

**cruel. inhuman. degrades us all.
stop torture and ill-treatment in the ‘war on terror’**

First published in 2005 by Amnesty International Publications - Peter Benenson House, 1 Easton Street, London WC1X 0DW United Kingdom www.amnesty.org © Amnesty International Publications 2005 ISBN: 0-86210-385-1AI Index: ACT 40/010/2005 Original language: English Printed by: Lynx DPM, Chalgrove, United Kingdom All rights reserved. This publication is copyright, but may be reproduced by any method without fee for advocacy, campaigning and teaching purposes, but not for resale. The copyright holders request that all such use be registered with them for impact assessment purposes. For copying in any other circumstances, or for re-use in other publications, or for translation or adaptation, prior written permission must be obtained from the publishers, and a fee may be payable.

Torture and ill-treatment are repugnant, immoral and illegal, and are always wrong.

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Universal Declaration of Human Rights

What is torture? What is ill-treatment? What’s the difference?

At the heart of the definition of torture in the UN Convention against Torture is the intentional infliction of severe physical or mental pain or suffering for purposes such as obtaining information or a confession, or punishing, intimidating or coercing someone.

There is not always agreement on whether a particular form of abuse amounts to torture or to other cruel, inhuman or degrading treatment (ill-treatment). However, all forms of torture and other ill-treatment are absolutely prohibited under international law, including the laws of war.

In any event, it is not simply a matter of law. The universal legal prohibition is based on an international ethical consensus that torture and ill-treatment are repugnant, abhorrent and immoral.

Torture is terror

The photographs of US soldiers humiliating and terrorizing defenceless Iraqi prisoners in Abu Ghraib shocked the world when they were published in 2004. But the abuses they exposed were not an aberration. The images followed numerous allegations of torture and ill-treatment reported from detention centres in Afghanistan, Iraq and at Guantánamo Bay.

In the context of the “war on terror”, the international ban on torture and other cruel, inhuman or degrading treatment has been flouted and challenged by governments around the world. States have inflicted unspeakable suffering on captives using methods so abhorrent and brutal that they have long been outlawed by the international community.

The argument that torture and ill-treatment are always wrong was won many years ago. This was not a minority view or “liberal” position – governments around the world agreed, and wrote into international law, that there was never any circumstance that justified the use of torture or ill-treatment, not even wars or national emergencies.

In the aftermath of the Second World War an international consensus emerged that led to the prohibition of torture and ill-treatment at all times. The Universal Declaration of Human Rights states that everyone has the right to be free from torture and ill-treatment. The Geneva Conventions and their Protocols, which regulate conduct during armed conflicts, explicitly ban the torture and ill-treatment of prisoners of war and other non-combatants.

“Amnesty International condemns in the strongest possible terms all acts of violence directed at civilians. Deliberately attacking civilians can never be justified and flouts the most fundamental principles of humanity.”

Now that consensus is under threat. Members of the US administration, backed by academics, journalists and intellectuals at home and abroad, have put forward arguments to justify loosening the ban on torture or other cruel, inhuman or degrading treatment.

Some claim that the world changed irrevocably after the attacks in the USA on 11 September 2001, attacks condemned by Amnesty International and many others as a crime against humanity. They contend that the response to terrorist threats can therefore no longer be bound by the previously agreed rules. Others seek to distinguish between torture and other cruel, inhuman or degrading treatment, claiming that torture is wrong, but some forms of ill-treatment can be countenanced. This allows them to assert that they remain opposed to torture while justifying the use of techniques that constitute at the very least cruel, inhuman or degrading treatment – treatment that is also absolutely prohibited in international law.

The US government has been in the forefront of arguing that the previously accepted international legal framework no longer applies, and that people rounded up in the “war on terror” can be denied the protection of the Geneva Conventions. US forces, with the collusion of other states, have snatched people from other parts of the world, held them in secret, illegally transferred them between countries, and subjected them to torture and ill-treatment. Senior US officials have authorized the use of interrogation techniques that are cruel, inhuman or degrading and can amount to torture.

[Case box]

Mohammed C., a Chadian national born in Saudi Arabia, was just 14 years old when he was arrested in Karachi, Pakistan, in October 2001. He was taken to a prison and allegedly suspended from his wrists. He says that for around three weeks he was held in this position for between 10 and 16 hours a day, always blindfolded apart from some five minutes a day when he ate.

In late November 2001 he was transferred into US custody, and his nightmare continued. He says that he was put into blue overalls, hooded, shackled, beaten, threatened with death, and repeatedly called “nigger”, a word he had never heard before. He was then flown to the US airbase in

Kandahar, Afghanistan, where he says he was assaulted, kept naked, doused in freezing water, and told that his penis would be cut off with scissors.

In early January 2002 he was transferred to Guantánamo, where he says he was hung by the wrists for up to eight hours at a time, beaten, subjected to sleep deprivation, strobe lighting and extreme cold, and racially abused. In 2003 an interrogator allegedly burned his arm with a cigarette. His arm still has scars.

In May 2004 he was transferred to Camp 5 in Guantánamo, where conditions are extremely harsh. He is held for up to 24 hours a day in solitary confinement in a small concrete cell.

Mohammed is now 18. He has been in Camp 5 for more than a year, and in US military custody for three and a half years, but has still not been charged with a crime.

[end box]

As the most powerful country in the world, the USA's conduct influences governments everywhere, encouraging the spread of unacceptable practices and giving comfort to those who commit torture routinely. Amnesty International's campaign to stop torture and ill-treatment in the "war on terror" calls on the USA to take a lead in reasserting and upholding the values of human dignity that it proclaims. These values have been betrayed by the US government in its pursuit of the "war on terror", and other states have been quick to follow suit.

"All indicated that they had been horribly treated, particularly in Afghanistan and Pakistan... The stories they told were remarkably similar – terrible beatings, hung from wrists and beaten, removal of clothes, hooding, exposure naked to extreme cold, naked in front of female guards, sexual taunting by both male and female guards/interrogators, some sexual abuse (rectal intrusion), terrible uncomfortable positions for hours. All confirmed that all this treatment was by Americans... Several mentioned the use of electric shocks – like ping pong paddles put under arms – some had this done; many saw it done."

Notes of a US lawyer after meeting Kuwaiti detainees in Guantánamo Bay in January 2005

Some governments have used the rhetoric of the "war on terror" to justify or intensify old patterns of repression. These include China, Egypt, Malaysia, Saudi Arabia, Uzbekistan and Yemen. Other states have introduced or intensified the use of draconian laws and abusive practices. Among these are Australia, Jordan and the UK, as well as countries in the Gulf region. Some countries, including Germany, Turkey and the UK, have been reluctant to take up the cases of their nationals or residents detained and ill-treated by US agents. Still others, such as Egypt, Gambia, Kazakstan, Kyrgyzstan, Morocco, Pakistan and Sweden, have allowed foreign agents from countries including China, Egypt, Syria and the USA, to take people illegally from their territory.

[Case box]

Sean Baker, a US military guard, volunteered to wear an orange jumpsuit and pretend to be an uncooperative detainee in Guantánamo during a training exercise in January 2003. The guards, who did not know who he was, beat and choked him to the point where he suffered permanent brain injury.

[end box]

In countries where torture and ill-treatment are rife, governments have been encouraged by the new climate of tolerance towards such abuses. Such countries include Pakistan, Russia, Syria and Yemen to name but a few.

The Abu Ghraib scandal prompted top US officials to condemn the exposed abuses – although maintaining they were the atypical actions of a few soldiers – and to restate US opposition to torture (but not to other ill-treatment). However, more than a year after the photos were published, and

despite mounting evidence of continuing torture and other ill-treatment committed by US agents, not one has been prosecuted for torture or other war crimes under US law. Only a handful of low-ranking soldiers have been charged under military law with assault and cruelty to prisoners. No one higher up the chain of command has been charged.

Every government has the duty to take steps to protect people from violent attacks. But they may not use methods that flout human rights. The ban on torture and ill-treatment remains absolute, in all circumstances. If governments use torture and ill-treatment, they are resorting to tactics of terror. Both torturers and terrorists rely on fear to achieve their aims. Both negate the very basis of human dignity and decency. Both torture and terrorism should be rejected absolutely, with no exceptions.

Torture and ill-treatment in the ‘war on terror’

Governments have used terror tactics to break the will of detainees held during the “war on terror” in Afghanistan, China, Iraq, Pakistan, Syria, Uzbekistan and elsewhere. It is true that these countries face complex challenges and threats, but violations of human rights are never justified. While adopting a war mentality, these governments have ignored the laws of war (such as the Geneva Conventions) and discarded core human rights principles. This undermines the rule of law, the international system protecting human rights and the struggle to hold torturers to account. It also undermines the very values the “war on terror” claims to defend.

The US administration has repeatedly stated that it is committed to what it calls the “non-negotiable demands of human dignity”. However, in February 2002 President Bush announced that anyone detained in the conflict in Afghanistan would not be treated as a prisoner of war. The global “war on terror” was to be waged with new rules, rules that allowed the US government to ignore the Geneva Conventions, in particular the parts which protect everyone captured during a conflict. The President was advised that such a decision would make future prosecutions of US agents for “war crimes” under US law more difficult.

[Case box]

Jamal Naseer was just 18 years old in March 2003 when he died in US custody in Gardez, Afghanistan. The young soldier was arrested along with seven other Afghans, and held for 17 days before he died. He was reportedly subjected to torture including electric shocks, beatings and immersion in water. There was no autopsy to establish how he died.

[end box]

While proclaiming their opposition to torture, US officials adopted a narrower definition of torture, apparently so that US agents would be less likely to be found criminally responsible for abuses under the USA’s anti-torture law. Meanwhile, the administration accepted advice that there was a wide array of cruel, inhuman or degrading techniques that would not amount to torture and could therefore be used. Officials then approved techniques for use by US agents that can constitute ill-treatment or, especially when used together or over long periods, torture. These included stress positions, isolation, sensory deprivation, dogs, hooding, removal of clothing, extremes of hot and cold, sleep deprivation and threats.

Since 11 September 2001, torture and ill-treatment have been facilitated by the prolonged detention with little or no access to the outside world of thousands of people detained in the “war on terror”. The USA has held approximately 70,000 people outside US territory since late 2001, and more than 10,000 are believed to be still in US custody in prisons and camps in the USA, Cuba, Iraq and Afghanistan. People are also reportedly held in secret detention elsewhere.

Incommunicado detention in the context of the “war on terror” has been reported from many countries. For example, in Pakistan, the armed forces mounted a two-week operation in March 2004 to remove people believed to be associated with the Taliban and al-Qa’ida from South Waziristan. A senior official stated that the people arrested were “not considered prisoners of war but criminals” held as part of an “anti-terrorist operation”. Those who were captured were held in incommunicado detention.

Although the Council of Europe has sophisticated mechanisms aimed at preventing torture and ill-treatment, including an international expert committee to inspect places of detention, some member states have authorized measures that are known to provide the breeding ground for torture and ill-treatment. The Spanish authorities have more than doubled the period that certain detainees could be held incommunicado. The UK has reduced meaningful access to the courts for those held under anti-terror legislation.

Attempts at the UN to address human rights concerns in the context of the “war on terror” have been opposed by some states. For example, the US and UK governments blocked efforts at the UN

to specify the obligations of forces in Iraq under international humanitarian and human rights law. In June 2004 they prevented a proposal to set out these duties in a UN Security Council resolution. The Spanish government rejected as “unacceptable” a February 2004 report by the UN Special Rapporteur on torture into allegations of torture by people detained as part of counter-terrorism measures. The report concluded that the allegations were not fabrications and that the incidence of torture and ill-treatment, while not regular, was “more than sporadic and incidental”.

[Case box]

Baha Dawood Salem al-Maliki was one of eight Iraqi hotel workers arrested and reportedly beaten in September 2003 by UK soldiers in Basra, Iraq. Three days later Baha al-Maliki’s father was handed his son’s body, severely bruised and covered in blood. Another detainee, Kefah Taha, was admitted to hospital in a critical condition. The UK government condemned the abuses, but when the case came to court officials claimed that neither the European Convention on Human Rights nor the UK Human Rights Act was applicable. However, in December 2004, a higher court ruled that – in limited circumstances – both domestic and international human rights law could apply to UK forces during the occupation of Iraq, and that there had not yet been an adequate inquiry into the death of Baha al-Maliki.

[end box]

Outsourcing torture

Two Egyptian asylum-seekers, Ahmed Hussein Mustafa Kamil Agiza and Muhammad Muhammad Suleiman Ibrahim El-Zari, were forcibly and secretly taken from Sweden to Egypt in December 2001. The Swedish authorities said they had obtained so-called “diplomatic assurances” from the Egyptian authorities that the two men would not be harmed. Within hours of Sweden’s decision not to grant the two men asylum, they were bundled onto a US government-leased plane by six masked US security agents. Before putting them on the plane, the agents reportedly hooded, shackled and drugged them. The two men subsequently said they were tortured in detention in Egypt.

In the context of the “war on terror”, or hiding behind its rhetoric, governments have forcibly transferred people, without any recourse to a court, to other countries. Such transfers are known in the USA as “extraordinary renditions”. In some cases during the “war on terror”, people have been transferred in this way to countries where they are at significant risk of torture and ill-treatment.

States including China, Egypt, Gambia, Jordan, Kazakstan, Kyrgyzstan, Morocco, Pakistan, Sweden and the UK have been implicated in renditions around the globe. There are reports of airports in Europe and elsewhere being used as stopping off points for planes used for “war on terror” renditions.

Bisher al-Rawi, an Iraqi national, and Jamil al-Banna, a Jordanian refugee, are among at least five UK residents held in Guantánamo Bay. Amnesty International is concerned at the role that the UK authorities may have played in their unlawful transfer to US custody.

The US government has sent people to countries with well-established records of torture, including Egypt and Syria. On 24 June 2005 an Italian judge ordered the arrest of 13 CIA officers for secretly kidnapping and transporting a Muslim cleric to Egypt as part of US anti-terrorism efforts. The cleric was seized on a Milan street in 2003 and flown to Egypt for questioning. He said he was tortured there.

Governments that want to ignore the ban on sending people to places where they risk torture or ill-treatment have sought “diplomatic assurances” – formal guarantees from the government in the country of return that a person will not be ill-treated there. However, such guarantees are virtually worthless. Why should anyone trust the word of a government that routinely denies that its agents are torturing prisoners, when such torture is known to be systematic? “Diplomatic assurances” have been relied on not only by Sweden and the USA but also by other countries including Austria, the Netherlands and Turkey.

A further disturbing aspect of recent renditions has been the apparent willingness of the authorities in some countries to use information extracted under duress in other countries. This amounts to collusion in torture and ill-treatment. In August 2004, the Court of Appeal of England and Wales ruled that information extracted under torture abroad could be admitted as evidence in court, provided UK agents had not committed the torture or connived in it. In Germany, the Hamburg Supreme Court decided on 14 June 2005 to accept as evidence testimonies which may have been obtained through the use of torture.

Some governments have played a duplicitous role in the detention without any legal basis of their residents and nationals in Guantánamo. For example, UK intelligence officers have interrogated people held in Guantánamo and have used the information extracted against people held under anti-terror legislation.

Torture is wrong and illegal, wherever it happens and whoever carries it out. Governments cannot escape their responsibility by exporting people abroad to be tortured. The international ban on torture and ill-treatment includes a prohibition on sending people, whatever they have been accused of, to any country where they would be at risk of torture or other cruel inhuman or degrading treatment. This prohibition is as absolute as the ban on committing torture and ill-treatment.

Normalizing torture and ill-treatment: the case of the USA

The USA's laws on freedom of information have allowed human rights activists and others to document the US government's moves to rewrite the rules banning torture and other cruel, inhuman or degrading treatment.

Undermining the Geneva Conventions

19 January 2002 – Secretary of Defense Donald Rumsfeld issues a message: “Al-Qa’ida and Taleban individuals under the control of the Department of Defense are not entitled to prisoner of war status”. They should be treated in a manner consistent with the Geneva Conventions “to the extent appropriate and consistent with military necessity”.

22 January 2002 – Assistant Attorney General Jay S. Bybee advises that neither the US War Crimes Act nor the Geneva Conventions apply to the detention conditions of al-Qa’ida prisoners. He asserts that customary international law (which bans torture and ill-treatment absolutely and is binding on all states, regardless of what treaties they have agreed to) does not apply to the US President or military, because it is not federal law under the US Constitution.

25 January 2002 – the White House Counsel Alberto Gonzalez advises in a draft memorandum that adherence to the Geneva Conventions would restrict the interrogation methods used by the USA in this “new kind of war”.

Not applying the Geneva Conventions to certain prisoners, he wrote, “substantially reduces the threat of domestic criminal prosecution [of US agents] under the War Crimes Act”.

7 February 2002 – President Bush issues a directive that the Geneva Conventions do not apply to al-Qa’ida suspects captured in Afghanistan, and that neither they nor Taleban members would be eligible for prisoner of war status. This central policy memorandum, still in force, says that “our values as a nation... call for us to treat detainees humanely, including those who are not legally entitled to such treatment”.

Redefining torture

1 August 2002 – a memorandum from the Office of Legal Counsel in the Department of Justice by Jay S. Bybee defines torture so narrowly that a wide range of interrogation methods are allowed, including some that would amount to torture under internationally agreed criteria. It states that for an act to constitute torture it must inflict pain “equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function or even death”. It states that in order to be convicted of torture, a defendant must have acted with the primary objective of inflicting severe pain. The memorandum also suggests that while torture may be unacceptable, this is not necessarily the case for other cruel, inhuman or degrading treatment. Moreover, it argues that the President, as Commander-in-Chief of the Armed Forces during war, can order torture and that torturers would then be immune from criminal responsibility. This memorandum represented the position of the administration until its repudiation in June 2004, after the Abu Ghraib revelations.

22 June 2004 – after the Bybee memorandum is leaked, the administration makes it public and agrees to review the policy.

30 December 2004 – a revised opinion is issued by the Office of the Legal Counsel in the Attorney General's office which still allows for psychological methods of coercion, such as death threats, that Amnesty International believes can amount to torture. It maintains that acts prohibited by the federal anti-torture statute, including the use of “procedures calculated to disrupt profoundly the sense or personality”, are not considered torture unless there is evidence of long-term harm. The revised opinion does not amend the previous position on other cruel, inhuman or degrading treatment. It also fails to reject the stance that the President may order torture and grant immunity, on the grounds that the President has been “unequivocal” in prohibiting torture.

Authorizing the unacceptable

11 October 2002 – US Army Colonel Jerald Phifer sends a memo to the head of the intelligence task force at Guantánamo. It proposes three categories of interrogation methods to be used on

“uncooperative” detainees.

- **Category 1** techniques include yelling at the detainee and techniques of deception
- **Category 2** techniques include sensory deprivation, hooding, 20-hour interrogations, forced nudity and the exploitation of individual phobias
- **Category 3** techniques include threats of death or injury and near-suffocation

2 December 2002 – Secretary of Defense Donald Rumsfeld approves the interrogation methods in Categories 1 and 2, and, from Category 3, “mild, non-injurious physical contact”.

4 April 2003 – a Working Group set up by Secretary Rumsfeld recommends hooding, environmental manipulation, threats of transfer to a country where a person might be killed, forced grooming, forced nudity, sleep deprivation and inducement of fear. These were among 26 techniques recommended for use with “unlawful combatants”.

A further nine are allowed with prior approval.

16 April 2003 – Secretary Rumsfeld approves the use in Guantánamo of 24 specified “counter-resistance” techniques from those approved by the Working Group. He reserved the right to authorize personally any “additional interrogation techniques” on a case by case basis.

Some of the tactics authorized by the US government applied only to particular detainees. Others formed part of the conditions for the entire captive population. Some directives applied to Guantánamo, some to Afghanistan, some to Iraq.

The central policy memorandum signed by President Bush for “war on terror” detentions directed that detainees in military custody should be treated humanely, and “to the extent appropriate and consistent with military necessity”, in a manner consistent with the Geneva Conventions. Given that what the US administration meant by “humane” treatment is unclear, this left a loophole for torture. What is more, this directive appears not to have applied to the CIA.

Evading scrutiny

Central to the USA’s “war on terror” detention policy has been to keep the detainees away not only from international law and scrutiny, but also from the USA’s own courts. The administration chose to establish a detention centre at the US naval base at Guantánamo Bay, Cuba because it believed that it was beyond the jurisdiction of the US courts.

[case box]

Manadel al-Jamadi, an Iraqi national, died in Abu Ghraib in November 2003 from “blunt force injuries complicated by compromised respiration”, according to the death certificate. He was a “ghost detainee” brought into the prison by US forces and left unregistered and untreated for a head injury sustained on arrest.

[end box]

In June 2004, the US Supreme Court decided that US federal courts had the authority to hear cases on whether foreign nationals held in Guantánamo Bay were lawfully imprisoned. By June 2005, not one of the more than 500 detainees still held there had had the legality of his detention reviewed by a court. The US government is still arguing to block any such review or to keep it as minimal as possible for as long as possible.

The administration responded to the Supreme Court decision by setting up Combatant Status Review Tribunals, panels of three military officers, to determine if each detainee was an “enemy combatant” – not an internationally recognized legal term. The detainee had no access to secret evidence used against him in this process and no legal assistance. Information extracted under torture or other ill-treatment could be used as evidence. The Tribunals started in July 2004 and the final decisions for current detainees were issued late in March 2005. In 93 per cent of the 558 cases, the Tribunal affirmed the detainee’s “enemy combatant” status.

On 31 January 2005, a federal judge found that this process was inadequate and unconstitutional; the government’s appeal against the ruling was upheld in July 2005.

Investigation or whitewash?

After the Abu Ghraib torture scandal, the US administration ordered a number of investigations and reviews of its detention and interrogation practices. While some of these inquiries have provided welcome insight and analysis, they have lacked the independence or reach necessary to investigate all agencies, all activities and all levels of the security forces and government. The reviews have generally been uncritical of interrogation techniques and detention conditions which are prohibited under international law. Much of the information from these reviews remains classified.

The investigations include: the Taguba report, an investigation into abuses at Abu Ghraib (February 2004), which found “sadistic, blatant and wanton criminal abuse” of detainees in Abu Ghraib: it did not interview any military personnel above the rank of brigade commander √ the Schlesinger Panel, an investigation of Department of Defense operations (August 2004), which criticized the Pentagon’s leadership for failing to exercise adequate oversight and allowing conditions that led to abuse of detainees in Iraq, but said it did not find any US “policy of abuse”, or “approved procedures” that permitted the inhumane treatment of detainees √ the Fay investigation into the activities of military personnel at Abu Ghraib (August 2004), which found “misconduct (ranging from inhumane to sadistic) by a small group of morally corrupt soldiers and civilians” √ a review by Vice Admiral Albert Church of detention procedures at Guantánamo (in May 2004), which found “no evidence of current abuse” √ a review of Department of Defense worldwide interrogation operations, also by Vice Admiral Church (summary March 2005), which found seven cases of “relatively minor abuse” √ an “inspection” of US detainee operations by Brigadier General Chuck Jacoby in Afghanistan (May-June 2004), which “did not disclose new allegations of abuse”.

[Case box]

“I couldn’t bear it any longer...even if I was an animal I couldn’t put up with it.” Salah Nasser Salim ‘Ali speaking about his detention by US authorities in secret places of detention

Salah Nasser Salim ‘Ali, a 27-year-old Yemeni, was arrested in August 2003 while shopping in Indonesia where he lived with his Indonesian wife. He says he was flown to Jordan where he was held for four days and tortured. He was interrogated but never told why he had been arrested.

Salah says he was blindfolded and shackled by US guards, then transported in a small military plane to a secret location. There, for between six and eight months, he was held in solitary confinement in what he describes as an old-style underground facility with high walls. His tiny cell had a bucket for a toilet. Western music was piped into the cell 24 hours a day.

Again, he was shackled and blindfolded and put on a small military aircraft, then a helicopter, before arriving at the next, unknown place of detention. Salah describes it as a modern purpose-built detention facility run by US officials, probably underground. It was air-conditioned with modern toilets. He was given books and films to watch, and a doctor checked him once a fortnight. However, he was again held in solitary confinement, always shackled and handcuffed.

In May 2005, without explanation, Salah was released from secret detention and flown to Yemen, where he remains in prison, still without charge. Yemeni officials say he is being detained at the request of US authorities.

[end box]

While a relatively small number of mainly low-ranking soldiers have been court martialled, and a larger number issued with administrative penalties such as letters of reprimand, not a single person has been charged under the USA’s War Crimes Act or anti-torture statute.

Discrimination

One thread that runs through many of the testimonies from prisons in Afghanistan and Iraq, and from Guantánamo, is that of anti-Arab, anti-Islamic and other racist abuse.

There is evidence that some of the approved techniques, although humiliating, painful or frightening for anyone, have been selected to exploit perceived religious or cultural sensitivities in the case of Muslim detainees. Such techniques include forced shaving, stripping and the use of dogs to inspire fear. Secretary Rumsfeld also approved the removal of religious items, including the Qur'an, as an interrogation technique.

Colonel Henry Nelson, a US Air Force psychiatrist, concluded that among the factors contributing to the abuse in Abu Ghraib was a perceived "association of Muslims with terrorism". The labelling of uncharged detainees by senior officials as "terrorists", "killers", "dangerous" and "bad people" contributed to the dehumanization process. A leaked report by the International Committee of the Red Cross (ICRC) noted a "widespread attitude of contempt" on the part of the US guards towards detainees held in Iraq – some detainees were given wristbands marked "terrorist".

Secret detentions: outside the protection of the law

Secret detention is banned under international law for a simple reason – it places detainees outside the protection of the law and so facilitates torture and other serious abuses of human rights.

The USA is holding an unknown number of detainees in secret custody in unknown locations. These so-called ghost detainees have "disappeared".

The Taguba report said that "on at least one occasion" military guards at Abu Ghraib held six to eight "ghost detainees", who were moved around the prison to hide them from the ICRC. This manoeuvre was described as "deceptive, contrary to Army Doctrine, and in violation of international law." The Fay report into Abu Ghraib found cases of eight "ghost detainees", but concluded that it could not determine the real number, or who was responsible. In September 2004, General Paul Kern, who oversaw the Fay investigation, said that the real number of "ghost detainees" was much higher – "in the dozens, to perhaps up to 100". More recently, the Church Report summary of March 2005 concluded that "to the best of our knowledge, there were approximately 30 'ghost detainees'." At least one "ghost detainee" died in US custody in Iraq.

As well as detainees held in secret in known prisons, secret US facilities have reportedly been located in Afghanistan, Egypt and Pakistan, and in the US base on the British Indian Ocean territory of Diego Garcia. For example, there was reported to be a CIA facility in Kabul in the former Ariana hotel, and one known as "The Salt Pit", also in Kabul, where at least one detainee reportedly died in CIA custody. The Salt Pit has since been demolished.

Some "high-value" detainees – perhaps several dozen – are allegedly held in CIA custody in secret locations in Afghanistan and elsewhere. Not even the ICRC has access to such detainees, whose fate and whereabouts remain unknown.

[Case box]

"They told me to take off my shirt. I said 'How can I do that?' Then I told myself 'Take your shirt off.' When I took off my shirt, they told me to undo my belt. I found that very painful. I felt like I was having a nervous breakdown. In my entire life I'd never exposed myself. With respect, I have a bladder problem and I could not stop urinating. After that I was so humiliated I couldn't see for my pain ... And this happened when I'm old, white-bearded with no teeth. And this outrage happened to me." Noor Mohammad Lala, an elderly Afghan man, who was arrested in his village by US marines in June 2004 and detained for three days

[end box]

Torture works...

to inflict unspeakable pain on defenceless people
to break the will and destroy the personality of the victim
to brutalize the victim and torturer
to make the victim say what the torturer wants to hear
to increase terrorism by normalizing brutality and antagonizing communities
to inspire hatred and terror across whole communities
to deepen divisions in society by dehumanizing certain groups
to lower the moral standards of society

Torture doesn't work...

to stop terrorism
to make us safer

Not in our name

"I'm in a cage like an animal. No-one's asked me am I human or not". Wazir Mohammed, an Afghan taxi driver held in Bagram and Guantánamo, released in late 2003

"I did not see light for two weeks... They put me in the dark. I was surprised. I did not know what I did wrong or what I did. They starved me; they handcuffed me, there was no food... I was surprised that the Americans would do such a thing. It shocked me." Jamil El Banna, a Jordanian national with refugee status in the UK, describing his treatment in Bagram, Afghanistan

"Americans hit me and beat me up so badly I believe I'm sexually dysfunctional... I point to where the pain is... I think they take it as a joke and they laugh." A Guantánamo detainee quoted in tribunal transcripts released under a US Freedom of Information Act lawsuit

"I needed the toilet and I asked the interrogator to let me go. But he just said, 'You'll go when I say so'... Finally, I squirmed across the floor and did it in the corner... He comes back with a mop and dips it in the pool of urine. Then he starts covering me with my own waste, like he's using a big paint-brush... All the while, he's racially abusing me, cussing me." Martin Mubanga, a UK national held in Guantánamo from May 2002 to October 2004

"The British interrogators also interrogated me with a soldier in a corner with a gun. They saw that I was shaking and shivering and what a bad state I was in medically. However, they did nothing for me." Tarek Degoul, a UK national held in US custody in Afghanistan

"They punched me, they kicked me, once to my chin. Another time I was told to lie down and they picked me up by my neck so I was half-strangled and they said 'we are going to kill you unless you confess what you did'." Jannat Gul, an Afghan held in the US military facility in Gardez, Afghanistan, and then for 16 months in Bagram. He was released in March 2005

"I was questioned for four weeks in a windowless room by plain-clothed US agents. I didn't know if it was day or night. They said they could make me disappear." Mohammed, a former detainee allegedly held in a facility jointly run by the Pakistan intelligence services and the CIA

‘We’ll break you into a thousand pieces’

At the heart of the attack on the prohibition on torture and other cruel, inhuman or degrading treatment in the “war on terror” has been the attempt to designate different types of treatment simply as “coercive” interrogation techniques, and to argue that they fall outside the ban.

Techniques frequently described by detainees who have been held in the context of the “war on terror” by forces from the USA, the UK and other countries include:

- ⊙ prolonged isolation
- ⊙ sleep deprivation
- ⊙ sensory manipulation such as exposure to bright lights and loud music
- ⊙ sexual and other forms of humiliation
- ⊙ the use of dogs, mock executions and other threats to instil terror
- ⊙ being forced to stand motionless or in stressful positions for hours on end
- ⊙ beatings
- ⊙ “environmental manipulation”, where detainees are exposed to extremes of heat and cold
- ⊙ repeated insults with a racial and religious focus, described in US army manuals as “pride and ego down”
- ⊙ prolonged handcuffing
- ⊙ hooding and blindfolding

Most of these techniques do not leave physical scars, but all can have devastating consequences for the victims.

All forms of torture and other cruel, inhuman or degrading treatment attack the identity and humanity of the individual. They can also have serious long-term consequences for the health of victims. Symptoms commonly experienced include:

- ⊙ □ anxiety disorders
- ⊙ depression
- ⊙ irritability
- ⊙ shame and humiliation
- ⊙ memory impairment
- ⊙ reduced capacity to concentrate
- ⊙ headaches
- ⊙ sleep disturbance and nightmares
- ⊙ emotional instability
- ⊙ physical problems including stomach, lung and heart complaints
- ⊙ sexual problems
- ⊙ amnesia
- ⊙ self-mutilation
- ⊙ preoccupation with suicide
- ⊙ social isolation.

All these symptoms have been observed among detainees who have been interrogated at US-run detention centres in Afghanistan, Iraq and Guantánamo Bay.

For example, a leaked February 2004 report on Abu Ghraib prison by the ICRC said that detainees presented “signs of concentration difficulties, memory problems, verbal expression difficulties, incoherent speech, acute anxiety reactions, abnormal behaviour and suicidal tendencies. These symptoms appeared to have been caused by the methods and duration of interrogation”.

[Case box]

“They said, ‘If you swear to God again, we’ll break you into a thousand pieces’... They had music played very loud on huge speakers and they made us dance. It was played straight into our ears. There was abuse throughout the night. We were beaten on the ground. They placed tape on our mouths, and bags on our heads.” Ahmad Muhammad Hussein al-Badrani,

a freelance television journalist working for Reuters in Falluja, who was held by US forces in Iraq for three days in January 2004

[end box]

In Guantánamo, there were 350 acts of self-harm in 2003 alone, according to a US army spokesperson.

In the UK, psychiatrists who examined detainees held under anti-terrorist legislation documented “significant levels of depression and anxiety... a high level of suicidal ideation [imagining, planning and thinking about suicide] and attempts at self-harm.” The Royal College of Psychiatrists in January 2005 found that “... indeterminate detention, lack of normal due legal process and resultant sense of powerlessness, are likely to cause significant deterioration in detainees’ mental health”.

The impact of torture and other ill-treatment varies from individual to individual, both immediately and in the long term. The suffering spreads to the families of victims too. Relatives often experience feelings of fear, loss, danger and vulnerability as a result of the imprisonment and ill-treatment of their loved one. Families also suffer as a result of the changed behaviour of the torture survivor following release.

With some interrogation methods, it is easy to understand why they are wrong because the infliction of pain and the possibility of lasting harm are clear. We all know that beatings hurt. We can imagine the aches we would suffer if forced to squat or maintain other stress positions for hours on end. We can all understand the anguish that would result from the withdrawal of food, water or medical care.

But many techniques are directed solely at the mind. They are designed to break the prisoner’s ability to resist the interrogator’s demands by arousing intense fear and destroying the victim’s sense of self and security. So how much harm do they really do?

Prolonged isolation

Being left alone in a cell doesn’t sound like it would cause much harm. According to medical experts, however, prolonged isolation can have profound and long-lasting consequences for the mental health of victims. The adverse effects include:

- ⊙ depression
- ⊙ inability to think or concentrate
- ⊙ anxiety
- ⊙ feeling unwell all the time
- ⊙ disorientation
- ⊙ hallucinations
- ⊙ loss of coordination
- ⊙ inability to perform simple tasks
- ⊙ hypersensitivity to stimuli
- ⊙ paranoia
- ⊙ obsessive behaviour
- ⊙ suicidal tendencies.

Medical experts say the effects of isolation are exacerbated when people are not told why they are being detained or for how long they will be held, precisely the conditions facing virtually all “war on terror” detainees.

In November 2002, FBI agents at Guantánamo reported that a detainee held in intense isolation for three months in a cell bathed in light was talking to non-existent people, hearing voices and spending hours crouched in a corner under a sheet. Some detainees have been held in solitary confinement for more than a year by US forces.

Sensory deprivation or manipulation

Again, hooding and exposure to loud music may not at first sound too harmful. The medical

evidence, however, shows just how quickly such treatment affects prisoners.

Hooding isolates the prisoner, impedes breathing, and rapidly induces panic and disorientation. When hooding and exposure to white noise (loud indistinct sounds) are combined, this causes confusion and psychological disturbance, and after 40 minutes most victims begin to hallucinate.

The adverse effects of sensory deprivation, which can involve prolonged exposure to white light, include:

- ⊙ anxiety
- ⊙ disorientation
- ⊙ visual and auditory hallucinations
- ⊙ changed sense of time
- ⊙ impairment of cognitive functions
- ⊙ increased suggestibility.

The ICRC, in a leaked report on abuses by US forces in Iraq, stated: "Hooding was sometimes used in conjunction with beatings, thus increasing anxiety as to when blows would come." It said hooding lasted from a few hours to four consecutive days.

Sexual and other humiliation

"Sexual abuse, whatever form it takes, is an extremely damaging form of torture. For tormentors to penetrate this most private realm produces deep feelings of despair and self-loathing."

Uwe Jacobs, Executive Director of Survivors International, March 2005

Some of the types of sexual abuse alleged to have taken place at Abu Ghraib and elsewhere cause physical as well as emotional pain and are clearly torture. But what about forced nudity, being forced to assume sexually degrading positions and forced masturbation? These do not necessarily cause physical pain, but are designed to degrade and humiliate, and to undermine the person's sense of identity.

The adverse effects of sexual humiliation include:

- ⊙ making victims feel deeply humiliated and ashamed, stripped of their identity and powerless in front of interrogators
- ⊙ arousing a heightened fear of imminent sexual and physical assault
- ⊙ post-traumatic stress disorder
- ⊙ severe depression
- ⊙ flashbacks and nightmares
- ⊙ anxiety
- ⊙ chronic headaches
- ⊙ eating disorders
- ⊙ digestive problems
- ⊙ suicidal tendencies.

"I'm 50 years old, and no one has ever taken my clothes. It was a very hard moment for me. It was death for me".

An Afghan man released from US custody in Afghanistan in April 2004 who said he was photographed naked in detention

Long-term problems commonly caused by sexual abuse compound the suffering. Victims, whether male or female, often face ostracism in their community. Some methods of sexual abuse target a man's sexual identity in ways that draw on prejudices about gender and homosexuality, for example by threatening him with rape or by making him wear women's underwear. Such methods can leave long-term physical problems and deep emotional scars.

"They used girls to tempt us to have sexual intercourse with them in order to degrade us

and our faith... [Once] a woman came into my cell trying to seduce me.” Mehdi Healy, a Swedish national released from Guantánamo

Sexual abuse and taunting, as well as other forms of humiliation such as forced shaving, are alleged to have frequently been used by US forces to break the resistance detainees. In Afghanistan, detainees were reportedly stripped and photographed in “shameful” positions or touched inappropriately by female interrogators. In Guantánamo, humiliation allegedly included female interrogators violating Muslim sensitivities on sex and contact with women, particularly during the holy month of Ramadan. In Abu Ghraib, sexual humiliation was used as part of the interrogation process.

“When the male detainees were first brought to [Abu Ghraib], some of them were made to wear female underwear, which I think was to somehow break them down.”

US soldier interviewed by US Major General Taguba, February 2004

New names, old abuses

New terms are being used to describe old abuses in order to deflect accusations of torture.

‘Stress and duress’ techniques Also known as “enhanced interrogation techniques”, these are painful, psychologically damaging and physically debilitating procedures authorized by the US administration. Many can constitute torture or other cruel, inhuman or degrading treatment.

Environmental manipulation Forcing prisoners to suffer extremes of cold and heat, dazzling and permanent white light (or oppressive and permanent darkness), loud noise, including music chosen to offend the victims.

Forced grooming Forcibly shaving prisoners, a practice that causes additional distress and humiliation for Muslim men.

Sleep adjustment Repeatedly waking a prisoner to induce disorientation.

Stress position An initially uncomfortable and progressively more painful position, such as a half squat with arms raised, that prisoners are forced to maintain for long periods. This causes intense pain with-out physical contact or scarring.

Waterboarding This has been described as a technique whereby the detainee’s head is forced under water to the point where they believe they will drown. The Church Report described it as when water is poured on a detainee’s towelled face to induce the perception of drowning. In both cases, it amounts to torture.

Sleep deprivation

A few nights’ disrupted sleep surely can’t be torture or ill-treatment? Ask any student or new parent.

This common sense view is shattered by the reality of what prisoners suffer when they are deprived of sleep for long periods or their sleep is repeatedly broken. The adverse effects include:

- ⊙ loss of skills such as reasoning and decision-making
- ⊙ inability to concentrate
- ⊙ short-term memory problems
- ⊙ speech impairments
- ⊙ high blood pressure and other cardiovascular disease.

A spokesperson for the US military in Afghanistan in 2003 said it was common to keep detainees awake by keeping bright lights on all the time or to disturb their sleep every 15 minutes. In Abu Ghraib exposure to loud music and constant light were reportedly used in 2003 to disturb sleep. Detainees held by UK forces in Iraq told Amnesty International they were subjected to sleep deprivation.

Inspiring fear

“[T]he threat to inflict pain can trigger fears more damaging than the immediate sensation of pain.”

“Coercive Techniques” in the CIA’s 1983 *Human Resource Exploitation Training Manual*

“Inducing stress by use of detainees’ fears” was approved as an interrogation technique for US agents by Secretary Rumsfeld in December 2002. A Pentagon document also authorized the exploitation of the “Arab fear of dogs”.

When intense fear is experienced by victims, the effects are often long-lasting. They include:

- chronic fear and a sense of helplessness
- repeated flashbacks and intrusive memories, especially repeatedly reliving the moments before expected death
- intense anxiety
- self-harming behaviour.

Among the interrogation methods used on “war on terror” suspects that appear designed to provoke fear have been: threats of beatings, threats of electric shocks, the use of dogs, mock executions, the threat to send prisoners abroad to be tortured, and threats against the detainee’s family.

Thahe Mohammed Sabbar, an Iraqi in his thirties, was reportedly subjected to mock executions, hooding and humiliation when held by US forces in various locations in Iraq, including Camp Bucca and Abu Ghraib, between July 2003 and January 2004. Since then, he says he has suffered from severe nightmares, incontinence, impotence and uncontrollable bouts of shaking and crying.

Torture won't make us safe

“Apologists for torture generally concentrate on the classical argument of expediency: the authorities are obliged to defeat terrorists or insurgents who have put innocent lives at risk.” Amnesty International, *Torture in the Eighties*, 1984

Nothing that has happened in recent years shakes Amnesty International's conviction that torture and other cruel, inhuman or degrading treatment are NEVER justified.

Over the decades Amnesty International has witnessed a simple truth – torture is never limited to “just once”. Once you allow torture or ill-treatment in one circumstance, for example in an attempt to stop a bomb exploding, it is soon used on people who might plant bombs, or on people who might think of planting bombs, or on people who might know someone who might plant bombs, or on people who defend the kind of person who might plant bombs, and so on.

The methods used tend to escalate in severity – the slap that doesn't make the prisoner talk becomes a beating. If the beating doesn't work, then more pain has to be inflicted. For example, the Israeli government legalized “moderate physical pressure” with controls to limit its use. Predictably, thousands of Palestinians were then tortured after being arrested for offences such as stone throwing, and torture became routine. In 1999, the government was forced to withdraw its previous guidelines.

Moreover, people who have power over detainees and are allowed to inflict pain and suffering often become so brutalized that they begin to abuse their charges for their own sadistic amusement, or in retaliation for friends and colleagues lost in battle, or to conquer their own fears.

These patterns have been seen in the “war on terror”. The US administration authorized “coercive” techniques in limited circumstances for a relatively small number of detainees. In practice, the authorized techniques became more and more cruel, and the number of victims soared.

Amnesty International's experience is that states that use torture and ill-treatment against political opponents also use other violent and repressive measures, such as “disappearances” and extrajudicial executions. The abuses are not confined to detainees, but are also directed against a wider population associated with the “enemy”. Countries such as China, Egypt, Malaysia, Russia, Syria and Uzbekistan, which have adopted the language of the “war on terror” as a new justification for long-standing repression, have used torture and ill-treatment alongside other forms of abuse.

If torture and ill-treatment are no longer absolutely prohibited, law enforcement attitudes change. Over time, the attitude that torture and ill-treatment can be acceptable gains ground and spreads throughout the entire system. People suspected of ordinary crimes receive the same treatment as terror suspects.

In short, once the door is opened to torture or ill-treatment, their use quickly becomes institutionalized. And once that happens, no one is safe.

The only way people can be protected – both from governments and suicide bombers – is to treat every single human being as possessing fundamental rights that no government, group or individual may ever justifiably take away.

Human rights are grounded in fundamental values that create “no go areas” – actions that one human being must never do to another, no matter how heinous the crimes of that person or how extreme the circumstances.

Justifying the unjustifiable

Some people are now willing to argue openly that torture and ill-treatment are justified. They assert that the use of torture could be controlled and limited to the most extreme and urgent circumstances. Some even contend that, because torture is bound to happen, it is better that it be legalized and regulated than that it be denied or done clandestinely.

However, arguments that torture and ill-treatment are permissible to prevent the imminent loss of many lives – the “ticking bomb” scenario – are based on a hypothetical situation. Any would-be

torturer would need to know: that a bomb really exists; that it will explode unless it is defused; that the person being held knows where the bomb is; that the bombers' plans haven't been changed; that the detainee will talk if tortured; that the information will be accurate and will enable the bomb to be defused in time; and that there is no other way to discover the bomb. Such an unlikely scenario cannot justify giving governments powers to license their officials to use torture and ill-treatment.

[Case box]

A US military investigation into the death of Dilawar, an Afghan taxi driver, in Bagram in December 2002 exposed his terrible death. He was apparently picked up for being in the wrong place at the wrong time. He was kept chained to the ceiling of his cell for long periods over four days, hooded most of the time. His pleas for water were sometimes ignored. The report estimated that in one 24-hour period he had been struck over 100 times on the side of the leg just above the knee. His legs, according to one observer, "had basically been pulpified".

[end box]

Any policy or legislation which permits the use of torture or ill-treatment undermines the principled opposition to its use, and it is impossible to identify a clear stopping point. Is 100 volts of electricity to the genitals acceptable, while 200 volts is not? Is 30 minutes of agony justifiable, while 35 minutes is not?

Them and us

The suggestion that torture and ill-treatment might be justified in some circumstances is based on a premise that at least sometimes the end justifies the means – a rationale often used in attempts to justify acts of terrorism.

Throughout history, people have tried to justify torture and ill-treatment by invoking some superior goal – the common good, freedom, religious ideals, national security or military necessity. But we cannot defend principles and ideals by actions which undermine them.

Proponents of the argument that torture is the lesser of two evils often divide the world between the "good" people (us), and the "evil" people (them) who use "barbaric" and illegal means to achieve their aims. They seek to dehumanize the enemy: once the enemy is seen as less than human, it becomes easier to persuade people that the torture or ill-treatment of a few of "them" is an acceptable price to pay for protecting "us".

"Make no mistake: every regime tortures does so in the name of salvation, some superior goal, some promise of paradise. Call it communism, call it the free market, call it the free world, call it the national interest, call it fascism, call it the leader, call it civilisation, call it the service of God, call it the need for information; call it what you will, the cost of paradise, the promise of some sort of paradise... will always be hell for at least one person somewhere, sometime." Ariel Dorfman, Chilean writer, May 2004

Justice not revenge

Human rights activists are sometimes accused of not caring about the needs of victims of terrorist acts. "How would you feel if your child's life was at stake?" they are asked. What we would do in a moment of such panic and desperation is difficult to predict, but it is a measure of the extent of our despair rather than a guide for moral behaviour. Maybe we would ourselves commit an atrocity if we believed it would save our loved ones – but it would remain an atrocity. Law and government policy should remain guided by the need to protect the human rights of everyone.

Ineffective methods

"You can make anyone say anything, but you can't have any confidence in what that person says."

Mike Baker, former CIA agent

If people are tortured or ill-treated to get information out of them, some will talk. Some won't. Of those who talk, many will say anything to stop their suffering – truth, lies, half-truths. Governments that resort to torture and ill-treatment claim they can get useful intelligence out of people by abusing them. However, history shows that insurgents and other violent opponents cannot be defeated by resorting to torture and ill-treatment. Irrespective of whatever information may be extracted, using such methods creates pain, suffering, humiliation, fear, anger and, ultimately, hatred, in the tortured person and the community they come from.

For example, French army officers who tortured prisoners during the Algerian war of independence said that they had extracted important information to counter planned attacks, and believed that such tactics were needed to intimidate the population into submission. However, their strategy proved counter-productive. The violence they used and their failure to distinguish between key activists and others caused a backlash whereby they lost any hope of winning the “hearts and minds” of Algerians and lost their moral authority at home in France.

Human rights equal security

“We’re making a drastic mistake here. What I saw as a whole was inconsistent with who we are and the values we represent as a nation.”

US army sergeant Eric Saar, who was on duty in Guantánamo in late 2002

There is no contradiction between security and human rights. You cannot have one without the other. In a society where people are protected from violent attacks, whatever the source, their rights to life and physical and mental integrity are respected. The right to be free from torture and cruel, inhuman or degrading treatment is at the heart of a secure society.

Governments have to consider and balance everyone’s rights. It may be necessary to deprive someone of their liberty to protect others. Such decisions are made in the criminal justice system. In extreme circumstances, international human rights law allows governments to go further in limiting basic freedoms, for example by imposing curfews or temporarily forbidding gatherings. But there is a red line that no government can cross – the ban on torture and ill-treatment. All governments have agreed that this ban can never be loosened, however grave the threat.

Governments have a duty to take all reasonable steps to prevent acts of terror, and to bring to justice those responsible for committing or planning such acts. But they must not respond to terror with terror. The use of torture and ill-treatment can jeopardize the process of bringing to justice those who have committed acts of terror, since many countries prohibit information obtained as a result of torture being used as evidence. The people behind the bombings of buses in Israel, Iraq and Turkey, or the clubs in Bali, or the trains in Madrid and London, should be brought to justice in fair trials. By using methods that undermine the prospect of such justice and that lower society’s standards, governments contribute to the cycle of insecurity and violence.

The threat of international terrorism requires law enforcement agencies to develop special skills and techniques in policing, investigation and intelligence, including international cooperation. Such techniques need to address the new characteristics of international terrorism, such as its use of the Internet and other new technology. That may require new forensic and other law enforcement techniques, but it cannot justify the use of old unlawful methods such as torture and ill-treatment.

Human rights are not a luxury for good times. They must be upheld always, including in times of danger and insecurity. Adherence to clear rules, laid down by international consensus in human rights treaties, is especially important during conflicts, emergencies or crises because at such times there is always some “necessity” that can be used to try and justify abuses, no matter how heinous. Respect for human rights is the route to security, not the obstacle to it.

Stoking up fear

Because of the actions of certain groups and individuals, entire communities – identified by race,

religion or national origin – are being viewed with suspicion. The stigmatization has been compounded by racial profiling and detention of immigrants in the USA, and by some politicians and media outlets describing refugees and asylum-seekers in Europe as if they were all potential terrorists. In a climate of increasing xenophobia and racism, asylum-seekers and terror suspects are being sent back to countries where they face arbitrary detention and torture or ill-treatment. A report on Belgium by the European Committee against Racism and Intolerance, published in January 2005, drew a direct link between 11 September 2001 and increased racism.

Whipping up public fears in the interests of short-term political gains is a dangerous business. If governments abandon the rule of law and use methods of terror such as torture or ill-treatment, then won't groups fighting governments feel justified using methods of terror themselves? If whole communities are antagonized and alienated by security forces using terror, aren't those communities more likely to respond by supporting the use of violence? Millions of people around the world believe that the "war on terror" is a war on Muslims, despite repeated denials by the US administration. These denials are undermined whenever it emerges that Muslim prisoners have been degraded and humiliated. In communities around the world, news of such abuses politicizes the uncommitted and reinforces hostility to those leading the "war on terror".

Amnesty International's campaign

Amnesty International consistently urges all governments to condemn and prohibit torture and ill-treatment, to investigate all allegations of such abuse, and to prosecute any official who condones, acquiesces in or commits torture or ill-treatment. Amnesty International is now mobilizing people in a campaign to challenge the use of torture and other cruel, inhuman or degrading treatment in the "war on terror". The USA, which has led the assault on international human rights standards during the "war on terror", should set the example in reasserting these standards. All governments must play their part.

STOP!

- Stop torture and other cruel, inhuman or degrading treatment in the "war on terror": make clear that these are prohibited absolutely and will not be tolerated.
- Close Guantánamo Bay: shut down the detention camp, charge the detainees under US law in US courts or release them.
- Stop secret and incommunicado detention, and "disappearance" – human rights violations in themselves and conditions in which torture thrives.
- End the practice of sending people to countries where they risk torture or other cruel, inhuman or degrading treatment.
- Diplomatic assurances should not be relied upon in deciding whether a person is at risk of torture or ill-treatment if transferred to another country.
- Prevent the use of information obtained under torture or other cruel, inhuman or degrading treatment.

INVESTIGATE!

- The US Congress should establish an independent commission of inquiry to investigate the actions of all relevant US agencies in all aspects of the US detention and interrogation policies and practices in the "war on terror" anywhere in the world: in Bagram in Afghanistan, Abu Ghraib in Iraq and other locations elsewhere, including secret locations.
- The US Attorney General should appoint an independent Special Counsel to carry out a criminal investigation into the conduct of any official against whom there is evidence of involvement in crimes in the "war on terror".
- All places of detention should be open to international and independent scrutiny.

PROSECUTE!

- The US authorities should prosecute any individual against whom there is evidence of having committed, ordered or authorized torture or other cruel, inhuman or degrading treatment.
- All states should investigate and prosecute alleged perpetrators of torture or other cruel, inhuman or degrading treatment, wherever it has occurred.

See also Amnesty International's 12-Point Programme for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by Agents of the State (AI Index: ACT 40/001/2005, available at: web.amnesty.org/library/index/engact400012005).

What you can do

- TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT ARE ALWAYS WRONG
- TAKE ACTION TO STOP IT HAPPENING. DON'T IGNORE IT
- DON'T LET SUPPORT FOR TORTURE GO UNCHALLENGED
- DON'T LET GOVERNMENTS TORTURE IN THE NAME OF YOUR 'SECURITY'

You can:

- DENOUNCE the use of torture and other cruel, inhuman or degrading treatment in all circumstances
- CHALLENGE the argument that torture is being used to defend your security. Torture doesn't prevent terror; torture is terror
- REFUTE any justification (by politicians, officials or anyone else) for torture and ill-treatment

You can:

- SPEAK OUT against torture and ill-treatment – talk to your friends, relatives and colleagues, and contact your local media
- DEMAND that your government prevents the use of torture and ill-treatment and complies with international human rights standards that ban these abuses
- SUPPORT Amnesty International and other organizations that are campaigning to stop torture and ill-treatment.

YOU CAN STOP A PERSON BEING TORTURED BY TAKING ACTION!

Torture and ill-treatment are always wrong

Torture or any other treatment that is cruel, inhuman or degrading is repugnant, immoral and illegal, and is always wrong.

All governments should publicly denounce such abuse in the strongest possible terms, and never allow it to happen at home or abroad.

All governments should use national and international law to prosecute anyone who has been directly or indirectly responsible for torture or other forms of ill-treatment.

No one should be held in secret or incommunicado. Such conditions can constitute ill-treatment, and facilitate other forms of ill-treatment and torture.

No one should be sent to a country where they may be tortured or subjected to any other form of treatment that is cruel, inhuman or degrading.

My security will not be best protected by torturing and ill-treating detainees but by respecting everyone's human rights.

Torture does not stop terror. Torture is terror.

Torture or other ill-treatment not only harms the victim, it brutalizes the perpetrator and the societies that allow it to happen. It is cruel. It is inhuman. It degrades us all.

amnesty international
www.amnesty.org