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Amnesty International – Campaign Against Torture Media Briefing

From 18 October 2000, Amnesty International (AI) members will be campaigning with community groups, women's organizations, religious groups, trade unionists, human rights organizations and others, to take intensive action to prevent torture. They will take action to achieve progress in three major areas -- prevention of torture, overcoming impunity and confronting discrimination. The following briefing summarizes our research findings presented in the report "Take a Step to Stamp Out Torture".

Torture Today -- the Big Picture

In preparation for the campaign, AI conducted a survey of its research files on 195 countries and territories covering the period 1997 to mid-2000. It revealed that AI has received reports of torture and ill-treatment inflicted by state agents in over 150 countries since 1997.

In more than 70 torture or ill-treatment by state officials was widespread and in over 80 countries people reportedly died as a result.

The world has changed immeasurably since AI first began denouncing torture at the height of the Cold War in the 1960s, but torture continues and is not confined to military dictatorships or authoritarian regimes; torture is inflicted in democratic states too. It is also clear that victims of torture are criminal suspects as well as political prisoners, the disadvantaged as well as the dissident, people targeted because of their identity as well as their beliefs. They are women as well as men, children as well as adults.

AI's survey strongly suggests that common criminals and criminal suspects are the most frequent victims of torture by state agents today. They have reportedly been subjected to torture or ill-treatment in over 130 countries since 1997. Torture and ill-treatment were reportedly used against political prisoners in over 70 countries during the same period, and against non-violent demonstrators in over 60 countries.

AI's campaign looks at torture by police, in the context of criminal investigations or the maintenance of public order; torture and ill-treatment in prisons; judicial punishments amounting to torture; and torture in armed conflict. The campaign also looks at other forms of violence in the home or the community which may constitute torture under international standards, even though they are not committed by state officials.

Methods of Torture

The survey showed that beating is by far the most common method of torture and ill-treatment by state agents today, reported in over 150 countries. People are beaten with fists, sticks, gun-butts, makeshift whips, iron pipes, baseball bats, electric flex. Victims suffer bruises, internal bleeding, broken bones, lost teeth, ruptured organs and some die.

Rape and sexual abuse of prisoners is also widespread. Other common methods of torture and ill-treatment include electric shocks (reported in more than 40 countries), suspension of the body (more than 40 countries), beating on the soles of the feet (more than 30 countries), suffocation (more than 30 countries), mock execution or death threat (more than 50 countries) and prolonged solitary confinement (more than 50 countries).

Other methods include submersion in water, stubbing of cigarettes on the body, being tied to the back of a car and being dragged behind it, sleep deprivation and sensory deprivation.

Cruel, inhuman or degrading instruments of restraint cited in AI's report include leg irons and electro-shock stun belts.

The Victims

Anyone, anywhere can be a victim of torture -- regardless of age, gender, ethnicity or political persuasion. Most often however the victims of torture by state agents are ordinary criminals and criminal suspects. This is largely under-reported as criminal suspects are less able to complain and the attitude of 'they got what they deserve' often prevails.

It is often the case that these victims of torture and ill-treatment are from the poorest or most marginalised sectors of society.

Torture feeds off discrimination. It is easier for the torturer to inflict pain on someone who is seen as less than human -- someone from a despised social, ethnic or political group.

There is a clear link between racism and torture. For example, many if not most of the victims of police brutality in Europe and the USA are black or from other ethnic minorities. Across Europe, Roma people are commonly viewed as criminals and subjected to beatings.

Indigenous people in the Americas have been the victims of torture in land disputes. An alarming rate of indigenous people in Australia die in custody as a result of ill-treatment, neglect and official disregard for the impact of incarceration on aboriginals.

Immigrants, migrant workers and asylum-seekers who have left their homes in search of security often encounter racist and xenophobic

ill-treatment by officials. In Austria, Germany, Switzerland, Belgium and the UK, foreign nationals have died during deportation, apparently as a result of excessive use of force by police or dangerous methods of restraint. Migrant workers accused of criminal offences in Saudi Arabia are more likely to face amputations or flogging than Saudi nationals. And in Japan, foreign workers who have overstayed their visas been beaten and humiliated.

In armed conflict, torture has been used as a tool of ethnic displacement. As a direct result of the conflict in Chechnya, Russian government forces targeted Chechens in Moscow and other parts of Russia for torture and ill-treatment.

Torture and ill-treatment based on sexual identity is a worldwide problem which is particularly under-reported. While some governments deny that torture of gays, lesbians, bisexuals or transgendered people takes place, some justify it in the name of morality or religion.

Torture of Children

Youth is no protection against torture. In the last three years, children have reportedly been tortured or ill-treated by state agents in more than 50 countries.

Children in police custody are particularly vulnerable to rape and sexual abuse, both by police officers and other detainees.

Children who live on the streets survive by begging, petty crime and prostitution which brings them to the attention of the police. In some countries, local business owners pay to have street children removed - attacked or killed.

In armed conflicts, children of an enemy group are often targeted precisely because they represent that group's future. Children are sometimes tortured to coerce or punish their parents.

In Uganda thousands of children are recruited to the armed opposition group, the Lord's Resistance Army (LRA), and forced to take part in ritualized killing. While all children are forced to fight and kill, girls are allocated to LRA commanders and held as sexual slaves.

Torture of Women

Since 1997, Amnesty International has received reports of rape and sexual abuse of women by state agents in 50 countries across all continents. As information on rape and sexual abuse is hard to obtain, this figure is probably far below the true figure.

As seen in recent conflicts in former Yugoslavia, central Africa and Sierra Leone, mass rape of women from the "enemy" population is a favoured weapon of war.

Women make up the majority of the world's refugees and internally displaced people, and are extremely vulnerable to rape at borders and in camps. East Timorese women who fled to camps in West Timor, Indonesia, in 1999 were reportedly forced to work as prostitutes and held in sexual slavery by militia commanders or Indonesian army officers.

With less access to legal remedies and subject to discriminatory laws, women also have a harder time seeking justice for torture. In Pakistan a rape victim herself can be prosecuted for adultery or fornication if she cannot provide four male Muslim witnesses to testify she did not consent to sexual intercourse.

Torture by Private Individuals

Governments are obliged under international standards to ensure the right of everyone without distinction to be free from torture and ill-treatment. This obligation extends to protecting individuals against abuses which are of a similar nature and severity and are committed by private individuals, groups or institutions.

A government may therefore be in breach of its international obligations regarding torture and ill-treatment where it fails to act with due diligence in preventing, prosecuting and punishing acts such as domestic violence or racist attacks.

Holding states accountable for their inaction in the face of abuses by private individuals is of crucial importance in the struggle to defend the human rights of women, children, racial and sexual minorities, and others facing discrimination. On a daily basis this discrimination manifests itself through violence, whether in the form of domestic violence or racist or homophobic hate crimes. Institutionalized discrimination often means that the victims are less likely to receive protection and support from the authorities. Some forms of violence against women, for example, are not even recognised as crimes in many countries. Where they are, they are seldom prosecuted with vigour.

Is Torture Illegal?

The prohibition of torture in international law is absolute. "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment", says Article 5 of the Universal Declaration of Human Rights; similar phrases appear in many other international human rights texts.

No government may use a state of war, a threat of war, internal political instability or any other public emergency to justify torture.

Under the Geneva Conventions, torture is illegal in both internal and international armed conflicts. Torture and ill-treatment are also illegal under the laws of virtually all countries, although many laws are inadequate.

One form of torture and ill-treatment which is permitted under national law in some countries is judicial corporal punishment. According to AI's survey, judicial corporal punishments are provided by national law in at least 31 countries today.

The most common forms of judicial corporal punishment include amputation and flogging. Some forms such as amputation and branding are deliberately designed to permanently mutilate the human body. However, all of these punishments can cause a range of long-term or permanent injuries.

Since 1997 judicial amputations have been carried out in at least seven countries (Afghanistan, Iran, Iraq, Nigeria, Saudi Arabia, Somalia and Sudan) and judicial floggings in 14 countries.

The Global Trade in Torture

The global trade in instruments of torture involves a clandestine and circuitous flow of money and equipment across many borders. In recent years the boom area has been electro-shock equipment -- devices which leave few physical marks but inflict maximum pain.

During the 1990s electro-shock equipment was used in prisons, detention centres and police stations in more than 60 countries. Hand-held electro-shock weapons such as shields, batons, stun guns and "tasers", specifically designed and marketed for use on human beings, were used in at least 20 countries. More than 120 companies in 22

countries were involved in manufacturing, selling, marketing, advertising or procuring such equipment.

Stun-belts are widely used on prisoners in the USA and can be activated at a distance of 300 feet. The stun-belt delivers a 50,000 volt shock lasting eight seconds which incapacitates the wearer in the first few seconds and delivers severe pain which gradually intensifies.

Amnesty International has called for the use of all electro-shock equipment to be suspended until it can be proven safe. Stun belts should be banned outright. The global trade in instruments of torture requires stringent national and international controls to ensure that states cannot export equipment, training or personnel to customers who might use them to violate human rights.

Impunity

In many countries impunity for torturers is endemic. Where investigations do occur, they are often stalled because of inaction, ineffectiveness or complicity of the investigating body. Seldom are torturers brought to account. This creates a cycle of impunity which allows torturers to continue torturing.

Impunity undermines the criminal justice system and the rule of law. Combatting it is therefore important for society as a whole.

Ending impunity by bringing torturers to justice will deter would-be torturers from committing similar crimes, sending a message that torture will not be tolerated.

Perpetrators leaving their countries to evade justice have had little difficulty finding "safe havens" elsewhere. Recent developments, however, suggest that in future fewer countries will tolerate suspected foreign torturers on their soil.

The arrest of former Chilean dictator Augusto Pinochet in Britain in October 1998 is one of the best known of a number of cases since the Second World War where the principle of universal jurisdiction for the crime of torture has at last been put into effect. Under international law those accused of torture can and should be investigated and – if there is sufficient admissible evidence – prosecuted no matter where they happen to be. The Pinochet case has transformed the human rights landscape and paved the way for other alleged torturers to be held to account either in their own countries or internationally.

An Agenda for Action

Amnesty International has identified key safeguards against torture and is urging governments around the world to implement a 12-point program for the prevention of torture by state agents.

Governments should publicly declare their opposition to torture. Amnesty International members will be lobbying officials at all levels of government to declare Torture Free Zones.

Members will call on governments to end the practice of incommunicado detention as torture usually takes place in the first few hours of detention. Relatives, lawyers and doctors should be given access to prisoners, and all detainees brought before a judge, without delay.

They will also campaign for all complaints of torture to be investigated and those responsible brought to justice. The victims must be entitled to reparation, including compensation and rehabilitation.

During the campaign Amnesty International members together with voluntary organizations will apply strategies to fight torture in over 20 selected countries.