



# NO HIDING PLACE FOR TORTURE

Torture and other cruel, inhuman or degrading treatment, like slavery and genocide, are *always* wrong. This principle was established many years ago, and is enshrined in international law.

## WHEN GOVERNMENTS SUBVERT THE LAW BY USING TORTURE THEY ARE RESORTING TO THE TACTICS OF TERROR

States have agreed that no circumstances, not even war or public emergency that “threatens the life of the nation”, could be employed to justify the use of torture or other ill-treatment.

The “war on terror” has presented a new and acute threat to the international prohibition of torture and other ill-treatment. While Amnesty International has been documenting torture for decades, the validity of the absolute prohibition itself has been challenged by the actions of governments around the world.

Governments have a clear duty to protect their civilian population from violent attacks, including terrorist acts. Deliberate attacks on civilians constitute grave human rights abuses. But governments must also adhere to their obligations under international human rights law. Real security can only be achieved through strengthening the human rights framework, not through undermining it by resorting to unlawful practices such as torture.

When governments subvert the law by using torture and other ill-treatment, they are resorting to the tactics of terror, and destroy the very values they claim to be protecting. Erosion of one set of rights inevitably devalues others. Torture and all other ill-treatment must be condemned and prevented, and those who authorize and inflict it must be held to account. Governments must stop shielding torturers and must accept responsibility for their crimes.

## US GOVERNMENT AUTHORIZES TORTURE

The US government has been responsible for a serious assault on the framework of human rights in its response to the attacks of 11 September 2001. In clear breach of international law, detainees have been subjected to secret detention, enforced

## THE USA HAS EFFECTIVELY ADMITTED TO BEING A STATE THAT CONDONES TORTURE

### TORTURE AND OTHER ILL-TREATMENT...

...are always wrong, regardless of who the torturer is or what the victim is suspected of

...are banned absolutely under international law

...are unreliable interrogation techniques

...spread and, once authorized, are never limited to "just once"

...corrode the rule of law and undermine the criminal justice system

...do not make us safer

...CAN NEVER, EVER, BE JUSTIFIED

disappearance, and indefinite detention without charge or trial. They have been transferred from one state to another without due process (rendition) and have been sent to countries where they have faced torture, including Jordan, Egypt and Syria.

The US administration has authorized and used interrogation methods, including stress positions, isolation, sensory deprivation and "waterboarding" (a form of water torture), which violate the international prohibition on torture and other ill-treatment. Some of these techniques violate this prohibition in themselves, some when used in combination with others.

The US government has used the threat of terrorist attacks in its attempts to justify these practices, while simultaneously claiming to retain the moral high ground.

In March 2008, President George W. Bush vetoed legislation aimed at preventing the use of "waterboarding" and other so-called "enhanced" interrogation techniques by the Central Intelligence Agency (CIA); he asserted that it was necessary to secure for intelligence officials "all the tools they need to stop the terrorists". On the eve of the veto, Vice President Cheney said: "The war on terror is a battle for the future of civilization... We stand for the highest ideals: liberty and equality; the dignity of the individual; and representative government."

The truth is that detainees held illegally in Guantánamo Bay and other detention facilities are removed from the protection of the law, with little or no contact with the outside world and no means to challenge the lawfulness or conditions of their detention. Some have been subjected to brutal interrogation methods. These individuals are deprived by the US administration of their human dignity, even though President Bush has repeatedly asserted that the dignity of the individual is "non-negotiable".

The reality is that the USA has now effectively admitted to being a state that condones torture – one that has used torture and reserves the right to do so again. As one of the most powerful countries in the world, the example set by the USA has considerable influence over other governments.

### STATE OF DENIAL

It is not only the USA that has undermined human rights in the context of counter-terrorism while continuing to pay lip service to international obligations. Many governments have been willing to jettison long-held human rights principles in the name of "security" while others, long accused of human rights violations, have a new screen to hide behind in their participation in the global "war on terror".

*"I was hung like slaughtered cattle, head down, feet up, hands tied behind my back... and exposed to electric shocks all over my body and especially the head area."*

Usama Mostafa Hassan Nasr, better known as Abu Omar, an Egyptian national who was abducted in Italy and flown by US agents to Egypt, where he says he was tortured during 14 months of secret detention

States around the world, from Thailand and Indonesia to Syria and Egypt, have been implicated in the CIA's rendition and secret detention programmes. Every one of the victims of rendition interviewed by Amnesty International has said they were

tortured or otherwise ill-treated. Evidence has emerged of hidden “black sites” (secret detention facilities), used by the USA to hold and interrogate individuals, in countries including Afghanistan, Poland and Romania.

Torture and other ill-treatment often take place under conditions of secrecy, and allegations are frequently met with blanket denials by officials. In Europe, for example, little concrete action has been taken by states to undertake effective and independent investigations into allegations that their agents have been involved in the US-led rendition and secret detention programmes and governments have refused to disclose the full truth on the grounds of “state secrecy”.

## **JUSTIFYING REPRESSION**

This permissive atmosphere has seriously corroded the rule of law. Governments around the world have resorted to torture and other ill-treatment, seeking to justify these practices as necessary in their own “war on terror”.

Governments including those of Russia, China, Egypt, Malaysia, Saudi Arabia, Uzbekistan, Algeria and Yemen have used the rhetoric of the “war on terror” to justify or intensify old patterns of repression. Detainees are being held illegally, away from public scrutiny, from Saudi Arabia to Afghanistan. Anti-terror legislation has been adopted in a number of states that can effectively criminalize legitimate exercise of civil and political rights through the inclusion of very broad definitions of terrorism. Thousands of individuals charged with terrorism offences in Tunisia, for instance, have been held in incommunicado detention and subjected to torture and other ill-treatment, in clear breach of international law.

In Pakistan, hundreds of people have been subjected to enforced disappearance, apparently abducted by the security services on suspicion of involvement in terrorism, with some handed over to US custody. Many of those who have reappeared – whether in official US detention centres, or released from Pakistani custody – allege they were subjected to torture and other ill-treatment in detention. Enforced disappearance is a crime under international law, involving multiple human rights violations, including torture or other ill-treatment. It was initially used mainly against those suspected of involvement in terrorism, then spread to other perceived political opponents, including Baloch and Sindhi nationalists and journalists.

## **TURNING A BLIND EYE**

Governments have tacitly condoned torture through seeking to circumvent the rules that ban the deportation of detainees to countries where they would face a real risk of torture or other grave human rights violations.

States including Austria, Canada, Germany, Italy, the Netherlands, Russia, Sweden, Switzerland, Turkey, the UK and the USA have sent detainees to states after asking for “diplomatic assurances” that they would not be tortured. Diplomatic assurances have been sought from Jordan, Libya, Algeria, Egypt, Syria and Tunisia – countries with a well-known record of torturing and ill-treating exactly this type of detainee. Such assurances have proved to be worthless – detainees transferred on the basis of

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## THE CORRUPTING NATURE OF TORTURE AND ILL-TREATMENT MEANS THAT THE EXCEPTIONAL BECOMES ROUTINE

these agreements have been tortured nonetheless – and have been condemned by courts and human rights experts.

In seeking “diplomatic assurances”, sending governments are admitting that torture is a wider problem in the receiving country. Under international law, all states are supposed to cooperate to bring such crimes under international law to an end. States have made their own self-interest in removing a particular individual their priority, rather than seeking to change the underlying problem of torture in the receiving country as a whole. This is a betrayal of some of the state’s most fundamental obligations in international human rights law, indeed in all of international law.

### TORTURE CANNOT PROVIDE SECURITY

The argument that torture and other ill-treatment should be deployed to “save lives” is based on flawed assumptions, including that it can be controlled. Over the decades, Amnesty International has witnessed a simple truth – torture is never in practice limited to “just one exceptional occasion”.

In reality, the corrupting nature of torture and ill-treatment means that the exceptional becomes routine. Creating exceptions to the absolute prohibition against torture and other ill-treatment would undermine the international system for protecting human rights. It would signal the collapse of the concept of a core of absolute rights that can never be taken away from the victim.

Torture and terror alike rely on fear to achieve their aims. Both negate the very basis of human dignity and decency. Both should be rejected absolutely.

### THERE MUST BE NO HIDING PLACE FOR TORTURE AND TORTURERS

Torture is a crime under international law. Even if a torturer believes he or she can escape justice at home, they should not presume such sanctuary exists for them abroad.

#### All states must:

- **Condemn all forms of torture and other ill-treatment and speak out against governments that perpetrate, are complicit in, or fail to act in the face of such abuse**
- **Prevent these practices, including ending all forms of illegal detention that facilitate torture or may amount to torture or other ill-treatment**
- **Hold to account those responsible through effective and independent investigations, prosecute all perpetrators of torture and other ill-treatment and provide reparations for victims**

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