93
<u>BIBLIOGRAPHY</u>	97