AGAINST TORTURE

an amnesty international briefing

- Torture as an institution
- Methods; victims; agents; 'preconditions'; medical effects
- Safeguards against torture
- Action against torture
- Amnesty International 12-Point Program for the Prevention of Torture



AGAINST TORTURE

an amnesty international briefing



First issued April 1984

Amnesty International Publications
1 Easton Street
London WC1X 8DJ
United Kingdom

AI Index: ACT 04/13/84 ISBN: 0 86210 069 0

© Copyright Amnesty International Publications. Original language English. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording and/or otherwise, without the prior permission of the publishers.

Printed by Redesign, 9 London Lane, London E8.

HIS briefing is part of Amnesty International's worldwide campaign for the international protection of human rights.

Throughout the world thousands of people are in prison because of their beliefs. Many are held without charge or trial. Torture and executions are widespread. In many countries men, women and children have "disappeared" after being taken into official custody. Still others have been put to death without any pretence of legality: selected and killed by governments and their agents.

These abuses—taking place in countries of widely differing ideologies—demand an international response. The protection of human rights is a universal responsibility, transcending the boundaries of nation, race and belief. This is the fundamental principle upon which the work of Amnesty International is based.

- Amnesty International is a worldwide movement independent of any government, political persuasion or religious creed. It plays a specific role in the international protection of human rights:
 - it seeks the release of prisoners of conscience. These are people detained for their beliefs, colour, sex, ethnic origin, language or religion who have not used or advocated violence;
 - it works for fair and prompt trials for all political prisoners and on behalf of political prisoners detained without charge or trial;
 - it opposes the death penalty and torture or other cruel, inhuman or degrading treatment or punishment of all prisoners without reservation.
- Amnesty International is impartial. It does not support or oppose any government or political system, nor does it support or oppose the views of the prisoners whose rights it seeks to protect. It is concerned solely with the protection of the human rights involved in each case, regardless of the ideology of the government or the beliefs of the victims.
- Amnesty International, as a matter of principle, condemns the torture and execution of prisoners by anyone, including opposition groups. Governments have the responsibility for dealing with such abuses, acting in conformity with international standards for the protection of human rights.
- Amnesty International does not grade governments according to their record on human rights: instead of attempting comparisons it concentrates on trying to end the specific violations of human rights in each case.
- Amnesty International has an active worldwide membership, open to anyone who supports its goals. Through its network of members and supporters Amnesty International takes up individual cases, mobilizes public opinion and seeks improved international standards for the protection of prisoners.

Amnesty International's work is based on the United Nations Universal Declaration of Human Rights. The organization has formal relations with the United Nations (ECOSOC), UNESCO, the Council of Europe, the Organization of African Unity and the Organization of American States.

While government representatives universally and collectively condemn torture, more than a third of the world's governments have used or tolerated torture or ili-treatment of prisoners in the 1980s. Political suspects and other prisoners face torture in police stations, secret detention centres, camps and military barracks.

In a major new report, Torture in the Eighties, Amnesty International cites allegations of torture and ill-treatment in some 98 countries—documenting complaints by victims in every region of the world, from security headquarters in Spain to prison cells in Iran, from secret police centres in Chile to special psychiatric hospitals in the Soviet Union.

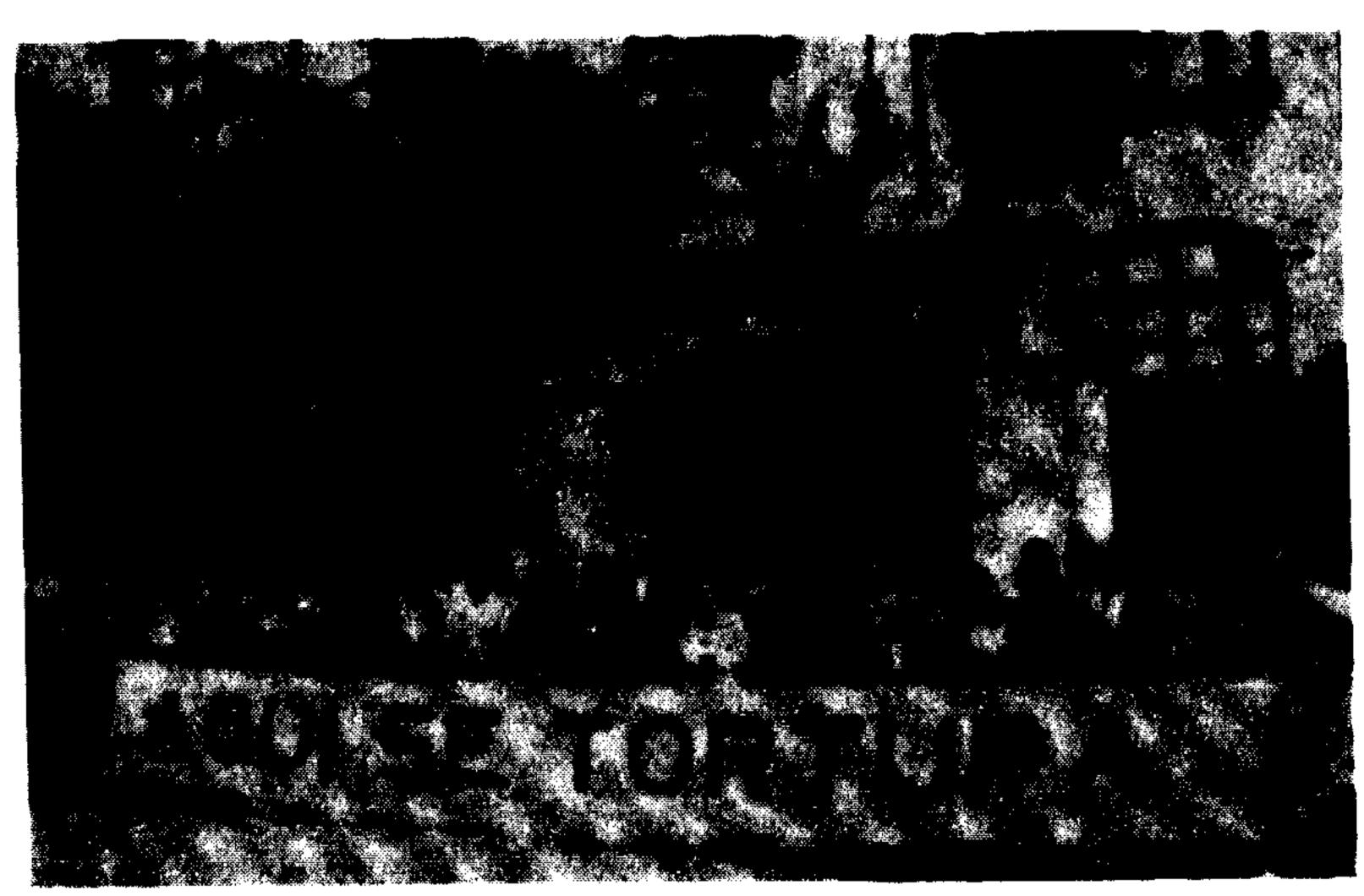
The report cites cases involving systematic torture during interrogation—electric shocks, severe beatings and mock executions; harsh prison conditions; the participation of doctors in the process of torture; and punishments such as floggings and amputations.

The report is part of Amnesty International's continuing campaign against torture and it spells out a global program for the abolition of this abuse.

Thousands upon thousands of Amnesty International volunteers around the world are working together to eradicate torture and end cruelty to prisoners. In the next two years they will be taking part in a special drive to try to rid the world of these violations of human rights.

This briefing paper is part of that drive. It is based on the introductory chapters of Torture in the Eighties and examines the institution, process and agents of torture and touches on action which can be taken to prevent it by victims and their families, national groups and international organizations. It also includes a comprehensive list of safeguards and remedies, drawn up on the basis of Amnesty International's own experience, together with the text of the United Nations Declaration against Torture.

TORTURE IN THE EIGHTIES



In Chile human rights organizations have identified secret detention centres in which political suspects have been interrogated under torture. A group of nuns, priests and other church members protested outside such a centre at Calle Borgoño 1470 in Santiago in October 1983.

Introduction

At the detention centre on the Cyprus coast it was well past midnight when a military vehicle stopped abruptly outside. It had driven across the island from Nicosia through the night. Two men went straight inside. One was the colonial Governor, the other his military commander.

"We walked . . . straight into the room where the interrogation was taking place", wrote the governor years afterwards. "We could see no sign of ill-treatment. Nor could we see any indications of force having been used on the villagers who had been interrogated earlier.

But our visit that night was known throughout the island by the next morning. Our night visit did more than all the circulars to prevent the use of torture in the Cyprus emergency."

It was a demonstration of political will. The scene was Cyprus during the closing months of the Greek Cypriot insurgency in the late 1950s. Soldiers and civilians had been killed and intelligence information from captured insurgents was considered essential if their campaign of violence was not to disrupt movement toward a political settlement of the long-standing Cyprus dispute involving

Allegations of torture had been brought to the Governor that night. He was not especially surprised. In 1956 Greece had brought a complaint against the United Kingdom before the European Commission on Human Rights concerning whipping and collective punishments. There had also been allegations of brutality during interrogation. Fact-finding by the commission continued and on hearing the new allegations concerning torture in a village on the opposite side of Cyprus from his headquarters in Nicosia, the Governor and his military commander set out for their ride through the night.

Clearly, in the 1980s, finding the political will to investigate and prevent torture is in most cases far more complex than the prerogative of a single former colonial commander.

Revulsion at the extermination camps of the Second World War led to a convention outlawing genocide for all time and today's torture chambers demand a similar international response. The torture and ill-treatment can be stopped. The international framework for its abolition exists. What is lacking is the political will of governments to stop torturing people. It is as simple and as difficult as that. Amnesty International hopes that its continuing campaign against torture will contribute to creating this political will so that our generation can banish torture from the earth.



Edwin Lopez, Philippines: tortured with electric shocks during interrogation.

Torture as an institution

Forture does not occur simply because individual tortures are sadistic, even if testimonies verify that they often are. The reports of forture and ill treatment from over 90 countries demonstrate the presence of a conscious decision to forture by some governments and the lack of any will to stop it by many others. While governments universally and collectively condemn forture, more than a third of the world's governments have used or tolerated forture or ill treatment of prisoners in the 1980s.

Methods

The methods vary: for example, the longused falanga (beating on the soles of the feet, also called falaka); the Syrians' "black slave", an electrical apparatus that inserts a heated metal skewer into the bound victim's anus; the cachots noirs in Rwanda, black cells totally devoid of light in which prisoners have been held for as long as a year or more. Some methods—pain-causing drugs administered forcibly to prisoners of conscience in Soviet psychiatric hospitals, the forcible use of techniques of sensory deprivation, and the electrodes that have become an almost universal tool of the torturer's trade—make the verification of torture and ill-treatment especially difficult.

Victims

Victims include people of all social classes, age groups, trades, professions and political or religious views. Criminal suspects as well as political detainees are subject to torture in many countries although the information available to Amnesty International deals mostly with political

In El Salvador children have reportedly been tortured, and in Iran under the government at the time of writing children held with their mothers in the women's block of Evin Prison have been forced to witness the torture of their mothers. Women often face special degradation at the hands of their male torturers. Relatives of wanted people in Syria, including adolescents, have reportedly been held as hostages and tortured to force suspects to give themselves up. Foreign nationals seeking asylum in the Congo have allegedly been tortured to force them to confess to espionage.



Women prisoners in Evin Prison, Iran. One mother who was tortured while being held here screamed that she was ready to confess when she could no longer stand the agony of her three-year-old daughter being made to watch.

Victims in Ethiopia have allegedly included members of several ethnic and religious minorities suspected either of supporting armed groups fighting for territorial independence or of obstructing the revolution.

Agents

The agencies involved in torture give an indication of the degree of governmental responsibility for it. Frequently several military and police intelligence units as well as police forces and prison employees are implicated, thus demonstrating the widespread institutionalization of the practice.

The general picture that emerges of torture agencies is often one of groups specially trained to torture, who have an elevated view of their role in protecting state security against "subversives". State propaganda reinforces this view, as does any real violence perpetrated against the state or their colleagues by opposition groups. If they are aware that their acts are criminal, they also know that their superiors will protect them in the unlikely event that the state attempts to prosecute them.

'Preconditions'

Torture most often occurs during a detainee's first days in custody. These vulnerable hours are usually spent incommunicado, when the security forces maintain total control over the fate of the detainee, and deny access to relatives, tawyers or independent doctors. Some detainees are held in secret, and the authorities may deny that certain detainees are held, making it easier to torture or kill them or to make them "disappear".

The suspension of habeas corpus and other legal remedies, trials of political detainees in military courts and the lack of any independent means to examine and record a prisoner's medical condition allow the security forces to conceal evidence of torture from lawyers, civilian magistrates, independent doctors and others who would be capable of taking action against their illegal activities.

action against their illegal activities.

Further incentives are trial procedures that do not exclude from evidence statements extracted under torture or during long periods of incommunicado detention, a government's refusal to investigate allegations of torture, its peremptory denial that torture occurs in the face of mounting evidence such as deaths in custody, its obstruction of independent domestic or international investigations, the censorship of published information about torture, and the immunity from criminal and civil prosecution given to alleged torturers.

Medical effects



This photo was taken at the Institute of Forensic Medicine, Bogotá, Colombia, during an investigation into the claim by Ernesto Sendoya Guzman that he had been tortured over a period of three days by members of F-2 Police Intelligence. The medical evidence of torture was consistent with his allegation that he had been severely beaten.

The immediate and long-term effects of intense physical and psychological abuse are oppressive.

Torture victims often need social, medical and psychological help after release. Systematic examinations of torture victims conducted by Amnesty International's Danish Medical Group, established in 1974, show that practically all victims suffer from multiple and physical sequelae (after-effects) to torture.

As one means of treating these victims (and their families, who often have psychosomatic symptoms), several independent doctors and other health workers created a rehabilitation centre for torture victims at the University Hospital of Copenhagen. The centre draws on the experience of medical specialists who have examined and treated victims from several I countries. One of the 20 torture victims treated at the centre since it was established in 1982 was a 35-year-old man who had been tortured six years previously by, among several methods, falanga. Years later he suffered from pain in his feet and back. He could not walk more than a few hundred l metres without great pain in his legs. Following careful physical examination, he was treated with ultrasound techniques and physiotherapy. Two months later he was able to walk, runand play football without pain.

A great many torture victims, of course, cannot obtain medical help.

The moral argument

Apologists for torture generally concentrate on the classical argument of expediency which purports to justify undesirable but "necessary" suffering inflicted on an individual only for the purpose of protecting the greater good of the greater number. This apology ignores the fact that the majority of torture victims, even in countries beset by widespread civil conflict, have no security information about violent opposition groups to give away. They are tortured either to force confessions from them or as an acute message not to oppose the government.

Even if torture could be shown to be efficient in some cases, it is never permissible. Torture is a calculated assault on human dignity and for that reason alone is to be condemned absolutely. Nothing denies our common humanity more than the purposeful infliction of unjustified and unjustifiable pain and humiliation on a helpless captive. Once justified and allowed for the narrower purpose of combating political violence, torture will almost inevitably be used for a wider range of purposes against an increasing proportion of the population. Those who torture once will go on using it, encouraged by its "efficiency" in obtaining the confession or information they seek, whatever the quality of those statements. They will argue within the security apparatus for the extension of torture to other detention centres; they may form elite groups of interrogators to refine its practice; they may develop methods that hide its more obvious effects; they will find further reasons and needs for it if particular segments of society become restive. What was to be done "just once" will become an institutionalized practice and will erode the moral and legal principles that stand against a form of violence that could affect all of society.

As for the state, if it purports to uphold justice, torture should be banned: torture subverts a basic tenet of just punishment, a prescribed penalty for a proven offence. If a government subscribes to the rule of law, torture should be forbidden: most national constitutions as well as

The process of torture

compared to a recommon depotent with the content of the first of the content of t

Torture usually means isolation: abduction, secret detention, incommunicado detention beyond the reach of family, friends and legal assistance. Blindfolding during days of interrogation and torture serves to increase the sense of being alone and defenceless. Iranian political prisoners released in 1982 tell how it is used at Evin Prison, the Revolutionary Court headquarters in Tehran:

"The worst thing in Evin is being held blindfold for days on end waiting for someone to tell you why you are there. Some people are left blindfold for days, weeks or months. One man has spent 27 months like this. None of the prisoners appear to know what he is being held for. After 27 months, he sits, largely in total silence nodding his head from one side to the other. Sometimes he just sits knocking his head on the wall. Obviously, they keep people blindfold to add to the fear. But when they suddenly whip off the folds to question you, you are almost blind, the light is painful and you feel dizzy. You can't concentrate on any single thought."

Essential to torture is the sense that the interrogator controls everything, even life itself. The pistol cocked at the temple, the meticulous procedure of mock execution by firing-squad, burial alive in a deserted area: each is a means of demonstrating to the victim that the team of torturers has absolute power. "This is nothing but the introductory exercise", South Korean security agent told a prisoner in 1979 after beating and stamping on him and burning his back with eigarettes. "You can test the limit of your spiritual and physical patience when you are taken to the basement, where there are all kinds of torture instruments from ancient times to the modern age."

"We are six teams trained in Turkey and given full responsibility," a torturer

international law in war and peace explicitly prohibit it. If the authorities claim to rule on the basis of any moral or legal authority whatever, torture should be outlawed; it rends the fabric of society, tearing at any threads of trust or sympathy between the citizens and their rulers.

told Suleyman Kirteke, a former trade union official detained in Turkey in 1981. "You will be killed whether you talk or not. For the cause of death we will say either suicide or a gun battle. You have no way out." Whether this torturer's



In many countries the torture of prisoners is systematic and routine. The picture of this machine was first published in the Turkish newspaper *Democrat* in May 1980. The head-line asks the Prime Minister just what the machine is: according to *Democrat* it was made in a government-controlled factory and used for electric shock torture.

claim that he was a member of a team trained to torture is true or not, the purpose is to convince the victim that he or she is powerless in the hands of those with the techniques, the equipment and the determination to destroy any vestige of resistance.

Forture means degradation: insults, sexual threats or assaults, forcible eating of one's excrement, humiliation of one's family.

* * * *

Torture often means breaking down under extreme pressure and severe pain, whether the confession signed or information given is true or false. "Eventually, I was forced to answer in the way they wanted me to since the pain became intolerable," said Fernando Benjamin Reveco Soto, who was tortured in 1982 by the Central Nacional de Informaciones (CNI), the Chilean secret police.

"When it was finally over I was examined by a doctor . . . The next day . . . the interrogation

continued, accompanied by hard blows to my face and body. They applied intense electric current to my hands . . . For 21 days I was held in the CNI's hidden premises

which followed my arrest I was subjected to both physical and psychological torture . . . I was seen by the doctor after nearly all the torture sessions . . . I was given a document to sign which stated that I had been well treated. It also contained statements which I had made under pressure, and included others which I had never made at all. When I refused to sign I was threatened with further torture. Under such circumstances, I had to sign."

In the Soviet Union psychiatrists administer drugs as a form of punishment to prisoners of conscience detained in psychiatric hospitals. The drugs may serve to compel the prisoner to renounce his or her religious or political beliefs, or they may be given as "treatment" for a prisoner's continuing "delusions". In the summer of 1980, for example, Vladimir Tsurikov, a 35-year-old worker from Krasnoyarsk, was interned for the third time in the USSR in connection with his peaceful attempts to emigrate. He describes the effect of drugs forcibly given to him:

* * * *

"The triftazin [stelazine] made me writhe, and my legs began to twist about in a ridiculous way. I lost the ability to walk, while simultaneously feeling very restive and also feeling sharp pains in my buttocks at any movement—a result of the sulfazin [a one per cent solution of elemental sulphur in oill. Fainting fits began, recurring very often: I fell and hit my head on the floor and on the brick walls. The pain prevented me sleeping or eating. The sulfazin made my temperature rise, and it then stayed around 40 degrees centigrade. Sometimes I experienced slight shivering and my tongue hung out . . . This nightmare lasted a week, until I was invited to chat with some medical students. I couldn't walk, so I was carried. In the auditorium it turned out that I couldn't move my tongue. I was taken back and they began to give me anti-parkinsonian drugs, which made me feel a bit better. I was still suffering from the sulfazin, and I had got much thinner, but at the next meeting with the students I was able to talk with them."

Like at least nine other known dissenters who were forcibly confined to psychiatric hospitals shortly before foreign visitors arrived in Moscow to attend the Olympic Games in July 1980, Vladimir Tsurikov was released shortly after the Games ended.

Different security agencies develop their own methods and procedures for interrogating prisoners under torture. The Venezuelan born film director Nelson Arrieti described his interrogation in FI Salvador after being abducted by security forces in January 1981 from a hotel lobby in the capital, San Salvador:

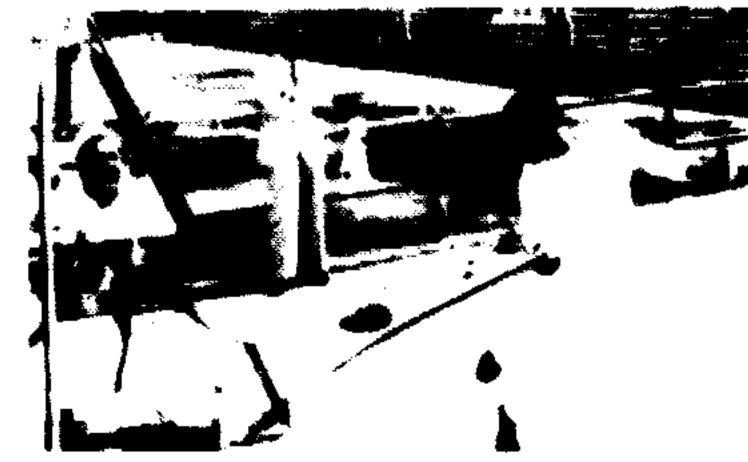
"There were three different levels, you might say, three types of interrogation and three types of interrogator. The first was the most brutal, with a great deal of beating. There was a lot of violence. They threatened to kill me, and shouted at me to tell them everything I knew about the revolution and the guerrilla movement. This is the typical brutal policy which produces a basic fear in the prisoner and which is intended to demoralize him.

"The second type is on a higher level. This is carried out by a policeman whose language is less crude, who asks general questions, without beatings, using a more refined language.

"The third type is the trained policeman who does not administer beatings or make threats, but who tries to explain the problem and who converses with a certain degree of ideological understanding. He is the type of man who tries to be friendly and make promises. He allows the prisoner to relax emotionally. His intellectual resources and investigative methods are better. I recall that it was these policemen who offered me a light sentence and offered to help me if I signed a telex for the international press, declaring that the Junta had played a beneficial role and that agrarian reform had been a success and that the revolutionary movement had failed. They make you fear for your life. 'Your life is in our hands' . . . that is the situation in a nutshell. If you say nothing, it makes no difference, you are still condemned. because we know everything."

Many others remain in prison, their situation uncertain and vulnerable. Inter-

* * * *



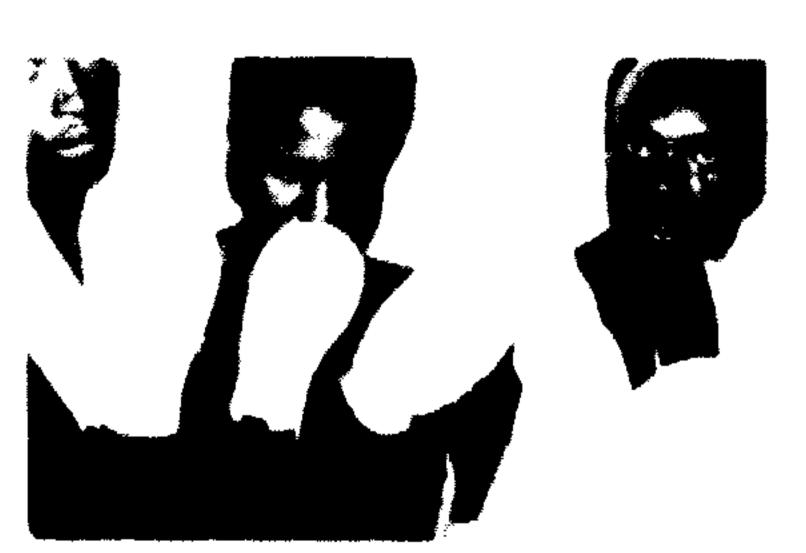
Torture and ill-treatment are often inflicted as judicial punishments, sometimes in addition to prison sentences. In Pakistan since the imposition of martial law in 1977 sentences of flogging can be imposed under both martial law regulations and Islamic law. Many floggings are conducted in public.



Baljit Singh, blinded by the police in Bihar, India, in 1980. Thirty-six suspected criminals suffered the same fate. One of the men said that officers held him down, punctured his eyes with bicycle spokes and then wrapped acid-soaked pads over his eyes.

national support for them remains vital. After an Amnesty International mission to Morocco in 1981, where delegates visited Kenitra Central Prison, Amnesty International received this message from a prisoner currently held there who had previously been tortured and had campaigned together with other prisoners of conscience for improved conditions:

"It is incontestable that our situation has improved in prison, but our situation is very precarious, since it is based on no judicial text (the government does not recognize having political detainees, and we are officially considered common criminals). In other words, the 'privileges' we have obtained thanks to the struggles we have waged in prison and the support given to us at the international level by many organizations, above all Amnesty International, all these 'privileges' are constantly threatened."



As well as caning and flogging, in a few countries amputations can be inflicted as court-ordered punishments: three convicted thieves, each of whom had a hand amputated in Mauritania in September 1980.

Safeguards against torture

The control of the co

The Human Rights Committee, in an authoritative "General Comment" adopted on 27 July 1982, pointed out that it is not sufficient for the implementation of Article 7 of the International Covenant on Civil and Political Rights, the prohibition of torture and of cruel, inhuman or degrading treatment or punishment, for states to make such practices a crime. Since the practices occur despite existing penal provisions, states should take additional preventive and remedial steps to ensure effective control. At the very least, in the Committee's view, these measures should include the following:

"Complaints about ill-treatment must be investigated effectively by competent authorities. Those found guilty must be held responsible, and the alleged victims must themselves have effective remedies. at their disposal, including the right to obtain compensation. Among the safeguards which may make control effective are provisions against detention incommunicado, granting, without prejudice to the investigation, persons such as doctors, lawyers and family members access to the detainees; provisions requiring that detainees should be held in places that are publicly recognized and that their names and places of detention should be entered in a central register available to persons concerned, such as relatives; provisions making confessions or other evidence obtained through torture or other treatment contrary to Article 7 inadmissible in court; enforcement officials not to apply such treatment.'

Any universally applicable set of measures to stop torture must include those listed by the Human Rights Committee. Based on its own experience, Amnesty International has elaborated a more comprehensive body of safeguards and remedies against torture. The following measures derive from evidence provided by personal testimonies of torture, the work of domestic groups and international organizations combating torture and the lessons learned from the experience of particular countries in curtailing torture.

1 Official directives
condemning forture
The head of state, head of government
and heads of different security forces

should state unequivocally that they will not tolerate, under any circumstances, the ill-treatment of detainees by officials at all levels under their responsibility. Such clear orders from the top, when disseminated to all agents, would be a forceful signal that detainees' rights and the law itself must be respected.

? Restriction of incommunicado detention

Almost invariably the victims of torture are held incommunicado, both for purposes of interrogation and to allow any marks of torture to disappear. Ensuring prompt and regular access to one's own lawyer, doctor and family and to a court of law would diminish the likelihood of ill-treatment, especially during the first hours and days of detention when, in Amnesty International's experience, ill-treatment is most likely. All prisoners should be brought promptly before a judicial authority to assess the legality and necessity of the detention as well as the treatment of the detainee.

The following questions provide an indication of a government's willingness to provide safeguards against the abuse of incommunicado detention. Does the government allow the courts the independence to enforce writs of *habeas* corpus, amparo or similar remedy whenever a detainee is not brought quickly before a court of law? Does the government require that the detaining authorities allow prompt and regular access to the detainee by his or her lawyer as well as prompt and reasonable access by members of the family? Can an independent physician chosen by the family gain access to the detainee upon reasonable request, even if the detainee has not made

Regular communication and consultation with a lawyer are of the utmost importance to ensure, among other legal guarantees, that statements taken in evidence from the detainee are given freely and not as a result of coercion. Such consultations must occur at a minimum before and between interrogation sessions and in a degree of privacy if the lawyer's presence is to serve as a credible restraint on the interrogators' potential abuse of

3. Record-keeping by the detaining authority

In some countries torture takes place in secret centres. Governments should ensure that prisoners are held in publicly recognized places and that accurate infor-

mation about their whereabouts is made available to relatives and lawyers.

There should be no doubt where and in whose care a prisoner is at a given time. An accurate central register of detainees in each district, in the form of a bound book with numbered pages, with a record of their time of arrest and places of initial and subsequent detention would prevent secret detention and the "disappearance" of people in custody.

It would also give families and lawyers the possibility of locating the detainee. Each detention centre should be required to keep a detailed contemporary record, again bound with numbered pages, of the time of arrest, identities of the authorities who performed the arrest, time of appearance before a judicial authority, times and durations of each interrogation session, times when statements were given, and a complete record of who was present at all of the above instances. All officers present at the taking of a written statement could be required to countersign the statement.

Such records could be supplemented by a personal data sheet giving information about the times of medical examinations, who conducted them, times and places of interrogation, identities of interrogators by name or number, a record of meals and of requests or complaints made by detainees or on their behalf. This data sheet would accompany the detainee when transferred, and the officer in charge of the detainee would sign the data sheet.

Legitimate force used against a detainee or violence by the detainee against guards, interrogators or his or her self could be recorded on this data sheet. Evidence of injuries sustained in custody in the absence of any such record would be an indication that these injuries were more likely to be the result of illegal violence used by officials than of any abovementioned (but unrecorded) causes.

All records would be available to the detainee and his or her legal adviser.

4 Safeguards during interrogation and custody

Strict procedures are needed to regulate the process of interrogation itself. A clear chain of command within the agency would indicate who is responsible for supervising interrogation procedures and practices and for disciplining officers who violate these procedures. The procedures could include such matters as the regular and personal supervision of interrogation by senior officers, as well as specified limitations on the duration of interrogation sessions and the number of interrogators.

Particular precautions should be taken to avoid the abuse during interrogation of women and juvenile detainees. Procedures should stipulate that a female officer be present during all interrogation of women detainees and that the questioning of juveniles take place in the presence of a parent or guardian. It would be a further commitment to preventing torture if the government published the interrogation procedures cur-

·囊:《南大量文本》 皇帝(《大臣文·《《《《中国文》》 《《《大日》》 。

At the moment of detention or arrest, or promptly thereafter, detainees should be entitled to know why they have been detained or arrested, where held and by which agency. They should also receive an explanation, orally and in writing, in a language that they understand, of how to avail themselves of their legal rights, including the right to lodge complaints of ill-treatment.

,我们们是我们的企业大学的大学的,但是他是^我身体的人们的一个人们的人们的一个人。

Detention centres should be visited regularly and routinely by individuals independent of the detaining authorities. These individuals may be appointed by independent national bodies, or they may be delegates from international bodies such as the International Committee of the Red Cross. They should be able to communicate with detainees without prison staff being present.

Detainees subjected to torture are often held in custody and interrogated by the same agency. The formal separation of these two security functions would allow some protection for detainees by providing a degree of supervision of their welfare by an agency not engaged in interrogating them.

8. Training in human rights

morms for all security agents. All personnel involved in law enforcement duties—military, police and prison staff—should receive proper education and training concerning the prohibitions against torture given in the Universal Declaration of Human Rights and other instruments including the UN Code of Conduct for Law Enforcement Officials, the UN Standard Minimum Rules for the Treatment of Prisoners and the UN Declaration against Torture. Domestic laws and regulations against torture should be included. These texts should be translated as necessary and disseminated to all central and local authorities involved in the process of arrest, interrogation, detention or the administration of justice. An absolute prohibition of torture and ill-treatment as crimes under domestic law should be visibly displayed in every detention centre in the country. Law enforcement officials should be instructed that they are obliged to refuse to obey any order to torture.

Domestic legislation

The UN Declaration against Torture calls on each state to ensure that torture is an offence under its criminal law (Article 7). The criminal code should treat torture as a crime and establish appropriate penalties for those found guilty. Incitement to torture or complicity

in torture should likewise constitute criminal offences. In recognition of the fact that the crime of torture is forbidden. by international law, domestic legislation should stipulate that the crime of torture is not subject to any statute of limitations. It should oblige the government to seek the extradition of its own officials accused of torture if they flee to another country to avoid prosecution, and to prosecute or extradite foreign officials accused of torture elsewhere but now residing within its jurisdiction. In some legal systems a law could also allow individuals to initiate criminal proceedings against officials accused of torture if public authorities did not do so, and to have the right to participate fully in the proceedings.

Contract the Contract of the C "我们是我们的不是我们的"**是**我们的这些一个事,就是我的我们的一个人的,这个人的是一个

Provisions of emergency legislation or excessive decrees that weaken safeguards against the abuse of authority—for example, by allowing unchecked periods of incommunicado detention or suspending the right of habeas corpus or its equivalent—may facilitate torture. The promulgation and continued enforcement of such legal provisions is often taken as a signal by the security forces that neither the government nor the courts will interfere with their methods. The repeal of such measures would be an objective

ff Medical safequards

signal to the contrary.

The presence and formal independence of a fully qualified doctor at all detention centres can provide protection from illtreatment. In practice, the government must recognize the principles that it is a serious breach of medical ethics for health personnel to be involved in torture and that the medical officers on duty are responsible for the health of detainees and must have the clinical independence to perform this duty. One indication of independence would be if medical officers were responsible to an authority other than the security forces or prison administration. Further procedures of the medical examinations of all detainees could include the following:

- a, the offer of an examination on arrival at a detention centre, before interrogation begins;
- b, the offer of an examination every subsequent 24 hours while under interrogation and immediately prior to transfer or release;
- c. these offers should be made personally by the medical officer on duty, who would explain the importance of having complete records of the detainee's condition in detention;
- d. detainees should be informed in the written notice of their rights about the importance of these examinations;
- e, all examinations should be conducted in private by medical personnel enly;

- any refusal by a detained to have any of these examinations should be witnessed in writing by the medical officer:
- g, daily visits to each detained by a medical officer, and access by the detainee to the medical officer on duty at any time on reasonable. request;
- h. detailed record-keeping by medical. personnel of such matters as the weight of the detainee, marks on the body, psychological state and complaints related to health or treatment;
- these records should be treated as confidential, as in any doctorpatient relationship, but capable of being communicated at the detainee's request to his or her lawver or family:
- examination by the detainee's own doctor at the request of the detainee or of his or her lawyer or family, not in the presence of prison guards.

Governments should make obligatory post-mortem examinations of all individuals who die in custody or shortly after release, from whatever cause. Such postmortem examinations would need to be conducted by an independent forensic pathologist, with access granted by law to the examination, evidence and any subsequent hearings to a representative of the family, their lawyer and doctor.

42 Nouse of Statements extracted under tortule

Governments should ensure that confessions or other evidence obtained through torture may never be invoked in legal proceedings. Prosecuting authorities should be instructed not to submit in evidence confessions or other information which may have been obtained as a result of torture or oppression of the defendant or any other person. Judges should be required to exclude all such evidence.

13 investigation of complaints. and reports of torture

As stated in the UN Declaration against Torture, governments should ensure that all complaints and well-founded reports of torture are impartially investigated. Complainants and witnesses should be protected from intimidation.

Even if some form of official complaints machinery does exist, there may be a reluctance to use it. Victims of torture may fear reprisals from the security forces. Sometimes, ill-treatment is not reported because the victims do not believe that it will do any good. They may believe that the word of a security official will be given more weight in court than their own testimony. They may wish to protect their families from the fear and anxiety caused by the knowledge that they were tortured. In some societies it is thought undignified to admit to having been tortured. In others, it may be particularly difficult for victims, especially women, to reveal that they have been physically or sexually abused. Just as the existence of allegations cannot be taken. as proof of torture, the paucity of official complaints does not demonstrate its absence. Therefore, complaints procedures should provide for an investigation. of allegations wherever there is reasonable ground to believe that torture has occurred, even it formal complaints have not been lodged.

TORTURE BRIEFING

Based on its experience, Amnesty International believes that complaints procedures should reflect the following principles.

- The main *objective* of complaints machinery is to establish, to the degree of certainty possible, whether torture or ill-treatment has occurred. As it is not a criminal inquiry, it should therefore not be necessary to prove beyond reasonable doubt who committed the offence in order to conclude that an offence has taken place.
- 2. The investigating body, however constituted, should be able to demonstrate its formal *independence* from the detaining and interrogating authorities as well as from governmental pressure and influence. In order that its findings prove credible, the government might include among its members persons nominated by independent non-governmental bodies such as the country's bar and medical associations. There is no strong reason to exclude representatives of the general public, especially in countries with systems involving trials by jury, from serving on a board charged with reviewing complaints against the police.
- 3. The terms of reference of the investigating body should include the authority to subpoena witnesses, records and documents, to take testimony under oath, and to invite evidence and submissions from interested individuals and non-governmental organizations. The investigating body should also have powers to review procedures and practices related to the notification of arrest; to visits to detainees by lawyers, family and their own physicians; to medical examinations and treatment and to the admissibility of statements in court allegedly obtained by coercion.

- 4. The investigating body should be capable of acting on its own initiative. without having to receive formal complaints, whenever there is good reason. to believe that torture has occurred. To do so, it must be given the staff and other resources to carry out autonomous investigations.
- 5. The methods and findings should be *public*.
- 6. The investigation should be *speedy* if it is to serve the cause of either justice or deterrence.
- 7. The right to file a complaint should be available to all current and former detainees, their lawyers, families and to any other person or organization acting on their behalf.
- 8. Accurate records of complaints filed should be published on a regular
- 9. Security agents against whom repeated complaints of ill-treatment are filed should be transferred, without prejudice, to duties not directly related to arresting, guarding or interrogating detainees, pending a thorough review by senior officers of their
- 10. The investigating body should have available to it the medical documentation resulting from an examination by an independent doctor given immediately after the complaint is filed. Records of any post-mortem examination relevant to a complaint should likewise by available.

14 Prosecution of alleged torfurers.

The complaints procedures described above are not a substitute for the proper functioning of the courts.

The jurisdiction of the courts should extend to the investigation of complaints of torture against any member of the security forces and to the prosecution of any security agent accused of torture. The subjects of judicial investigation and prosecution should include not only those who participate in torture but also all those who incite it, attempt it, consciously cover it up, or are otherwise directly implicated in its use. Commanding officers should be held accountable for torture committed by officials under

their command. The principle responsibility to instigate criminal prosecutions lies with the state authorities and should be exercised once there is reason to believe that specific agents can be convicted of torture or ill-treatment.

Disciplinary procedures within the security forces or relevant professional bodies. (e.g. the medical authority that licenses doctors to practise) should be pursued promptly and without prejudice to any form of court action.

A complainant or person acting on his or her behalf should be able to seek damages in civil proceedings against individual security agents, the agency, its commanding officer and the state itself. The fact that a previous criminal prosecution on the same charges has not resulted in the conviction of specific agents should not preclude civil actions to obtain damages.

e #18 है e . g है 9 है i i है 2 e है ह **() ह** ह

Assistance to torture victims by the state should include medical rehabilitation as needed and financial compensation commensurate with the abuse inflicted and damages suffered. His or her assistance should follow from a finding that torture or ill-treatment has occurred and should be awarded to the detainee without prejudice to any other criminal or civil proceedings. In the event of a detainee's death being shown to be the result of torture or ill-treatment, the deceased's family should receive compensatory and exemp-Jary damages against the state without prejudice to any other criminal or civil proceedings.

18. Ratification of international anstruments

As a further sign of a government's will to prevent torture all states should ratify the International Covenant on Civil and Political Rights and its Optional Protocol providing for individual complaints.

A further sign would be the declaration by the government that it will cooperate with international inquiries into allegations of torture by appropriate intergovernmental and non-governmental organizations.

Two new international instruments against torture

In adopting the Universal Declaration of Human Rights and other international instruments, governments have accepted the illegality of torture. Two instruments currently being elaborated by UN bodies would give additional protection.

The first is the draft Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which could give legally binding force to the standards included in the Declaration against Torture for states which ratified the Convention. It could establish "universal jurisdiction", meaning that an alleged torturer could be brought to justice wherever he or she might be and whatever the nationality of the perpetrators or victims. It could provide that no one shall be forcibly returned to a country where they might reasonably be expected to risk being tortured.

The second is the draft Body of Principles for the Protection of all Persons Under any Form of Detention or Imprisonment which could establish additional safeguards. It could provide, for example, that relatives can be promptly informed of the whereabouts of prisoners; that prisoners should be promptly informed of their rights; that there should be regular independent visits of inspection to places of detention; and that there should be inquests into deaths in custody.

These two instruments should be adopted as soon as possible, in a form which provides the strongest possible measures of protection against torture.

United Nations Declaration on the Protection of all Persons from Torture and other Cruel, Inhuman or Degrading Treatment or Punishment ('Declaration against Torture')

the directed Mallor, faction Assembly on 9 for embre 1975 actorists a declaration (outfeation) an offence to burnan diquity. He adoption represented a milestone in the light against torture and ill ticalment. Without descent, the governments of the world had agreed on a set of measures to meven ECOPPERED TO PERENTER FOR THE PARTY OF THE PROPERTY OF THE PRO

Loday distegard for the Dectaration is widespread. Governments use or tiderate forture is confessions. extracted under testure are used to convict property reparts of testure tail to be offectively investigated many to the transfer of containing the things

The provisions of the Declaration against forture should be made widely known. To responsible officials, to potential victims and to the concerned public. The governments of the world should be called on to maplement the measures which they themselves agreed upon in 1975

Article t

1. For the purpose of this Declaration, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.

Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.

Article 2

Any act of torture or other cruel, inhuman or degrading treatment or punishment is an offence to human dignity and shall be condemned as a denial of the purpose of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights.

Article 3

No state may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment. Exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Article 4

Each state shall, in accordance with the provisions of this Declaration, take

offective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment from being practised within its jurisdiction.

Article 5

The training of law enforcement personnel and of other public officials who may be responsible for persons deprived of their liberty shall ensure that full account is taken of the prohibition against torture and other cruel, inhuman or degrading treatment or punishment. This prohibition shall also, where appropriate, be included in such general rules or instructions as are issued in regard to the duties and functions of anyone who may be involved in the custody or treatment of such persons.

Article 6

Each State shall keep under systematic review interrogation methods and practices as well as arrangements for the custody and treatment of persons deprived of their liberty in its territory, with a view to preventing any cases of torture or other cruel, inhuman or degrading treatment or punishment.

Article 7

Each State shall ensure that all acts of torture as defined in article 1 are offences under its criminal law. The same shall apply in regard to acts which constitute participation in, complicity in, incitement to or an attempt to commit torture.

Article 8

Any person who alleges that he has been subjected to torture or other cruel, inhuman or degrading treatment or punishment by or at the instigation of a publie official shall have the right to complain and to have his case impartially

examined by, the competent authorities of the State concerned.

Article 9

Wherever there is reasonable ground to believe that an act of torture as defined in article I has been committed, the competent authorities of the State concerned shall promptly proceed to an impartial investigation even if there has been no formal complaint.

Article 10

If an investigation under article 8 or article 9 establishes that an act of torture as defined in article 1 appears to have been committed, criminal proceedings shall be instituted against the alleged offender or offenders in accordance with national law. If an allegation of other forms of cruel, inhuman or degrading treatment or punishment is considered to be well founded, the alleged offender or offenders shall be subject to criminal, disciplinary or other appropriate proceedings.

Article 11

Where it is proved that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed by or at the instigation of a public official, the victim shall be afforded redress and compensation in accordance with national law.

Article 12

Any statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment may not be invoked as evidence against the person concerned or against any other person in any proceedings.

ACTION AGAINST TORTURE

To whom does one turn for help when a relative, friend or associate is in danger of being tortured? What actions do famities take domestically and internationally to try to stop the torture or seek redress? Speed is especially important in the first few days of detention and interrogation. Because relatives are often not informed where a detainee is held during this initial. period of interrogation, they may have to pursue their inquiries personally at police stations and military barracks often receiving little or misleading information about the detaince's whereabouts. legal status and physical condition.

Where emergency legislation or broad powers of arrest and detention exist, the security apparatus may be empowered to hold a detainee for long—sometimes indefinite—periods in incommunicado detention. Families try any well-placed friend or contact in the bureaucracy. judiciary, military or other official body who might intervene.

Often, however, the only legal procedure available is to apply to the courts to test the legality of a detention, for example, by an application for a writ of habeas corpus, amparo, or the equivalent. In theory, habeas corpus is a mechanism that provides for judicial restraint on the security forces. In practice, it depends for its effectiveness on the independence, integrity and courage of the judiciary and on the susceptibility of the security forces to control by the judiciary. In

Legal landmark

In a case of international significance, the father and sister of Joelito Filártiga. a 17-year-old Paraguayan youth who died under torture in 1976 filed a civil action for damages in a US court against their compatriot Americo Peña-Irala, who was Inspector General of Police of Asunción at the time of the alleged torture.

Although the initial ruling in a federal district court found that the US courts did not have jurisdiction to hear the case, in June 1980 the US Federal Court of Appeals for the Second Circuit ruled that torture, when officially condoned, is a violation of international law under the Alien Tort Statute (Title 28 of the United States) Code, Section 1350). This was a landmark decision that opened a new domestic remedy in international human rights law, and an important precedent in a world where the enforcement of human rights law remains principally at the national level. In the words of the US Court of Appeal's judgment, "the torturer has become, like the pirate and slave trader before him . . . an enemy of all mankind'



demonstration against martial law in Kwangju, South Korea, in May 1980. Following such demonstrations, many protesters were arrested and interrogated under torture, and eight were beaten to death in an army base on the outskirts of the city.

some countries habeas corpus is rendered inoperative in political cases or during states of emergency because the law is sodrafted as to make a wide range of detentions legal, making it easy to satisfy the test of legality provided by habeas corpus. Elsewhere, judges may not respond to petitions for habeas corpus, or if they do, the security forces may simply ignore

Other court procedures may be available, even if only after torture has occurred. In Chile, for example, more than 200 people as of mid-1982 had filed complaints alleging torture with domestic courts. Most of them were submitted after 1980. Paraguayan law allows a private party to bring a criminal action, with the permission of the court, against perpetrators of a crime.

Action by national groups

An encouraging feature of the world human rights map is the growing number of local and national organizations that are courageously prepared to confront their own governments with their records on human rights abuses including the onerous charge of torture. Examples are non-governmental human rights groups, bar associations, trade unions, churches, minority rights groups and political parties.

They concentrate on actions through the courts, such as applications for writs of habeas corpus, the collection of primary data about individual cases of torture and other human rights abuses which they may be able to submit to international organizations. By collating data over a period of time, some groups are able to discern patterns of human rights violations of particular social sectors and may therefore be able to challenge the government's position that any human rights abuses that occur are merely the excesses of individual officials. Such groups can disseminate practical information to victims and potential victims on prisoners' rights, procedures to be followed in lodging complaints of torture, or on what medical, financial or legal aid is available locally and from international sources.

Besides actions in court and humanitarian work, some such groups may be able to publicize specific human rights violations by various techniques such as vigils or hunger-strikes, often undertaken in conjunction with similar actions by prisoners and torture victims themselves. The specific aim of each of the types of action described below is to press the government to bring its practice into line with international law.

* * * *

Bar associations and individual lawvers and judges can press for the adoption of legal safeguards against torture both in countries where torture is inflicted and elsewhere; members of parliament can send appeals through international channels and seek to prevent torture through investigative missions and specific reports or hearings; journalists can expose torture by locating torture centres, identifying individual torturers and obtaining testimonies and photographic evidence. Once reports of torture are published, the news media should follow up the story to see whether the government conducts an impartial and effective investigation of the allegations and brings those responsible to justice. Among other individuals and groups which can help to prevent torture are religious leaders, who can denounce torture as incompatible with religious teachings and encourage action against it; trade unionists, who can mobilize support for their colleagues. and others who have been tortured at home or abroad; women's organizations, which can take action concerning the special degradation faced by women at the hands of male torturers; and teachers' organizations, which can ensure that the issue of torture is raised within schools and universities in the context of human rights education. Medical organizations can investigate allegations of the participation of members of their profession in the infliction of torture and can impose appropriate disciplinary sanctions where involvement is proved. Organizations of military, police and prison officials can press for training programs which instila personal conviction that torture must not be inflicted.

Action by intergovernmental organizations

Several of the inter-governmental organizations that work for the protection of human rights have developed bodies and procedures to deal with allegations of torture and other cruel, inhuman or degrading treatment or punishment. They have generally been more successful in elaborating international norms against torture than in implementing them; they cannot enforce their recommendations and consequently their principal sanction is to bring international pressure to bear on governments by investigation and, in some cases, by public exposure.

The Human Rights Committee The Human Rights Committee was established in 1976 pursuant to the terms of the International Covenant on Civil and Political Rights Its 18 members are elected for four year terms by the States Parties to the covenant; they meet thrice yearly. They are elected as independent human rights experts serving in their personal capacities and are empowered to consider the compliance of all States Parties with the covenant. In a key interpretation of its own procedures the committee decided to receive complaints from individuals other than the victim of a human rights violation—normally a close relative or an appointed lawyer—as the victim is often in prison, dead, or otherwise prevented from filing a complaint

among the special UN agencies that deal with torture is the UN Commission on Human Rights, established in 1946. Although it initiated the drafting of the Universal Declaration of Human Rights in 1948, it did not consider itself empowered to investigate complaints of torture or other human rights violations until some two decades later. Its 43 members officially represent their governments.

Resolution 1235, adopted by the Economic and Social Council (ECOSOC) in 1967, has allowed the UN commission to examine torture allegations in public session from several countries. Under the "1235 procedure" working groups composed of members of the UN commission acting in their personal capacities have examined human rights situations in southern Africa, Israeli-occupied territories and Chile.

The "1235 procedure" has also been a useful means of obtaining public discussion among government representatives about specific cases of systematic torture and other gross human rights violations. Another procedure has been developed under Resolution 1503 adopted by ECOSOC in 1970. It authorizes the UN commission to consider communications that reveal a "consistent pattern of gross and reliably attested violations of human rights".

The 1235 and 1503 procedures offer a form of sanction, for no government wishes to stand accused of torture before other governments even in closed session. In addition, the Secretary-General can in certain cases exercise his "good offices" to protect individuals from human rights abuses by contacting governments to express urgent concern or to ask for information about detainees at risk of being tortured.

two bodies empowered by the Organization of American States to monitor member states' implementation of norms against torture and other human rights abuses are the Inter-American Commission of Human Rights and the Inter-American Court of Human Rights. The commission has some of the most flexible procedures for dealing with human rights abuses of any of the inter-governmental human rights bodies.

It acts on allegations of torture received not only from an alleged torture victim

but "any person or group of persons". It sends emergency telegrams and makes other urgent approaches to governments. concerning individuals at risk of torture; at reviews information about individual. cases and country situations; it can act on its own initiative; it can seek authority "to conduct on site observations in the territory of a state, with the consent, or at the invitation, of the government in question". Even without the government's consent the commission can issue a report on its investigations. On-site visits can add to the balance and credibility of the findings. Since the late 1970s the commission has issued subsequent reports on such visits to investigate torture and other violations of human rights in Colombia, Haiti, Panama, Nicaragua under President Somoza, El Salvador and Argentina.



Demonstrators in El Salvador demand the release of people who have "disappeared" after being abducted by security forces. The bodies of many such people, including women and children, have been discovered bearing the marks of torture.

Commission of Human Rights and the European Court of Human Rights are empowered by member states of the Council of Europe to receive complaints of breaches of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The majority of member states have further accepted that individual citizens of their countries can petition the European commission once all domestic legal remedies are

The strength of the Council of Europe's human rights machinery lies in its ability to adjudicate complaints based on international human rights law and on the careful evaluation of evidence in judicial proceedings. This feature should not be undervalued in a world where human rights abuses are too frequently subject to the sway of international politics rather than to careful adjudication. Its main limitation is that member states have not empowered the European commission to investigate allegations of torture or human rights abuses on its own initiative.

heads of state attending the Organization of African Unity Summit in Nairobi in July 1981 adopted the African Charter on Human and Peoples' Rights, Article 5 of which prohibits torture and cruel, inhuman or degrading punishment or treatment. This treaty will come into force when a majority of the member states have ratified it; as of May 1983

only seven of the 51 member states had done so.

* * * *

The lack of enforcement machinery and the political pressures on all such human rights bodies mean that their effectiveness in stopping torture largely depends on the willingness of governments to act on their recommendations.

Because of these inherent weaknesses, it is all the more important that governments that inflict torture be pressed by other governments directly, via all available bilateral channels, to stop torture and to comply with the findings of intergovernmental human rights bodies. Governments could instruct their embassy officials abroad to collect information about torture, or could send observers to trials of defendants in other countries who allege torture, and they could publicly condemn the use of torture in named countries. Governments that supply military, security or police training and equipment to other governments should ensure that these transfers of equipment and training do not facilitate torture. They should refrain from sending anyone to another country where they can reasonably be expected to be tortured. Unless governments use all appropriate means of pressure—bilateral as well as multilateral—to persuade a government to comply with the recommendations of inter-governmental human rights bodies, the international human rights procedures risk being discredited.

Action by international non-governmental organizations

International non-governmental organizations, among them Amnesty International, have become increasingly active against torture in recent years. Some investigate and publicize individual allegations or widespread patterns of torture; others intercede directly with governments to try to protect people likely to be tortured. Research studies into the legal framework of states that practise torture and on-site missions to investigate reports of torture are among the different methods of non-governmental organizations. The education of their own constituents and of the general public about torture is often part of their concern, as is their moral, legal and sometimes tinancial support for torture victims and their relatives.

The International Committee of the Red Cross (ICRC) plays a unique role in ameliorating the conditions in which people are held in custody. It is the only institution that regularly visits prisoners held by their opponents, whether in their own or a foreign land and has done so for more than a hundred years. In 1981, it visited 489 places of detention, and -between 1971 and 1981 its delegates carried out approximately 15,000 visits in some 80 countries. The ICRC is concerned with the conditions of (not the reasons for) a prisoner's detention and does not make delegates' findings public since this would endanger its future visits to prisoners. Unfortunately, even in many countries where the

International instruments that prohibit torture

Global

TORTURE BRIEFING

Universal Declaration of Human Rights (1948), Article 5: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Geneva Convention (1949): Common Article 3 of the four Geneva Conventions forbids "cruel treatment and torture of persons taking no active part in the hostilities". Common Article 3 also proscribes "outrages upon personal dignity, in particular humiliating and degrading treatment". Under Article 99 of the Third Geneva Convention, "no moral or physical coercion may be exerted on a prisoner of war in order to induce him to admit himself guilty of the act of which he is accused".

International Covenant on Civil and Political Rights (1966), Article 7: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation."

Regional

European Convention for the Protection

of Human Rights and Fundamental Freedoms (1950), Article 3: "No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

American Convention on Human Rights (1969), Article 5 (2): "No one shall be subjected to torture or to cruel, inhuman or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person."

African Charter on Human and Peoples' Rights (adopted 1981, not yet in force), Article 5: "All forms of exploitation and degradation of man, particularly . . . torture, cruel, inhuman or degrading punishment and treatment shall be prohibited."

Special rules and codes of

UN Standard Minimum Rules for the Treatment of Prisoners (1957), Article 31: "Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall

be completely prohibited as punishments for disciplinary offences."

UN Code of Conduct for Law Enforcement Officials (1979), Article 5: "No law enforcement official may inflict, instigate, or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances . . . as a justification of torture or other cruel, inhuman or degrading treatment or punishment". In this code of conduct, the term "law enforcement officials" is said to include all officers of the law who exercise police powers, especially the powers of arrest or detention.

UN Principles of Medical Ethics (1982), Principle 2: "It is a gross contravention of medical ethics, as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment."

ICRC has access to some prisoners, the governments deny its delegates access to detainees under interrogation, who are the prisoners most in danger of torture. The ICRC has consequently set itself the "permanent objective . . . in all countries accepting its presence, to endeavour to have access to detainees from the time of their arrest".

The International Commission of Jurists (ICJ) focuses on national and international legal matters related to the development and observance of human rights norms, publicizing cases of lawyers and judges who speak out against torture committed by their governments, and who are themselves victimized. A significant part of the ICJ's work against torture is the drafting and promotion of international instruments.

International medical organizations have addressed questions of medical help for torture victims, better methods of verifying torture scientifically and ethical aspects of the involvement of medical personnel in torture and ill-treatment. The World Medical Association's Declaration of Tokyo (1975) forbids doctors to "countenance, condone or participate in the practice of torture or other forms of cruel, inhuman or degrading procedures. whatever the offence of which the victim of such procedures is suspected, accused or guilty, and whatever the victim's beliefs or motives, and in all situations, including armed conflict and civil strife".

The resolution adopted in 1975 by the International Council of Nurses on the Role of the Nurse in the Care of Detainees

and Prisoners provides similarly explicit guidelines for nurses. In 1977 at its Sixth Congress, the World Psychiatric Association (WPA), in response to allegations of the abuse of psychiatry for political purposes, especially in the USSR, adopted the Declaration of Hawaii. It calls on psychiatrists "not (to) participate in compulsory psychiatric treatment in the absence of psychiatric illness" and to "refuse to cooperate" in "actions contrary to scientific or ethical principles".

* * * *

Today, due to these national and international efforts, detainees and their families, lawyers and associates are more aware than ever before that international support is available. One such means of direct assistance is the Urgent Action network established by Amnesty International in 1974 to allow a speedy response by cables and express letters from individual participants around the world on behalf of a person known by name who is at risk of being tortured. In 1983 some 30,000 people from 47 countries participated in this network. Between mid-1974 and 1979 Amnesty International interceded on behalf of 1,143 individuals in danger of torture (excluding mass arrests) in 32 countries; between January 1980 and mid-1983, Amnesty International made similar urgent appeals on behalf of 2,687 individuals in 45 countries. This type of action, to be effective, dependon receiving reliable information quickly from those close to a detainee, for torture

usually occurs in the first days or weeks in detention. Information leads to exposure, a key to stopping an individual's suffering and to pressing a government to abandon the practice. The increased flow of such information in the last few years indicates not only that torture remains a major international problem in the 1980s, but more positively, that those who live in fear of torture know more how to reach abroad quickly for belo

Amnesty International believes that any government that wishes to stop torture has the means to do so. It is a question of political will. In adopting the Universal Declaration of Human Rights, the Declaration against Torture and other statements of international law and human rights, governments have accepted the illegality of torture and agreed to abolish it.

Amnesty International has compiled a list of some of the principal measures which governments should take to prevent torture. The following 12-Point Program for the Prevention of Torture has been compiled from existing international standards and from the recommendations which Amnesty International itself has made over the years to governments of countries where torture is inflicted. The organization believes that the program and the standards on which it is based should be publicized widely. The various points in the program can be used as a test of a government's willingness to prevent torture.

Amnesty International

TWELVE-POINT PROGRAM FOR THE PREVENTION OF TORTURE

Torture is a fundamental violation of human rights, condemned by the General Assembly of the United Nations as an offence to human dignity and prohibited under national and international law.

Yet torture persists, daily and across the globe. In Amnesty International's experience, legislative prohibition is not enough. Immediate steps are needed to confront torture and other cruel, inhuman or degrading treatment or punishment wherever they occur and to eradicate them totally.

Amnesty International calls on all governments to implement the following 12-Point Program for the Prevention of Torture. It invites concerned individuals and organizations to join in promoting the program. Amnesty International believes that the implementation of these measures is a positive indication of a government's commitment to abolish torture and to work for its abolition worldwide.

The highest authorities of every country should demonstrate their total opposition to torture. They should make clear to all law enforcement personnel that torture will not be tolerated under any circumstances.

Torture often takes place while the victims are held incommunicado—unable to contact people ontside who could help them or find out what is happening to them. Governments should adopt safeguards to ensure that incommunicado detention does not become an opportunity for torture. It is vital that all prisoners be brought before a judicial authority promptly after being taken into custody and that relatives, lawyers and doctors have prompt and regular access to them.

A Notemen detection

In some countries torture takes place in secret centres, often after the victims are made to "disappear". Governments should ensure that prisoners are held in publicly recognized places, and that accurate information about their whereabouts is made available to relatives and lawyers.

Governments should keep procedures for detention and interrogation under regular review. All prisoners should be promptly told of their rights, including

Abolition of Torture.

the right to lodge complaints about their treatment. There should be regular independent visits of inspection to places of detention. An important safeguard against torture would be the separation of authorities responsible for detention from those in charge of interrogation.

Governments should ensure that all complaints and reports of torture are impartially and effectively investigated. The methods and findings of such investigations should be made public. Complainants and witnesses should be protected from intimidation.

o Nouse of statements extracted ander torture

Governments should ensure that confessions or other evidence obtained through torture may never be invoked in legal proceedings.

Governments should ensure that acts of torture are punishable offences under the criminal law. In accordance with international law, the prohibition of torture must not be suspended under any circumstances, including states of war or other public emergency.

Those responsible for torture should be brought to justice. This principle should apply wherever they happen to be,

wherever the crime was committed and whatever the nationality of the perpetrators or victims. There should be no "safe haven" for torturers.

It should be made clear during the training of all officials involved in the custody, interrogation or treatment of prisoners that torture is a criminal act. They should be instructed that they are obliged to refuse to obey any order to torture.

The state of the s

Victims of torture and their dependants should be entitled to obtain financial compensation. Victims should be provided with appropriate medical care and rehabilitation.

tt international espense

Governments should use all available channels to intercede with governments accused of torture. Inter-governmental mechanisms should be established and used to investigate reports of torture urgently and to take effective action against it. Governments should ensure that military, security or police transfers or training do not facilitate the practice of torture.

the Matthe atom of minimized one.

All governments should ratify international instruments containing safeguards and remedies against torture, including the International Covenant on Civil and Political Rights and its Optional Protocol which provides for individual complaints.

The 12-Point Program was adopted by Amnesty International in October 1983 as part of the organization's Campaign for the

A worldwide campaign...

Human rights are a human responsibility. Whenever they are violated people are the victims. They and their families need practical help.

The protection of human rights is an international responsibility. This principle is accepted by major world bodies such as the United Nations; governments are now publicly accountable to the world community for protecting the rights of their own citizens. That accountability includes accepting the right of international organizations to ask questions and express concern when people's rights are curtailed.

Amnesty International works on the basis of the universal human rights standards which the international community has proclaimed. If a state is violating those standards, Amnesty International comes to the defence of the victims.

Forgotten pressuer from the original Appeal for Amnests

Amnesty International began in 1961 with a newspaper article, "The Forgotten Prisoners", by British lawyer Peter Benenson. He urged people everywhere to begin working impartially and peacefully for the victims of political persecution. "Open your newspaper any day of the week and you will find a report from somewhere in the world of someone being imprisoned, tortured or executed because his opinions or religion are unacceptable to his government," he wrote. Within a month more than a thousand people from various countries had sent in offers of practical help. They were ready to help collect information on cases, publicize them and approach governments. What started as a brief publicity effort became a growing international movement.

Amnesty International now has more than 500,000 members, supporters and subscribers in over 160 countries and territories. They come from all walks of life, reflecting a wide variety of points of view. Most are organized into small local groups. There are now more than 3,000 groups in Africa, Asia, the Americas, Europe and the Middle East. Each group works on behalf of prisoners held in countries other than its own—emphasizing the need for *international* human rights work. No group or member is expected to provide information on their own country, nor do they have any responsibility for action taken or statements issued by the international organization concerning their country.

Financial independence

Amnesty International relies for its funding on donations from members and supporters. Its financial independence is vital to ensure its political independence. By far the greatest part of the movement's funds come from small, individual donations, membership fees and local fund-raising efforts. It does not seek or accept government money for its budget.

• You can add your name to Amnesty International's growing campaign. You can become a subscriber, join a local group, send in a donation and support our worldwide appeals. Use the coupon below.



Please detach this form and return to the Amnesty International section in your country or to: Amnesty International Publications, 1 Easton Street, London WC1X 8DJ, United Kingdom.

I am ready to support Amnesty International's impartial campaign against violations of human rights wherever they occur. Please send me details of Amnesty International's work.

I enclose a donation of ______ to help sustain Amnesty International's continuing research and action in defence of human rights. (Please make cheques or money orders payable to Amnesty International.)

Address _____

Information from Amnesty International

This briefing is part of Amnesty International's publications program. As part of its effort to mobilize world public opinion in defence of the victims of human rights violations, Amnesty International produces a monthly Newsletter, an annual report, and reports, briefings and other documents on countries in all quarters of the globe.

Amnesty International attaches great importance to impartial and accurate reporting of facts. Its activities depend on meticulous research into allegations of human rights violations. The International Secretariat in London (with a staff of 150, comprising some 30 nationalities) has a Research Department which collects and analyses information from a wide variety of sources. These include hundreds of newspapers and journals, government bulletins, transcriptions of radio broadcasts, reports from lawyers and humanitarian organizations, as well as letters from prisoners and their families. Amnesty International also sends fact-finding missions for on-the-spot investigations and to observe trials, meet prisoners and interview government officials. Amnesty International takes full responsibility for its published reports and if proved wrong on any point is prepared to issue a correction.

How to subscribe to Amnesty International

A subscription to Amnesty International will give you access to information about human rights abuses produced on a global, independent and impartial basis. You will also receive details on how you can help the people who are the victims.



Amnesty International Newsletter

This monthly bulletin is a regular update on Amnesty International's work: reports of fact-finding missions, details of political prisoners, reliable reports of torture and executions. It is written—without political bias—for human rights activists throughout the world and is widely used by journalists, students, political leaders, doctors, lawyers and other professionals.

Amnesty International Report

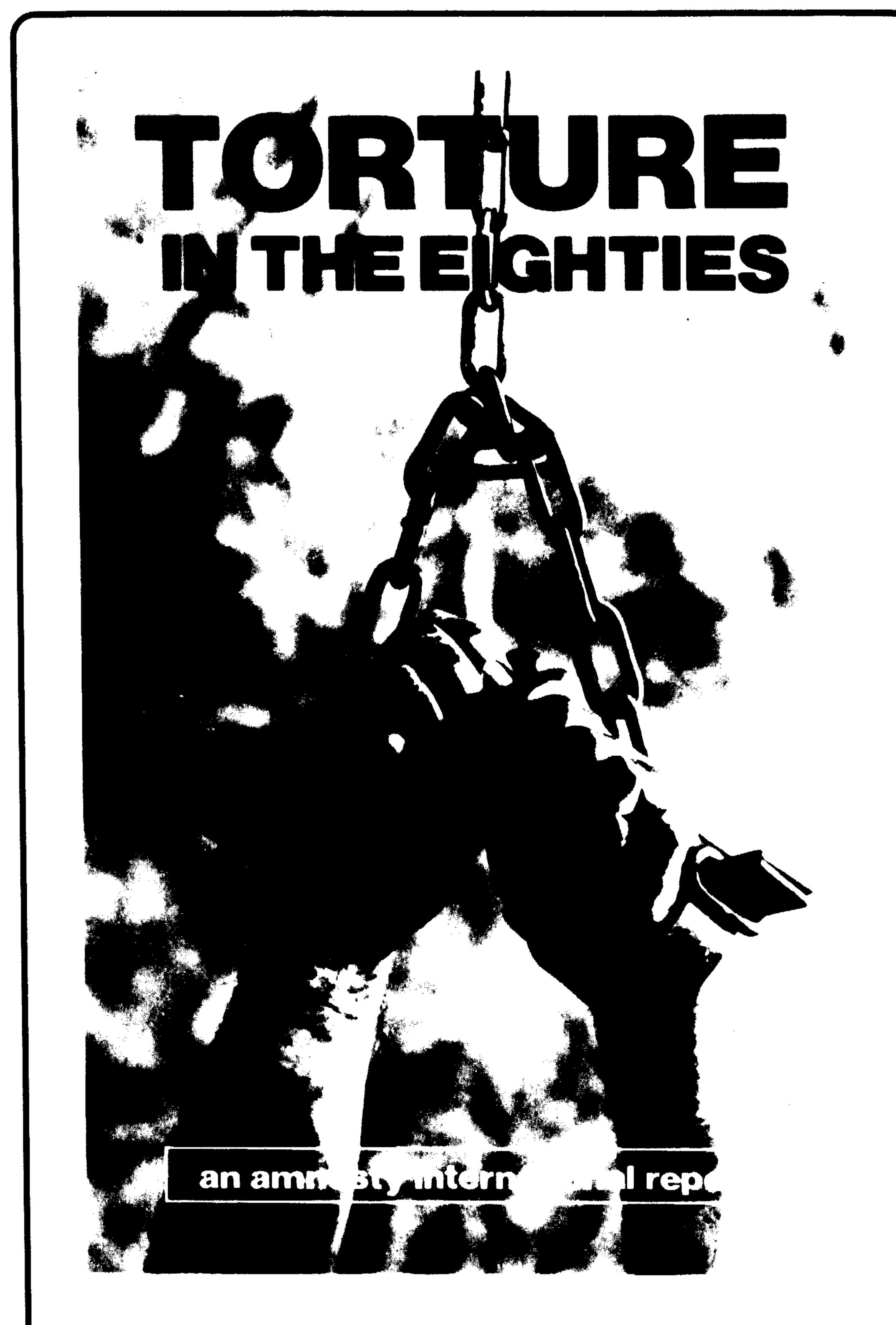
This annual report is a country-by-country survey of Amnesty International's work to combat political imprisonment, torture and the death penalty throughout the world. In describing the organization's work, the report provides details of human rights abuses in over 100 countries. It is probably the most widely read—and most influential—of the many reports published by Amnesty International each year.



Please detach this form and return to the Amnesty International section in your country or to: Amnesty International Publications, 1 Easton Street, London WC1X 8DJ, United Kingdom.

- [] I wish to subscribe to the Amnesty International Newsletter and enclose one year's subscription (£5.00, US\$12.50).
- [] I wish to subscribe to the monthly Amnesty International Newsletter and yearly Amnesty International Report and enclose one year's subscription (£10.00, US\$25.00).
- [] Please send me further details of Amnesty International Publications.

Name	
Address ———————————————————————————————————	



This latest report from Amnesty International confronts allegations of cruelty inflicted on detainees held by governments all over the world and spells out a global program to prevent further abuses. 264 pages. Illustrated.

Order your copy now from Amnesty International Publications, 1 Easton Street, London WC1X 8DJ, UK. Cost £3.50 (including air postage).

