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THE TREATMENT OF PRISONERS UNDER INTERNATIONAL LAW

THIRD EDITION



NIGEL S. RODLEY
WITH MATT POLLARD

The Treatment of Prisoners under International Law

Third Edition

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Preface to the Third Edition

This edition substantially expands on the text of the Second Edition, some parts of which required wholesale rewriting (especially Chapters 3 and 8). It needed to reflect the adoption of several new instruments, among the most notable being the UN Convention on Enforced Disappearance and an Optional Protocol to the UN Convention against Torture that provides for independent visits to places of detention for the purpose of preventing torture and ill-treatment.

There has also been an explosion of the case law of the European and Inter-American Courts of Human Rights, as well as increased output of the African and Inter-American regional commissions on human rights, needing to be analysed in this edition. At the universal level, the Human Rights Committee and the Committee against Torture have also produced substantial case law and 'general comments'.

Fuller consideration has been given to the crimes contemplated by the Rome Statute of the International Criminal Court (ICC) that was the subject of a brief 'stop press' item in the previous edition, albeit their contours were predictable with some accuracy. While only one case has so far come before the ICC, significantly expanded case law from the International Tribunals for the Former Yugoslavia and for Rwanda required attention.

The atrocities of 11 September 2001 led to reactions that seemed to call into question the security of some of the normative and institutional *acquis* that previous editions had considered established. The present edition takes account of those developments, though they are ultimately proving to have been far less capable of subverting the earlier dispensation than had been feared.

We wish to acknowledge the assistance in the way of information and ideas that we have received from, in alphabetical order, Edouard Delaplace, Yuval Ginbar, Christopher Keith Hall, Carmi Lecker, Michael O'Boyle, Markus Schmidt, Ian Seiderman, Gerald Staberock, Safir Syed, and Jim Welsh. We are grateful to Lyn Rodley and Claire Morclette for considerable editorial assistance. We have also benefited greatly from the editorial support of OUP's Gwen Booth, Merel Alstein, Bethan Cousins, Neil Maxwell and Carolyn Fox. We ask forgiveness of all those whose assistance we have inadvertently overlooked, but which remains most sincerely appreciated.

While we were able to include some later material, the text aims to incorporate developments up to 14 February 2009.

Colchester
June 2009

Selected Abbreviations

ACHR	American Convention on Human Rights
CPT	European Committee for the Prevention of Torture
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
Ecosoc	UN Economic and Social Council
ECPT	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment
IAPL	International Association of Penal Law
IATC	Inter-American Convention to Prevent and Punish Torture
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Commission of Jurists or International Court of Justice
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
ILC	International Law Commission
NGO	Non-governmental organisation
NPM	National preventive mechanism
OAS	Organization of American States
OIOS	United Nations Office of Internal Oversight Services
OPCAT	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
UNCAT	UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
WHO	World Health Organization

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